



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 3 - Special Mixed Use District (MX)

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## Chapter 3 - Special Mixed Use District (MX)

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### 123-00 - GENERAL PURPOSES

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LAST AMENDED

12/10/1997

The "Special Mixed Use District" regulations established in this Chapter of the Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner ensuring the health and safety of people using the area;
  - (b) to promote the opportunity for workers to live in the vicinity of their work;
  - (c) to create new opportunities for mixed use neighborhoods;
  - (d) to recognize and enhance the vitality and character of existing and potential mixed use neighborhoods; and
  - (e) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings and thereby protect City tax revenues.
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### 123-10 - GENERAL PROVISIONS

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LAST AMENDED

10/7/2021

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section [66-11](#) (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

In #Special Mixed Use Districts#, an M1 District is paired with a #Residence District#, as indicated on the #zoning maps#.

The designated #Residence Districts# in #Special Mixed Use Districts# shall not include either an R1 or an R2 District.

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### 123-11 - Definitions

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LAST AMENDED

6/6/2024

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section [12-10](#) (DEFINITIONS).

Accessory use

In addition to those "accessory uses" listed in Section [12-10](#) (DEFINITIONS), for the purposes of this Chapter, an #accessory

use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in #Special Mixed Use Districts#, pursuant to Section [123-20](#) (SPECIAL USE REGULATIONS), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

#### Home occupation

For the purposes of this Chapter, the #home occupation# provisions of Section [12-10](#) shall apply, except that a #home occupation# may occupy more than 1,000 square feet of #floor area# and up to three persons not residing in the #dwelling unit# or #rooming unit# may be employed.

#### Mixed use building

For the purposes of this Chapter, a "mixed use building" is a #building# in the #Special Mixed Use District# used partly for #manufacturing#, #commercial# or #community facility use# and partly for #residential use#.

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### **123-12 - Special Provisions for Applying Certain Underlying Regulations to MX Districts**

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LAST AMENDED

6/6/2024

For the purposes of determining the applicability of underlying adjacency regulations to #zoning lots# adjoining or within close proximity to district boundaries, M1 Districts paired with #Residence Districts# shall be considered C6 Districts.

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### **123-20 - SPECIAL USE REGULATIONS**

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LAST AMENDED

6/6/2024

In #Special Mixed Use Districts#, all #uses# permitted in the designated #Residence District# and all #uses# permitted in the designated M1 District, as set forth in any other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section, inclusive, and Section [123-40](#) (SIGN REGULATIONS).

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### **123-21 - Modifications to M1 Use Regulations**

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LAST AMENDED

6/6/2024

In #Special Mixed Use Districts#, the regulations for M1 Districts are modified as follows:

(a) Use Group IV

The provisions of M1 Districts set forth in Section [42-14](#) (Use Group IV – Public Service Facilities and Infrastructure), inclusive, shall apply, except that for #uses# listed under Use Group IV(B), the provisions of C7 Districts set forth in Section [32-14](#) (Use Group IV – Public Service Facilities and Infrastructure), inclusive, shall apply.

(b) Use Group VI

The provisions of M1 Districts set forth in Section [42-16](#) (Use Group VI – Retail and Services), inclusive, shall apply, except that for #uses# listed in paragraph (c) of Section [42-163](#) (Use Group VI – uses subject to additional conditions), the provisions of Section [123-22](#) (Additional Conditions for Certain Uses) shall apply.

(c) Use Group IX

The provisions of M1 Districts set forth in Section [42-19](#) (Use Group IX – Storage), inclusive, shall apply, except that all #uses# listed under Use Group IX(B) shall not be permitted. In addition, the storage of substances in quantities required to file a Risk Management Plan for Extremely Hazardous Substances shall be subject to the provisions of Section [123-22](#) (Additional Conditions for Certain Uses).

(d) Use Group X

The provisions of C7 Districts set forth in Section [32-20](#) (Use Group X – Production Uses), inclusive, shall apply, except that:

- (1) the size limitations on the ground floor, as set forth in paragraph (b) of Section [32-202](#) (Use Group X – uses subject to size limitations) shall not apply; and
- (2) the additional conditions of Section [32-203](#) (Use Group X – additional conditions) shall be superseded by the provisions of Section [123-22](#) (Additional Conditions for Certain Uses).

