



Zoning Resolution

THE CITY OF NEW YORK  
Eric Adams, Mayor

CITY PLANNING COMMISSION  
Daniel R. Garodnick, Chair

## Chapter 2 - Construction of Language and Definitions

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## Chapter 2 - Construction of Language and Definitions

### 12-00 - RULES FOR CONSTRUCTION OF LANGUAGE

LAST AMENDED  
12/15/1961

#### 12-01 - Rules Applying to Text of Resolution

LAST AMENDED  
2/2/2011

The following rules of construction apply to the text of this Resolution:

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this Resolution and any caption, illustration, summary table or illustrative table, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) A "building" or "structure" includes any part thereof. The terms #residential building#, #commercial building# and #community facility building# shall refer to an entire #building# used exclusively for such #use#.
- (f) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", "or occupied for".
- (g) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (h) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:
  - (1) "and" indicates that all the connected items, conditions, provisions or events shall apply;
  - (2) "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination; and
  - (3) "either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (i) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (j) References within a Section or cross-references to a Section numbered with four digits shall include all following Sections with numbers whose first four digits are identical with such Section number but references or cross-references to a Section numbered with five digits shall refer only to such specific five-digit Section. For Sections starting with [101-00](#), references within a Section or cross-references to a Section numbered with five digits shall include all following Sections with numbers whose first five digits are identical with such Section number but references or cross-references to a Section numbered with six digits shall refer only to such specific six-digit Section.

#### 12-02 - Rules for Interpretation of District Designations

LAST AMENDED  
2/2/2011

District designations, where applicable, are listed within a ruled bar below the number and title of each section.

When one or more district designations are listed in a section, the specific text of the paragraphs that follow applies to such district or districts.

When a section includes a table and one or more district designations are listed opposite a specific item or number in such table, the item or number applies specifically to that district or districts only.

When no district designations are listed for a specific section, the provisions of such section shall be construed to apply to all districts under consideration in the Article in which the section appears or, if specified, only to those districts referred to directly within the section itself. For this purpose, Article II applies to all Residence Districts, Article III applies to all Commercial Districts, and Article IV applies to all Manufacturing Districts. All other articles apply to all districts, unless otherwise provided.

#### 12-10 - DEFINITIONS

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LAST AMENDED  
12/6/2023

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

##### **above-grade mass transit station**

Applicable to Article VI - Chapter 6  
Last Amended 10/7/2021

FROM [66-11](#): For the purposes of this Chapter, an "above-grade mass transit station" shall refer to a *mass transit station* with a platform that is located entirely above five feet from *curb level*.

##### **abut, or abutting**

General Definition  
Last Amended 2/2/2011

"Abut" is to be in contact with or join at the edge or border. "Abutting" #buildings# are #buildings# that are in contact with one another on the same or another #zoning lot#, except as subject to separations required for seismic load as set forth in the New York City Building Code. A #building# may also #abut# a #lot line#. In addition, for #buildings# existing prior to February 2, 2011, such existing #building#

shall be considered #abutting# if it is within six inches of a #lot line# or another #building#.

## access zone

Applicable to Article 1 - Chapter 3

FROM 13-02: For the purposes of this Chapter, an "access zone" shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by:

- (a) vehicular ramps between parking levels, or between a parking level and a vehicular entrance or exit, provided that such ramps are not used as parking spaces or associated maneuvering space;
- (b) vehicular elevators;
- (c) required reservoir spaces;
- (d) portions of required accessible pedestrian egress routes, including any associated ramps or elevators; or
- (e) bicycle parking spaces.

## accessory use, or accessory

General Definition

Last Amended 12/6/2023

An "accessory use":

- (a) is a #use# conducted on the same #zoning lot# as the principal #use# to which it is related (whether located within the same or an #accessory building or other structure#, or as an #accessory use# of land), except that, where specifically provided in the applicable district regulations or elsewhere in this Resolution, #accessory# docks, off-street parking or off-street loading need not be located on the same #zoning lot#; and
- (b) is a #use# which is clearly incidental to, and customarily found in connection with, such principal #use#; and
- (c) is either in the same ownership as such principal #use#, or is operated and maintained on the same #zoning lot# substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of such principal #use#.

When "accessory" is used in the text, it shall have the same meaning as #accessory use#.

An #accessory use# includes, but is not limited to:

- (1) Living or sleeping accommodations for servants in connection with a #use# listed in Use Groups 1 and 2;
- (2) Living or sleeping accommodations for caretakers in connection with any #use# listed in Use Groups 3 through 18 inclusive, provided that:
  - (i) no #building# contains more than one living or sleeping accommodation for caretakers;
  - (ii) no such living or sleeping accommodation shall exceed 1,200 square feet of #floor area#;
  - (iii) the owner shall sign a Restrictive Declaration that any such caretaker will provide maintenance and/or repair services, and containing a list of services to be performed by such caretaker. Such Restrictive Declaration shall be recorded in the Office of the City Register, or, where applicable, the County Clerk's Office, of the county where the #building# is located. A copy of such declaration shall be provided to the Department of Buildings;
  - (iv) in C6-2M, C6-4M, M1-5M, M1-6M and M1-5B Districts, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#; and
  - (v) such living or sleeping accommodation shall not be considered a #residential use# or cause a #building# to be considered a #mixed building#.
- (3) Living or sleeping accommodations in connection with #commercial# or #manufacturing uses#, including living or sleeping accommodations in connection with a studio listed in Use Group 9, provided that:
  - (i) no #building# contains more than two kitchens; and
  - (ii) no such living or sleeping accommodations are located in a C7, C8 or #Manufacturing District#.
- (4) Keeping of domestic animals, but not for sale or hire. A #commercial# stable or kennel is not an #accessory use#.
- (5) Swimming pools not located within a #building# listed in Use Group 1 or 2, provided that:
  - (i) the #use# of such pools shall be restricted to occupants of the principal #use# and guests for whom no admission or membership fees are charged;
  - (ii) if #accessory# to a #use# listed in Use Group 2, except if such #use# is a #single-family# or #two-family residence#, the edge of the pool shall be located not less than 100 feet from any #lot line#;
  - (iii) if #accessory# to a #use# listed in Use Group 1 or Use Group 2, which #use# is a #single-family residence# or #two-family residence#, the edge of the pool shall be located not less than five feet from any #lot line#, except that such minimum distance between the edge of the pool and any #side lot line# may be not less than three feet in the case of lots less than 25 feet in width, providing that it is screened from adjoining lots by a six foot high continuous solid opaque fence along the #side lot line# adjacent to such pool. In the event that such pool is located between 50 and five feet from any #rear lot line# or #side lot line#, it shall be screened by a continuous fence supplemented with a strip of densely planted trees or shrubs at least four feet high at the time of planting along such #rear lot line# to such pool; and
  - (iv) illumination of such pools shall be limited to underwater lighting.Swimming pool clubs are not #accessory uses#.
- (6) Domestic or agricultural storage in a barn, shed, tool room, or similar #building or other structure#.
- (7) #Home occupations#.
- (8) A newsstand primarily for the convenience of the occupants of a #building#, which is located wholly within such #building# and has no exterior #signs# or displays.

- (9) Incinerators.
- (10) In connection with *commercial* or *manufacturing uses*, the storage of goods normally carried in stock, used in, or produced by such *uses*, unless the storage is expressly prohibited under the applicable district regulation. The *floor area* used for such *accessory* storage shall be included in the maximum *floor area* permitted for specified *uses* set forth in the Use Groups.
- (11) Incidental repairs, unless expressly prohibited under the applicable district regulations. The *floor area* used for such *accessory* repairs shall be included in the maximum *floor area* permitted for specified *uses* set forth in the Use Groups.
- (12) The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a *building* or other structure on the same *zoning lot*, or in connection with the regrading of a *zoning lot*, but in the latter case, not below the legal *street* grade.
- (13) *Accessory* off-street parking spaces.
- (14) *Accessory* off-street loading berths.
- (15) *Accessory* signs.
- (16) *Accessory* radio or television towers.
- (17) *Accessory* activities when conducted underground as part of the operation of railroad passenger terminals, such as switching, storage, maintenance or servicing of trains.
- (18) *Accessory* sewage disposal plants, except such plants serving more than 50 *dwelling units*.
- (19) An ambulance outpost operated by or under contract with a government agency or a public benefit corporation and located either on the same *zoning lot* as, or on a *zoning lot* adjacent to, a *zoning lot* occupied by a fire or police station.
- (20) Composting, without prohibition on the sale of compost to customers, or on the acceptance of organic material produced on another zoning lot.
- (21) *Accessory* mechanical equipment, including equipment serving the following *building* systems:
- (i) mechanical, electrical, or plumbing systems;
  - (ii) fire protection systems;
  - (iii) power systems, including, energy generation systems such as solar or wind energy systems and generators; and
  - (iv) energy storage systems, where the amount of energy being stored shall not exceed 24 hours of the electrical load generated at peak demand by the principal *use* on the *zoning lot*. Where a *zoning lot* contains multiple *uses*, such calculation may be applied to the total demand of all the *uses* such power system is *accessory* to.

*Accessory* mechanical equipment shall be subject to the provisions of Sections 26-60 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS), or 37-20, as applicable.

### accessory use, or accessory

Applicable from 117-50 to 117-57

FROM 117-503:

accessory use

In addition to those *accessory uses* listed in Section 12-10, for the purposes of this Section, an *accessory use* shall also include a *dwelling unit* in connection with any *commercial, manufacturing or community facility* establishment permitted in the Queens Plaza Subdistrict of the *Special Long Island City Mixed Use District*, pursuant to Section 117-51 (Queens Plaza Subdistrict Special Use Regulations), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

### accessory use, or accessory

Applicable to Article XII - Chapter 3

FROM 123-11:

accessory use

In addition to those "accessory uses" listed in Section 12-10 (DEFINITIONS), for the purposes of this Chapter, an *accessory use* shall also include a *dwelling unit* in connection with any *commercial, manufacturing or community facility* establishment permitted in *Special Mixed Use Districts*, pursuant to Section 123-20 (SPECIAL USE REGULATIONS), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

### adjacent lot

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676  
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, an "adjacent lot" is:

- (a) a *zoning lot* that is contiguous to the lot occupied by the designated *landmark building* or other structure or one that is across a *street* and opposite the lot occupied by such designated *landmark building* or other structure, or, in the case of a *corner lot*, one that fronts on the same *street* intersection as the lot occupied by such *landmark building* or other structure; and
- (b) in C5-3 or C6-6 Districts, a *zoning lot* that is contiguous to, or across a *street* and opposite another lot or series of lots that, except for the intervention of *streets* or *street* intersections, extend to the lot occupied by such designated *landmark building* or other structure. All such lots shall be in the same ownership (fee ownership or ownership as defined under *zoning lot* in Section 12-10 (DEFINITIONS)).

### adult establishment

General Definition

Last Amended 2/2/2011

- (1) Adult Establishment: An "adult establishment" is a *commercial* establishment which is or includes an adult book store, adult eating or drinking establishment, adult theater, or other adult

#commercial# establishment, or any combination thereof, as defined below:

- (a) An adult book store is a book store that offers "printed or visual material" for sale or rent to customers where a "substantial portion" of its stock-in-trade of "printed or visual material" consists of "adult printed or visual material," defined as "printed or visual material" characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas";
- (b) An adult eating or drinking establishment is an eating or drinking establishment which regularly features in any portion of such establishment any one or more of the following:
  - (1) live performances which are characterized by an emphasis on "specified anatomical areas" or "specified sexual activities"; or
  - (2) films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
  - (3) employees who, as part of their employment, regularly expose to patrons "specified anatomical areas"; andwhich is not customarily open to the general public during such features because it excludes or restricts minors.
- (c) An adult theater is a #commercial# establishment which regularly features one or more of the following:
  - (1) films, motion pictures, videocassettes, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
  - (2) live performances characterized by an emphasis on "specified anatomical areas" or "specified sexual activities"; andwhich is not customarily open to the general public during such features because it excludes or restricts minors.

An adult theater shall include #commercial# establishments where such materials or performances are viewed from one or more individual enclosures.
- (d) An other adult #commercial# establishment is a facility -- other than an adult book store, adult eating or drinking establishment, adult theater, #commercial# studio, or business or trade school -- which features employees who as part of their employment, regularly expose to patrons "specified anatomical areas" and which is not customarily open to the general public during such features because it excludes or restricts minors.

(2) Defined Terms:

- (a) For purposes of paragraph (1)(a), "printed or visual materials" are books, magazines, or other printed matter, including product packaging or wrapping, or photographs, films, motion pictures, video cassettes, slides or other visual matter;
- (b) For purposes of paragraph (1)(a), (b) and (c), "specified sexual activities" are: (i) human genitals in a state of sexual stimulation or arousal; (ii) actual or simulated acts of human masturbation, sexual intercourse or sodomy; or (iii) fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast.
- (c) For purposes of paragraph (1)(a), (b), (c) and (d), "specified anatomical areas" are: (i) less than completely and opaquely concealed: (aa) human genitals, pubic region, (bb) human buttock, anus, or (cc) female breast below a point immediately above the top of the areola; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely concealed.
- (d) For the purpose of determining under paragraph (1)(a) whether a "substantial portion" of a book store's stock-in-trade of "printed or visual" material consists of "adult printed or visual material", the following factors shall be considered: (i) the amount of stock of "adult printed or visual material" accessible to customers as compared to the total stock of "printed or visual material" accessible to customers in the establishment; and (ii) the amount of #floor area# and #cellar# space accessible to customers containing stock of "adult printed or visual material"; and (iii) the amount of #floor area# and #cellar# space accessible to customers containing stock of "adult printed or visual material" as compared to the amount of #floor area# and #cellar# space accessible to customers containing "printed or visual material" which is not "adult printed or visual material," provided that "printed or visual material" which is not "adult printed or visual material" (hereinafter for purposes of this paragraph "other printed or visual material") shall not be considered stock-in-trade for purposes of this paragraph where such store has one or more of the following features:
  - (aa) An interior configuration and layout which requires customers to pass through an area of the store with "adult printed or visual material" in order to access an area of the store with "other printed or visual material;"
  - (bb) One or more individual enclosures where adult movies or live performances are available for viewing by customers;
  - (cc) A method of operation which requires customer transactions with respect to "other printed or visual material" to be made in an area of the store which includes "adult printed or visual material;"
  - (dd) A method of operation under which "other printed or visual material" is offered for sale only and "adult printed or visual material" is offered for sale or rental;
  - (ee) A greater number of different titles of "adult printed or visual material" than the number of different titles of "other printed or visual material";
  - (ff) A method of operation which excludes or restricts minors from the store as a whole or from any section of the store with "other printed or visual material;"
  - (gg) A sign that advertises the availability of "adult printed or visual material" which is disproportionate in size relative to a sign that advertises the availability of "other printed or visual material," when compared with the proportions of "adult" and other "printed or visual materials" offered for sale or rent in the store, or the proportions of #floor area# or #cellar# space accessible to customers containing stock of "adult" and "other printed or visual materials";
  - (hh) A window display in which the number of products or area of display of "adult printed or visual material" is disproportionate in size relative to the number of products or area of display of "other printed or visual material," when compared with the proportions of adult and "other printed or visual materials" offered for sale or rent in the store, or the proportions of #floor area# or #cellar# space accessible to customers containing stock of "adult" and "other printed or visual materials";
  - (ii) Other features relating to configuration and layout or method of operation, as set forth in rules adopted by the Commissioner of Buildings, which the Commissioner has determined render the sale or rental of "adult printed or visual material" a substantial purpose of the business conducted in such store. Such rules shall provide for the scheduled implementation of the terms thereof to #commercial# establishments in existence as of October 31, 2001, as necessary.
- (e) For the purposes of paragraph (1)(b), an "eating or drinking establishment" includes:
  - (i) any portion of a #commercial# establishment within which food or beverages are offered for purchase, or are available to or are consumed by customers or patrons; and
  - (ii) any portion of a #commercial# establishment from which a portion of a #commercial# establishment, described in paragraph (e)(i) of this Section, is accessible by customers or patrons.

## advertising sign

### General Definition

see #sign, advertising#

## affordable floor area

General Definition

FROM 23-911:

- (a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site# or #MIH site#, other than any #super's unit#, are #affordable housing units#, all of the #residential floor area#, or #community facility floor area# for a #supportive housing project#, in such #generating site# or #MIH site# is "affordable floor area."
- (b) Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #generating site# is the sum of:
- (1) all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# ; plus
  - (2) a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #generating site# by a fraction, the numerator of which is all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super's unit#, that are not #affordable housing units#.
- (c) Where one or more of the #dwelling units# or #rooming units# in an #MIH site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such #MIH site# is the sum of:
- (1) all of the #residential floor area# of the #affordable housing units# in such #MIH site# ; plus
  - (2) a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #MIH site# by a fraction, the numerator of which is all of the #residential floor area# of the #affordable housing units# in such #MIH site# and the denominator of which is the sum of the #residential floor area# of the #affordable housing units# in such #MIH site# plus the #residential floor area# of the #dwelling units# or #rooming units# in such #MIH site#, other than any #super's unit#, that are not #affordable housing units#.

## affordable independent residence for seniors

General Definition

Last Amended 3/22/2016

An "affordable independent residence for seniors" is a #building# or portion thereof, containing #residences#, in which at least 90 percent of the #dwelling units# allocated to #affordable independent residences for seniors# are each occupied by at least one person who is 62 years of age or over; where, except for a #super's unit#, all of the #dwelling units# allocated to #affordable independent residences for seniors# are #income-restricted housing units# for households with incomes at or below 80 percent of the #income index# and used for class A occupancy as defined in the New York State Multiple Dwelling Law. For the purposes of this definition, "super's unit" and "income index" shall be as defined in Section 23-911 (General definitions).

An #affordable independent residence for seniors# may consist of one or more #buildings# on the same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#, and shall contain related #accessory# social and welfare facilities primarily for residents, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities, which may also be made available to the community. Floor space in an amount not less than four percent of the total #floor area# of such #affordable independent residence for seniors# shall be allocated to such #accessory# facilities. Such floor space may occupy #floor area# or #cellar# space, and may include indoor recreation space provided in accordance with Section 28-21 (Required Recreation Space) for #Quality Housing buildings#. In no event shall the floor space occupied by lobbies, passageways, storage space or other spaces normally provided in #residential buildings# be attributed to the #floor area# of the #accessory# social and welfare facilities.

An #affordable independent residence for seniors# shall also include a #building# used, #enlarged# or #developed# prior to March 22, 2016, as a "non-profit residence for the elderly".

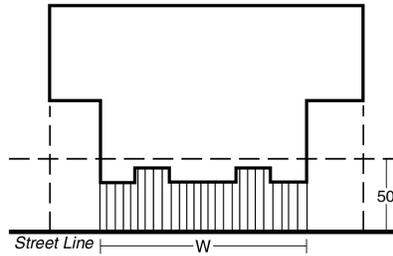
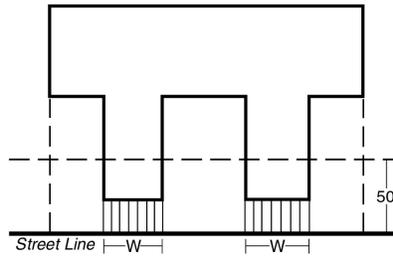
Any temporary or final certificate of occupancy issued after March 22, 2016, for a #building# or portion thereof to be used as an #affordable independent residence for seniors# shall state that such #building# or portion thereof shall be used as an #affordable independent residence for seniors#, notwithstanding the fact that a legally binding restriction on household income for #income-restricted housing units# may have expired and shall state that such certificate of occupancy may be amended or superseded to reflect that the #building# or portion thereof may be used other than as an #affordable independent residence for seniors# only in accordance with the provisions of this Zoning Resolution.

