



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Article V - Non-Conforming Uses and Non-Complying Buildings**

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## Zoning Resolution

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# Chapter 1 - Statement of Legislative Intent

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# Chapter 1 - Statement of Legislative Intent

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## **51-00 - PURPOSE OF REGULATIONS GOVERNING NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

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LAST AMENDED

10/25/1995

The zoning districts established in this Resolution (as set forth in the district regulations in Articles II, III and IV and on the zoning maps) are designed to guide the future use of the City's land by encouraging the development of desirable residential, commercial and manufacturing areas with appropriate groupings of compatible and related uses and thus to promote and to protect public health, safety and general welfare.

As a necessary corollary, in order to carry out such purposes, non-conforming uses which adversely affect the development of such areas must be subject to certain limitations. The regulations governing non-conforming uses set forth in this Chapter are therefore adopted in order to provide a gradual remedy for existing undesirable conditions resulting from such incompatible non-conforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, these regulations are designed to restrict further investment in such uses, which would make them more permanent establishments in inappropriate locations.

In the case of a few objectionable non-conforming uses which are detrimental to the character of the districts in which such uses are located, a reasonable statutory period of life is established for such uses, in order to permit the owner gradually to make his plans for the future during the period when he is allowed to continue the non-conforming uses of his property, thereby minimizing any loss, while at the same time assuring the public that the district in which such non-conformity exists will eventually benefit from a more nearly uniform character.

In the case of buildings not complying with the bulk regulations of this Resolution, the regulations governing non-complying buildings set forth in this Chapter are adopted in order to permit the appropriate use of such buildings but to prevent the creation of additional non-compliances or increases in the degree of existing non-compliances.

These regulations are thus designed to preserve the character of the districts established in this Resolution in the light of their peculiar suitability to particular uses, and thus to promote and protect public health, safety and general welfare.



## Zoning Resolution

THE CITY OF NEW YORK

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# Chapter 2 - Non-Conforming Uses

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# Chapter 2 - Non-Conforming Uses

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## 52-00 - DEFINITIONS AND GENERAL PROVISIONS

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LAST AMENDED  
12/15/1961

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### 52-01 - Definitions

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LAST AMENDED  
11/19/1987

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

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### 52-02 - Applicability of Article V, Chapter 2

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LAST AMENDED  
10/10/2013

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

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## 52-10 - CONTINUATION OF NON-CONFORMING USE

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LAST AMENDED  
12/15/1961

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### 52-11 - General Provisions

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LAST AMENDED  
12/15/1961

A #non-conforming# #use# may be continued, except as otherwise provided in this Chapter.

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## 52-20 - REPAIRS OR ALTERATIONS

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LAST AMENDED  
12/15/1961

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### 52-21 - Repairs and Incidental Alterations

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LAST AMENDED  
12/15/1961

Repairs to both structural and non-structural parts or #incidental alterations# may be made in a #building or other structure# substantially occupied by a #non-conforming# #use#, or in connection with a permitted change or #extension# of a #non-conforming# #use#.

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### 52-22 - Structural Alterations

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No structural alterations shall be made in a #building or other structure# substantially occupied by a #non-conforming# #use#, except when made:

- (a) in order to comply with requirements of law; or
- (b) in order to accommodate a conforming #use#; or
- (c) in order to conform to the applicable district regulations on performance standards; or
- (d) in the course of an #enlargement# permitted under the provisions of Section [52-40](#) (ENLARGEMENTS OR EXTENSIONS), inclusive; or
- (e) in the course of an alteration to improve the energy performance of the #building or other structure#, including, but not limited to, the addition of solar energy systems, energy storage systems, or #qualifying exterior wall thickness#;
- (f) or except as set forth in Section [52-80](#) (REGULATIONS APPLYING TO NON-CONFORMING SIGNS), inclusive.

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## 52-30 - CHANGE OF NON-CONFORMING USE

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## 52-31 - General Provisions

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For the purposes of this Chapter, a change of #use# is a change to another #use# listed in the same or any other Use Group. However, a change in ownership or occupancy shall not, by itself, constitute a change of #use#.

Except as provided in this Section, a #non-conforming# #use# may be changed to any conforming #use#, and the applicable district #bulk# regulations and #accessory# off-street parking requirements shall not apply to such change of #use# or to alterations made in order to accommodate such conforming #use#, but shall apply to any #enlargement#.

In #Mandatory Inclusionary Housing areas# and where made applicable pursuant to the provisions of Section [74-05](#) (General Provisions for Special Permit Uses), the #affordable housing# requirements of paragraph (a) of Section [27-131](#) (Mandatory Inclusionary Housing), except maximum #floor area ratio#, shall apply to such change of #use#.

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

A #non-conforming# #use# may be changed to another #non-conforming# #use# only in accordance with the provisions of this Chapter.

Any such change of #use# permitted by this Chapter shall conform to the applicable district regulations on #accessory# off-street loading berths as set forth in Section [52-41](#) (General Provisions) and on #accessory# #signs#, except that in #Residence Districts# such change shall conform to the regulations on #accessory# #signs# applicable in a C1 District.

