Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

52-53 - Buildings or Other Structures in All Districts

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52-53 - Buildings or Other Structures in All Districts

LAST AMENDED
12/15/1961

52-531 - Permitted reconstruction or continued use

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#.

52-532 - Use of alternative formula

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.