



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 3 - Special SoHo-NoHo Mixed Use District (SNX)**

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## Chapter 3 - Special SoHo-NoHo Mixed Use District (SNX)

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### 143-00 - GENERAL PURPOSES

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LAST AMENDED  
12/15/2021

The “Special SoHo-NoHo Mixed Use District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;
  - (b) to reinforce the longstanding mixed-use character of the area by allowing a wider range of residential, commercial and community facility uses while retaining significant concentration of commercial and manufacturing space;
  - (c) to ensure the development of buildings is compatible with existing neighborhood character;
  - (d) to sustain SoHo/NoHo’s cultural legacy and support New York City’s creative economy with provisions that support arts, cultural and creative uses, organizations and their broader public audience;
  - (e) to retain jobs within New York City; and
  - (f) 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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### 143-01 - General Provisions

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LAST AMENDED  
12/15/2021

The provisions of this Chapter shall apply within the *Special SoHo-NoHo 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 The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter.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.

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### 143-02 - Definitions

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LAST AMENDED  
12/15/2021

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Section [12-10 \(DEFINITIONS\)](#).

#### Qualifying building

For the purposes of this Chapter, a “qualifying building” shall be any #building# where, prior to December 15, 2021:

- (a) such #building# contained at least 60,000 square feet of #floor area#; and

- (b) at least 20 percent of the #floor area# within such #building# was allocated to non-#residential floor area#, as such term is utilized in Section [143-14](#).

#### SoHo-NoHo Arts Fund

For the purposes of this Chapter, the “SoHo-NoHo Arts Fund” (the “Arts Fund”) shall be a separate interest-bearing account established for the deposit of contributions made when converting #joint living-work quarters for artists# to #residences# in accordance with the provisions of Section [143-13](#) (Joint Living-Work Quarters for Artists). Funds within the #SoHo-NoHo Arts Fund# shall be allocated by the New York City Department of Cultural Affairs, or a not-for-profit entity designated by the Department of Cultural Affairs, to support arts programming, projects, organizations, and facilities that promote the public presence of the arts within the Special District and surrounding neighborhoods and extend the cultural legacy of SoHo and NoHo generally. Such allocation should prioritize under-resourced organizations and under-served areas within Lower Manhattan neighborhoods south of 14th Street.

No later than June 30 of each year, the Department of Cultural Affairs shall submit a report to the Speaker detailing the amount of money deposited into the #SoHo-NoHo Arts Fund# and any expenditure of funds.

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### **143-03 - District Plan and Map**

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LAST AMENDED

12/15/2021

In order to carry out the purposes and provisions of this Chapter, a district map is located in the Appendix to this Chapter and is hereby incorporated and made an integral part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply:

#### Appendix A

##### Map 1. Ground Floor Use Requirements

Such map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

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### **143-04 - Applicability of the Inclusionary Housing Program**

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LAST AMENDED

12/15/2021

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections [23-154](#) and [23-90](#), inclusive, #Mandatory Inclusionary Housing areas# within the #Special SoHo-NoHo Mixed Use District# are shown on the maps in APPENDIX F of this Resolution. Such provisions are modified as follows:

- (a) #Conversions# from #joint living-work quarters for artists# to #residences#, as set forth in Section [143-13](#) (Joint Living-Work Quarters for Artists), shall not be subject to the provisions of paragraph (d)(1) of Section [23-154](#).
- (b) The provisions of paragraph (d)(4)(i) of Section [23-154](#) shall apply:

- (1) in M1 districts paired with R7D districts, to #developments# or #enlargements# on #zoning lots# existing on December 15, 2021, on which the maximum permitted #residential floor area#, less #floor area# equivalent to a #floor area ratio# of 0.6, does not exceed 12,500 square feet; and
  - (2) in all other districts, to #developments# or #enlargements# on #zoning lots# existing on December 15, 2021, on which the maximum permitted #residential floor area#, less the #lot area#, does not exceed 12,500 square feet.
- (c) For #conversions# in #buildings# existing prior to December 15, 2021, that are not otherwise subject to paragraph (d)(3)(v) of Section [23-154](#), the Board of Standards and Appeals may permit a contribution to the #affordable housing fund#, pursuant to the provisions of Section 73-625.

