**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 123-20 - SPECIAL USE REGULATIONS

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## 123-20 - SPECIAL USE REGULATIONS

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set forth in any other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section, inclusive, and Section 123-40 (SIGN REGULATIONS).

## 123-21 - Modifications to M1 Use Regulations

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 (c) 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(2) the additional conditions of Section 32-203 (Use Group X – additional conditions) shall be superseded by the provisions of Section 123-22 (Additional Conditions for Certain Uses).

## 123-22 - Additional Conditions for Certain Uses

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.

## 123-23 - Ground Floor Streetscape Regulations

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.

## 123-24 - Modification of Special Permit Requirements

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.