

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
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Article V: Non-conforming uses and non-complying buildings Chapter 4 - Non-Complying Buildings

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CITY PLANNING COMMISSION
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12/15/61

Chapter 4
Non-Complying Buildings

12/15/61

54-00
GENERAL PROVISIONS

12/15/61

54-01
Definitions

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

12/15/61

54-10
CONTINUATION OF USE

12/15/61

54-11
General Provisions

The #use# of a #non-complying building or other structure# may be continued, except as otherwise provided in this Chapter.

12/15/61

54-20
REPAIRS OR ALTERATIONS

12/15/61

54-21
General Provisions

Repairs, #incidental alterations#, or structural alterations may

be made in a #non-complying building or other structure#, except that such alterations made in the course of an #enlargement# shall be subject to the provisions of Section 54-31 (General Provisions).

12/15/61

**54-30
ENLARGEMENTS OR CONVERSIONS**

12/18/75

**54-31
General Provisions**

Except as otherwise provided in Section 54-313, a #non-complying building or other structure# may be #enlarged# or converted, provided that no #enlargement# or conversion may be made which would either create a new #non-compliance# or increase the degree of #non-compliance# of a #building or other structure# or any portion thereof.

7/26/01

**54-311
Buildings non-complying as to density regulations**

If a #building# or portion of a #building# has more #rooming units# than are permitted by the applicable district regulations, such #building# may be converted to #dwelling units# in accordance with the provisions of Section 15-111 (Number of permitted dwelling units).

12/15/61

**54-312
Modification of provisions**

The Board of Standards and Appeals may modify the above requirements in accordance with the provisions of Section 73-61 (General Provisions) and 73-65 (Enlargement of Public Utility Facilities).

9/28/04

54-313

Single- or two-family residences with non-complying front yards or side yards

- (a) In R4 Districts, except R4A, R4-1 and R4B Districts, and in R5 Districts other than R5B Districts, for an existing #single-# or #two-family residence# with a #non-complying front yard#, an #enlargement# involving a vertical extension of existing building walls facing such #non-complying front yard# is permitted, provided the following conditions are met:
- (1) the portion of the #building# which is being vertically extended complies with the height and setback regulations specified for the district in which it is located; and
 - (2) the #non-complying front yard# where the building wall is being vertically extended is at least 10 feet in depth.

Notwithstanding the above, the provisions of this paragraph, (a), shall also be applicable in R4A Districts in #lower density growth management areas#.

- (b) In all districts, for an existing #single-# or #two-family residence# with a #non-complying side yard#, an #enlargement# involving a vertical extension of existing building walls facing such #non-complying side yard# is permitted, provided the following conditions are met:
- (1) the portion of the #building# which is being vertically extended complies with the height and setback regulations applicable to an R3-2 District;
 - (2) the #non-complying side yard# where the building wall is being vertically extended is at least three feet in width and the minimum distance between such building wall and the nearest building wall or vertical prolongation thereof on an adjoining #zoning lot# across the common #side lot line# is eight feet;
 - (3) the #enlarged building# does not contain more than two #dwelling units#;
 - (4) that there is no encroachment on the existing #non-complying side yard# except as set forth in this Section; and
 - (5) the #enlargement# does not otherwise result in the creation of a new #non-compliance# or in an increase in the degree of #non-compliance#.

7/26/01

54-314

Modification by authorization

In R6, R7 or R8 Districts, for any substantial rehabilitation of one or more #non-complying# multiple dwellings which were in existence prior to December 15, 1961, the City Planning Commission may authorize the existing #open space# on the #zoning lot# to be reduced by not more than 5 percent and the existing #building floor area# on such #zoning lot# to be increased by not more than 5 percent, if the Commission finds that such modification of the applicable #bulk# regulations as set forth in Section 54-31 will result in an improved apartment design with adequate access of light and air and an improved circulation system. In the #Special Clinton District# such authorizations may apply to complying multiple dwellings and may include a 5 percent increase in #lot coverage# and #floor area#. The Commission, in making the findings above may round out the #floor area# or #lot coverage# increase to the nearest percent.

No increase in the existing density and apartment #floor area# shall be permitted for such #buildings#.

12/15/61

54-40

DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS

3/28/85

54-41

Permitted Reconstruction

If a #non-complying building or other structure# is damaged or destroyed by any means, including any demolition as set forth in this Section, to the extent of 75 percent or more of its total #floor area#, such #building# may be reconstructed only in accordance with the applicable district #bulk# regulations, except in the case of a one- or #two-family residence#, such #residence# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations. If the extent of such damage or destruction is less than 75 percent, a #non-complying building# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations.

In the event that any demolition, damage or destruction of an existing #building# other than one- or #two-family residences# produces an unsafe condition requiring a Department of Buildings order or permit for further demolition of #floor area# to remove or rectify the unsafe condition, and the aggregate #floor area# demolished, damaged or destroyed including that ordered or permitted by the Department of Buildings constitutes 75 percent or more of the total #floor area# of such #building#, then such #building# may be reconstructed only in accordance with the applicable district #bulk# regulations.

12/15/61

54-42

Use of Alternative Formula

In any case where the applicant alleges that #floor area# is an inappropriate measure of the extent of damage or destruction, and elects to substitute reconstruction costs for #floor area#, an application may be made to the Board of Standards and Appeals to determine the extent of the damage or destruction. Such a #building# may be reconstructed as provided in Section 54-41 (Permitted Reconstruction), substituting the ratio which the cost of reconstructing the damaged or destroyed portion of such #building# bears to the cost of reconstructing the entire #building#, for the percentage of total #floor area#. In determining reconstruction costs, the cost of land shall be excluded.