In the #Manhattan Core#, a #non-conforming# #use# may be changed to an automobile rental establishment as listed in Use Group VI, or to a #public parking garage# or #public parking lot# as listed in Use Group IX, only pursuant to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section [16-02](#) (Definitions), a #non-conforming# #use# may be changed to a #public parking garage# or #public parking lot# in Use Group IX only pursuant to the provisions of Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming# #use# on the ground floor in such #building# may be changed only to a conforming #use#.

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## 52-32 - Land with Minor Improvements

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LAST AMENDED  
12/15/1961

In all #Residence# and #Commercial Districts#, a #non-conforming# #use# of #land with minor improvements# may be changed only to a conforming #use#.

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## 52-33 - Certain Uses in Residence Districts

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LAST AMENDED  
6/6/2024

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### 52-331 - Buildings designed for residential use

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LAST AMENDED  
6/6/2024

In all #Residence Districts#, a #non-conforming# #use# that is:

- (a) listed in Use Groups IV, VI, VII, VIII, IX or X and not permitted as-of-right within C7 Districts; and
- (b) which is located in a #building designed for residential use#,

may be changed only to a #use# permitted in #Residence Districts#.

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### 52-332 - Other buildings or structures in Residence Districts

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LAST AMENDED  
6/6/2024

In all #Residence Districts#, a #non-conforming# #use# that is listed in Use Groups IV, VI, VII, VIII, IX or X and not permitted as-of-right within C7 Districts, and which is not subject to the provisions of Sections [52-32](#) (Land with Minor Improvements) or [52-331](#) (Buildings designed for residential use), may be changed either to a conforming #use# or:

- (a) to any #commercial# #use# permitted as-of-right within C7 Districts, other than those listed in Use Group V, in which case any subsequent change of #use# shall conform to the provisions of Section [52-34](#) (Commercial Uses in Residence Districts); or
- (b) in accordance with the provisions of the following table:

From Use Group	To Use Group
VI, VII, VIII, IX(A), IX(C)	VI, VII, VIII, IX(A), IX(C)
IV, IX(B), X	V, VI, VII, VIII, IX, X

provided that such changed #use# shall conform to all regulations on performance standards applicable in M1 Districts, and that any such changed #use#, or the storage of materials or products #accessory# to any changed #use#, which is not located within a #completely enclosed building#, shall be screened by a solid wall or fence (including solid entrance or exit gates) at least eight feet in height. Whenever a #use# located within a #completely enclosed building# is changed to another #use#, no activity related to such changed #use#, including the storage of materials or products, shall be located outside of such #building#.

In no event shall any change of #use# permitted in paragraph (b) of this Section extend the statutory period of useful life applicable under the provisions of Section [52-74](#) (Uses Objectionable in Residence Districts).

## 52-34 - Commercial Uses in Residence Districts

LAST AMENDED  
6/6/2024

In all #Residence Districts#, a #non-conforming# #use# that is listed in Use Groups IV, VI, VII, VIII, IX or X and permitted as-of-right within C7 Districts, may be changed, initially or in any subsequent change, only to a conforming #use# or to a #commercial# #use# permitted as-of-right in C1 Districts, other than those listed in Use Group V. In the case of any such change any associated size limitation denoted with an “S” in the underlying Use Group tables, need not apply. Eating or drinking establishments where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, thus permitted as a change of #use#, shall be subject to the enclosure provisions of Section [32-411](#) (In C1, C5, C6-5 or C6-7 Districts).

## 52-35 - Certain Uses in Commercial Districts

LAST AMENDED  
6/6/2024

In all #Commercial Districts#, a #non-conforming# #use# that is listed in Use Groups IV, VI, VII, VIII, IX or X and not permitted as-of-right within C7 Districts, and which is not subject to the provisions of Section [52-32](#) (Land with Minor Improvements), may be changed either to a conforming #use# or:

- (a) to any #commercial# #use# permitted as-of-right within C7 Districts, other than those listed in Use Group V, in which case any subsequent change of #use# shall conform to the provisions of Section [52-36](#) (Non-Conforming Commercial Uses in Commercial Districts); or
- (b) in accordance with the provisions of the following table:

From Use Group	To Use Group
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VI, VII, VIII, IX(A), IX(C) VI, VII, VIII, IX(A), IX(C)

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IV, IX(B), X

IV, VI, VII, VIII, IX, X

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provided that such changed #use# shall conform to all regulations on performance standards applicable in M1 Districts, and that any such changed #use# or any storage of materials or products #accessory# to any changed #use# shall be located within a #completely enclosed building#. Whenever a #use# located within a #completely enclosed building# is changed to another #use#, no activity related to such changed #use#, including the storage of materials or products, shall be located outside of such #building#.

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## 52-36 - Non-Conforming Commercial Uses in Commercial Districts

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LAST AMENDED

6/6/2024

In #Commercial Districts#, any #non-conforming# #commercial# #use# is listed in Use Groups IV, VI, VII, VIII, IX or X and permitted as-of-right within C7 Districts, may be changed, initially or in any subsequent change, only to a conforming #use# or to any #commercial# #use# permitted as-of-right in C2 Districts, other than those listed in Use Group V.