## aggregate width of street walls

General Definition

Last Amended 2/2/2011

The "aggregate width of street walls" at any given level is the sum of the maximum widths of all #street walls# of a #building# that are within 50 feet of a #street line#. The width of a #street wall# is the length of the #street line# from which, when viewed directly from above, lines perpendicular to the #street line# may be drawn to such #street wall#.



W - The aggregate width of street walls

## AGGREGATE WIDTH OF STREET WALLS

### airport reference point (or points)

Applicable to Article VI - Chapter 1

The "airport reference point" (or "points") is a point (or points) within the boundaries of each major airport, as indicated on the flight obstruction area maps for each such major airport. The point or points applicable to each major airport are set forth in Section 61-41 (Airport Reference Point, Established Elevation and Specified Radii).

### airport referenced imaginary surfaces

Applicable to Article VI - Chapter 1

FROM 61-30: "Airport referenced imaginary surfaces" include the horizontal surface, the conical surface, the approach surfaces and the transitional surfaces.

### alterations, incidental or to alter incidentally

General Definition

Last Amended 12/15/1961

"Incidental alterations" are:

- (a) Changes or replacements in the non-structural parts of a building or other structure, without limitation to the following examples:
  - (1) alteration of interior partitions to improve livability in a non-conforming residential building, provided that no additional dwelling units are created thereby;
  - (2) a minor addition on the exterior of a residential building, such as an open porch;
  - (3) alteration of interior non-load-bearing partitions in all other types of buildings or other structures;
  - (4) replacement of, or minor changes in, the capacity of utility pipes, ducts or conduits; or
- (b) Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
  - (1) making windows or doors in exterior walls;
  - (2) replacement of building facades;
  - (3) strengthening the load-bearing capacity, in not more than 10 percent of the total floor area, to permit the accommodation of a specialized unit of machinery or equipment. To "alter incidentally" is to make an incidental alteration.

### apartment hotel

General Definition

see hotel, apartment

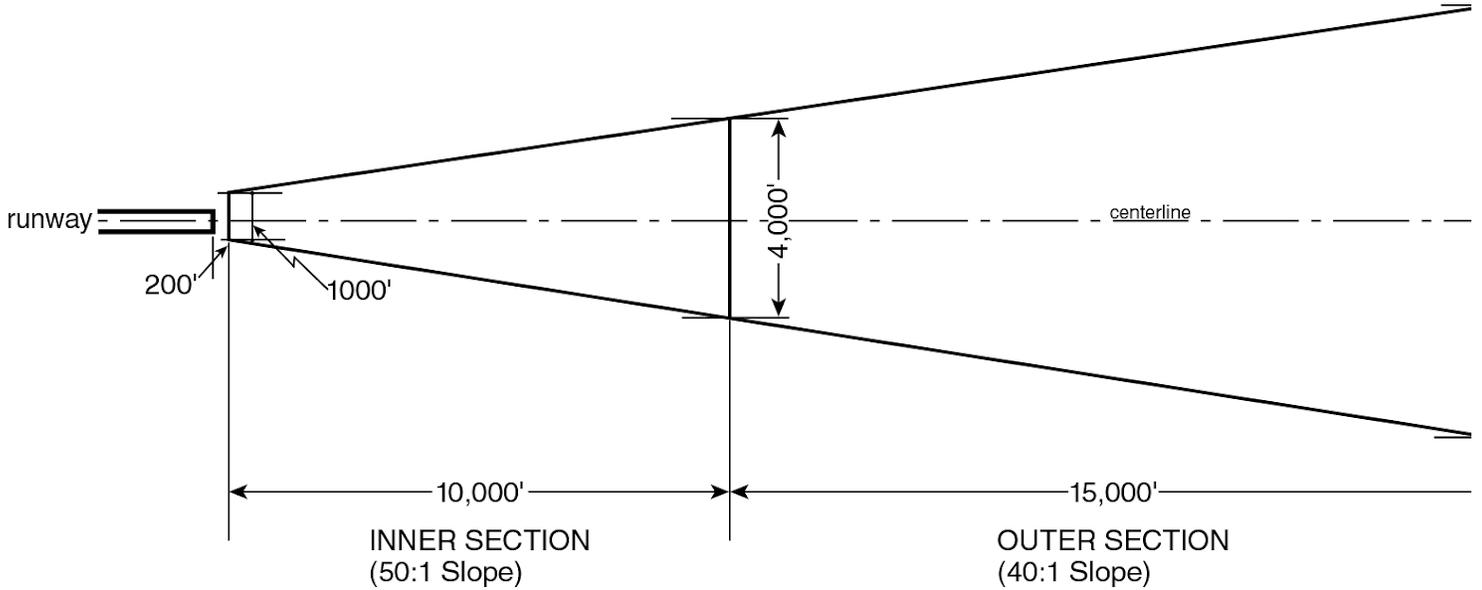
### approach surfaces

Applicable to Article VI - Chapter 1

The "approach surfaces" are imaginary inclined planes, trapezoidal in shape and located symmetrically with respect to the extended center line of any runway. Such approach surfaces, extending from both ends of any runway, consist of contiguous inner and outer sections whose dimensions are as follows:

- (a) The plane of the inner section:
  - (1) begins at a line drawn parallel to, and at the same elevation as, the end of the runway, and at a distance, measured horizontally along the extended runway centerline, of 200 feet from the end of the runway;

- (2) extends for a distance of 10,000 feet, measured horizontally along the extended runway centerline;
  - (3) has a width of 1,000 feet measured along the line described in paragraph (a)(1) of this Section, which increases uniformly (with respect to the extended runway centerline) to a width of 4,000 feet at the outer edge of such inner section, as described in paragraph (a)(2) of this Section; and
  - (4) rises at a slope of one foot in height for every 50 feet of horizontal distance.
- (b) The plane of the outer section:
- (1) begins at the outer edge of the inner section;
  - (2) extends for a distance of 15,000 feet, measured horizontally along the extended runway centerline;
  - (3) has a width of 4,000 feet commencing at the outer edge of the inner section, which increases uniformly (with respect to the extended runway centerline) to a width of 8,500 feet at the outer edge of such outer section; and
  - (4) rises at a slope of one foot in height for every 40 feet of horizontal distance.



DESCRIPTION OF APPROACH SURFACE

**arcade**

General Definition  
 Last Amended 2/2/2011

An "arcade" is a continuous covered space fronting on and open to a #street# or #publicly accessible open area#, provided in accordance with the provisions set forth in Section [37-80](#).

**area of no disturbance**

Applicable to Article X - Chapter 5

FROM [105-01](#):

area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

**area of no disturbance**

Applicable to Article XI - Chapter 9

FROM [119-01](#):

area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

**area of no disturbance**

Applicable to Article X - Chapter 7  
 Last Amended 11/2/2023

FROM [107-01](#):

area of no disturbance

An “area of no disturbance” is an area designated on a site plan or #area plan# to be protected from #site alteration#, except for new native planting. An #area of no disturbance# shall contain natural features including trees of six-inch caliper or more, #designated open space#, and aquatic features.

#Plan review sites# may include safeguards such as an #area of no disturbance# to define areas where #site alterations# shall not be proposed.

### **area of no land alteration**

Applicable to Article X - Chapter 7  
Last Amended 11/2/2023

From Section 107-01:

An “area of no land alteration” is an area adjacent to a wetland or other body of water regulated by the New York State Department of Environmental Conservation (NYSDEC) where a permit indicates #development# restrictions may occur such as those pursuant to permits or deed restrictions issued by NYSDEC.

### **area plan**

Applicable to Article X - Chapter 7  
Last Amended 11/2/2023

FROM [107-01](#):

area plan

An “area plan” is a proposed layout for a #zoning lot# subdivision with traffic circulation, including curb cuts on #arterials#; access easements; #areas of no disturbance#; #areas of no land alteration#; areas of #designated open space#; #building# envelopes; required #building# setbacks within proposed #zoning lots# in #Residence Districts#; and any other information prescribed by the City Planning Commission.

### **arterial**

Applicable to Article X - Chapter 7  
Last Amended 11/2/2023

FROM [107-01](#):

arterial

An “arterial” is a #street# listed in Section [107-24](#) (Special Regulations for Arterials or Railroad rights of Way) whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply.

### **artist**

General Definition  
Last Amended 4/27/1976

An “artist” is a person so certified by the New York City Department of Cultural Affairs.

### **at or below-grade mass transit station**

Applicable to Article VI - Chapter 6  
Last Amended 10/7/2021

FROM [66-11](#): For the purposes of this Chapter, an “at- or below-grade mass transit station” shall refer to a *mass transit station* that is not an *above-grade mass transit stations*.

### **attached (building)**

General Definition  
Last Amended 2/2/2011

A #building# shall be considered “attached” when it #abuts# two #lot lines# other than a #street line#, or another #building# or #buildings# other than a #semi-detached building#.

### **automated parking facility**

General Definition  
Last Amended 12/6/2023

An “automated parking facility” shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an #automated parking facility#.

### **automotive service station**

General Definition  
Last Amended 12/6/2023

An “automotive service station” is a #building or other structure# or an open #use# on a #zoning lot#, or portion thereof, used exclusively for the storage and sale of fuels for motor vehicles, and for any #uses accessory# thereto.

The sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles with hand tools only, or the occasional washing of motor vehicles, or electric vehicle charging, are permitted #accessory uses#.

A #public parking lot# or #public parking garage# is not a permitted #accessory use#.

### **average percent of slope**

Applicable to Article X - Chapter 5

FROM 105-01:

average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

|   |   |    |   |     |
|---|---|----|---|-----|
| S | = | IL | x | 100 |
|   |   | A  |   |     |

Where: S - #average percent of slope#

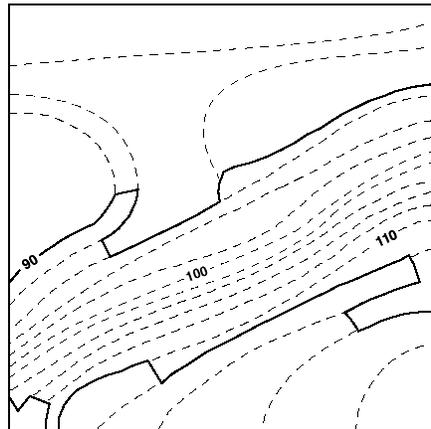
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#

100 - factor which yields slope as a percentage

**CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (illustrative example)**



Example:

|   |   |                          |   |      |   |          |
|---|---|--------------------------|---|------|---|----------|
| X | = | Contour interval in feet | = | 2    | = | 8.0 feet |
|   |   | 0.25                     |   | 0.25 |   |          |

Where: X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, as shown in the map in this Section. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch.

Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

**average percent of slope**

Applicable to Article XI - Chapter 9

FROM 119-01:

average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

|   |   |    |   |     |
|---|---|----|---|-----|
| S | = | IL | x | 100 |
|   |   | A  |   |     |

Where: S - #average percent of slope#

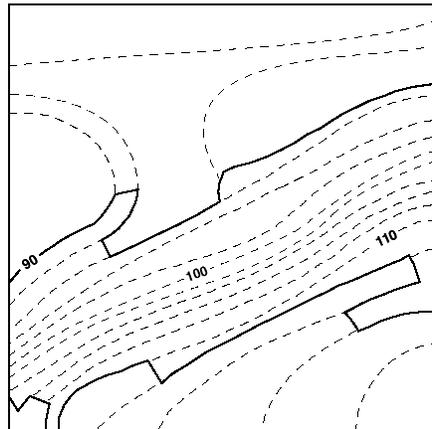
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#

100 - factor which yields slope as a percentage

**CALCULATING AREAS HAVING A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT (illustrative example)**



Example:

|   |   |                          |   |      |   |          |
|---|---|--------------------------|---|------|---|----------|
| X | = | Contour interval in feet | = | 2    | = | 8.0 feet |
|   |   | 0.25                     |   | 0.25 |   |          |

Where: X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, as shown in the map in this Section. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch.

Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

**Barge Basin**

Applicable to Article XIV - Chapter 4  
Last Amended 12/15/2021

From Section [144-01](#):

#Barge Basin# shall mean that inlet from the East River identified on Map 2 in the Appendix to this Chapter as the Barge Basin.

**base plane**

General Definition  
Last Amended 5/12/2021

The "base plane" is a plane from which the height of a #building or other structure# is measured as specified in certain Sections. For #buildings#, portions of #buildings# with #street walls# at least 15 feet in

width, or #building segments# within 100 feet of a #street line#, the level of the #base plane# is any level between #curb level# and #street wall line level#. Beyond 100 feet of a #street line#, the level of the #base plane# is the average elevation of the final grade adjoining the #building# or #building segment#, determined in the manner prescribed by the New York City Building Code for adjoining grade elevation. For the purposes of this definition, #abutting buildings# on a single #zoning lot# may be considered a single #building#. In addition, the following regulations shall apply:

- (a) Within 100 feet of a #street line#:
  - (1) The level of the #base plane# for a #building# or #building segment# without a #street wall# shall be determined by the average elevation of the final grade adjoining such #building# or #building segment#.
  - (2) Where a #base plane# other than #curb level# is established, the average elevation of the final grade adjoining the #street wall# of the #building# or #building segment#, excluding the entrance to a garage within the #street wall#, shall not be lower than the level of the #base plane#.
  - (3) Where the average elevation of the final grade adjoining the #street wall# of the #building#, excluding the entrance to a garage within the #street wall#, is more than two feet below #curb level#, the level of the #base plane# shall be the elevation of such final grade. This paragraph shall not apply to #buildings developed# before June 30, 1989, in R2X, R3, R4 or R5 Districts. Furthermore, this paragraph shall not apply to #buildings# in C1 or C2 Districts mapped within R2X, R3, R4 or R5 Districts, or in C3 or C4-1 Districts, unless such #buildings# are located on #waterfront blocks#.
  - (4) As an option, on sites which slope from the #street wall line level# to the #rear wall line level# by at least five percent to the horizontal, the level of the #base plane# may extend in a sloping plane from such #street wall line level# to such #rear wall line level#. When a sloping #base plane# is thus established, the average elevation of the final grade at the #rear wall line# shall not be lower than the #rear wall line level#.
- (b) For all #buildings#, where #base planes# of different elevations apply to different portions of a #building#, only that portion of the #building# to which such #base plane# applies may be used to determine such #base plane#.
- (c) For #buildings# located partially within and partially beyond 100 feet of a #street line#, or where #corner lot# or #through lot# regulations subject different portions of a #building# to #base planes# of different elevations, separate #base planes# may be determined for each such portion of the #building# or, as an option, the elevation of each such #base plane# may be multiplied by the percentage of the total #lot coverage# of the #building# to which such #base plane# applies. The sum of the products thus obtained may be the elevation of the adjusted #base plane# applicable to such #building#.

## basement

General Definition

Last Amended 10/25/1993

A "basement", except where a #base plane# is used to determine #building# height, is a #story# (or portion of a #story#) partly below #curb level#, with at least one-half of its height (measured from floor to ceiling) above #curb level#. On #through lots#, the #curb level# nearest to a #story# (or portion of a #story#) shall be used to determine whether such #story# (or portion of a #story#) is a #basement#.

Where a #base plane# is used to determine #building# height, a #basement# is a #story# (or portion of a #story#) partly below the #base plane#, with at least one-half its height (measured from floor to ceiling) above the #base plane#.

In addition, the following rules shall apply:

- (a) When a sloping #base plane# is established, a #basement# is a #story# (or portion of a #story#) partly below the #street wall line level#, with at least one-half its height (measured from floor to ceiling) above the #street wall line level# used to establish such #base plane#. On #through lots#, the #street wall line level# nearest to a #story# shall be used to determine whether such #story# or portion of a #story# is a #basement#.
- (b) All of the floor space with at least one-half its height (measured from floor to ceiling) above #curb level# shall be considered to be a #basement# where, subsequent to December 5, 1990, the level of any #yard# except that portion of a #yard# in front of the entrance to a garage on a #zoning lot# is lowered below the level of the #base plane#.

## block

General Definition

Last Amended 12/15/1961

A "block" is a tract of land bounded by:

- (a) #streets#;
- (b) #public parks#;
- (c) railroad rights-of-way, when located at or above ground level but not including sidings or spurs in the same ownership as the #zoning lot#;
- (d) airport boundaries;
- (e) pierhead lines (or shore lines where no pierhead lines have been established); or
- (f) corporate boundary lines of New York City.

## boatel

General Definition

Last Amended 12/15/1961

A "boatel" is a #building# or group of #buildings# which:

- (a) contains living or sleeping accommodations used primarily for transient occupancy; and
- (b) is immediately accessible by boat.

## buildable area

Applicable to Article XI - Chapter 9

FROM [119-01](#):

buildable area

A "buildable area" is a portion of a #zoning lot# excluding #steep slopes#.

## building

General Definition

Last Amended 2/2/2011

A "building" is any structure which:

- (a) is located within the #lot lines# of a #zoning lot#;
- (b) is permanently affixed to the land;
- (c) has one or more floors and a roof;
- (d) is bounded by open area or #fire walls#;
- (e) has at least one #primary entrance#;
- (f) provides all the vertical circulation and exit systems required for such #building# by the New York City Building Code without reliance on other #buildings#, including required stairs and elevators; and
- (g) contains all the fire protection systems required for such #building# by the New York City Building Code without reliance on other #buildings#, including fire suppression or fire alarm systems.

The provisions of this Resolution that use the term #building# shall apply to any structure existing prior to February 2, 2011, that complies with paragraphs (a) through (e) of this definition.

A #building# shall not include such structures as billboards, fences, or radio towers, or structures with interior surfaces not normally accessible for human use, such as gas tanks, smoke stacks or similar structures.

A #building# may, for example, consist of a #detached single-family residence#, an #attached# townhouse on an individual #zoning lot#, an #attached# townhouse separated by #fire walls# from #abutting# townhouses on a shared #zoning lot#, a group of townhouses not separated by #fire walls# or #lot lines#, an apartment house, an office #building# or a factory.

## building designed for residential use

General Definition

see #designed for residential use#

## building or other structure

General Definition

Last Amended 12/15/1961

A "building or other structure" includes any #building# or any other structure of any kind.

## building segment

General Definition

Last Amended 12/5/1990

A "building segment" is a portion of a #building# where such #building# consists of two or more contiguous portions, each comprised of one or more #dwelling units# having a separate #residential# entrance or entrances serving only those #dwelling units# within such portion. #Building segments# may share a common #cellar# or parking facility. However, a #building segment# may not be located above another #building segment#.

## bulk

General Definition

Last Amended 2/2/2011

"Bulk" is the term used to describe the size of #buildings or other structures#, and their relationships to each other and to open areas and #lot lines#, and therefore includes:

- (a) the size (including height and #floor area#) of #buildings or other structures#;
- (b) the area of the #zoning lot# upon which a #building# is located, and the number of #dwelling units# or #rooming units# within a #building# in relation to the area of the #zoning lot#;
- (c) the shape of #buildings or other structures#;
- (d) the location of exterior walls of #buildings or other structures# in relation to #lot lines#, to other walls of the same #building#, to #legally required windows#, or to other #buildings or other structures#; and
- (e) all open areas relating to #buildings or other structures# and their relationship thereto.

