



## **Zoning Resolution**

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

**CITY PLANNING COMMISSION**  
**Daniel R. Garodnick, Chair**

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

File generated by <https://zr.planning.nyc.gov> on 2/13/2026

---

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

---

LAST AMENDED

12/5/2024

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 Article I, Chapter 5 (Residential Conversion Within Existing Buildings), as modified in Section [123-67](#) (Residential Conversion); 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#.