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## 52-37 - Non-Conforming Commercial Uses in Manufacturing Districts

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LAST AMENDED

6/6/2024

In all #Manufacturing Districts#, any #non-conforming# #commercial# #use# may be changed, initially or in any subsequent change, only to a conforming #use# or to any #use# listed in Use Groups VI or VIII, other than an #outdoor amusement park#.

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## 52-38 - Special Regulations for Adult Establishments

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LAST AMENDED

10/25/1995

In all districts, a #non-conforming# #use# may not be changed, initially or in any subsequent change, to an #adult establishment#, except as provided in Sections [32-01](#) or [42-01](#) (Special Provisions for Adult Establishments).

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## 52-40 - ENLARGEMENTS OR EXTENSIONS

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LAST AMENDED

12/15/1961

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## 52-41 - General Provisions

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LAST AMENDED

12/5/2024

A #non-conforming# #use# may be #enlarged# or #extended# within the district in which such #non-conforming# #use# is located only in accordance with the provisions of this Chapter. However, a #non-conforming# #single-# or #two-family residence# in an R3, R4 or R5 District may be #enlarged# or #extended# in accordance with the #bulk# regulations specified for

the district in which it is located. Furthermore, #enlargements# or #extensions# designed exclusively to permit conformity with the regulations on performance standards, designed in order to improve energy performance, or designed in order to provide required #accessory# off-street parking spaces or off-street loading berths on the same #zoning lot# as the #use# to which such spaces or berths are #accessory# are not subject to the restrictions set forth herein.

For the purposes of this Section and Sections [52-31](#) (General Provisions) and [52-42](#) (C6, C8 or Manufacturing Districts), the applicable district regulations on #accessory# off-street parking spaces or loading berths shall be determined in accordance with the following tables. The term "required" as used in this Section shall mean some or all of, but not more than, the number of spaces or berths which would be required or permitted by such applicable district regulations for #development# for such #use#.

#### APPLICABLE OFF-STREET PARKING REGULATIONS FOR NON-CONFORMING COMMERCIAL OR MANUFACTURING USES

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
R1 R2 R3 R4 R5 R6 R7-1	M3-1
C1-1 C1-2 C1-3 C1-4	M3-1
C2-1 C2-2 C2-3 C2-4	M3-1
C3	M3-1
C4-1 C4-2 C4-3 C4-4	M3-1
C7	M3-1
C8-1 C8-2 C8-3	M3-1
M1-1 M1-2 M1-3	M3-1
M2-1 M2-2	M3-1
R7-2 R7-3 R7A R7B R7D R7X R8 R9 R10 R11 R1	M3-2
C1-5 C1-6 C1-7 C1-8 C1-9	M3-2
C2-5 C2-6 C2-7 C2-8	M3-2

C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12	M3-2
C5	M3-2
C6	M3-2
C8-4	M3-2
M1-4 M1-5 M1-6	M3-2
M2-3 M2-4	M3-2

#### APPLICABLE OFF-STREET PARKING REGULATIONS FOR NON-CONFORMING RESIDENTIAL OR COMMUNITY FACILITY USES

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
C8-1 C8-2 C8-3	R5
M1-1 M1-2 M1-3	R5
M2-1 M2-2	R5
M3-1	R5
C8-4	R10
M1-4 M1-5 M1-6	R10
M2-3 M2-4	R10
M3-2	R10

#### APPLICABLE OFF-STREET LOADING REGULATIONS

District in Which #Non-conforming# #Use# is Located	District Whose Regulations Are Applicable
R1 R2 R3 R4 R5 R6	M2-1
C1 mapped within R1 R2 R3 R4 R5 R6	M2-1
C2 mapped within R1 R2 R3 R4 R5 R6	M2-1
C3	M2-1
C4-1 C4-2 C4-3	M2-1
C7	M2-1
C8-1 C8-2	M2-1
M1-1 M1-2 M1-4	M2-1
R7 R8 R9 R10	M2-2
C1 mapped within R7 R8 R9 R10	M2-2
C2 mapped within R7 R8 R9 R10	M2-2
C1-6 C1-7 C1-8 C1-9	M2-2
C2-6 C2-7 C2-8	M2-2
C4-4 C4-5 C4-6 C4-7	M2-2
C5	M2-2
C6	M2-2
C8-3 C8-4	M2-2
M1-3 M1-5 M1-6	M2-2

For #non-conforming# #use# in #Residence Districts#, #accessory# off-street parking spaces or loading berths shall be subject to the provisions of Sections [25-65](#) or [25-77](#) (Screening).

In the #Manhattan Core#, #enlargements# or #extensions# of #non-conforming# #uses# which involve the provision of off-street parking are subject to the regulations set forth in Article I, Chapter 3, and in the #Long Island City area#, as defined in Section [16-02](#) (Definitions), such #enlargements# or #extensions# are subject to the regulations set forth in Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming# #use# on the ground floor in such #building# may be changed only to a conforming #use#.

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## 52-42 - C6, C8 or Manufacturing Districts

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LAST AMENDED

6/6/2024

Except for the #use# of #land with minor improvements#, in #Commercial Districts# or #Manufacturing Districts#, a #use# which is #non-conforming# with respect to the applicable district regulations on performance standards, may be #enlarged# or #extended#, provided that:

- (a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming# #use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#; provided, however, that in no event shall any such #enlargement# or #extension# create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying# #building or other structure#;
- (b) such #enlarged# or #extended# portion conforms to the applicable district regulations on performance standards and on #accessory# off-street parking spaces and loading berths, as set forth in Section [52-41](#) (General Provisions); and
- (c) such #non-conformance# with the performance standards was not self-created.

