



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

64-11 - Definitions

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LAST AMENDED

6/6/2024

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 frontage

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

- (a) in #Commercial Districts#, frontages that meet the criteria for a “primary 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.