## caliper (of a tree)

Applicable to Article X - Chapter 5

FROM [105-01](#):

caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

## caliper (of a tree)

Applicable to Article XI - Chapter 9

FROM [119-01](#):

caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

### caliper (of a tree)

Applicable to Article X - Chapter 7

Last Amended 11/2/2023

FROM [107-01](#):

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

### car sharing vehicle

General Definition

Last Amended 9/29/2010

A "car sharing vehicle" is a vehicle maintained and owned or leased by a car sharing organization which is available for use by its members. Membership shall mean that individuals have been pre-approved to use such vehicles and need not be approved by the car sharing organization at the time of proposed use. Membership must be open to the public and shall only be denied based upon driving record, credit record or other legitimate business need of the car sharing organization. Vehicles must be made available to members for periods of use as short as one hour. The car sharing organization must provide all legally required insurance as part of the membership.

Vehicles shall be reserved by members through a self-service reservation system which is available at all times. A #car sharing vehicle# shall be located in a parking facility that is accessible to members of the car sharing organization at all times. No employees or agents of the car sharing organization shall provide services to members or conduct business transactions with members within such parking facility. Attended parking facilities may be serviced by a parking attendant unaffiliated with any car sharing organization. A parking facility containing #car sharing vehicles# shall be securely separated from all other portions of a #building# containing #residences#.

A #car sharing vehicle# shall be no more than 216 inches in length and shall bear a decal that provides the name of the car sharing organization. The decal must be clearly visible from the outside of the #car sharing vehicle# and must be either:

- (a) located on the driver's side door or passenger's side door of the #car sharing vehicle# and at least 30 square inches in area; or
- (b) located in the lower left corner of the rear windshield of the #car sharing vehicle#.

The decal shall be at least one square inch in area and contain the letters "CSV" in lettering at least 11/32 of an inch in height and the name of the car sharing organization in lettering at least 5/32 of an inch in height. All lettering shall be fully opaque and shall highly contrast with the background color of the decal.

All #car sharing vehicles# shall bear a decal pursuant to the provisions of paragraph (a) or (b) of this Section within 60 days of September 29, 2010.

### cellar

General Definition

Last Amended 10/25/1993

A "cellar," except where a #base plane# is used to determine #building# height, is a space wholly or partly below #curb level#, with more than one-half its height (measured from floor to ceiling) below #curb level#. On #through lots#, the #curb level# nearest to such space shall be used to determine whether such space is a #cellar#.

Where a #base plane# is used to determine #building# height, a #cellar# is a space wholly or partly below the #base plane#, with more than one-half its height (measured from floor to ceiling) below the #base plane#.

In addition, the following rules shall apply:

- (a) When a sloping #base plane# is established, a #cellar# is a space wholly or partly below the #street wall line level#, with more than one-half its height (measured from floor to ceiling) below the #street wall line level# used to establish such #base plane#. On #through lots#, the #street wall line level# nearest to such space shall be used to determine whether such space is a #cellar#.
- (b) All of the floor space with at least one-half its height (measured from floor to ceiling) above #curb level# shall be considered to be a #basement# where, subsequent to December 5, 1990, the level of any #yard# except that portion of a #yard# in front of the entrance to a garage on a #zoning lot# is lowered below the level of the #base plane#.

### center line of the street (bounding a #zoning lot#)

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277

Last Amended 8/9/2017

A line equidistant from and parallel or nearly parallel to the #street lines# on both sides of the #street#. However, for the purposes of daylight evaluation:

- (a) on a #street# 75 feet in width, the #center line of the street# shall be considered to be a line 40 feet from, and parallel to, the #front lot line# of the #zoning lot#; and
- (b) on a #street# more than 100 feet in width, the #center line of the street# shall be considered to be a line 50 feet from, and parallel to, the #front lot line# of the #zoning lot#.

### Central Business Districts

Applicable to Article VI - Chapter 6

Last Amended 10/7/2021

For the purposes of this Chapter, "Central Business Districts" shall refer to *Special Midtown District*, *Special Hudson Yards District*, *Special Lower Manhattan District*, *Special Downtown Brooklyn District*, *Special Long Island City Mixed Use District* or *Special Garment Center District*.

### clear path

Applicable to Article VI - Chapter 6

Last Amended 10/7/2021

FROM [66-11](#): For the purposes of this Chapter, a “clear path” shall refer to an unobstructed area between the *street line* and *street wall* that:

- (a) directly *abuts* an adjoining public sidewalk; and
- (b) extends along the *street line* for a distance equal to the width of an existing or planned access point to a *mass transit station* facing such *transit-adjacent site*, plus, in the aggregate, a maximum of 30 feet from the outermost extents of such width.

All *clear paths* shall be accessible to the public at all times.

## commercial

General Definition  
Last Amended 2/2/2011

A “commercial” #use# is any #use# listed in Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16.

## commercial building

General Definition  
Last Amended 12/15/1961

A “commercial building” is a #building# used only for a #commercial use#.

## commercial district

General Definition  
Last Amended 2/2/2011

A “Commercial District” includes any district whose designation begins with the letter “C.”

For example, a “C4 District” includes any district whose designation begins with the symbol “C4.”

## commercial street

Applicable to Article XII - Chapter 8

FROM [128-01](#):

commercial street

A “commercial street” shall be a #street#, or portion thereof, where special regulations pertaining to ground floor #uses# on #commercial streets#, pursuant to Section [128-11](#), apply to #zoning lots# fronting upon such #streets#. #Commercial streets# are designated on Map 2 in the Appendix to this Chapter.

## community facility

General Definition  
Last Amended 2/2/2011

A “community facility” #use# is any #use# listed in Use Group 3 or 4.

## community facility building

General Definition  
Last Amended 12/15/1961

A “community facility building” is a #building# used only for a #community facility use#.

## Compensating recess

Applicable to Article VIII - Chapter 1  
Last Amended 2/2/2011

A portion of a #zoning lot# which, at the #building# height selected for determining compliance with the provisions of Section [81-26](#) (Height and Setback Regulations--Daylight Compensation), lies in the #free zone# (Zone A on the #encroachment grid#), is not covered by any portion of a #building# and qualifies as compensating for #encroachments# beyond the #free zone# under the provisions of Section [81-264](#) (Encroachments and compensating recesses). (See illustration of #Compensating Recess# and #Encroachment#).

[COMPENSATING RECESS AND ENCROACHMENT image]

## completely enclosed (building)

General Definition  
Last Amended 6/19/1963

A “completely enclosed” #building# is a #building# separated on all sides from the adjacent open area, or from other #buildings or other structures#, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods or vehicles.

## conceptual plan

Applicable to Article XII - Chapter 7

FROM [127-04](#):

conceptual plan

A “conceptual plan” is a plan that sets forth the proposed final design, in compliance with the requirements of Section [127-421](#) (Requirements for publicly accessible private streets), for the remaining portions of the #publicly accessible private street# or #upland connection# certified pursuant to paragraph (b)(1)(i) of Section [127-422](#) (Certification for publicly accessible private streets), or paragraph (a)(1)

(i) of Section [127-542](#) (Supplemental provisions), respectively. The plan shall include the proposed location, dimensions and grading for such remaining portions on adjoining #zoning lots# and shall be considered by the Chairperson of the City Planning Commission in reviewing the proposed #final site plan# for such remaining portions, if and when they become the subject of a certification pursuant to paragraph (b)(2) of Section [127-422](#) or paragraph (a)(2) of Section [127-542](#).

## conical surface

Applicable to Article IV - Chapter 1

The "conical surface" is an imaginary inclined surface extending upward and outward from the periphery of the #horizontal surface#, which:

- (a) rises at a slope, measured in an imaginary vertical plane passing through the #airport reference point# (or #points#), of one foot for every 20 feet in horizontal distance; and
- (b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section [61-41](#) (Airport Reference Point, Established Elevation and Specified Radii).

## connector street

Applicable to Article XII - Chapter 4

FROM [124-02](#):

Connector street

A "connector street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#) (Standards for Streets and Blocks), inclusive.

## conversion, or to convert

General Definition  
Last Amended 2/2/2011

A "conversion" is a change of #use# between the following categories of #uses#: #residential#, #community facility#, #commercial# and #manufacturing#. Therefore, the change of #use# within one category is not a #conversion#. However, a #conversion# shall also include any alteration within the #residential# portion of an existing #building# that increases the number of #rooming units# in a #building#, or the number of #dwelling units# in a #building#.

To "convert" is to create a #conversion#.

## corner lot

General Definition

see #lot, corner#

## corner public plaza

Applicable to Article III - Chapter 7

A "corner public plaza" is a #public plaza# that is located on an intersection of two or more #streets#.

## cottage envelope building

Applicable to Article VI - Chapter 4

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<sup>(a)</sup># 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#.

## court

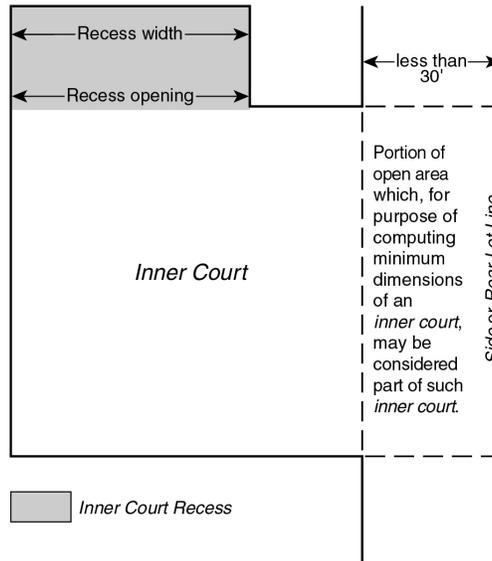
General Definition  
Last Amended 12/15/1961

A "court" is either an #inner court# or an #outer court#.

## court recess, inner

General Definition  
Last Amended 12/15/1961

An "inner court recess" is any portion of an #inner court# which can not be included within the single largest horizontal rectangle which may be inscribed within such #inner court#.

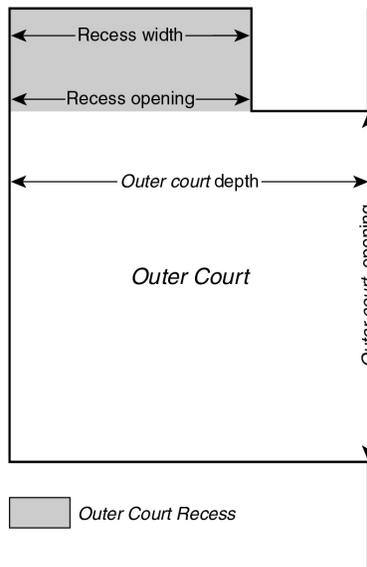


INNER COURT RECESS

**court recess, outer**

General Definition  
 Last Amended 12/15/1961

An "outer court recess" is any portion of an #outer court# which, when viewed directly from above, cannot be covered by imaginary lines drawn perpendicular to a line drawn across the #outer court# opening.



OUTER COURT RECESS

**court, depth of outer**

General Definition  
 Last Amended 12/15/1961

The "depth of outer court" is the maximum horizontal distance between the opening of an #outer court# and the wall opposite such opening, measured perpendicular to the direction of the #outer court# opening. The opening of an #outer court# shall be considered the shortest imaginary line which can be drawn between any intersection of a #court# wall with another wall, and the opposite #court# wall.

**court, inner**

General Definition  
 Last Amended 12/15/1961

An "inner court" is any open area, other than a #yard# or portion thereof, which is unobstructed from its lowest level to the sky and which is bounded by either:

- (a) #building# walls; or
- (b) #building# walls and one or more #lot lines# other than a #front lot line#; or
- (c) #building# walls, except for one opening on any open area along a #side lot line# or #rear lot line# which has a width of less than 30 feet at any point.

## court, outer

General Definition  
Last Amended 12/15/1961

An "outer court" is any open area, other than a #yard# or portion thereof, which is unobstructed from its lowest level to the sky and which, except for one opening upon:

- (a) a #front lot line#;
- (b) a #front yard#;
- (c) a #rear yard#; or
- (d) any open area along a #rear lot line#, or along a #side lot line# having a width or depth of at least 30 feet, and which open area extends along the entire length of such #rear# or #side lot line#; and

is bounded by either #building# walls, or #building# walls and one or more #lot lines# other than a #front lot line#.

## court, width of outer

General Definition  
Last Amended 12/15/1961

The "width of outer court" is the minimum horizontal dimension of an #outer court#, excluding an #outer court recess#, measured parallel to the opening of such #outer court#.

## Cove

Applicable to Article XI - Chapter 6

FROM [116-01](#):

Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the *Special Stapleton Waterfront District* as shown in the District Plan, Map 1, in Appendix A of this Chapter

## covered pedestrian space

General Definition  
Last Amended 6/12/1996

A "covered pedestrian space" is an enclosed space for public use on a #zoning lot#, permitted by a special permit of the City Planning Commission pursuant to Section [74-87](#), et seq.

## critical root zone

Applicable to Article X - Chapter 5

FROM [105-01](#):

critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

## critical root zone

Applicable to Article XI - Chapter 9

FROM [119-01](#):

critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

## curb level

General Definition  
Last Amended 10/25/1993

"Curb level" is the mean level of the curb adjoining a #zoning lot#. On #corner lots#, #curb level# is the average of the mean levels of the adjoining curbs on intersecting #streets#, except that, for the purpose of regulating and determining the level of #yards#, or other open areas on #corner lots#, the #curb level# is the highest of the mean levels of the curbs on the intersecting #streets#. Where #through lot# regulations are applicable to any portion of a #corner lot#, or for any #through lot#, the height and setback regulations based upon #curb level# shall apply separately on each #street# on which such #through lot# portion or #through lot# fronts. On a #through lot#, for purposes of establishing the level of a #rear yard equivalent#, except when adjoining and extending along the full length of the #street line#, the #curb level# shall be the mean of the levels of the curbs on those portions of the #streets# on which such #through lot# fronts. Where on a #through lot# such #rear yard equivalent# is adjoining and extending along the full length of the #street line#, the height of the #rear yard equivalent# shall be the #curb level# of the adjoining #street#. Where #through lot# regulations and #interior lot# regulations are applicable to portions of a #zoning lot#, for purposes of establishing the level of the #rear yard equivalent# or #rear yard#, #curb level# shall be the mean of the levels of the curbs on that portion of each #street# on which such portions of the #zoning lot# front.

For the purposes of determining a #base plane#, "curb level" is the mean level at that portion of the curb adjoining a #zoning lot# from which, when viewed directly from above, lines perpendicular to the curb may be drawn to a #street wall#. On #corner lots#, #curb level# is the average of the mean levels of such portions of the curbs on intersecting #streets#. On #through lots#, #curb level# is determined separately for each #street# frontage to a distance midway between such #streets#.

## Daylight Evaluation Chart (DEC)

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277

Last Amended 8/9/2017

A graphic tool which permits objective measurements of portions of sky blocked by a #building# when it is viewed from a #vantage point#. There are three #daylight evaluation charts# for use with #street# widths of 60 feet, 75 to 80 feet and 100 feet and over, respectively. All #buildings# are drawn on the appropriate #daylight evaluation chart# to evaluate their compliance with the regulations of Section [81-27](#) (Alternate Height and Setback Regulations—Daylight Evaluation). These three #daylight evaluation charts# are in Appendix B of this Chapter. A fourth chart in Appendix B is available for use with #qualifying sites# in the East Midtown Subdistrict, as defined in Section [81-613](#), with frontage along Park Avenue.

## depth of outer court

General Definition

see #court, depth of outer#

## designated commercial street

Applicable to Article XIII - Chapter 2

FROM Section [132-12](#):

designated commercial street

For the purposes of this Chapter, a “designated commercial street” shall be the portion of those *streets* specified in Section [132-11](#).

## designated open space

Applicable to Article X - Chapter 7

FROM [107-01](#):

designated open space

“Designated open space” is a portion of the #open space network# located on a #zoning lot# as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the #Special South Richmond Development District#.

## designated recovery area

General Definition

Last Amended 5/12/2021

A “designated recovery area” shall be an area which experienced physical or non-physical impacts from a #severe disaster#, in accordance with recovery plans, as applicable.

## designed for residential use, (building)

General Definition

Last Amended 1/8/1976

A #building# “designed for residential use” is a #building#, which was originally designed for #residential use# and in which at least 25 percent of the #floor area# is occupied for #residential use#.

## detached (building)

General Definition

Last Amended 12/15/1961

A “detached” #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot#.

## detached (building)

Applicable to Article XIII - Chapter 2

FROM [107-01](#):

detached

For the purposes of this Chapter a “detached” #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot# or is a #building abutting# a #street line# which is surrounded by #yards# or open area on the same #zoning lot# except where the #building abuts# the #street line#.

## development

Applicable to Article VIII - Chapter 2

Last Amended 2/2/2011

For purposes of this Chapter, a “development” includes both #development# and #enlargement#, as defined in Section [12-10](#) (DEFINITIONS).

## development, or to develop

General Definition

Last Amended 2/2/2011

A “development,” on a #zoning lot# or a portion thereof, includes:

- (a) the construction of a new #building# or other structure#;
- (b) the relocation of an existing #building# or other structure# to another #zoning lot#; or
- (c) the establishment of a new open #use#, other than an #accessory use#.

The alteration of a #building# or a portion thereof to the extent specified in Section [11-23](#) (Demolition and Replacement) shall be considered a #development# for the purposes of the provisions set forth

therein.

To "develop" is to create a #development#.

### **development, or to develop**

Applicable to Article VI - Chapter 2

FROM [62-11](#):

For the purposes of this Chapter, a "development" shall also include:

- (a) an #enlargement#;
- (b) any alteration that increases the height or coverage of an existing #building or other structure#;
- (c) an #extension#; or
- (d) a change of #use# from one Use Group to another, or from one #use# to another in the same Use Group, or from one #use# listed in Section [62-21](#) (Classification of Uses in the Waterfront Area) to another such #use#.

However, a #development# shall not include incidental modifications to a #zoning lot#, including but not limited to, the addition of deployable flood control measures and any associated permanent fixtures, the addition of temporary structures such as trash receptacles, food carts or kiosks, and the incorporation of minor permanent structures such as light stanchions, bollards, fences, or structural landscaped berms and any associated flood gates. All such modifications shall remain subject to any associated permitted obstruction allowances, as applicable.

### **development, or to develop**

Applicable to Article X - Chapter 1

For purposes of this Chapter, "development" includes a *development*, an *enlargement* or an *extension*.

### **development, or to develop**

Applicable to Article X - Chapter 7

FROM [107-01](#):

Development

For the purposes of this Chapter, a "development" includes a #development# as defined in Section [12-10](#) (DEFINITIONS), the #enlargement# of a non-#residential building#, or the #enlargement# of a #residential use# that involves the addition of one or more #dwelling units#.

To "develop" is to create a #development#.

### **development, or to develop**

Applicable to Article XI - Chapter 2

FROM [112-01](#):

Development

For purposes of this Chapter, a "development" includes both #development# and #enlargement#, as defined in Section [12-10](#) (DEFINITIONS).

### **display window**

Applicable to Article XII - Chapter 2

FROM [122-01](#):

Display window

A "display window" is a window or opening in the exterior wall of any portion of a #building# which is glazed with tinted or transparent material and which is used to display merchandise, services or business.

### **dwelling unit**

General Definition

Last Amended 2/2/2011

A "dwelling unit" contains at least one #room# in a #residential building#, #residential# portion of a #building#, or #non-profit hospital staff dwelling#, and is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which #dwelling unit# includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

### **easement volume**

Applicable to Article VI - Chapter 6

Last Amended 10/7/2021

FROM [66-11](#): For the purposes of this Chapter, an "easement volume" shall refer to an area of the *zoning lot* used to accommodate either:

- (a) station access infrastructure, including but not limited to elevators, stairs, escalators, ramps or fare control areas; or
- (b) ancillary facilities that are needed to support transit system functionality.