In the specified districts, such #use# may be #extended# into any #floor area# where it would be permitted as a changed #use# under the provisions of Section [52-35](#) (Manufacturing or Related Uses in Commercial Districts), provided that the applicable district regulations on performance standards and #accessory# off-street loading berths, as set forth in Section [52-41](#) (General Provisions), shall apply to such #extended# #floor area#.

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## 52-43 - Residence Districts Except R1 and R2 Districts

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LAST AMENDED

6/6/2024

In all #Residence Districts#, except R1 and R2 Districts, a fire station may be #enlarged# or #extended#, provided that:

- (a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming# #use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#;
- (b) such #enlargement# or #extension# shall not create a #non-compliance# or increase the degree of #non-compliance#; and
- (c) such #enlarged# or #extended# portion conforms to the applicable district regulations on #accessory# off-street parking spaces as set forth in Section [52-41](#) (General Provisions).

#Community facility# #bulk# regulations as set forth in Article II, Chapter 4, shall apply to such #enlarged# or #extended# fire

stations.

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## 52-44 - Non-Conforming Residential Uses in M1 Districts

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LAST AMENDED

12/5/2024

In an M1 District, a #non-conforming# #residential use# occupying at least 50 percent of the #floor area# of a #building# which was #designed for residential use# and erected prior to December 15, 1961, may be #extended# on the ground floor level provided that no #dwelling unit# or #rooming unit# may be located on or below a #story# occupied by a #commercial# or #manufacturing# #use#. The total number of #dwelling units# shall be that which would be permitted through the provisions of Section [23-50](#) (DENSITY REGULATIONS), inclusive, in accordance with the applicable geography.

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## 52-45 - Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts

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LAST AMENDED

12/5/2024

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, a #building# containing #non-conforming# #residential uses# may be #enlarged# and the #residential uses# #extended# thereby, provided that no non-#residential uses# exist above the level of the first #story# ceiling.

Such #enlargement# is subject to all of the following regulations:

- (a) The total amount of #residential# #floor area# in the #building# shall not exceed 500 square feet additional to the #residential# #floor area# in existence on December 21, 1989, or the applicable #floor area ratio# for an R5 District, whichever is less.
- (b) All remaining #bulk# regulations of a C2 District mapped within an R5 District shall apply.

#Enlargements# in excess of those permitted in this Section may be permitted by authorization of the City Planning Commission, pursuant to the regulations of Section [42-311](#) (Residential uses in M1-1D through M1-5D Districts).

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## 52-50 - DAMAGE OR DESTRUCTION

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LAST AMENDED

12/15/1961

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## 52-51 - General Provisions

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LAST AMENDED

6/6/2024

Except as set forth in Section [52-80](#) (REGULATIONS APPLYING TO NON-CONFORMING SIGNS), inclusive, if a #non-conforming# #building or other structure# is damaged, destroyed or demolished, the provisions set forth in Sections [52-52](#) to [52-56](#), inclusive, shall apply.

However, if a #non-conforming# #single-# or #two-family residence# in an R3, R4, or R5 District is damaged, destroyed or demolished, such #building# may be continued in #use# and 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.

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## 52-52 - Land with Minor Improvements

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LAST AMENDED

2/2/2011

In all districts, if a #non-conforming# #building or other structure# or other improvement located on #land with minor improvements# is damaged or destroyed by any means, including but not limited to, any demolition ordered or permitted by the Department of Buildings, to the extent of 25 percent or more of the assessed valuation of all #buildings or other structures# or other improvements thereon (as determined from the assessment rolls effective on the date of damage or destruction), such #non-conforming# #use# shall terminate, and the #zoning lot# shall thereafter be used only for a conforming #use#.

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## 52-53 - Buildings or Other Structures in All Districts

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LAST AMENDED

12/15/1961

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### 52-531 - Permitted reconstruction or continued use

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LAST AMENDED

9/21/2011

In all districts, if any #building#, except a #building# subject to the provisions of Section [52-54](#) (Buildings Designed for Residential Use in Residence Districts), or of Section [52-56](#) (Multiple Dwellings in M1-1D Through M1-5D Districts), which is substantially occupied by a #non-conforming# #use#, is damaged or destroyed by any means, including any demolition as set forth in Sections [52-50](#) et seq., to the extent of 50 percent or more of its total #floor area#, such #building# may either:

- (a) be repaired or #incidentally altered#, and the existing #non-conforming# #use# may be continued; or
- (b) be reconstructed, but only for a conforming #use#; provided, however, that in no event shall any such reconstruction create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying# #building#.

However, where the damage or destruction is so great that the provisions in Sections [54-41](#) and [54-42](#) relating to Damage, Destruction or Demolition in Non-Complying Buildings also apply, the latter Sections shall govern the permitted #bulk# of the reconstructed #building#.

In addition, the alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any portion thereof, shall be considered a #development# for the purposes of the provisions set forth in Section [11-23](#) (Demolition and Replacement).