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## 123-22 - Additional Conditions for Certain Uses

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LAST AMENDED  
6/6/2024

The following shall apply to #commercial# and #manufacturing# #uses# subject to the provisions of this Section pursuant to Section [123-21](#):

(a) Performance standards

All applicable #commercial# and #manufacturing# #uses# shall conform to the performance standards for M1 Districts as set forth in Section [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

(b) Additional standards for #buildings# containing #residences# or certain community facility #uses#

All applicable #commercial# and #manufacturing# #uses# may only locate in the same #building# as, or share a common wall with a #building# containing a #residence# or a #community facility use# with sleeping accommodations:

- (1) where such #commercial# or #manufacturing# #use#:
  - (i) does not have a New York City or New York State environmental rating of “A”, “B” or “C” under Section 24–153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
  - (ii) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely

Hazardous Substances; or

- (2) In MX-19, upon the submission to the Department of Buildings of a copy of a restrictive declaration, in a form acceptable to the Department of Environmental Protection, that has been executed and recorded in the Office of the City Register against all tax lots with such #use#, binding the owners, successors, and assigns to provide any building design requirements consistent with the underlying zoning as may be approved by the Department of Environmental Protection to protect residents of such #building# from air contaminants, odors, vibrations, or noise.

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## **123-23 - Ground Floor Streetscape Regulations**

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LAST AMENDED

6/6/2024

In #Special-Mixed Use Districts# the #ground floor level# streetscape provisions set forth in Section [32-30](#) (STREETSCAPE REGULATIONS), inclusive, shall apply.

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## **123-24 - Modification of Special Permit Requirements**

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LAST AMENDED

6/6/2024

In the event that provisions of this Resolution permit a #use# by special permit, authorization or certification in both designated M1 and #Residence Districts#, no more than one special permit, authorization or certification is required to permit any such #use# in the #Special Mixed Use District#.

In the event that a provision of this Resolution permits a #use# by special permit, authorization or certification in either a designated M1 or #Residence District# and another provision permits such #use# without a special permit, authorization or certification in the other designated district, no special permit, certification or authorization shall be required in the #Special Mixed Use District#. In such case, the #bulk# regulations of the district allowing the #use# as-of-right shall control.

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## **123-30 - SUPPLEMENTARY USE REGULATIONS**

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LAST AMENDED

12/10/1997

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

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LAST AMENDED

6/6/2024

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 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:
- (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#.

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## 123-32 - Environmental Conditions

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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.

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## 123-33 - Health and Fitness Establishments

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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.

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## 123-40 - SIGN REGULATIONS

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LAST AMENDED  
8/16/2006

In #Special Mixed Use Districts#, the provisions regulating #signs# in C6-1 Districts, as set forth in Section [32-60](#) (SIGN REGULATIONS), shall apply for any #sign#. For the purposes of applying such regulations in #Special Mixed Use Districts#, all references to #mixed buildings# shall include #mixed use buildings#.

In MX-9 Districts, the provisions of this Section shall apply, except that the City Planning Commission may permit the modification of the applicable provisions of Sections [32-64](#) (Surface Area and Illumination Provisions) and [32-65](#) (Permitted Projection or Height of Signs), provided the Commission finds that such #signs# are consistent with the character of the surrounding area. However, no modification shall be made to the applicable provisions of Section [32-644](#) (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) relating to #flashing signs#.

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## 123-50 - MODIFICATION OF ARTICLE V, CHAPTER 2 (NON-CONFORMING USES)

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LAST AMENDED

6/6/2024

In #Special Mixed Use Districts#, a #non-conforming use# may be changed only to a conforming #use#.

The following Sections of Article V, Chapter 2 (Non-conforming Uses), shall not apply: Sections [52-32](#) through [52-37](#), inclusive; Sections [52-43](#) through [52-45](#), inclusive; Sections [52-54](#), [52-56](#), [52-62](#), [52-72](#), [52-731](#), [52-732](#), [52-74](#), and [52-75](#).

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## 123-60 - SPECIAL BULK REGULATIONS

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LAST AMENDED

12/10/1997

### 123-61 - General Provisions

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LAST AMENDED

3/22/2016

All #buildings or other structures# on #zoning lots# within the #Special Mixed Use District# shall comply with the #bulk# regulations of this Chapter.

