



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **52-50 - DAMAGE OR DESTRUCTION**

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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  
6/6/2024

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, and #enlargements# that create additional #dwelling units#, may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section [42-321](#) (Residential uses in M1-1D through M1-5D Districts).