In applying the provisions of this Section to damaged or destroyed structures, substantially utilized by a #non-conforming# #use#, any appropriate measure of the size of such structures shall be substituted for #floor area# in determining the extent of damage or destruction.

In the event that any demolition, damage or destruction of an existing #building# 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 50 percent or more of the total #floor area# of such #building#, then such #building# may be repaired or reconstructed only in accordance with the provisions of paragraph (a) or (b) in this Section.

For the purposes of this Section, any #single-family# or #two-family residence# located within an M1-1D, M1-2D, M1-3D, M1-4D, M1-5D or M1-6D District and existing on June 20, 1988, shall be a conforming #use#.

For the purposes of this Section, #buildings# that #abutted# one another on a single #zoning lot# on the date of such damage or destruction shall be considered a single #building#.

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## **52-532 - Use of alternative formula**

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LAST AMENDED

12/15/1961

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 such damage or destruction.

If the Board finds that the costs of reconstructing the damaged or destroyed portion of such #building# to its previous condition exceed 50 percent of the costs of reconstructing the entire #building# to the condition existing on the date of such damage or destruction, the provisions of Section [52-531](#) (Permitted reconstruction or continued use) shall apply. In determining reconstruction costs, the cost of land shall be excluded.

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## **52-54 - Buildings Designed for Residential Use in Residence Districts**

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LAST AMENDED

3/28/1985

In all #Residence Districts#, if the #floor area# occupied by #non-conforming# #uses# within a #building designed for residential use# is damaged or destroyed by any means, including but not limited to, any demolition ordered or permitted by the Department of Buildings, to the extent of 25 percent or more of such #floor area#, such #building# may be continued in #use# or reconstructed only in accordance with the provisions of Section [52-53](#) (Buildings or Other Structures in All Districts) except that the 25 percent ratio set forth in this Section shall apply instead of the 50 percent ratio set forth in Section [52-53](#).

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## **52-55 - Lesser Damage or Destruction**

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LAST AMENDED

2/2/2011

In the event that a #building or other structure# substantially occupied or utilized by a #non-conforming# #use# is damaged or destroyed to a lesser extent than that specified in Sections [52-51](#) to [52-54](#), inclusive, relating to Damage, Destruction or Demolition, the #building or other structure# may be restored and the #non-conforming# #use# of such #building or other structure# or #zoning lot# may be continued, provided that such restoration shall not create a #non-compliance# or increase the degree of #non-compliance#, if any, existing prior to such damage, destruction or demolition.

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## **52-56 - Multiple Dwellings in M1-1D Through M1-5D Districts**

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LAST AMENDED

12/5/2024

In the case of damage or destruction of less than 75 percent of the total #floor area# of a #non-conforming# #building# containing three or more #dwelling units# in an M1-1D, M1-2D, M1-3D, M1-4D or M1-5D District, such #building# may be repaired or reconstructed, and its #residential use# continued, subject to the following regulations:



- (a) there shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence prior to such damage and destruction; and
- (b) there shall be no increase to the pre-existing amount of #floor area# except as expressly provided in Section [52-46](#) (Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts).

#Enlargements# in excess of those permitted, pursuant to paragraph (b) of this Section, may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section [42-311](#) (Residential uses in M1-1D through M1-5D Districts).

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## 52-60 - DISCONTINUANCE

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LAST AMENDED  
12/15/1961

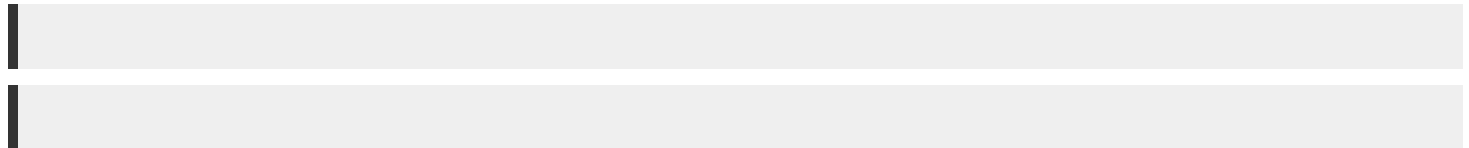
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## 52-61 - General Provisions

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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).

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

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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.

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## 52-70 - TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION

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LAST AMENDED  
12/15/1961

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## 52-71 - General Provisions

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LAST AMENDED  
10/25/1995

In specified districts, specified #non-conforming# #signs#, specific #non-conforming# #uses# of #land with minor improvements#, specified #non-conforming# objectionable #uses#, certain specific types of #uses# involving open storage or salvage, #non-conforming# #adult establishments#, or certain #non-conforming# #public parking lots# may be continued for a reasonable period of useful life as set forth in this Chapter, provided that after the expiration of that period such #non-conforming# #uses# shall terminate in accordance with the provisions of this Chapter.

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## 52-72 - Land with Minor Improvements

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LAST AMENDED  
6/6/2024

In all #Residence Districts#, a #non-conforming# #use# of #land with minor improvements# that is listed in Use Groups IV, VI, VII, VIII, IX or X and not permitted as-of-right within C7 Districts, may be continued for three years after December 15, 1961, or such later date that the #use# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming# #use# shall terminate, and thereafter such land shall be used only for a conforming #use#.

