



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# 54-31 - General Provisions

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## 54-31 - General Provisions

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LAST AMENDED  
12/6/2023

Except as otherwise provided in this Chapter, 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.

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### 54-311 - Buildings containing rooming units

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LAST AMENDED  
2/2/2011

If a #building# or portion of a #building# contains #rooming units#, such #rooming units# may be #converted# to #dwelling units# in accordance with the provisions of Section [15-111](#) (Number of permitted dwelling units).

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### 54-312 - Modification of provisions

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LAST AMENDED  
12/15/1961

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

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### 54-313 - Single- or two-family residences with non-complying front yards or side yards

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LAST AMENDED  
12/6/2023

- (a) In R4 Districts, except R4-1, R4A 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) 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#.

Notwithstanding the provisions set forth in paragraphs (a)(1) and (b)(1) of this Section, when an existing #building# has added #qualifying exterior wall thickness# pursuant to Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), such vertical extensions may align with the location of the finished exterior #building# wall of the existing #building#.

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## **54-314 - Modification by authorization**

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LAST AMENDED  
7/26/2001

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 five percent and the existing #building# #floor area# on such #zoning lot# to be increased by not more than five 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 five 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#.