**Zoning Resolution**

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

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 52-40 - ENLARGEMENTS OR EXTENSIONS

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## 52-40 - ENLARGEMENTS OR EXTENSIONS

LAST AMENDED
12/15/1961

## 52-41 - General Provisions

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#.

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

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#.

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

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.

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

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.

## 52-45 - Conforming and Non-conforming Residential Uses 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, 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).