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## 52-73 - Non-Conforming Signs

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LAST AMENDED  
12/15/1961

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### 52-731 - Advertising signs

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LAST AMENDED  
5/22/1963

In all #Residence Districts#, a #non-conforming# #advertising sign# may be continued for 10 years after December 15, 1961, or such later date that such #sign# becomes #non-conforming#, providing that after the expiration of that period such #non-conforming# #advertising sign# shall terminate.

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### 52-732 - Signs on awnings or canopies

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LAST AMENDED  
12/15/1961

In all #Residence# or #Commercial Districts#, a #non-conforming# #sign# on an awning or canopy may be continued for one year after December 15, 1961, or such later date that such #sign# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming# #sign# shall terminate.

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## 52-733 - Advertising signs on waterways

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LAST AMENDED

4/8/1998

On all waterways adjacent to #Residence#, #Commercial# or #Manufacturing Districts# and within view from an arterial highway, a #non-conforming# #advertising sign# may be continued for one year after July 23, 1964, if already in operation on April 15, 1964; provided that after the expiration of this period such #non-conforming# #advertising sign# shall terminate.

For the purposes of this Section, an #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

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## 52-734 - Non-conforming signs for adult establishments

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LAST AMENDED

4/8/1998

In all districts, a #non-conforming# #sign# for an #adult establishment# shall terminate within one year from October 25, 1995, or from such later date that such #sign# becomes #non-conforming#, except that such #sign# may be continued for a limited period of time by the Board of Standards and Appeals, pursuant to Section [72-40](#) (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS).

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## 52-74 - Uses Objectionable in Residence Districts

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LAST AMENDED

6/6/2024

In all #Residence Districts#, any open #use# involving waste or high-hazard material storage in Use Groups IV(B) or IX, other than a #use# of #land with minor improvements# that:

- (a) involves activities not located within a #completely enclosed building#; and
- (b) involves the #use# of #buildings or other structures# or other improvements with a total assessed valuation, excluding land, of less than \$20,000 as determined from the assessment rolls effective on the date established for termination;

may be continued for 10 years after December 15, 1961, or such later date that the #use# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming# #use# shall terminate, and thereafter such land or #building or other structure# shall be used only for a conforming #use#.

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## 52-75 - Certain Types of Uses Involving Open Storage or Salvage

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LAST AMENDED

6/6/2024

In all districts, #non-conforming# building materials or contractors' yards, or #non-conforming# junk or salvage yards, including auto wrecking or similar establishments, or #non-conforming# scrap metal, junk, paper or rags storage, sorting or baling may be continued subject to the applicable provisions set forth herein, whichever impose the greater restriction.

- (a) In #Residence Districts#, where such #use# constitutes a #non-conforming# #use# of #land with minor improvements#, the provisions of Section [52-72](#) (Land With Minor Improvements) apply.

- (b) In #Residence Districts#, where such #use# constitutes a #use# other than a #use# of #land with minor improvements#, and meets the criteria set forth in Section [52-74](#) (Uses Objectionable in Residence Districts), the provisions of Section [52-74](#) apply.
- (c) In all districts where such #use# is #non-conforming# with respect to the required enclosure as set forth in the listing of such #use# in Section [42-19](#) (Use Group IX – Storage) and is either conforming or #non-conforming# in other respects, it may be continued without such enclosure until a date three years from February 8, 1968, or from such later date that the #use# becomes #non-conforming#. Thereafter, any such #use# which does not conform with the enclosure requirements shall be terminated, and the land shall be used only for a conforming #use#.

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## **52-77 - Termination of Adult Establishments**

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LAST AMENDED  
10/25/1995

In all districts, a #non-conforming# #adult establishment# shall terminate within one year from October 25, 1995, or from such later date that the #adult establishment# becomes #non-conforming#, except that such establishment may be continued for a limited period of time by the Board of Standards and Appeals pursuant to Section [72-40](#) (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS). However, the provisions of this Section shall not apply to an #adult establishment# subject to the provisions of paragraph (f) of Section [32-01](#) or [42-01](#) (Special Provisions for Adult Establishments).

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## **52-80 - REGULATIONS APPLYING TO NON-CONFORMING SIGNS**

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LAST AMENDED  
12/15/1961

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## **52-81 - General Provisions**

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LAST AMENDED  
4/8/1998

A #non-conforming# #sign# shall be subject to all the provisions of this Chapter relating to #non-conforming# #uses#, except as modified by the provisions of Sections [52-82](#) (Non-Conforming Signs other than Advertising Signs) and [52-83](#) (Non-Conforming Advertising Signs).

A change in the subject matter represented on a #sign# shall not be considered a change of #use#.

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## **52-82 - Non-Conforming Signs other than Advertising Signs**

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LAST AMENDED  
4/8/1998

Any #non-conforming# #sign#, except a #flashing sign# or a #sign# subject to the provisions of Section [52-734](#) (Non-conforming signs for adult establishments), and except any #advertising signs# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

- (a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;

- (b) an increase in the #surface area# of such #sign#; or
- (c) an increase in the degree of illumination of such #sign#.

