



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

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#.