Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

52-61 - General Provisions

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LAST AMENDED
6/6/2024

If, for a continuous period of two years, either the #non-conforming# #use# of #land with minor improvements# is discontinued, or the active operation of substantially all the #non-conforming# #uses# in any #building or other structure# is discontinued, such land or #building or other structure# shall thereafter be used only for a conforming #use#. Intent to resume active operations shall not affect the foregoing.

The provisions of this Section shall not apply where such discontinuance of active operations is directly caused by war, strikes or other labor difficulties, a governmental program of materials rationing, or the construction of a duly authorized improvement project by a governmental body or a public utility company.

However, the provisions of this Section shall also not apply to vacant ground floor or #basement# stores in #buildings designed for residential use# located in R1 through R12 Districts, where the changed or reactivated #use# is a #use# listed in Use Group VI that would be permitted in a C1 District that is a #select commercial overlay#, or an office, as listed in Use Group VII.

Furthermore, the provisions of this Section shall be modified to allow #transient hotels#, #motels# or #tourists cabins# existing on December 9, 2021, in a #Residence District#, to be restored to such #use# until December 9, 2027, regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021, and December 9, 2027.

In addition, the changed or reactivated #use# shall be subject to the provisions of Section 52-34 (Commercial Uses in Residence Districts).