However, any structural alteration, reconstruction or replacement of a #non-conforming# #sign# #accessory# to a #non-conforming# #use# shall be subject to the provisions of Section [52-31](#) (General Provisions).

To the extent that such structural alteration, reconstruction or replacement of #non-conforming# #signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section [52-22](#) (Structural Alterations)

Sections [52-51](#) to [52-55](#), inclusive, relating to Damage or Destruction.

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## 52-83 - Non-Conforming Advertising Signs

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LAST AMENDED

6/6/2024

In all #Manufacturing Districts#, or in C1, C2, C4, C5-4, C6, C7 or C8 Districts, except as otherwise provided in Sections [32-66](#) or [42-65](#) (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), any #non-conforming# #advertising sign# except a #flashing sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

- (a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;
- (b) an increase in the #surface area# of such #sign#; or
- (c) an increase in the degree of illumination of such #sign#.

However, in Community District 1 in the Borough of Brooklyn, a #non-conforming# #advertising sign# may be structurally altered, reconstructed or replaced in a different location, and may create a new #non-conformity# or #non-compliance#, or an increase in the degree of #non-conformity# or #non-compliance#, provided such #sign# is reconstructed pursuant to a Certificate of Appropriateness from the Landmarks Preservation Commission, is located on a landmark #building# that is part of a #general large scale development#, and there is no increase in the #surface area# or degree of illumination of such #sign#. Furthermore, the discontinuance provisions of Section [52-61](#) shall not apply to such #sign#, provided such #sign# is reconstructed on the landmark #building# prior to the issuance of a temporary certificate of occupancy for any #use# within such #building#.

No #sign# that exceeds or is otherwise in violation of any illumination standard established by rule of the Department of Buildings shall be #non-conforming# as to such illumination standard one year after such rule becomes effective.

To the extent that such structural alteration, reconstruction or replacement of #non-conforming# #advertising signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section [52-22](#) (Structural Alterations)

Sections [52-51](#) to [52-55](#), inclusive, relating to Damage or Destruction.



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 3 - Conforming Uses in Violation of Supplementary Use Regulations**

File generated by <https://zr.planning.nyc.gov> on 7/1/2025

# Chapter 3 - Conforming Uses in Violation of Supplementary Use Regulations

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## 53-00 - GENERAL PROVISIONS

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LAST AMENDED

6/6/2024

The provisions of this Chapter shall apply to all conforming #uses# which are in violation of the provisions of Sections [32-40](#) and [42-50](#), inclusive, relating to Supplementary Use Regulations.

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## 53-10 - CONTINUATION

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LAST AMENDED

6/6/2024

All such conforming #uses# in violation of the supplementary #use# regulations, subject to the other provisions of this Chapter.

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## 53-20 - CHANGE OF USE

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LAST AMENDED

6/6/2024

In all districts, any conforming #use# which is in violation of the supplementary #use# regulations may be changed to another #use#, and the changed #use# need not meet such district regulations, except as set forth herein, provided that such changed #use# shall not create new instances of such violation or increase the amount of violation previously existing.

Any such changed #use# and all #accessory# storage of materials and products shall meet the requirements set forth in Sections [32-41](#) (Enclosure within Buildings), [42-51](#) (Enclosure of Commercial or Manufacturing Activities) or [42-52](#) (Enclosure or Screening of Storage).

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## 53-30 - ENLARGEMENTS OR EXTENSIONS

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LAST AMENDED

6/6/2024

In all districts, any conforming #use# which is in violation of the supplementary #use# regulations may be #enlarged# or #extended#, provided that the #extended# or #enlarged# #floor area# shall not create new instances of such violation or increase the degree of violation previously existing.





## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 4 - Non-Complying Buildings

File generated by <https://zr.planning.nyc.gov> on 7/1/2025

# Chapter 4 - Non-Complying Buildings

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## 54-00 - GENERAL PROVISIONS

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LAST AMENDED  
12/15/1961

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### 54-01 - Definitions

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LAST AMENDED  
11/19/1987

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

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### 54-02 - Applicability of Article V, Chapter 4

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LAST AMENDED  
10/10/2013

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

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### 54-10 - CONTINUATION OF USE

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LAST AMENDED  
12/15/1961

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### 54-11 - General Provisions

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LAST AMENDED  
12/15/1961

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

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### 54-20 - REPAIRS OR ALTERATIONS

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LAST AMENDED  
12/15/1961

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### 54-21 - General Provisions

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LAST AMENDED  
12/15/1961

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).

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### 54-30 - ENLARGEMENTS OR CONVERSIONS

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## 54-31 - General Provisions

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LAST AMENDED  
12/5/2024

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. A #building# that is complying with the applicable #bulk# regulations may be #enlarged# or #converted#, provided that no #enlargement# or #conversion# may be made that would create a new #non-compliance#, except as set forth in Section [54-50](#) (MODIFICATIONS TO THE PROVISIONS OF THIS CHAPTER), inclusive.

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### 54-311 - Buildings containing rooming units

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LAST AMENDED  
12/5/2024

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 [23-50](#) (DENSITY REGULATIONS), inclusive.

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### 54-312 - Modification of provisions

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LAST AMENDED  
12/5/2024

The Board of Standards and Appeals may permit #enlargements# or #conversions# that create a new #non-compliance#, or increase an existing #non-compliance# with applicable #bulk# regulations in accordance with the provisions of Section [73-60](#) (MODIFICATIONS OF BULK REGULATIONS), inclusive.

