**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 52-60 - DISCONTINUANCE

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## 52-60 - DISCONTINUANCE

LAST AMENDED
12/15/1961

## 52-61 - General Provisions

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).

## 52-62 - Buildings Containing Residences in M1-1D Through M1-5D Districts

LAST AMENDED
12/5/2024

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, vacant #floor area# in a #building# originally designed as #dwelling units# or #rooming units# may be occupied by a #residential use# provided that the requirements of either paragraph (a) or (b) are met.

(a) #Residential uses# in such #buildings# may be reactivated as-of-right, provided:

(1) the #floor area# has been continuously vacant for two years or more;

(2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not exceed 60 feet in length (or, in the case of a #corner lot#, the #lot area# does not exceed 6,800 square feet); and

(3) the #zoning lots# #abutting# on both #side lot lines# and fronting on the same #street# (or #streets#, if a #corner lot#) are occupied by #buildings designed for residential use# and contain no #manufacturing# #uses#.

(b) #Residential uses# in such #buildings# may be reactivated by authorization of the City Planning Commission, provided:

(1) the #floor area# has been continuously vacant for two years or more;

(2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not form a continuous frontage with vacant land or #land with minor improvements# whose aggregate length exceeds 60 feet (or, in the case of a #corner lot#, the #lot area# does not exceed 6,800 square feet);

(3) the #zoning lot# #abutting# on one #side lot line# and fronting on the same #street# is occupied by either:

(i) a #building designed for residential use# or a #community facility# #building#; or

(ii) a #building# originally designed as #dwelling units# or #rooming units# for which an application to reactivate #residential use# in such #building# has been combined with the subject application;

(4) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #community facility# #buildings# or #buildings# containing #residences#; and

(5) the Commission finds that:

(i) reactivating the #residential use# will not adversely affect #manufacturing# or #commercial# #uses# in the district; and

(ii) such #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, or other adverse impacts from #manufacturing# or #commercial# #uses#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

The number of #dwelling units# permitted in such reactivated #building# containing #residences# shall not exceed the greater of the number of lawful #dwelling units# last recorded by the Department of Buildings, or as would be permitted through the provisions of Section 23-50 (DENSITY REGULATIONS), inclusive, in accordance with the applicable geography.

No #dwelling unit# shall be permitted on or below a #story# occupied by a #commercial# or #manufacturing# #use#.

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Sections 52-46 (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts) or 42-311 (Residential uses in M1-1D through M1-5D Districts) as applicable.