**Zoning Resolution**

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

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 123-22 - Additional Conditions for Certain Uses

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## 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.