In #Special Mixed Use Districts#, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure#, and the #bulk# regulations set forth in paragraph (a) of Section [24-013](#) (Special provisions for certain community facility uses) shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. The #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and other #community facility uses# in a #building or other structure#. Exceptions to the applicability of such underlying #bulk# regulations are set forth in Sections [123-60](#) through [123-66](#), inclusive. Where, pursuant to paragraph (a) of Section [24-013](#), #buildings# containing #long-term care facilities# are required to utilize the #bulk# provisions applicable to #affordable independent residences for seniors#, the exceptions to the underlying #bulk# regulations set forth in this Chapter applicable to #affordable independent residences for seniors# shall also apply to #long-term care facilities#.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

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### 123-62 - Maximum Floor Area Ratio for Community Facilities

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LAST AMENDED

2/2/2011

The maximum #floor area ratio# permitted for a #community facility use# pursuant to Article IV, Chapter 3, shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for a #community facility use# shall be the maximum #floor area ratio# allowed for a #community facility use# pursuant to the designated #Residence District# regulations set forth in Section [24-10](#) (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive. #Lot coverage# requirements shall not apply.

When the designated district is an R7-3 District, the maximum #floor area ratio# for a #community facility use# shall be 5.0.

When the designated district is an R9-1 District, the maximum #floor area ratio# for a #community facility use# shall be 9.0.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section [62-11](#). In lieu thereof, the applicable maximum #floor area ratio# set forth for #community facility uses# in Section [62-30](#) (SPECIAL BULK REGULATIONS) through [62-32](#) (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

## **123-63 - Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts**

LAST AMENDED  
11/22/2022

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section [23-151](#) (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections [23-153](#) (For Quality Housing buildings) or [23-155](#) (Affordable independent residences for seniors), as applicable.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section [62-11](#). In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Sections [62-30](#) (SPECIAL BULK REGULATIONS) through [62-32](#) (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section [23-154](#) (Inclusionary Housing). The locations of such districts are specified in [APPENDIX F](#) of this Resolution.

#Special Mixed Use District#	Designated #Residence District#
MX-1 – Community District 1, The Bronx	R6A R7D
MX 2 - Community District 2, Brooklyn	R7A R8A R8X
MX 4 – Community District 3, Brooklyn	R6A
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A R7D R7X
MX 11 - Community District 6, Brooklyn	R7-2
MX 13 – Community District 1, The Bronx	R6A R7A R7X R8A



MX 14 - Community District 6, The Bronx	R7A R7X
MX 16 - Community Districts 5 and 16, Brooklyn	R6A R7A R7D R8A
MX 18 - Community District 1, The Bronx	R7X
MX 19 - Community District 16, Brooklyn	R6A R7A
MX 20 - Community District 8, Brooklyn	R7A
MX 22 – Community District 4, Brooklyn	R7D
MX 23 – Community District 1, Queens	R6A R7A
MX 24 – Community District 1, Queens	R6A R7-3 R7X R9 R9-1
MX 25 – Community District 6, Brooklyn	R6B

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## 123-64 - Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings

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LAST AMENDED  
4/20/2016

For #zoning lots# containing #mixed use buildings#, the following provisions shall apply.

(a) Maximum #floor area ratio#

(1) #Manufacturing# or #commercial# #uses#

The maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial# #uses# under the provisions of Section [43-12](#), in accordance with the designated M1 District.

(2) #Community facility uses#

The maximum #floor area ratio# permitted for #community facility uses# shall be the applicable maximum #floor area ratio# permitted for #community facility uses# in #Residence Districts# under the provisions of Section [24-10](#) (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, in accordance with the designated #Residence District#.

(3) #Residential uses#

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio#

permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section [23-14](#), inclusive, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section [123-63](#), in accordance with the designated #Residence District#.

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential use#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial#, #community facility# or #manufacturing uses# shall be the base #floor area ratio# set forth in Section [23-154](#) (Inclusionary Housing) for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing#, pursuant to Section [23-90](#), inclusive.

(b) #Lot coverage# requirements

#Lot coverage# requirements shall not apply.