### **eastern perimeter street**

Applicable to Article XII - Chapter 4

FROM [124-02](#):

eastern perimeter street

The “eastern perimeter street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#), inclusive.

## eligible zoning districts

Applicable to Article VI - Chapter 6  
Last Amended 10/7/2021

FROM [66-11](#): For the purposes of this Chapter, “eligible zoning districts” shall refer to the following zoning districts:

- (a) R5D, R6, R7, R8, R9 or R10 Districts;
- (b) *Commercial Districts* mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;
- (c) M1 Districts paired with R6 through R10 Districts; or
- (d) *Manufacturing Districts*.

## encroachment

Applicable to Article VIII - Chapter 1  
Last Amended 2/2/2011

A projection beyond the #setback line#, the #free zone# or the #half-setback line# by any portion of a #building# that exceeds the maximum height permitted at the #street line#. (See illustration of #Compensating Recess# and #Encroachment#)

## encroachment grid

Applicable to Article VIII - Chapter 1  
Last Amended 2/2/2011

A plan drawing of the #zoning lot# at any given height above #curb level# selected to determine compliance with the provisions of Section [81-26](#) and showing, for that height, #street lines#, #setback lines#, #half-setback lines#, #Zone A# (the #free zone#), #Zone B# and #Zone C# (#encroachment zones#) and, where applicable, the #ten-foot setback line#. The #encroachment grid# serves as a device for measuring areas of #encroachment# beyond the #free zone# and areas of #compensating recess# within the #free zone#. (See illustration of #Encroachment Grid#)

[ENCROACHMENT GRID image]

## energy infrastructure equipment

General Definition  
Last Amended 12/6/2023

“Energy infrastructure equipment” shall include renewable energy generation systems, such as solar or wind energy systems, and energy storage systems, such as fuel cells and batteries, which are essential throughout all districts in order to support the acceleration towards a distributed energy grid with electricity from fully renewable sources.

#Energy infrastructure equipment# shall refer to equipment that is a principal #use# on a #zoning lot#. Where such equipment is #accessory# to another #use#, it shall be considered #accessory# mechanical equipment.

Provisions pertaining to #energy infrastructure equipment# shall apply to all types of renewable energy generation systems, as well as to all types of energy storage systems, unless specific rules are otherwise specified, such as for solar and wind energy systems.

## enlargement, or to enlarge

General Definition  
Last Amended 2/2/2011

An “enlargement” is an addition to the #floor area# of an existing #building#, an increase in the size of any other structure, or an expansion of an existing #use#, including any #uses accessory# thereto, to an open portion of a #zoning lot# not previously used for such #use#.

To “enlarge” is to make an #enlargement#.

## Esplanade

Applicable to Article XI - Chapter 6

FROM [116-01](#):

Esplanade

The “Esplanade” is a park extending along portions of the waterfront edges of the *Special Stapleton Waterfront District*. The *Esplanade* is shown in the District Plan, Map 1 (Special Stapleton Waterfront District, Subareas and Public Spaces), in Appendix A of this Chapter.

## Esplanade

Applicable from 84-00 to 84-343  
Last Amended 2/2/2011

FROM [84-01](#):

The “Esplanade” is a #public park# extending along all waterfront edges of the #Special Battery Park City District#. The #Esplanade# is shown in the District Plan in Appendix 1.

## established airport elevation

Applicable to Article VI - Chapter 1

The "established airport elevation" is the elevation above mean sea level of the highest point of the usable airport landing area for any major airport. The elevation applicable to each major airport is set forth in Section [61-41](#) (Airport Reference Point, Established Elevation and Specified Radii).

## extension, or to extend

General Definition

Last Amended 12/15/1961

An "extension" is an increase in the amount of existing #floor area# used for an existing #use#, within an existing #building#.

To "extend" is to make an #extension#.

## family

General Definition

Last Amended 2/2/2011

A "family" is either:

- (a) a single person occupying a dwelling and maintaining a household, including not more than one "boarder, roomer, or lodger" as defined in the Housing Maintenance Code; or
- (b) two or more persons related by blood or marriage, occupying a dwelling, living together and maintaining a common household, including not more than one such boarder, roomer, or lodger; or
- (c) not more than four unrelated persons occupying a dwelling, living together and maintaining a common household.

A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.

## far lot line

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277

Last Amended 8/9/2017

A #lot line# intersecting the #street line# of the #vantage street# such that, when viewed from the #vantage point#, the #zoning lot# does not contain any #lot area# that is on the far side of and immediately adjoining the #lot line# at its intersection with the #street line#. (See illustration of #Far Lot Line# and #Vantage Point#)

[#FAR LOT LINE# graphic]

## final site plan

Applicable to Article XII - Chapter 7

FROM [127-04](#):

final site plan

A "final site plan" is a plan that specifies the final design for the location, dimensions, and grading of all or portions of the #publicly accessible private streets# or #upland connection# that are the subject of a certification pursuant to paragraphs (a) or (b) of Section [127-422](#) or paragraphs (a)(1) or (a)(2) of Section [127-542](#). Where applicable, the design of such plan shall be consistent with any #conceptual plan# for the same portion of the #publicly accessible private street# or #upland connection# and, once certified and implemented in accordance with paragraph (b) of Section [127-422](#) or paragraph (a) of Section [127-542](#), such plan shall supersede any #interim plan# for the same portion of a #publicly accessible private street# or #upland connection#.

## fire wall

General Definition

Last Amended 2/2/2011

- (a) A "fire wall" is a fire-resistance-rated smoke-tight wall having protected openings which restricts the spread of fire and extends vertically without offset, continuously from the foundation to or through the roof, and is in accordance with the specifications of the New York City Building Code for fire walls or fire wall separations, as applicable.
- (b) Where a wall constructed prior to February 2, 2011, does not meet the requirements of paragraph (a), but does meet the fire wall specifications of the New York City Building Code pursuant to which it was constructed, such wall shall be considered a #fire wall#. In the event that such wall either fails to meet such specifications, or no specifications for #fire walls# existed at the time of its construction, the Commissioner of the Department of Buildings shall determine whether such wall shall be considered a #fire wall# for the purpose of determining the boundary of a #building#.

## first story above the flood elevation

Applicable to Article VI - Chapter 4

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#.

## flashing sign

General Definition

see #sign, flashing#

## flight obstruction area

Applicable to Article VI - Chapter 1

The "flight obstruction area" comprises all areas of land or water below the #airport referenced imaginary surfaces# for each airport.

## floating structure

Applicable to Article VI - Chapter 2

A “floating structure” is any vessel, barge or other water-supported structure, other than a floating dock #accessory# to a WD #use#, which is bounded by either open water, a dock or the #lot lines# of a #zoning lot#, and that is permanently moored or otherwise attached to a #pier#, wharf, dock, #platform#, bulkhead or flotation system for a period of more than 180 consecutive days. Support by means of a cradle or as a result of natural siltation shall not exempt a normally water-supported structure from this definition.

Any water-supported structure, other than a navigational vessel, docked for not more than 180 consecutive days for a purpose other than navigation or #accessory# to a WD #use#, shall be deemed to be a “temporary #floating structure#.” Such temporary #floating structures# shall only be permitted subject to the approval of the Commissioner of Buildings or Business Services, as applicable.

## floating structure

Applicable to Article XIV - Chapter 4

A “floating structure” is any vessel, barge or other water-supported structure, other than a floating dock #accessory# to a WD #use#, which is bounded by either open water, a dock or the #lot lines# of a #zoning lot#, and that is permanently moored or otherwise attached to a #pier#, wharf, dock, #platform#, bulkhead or flotation system for a period of more than 180 consecutive days. Support by means of a cradle or as a result of natural siltation shall not exempt a normally water-supported structure from this definition.

Any water-supported structure, other than a navigational vessel, docked for not more than 180 consecutive days for a purpose other than navigation or #accessory# to a WD #use#, shall be deemed to be a “temporary #floating structure#.” Such temporary #floating structures# shall only be permitted subject to the approval of the Commissioner of Buildings or Business Services, as applicable.

## flood map

Applicable to Article VI - Chapter 4

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

## flood zone

General Definition  
Last Amended 5/12/2021

The “flood zone” shall include the #high-risk flood zone# and the #moderate-risk flood zone#, as defined in Section [64-11](#) (Definitions) and as indicated on the #flood maps#

## flood-resistant building

Applicable to Article VI - Chapter 4

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

## flood-resistant construction elevation

Applicable to Article VI - Chapter 4

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

Applicable to Article VI - Chapter 4

“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.

## floor area

General Definition  
Last Amended 12/6/2023

“Floor area” is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

- (a) #basement# space, except as specifically excluded in this definition;
- (b) elevator shafts or stairwells at each floor, except as specifically excluded in this definition;
- (c) floor space in penthouses;
- (d) attic space (whether or not a floor has been laid) providing structural headroom of five feet or more in R2A, R2X, R3, R4 or R5 Districts, eight feet or more in R1 and R2 Districts, other than R2A and R2X Districts, and eight feet or more for #single-# or #two-family residences# in R6, R7, R8, R9 and R10 Districts. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# prior to February 2, 2011, such attic space providing structural headroom of eight feet or more shall be considered #floor area#. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# after February 2, 2011, any attic space shall be considered #floor area#;
- (e) floor space in galleries, interior balconies, mezzanines or bridges;
- (f) floor space in open or roofed bridges, breeze ways or porches, if more than 50 percent of the perimeter of such bridge, breeze way or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;
- (g) any other floor space used for dwelling purposes, no matter where located within a #building#, when not specifically excluded;
- (h) floor space in #accessory buildings#, except for floor space used for #accessory# off-street parking or #accessory# mechanical equipment;
- (i) floor space used for #accessory# off-street parking spaces provided in any #story# after June 30, 1989:
  - (1) within #detached# or #semi-detached single-# or #two-family residences# in R1-2A, R2A, R2X, R3, R4 or R5 Districts, except that:

- (i) in R2A Districts, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space; and
  - (ii) in all R1-2A Districts, and in R3, R4A and R4-1 Districts in #lower density growth management areas#, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces;
- (2) within #buildings# containing #residences developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#;
  - (3) in excess of 100 square feet per required space in individual garages within other #buildings# containing #residences# (#attached buildings#, rowhouses or multiple dwellings) in R3-2, R4 or R5 Districts, except that in R3-2 Districts within #lower density growth management areas#, #floor area# shall only include floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces. However, all of the floor space within any #story# in individual garages shall be considered #floor area# where, subsequent to June 7, 1989, the level of any #yard# except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of:
    - (i) #curb level#; or
    - (ii) grade existing on June 7, 1989;
  - (4) within a #group parking facility# with five or more required spaces #accessory# to #buildings# containing #residences# in R3, R4 or R5 Districts that is located in a space with a ceiling height that is more than six feet above the #base plane#, or, if the #base plane# is a sloping #base plane#, six feet above the #street wall line level# used to establish such #base plane#. On #through lots# with sloping #base planes#, the #street wall line level# closest to a #street# shall be used to determine whether such space is #floor area#;
  - (5) which is located more than 23 feet above #curb level# in any other #building#;
  - (6) which is unenclosed and covered by a #building or other structure# containing #residential use# for at least 50 percent of such #accessory# off-street parking space in R2A, R2X, R3, R4 and R5 Districts. Where such #accessory# off-street parking space is covered by any portion of a #building or other structure# containing #residential use#, other than a #single-# or #two-family detached# or #semi-detached residence# in R3-2, R4 or R5 Districts, and not #developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#, such #floor area# shall include only that portion of the #accessory# off-street parking space in excess of 100 square feet per required space;
- (j) floor space used for #accessory# off-street loading berths in excess of 200 percent of the amount required by the applicable district regulations;
  - (k) floor space that is not otherwise exempt pursuant to this Section and is, or is made, inaccessible within a #building#;
  - (l) floor space in exterior balconies or in open or roofed terraces if more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. For the purposes of such calculation, exterior #building# walls on adjoining #zoning lots abutting# an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony; and
  - (m) any other floor space not specifically excluded.

However, the #floor area# of a #building# shall not include:

- (1) #cellar# space, except where such space is used for dwelling purposes. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces, #accessory# bicycle parking spaces and #accessory# off-street loading berths;
- (2) elevator or stair bulkheads, #accessory# water tanks, or cooling towers, except that such exclusions shall not apply in R2A Districts;
- (3) uncovered steps;
- (4) attic space (whether or not a floor has been laid) providing structural headroom of less than five feet in R2A, R2X, R3, R4 or R5 Districts, less than eight feet in R1 and R2 Districts, other than R2A and R2X Districts, and less than eight feet for #single-# or #two-family residences# in R6, R7, R8, R9 and R10 Districts. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# prior to February 2, 2011, such attic space providing structural headroom of less than eight feet shall not be considered #floor area#;
- (5) floor space in open or roofed bridges, breeze ways or porches, provided that not more than 50 percent of the perimeter of such bridge, breeze way or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;
- (6) floor space used for #accessory# off-street parking spaces provided in any #story#:
  - (i) up to 200 square feet per required space existing on June 30, 1989, within #buildings# containing #residences# in R3, R4 or R5 Districts, and up to 300 square feet for one required space in R2A Districts. However, for #detached# or #semi-detached single-# or #two-family residences# in all R1-2A Districts and in R3, R4A and R4-1 Districts within #lower density growth management areas#, #floor area# shall not include up to 300 square feet for one space and up to 500 square feet for two spaces;
  - (ii) up to 100 square feet per required space in individual garages in #attached buildings# containing #residences#, rowhouses or multiple dwellings in R3, R4, or R5 Districts, except that in R3-2 Districts within #lower density growth management areas#, up to 300 square feet for one such space and up to 500 square feet for two such spaces, except for:
    - (1) #buildings# containing #residences developed# or #enlarged# after June 30, 1989, pursuant to the optional regulations applicable in a #predominantly built-up area#; or
    - (2) #buildings# containing #residences# where, subsequent to June 7, 1989, the level of any #yard#, except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of #curb level# or grade existing on June 7, 1989;
  - (iii) within an #attached building# containing #residences#, #building segment# or multiple dwelling in R3-2, R4, or R5 Districts if such floor space is within a #group parking facility# with five or more required spaces that is located in a space with a ceiling height not more than six feet above the #base plane#, or, if the #base plane# is a sloping #base plane#, not more than six feet above the #street wall line level# used to establish such #base plane#. On #through lots# with sloping #base planes#, the #street wall line level# closest to a #street# shall be used to determine whether such space is #floor area#;
  - (iv) located not more than 23 feet above #curb level#, in any other #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#;
  - (v) in R3-2, R4 and R5 Districts, up to 100 square feet per required space which is unenclosed and covered by a #building# containing #residences# other than a #single-# or #two-family detached# or #semi-detached residence# for at least 50 percent of such #accessory# off-street parking space, except where such #residences# are or have been #developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#;
- (7) floor space used for #accessory# off-street loading berths, up to 200 percent of the amount required by the applicable district regulation;
- (8) floor space used for #accessory# mechanical equipment. Such exclusion shall also include the minimum necessary floor space to provide for necessary maintenance and access to such equipment. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;
- (9) except in R1-2A, R2A, R2X, R3, R4 and R5 Districts, the lowest #story# (whether a #basement# or otherwise) of a #residential building#, provided that:
  - (i) such #building# contains not more than two #stories# above such #story#;

- (ii) such #story# and the #story# immediately above it are portions of the same #dwelling unit#;
  - (iii) such #story# is used as a furnace room, utility room, auxiliary recreation room, or for other purposes for which #basements# are customarily used; and
  - (iv) such #story# has at least one-half its height below the level of the ground along at least one side of such #building#, or such #story# contains a garage;
- (10) floor space in exterior balconies or in open or roofed terraces provided that not more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. For the purposes of such calculation, exterior #building# walls on adjoining #zoning lots abutting# an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony;
- (11) floor space within stairwells:
- (i) at each floor of #buildings# containing #residences developed# or #enlarged# after April 16, 2008, that are greater than 125 feet in height, provided that:
    - (1) such stairwells are located on a #story# containing #residences#;
    - (2) such stairwells are used as a required means of egress from such #residences#;
    - (3) such stairwells have a minimum width of 44 inches;
    - (4) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and
    - (5) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor space within such stairwells on such floors shall count as #floor area#;
  - (ii) at each floor of #buildings developed# or #enlarged# after April 28, 2015, that are 420 feet or greater in height, provided that:
    - (1) such stairwells serve a space with an occupancy group other than Group R-2, as classified in the New York City Building Code, that is located at or above a height of 420 feet; and
    - (2) such floor space excluded from #floor area# shall be limited to:
      - (aa) the 25 percent of stair and landing width required by the New York City Building Code which is provided in addition to the stair and landing widths required by such Code for means of egress; or
      - (bb) the one stairwell required by the New York City Building Code which is provided in addition to the stairwells required by such Code for means of egress. For the purposes of this paragraph, such additional stairwell shall include the stair and landings as well as any walls enclosing the stair and landings;
- (12) #qualifying exterior wall thickness#;
- (13) floor space in a #qualifying rooftop greenhouse#;
- (14) floor space on a sun control device, where such space is inaccessible other than for maintenance;
- (15) floor space within a #fully electrified building# or an #ultra low energy building#, of an amount equivalent to five percent of the #floor area# located within such #building#, and exclusive of any floor space otherwise excluded from #floor area#.

## floor area ratio

General Definition  
Last Amended 2/2/2011

"Floor area ratio" is the total #floor area# on a #zoning lot#, divided by the #lot area# of that #zoning lot#. If two or more #buildings# are located on the same #zoning lot#, the #floor area ratio# is the sum of their #floor areas# divided by the #lot area#. (For example, a #zoning lot# of 10,000 square feet with a #building# containing 20,000 square feet of #floor area# has a #floor area ratio# of 2.0, and a #zoning lot# of 20,000 square feet with two #buildings# containing a total of 40,000 square feet of #floor area# also has a #floor area ratio# of 2.0)

## Free zone

Applicable to Article VIII - Chapter 1  
Last Amended 2/2/2011

That portion of a #zoning lot#, at any given height, which may be covered by a #building# without coverage constituting an #encroachment# that requires daylight compensation.

In addition to the area that lies behind a #setback line# or #setback lines#, the #free zone# shall include areas between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#, and which qualify as #free zone# areas under the #middle one-third rule#. The #free zone# is referred to as #Zone A# on the #encroachment grid#.

[FREE ZONE image]

## FRESH food store

General Definition  
Last Amended 12/15/2021

FROM [63-01](#): A "FRESH food store" is a food store #use# as listed in Section [32-15](#) (Use Group 6), where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is allocated to the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation and consumption. Such retail space shall be distributed as follows:

- (a) at least 25 percent of such retail space allocated to the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce;
- (b) at least 35 percent of such retail space shall be allocated to the sale of non-perishable food; and
- (c) at least 6,000 square feet of such retail space shall be located on one #story#.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section [63-30](#) (CERTIFICATION FOR A FRESH FOOD STORE).

## front lot line

General Definition

see #lot line, front#

## front sky exposure plane

General Definition

see #sky exposure plane#

## front yard

General Definition

see #yard, front#

## front yard line

General Definition

see #yard line, front#

## front yard line level

General Definition

see #yard line, front, level (of)#

## fully electrified building

General Definition

Last Amended 12/6/2023

A “fully electrified building” is a #building# existing on December 6, 2023 which complies with the requirements of Local Law 154 of 2021, as such requirements would apply to a new #building# where an application for the approval of construction documents is submitted to the Commissioner of Buildings after July 1, 2027.

