



## Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, Chair

# **132-21 - Applicability of Use Regulations**

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## 132-21 - Applicability of Use Regulations

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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.

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## **132-211 - Non-conforming uses**

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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.