



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# 64-10 - GENERAL PROVISIONS

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## 64-10 - GENERAL PROVISIONS

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LAST AMENDED  
5/12/2021

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## 64-11 - Definitions

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LAST AMENDED  
5/12/2021

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section [12-10](#) (DEFINITIONS). Where matter in *italics* is defined both in Section [12-10](#) and in this Chapter, the definitions in this Chapter shall govern.

### Cottage envelope building

A “cottage envelope building” is a *single- or two-family detached residence* located within R1 through R5 Districts, *developed, enlarged, or altered*, pursuant to any of the optional provisions of Section [64-33](#) (Special Regulations for Cottage Envelope Buildings), provided that:

- (a) such *single- or two-family detached residence* complies with Section [64-333](#) (Height and setback regulations for cottage envelope buildings); and
- (b) is located within a *zoning lot* that has a *lot area* that is less than that required by the applicable district; and
  - (1) has a *lot width* that is either:
    - (i) less than that required under the provisions of Section [23-32](#) (Minimum Lot Area or Lot Width for Residences) in R1, R2, R3-1, R3-2, R3X, R4, R4A, R5, and R5A Districts; or
    - (ii) equal to or less than 30 feet in R3A, R4-1, R4B, R5B, and R5D Districts; or
  - (2) has a depth of less than 95 feet at any point.

All *cottage envelope buildings* shall also be *flood-resistant buildings*.

### First story above the flood elevation

The “first story above the flood elevation” shall be the finished floor level of the first *story* located at or above the level at which a *building* complies with *flood-resistant construction standards* and, for *buildings* utilizing the *reference plane*, shall be no lower than the particular level established as the *reference plane*.

### Flood map

“Flood map” shall be the most recent map or map data used as the basis for *flood-resistant construction standards*.

## Flood-resistant building

A “flood-resistant building” is a #building or other structure#, which complies with all applicable #flood-resistant construction standards#.

## Flood-resistant construction elevation

The “flood-resistant construction elevation” shall be the level of flood elevation required by Appendix G of the New York City Building Code for the “Flood design classification” of a #building or other structure# as set forth therein, or a height of two feet above the lowest grade adjacent to the #building or other structure#, whichever is higher.

## Flood-resistant construction standards

“Flood-resistant construction standards” are the construction standards set forth in Appendix G of the New York City Building Code for “Post-FIRM Construction” that aid in protecting #buildings or other structures# in #flood zones# from flood damage, and governs both #building or other structures# that are required to comply with such standards and those that voluntarily comply. For #buildings or other structures# utilizing the provisions of this Chapter, #flood-resistant construction standards# shall be applied up to the #flood-resistant construction elevation# or higher.

## High-risk flood zone

The “high-risk flood zone” is the area, as indicated on the #flood maps#, that has a one percent chance of flooding in a given year.

## Lowest usable floor

The “lowest usable floor” of a #building# is the lowest floor of such #building# that contains #floor area#, and may include #basements# and #cellars#, as defined in Section [12-10](#) (DEFINITIONS).

## Moderate-risk flood zone

The “moderate-risk flood zone” is the area, as indicated on the #flood maps#, and not within of the #high-risk flood zone#, that has a 0.2 percent chance of flooding in a given year.

## Primary street frontage

For the purposes of applying the provisions of Section [64-322](#)(c), a “primary street frontage” shall include:

- (a) in #Commercial Districts#, frontages that meet the criteria for a “primary street frontage” as defined in Section [37-311](#);
- (b) in M1 Districts paired with #Residence Districts#, frontages along:
  - (1) #wide streets#;
  - (2) #narrow streets# within 50 feet of a #wide street#; and

- (3) #narrow streets# where an M1 District paired with a #Residence District# is mapped along an entire #block# frontage; and
- (c) frontages where non-#residential uses# are required at the #ground-floor level# pursuant to a Special Purpose District or #waterfront public access area#.

## Reference plane

The “reference plane” is a horizontal plane from which the height and setback regulations governing a #building or other structure# may be measured, in accordance with certain provisions of this Chapter. The #reference plane# shall not be located above the #first story above flood elevation#, as applicable.

For #zoning lots# located wholly or partially within the #high-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of 10 feet above the #base plane# or #curb level#, as applicable. However, where the #flood-resistant construction elevation# exceeds a height of 10 feet above the #base plane# or #curb level#, as applicable, the #reference plane# may be established at the #flood-resistant construction elevation#.

For #zoning lots# located wholly or partially within the #moderate-risk flood zone#, the #reference plane# may be established at any level between the #flood-resistant construction elevation# and a height of five feet above the #base plane# or #curb level#, as applicable.

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## 64-12 - Applicability

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The optional provisions of this Chapter shall apply to #zoning lots# located wholly or partially within #flood zones#, as follows:

- (a) For all #zoning lots# in the #flood zone#

The provisions of Sections [64-21](#) (Special Use Regulations for All Buildings), [64-31](#) (Special Bulk Regulations for All Buildings) and [64-41](#) (Special Parking Regulations for All Buildings), inclusive, may be applied to all #zoning lots#, regardless of whether #buildings or other structures# on such #zoning lots# comply with #flood-resistant construction standards#.

- (b) For #zoning lots# containing #flood-resistant buildings#

The provisions of Sections [64-22](#) (Special Use Regulations for Flood-resistant Buildings), [64-32](#) (Special Bulk Regulations for Flood-resistant Buildings), [64-42](#) (Special Parking Regulations for Flood-resistant Buildings), and [64-60](#) (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), inclusive, may be applied only to #zoning lots# containing #flood-resistant buildings#, including #cottage envelope buildings#, as applicable, and Section [64-33](#) (Special Bulk Regulations for Cottage Envelope Buildings) may additionally be applied exclusively to #zoning lots# containing #cottage envelope buildings#. Where such provisions are utilized, the provisions of Section [64-50](#) (STREETSCAPE REGULATIONS), inclusive, shall apply.

- (c) For portions of #buildings#

The following provisions may be applied to portions of #buildings# as follows:

- (1) the provisions of Section [64-311](#) (Special floor area modifications for all buildings) and [64-313](#) (Special height

and setback regulations for all buildings) may be applied to portions of #buildings#, regardless of whether such portions comply with #flood-resistant construction standards#;

- (2) the provisions of Section [64-32](#) (Special Bulk Regulations for Flood-resistant Buildings), inclusive, may be applied to portions of #buildings#, provided that such portions comply with #flood-resistant construction standards# for the entirety of its vertically contiguous segments. Where such provisions are utilized within portions of #buildings#, the provisions of Section [64-50](#) (STREETSCAPE REGULATIONS), inclusive, shall apply.

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## **64-13 - Applicability of District Regulations**

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LAST AMENDED

10/10/2013

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.