## gambling vessel

General Definition

Last Amended 2/26/1998

A “gambling vessel” is any ferry, sightseeing, excursion, sport fishing or passenger ocean vessel that operates a shipboard gambling business subject to regulation under Title 20-A of the Administrative Code of the City of New York or any successor legislation.

## Gowanus mix uses

Applicable to Article XIII - Chapter 9

Last Amended 11/23/2021

From Section [139-01](#): “Gowanus mix uses” are *community facility*, *commercial*, and *manufacturing uses* set forth in Section [139-12](#) (Gowanus Mix Uses).

## Gowanus retail and entertainment uses

Applicable to Article XIII - Chapter 9

Last Amended 11/23/2021

From Section [139-01](#): “Gowanus retail and entertainment uses” are *community facility* and *commercial uses* set forth in Section [139-13](#) (Gowanus Retail and Entertainment Uses).

## granting lot

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676

Last Amended 12/15/2021

For the purposes of Section [81-60](#), inclusive, a “granting lot” shall mean a #zoning lot# that contains a #landmark building or other structure#. Such #granting lot# may transfer development rights pursuant to Sections [81-632](#) (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), [81-642](#) (Transfer of development rights from landmarks to qualifying sites), or [81-653](#) (Special permit for transfer of development rights from landmarks to non-qualifying sites).

## ground floor level

Applicable to Article III - Chapter 7

FROM [37-311](#): For the purposes of Section [37-30](#), inclusive, the “ground floor level” shall refer to a building’s lowest story.

## ground floor level

Applicable to Article XIII - Chapter 2

FROM [132-12](#):

ground floor level

For the purposes of this Chapter, “ground floor level” shall mean a *building’s* lowest *story* located within 30 feet of the *building’s street wall* along a *designated commercial street*.

## group parking facility

General Definition  
Last Amended 2/2/2011

A "group parking facility" is a #building or other structure# or an open #use# on a #zoning lot# or portion thereof used for the storage of motor vehicles, that contains more than one parking space, has access to the #street# common to all spaces and, if #accessory# to a #residential use#, is designed to serve more than one #dwelling unit#.

A #group parking facility# shall include, but is not limited to, the following:

- (a) an open parking area;
- (b) parking spaces included within, or on the roof of, a #building# not primarily used for parking; or
- (c) a #building# or #buildings# used primarily for parking, including a group of individual garages.

A #group parking facility# shall not include in R3, R4 or R5 Districts, individual parking garages within #buildings# containing #residences# or individual unenclosed #accessory# parking spaces adjacent to #residences# which have access from a #street#, a private street or a driveway common to all the spaces.

## Half-setback line

Applicable to Article VIII - Chapter 1  
Last Amended 2/2/2011

A line drawn parallel to a #street line# and halfway between the #street line# and the #setback line#. (See illustration of #Setback Line# and #Half-Setback Line#)

## health and fitness establishments

General Definition  
Last Amended 12/9/2021

A "health and fitness establishment" is any establishment that is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or provide relaxation services.

#Health and fitness establishments# include, but are not limited to, the following:

- (a) establishments containing high-intensity #uses#, including:
  - (1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or
  - (2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;
- (b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and
- (c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity #uses# listed above are subject to the supplemental #use# regulations of Sections [32-413](#) and [123-33](#), as applicable.

For "physical culture or health establishments" existing on December 9, 2021, that were allowed pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established at approval and may continue after the expiration of such special permit, provided that such establishment is not #enlarged#, #expanded#, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a "physical culture or health establishment" existing on December 9, 2021, may continue pursuant to the applicable provisions for #health and fitness establishments#, and may #enlarge#, #expand#, or change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental #use# regulations are met.

## height factor

General Definition  
Last Amended 3/22/2016

The "height factor" of a #zoning lot# is equal to the total #floor area# of a #building# divided by its #lot coverage#. If two or more #buildings# are located on the same #zoning lot#, the #height factor# is the sum of their #floor areas# divided by the sum of their #lot coverages#.

For example, a #zoning lot# with a #residential building# containing 60,000 square feet of #floor area# and a #lot coverage# of 5,000 square feet has a #height factor# of 12, and a #zoning lot# with two #residential buildings# containing a total of 80,000 square feet of #floor area# and 10,000 square feet of total #lot coverage# has a #height factor# of 8.

In computing a #height factor#, a fraction of one-half or more may be considered a whole number, and smaller fractions shall be disregarded.

## high-risk flood zone

Applicable to Article VI - Chapter 4

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.

## hillside

Applicable to Article X - Chapter 5

FROM [105-01](#):

hillside

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

## hillside

Applicable to Article XI - Chapter 9

FROM [119-01](#):

hillside

A "hillside" is defined as ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

## home occupation

General Definition

Last Amended 2/2/2011

- (a) A "home occupation" is an #accessory use# which:
- (1) is clearly incidental to or secondary to the #residential use# of a #dwelling unit# or #rooming unit#;
  - (2) is carried on within a #dwelling unit#, #rooming unit#, or #accessory building# by one or more occupants of such #dwelling unit# or #rooming unit#, except that, in connection with the practice of a profession, one person not residing in such #dwelling unit# or #rooming unit# may be employed; and
  - (3) occupies not more than 25 percent of the total #floor area# of such #dwelling unit# or #rooming unit# and in no event more than 500 square feet of #floor area#.
- (b) In connection with the operation of a #home occupation#, it shall not be permitted:
- (1) to sell articles produced elsewhere than on the premises;
  - (2) to have exterior displays, or a display of goods visible from the outside;
  - (3) to store materials or products outside of a principal or #accessory building or other structure#;
  - (4) to display, in an R1 or R2 District, a nameplate or other #sign# except as permitted in connection with the practice of a profession;
  - (5) to make external structural alterations which are not customary for #residences#; or
  - (6) to produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects.
- (c) #Home occupations# include, but are not limited to:
- fine arts studios
  - professional offices
  - teaching of not more than four pupils simultaneously, or, in the case of musical instruction, of not more than a single pupil at a time.
- (d) However, #home occupations# shall not include:
- advertising or public relations agencies
  - barber shops
  - beauty parlors
  - #commercial# stables or kennels
  - depilatory, electrolysis or similar offices
  - interior decorators' offices or workshops
  - ophthalmic dispensing
  - pharmacy
  - real estate or insurance offices
  - stockbrokers' offices
  - veterinary medicine.

## home occupation

Applicable to Article XII - Chapter 3

FROM [123-11](#): For the purposes of this Chapter, the #home occupation# provisions of Section [12-10](#) shall apply, except that:

- (a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;
- (b) such #home occupation# may occupy more than 500 square feet of #floor area#; and
- (c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.

## home occupation

Applicable from 117-50 to 117-57

FROM [117-503](#):

home occupation

Within the Queens Plaza Subdistrict, the #home occupation# provisions of Section [12-10](#) shall apply, except that:

- (a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;
- (b) such #home occupation# may occupy more than 500 square feet of #floor area#; and
- (c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.

### **horizontal surface**

Applicable to Article VI - Chapter 1

The "horizontal surface" is an imaginary horizontal plane, circular or elliptical in shape, which:

- (a) is located at a height of 150 feet above the #established airport elevation# for any major airport; and
- (b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section [61-41](#) (Airport Reference Point, Established Elevation and Specified Radii).

### **hotel, apartment**

General Definition

Last Amended 2/2/2011

An "apartment hotel" is a #building# or part of a #building# that is a Class A multiple dwelling as defined in the Multiple Dwelling Law, which:

- (a) has three or more #dwelling units# or #rooming units#;
- (b) has one or more common entrances serving all such units; and
- (c) provides one or more of the following services: housekeeping, telephone, desk, or bellhop service, or the furnishing or laundering of linens.

Restaurants, cocktail lounges, or indoor swimming pools are permitted #accessory uses#, provided that in #Residence Districts#, such facilities shall be accessible only through the lobby and there shall be no #signs# except as permitted by the applicable district regulations. Public banquet halls, ballrooms, or meeting rooms are not permitted #accessory uses#.

### **hotel, transient**

General Definition

Last Amended 8/17/1990

A "transient hotel" is a #building# or part of a #building# in which:

- (a) living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis;
- (b) one or more common entrances serve all such living or sleeping units; and
- (c) twenty-four hour desk service is provided, in addition to one or more of the following services: housekeeping, telephone, or bellhop service, or the furnishing or laundering of linens.

Permitted #accessory uses# include restaurants, cocktail lounges, public banquet halls, ballrooms, or meeting rooms.

### **Hudson Yards Redevelopment Area**

Applicable to Article IX - Chapter 3

The "Hudson Yards Redevelopment Area" shall be the areas within the #Special Hudson Yards District#, Subdistrict A-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the center line of Eleventh Avenue, the northern # street line# of West 43rd Street, the westerly prolongation of the northern # street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, the area bounded by the westerly side of Eleventh Avenue, the southerly side of West 43rd Street, the westerly side of Twelfth Avenue and the northerly side of West 33rd Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use. Furthermore, the #Hudson Yards Redevelopment Area# shall not include any underground connections from a subway station to any #use# located on such excluded #blocks# or between any such #uses#.

### **illuminated sign**

General Definition

see #sign, illuminated#

### **incidental alteration**

General Definition

see #alteration, incidental#

### **inclusionary housing area, mandatory**

General Definition

see #Mandatory Inclusionary Housing area#

### **Inclusionary Housing designated area**

General Definition

Last Amended 3/22/2016

An "Inclusionary Housing designated area" is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section [23-90](#) (INCLUSIONARY HOUSING), inclusive. The locations of #Inclusionary Housing designated areas# are identified in [APPENDIX F](#) of this Resolution or in Special Purpose Districts, as applicable.

## income-restricted housing unit

General Definition  
Last Amended 3/22/2016

An "income-restricted housing unit" is a #dwelling unit# that complies with the definition of "affordable housing unit" set forth in Section [23-911](#) (General definitions), or any other #dwelling unit# with a legally binding restriction limiting rents to be affordable to households with incomes at or below 80 percent of the #income index#, as prescribed by a City, State, or Federal agency, law, regulation, or regulatory agreement, for a period of not less than 30 years. For the purposes of this definition, "income index" shall be as defined in Section [23-911](#).

Any #dwelling unit# for which the applicable number of required #accessory# off-street parking spaces was established pursuant to the provisions of Section [25-25](#) (Modification of Requirements for Income-Restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-Assisted Dwelling Units) as such Section existed between December 15, 1961, and March 22, 2016, shall be considered an #income-restricted housing unit#. In addition, #dwelling units# in public housing developments owned by the New York City Housing Authority for which the applicable number of required #accessory# off-street parking spaces was established pursuant to the zoning regulations in effect between July 20, 1950, and December 15, 1961, shall be considered #income-restricted housing units#.

Any temporary or final certificate of occupancy issued after March 22, 2016, for a #building# or portion thereof containing an #income-restricted housing unit# shall state that such #building# or portion thereof contains #income-restricted housing units# and shall state that such certificate of occupancy may be amended or superseded to reflect that the #building# or portion thereof may contain other than #income-restricted housing units# only in accordance with the provisions of the Zoning Resolution.

## industrial floor space

General Definition  
Last Amended 12/19/2017

"Industrial floor space" is #floor area# or #cellar# space, excluding mechanical space and common space such as hallways, lobbies or stairways, with a minimum clear height from floor to ceiling of 15 feet, and allocated to one or more of the #manufacturing#, semi-industrial or industrial #uses# listed in Use Groups 11A, 16A (excluding animal hospitals or kennels; animal pounds or crematoriums; automobile, motorcycle, trailer or boat sales, open or enclosed; crematoriums, human; motorcycle or motor scooter rental establishments; poultry or rabbit killing establishments, for retail sale on the same #zoning lot# only; riding academies, open or enclosed; stables for horses; and trade schools for adults), 16B, 16D (limited to wholesale establishments, with no limitation on #accessory# storage), 17 or 18A. #Industrial floor space# shall not include any diagnostic medical laboratories that receive patients.

## initial setback distance

General Definition  
Last Amended 12/15/1961

An "initial setback distance" is a horizontal distance measured from a #street line# into a #zoning lot# for a depth as set forth in the district regulations.

## inner court

General Definition

see #court, inner#

## inner court recess

General Definition

see #court recess, inner#

## interim site plan

Applicable to Article XII - Chapter 7

FROM [127-04](#):

interim site plan

An "interim site plan" is a plan that specifies, for an interim period, the design for the location, dimensions, and grading of portions of the #publicly accessible private street# or #upland connection# that are the subject of a certification pursuant to paragraph (b)(1) of Section [127-422](#) or paragraph (a)(1) of Section [127-542](#) and located on the applicant's #zoning lot#. A design for an interim period is necessary where it is not feasible to implement the final design for such portions until build-out of the remaining portions of the #publicly accessible private street# or #upland connection# occurs. Such #interim site plan#, once certified, shall remain in effect until implementation of the #final site plan# in accordance with paragraph (b) of Section [127-422](#) or paragraph (a) of Section [127-542](#), at which time the certified #final site plan# shall supersede the #interim site plan#.

## interior lot

General Definition

see #lot, interior#

## joint living-work quarters for artists

General Definition  
Last Amended 12/15/2021

A "joint living-work quarters for artists" consists of one or more #rooms# in a #non-residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

- (a) and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and the #artist's# household, and including adequate working space reserved for the #artist#, or #artists# residing therein;
- (b) by any household residing therein on September 15, 1986 whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or
- (c) by any person who is entitled to occupancy by any other provision of law.

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections [42-14](#), paragraph D. (Use Group 17 - Special Uses in M1-5B Districts), [42-141](#) (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5B Districts), [43-17](#) (Special Provisions for Joint Living-Work Quarters for Artists in M1-5B Districts) and [74-78](#) (Conversions of Non-residential Floor Area).

## land with minor improvements

General Definition  
Last Amended 2/2/2011

"Land with minor improvements" is a tract of land or a #zoning lot# that:

- (a) does not contain any #building or other structure#; or
- (b) involves #buildings or other structures#, or other improvements, located underground or substantially at ground level, with a total assessed valuation, excluding land, of less than \$14,500 as of February 2, 2011, as determined from the assessment rolls in effect on the applicable date on which such #use# is changed, damaged or destroyed, or terminated, in accordance with the provisions of Sections [52-32](#), [52-52](#) or [52-72](#) (Land with Minor Improvements). The Chairperson of the City Planning Commission shall adjust this figure annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year.

## landmark building or other structure

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676  
Last Amended 12/15/2021

For the purposes of Section [81-60](#), inclusive, a "landmark building or other structure" shall include any structure designated as a landmark by the Landmarks Preservation Commission pursuant to the New York City Charter and Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to Section [81-60](#), inclusive, from those portions of #zoning lots# used for cemetery purposes, or any structures within historic districts, statues, monuments or bridges.

## large-scale community facility development

General Definition  
Last Amended 2/2/2011

A "large-scale community facility development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection, used predominantly for #community facility uses#, and:

- (a) has or will have an area of at least three acres;
- (b) has been or is to be used, #developed# or #enlarged# as a unit:
  - (1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section [12-10](#) (DEFINITIONS) for all #zoning lots# comprising the #large-scale community facility development#; or
  - (2) under single fee, alternate or separate ownership, either:
    - (i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or
    - (ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and
- (c) shall be located entirely in a #Residence District# or in a C1, C2, C3 or C4-1 District.

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 9, provided that such #buildings# form an integral part of the #large-scale community facility development#.

## large-scale development

General Definition  
Last Amended 2/2/2011

A "large-scale development" is either a #large-scale community facility development#, a #large-scale general development# or a #large-scale residential development#.

## large-scale general development

General Definition  
Last Amended 2/2/2011

A "large-scale general development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection and is not either a #large-scale residential development# or a #large-scale community facility development#; and:

- (a) has or will have an area of at least 1.5 acres;
- (b) has been or is to be used, #developed# or #enlarged# as a unit:
  - (1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section [12-10](#) (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#; or
  - (2) under single fee, alternate or separate ownership, either:
    - (i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or
    - (ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and
- (c) shall be located in whole or in part in any #Commercial# or #Manufacturing District#, subject to the restrictions of paragraph (a)(1) of Section [74-743](#) (Special provisions for bulk modification).

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided

that such #buildings# form an integral part of the #large-scale general development#, and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#. In C5 and C6 Districts, however, a #large-scale general development# having a minimum #lot area# of five acres may include a #zoning lot# that contains an existing #building# that is not integrally related to the other parts of the #large-scale general development#, provided that such #building# covers less than 15 percent of the #lot area# of the #large-scale general development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #building#.

## large-scale residential development

General Definition  
Last Amended 2/2/2011

A "large-scale residential development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection, used predominantly for #residential uses# and:

- (a) has or will have an area of at least 1.5 acres and a total of at least three principal #buildings#, or an area of at least three acres and a total of at least 500 #dwelling units#;
- (b) has been or is to be #developed# as a unit:
  - (1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section [12-10](#) (DEFINITIONS) for all #zoning lots# comprising the #large-scale residential development#; or
  - (2) under single fee, alternate or separate ownership, either:
    - (i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or
    - (ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation;
- (c) shall be located entirely in a #Residence District# or in a C1, C2, C3 or C4-1 District; and
- (d) shall not include any #zoning lots# occupied by existing #buildings# to remain; and in staged developments, existing #buildings# proposed for demolition shall not be permitted to create a temporary #non-compliance#.

## legally required window

General Definition  
Last Amended 2/2/2011

A "legally required window" is a window or portion of a window (including a window either in addition to or as a substitute for mechanical ventilation) which is required by any applicable law or statute to provide light or ventilation to a "living room," as defined in the Housing Maintenance Code.

## Limited Height District

General Definition  
Last Amended 6/29/1994

A "Limited Height District" is a district whose designation begins with the letters "LH," and in which the heights of #buildings# or other structures# are limited in accordance with the provisions of Sections [23-691](#), [24-591](#), [33-491](#) or [43-49](#) (Limited Height Districts).

#Limited Height Districts# appear on the #zoning maps# superimposed upon other districts. Their regulations supplement the regulations of the districts on which they are superimposed.

#Limited Height Districts# are confined to areas or portions of areas established by the Landmarks Preservation Commission and the Board of Estimate, or its successor, as "Historic Districts" pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code.

## loft dwelling

General Definition  
Last Amended 10/13/2010

A "loft dwelling" is a #dwelling unit# in the #Special Tribeca Mixed Use District#, in a #building# designed for non-#residential use# erected prior to December 15, 1961. Regulations governing #loft dwellings# are set forth in Sections [111-11](#) (Residential Use Modification) and [111-40](#) (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010).

## Long Island City area

Applicable to Article I - Chapter 6

FROM [16-02](#): For the purposes of this Chapter, "Long Island City area" shall refer to the area within the boundaries shown on the map in Section [16-03](#).

## long-term care facility

General Definition  
Last Amended 3/22/2016

A "long-term care facility" is a #community facility use# that has secured appropriate certificate of authority or licensure by the New York State Department of Health and shall include:

- (a) nursing homes or assisted living facilities as defined in the New York State Public Health Law; and
- (b) continuing care retirement communities, consisting of independent living #dwelling units# in addition to nursing home beds and assisted living facilities as defined in the Public Health Law. Such continuing care retirement communities may be located in one or more #buildings# on the same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#. All such continuing care retirement communities shall:
  - (1) offer a life care contract that includes unlimited long-term care services along with housing for independent living and #residential# services and amenities; and
  - (2) include fewer independent living #dwelling units# than the combined number of assisted living #dwelling units# or #rooming units# and nursing home beds on such same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#. For the purposes of this calculation, the number of such assisted living #dwelling units# or #rooming units# shall be the number of such units in the State-licensed assisted living facilities or assisted living #residences#; and the number of such nursing home beds shall be the number of authorized State-licensed nursing home beds, as applicable. For the purposes of this definition, the term "rooming units" shall be as defined in the New York City Housing Maintenance Code.