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### **143-05 - Applicability of Article VI, Chapters 4 and 6**

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LAST AMENDED  
12/15/2021

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 Zones), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

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### **143-06 - Applicability of Article XII, Chapter 3**

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LAST AMENDED  
12/15/2021

In the #Special SoHo-NoHo Mixed Use District#, M1 Districts are paired with a #Residence District#. In paired districts, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

Notwithstanding the provisions of Section [123-10](#) (GENERAL PROVISIONS), in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

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### **143-07 - Applicability of Quality Housing Regulations**

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LAST AMENDED  
12/15/2021

All #buildings# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

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### **143-08 - Applicability of Article I, Chapter 5**

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LAST AMENDED  
12/15/2021

The provisions of Article I, Chapter 5 shall apply to the #conversion# of non-#residential floor area# to #residences#, except where such regulations are modified by the provisions of this Chapter. Where the regulations in effect prior to the establishment of this Chapter were utilized to provide #floor area# for #joint living-work quarters for artists# in a manner not otherwise permitted by Article I, Chapter 5, such provisions may continue to apply in order to #convert# such #floor area# to #residences#, provided that light and air provisions of Section [15-23](#), and #conversion# provisions of Section [143-13](#) are met.

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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

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).

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## 143-20 - SPECIAL BULK REGULATIONS

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LAST AMENDED

12/15/2021

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

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## 143-21 - Special Floor Area Regulations

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LAST AMENDED

12/15/2021

The applicable #floor area# regulations shall be modified as follows:

(a) the #floor area ratio# for #community facility uses# shall be 6.5; and

(b) in M1-6 Districts paired with an R10 District east of Broadway and north of Great Jones Street, the #floor area ratio# for all other non-#residential uses# shall be 7.0.

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## 143-22 - Density

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LAST AMENDED

12/15/2021

For all #residential buildings#, or portions thereof, including those existing on December 15, 1961, the factor to determine the maximum number of #dwelling units# shall be 680.

Where a #joint living-work quarters for artists# has utilized the provisions of Section [15-024](#) (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) as alternative density provisions, such provisions shall remain in effect for any subsequent #conversion# to #dwelling units#. However, in applying such provisions, the #dwelling unit# factor provisions of this Section shall apply in lieu of Section [15-111](#) (Number of permitted dwelling units).

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## 143-23 - Special Yard Regulations

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LAST AMENDED

12/6/2023

The applicable #rear yard# and #rear yard equivalent# regulations shall be modified as follows:

(a) Permitted obstructions

In any #rear yard# or #rear yard equivalent#, any #building# or portion of a #building# used for #commercial#, #manufacturing#, or #residential uses#, other than dwelling units, shall be a permitted obstruction, provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#.

In addition, in M1-5 Districts paired with an R9X District north of Howard Street, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use#, shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

Any allowance for other permitted obstructions above a #building# in a #rear yard# or #rear yard equivalent# set forth in Section [43-23](#), shall be permitted above such modified height limitations.

(b) Required #rear yards#

For all #uses#, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot#, except as follows:

- (1) no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less;
- (2) whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#; and
- (3) for #interior lots# where the depth of such #zoning lot#, or a portion thereof, is less than 90 feet, and such



shallow depth was in existence on December 15, 1961 and on the date of application for a #building# permit, the required #rear yard# for such #interior lot#, or portion thereof, may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 90 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 10 feet.

(c) Required #rear yard equivalents#

For #buildings#, or portions thereof, containing non-#residential uses#, no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

For #buildings#, or portions thereof, containing #residential uses#, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, a #rear yard equivalent# consisting of an open area with a minimum depth of 40 feet midway, or within 10 feet of being midway, between the two #street lines# upon which such #through lot# fronts, shall be provided.

However, for #through lots# where the depth of such #zoning lot#, or a portion thereof, is less than 180 feet, and such shallow depth was in existence on December 15, 1961 and on the date of application for a building permit, the required #rear yard equivalent# for such #through lot#, or portion thereof, may be reduced by one foot for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 180 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 20 feet.