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## **123-641 - Floor area bonus for a public plaza or arcade in connection with mixed use buildings**

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LAST AMENDED  
2/2/2011

Any #floor area# bonus for a #public plaza# or #arcade#, permitted under the applicable district regulations, shall apply to a #zoning lot# containing a #mixed use building#, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

However, on #waterfront blocks#, as defined in Section [62-11](#), #floor area# bonuses for a #public plaza# or #arcade# shall not apply.

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## **123-65 - Special Yard Regulations**

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LAST AMENDED  
7/26/2001

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## **123-651 - Special yard regulations for residential buildings**

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LAST AMENDED  
7/26/2001

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, for #residential buildings# other than #single-# or #two-family residences#, if any open area extending along a #side lot line# is provided at any level, such open area

shall have a minimum width of eight feet.

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## **123-652 - Special yard regulations for mixed use buildings**

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LAST AMENDED

2/2/2011

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet; except, if the #mixed use building# contains no more than two #dwelling units#, the open area extending along a #side lot line# may be less than eight feet in width at the level of the #dwelling unit#. For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# where any window of such #dwelling unit# faces onto such #rear yard#.

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## **123-653 - Special yard regulations applying on waterfront blocks**

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LAST AMENDED

4/22/2009

On #waterfront blocks#, as defined in Section [62-11](#), the #rear yard# regulations of Section [62-33](#) (Special Yard Regulations on Waterfront Blocks) shall apply. However, for #mixed use buildings#, the special #yard# regulations of Section [123-652](#) shall apply.

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## **123-654 - Special provisions applying along district boundaries**

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LAST AMENDED

4/22/2009

Along such portion of the #Special Mixed Use District# boundary that coincides with a #side lot line# of a #zoning lot# within an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and with a width of at least eight feet shall be required within the #Special Mixed Use District#.

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## **123-655 - Special permitted obstructions in required yards or rear yard equivalents for affordable independent residences for seniors**

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LAST AMENDED3/22/2016

A portion of a #building# used for #residential uses# other than #dwelling units# in #Quality Housing buildings# containing #affordable independent residents for seniors# on #zoning lots# meeting the criteria set forth in paragraph (a)(4) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall be a permitted obstruction within a #rear yard# or #rear yard equivalent# on #zoning lots# in #Special Mixed Use Districts# with R6 through R10 District designations, provided that the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less, and provided that such space shall be accessible to all residents of the #building#.

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## **123-66 - Height and Setback Regulations**

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LAST AMENDED

6/6/2024

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the provisions of Section [123-661](#) (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply. On #waterfront blocks#, as defined in Section [62-11](#), where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section [62-34](#), inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section [123-661](#) shall apply.

In #Special Mixed Use Districts# where the designated #Residence District# is an R6 through R10 District, the provisions of Section [123-662](#) (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall apply. However, in certain zoning districts in certain #Special Mixed Use Districts#, such provisions are modified by the special rules of Section [123-663](#) (Special rules for certain districts in certain Special Mixed Use Districts).

However, for M1 Districts with an A suffix paired with a #Residence District#, the applicable height and setback regulations shall be whichever regulations permit the tallest overall heights between the applicable #Manufacturing District# regulations set forth in Section [43-46](#), or the applicable #Residence District# regulations set forth in this Section, inclusive, depending on the particular M1 District and #Residence District# pairing.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

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## **123-661 - Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations**

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LAST AMENDED  
7/26/2001

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the height and setback regulations of Sections [23-60](#) and [43-40](#) shall not apply to #mixed use buildings#. In lieu thereof, no #building or other structure# shall exceed a height of 35 feet within 25 feet of a #street line#. Beyond 25 feet of a #street line#, no #building or other structure# shall exceed a height of 60 feet. Notwithstanding the foregoing, the provisions of Sections [23-62](#), [24-51](#) and [43-42](#) (Permitted Obstructions) shall apply to any #mixed use building#.

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## **123-662 - All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**

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LAST AMENDED  
7/14/2022

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections [23-60](#) and [43-40](#) shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, the height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond 10 feet of a #wide street# and 15

feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

TABLE A

HEIGHT AND SETBACK FOR ALL BUILDINGS IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS

District	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	90	280
R10	110	350

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section [23-662](#) shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section [23-662](#), the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall be modified so that any permitted non-#residential use# in the #Manufacturing District# that is paired with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section [26-52](#) (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section [23-663](#). In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section [23-664](#) (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback

provisions of paragraph (b) of Section [23-664](#) shall apply. Separate maximum #building# heights are set forth within Sections [23-662](#) and [23-664](#) for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#.