If a continuing care retirement community does not comply with conditions (1) and (2) above, the independent living #dwelling units# shall be considered a #residential use#.

## lot area

General Definition  
Last Amended 2/20/1964

"Lot area" is the area of a #zoning lot#.

## lot area per dwelling unit

General Definition  
Last Amended 12/15/1961

"Lot area per dwelling unit" is that portion of the #lot area# required for each #dwelling unit# located on a #zoning lot#.

## lot area per room

General Definition  
Last Amended 12/15/1961

"Lot area per room" is that portion of the #lot area# required for each #room# located on a #zoning lot#.

## lot coverage

General Definition  
Last Amended 3/22/2016

"Lot coverage" is that portion of a #zoning lot# which, when viewed directly from above, would be covered by a #building# or any part of a #building#. However, for purposes of computing a #height factor#, any portion of such #building# covered by a roof which qualifies as #open space#, or any terrace, balcony, breeze way, or porch or portion thereof not included in the #floor area# of a #building#, shall not be included in #lot coverage#.

For example, a #zoning lot# of 20,000 square feet consists of one portion, 100 feet by 100 feet, as a #corner lot# portion, and another portion, 100 feet by 100 feet, as an #interior lot# portion. In a district that allows 70 percent coverage of the #interior lot# portion, that portion can have a #lot coverage# of 7,000 square feet, while the #corner lot# portion which is allowed 100 percent coverage can have a #lot coverage# of 10,000 square feet.

When a #height factor# is not computed for a #residential building# or #residential# portion of a #building#, obstructions permitted pursuant to Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#, except that the portion of any balcony which does not project from the face of the #building# shall be counted as #lot coverage#.

## lot depth

General Definition  
Last Amended 12/15/1961

"Lot depth" is the mean horizontal distance between the #front lot line# and #rear lot line# of a #zoning lot#. In the case of a #corner lot#, the #lot depth# is the greater of the mean horizontal distances between the #front lot lines# and the respective #side lot line# opposite each.

## lot line

General Definition  
Last Amended 12/15/1961

A "lot line" is a boundary of a #zoning lot#.

## lot line, front

General Definition  
Last Amended 12/15/1961

A "front lot line" is a #street line#.

## lot line, rear

General Definition  
Last Amended 12/15/1961

A "rear lot line" is any #lot line# of a #zoning lot# except a #front lot line#, which is parallel or within 45 degrees of being parallel to, and does not intersect, any #street line# bounding such #zoning lot#.

## lot line, side

General Definition  
Last Amended 12/15/1961

A "side lot line" is any #lot line# which is not a #front lot line# or a #rear lot line#.

## lot width

General Definition  
Last Amended 12/15/1961

"Lot width" is the mean horizontal distance between the #side lot lines# of a #zoning lot#.

## lot, corner

General Definition  
Last Amended 5/20/1965

A "corner lot" is either a #zoning lot# bounded entirely by #streets#, or a #zoning lot# which adjoins the point of intersections of two or more #streets# and in which the interior angle formed by the extensions of the #street lines# in the directions which they take at their intersections with #lot lines# other than #street lines#, forms an angle of 135 degrees or less. In the event that any #street line# is a curve at its point of intersection with a #lot line# other than a #street line#, the tangent to the curve at that point shall be considered the direction of the #street line#. The portion of such #zoning lot# subject to the regulations for #corner lots# is that portion bounded by the intersecting #street line# and lines parallel to and 100 feet from each intersecting #street line#. Any remaining portion of a #corner lot# shall be subject to the regulations for a #through lot# or for an #interior lot#, whichever is applicable.

### lot, interior

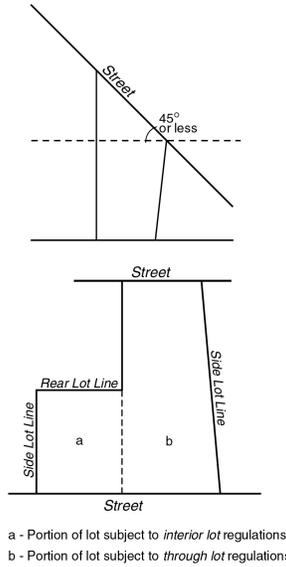
General Definition  
Last Amended 12/15/1961

An "interior lot" is any #zoning lot# neither a #corner lot# nor a #through lot#.

### lot, through

General Definition  
Last Amended 12/15/1961

A "through lot" is any #zoning lot#, not a #corner lot#, which adjoins two #street lines# opposite to each other and parallel or within 45 degrees of being parallel to each other. Any portion of a #through lot# which is not or could not be bounded by two such opposite #street lines# and two straight lines intersecting such #street lines# shall be subject to the regulations for an #interior lot#.



### THROUGH LOT

### lot, zoning

General Definition  
see #zoning lot#

### lower density growth management area

General Definition  
Last Amended 2/2/2011

A "lower density growth management area" is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any #zoning lot# containing #buildings# accessed by #private roads# in R1, R2, R3, R4, R5 or C3A Districts within such areas:

The Borough of Staten Island

Community District 10 in the Borough of the Bronx

In the Borough of Staten Island, #lower density growth management areas# shall also include any C1, C2 or C4 District.

In the Borough of the Bronx, in Community District 10, #lower density growth management areas# shall also include any R6, R7, C1 or C2 Districts for the purposes of applying the parking provisions of Article II, Chapter 5, and Article III, Chapter 6.

### Lower street wall

Applicable to Article X - Chapter 4

FROM: [104-01](#):

### Lower street wall

"Lower street wall" is that portion of the #street wall# of a #building# that extends from grade to the height set forth in Section [104-33](#), paragraph (a).

### lowest usable floor

Applicable to Article VI - Chapter 4

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).

### **mandatory front building wall**

Applicable to Article XI - Chapter 6

FROM [116-01](#):

mandatory front building wall

A “mandatory front building wall” is the front wall of a *building* that generally coincides with a *mandatory front building wall line*, as provided in Section [116-232](#) (Street wall location).

### **mandatory front building wall line**

Applicable to Article XI - Chapter 6

FROM [116-01](#):

mandatory front building wall line

“Mandatory front building wall lines” are imaginary lines extending through Subarea B of the *Special Stapleton Waterfront District* which are shown on Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter, and with which *building* walls must generally coincide, as provided in Section [116-232](#).

### **mandatory front building wall lines**

Applicable from 84-00 to 84-343

Last Amended 2/2/2011

FROM: [84-01](#):

“Mandatory front building wall lines” are imaginary lines extending through Zone A and Zone C of the #Special Battery Park City District# which, except as shown in Appendices 2.1 and 3.1 of this Chapter, coincide with #street lines# and with which #building# walls must generally coincide, as provided in Sections [84-132](#) and [84-332](#) (Mandatory front building walls).

## **Mandatory Inclusionary Housing area**

General Definition

Last Amended 3/22/2016

A “Mandatory Inclusionary Housing area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section [23-90](#) (INCLUSIONARY HOUSING), inclusive. The locations of #Mandatory Inclusionary Housing areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

### **mandatory widened sidewalk**

Applicable to Article X - Chapter 4

FROM: [104-01](#):

mandatory widened sidewalk

A “mandatory widened sidewalk” is a paved area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. #Mandatory widened sidewalks# are shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter.

### **mandatory widened sidewalk line**

Applicable to Article X - Chapter 4

FROM [104-01](#):

mandatory widened sidewalk line

A “mandatory widened sidewalk line” is the line shown on Map 3 in Appendix A of this Chapter.

## **Manhattan Core**

General Definition

The “Manhattan Core” is the area within Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8.

### **manufacturing**

General Definition

Last Amended 2/2/2011

A “manufacturing” #use# is any #use# listed in Use Group 17 or 18.

### **manufacturing district**

General Definition

Last Amended 2/2/2011

A "Manufacturing District" includes any district whose designation begins with the letter "M."

For example, an "M1" District includes any district whose designation begins with the symbol "M1."

### **mass transit station**

Applicable to Article VI - Chapter 6  
Last Amended 10/7/2021

FROM [66-11](#): For the purposes of this Chapter, "mass transit station" shall refer to any subway or rail *mass transit station* operated by a *transit agency*. Such *mass transit stations* shall include all publicly accessible parts of the station, including but not limited to stairs, escalators, elevators, corridors, platforms, and fare control areas inclusive of paid and unpaid areas of the station. Publicly accessible parts of the station shall also include stairs, escalators, elevators, corridors and fare control areas that are currently closed but could be reopened and that have previously been open to the public.

### **middle one-third rule**

Applicable to Article VIII - Chapter 1  
Last Amended 2/2/2011

The rule under which, for the middle one-third of the #front lot line# length, the #free zone# includes area between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#. However, on a #corner lot# the #free zone# does not extend beyond the #setback line# along an intersecting #street#. (See illustrations of #Middle One-Third Rule#)

[MIDDLE ONE-THIRD RULE - two images]

### **mixed building**

General Definition  
Last Amended 2/2/2011

A "mixed building" is a #building# in a #Commercial District# used partly for #residential use# and partly for #community facility# or #commercial use#.

### **mixed use building**

Applicable to Article XI - Chapter 7

FROM [117-01](#):

Mixed use building or development

For the purposes of this Chapter, a "mixed use building" or a "mixed use development" shall be any *building or development* used partly for *residential use* and partly for *community facility, commercial or manufacturing use*.

### **mixed use building**

Applicable to Article XII - Chapter 3

FROM [123-11](#):

mixed use building

For the purposes of this Chapter, a "mixed use building" is a #building# in the #Special Mixed Use District# used partly for #manufacturing#, #commercial# or #community facility use# and partly for #residential use#.

### **mixed use development**

Applicable to Article XI - Chapter 7

FROM [117-01](#):

mixed use building or development

For the purposes of this Chapter, a "mixed use building" or a "mixed use development" shall be any *building or development* used partly for *residential use* and partly for *community facility, commercial or manufacturing use*.

### **mixed use district**

Applicable to Article XIII - Chapter 9  
Last Amended 11/23/2021

From Section [139-01](#): In the *Special Gowanus Mixed Use District*, a "mixed use district" shall be any M1 District paired with a *Residence District*, as indicated on the *zoning maps*. For the purposes of applying provisions of districts adjacent to a *mixed use district*, a *mixed use district* shall be considered a *Manufacturing District*.

### **moderate-risk flood zone**

Applicable to Article VI - Chapter 4

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.

### **motel or tourist cabin**

General Definition  
Last Amended 12/15/1961

A "motel" or "tourist cabin" is a #building# or group of #buildings# which:

- (a) contains living or sleeping accommodations used primarily for transient occupancy; and

(b) has individual entrances from outside the #building# to serve each such living or sleeping unit.

### **narrow street**

General Definition

see #street, narrow#

### **natural feature**

Applicable to Article X - Chapter 5

FROM [105-01](#):

natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section [105-10](#) (NATURAL FEATURES) and existing within a #Special Natural Area District#.

### **near lot line**

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277

Last Amended 8/9/2017

A #lot line#, other than the #far lot line#, which intersects the #street line# of the #vantage street# and which defines the extent of the #zoning lot#'s continuous frontage along the #vantage street# from the #far lot line#.

### **non-complying, or non-compliance**

General Definition

Last Amended 12/15/1961

A "non-complying" #building or other structure# is any lawful #building or other structure# which does not comply with any one or more of the applicable district #bulk# regulations either on December 15, 1961 or as a result of a subsequent amendment thereto.

A "non-compliance" is a failure by a #non-complying building or other structure# to comply with any one of such applicable #bulk# regulations.

### **non-conforming, or non-conformity**

General Definition

Last Amended 2/2/2011

A "non-conforming" #use# is any lawful #use#, whether of a #building or other structure# or of a #zoning lot#, which does not conform to any one or more of the applicable #use# regulations of the district in which it is located, either on December 15, 1961, or as a result of any subsequent amendment thereto.

A #non-conforming use# shall result from failure to conform to the applicable district regulations on either permitted Use Groups or performance standards.

A #non-conformity# is a failure by a #non-conforming use# to conform to any one of such applicable #use# regulations.

However, no existing #use# shall be deemed #non-conforming#, nor shall a #non-conformity# be deemed to exist, solely because of any of the following:

- (a) the existence of less than the required #accessory# off-street parking spaces or loading berths;
- (b) the existence of #non-conforming accessory signs#; or
- (c) the existence of conditions in violation of the provisions of either Sections [32-41](#) and [32-42](#), relating to Supplementary Use Regulations, or Sections [32-51](#) and [32-52](#) relating to Special Provisions Applying along District Boundaries, or Sections [42-41](#), [42-42](#), [42-44](#) and [42-45](#), relating to Supplementary Use Regulations and Special Provisions Applying along District Boundaries.

### **non-profit hospital staff dwelling**

General Definition

Last Amended 6/27/1963

A "non-profit hospital staff dwelling" is a dwelling owned by a non-profit institution or subsidiary non-profit housing corporation and which contains #dwelling units# reserved exclusively for occupancy by members of the staff of a non-profit or voluntary hospital and their immediate family.

### **non-qualifying ground floor**

General Definition

Last Amended 3/22/2016

A "non-qualifying ground floor" shall refer to a ground floor of a #development# or #enlargement# of a #Quality Housing building# that does not meet the requirements for a #qualifying ground floor#.

### **non-qualifying site**

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676

Last Amended 12/15/2021

For the purposes of Section [81-60](#), inclusive, a "non-qualifying site" shall refer to a #zoning lot# that does not meet the criteria for a #qualifying site# and is located in a subarea other than the Vanderbilt Corridor Subarea.

### **non-residential building**

General Definition

Last Amended 2/2/2011

A “non-residential building” is a #building# containing no #residences#.

## open recreation space

Applicable to Article X - Chapter 9

FROM [109-01](#):

open recreation space

“Open recreation space” is that part of a #zoning lot#, including #courts#, #yards# and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections [109-14](#), [109-34](#) and [109-42](#).

## open space

General Definition

Last Amended 2/2/2011

“Open space” is that part of a #zoning lot#, including #courts# or #yards#, which is open and unobstructed from its lowest level to the sky and is accessible to and usable by all persons occupying a #dwelling unit# or a #rooming unit# on the #zoning lot#.

#Open space# may, however, include areas covered by roofs, the total area of which is less than 10 percent of the unroofed or uncovered area of a #zoning lot#, provided that such roofed area is not enclosed on more than one side, or on more than 10 percent of the perimeter of the roofed area, whichever is greater.

#Open space# may be provided on the roof of:

- (a) a #community facility building#;
- (b) a #building# containing #residences#, provided such roof area is not above that portion of such #building# that contains #dwelling units# or #rooming units#;
- (c) a #non-residential building#, other than a #community facility building#, provided such #non-residential building abuts# other #buildings#, any one of which contains #residences#.

All such roof areas used for #open space# shall meet the requirements set forth in this definition and shall:

- (1) be not higher than 23 feet above #curb level#, except as provided in Sections [24-164](#) (Location of open space for residential portion) and [35-33](#) (Location of Open Space);
- (2) be at least two and one-half feet below the sill level of all #legally required windows# opening on such roof area;
- (3) be directly accessible by a passageway from a #building#, or by a ramp (with a grade of less than 10 percent) from a #building#, #yard#, #court# or #street#, except that in R8 or R9 Districts such roof area need not be accessible to occupants and is therefore exempt from this requirement; and
- (4) have no dimension less than 25 feet; except that in R8 or R9 Districts when such roof area adjoins a #street line# or a #rear yard#, it may have a minimum depth of nine feet and a minimum length, along such #street line# or #rear yard#, equal to at least twice its depth, or the full width of the #zoning lot#, or 50 feet, whichever is the least distance.

## open space network

Applicable to Article X - Chapter 7

Last Amended 11/2/2023

FROM [107-01](#):

open space network

The “open space network” is a planned system of #open spaces# as shown on the District Plan (Map 3 in Appendix A), which includes #public parks#, #designated open space# and the #waterfront esplanade#.

## open space ratio

General Definition

Last Amended 2/2/2011

The “open space ratio” of a #zoning lot# is the number of square feet of #open space# on the #zoning lot#, expressed as a percentage of the #floor area# on that #zoning lot#. (For example, if for a particular #zoning lot# an #open space ratio# of 20 is required, 20,000 square feet of #floor area# in the #building# would necessitate 4,000 square feet of #open space# on the #zoning lot#; or, if 6,000 square feet of #lot area# were in #open space#, 30,000 square feet of #floor area# could be on that #zoning lot#.) Each square foot of #open space# per 100 square feet of #floor area# is referred to as one point.

## outer court

General Definition

see #court, outer#

## outer court recess

General Definition

see #court recess, outer#

## parking zone

Applicable to Article I - Chapter 3

FROM [13-02](#): For the purposes of this Chapter, a “parking zone” shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by permitted off-street parking spaces and associated maneuvering space, and any other portion of such parking facility not included in the #access zone#. In attended parking facilities with parking lift systems, the #parking zone# shall also include the lifted tray a vehicle is stored upon.

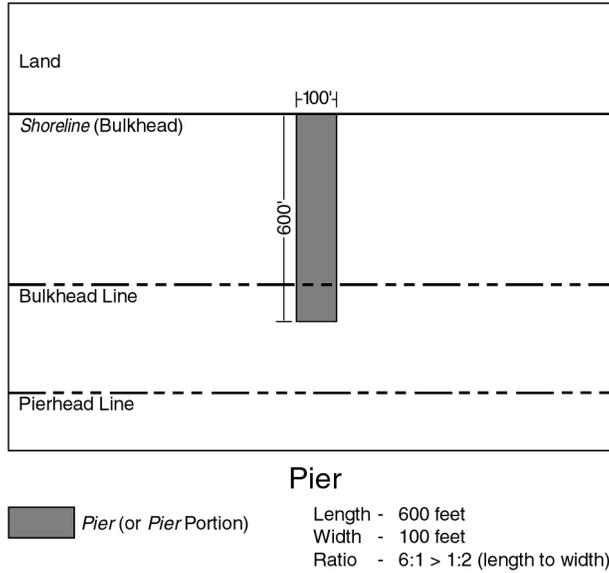
**pier**

Applicable to Article VI - Chapter 2

A "pier" is a structure at the water's edge, not otherwise defined as a #platform#, that is:

- (a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or
- (b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

Projections from #platforms# shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered #piers# regardless of their configuration.



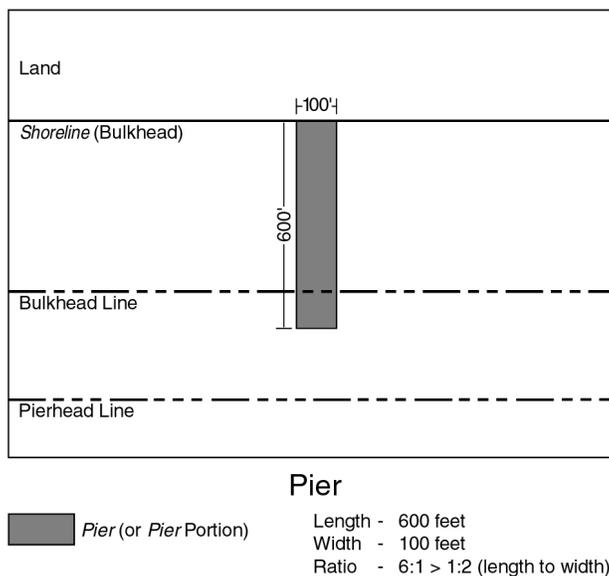
**pier**

Applicable to Article XIV - Chapter 4

A "pier" is a structure at the water's edge, not otherwise defined as a #platform#, that is:

- (a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or
- (b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

Projections from #platforms# shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered #piers# regardless of their configuration.



