Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

132-21 - Special Enhanced Commercial Districts 2 and 3

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132-21 - Special Enhanced Commercial Districts 2 and 3

LAST AMENDED
6/6/2024

(a) #Special Enhanced Commercial District# 2

In addition to the streetscape regulations outlined in Section 132-13, the following shall apply in #Special Enhanced Commercial District# 2:

(1) 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; and

(2) the maximum #street wall# width of any non-#residential# #ground floor level# establishment shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#, except that the maximum width of a savings, loan and other financial service establishment, as listed under Use Group VI, shall not exceed 25 feet.

However, the provisions of this Section shall not apply to grocery and convenience retailers listed under Use Group VI.

(b) #Special Enhanced Commercial District# 3

In addition to the streetscape regulations outlined in Section 132-13, the following shall apply in #Special Enhanced Commercial District# 3:

(1) for the purposes of applying the underlying provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), the streetscape regulations for C4-7 Districts shall apply in lieu of the underlying district regulations; and

(2) the maximum #street wall# width of a savings, loan and other financial service establishment, as listed under Use Group VI, shall not exceed 25 feet.

132-211 - Non-conforming uses

LAST AMENDED
6/6/2024

In #Special Enhanced Commercial Districts# 2 and 3, the regulations of Article V, Chapter 2, shall be modified so that the discontinuance provisions of Section 52-60 shall not apply to such change of #use# within establishments with #non-conforming# #street wall# widths.

132-212 - Certification to allow a limited increase in street wall width

LAST AMENDED
6/6/2024

In #Special Enhanced Commercial District# 2, a non-#residential# establishment may extend its #street wall# beyond the maximum width set forth in Section 132-21, and the required number of

such establishments may be reduced, upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

(a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet; and

(b) the applicant has submitted an affidavit attesting to and including information that:

(1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and

(2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:

(i) physical restrictions created by the #building# design, including, but not limited to, the location of existing structural walls and vertical circulation cores;

(ii) the presence of other #uses# with ongoing or expected occupancy within such #building#; or

(iii) regulatory limitations; and

(c) the applicant has demonstrated that, at the time of application, not more than one non-#residential# establishment, either existing or with an approved certification or authorization pursuant to Sections 132-212 and 132-213 that has not lapsed, has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

(1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph (c); and

(2) provide at the time of application, pursuant to Sections 132-212 and 132-213, evidence of any other approved applications for certifications or authorizations that have not lapsed in the geographic boundaries set forth in this paragraph (c).

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30-day comment period has expired, whichever is earlier.

A certification granted pursuant to this Section shall automatically lapse if substantial construction, in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.

132-213 - Authorization to modify maximum street wall widths of establishments

LAST AMENDED
6/6/2024

In #Special Enhanced Commercial District Districts# 2 and 3, the City Planning Commission may authorize a modification of the maximum #street wall# width of non-#residential# establishments, as set forth in Section 132-21, provided the Commission finds that:

(a) such additional frontage space is required for the operation of such proposed #use#, and such #use# cannot be reasonably configured within the permitted #street wall# width; or

(b) a high ground floor vacancy rate exists within a reasonable distance of the proposed #use#, and such high vacancy rate is a consequence of adverse market conditions.

The land use application for an authorization pursuant to this Section shall be sent to the applicable Community Board. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30-day comment period has expired, whichever is earlier.