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections [23-62](#), [24-51](#) or [43-42](#). In addition, in all Districts, within a required setback area, a dormer may be provided in accordance with the provisions of paragraph (c)(1) of Section 23-621.

However, all #buildings or other structures# on #waterfront blocks#, as defined in Section [62-11](#), shall comply with the height and setback regulations set forth for the designated #Residence District# as set forth in Section [62-34](#) (Height and Setback Regulations on Waterfront Blocks), inclusive.

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## 123-663 - Special rules for certain districts in certain Special Mixed Use Districts

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LAST AMENDED

7/14/2022

For zoning districts in certain #Special Mixed Use Districts# specified by this Section, the height and setback regulations of paragraphs (a) and (b) of Section [123-662](#) (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall be modified as follows:

(a) In R8X Districts within #Special Mixed Use District# 2:

- (1) the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the underlying maximum #building# height and setback regulations applicable to an R8A District. For the purposes of this provision, “predominantly” shall mean at least 75 percent of the #floor area# of a #building#; and
- (2) in Historic Districts designated by the Landmarks Preservation Commission, the maximum base height of a #street wall# may vary between the maximum base height of this Section, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than such maximum base height. For the purposes of this paragraph, a #building# situated directly across a #street# from a #development# shall be considered an adjacent #building#.

(b) In R7-2 Districts within #Special Mixed Use District# 15:

- (1) a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet;
- (2) at least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#; and

- (3) existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.
- (c) In R6A Districts within #Special Mixed Use District# 23, where such R6A District is paired with an M1-5 District, the underlying height and setback regulations applicable to an R7A District shall apply.

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## 123-67 - Residential Conversion

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LAST AMENDED  
2/2/2011

- (a) The provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings) shall not apply in #Special Mixed Use Districts#, except as expressly set forth herein.

In #Special Mixed Use Districts#, in any community district in the City, the #conversion# to #residences# of non-#residential# portions of #buildings#, in existence on or prior to December 10, 1997, shall be permitted subject to Sections [15-11](#), [15-12](#) and [15-30](#), paragraph (b).

#Uses# in #buildings# in existence on or prior to December 10, 1997, containing both #residential# and non-#residential# uses#, shall not be subject to the provisions of Section [123-31](#) (Provisions Regulating Location of Uses in Mixed Use Buildings).

For the purposes of applying paragraph (a) of Section [15-111](#) to #Special Mixed Use Districts# where the designated #Residence District# is an R3 District, the minimum #floor area# per #dwelling unit# applicable to R4 Districts shall apply.

- (b) The #conversion# to #residences# of non-#residential# portions of #buildings# constructed after December 10, 1997, shall comply with the special #bulk# regulations of this Chapter for new #residential# #development#.

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## 123-70 - PARKING AND LOADING

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LAST AMENDED  
5/8/2013

For #Special Mixed Use Districts# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply, and for #Special Mixed Use Districts# located within the #Long Island City area#, as defined in Section [16-02](#) (Definitions), the provisions of Article I, Chapter 6 (Comprehensive Off-street Parking Regulations in the Long Island City Area), inclusive, shall apply. For all other #Special Mixed Use Districts#, the provisions of this Section, inclusive, shall apply.

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## 123-71 - Manufacturing and Commercial Uses

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LAST AMENDED  
12/10/1997

For #manufacturing# and #commercial# #uses#, the #accessory# off-street parking and loading regulations of the designated M1

District, as set forth in Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations), shall apply.

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## **123-72 - Residential and Community Facility Uses**

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LAST AMENDED

4/14/2010

For #residences# and #community facility uses#, the #accessory# off-street parking and loading regulations of the designated #Residence District#, as set forth in Article II, Chapter 5, shall apply, except that:

- (a) the provisions of Section [25-50](#) (RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES) shall not apply. In lieu thereof, the provisions of Section [44-30](#) (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply to such #uses#; and
  - (b) for #buildings# containing #residences# in #Special Mixed Use Districts#, in addition to the applicable #accessory# off-street parking and loading regulations set forth in Article II, Chapter 5, the provisions of Sections [44-46](#) (Accessory Off-street Parking Spaces in Public Parking Garages), [44-47](#) (Parking Lot Maneuverability and Curb Cut Regulations) and [44-48](#) (Parking Lot Landscaping) shall apply.
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## **123-73 - On Waterfront Blocks**

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LAST AMENDED

2/2/2011

For #uses# on #waterfront blocks#, as defined in Section [62-11](#), the special #accessory# off-street parking and loading regulations set forth in Section [62-40](#), inclusive, shall apply. When any #use# is permitted in both the designated #Residence District# and the designated M1 District, the #accessory# off-street parking and loading requirements applicable to the designated M1 District shall apply to such #use#.