**Pier Place**

Applicable to Article XI - Chapter 6

FROM 116-01:

Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the *Special Stapleton Waterfront District* as shown in the District Plan, Map 1, in Appendix A of this Chapter.

**pier, existing**

Applicable to Article VI - Chapter 2

An "existing pier" is a #pier# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

**pier, new**

Applicable to Article VI - Chapter 2

A "new pier" is any #pier# other than an #existing pier#.

**plan review site**

Applicable to Article X - Chapter 7  
Last Amended 11/2/2023

FROM 107-01:

plan review site

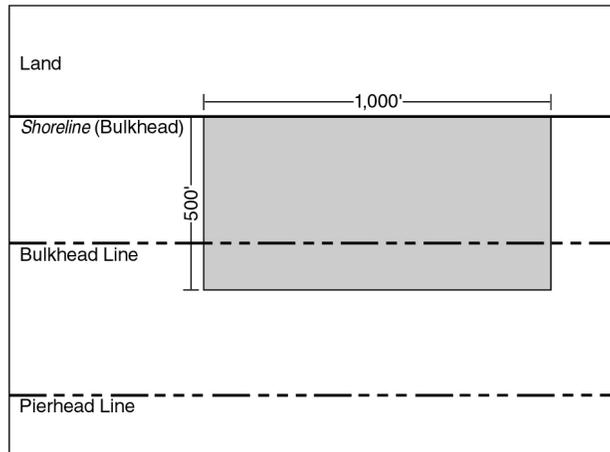
A "plan review site" is any #zoning lot# that contains one or more acres, where there is a proposed #development#, #enlargement#, #site alteration#, or subdivision of such #zoning lot# into two or more #zoning lots#.

**platform**

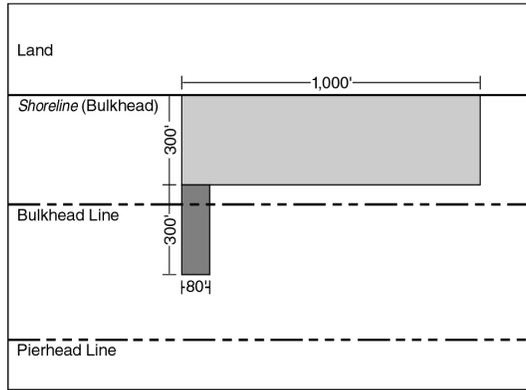
Applicable to Article VI - Chapter 2

A "platform" is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

- (a) is permanently connected to the land; and
- (b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.



**Platform**  
Length - 500 feet  
Width - 1,000 feet  
Ratio - 0.5:1 ≤ 1:2 (length to width)



**Platform with Pier Portion**

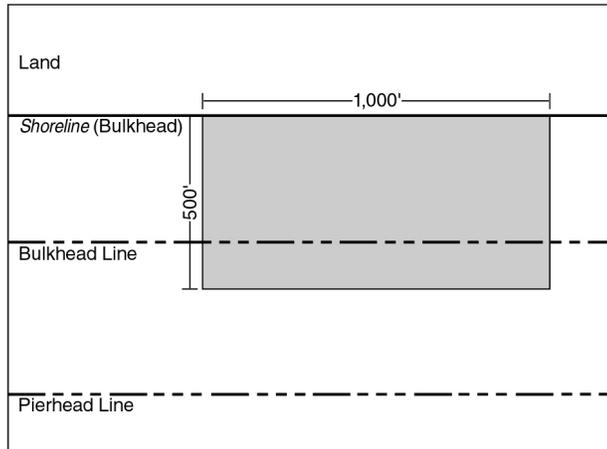
-  *Pier (or Pier Portion)*
  -  *Platform*
- Platform: Length - 300 feet  
 Width - 1,000 feet  
 Ratio - 0.3:1 < 1:2 (length to width)
- Pier: Length - 300 feet  
 Width - 80 feet  
 Ratio - 3.75:1 > 1:2 (length to width)

**platform**

Applicable to Article XIV - Chapter 4

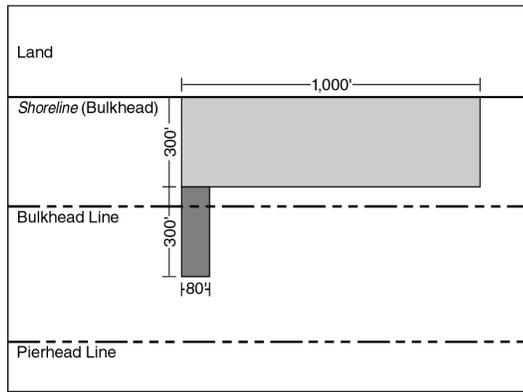
A "platform" is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

- (a) is permanently connected to the land; and
- (b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.



**Platform**

-  *Platform*
- Length - 500 feet  
 Width - 1,000 feet  
 Ratio - 0.5:1 ≤ 1:2 (length to width)



Platform with Pier Portion

|   |   |
|---|---|
| <p> Pier (or Pier Portion)</p> <p> Platform</p> | <p>Platform: Length - 300 feet<br/>Width - 1,000 feet<br/>Ratio - 0.3:1 &lt; 1:2 (length to width)</p> <p>Pier: Length - 300 feet<br/>Width - 80 feet<br/>Ratio - 3.75:1 &gt; 1:2 (length to width)</p> |
|---|---|

### platform, existing

Applicable to Article IV - Chapter 2

An "existing platform" is a #platform# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

### platform, new

Applicable to Article VI - Chapter 2

A "new platform" is any #platform# other than an #existing platform#.

### plaza

General Definition  
Last Amended 10/17/2007

A "plaza" is an open area for public use on a #zoning lot developed#, from December 15, 1961, to June 11, 1996, in accordance with the requirements set forth in APPENDIX E, Section E27-50 (PLAZA STANDARDS OF 1961), of this Resolution.

### plaza, public

General Definition  
Last Amended 2/2/2011

A "public plaza" is an open area for public use provided in accordance with the requirements set forth in Section [37-70](#), inclusive.

### plaza, residential

General Definition  
Last Amended 10/17/2007

A "residential plaza" is an open area for public use on a #zoning lot developed# from March 2, 1977, to October 17, 2007, in accordance with the requirements set forth in APPENDIX E, Article II, Chapter 7, of this Resolution.

### plaza, urban

General Definition  
Last Amended 10/17/2007

An "urban plaza" is an open area for public use on a #zoning lot developed#, from April 16, 1975, to June 11, 1996, in accordance with plans certified by the Chairperson of the City Planning Commission or, from June 13, 1996, to October 17, 2007, in accordance with the requirements set forth in APPENDIX E, Section E37-04, of this Resolution.

### predominant or predominantly

Applicable to Article VI - Chapter 2

"Predominant" or "predominantly" shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or on the #zoning lot# or, in the case of open #uses#, the #lot area# or #pier water coverage#, as applicable.

### predominantly built-up area

General Definition  
Last Amended 3/22/2016

A "predominantly built-up area" is a #block# entirely within R4 or R5 Districts, including a #Commercial District# mapped within such #Residence Districts#, having a maximum area of four acres with

#buildings# on #zoning lots# comprising 50 percent or more of the area of the #block#. However, a #predominantly built-up area# shall not include a #block# which is located partly in an R4A, R4-1, R4B, R5B or R5D District.

All such #buildings# shall have certificates of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit. Special optional regulations applying only to #zoning lots# of not more than 1.5 acres in a #predominantly built-up area# are set forth in the following Sections:

Section [23-143](#) (Optional regulations for predominantly built-up areas)

Section [23-22](#) (Maximum Number of Dwelling Units)

Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents)

Section [23-631](#) (General provisions)

Section [25-22](#) (Requirements Where Individual Parking Facilities Are Provided)

Section [25-23](#) (Requirements Where Group Parking Facilities Are Provided)

The regulations applicable to a #predominantly built-up area# shall not apply to any #zoning lot# occupied as of October 21, 1987, by a #single-# or #two-family detached# or #semi-detached residence# where 75 percent or more of the aggregate length of the #block# fronts in #residential use#, on both sides of the #street# facing each other, are occupied by such #residences# as of October 21, 1987. However, the regulations applicable to a #predominantly built-up area# may apply to such #zoning lots# where 75 percent or more of the aggregate length of the #block# fronts facing each other, on both sides of the #street#, is comprised of #zoning lots# occupied as of October 21, 1987, by #commercial# or #manufacturing uses#.

Furthermore, the regulations applicable to a #predominantly built-up area# shall continue to apply in the #Special Coney Island Mixed Use District# and the #Special Ocean Parkway District#, and in areas subject to the provisions of paragraph (d) of Section [23-16](#) (Special Floor Area and Lot Coverage Provisions for Certain Areas).

## primary entrance

General Definition

Last Amended 2/2/2011

“Primary entrances” are the principal entrances to a #building# utilized for day-to-day pedestrian ingress and egress. Other entrances solely used for freight, service or emergency egress shall not constitute a #primary entrance#.

## primary retail street

Applicable to Article XII - Chapter 4

FROM [124-02](#)

primary retail street

The “primary retail street” shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#), inclusive.

## primary street frontage

General Definition

FROM [37-311](#): For the purposes of Section [37-30](#), inclusive, a “primary street frontage” shall be the portion of the #ground floor level street# frontage along any of the following:

- (a) a #wide street#;
- (b) a narrow #street# where a #Commercial District# is mapped along an entire #block# frontage; or
- (c) a #narrow street# within 50 feet of a #wide street#.

## primary street frontage

Applicable to Article VI - Chapter 4

FROM [64-11](#): 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#.

## primary transit-adjacent sites

Applicable to Article VI - Chapter 6

Last Amended 10/7/2021

FROM [66-11](#): For the purposes of this Chapter, “primary transit-adjacent sites” shall refer to *transit-adjacent sites* that have a *lot area* of 5,000 square feet or more.

## private road

General Definition

Last Amended 12/6/2023

A “private road” is a right-of-way, other than a #street#, that provides vehicular access from a #street# to five or more #dwelling units# that are within #buildings# or #building segments# that are located

wholly beyond 50 feet of a #street line# or #street setback line#.

An individual driveway serving fewer than five parking spaces shall not be considered a #private road#.

However, in #lower density growth management areas#, a private road is a right-of-way, other than a #street#, that provides vehicular access from a #street# to:

- (a) three or more #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line#; or
- (b) one or two #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line# that contain five or more #dwelling units#.

Regulations for #private roads# are located in Sections [26-00](#) (APPLICABILITY OF THIS CHAPTER) and [37-10](#) (SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS).

## profile curve

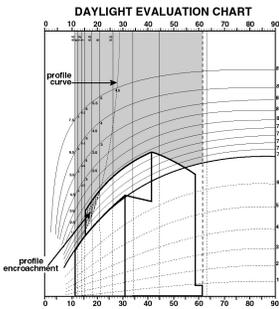
Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277  
Last Amended 8/9/2017

A curved line on the #daylight evaluation chart# rising from the intersection of the curved line representing an elevation angle of 72 degrees with the vertical line at the #far lot line#. The #profile curve# is used to evaluate a #building's# obstruction of the sky as seen in profile from the #vantage point#.

## profile encroachment

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277  
Last Amended 8/9/2017

The space on the #daylight evaluation chart# which, when viewed from the #vantage point#, is on the far side of the #profile curve# and which is blocked by the projection of the #building# on the #daylight evaluation chart#. (See illustration of #Profile Encroachment#)



## public park

General Definition  
Last Amended 12/15/1961

A "public park" is any publicly owned park, playground, beach, parkway or roadway within the jurisdiction and control of the Commissioner of Parks and Recreation, except for park strips or malls in a #street# the roadways of which are not within the Commissioner's jurisdiction and control.

## public parking garage

General Definition  
Last Amended 12/6/2023

A "public parking garage" is a #building or other structure#:

- (a) that provides parking or storage for motor vehicles, but not for the dead storage of motor vehicles; and
- (b) some or all of whose parking spaces are non-#accessory#.

A #public parking garage# may include #accessory# off-street parking spaces limited to such spaces that are #accessory# to other #uses# on the same #zoning lot#.

Minor repairs incidental to the parking or storage of motor vehicles is a permitted #accessory use#.

## public parking lot

General Definition  
Last Amended 12/6/2023

A "public parking lot" is any open area on a #zoning lot# that is:

- (a) used for the parking or storage of motor vehicles, but not for the dead storage of motor vehicles; and
- (b) not #accessory# to a #use# on the same or another #zoning lot#.

Minor repairs incidental to the parking or storage of motor vehicles is a permitted #accessory use#.

## public plaza

General Definition  
see #plaza, public#

## Public Realm Improvement Fund

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676  
Last Amended 12/15/2021

For the purposes of Section [81-60](#), inclusive, the “Public Realm Improvement Fund” (the “Fund”) shall be a separate interest-bearing account established for the deposit of contributions made when #developments# or, where permitted, #enlargements# on #qualifying sites# in the East Midtown Subdistrict will exceed the basic maximum #floor area ratio# set forth in Section [81-64](#) (Special Floor Area Provisions for Qualifying Sites) through their utilization of the provisions of Sections [81-642](#) (Transfer of development rights from landmarks to qualifying sites), [81-643](#) (Special provisions for retaining non-complying floor area in commercial buildings) or [81-685](#) (Special permit to modify qualifying site provisions). The Fund shall be utilized, at the discretion of the #Public Realm Improvement Fund Governing Group#, to provide funding to implement improvements to the East Midtown Subdistrict, and its immediate vicinity, in the Borough of Manhattan. Upon receipt of any contribution, the #Public Realm Improvement Fund Governing Group# or the Department of City Planning shall notify the Comptroller of the City of New York and the Speaker of the New York City Council and promptly deposit it into the Fund.

## Public Realm Improvement Fund Development Rights Valuation

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676  
Last Amended 12/15/2021

For the purposes of Section [81-60](#), inclusive, the “Public Realm Improvement Fund Development Rights Valuation” (“Development Rights Valuation”) shall be a value per square foot of transferable development rights in the East Midtown Subdistrict, which shall provide a basis for establishing a minimum contribution to the #Public Realm Improvement Fund#. As of August 9, 2017, the Development Rights Valuation shall be set at \$307.45 per square foot.

When proposing an adjustment to the Development Rights Valuation, the Department of City Planning shall undertake a transferrable development rights valuation study conducted by qualified professionals utilizing industry best practices. The City Planning Commission shall, by rule, review and adjust the Development Rights Valuation, pursuant to the City Administrative Procedures Act not more than once every three years and not less than once every five years.

An applicant, upon written request to the Commission, may request a transferable development rights valuation study to evaluate whether the Development Rights Valuation should be modified for a particular #qualifying site# based upon any recent changes in market conditions within the Subdistrict. The study must be paid for by the applicant and completed within a one-year timeframe. The Department of City Planning shall initiate the study, to be conducted by qualified professionals utilizing industry best practices. Where the study demonstrates that the value of the development rights for the #qualifying site# is less than the Development Rights Valuation, the Commission shall, by certification, and in connection with a certification pursuant to Section [81-642](#) (Transfer of development rights from landmarks to qualifying sites), modify the required contribution to 20 percent of the adjusted valuation.

## Public Realm Improvement Fund Governing Group

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676  
Last Amended 12/15/2021

For the purposes of Section [81-60](#), inclusive, the “Public Realm Improvement Fund Governing Group” (the “Governing Group”) shall be established to administer the #Public Realm Improvement Fund# (the “Fund”), and shall consist of 13 members: seven members shall be representatives of City agencies, appointed by and serving at the pleasure of the Mayor; one member shall be a representative of a citywide civic organization, appointed by the Office of the Manhattan Borough President; one member shall be a representative of the Office of the Manhattan Borough President; one member shall be a representative of the New York City Council member representing the City Council district encompassing the largest portion of the East Midtown Subdistrict; one member shall be a representative of the Speaker of the City Council; one member shall be a representative of Manhattan Community Board 5; and one member shall be a representative of Manhattan Community Board 6. The Governing Group shall be a local development corporation, organized pursuant to the New York State Not-for-Profit Corporation Law, and affiliated with City government for purposes of the New York State Public Authorities Law, whose organizational purpose shall be limited solely to the purposes set forth in this Chapter. Each member shall have one vote, and all Governing Group decisions, as set forth below, shall be upon a majority vote at a public meeting at which a quorum is present. A quorum shall consist of a majority of the members.

The purpose of the Governing Group shall be to bolster and enhance East Midtown’s status as a premier central business district with a high-quality public realm, by allocating funds from the Fund to implement public realm improvement projects. The Governing Group shall establish and maintain a Public Realm Improvement Concept Plan (“Concept Plan”) for the purpose of creating a list of priority improvements, and shall have the authority to amend such Concept Plan, and associated list of improvements, as necessary. All priority improvements in the Concept Plan shall meet the criteria set forth in Section [81-683](#) (Criteria for improvements in the Public Realm Improvement Concept Plan).

Establishment of the Concept Plan, amendment of the Concept Plan, calendaring of items for a vote to fund, and designation of funding for a specific public realm improvement on the Concept Plan shall be decisions requiring a majority vote of the Governing Group at a meeting at which a quorum is present. If only members of the Governing Group appointed by the Mayor vote to calendar a particular public realm improvement for a vote to fund it, the Governing Group shall conduct a public hearing on the matter prior to such improvement being placed on the calendar for vote. In addition, if any member of the Governing Group puts forth a proposed public realm improvement, discussion of such improvement shall be added to the agenda of the next public meeting. Establishment of the initial Concept Plan shall be completed no later than November 1, 2017.

In the event that more than 20 million dollars remains in the Fund for more than three years, the Governing Group shall be required to hold a vote either to fund a public realm improvement project or to retain the funds.

The Governing Group shall adopt procedures for the conduct of its activities. Such procedures shall be consistent with the requirements of the New York State Open Meetings Law (Article 7, NYS Public Officers Law), which procedures shall also be consistent with the goals of the Subdistrict. Those procedures shall be publicly available by posting on the Department of City Planning’s website, and shall include rules requiring reporting and transparency including, but not limited to, the following: procedures on the adoption and amendment of the concept plan and opportunity for public comment thereon; requirements to provide a transcript or recording of all public meetings and hearings; and transparency and annual reporting requirements concerning deposits into and expenditures from the Fund. The Governing Group shall annually update the Concept Plan by providing a list of all projects on the Concept Plan to date, those added or removed in the past year, the dollar amount of funds designated to each project on the Concept Plan, to the extent available, the estimated cost of each project on the Concept Plan, and the schedule for all projects for which a decision to designate funding has been made by the Governing Group. Such annual update shall be posted on the Department of City Planning’s website no later than January 15 of each calendar year following the establishment of the initial Concept Plan. All meetings of the Governing Group shall be open to the public with advance public notice provided of all meetings and public hearings.

## publicly accessible open area

General Definition  
Last Amended 10/17/2007

A “publicly accessible open area” is an open area for public use on a #zoning lot developed# in accordance with the requirements of a #plaza#, #residential plaza#, #urban plaza# or #public plaza#.

## publicly accessible private street

Applicable to Article XII - Chapter 7

FROM [127-04](#):

publicly accessible private street

A “publicly accessible private street” is a way specified on Map 2 in the Appendix to this Chapter that functions as a #street# for the purposes of general public use, including vehicular and pedestrian traffic, and is open and unobstructed from its ground level to the sky, except by streetscape elements required or permitted by the provisions of this Chapter.

