

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article XII - Special Purpose Districts

Chapter 3 Special Mixed Use District

123-00 GENERAL PURPOSES

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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123-20 SPECIAL USE REGULATIONS

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123-21 Modification of Use Groups 2, 3 and 4

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school student dormitories and fraternity or sorority student houses, #long-term care facilities#, ~~domiciliary care facilities for adults, nursing homes and health-related facilities~~, philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing# or #commercial use#, upon certification by a licensed architect or engineer to the Department of Buildings that such #manufacturing# or #commercial use#:

- (a) 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
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

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123-30 SUPPLEMENTARY USE REGULATIONS

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

In #Special Mixed Use Districts#, in any #building# or portion of a #building# occupied by #residential uses#, #commercial# or #manufacturing uses# ~~non-residential uses#~~ may be located only on a #story# below the lowest #story# occupied by #dwelling units# ~~or #rooming 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# ~~non-residential uses#~~ on the same #story#, or on a #story# higher than that occupied by #dwelling units# ~~or #rooming 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# ~~non-residential uses#~~ on the same #story#, or on a #story# higher than that occupied by #dwelling units# ~~or #rooming units#~~, provided that the #commercial# or #manufacturing uses# ~~non-residential uses#~~:
 - (1) are located in a portion of the #mixed use building# that has separate direct access to the #street#

with no access to the #residential# portion of the #building# at any #story#; and

- (2) are not located directly over any portion of a #building# containing #dwelling units# ~~or #rooming units#~~.

123-32

Environmental Conditions

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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123-60

SPECIAL BULK REGULATIONS

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123-63

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

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~~~~442~~ (Basic regulations for R6 through R9 Districts), ~~23-143 and paragraph (a) of Section 23-147~~ 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 Section 23-~~153~~~~45~~ (For Quality Housing buildings), or ~~paragraph (b) of Section 23-155~~~~47~~ (Affordable independent residences for seniors), as applicable. ~~for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.~~

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 ~~80~~ 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 ~~100.80~~ 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 Section 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#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-~~154952~~ (Inclusionary Housing). The locations of such districts are specified in [APPENDIX F](#) of this Resolution.

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123-64

Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings

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

- (a) Maximum #floor area ratio#

* * *

- (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 Sections-23-14, inclusive, and ~~23-141~~, 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 23-154952 (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.

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123-65
Special Yard Regulations

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123-652
Special yard regulations for mixed use buildings

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# or #rooming units# where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#.

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123-66
Height and Setback Regulations

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

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

- (1) In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, except an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height of a #building or other structure#, or portion thereof, located within ten 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 ten 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.

* * *

- (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. 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 #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or for #developments# or #enlargements# where at least 20 percent of the #floor area# of the #zoning lot# contains #affordable independent residences for seniors#, the height and setback provisions of Section 23-664 shall apply. Separate maximum #building# heights are set forth within the Tables of Sections 23-662 and 23-664 for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662. ~~no #building or other structure# shall exceed the maximum #building# height specified in Table B of this Section.~~

~~Setbacks are required for all portions of #buildings# that exceed the maximum base height specified in Table B. Such setbacks shall be provided in accordance with the following provisions:~~

- (1) ~~#Building# walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B. #Building# walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B.~~
- (2) ~~These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to such #building# wall would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.~~
- (3) ~~Required setback areas may be penetrated by dormers in accordance with paragraph (c) of this Section.~~

(4) Where the #Residence District# designation is an R10X District, no maximum #building# height shall apply. However, the minimum coverage of any portion of a #building# that exceeds the permitted maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. Such minimum #lot# coverage requirement shall not apply to the highest four #stories# of the #building#.

TABLE B
 HEIGHT AND SETBACK FOR ALL BUILDINGS
 IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS
 (in feet)

District	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
R6B	30	40	50
R6A	40	60	70
R7B	40	60	75
R7A	40	65	80
R7D	60	85	100
R7X	60	85	125
R8A	60	85	120
R8B	55	60	75
R8X	60	85	150
R9A**	60	95	135
R9A*	60	102	145
R9X**	60	120	160

R9X*	105	120	170
R10A**	60	125	185
R10A*	125	150	210
R10X	60	85	***

*—— That portion of a district which is within 100 feet of a #wide street#

**—— That portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#

***—— #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (b)(4) of this Section

(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. ~~exceed a maximum base height specified in Tables A or B of this Section and thus penetrate a required setback area, provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See illustration of Dormer in Section 62-341).~~

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 #Residential District# as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive.

* * *

END