



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

132-20 - SPECIAL USE REGULATIONS

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132-20 - SPECIAL USE REGULATIONS

LAST AMENDED

4/20/2016

The special #use# regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# designated in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), except as otherwise provided in Section [132-21](#) (Applicability of Use Regulations).

In all #Special Enhanced Commercial Districts#:

- (a) the finished floor of the #ground floor level#, for #developments# or #ground floor level# #enlargements#, shall be located not higher than two feet above, nor lower than two feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#; and
- (b) where regulations apply to existing #buildings# in #Special Enhanced Commercial Districts# 2 and 3, constructed prior to June 28, 2012, the finished floor of the #ground floor level# shall be located not higher than five feet above, nor lower than five feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#.

132-21 - Applicability of Use Regulations

LAST AMENDED

4/20/2016

In #Special Enhanced Commercial Districts#, the applicable special #use# provisions set forth in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations) shall apply as follows:

- (a) #Special Enhanced Commercial Districts# 1, 4, 5 and 6

In the #Commercial Districts# located within #Special Enhanced Commercial Districts# 1, 4, 5 and 6, the applicable special #use# provisions indicated in the table in Section [132-13](#) shall apply to #developments# and to #buildings# #enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, except that such provisions shall not apply to #zoning lots# with a width of less than 20 feet, as measured along the #street line# of the #designated commercial street#, provided such #zoning lot# existed on:

- (1) November 29, 2011, in #Special Enhanced Commercial District# 1;
- (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
- (3) April 20, 2016, in #Special Enhanced Commercial District# 5; and
- (4) April 20, 2016, in #Special Enhanced Commercial District# 6.

- (b) #Special Enhanced Commercial Districts# 2 and 3

In #Special Enhanced Commercial Districts# 2 and 3, the applicable special #use# provisions indicated in the table in Section [132-13](#) shall apply to all #buildings# with frontage along a #designated commercial street#, except that such provisions shall not apply to:

- (1) the portion of a #ground floor level# of a #building# containing a #commercial use# continuously existing since June 28, 2012, where the average depth of such #commercial# #use# is less than 30 feet, as measured from the #street wall# of the #building# fronting upon the #designated commercial street#;

- (2) any establishment which has been lawfully issued a building permit on or before June 28, 2012, authorizing “other construction,” as set forth in paragraph (c)(3) of Section [11-31](#) (General Provisions), that would create a #street wall# width exceeding the maximum #street wall# width set forth in Section [132-24](#), provided that such “other construction” is completed by December 28, 2012. However, where such establishment is located within a landmark #building# or within an Historic District designated by the Landmarks Preservation Commission, and a completed application has been filed at the Landmarks Preservation Commission on or before June 28, 2012, such “other construction” shall be completed within six months after a Certificate of Appropriateness or other permit approving the #building# design was obtained from the Landmarks Preservation Commission.

In the event that such “other construction” has been commenced but not completed before the applicable date set forth in this paragraph (b)(2), the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit pursuant to the provisions set forth in paragraph (b) of Section [11-332](#) (Extension of period to complete construction); and

- (3) in #Special Enhanced Commercial District# 2, the portion of a #ground floor level# of a #building# containing a food store, as listed in Use Group 6A, where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non food grocery products shall be distributed as follows:
- (i) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and
 - (ii) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

132-211 - Non-conforming uses

LAST AMENDED
10/11/2012

In #Special Enhanced Commercial Districts# 2 and 3, the regulations of Article V, Chapter 2, shall be modified, as follows:

- (a) For the purposes of this Chapter, #non-conforming# #uses# shall include #ground floor level# #uses# exceeding the applicable maximum #street wall# widths set forth in Section [132-24](#).
- (b) Any #ground floor level# #use# with a #non-conforming# #street wall# width may be continued or changed to another #use# permitted by the applicable district regulations, provided that such change of #use# does not create a new #non-conformance# or increase the degree of #non-conformance# with regard to the permitted #street wall# width of such proposed #use#. The discontinuance provisions of Section [52-60](#) shall not apply to such change of #use# within establishments with #non-conforming# #street wall# widths.

132-22 - Mandatory Ground Floor Uses

LAST AMENDED
4/20/2016

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# #street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level# #street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building's# #ground floor level# fronting upon a #designated commercial street#.

(a) Minimum percentage of #commercial# #uses#

Mandatory #commercial# #use# regulations shall apply to an area of a #building's# #ground floor level# defined by an aggregate width equal to at least 50 percent of a #building's# #street wall# along a #designated commercial street# and a depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. Such an area on the #ground floor level# shall be occupied by #commercial# #uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B or 9A.

The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, or by other #uses# permitted pursuant to paragraph (c) of this Section.

(b) Mandatory non-#residential uses#

In the applicable #Special Enhanced Commercial Districts#, the #ground floor level# of a #building# fronting along a #designated commercial street# shall be occupied by any non-#residential use# permitted by the underlying district regulations or by other #uses# permitted pursuant to paragraph (c) of this Section.

(c) Other permitted #uses#

In the applicable #Special Enhanced Commercial Districts#, Type 1 lobbies, entrances and exits to #accessory# parking facilities and entryways to subway stations, where applicable, shall be permitted on the #ground floor level# of a #building# along a #designated commercial street#, in accordance with the provisions of Section [37-33](#) (Maximum Width of Certain Uses).

132-23 - Minimum Number of Establishments

LAST AMENDED
6/28/2012

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section [132-13](#) (Applicability of Special Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage. In addition, each such #ground floor level# establishment shall comply with the minimum depth requirements of Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses).

132-24 - Maximum Street Wall Width

LAST AMENDED
4/20/2016

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section [132-13](#) (Applicability of Special

Use, Transparency, Street Wall and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

(a) Banks and loan offices

In the applicable #Special Enhanced Commercial Districts#, within 30 feet of a #building's# #street wall# along a #designated street#, the maximum #street wall# width of a bank or loan office, as listed in Use Group 6C, on a #ground floor level# shall not exceed 25 feet.

(b) Other non-#residential# establishments

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any non-#residential# #ground floor level# establishment, other than a bank or loan office, shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#.