(d) Along district boundaries

The provisions of [43-30](#) (Special Provisions Applying Along District Boundaries), shall not apply along the district boundaries of two M1 Districts paired with #Residence Districts#.

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## 143-24 - Special Height and Setback Regulations

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LAST AMENDED

12/6/2023

For the purposes of this Section, Watts Street, West Broadway, Centre Street, and Great Jones Street shall be considered #wide streets#.

The applicable height and setback regulations are modified as follows:

(a) #Street wall# location

Along all #street# frontages, the #street wall# regulations applicable to #Quality Housing buildings# on a #wide street# in a C6 District, as set forth in Section [35-651](#) (Street wall location), shall apply. On #through lots#, the additional regulations set forth in paragraph (b) of Section [35-655](#) shall not apply.

For the purposes of applying such regulations, the minimum base height a #street wall# shall rise to, without setback, shall be those set forth in paragraph (b) of this Section.

(b) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, and maximum #building# height for all #buildings#.

A setback is required for all portions of a #building# that exceed the maximum base height specified for the applicable district and shall be provided in accordance with paragraph (c) of this Section.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,  
AND MAXIMUM BUILDING HEIGHTS

District	Minimum base height (in feet)	Maximum base height (in feet)	Maximum #building# height (in feet)
M1-5/R7D	60	105	115
M1-5/R7X	60	105	145
M1-5/R9A	60	125	175
M1-5/R9X, north of East Houston Street	60	125	195
M1-5/R9X, south of East Houston Street	85	145	205
M1-5/R10 and M1-6/R10	125	155	275

However, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum and maximum base heights may be modified as follows:

- (1) the minimum base height of a #street wall# may vary between the minimum height set forth in the table above, and the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height; and
- (2) the maximum base height of a #street wall# may vary between the maximum base height set forth in the table above, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height.

(c) Setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in the table in paragraph (b) of this Section, a setback shall be provided in accordance with paragraph (c) of Section [23-662](#) (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(d) Dormers

As an alternative to the dormer provisions of paragraph (c) of Section [23-623](#), dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height

increases.

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## 143-25 - Additional Bulk Modifications

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LAST AMENDED

12/15/2021

For #buildings# containing #residences#, or portions thereof, the following additional #bulk# modifications shall apply.

(a) #Outer court# modifications

For #outer courts# containing #legally required windows#, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be at least equal to the depth of such #outer court#. If an #outer court# is 20 feet or more in width, it may extend to any depth.

(b) #Inner court# modifications

For #inner courts# containing #legally required windows#, the area shall not be less than 600 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet.

The minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 20 feet.

(c) Distance between #legally required windows# and #lot lines#

The minimum distance between a #legally required window# and:

- (1) any wall;
- (2) a #rear lot line#, or vertical projection thereof; or
- (3) a #side lot line#, or vertical projection thereof;

shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

(d) Distance between #buildings#

The required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall be 40 feet below a height of 125 feet. Portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart.

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## 143-30 - SPECIAL PERMITS

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LAST AMENDED  
12/15/2021

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## 143-31 - Special Permit for Certain Retail Uses

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LAST AMENDED  
12/15/2021

Within the #Special SoHo-NoHo Mixed Use District#, the City Planning Commission may, by special permit, allow retail #uses# in Use Group 10A that exceed the size limitations of Section [143-11](#), provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions

For #buildings# that do not contain #accessory# off-street loading berths, the application shall include a delivery plan for the retail #use#. Such loading plans shall be based upon a traffic and curbside management study prepared by a qualified professional, outlining and identifying the operational needs of the tenant as well as adjacent #uses#.

(b) Findings

The Commission shall find that:

- (1) in consultation with the Department of Transportation, where a loading plan is provided, such plan will incorporate sustainable best practices in loading, consolidating, timing of deliveries and other delivery methods and procedures;
- (2) such retail #use# will not create or contribute to serious safety concerns, unduly inhibit pedestrian, cyclist or vehicular movement adjacent to the site; and