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## 54-40 - DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS

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LAST AMENDED  
2/2/2011

For the purposes of this Section, #buildings# that #abutted# one another on a single #zoning lot# on the date of such damage or destruction shall be considered a single #building#.

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### 54-41 - Permitted Reconstruction

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LAST AMENDED  
2/2/2011

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 addition, the alteration of such existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any portion thereof, shall be considered a #development# for the purposes of the provisions set forth in Section [11-23](#) (Demolition and Replacement).

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.

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## 54-42 - Use of Alternative Formula

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LAST AMENDED  
12/15/1961

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.

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## 54-50 - MODIFICATIONS TO THE PROVISIONS OF THIS CHAPTER

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LAST AMENDED  
12/5/2024

The provisions of this Section may be combined, except that individual #bulk# allowances to increase the height of a #building# or diminish the amount of an open area through an #enlargement# shall not be aggregated.

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## 54-51 - Energy Infrastructure or Retrofits

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LAST AMENDED  
12/6/2023

Notwithstanding the other provisions of this Chapter, in all districts, a #development#, #enlargement# or alteration comprised exclusively of the addition of #energy infrastructure equipment#, #accessory# mechanical equipment, or #qualifying exterior wall thickness#, whether to a #building# or to an open area of the #zoning lot#, may create a new #non-compliance# or increase the degree of #non-compliance# of a #building# or other structure#, provided that:

- (a) where locating such equipment in a #non-complying# #open space#, #yard#, #rear yard equivalent#, or #court#, as applicable, such equipment shall comply with the applicable height and area restrictions for the respective open area set forth in the applicable underlying district regulations, as applied to the level and size of the #non-complying# open area;
- (b) where locating such equipment on the rooftop of a #building# that is #non-complying# with respect to height and setback regulations, such equipment shall comply with the height and area regulations for such permitted obstruction set forth in the applicable underlying district regulations, as applied to the level of the rooftop, inclusive of any #non-

compliance# into a required setback area, #yard#, or other required open area;

- (c) at any level, all #energy infrastructure equipment# or #accessory# mechanical equipment will be enclosed or screened in compliance with the applicable provisions for such permitted obstructions; and
- (d) where locating #qualifying exterior wall thickness# into either a #non-complying# #open space#, #yard#, #rear yard#, or #court#, or into a #non-complying# distance between two #buildings# or a #non-complying# distance between a #building# and #lot line#, or in a location not otherwise permitted by underlying #street wall location rules#, such additional encroachment of wall thickness shall not exceed the depth permitted by the underlying permitted obstruction regulations.

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## 54-52 - Accessibility or Safety Retrofits

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LAST AMENDED  
12/5/2024

Notwithstanding the other provisions of this Chapter, in all districts, an #enlargement#, #extension#, #conversion#, change of #use# or other alteration to a #building# that furthers the design and construction of facilities for accessibility for individuals with disabilities or furthers #building# safety by greater conformance with the most recent New York City Construction Codes, may create a new #non-compliance# or increase the degree of a #non-compliance#, provided that increases to existing #non-compliances#, or the creation of new #non-compliances#, with regard to:

- (a) maximum #floor area ratio# shall not exceed ten percent of the existing #floor area#, or 1,000 square feet, whichever is less;
- (b) required #open space#, #yards#, #rear yard equivalents#, or #courts#, as applicable, shall not diminish the size of the required or existing open area, as applicable, by more than 20 percent, and no further encroachment to a #non-complying# #yard# shall be closer to a #lot line# than an existing #building# on the #zoning lot#; and
- (c) the permitted height and setback of a #building#, shall be limited to one #story# or 15 feet, whichever is less, measured relative to the height of the existing #building#.

Allowances for permitted obstructions may be applied to an existing #building#, including as modified pursuant to the provisions of this Section.

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## 54-53 - Residential Retrofits

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LAST AMENDED  
12/5/2024

Notwithstanding the other provisions of this Chapter, in all districts, for #buildings# where 75 percent or more of the existing floor space is allocated to #residential uses#, an #enlargement#, #extension#, #conversion#, change of #use# or other alteration to such #building# that increases or improves the #residential# floor space within a #building#, may create a new #non-

compliance# or increase the degree of a #non-compliance#, provided that increases to existing #non-compliances#, or the creation of new #non-compliances#, with regard to:

- (a) maximum #residential# #floor area ratio# shall be limited in size to floor space existing within the volume of a #building# on the #zoning lot#. For #multiple dwelling residences#, such allowance shall be limited to #buildings# existing on December 5, 2024;
- (b) required #open space#, #yards#, #rear yard equivalents#, or #courts#, as applicable, shall not diminish the area of the existing open area by more than 20 percent and no further encroachment to a #non-complying# #yard# shall be closer to a #lot line# than an existing #building# on the #zoning lot#; and
- (c) the permitted height and setback of a #building#, shall be limited to one #story# or 15 feet, whichever is less, measured relative to the height of the existing #building#.

Allowances for permitted obstructions may be applied to an existing #building#, including as modified pursuant to the provisions of this Section.