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## **123-80 - MODIFICATION OF ARTICLE V, CHAPTER 4 (NON-COMPLYING BUILDINGS)**

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LAST AMENDED

7/26/2001

In Article V, Chapter 4 (Non-complying Buildings), Section [54-311](#) (Buildings containing rooming units), shall not apply.

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## **123-81 - Modification of Planting Strips**

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LAST AMENDED

4/30/2008

In #Special Mixed Use Districts#, the provisions of Section [26-42](#) (Planting Strips) shall not apply.

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## **123-90 - SPECIAL MIXED USE DISTRICTS SPECIFIED**

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LAST AMENDED

11/22/2022

The #Special Mixed Use District# is mapped in the following areas:



#Special Mixed Use District# - 1: (12/10/97)

Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 2: (7/29/09)

DUMBO, Brooklyn

The #Special Mixed Use District# - 2 is established in DUMBO in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 4: (5/9/01)

Flushing/Bedford, Brooklyn

The #Special Mixed Use District# - 4 is established in Flushing/Bedford in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 5: (1/30/02)

Red Hook, Brooklyn

The #Special Mixed Use District# - 5 is established in Red Hook in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 6: (7/23/08)

Hudson Square, Manhattan

The #Special Mixed Use District# - 6 is established in Hudson Square in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 7: (8/19/03)

Morrisania, The Bronx

The #Special Mixed Use District# - 7 is established in Morrisania in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 8: (5/11/05)

Greenpoint-Williamsburg, Brooklyn

The #Special Mixed Use District# - 8 is established in Greenpoint-Williamsburg in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 9: (8/16/06)

Northern Hunters Point Waterfront, Queens

The #Special Mixed Use District# - 9 is established in the Northern Hunters Point Waterfront in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 10: (10/29/07)

Atlantic and Howard Avenues, Brooklyn

The #Special Mixed Use District# - 10 is established on Atlantic and Howard Avenues in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 11: (3/11/09)

Gowanus, Brooklyn

The #Special Mixed Use District# - 11 is established in Gowanus in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 12: (10/27/10)

Borough Park, Brooklyn

The #Special Mixed Use District# - 12 is established in Borough Park in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 13: (6/30/09)

Lower Concourse, The Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 14: (10/13/10)

Third Avenue/Tremont Avenue, The Bronx

The #Special Mixed Use District# - 14 is established along Third Avenue in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 15: (11/13/12)

West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West Harlem in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 16: (4/20/16)

Ocean Hill/East New York, Brooklyn

The #Special Mixed Use District# - 16 is established in Ocean Hill and East New York in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 17: (3/22/18)

Hunts Point, The Bronx

The #Special Mixed Use District# - 17 is established in Hunts Point in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 18: (10/17/19)

Mott Haven, The Bronx

The #Special Mixed Use District# - 18 is established in Mott Haven in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 19: (12/10/20)

Brownsville, Brooklyn

The #Special Mixed Use District# - 19 is established in Brownsville in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 20: (5/8/19)

Crown Heights West, Brooklyn

The #Special Mixed Use District# - 20 is established in Crown Heights West in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 21: (3/25/21)

Arverne, Queens

The #Special Mixed Use District# - 21 is established in Arverne in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 22: (5/27/21)

Bushwick, Brooklyn

The #Special Mixed Use District# - 22 is established in Bushwick in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 23: (10/21/21)

Ravenswood, Queens

The #Special Mixed Use District# - 23 is established in Ravenswood in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 24: (11/22/22)

Astoria, Queens

The #Special Mixed Use District# - 24 is established in Astoria in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 25: (10/27/22)

Gowanus, Brooklyn

The #Special Mixed Use District# - 25 is established in Gowanus in Brooklyn as indicated on the #zoning maps#.