### **publicly accessible private street**

Applicable to Article XII - Chapter 7

FROM [127-04](#):

publicly accessible private street

A “publicly accessible private street” is a way specified on Map 2 in the Appendix to this Chapter that functions as a #street# for the purposes of general public use, including vehicular and pedestrian traffic, and is open and unobstructed from its ground level to the sky, except by streetscape elements required or permitted by the provisions of this Chapter.

### **qualifying building**

Applicable to Article XIV - Chapter 3

Last Amended 12/15/2021

[From Section [143-02](#)]:

For the purposes of this Chapter, a “qualifying building” shall be any #building# where, prior to December 15, 2021:

- (a) such #building# contained at least 60,000 square feet of #floor area#; and
- (b) at least 20 percent of the #floor area# within such #building# was allocated to non-#residential# #floor area#, as such term is utilized in Section [143-14](#).

### **qualifying building**

Applicable to Article VIII - Chapter 8

Last Amended 3/20/2013

[From Section [88-01](#)]:

For the purposes of this Chapter, a “qualifying building” shall be any #building# that contained at least 70,000 square feet of #floor area# on March 20, 2013.

### **qualifying exterior wall thickness**

General Definition

Last Amended 12/6/2023

“Qualifying exterior wall thickness” shall refer to the floor space occupied by exterior wall thickness added to a #building# existing on December 6, 2023, where:

- (a) for over-cladding projects: such wall thickness is added to a wall existing on December 6, 2023, up to a maximum of 12 inches, provided the added wall thickness has an aggregate thermal resistance (R-value) of at least 1.5 per inch; or
- (b) for re-cladding projects: such wall thickness is located within a new wall that replaces a wall existing on December 6, 2023, where the qualifying portion is occupied by additional thickness relative to the previous wall, up to a maximum of 12 additional inches, and provided that the new wall shall comply with the minimum prescriptive and mandatory requirements for building thermal envelopes of the current New York City Energy Conservation Code.

#Qualifying exterior wall thickness# shall also include exterior wall thickness in exterior walls constructed between April 30, 2012 and December 6, 2023 where such exterior wall thickness satisfied the requirements of paragraph (12)(ii) of the definition of #floor area# in effect at the time of construction.

#Qualifying exterior wall thickness# need not exclusively contain insulating materials and may include wall thickness occupied by conduits, ductwork, pipes, or other essential non-insulating building components.

### **qualifying ground floor**

General Definition

Last Amended 3/22/2016

A “qualifying ground floor” shall refer to the ground floor of a #development# or #enlargement# of a #Quality Housing building# on a #zoning lot#, or portion thereof, where:

- (a) the level of the finished floor of the second #story# is 13 feet or more above the level of the adjoining sidewalk; and
- (b) for #buildings# in the following Districts that do not meet the criteria set forth in paragraph (a) of Section [23-664](#), such ground floor provides supplemental ground floor enhancements in accordance with paragraph (b)(2) of Section [23-662](#) or paragraph (b)(2) of Section [35-652](#), as applicable:
  - (1) R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#; or
  - (2) #Commercial Districts# mapped within, or with a residential equivalent of, R6A, R6B, R7A, R7D, R7X, R8A, R8X, R9X or R10A Districts located outside the #Manhattan Core#.

### **qualifying rooftop greenhouse**

General Definition

Last Amended 12/6/2023

A “qualifying rooftop greenhouse” shall refer to any rooftop greenhouse that:

- (a) is located on the roof of a #building# that does not contain #residences#;
- (b) will be used primarily for cultivation of plants; and
- (c) has roofs and walls consisting of at least 70 percent transparent materials.

Such qualifying rooftop greenhouses shall be exempt from the definition of #floor area#, and shall be considered a permitted obstruction to height and setback, as set forth in the applicable district regulations.

Rooftop greenhouses which do not meet the requirements of this definition may also be permitted pursuant to the underlying district regulations, but shall not be exempt from the definition of #floor area#, and shall not be permitted obstructions to height and setback.

### qualifying site

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676  
Last Amended 12/15/2021

For the purposes of Section 81-60, inclusive, a “qualifying site” shall refer to a #zoning lot#:

- (a) that is not located in the Vanderbilt Corridor Subarea;
- (b) that has frontage along a #wide street#;
- (c) where, at the time of #development# or, where permitted, #enlargement#, either:
  - (1) at least 75 feet of such #zoning lot’s# #wide street# frontage is clear of #buildings or other structures#; or
  - (2) the entire #block# frontage along such #wide street# is occupied by one or more #landmark buildings or other structures#; or
  - (3) such #zoning lot’s# #wide street# frontage is occupied by an existing easement volume that is being preserved, or reconfigured in accordance with Section 81-673 (Mass transit access);
- (d) where a #building# is #developed# or, where permitted, #enlarged#, in accordance with the #floor area# provisions of Section 81-64 (Special Floor Area Provisions for Qualifying Sites), and such #development# or, where permitted, #enlargement# exceeds the basic maximum #floor area# set forth in Row A of the table in Section 81-64 and such #building# or publicly accessible space occupies the cleared area in paragraph (c)(1) of this definition, unless the provisions of paragraphs (c)(2) or (c)(3) apply;
- (e) where a maximum of 20 percent of the #floor area# permitted on such #zoning lot# is allocated to #residential uses#; and
- (f) where such #building# being #developed# or, where permitted, #enlarged#, complies with the performance requirements of paragraph (a) and the publicly accessible space requirements of paragraph (b) of Section 81-681 (Mandatory requirements for qualifying sites).

### qualifying transit improvement sites

Applicable to Article VI - Chapter 6  
Last Amended 10/7/2021

[From Section 66-11]:

For the purposes of this Chapter, “qualifying transit improvement sites” shall refer to *zoning lots* that are:

- (a) located in one of the following zoning districts:
  - (1) R9 or R10 Districts;
  - (2) *Commercial Districts* mapped within, or with an equivalent of an R9 or R10 District;
  - (3) M1 Districts paired with an R9 or R10 District; or
  - (4) M1-6 Districts; and
- (b) located wholly or partially within the following distance from a *mass transit station*:
  - (1) 500 feet for such *zoning lots* outside of *Central Business Districts*; or
  - (2) 1,500 feet for such *zoning lots* and *mass transit stations* within *Central Business Districts*.

Such distance shall be measured from the outermost extent of the *mass transit station*. For the purposes of such calculation, the outermost extent may include *buildings* containing *easement volumes* serving such *mass transit station*.

### qualifying transit improvement sites

Applicable to Article XIV - Chapter 1  
Last Amended 10/7/2021

[From Section 66-11]:

For the purposes of this Chapter, “qualifying transit improvement sites” shall refer to *zoning lots* that are:

- (a) located in one of the following zoning districts:
  - (1) R9 or R10 Districts;
  - (2) *Commercial Districts* mapped within, or with an equivalent of an R9 or R10 District;
  - (3) M1 Districts paired with an R9 or R10 District; or
  - (4) M1-6 Districts; and

(b) located wholly or partially within the following distance from a *mass transit station*:

- (1) 500 feet for such *zoning lots* outside of *Central Business Districts*, or
- (2) 1,500 feet for such *zoning lots* and *mass transit stations* within *Central Business Districts*.

Such distance shall be measured from the outermost extent of the *mass transit station*. For the purposes of such calculation, the outermost extent may include *buildings* containing *easement volumes* serving such *mass transit station*.

## Quality Housing building

General Definition  
Last Amended 3/22/2016

A "Quality Housing building" is a *building*, *developed*, *enlarged*, *extended* or *converted*, pursuant to the Quality Housing Program. The Quality Housing Program consists of specific *bulk* requirements set forth for *Quality Housing buildings* in Article II, Chapter 3 and Article III, Chapter 5. Where a *building* adheres to such *bulk* requirements, which, depending on the requirements for the zoning district, may be required or may be an option, additional standards and requirements, as set forth in Article II, Chapter 8, apply in conjunction with such *bulk* provisions for *Quality Housing buildings*.

## Quality Housing building segment

General Definition  
Last Amended 2/2/2011

A "Quality Housing building segment" is a *building segment*, *developed*, *enlarged*, *extended* or *converted* pursuant to the Quality Housing Program.

## railroad or transit air space

General Definition  
Last Amended 2/22/1990

"Railroad or transit air space" is space directly over a railroad or transit right-of-way or yard, which right-of-way or yard was open, except for structures accommodating activities incidental to its *use* as a right-of-way or yard, and not otherwise covered over by any *building* or other *structure* on or after September 27, 1962.

## rear lot line

General Definition

see *lot line, rear*

## rear sky exposure plane

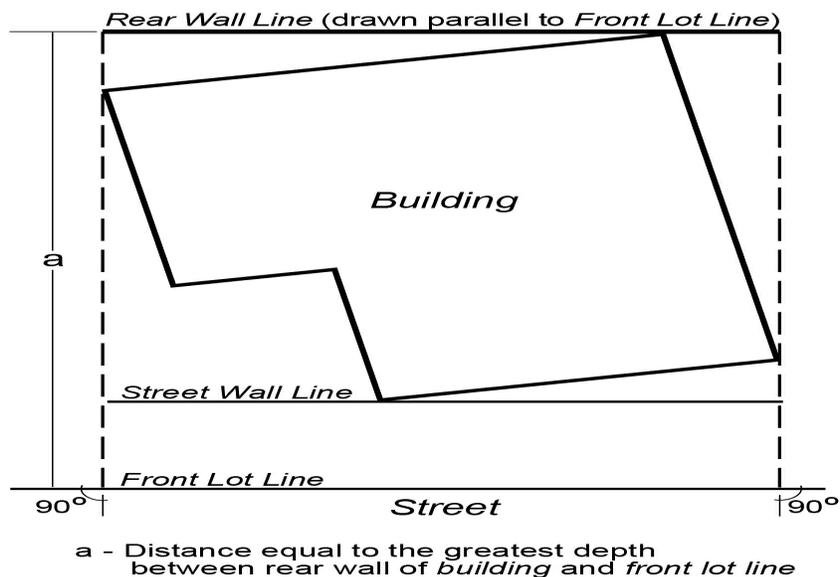
General Definition

see *sky exposure plane, rear*

## rear wall line

General Definition

A "rear wall line" is that portion of a line drawn parallel to a *front lot line* at a distance equal to the greatest depth between the rear wall of a *building* and the *front lot line*, from which, when viewed directly from above, lines perpendicular to a *street wall line* may be drawn.



REAR WALL LINE

## rear wall line level

General Definition

"Rear wall line level" is the mean level of the natural grade at the #rear wall line#.

## rear yard

General Definition

see #yard, rear#

## rear yard equivalent

General Definition

see #yard equivalent, rear#

## rear yard line

General Definition

see #yard line, rear#

## receiving lot

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676  
Last Amended 12/15/2021

For the purposes of Section [81-60](#), inclusive, a "receiving lot" shall mean a #zoning lot# to which development rights of a #granting lot# are transferred. Such #receiving lot# may receive a transfer of development rights pursuant to Sections [81-632](#) (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), [81-642](#) (Transfer of development rights from landmarks to qualifying sites), or [81-653](#) (Special permit for transfer of development rights from landmarks to non-qualifying sites).

## reference plane

Applicable to Article VI - Chapter 4

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.

## residence district

General Definition

Last Amended 2/2/2011

A "Residence District" includes any district whose designation begins with the letter "R."

For example, an "R6" District includes any district whose designation begins with the symbol "R6."

## residence, or residential

General Definition

Last Amended 3/22/2016

A "residence" is one or more #dwelling units# or #rooming units#, including common spaces such as hallways, lobbies, stairways, laundry facilities, recreation areas or storage areas. A #residence# may, for example, consist of one-family or two-family houses, multiple dwellings, boarding or rooming houses, or #apartment hotels#. However, #residences# do not include:

- (a) such transient accommodations as #transient hotels#, #motels# or #tourist cabins#, or #trailer camps#;
- (b) #non-profit hospital staff dwellings#; or
- (c) student dormitories, fraternity or sorority student houses, monasteries or convents, #long-term care facilities#, or other living or sleeping accommodations in #community facility buildings# or portions of #buildings# used for #community facility uses#.

"Residential" means pertaining to a #residence#.

## residential building

General Definition

Last Amended 2/2/2011

A "residential building" is a #building# used only for a #residential use#.

## residential plaza

General Definition

see #plaza, residential#

## residential street

Applicable to Article XII - Chapter 4

FROM [124-02](#):

residential street

A "residential street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#), inclusive.

## residential use

General Definition  
Last Amended 12/15/2016

A "residential use" is any #use# listed in Use Group 1 or 2.

## retail street

Applicable to Article XII - Chapter 4

FROM [124-02](#):

retail street

A "retail street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#), inclusive.

## rooming unit

General Definition  
Last Amended 7/26/2001

A "rooming unit" consists of any "living room," as defined in the Multiple Dwelling Law, in a #residential building# or a #residential# portion of a #building#, that is:

- (a) in a "class B multiple dwelling," a "rooming house," or a "furnished room house" as defined in the Multiple Dwelling Law; or
- (b) used "for class B occupancy," as defined in the Housing Maintenance Code; or
- (c) used for "single room occupancy," as defined in the Multiple Dwelling Law; or
- (d) occupied by a "boarder," "roomer" or "lodger," as defined in the Housing Maintenance Code, provided, however, that if not more than two such boarders, roomers or lodgers reside within a #dwelling unit#, the #room# or #rooms# occupied by such boarders, roomers or lodgers shall be counted as part of the #dwelling unit# and shall not be counted as #rooming units#; or
- (e) any other "living room" in a #residential building# or a #residential# portion of a #building# which is not a #dwelling unit# or part of a #dwelling unit#.

## rooms

General Definition  
Last Amended 7/26/2001

"Rooms" shall consist of "living rooms," as defined in the Multiple Dwelling Law.

## sale price

Applicable from 81-60, 81-61, 81-611, 81-612, 81-613, 81-62, 81-621, 81-63, 81-631, 81-632, 81-633, 81-634, 81-64, 81-641, 81-642, 81-643, 81-644, 81-645, 81-65, 81-651, 81-652, 81-653, 81-66, 81-661, 81-662, 81-663, 81-67, 81-671, 81-672, 81-673, 81-674, 81-675, 81-676  
Last Amended 12/15/2021

For the purposes of Section [81-60](#), inclusive, "sale price" shall mean the total consideration exchanged for transferred #floor area# pursuant to certification to transfer development rights from #zoning lots# occupied by #landmark buildings or other structures# within the East Midtown Subdistrict to a #qualifying site#. The total consideration shall include all consideration as defined in Chapter 21 of the Administrative Code of the City of New York and Title 19 of the Rules of the City of New York, as they may be amended, or their successor provisions, whether or not subject to tax under that Chapter. The total consideration shall also include any other compensation in whatever form received in exchange for the #floor area#, including contingent consideration. A valuation prepared pursuant to procedures established by rule of the City Planning Commission or the New York City Department of Finance shall be required for all consideration in a form other than cash. The application for certification shall include affidavits from the buyer and seller, attesting under penalty of perjury, that all of the terms of the transaction and all the consideration have been disclosed, and may be subject to audit.

## scenic view

Applicable to Article X - Chapter 2

FROM [102-01](#):

scenic view

A "scenic view" is an outstanding or unique view from a mapped #public park# or an esplanade or a mapped public place which is protected by the regulations of this Chapter. #Scenic views# shall be limited to:

- (a) distant landscapes of scenic grandeur which contain natural features such as hills, palisades or similar features;
- (b) outstanding views of large bodies of water such as rivers, streams, lakes, harbors, waterfalls or similar aquatic features; or
- (c) panoramic views of the waterfront profile of the skyline formed by built and natural elements.

The minimum horizontal distance between the #scenic view# and a #view reference line# shall be at least 1,500 feet and shall not contain distractions which reduce the quality of such view. The specific view to be preserved under the regulation of this #Special Scenic View District# shall be described and made part of this Chapter.

## school

General Definition  
Last Amended 1/18/2011

A "school" is:

- (a) an institution providing full-time day instruction and a course of study that meets the requirements of Sections 3204, 3205 and 3210 of the New York State Education Law; or
- (b) a nursery school or kindergarten:
  - (1) whose annual session does not exceed the school sessions for full-time day schools prescribed in Section 3204 of the New York State Education Law; and
  - (2) which is operated by the Department of Education or any established religious organization as part of an elementary school; or
- (c) a child care service operating under a permit issued pursuant to Section 47.03 of the New York City Health Code.

### seaward lot

Applicable to Article VI - Chapter 2

A "seaward lot" is the portion of a #waterfront zoning lot# located seaward of the bulkhead line, except for any land above water included as part of the #upland lot#.



### SEAWARD/UPLAND LOTS

(62 - 11.4)

### secondary street frontage

General Definition

FROM [37-311](#): For the purposes of Section [37-30](#), inclusive, a "secondary street frontage" shall be a #ground floor level street# frontage, or portion thereof, subject to the provisions of Section [37-30](#), inclusive, that is not a #primary street frontage#.

### secondary transit-adjacent sites

Applicable to Article VI - Chapter 6

Last Amended 10/7/2021

FROM [66-11](#): For the purposes of this Chapter, "secondary transit-adjacent sites" shall refer to *transit-adjacent sites* that have a *lot area* of less than 5,000 square feet.

### select community facility uses

Applicable to Article XIII - Chapter 9

Last Amended 11/23/2021

From Section [139-01](#): For the purposes of this Chapter, the following *community facility uses* shall also be considered "select community facility uses":

Houses of worship, rectories or parish houses; and

Health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health.

### self-service storage facility

General Definition

Last Amended 12/19/2017

A "self-service storage facility" is a moving or storage office, or a warehouse establishment, as listed in Use Group 16D, for the purpose of storing personal property, where:

- (a) such facility is partitioned into individual, securely subdivided space for lease; or
- (b) such facility consists of enclosed or unenclosed floor space which is subdivided by secured bins, boxes, containers, pods or other mobile or stationary storage devices; and
- (c) such floor space or storage devices are less than 300 square feet in area and are to be leased or rented to persons or businesses to access, store or remove property on a self-service basis.

## semi-detached (building)

General Definition  
Last Amended 2/2/2011

A "semi-detached" #building# is a #building# that #abuts# only one other #building#, other than an #attached building#, on an adjoining #zoning lot# along only one #side lot line# and which is surrounded on all other sides by #yards#, other open areas or #street lines#.

## service street

Applicable to Article XII - Chapter 4

FROM [124-02](#):

service street

A "service street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section [124-31](#), inclusive.

## Setback line

Applicable to Article VIII - Chapter 1  
Last Amended 2/2/2011

A line drawn in plan parallel to a #street line# and showing for a given #building# height the minimum depth to which a #building# is required to be set back from the #street line# by the applicable depth to height chart in Section [81-263](#) (Standard setback requirements). Required setbacks, established by the chart, increase with the #building's# height.

(See illustration of #Setback Line# and #Half-Setback Line#)

[SETBACK LINE AND HALF-SETBACK LINE - two images]

## severe disaster

General Definition  
Last Amended 5/12/2021

A "severe disaster" shall include any event within any boundary of the City of New York, for which the Mayor proclaims a local state of emergency, or the Governor declares a disaster emergency.

## Shore public walkway

Applicable to Article XI - Chapter 6

FROM [116-01](#):

Shore public walkway

A "shore public walkway" is a linear public access area along the shore or water edges of a *platform* on a *waterfront zoning lot*.

## shore public walkway

Applicable to Article VI - Chapter 2

A "shore public walkway" is a linear public access area running alongside the shore or water edges of a #platform# on a #waterfront zoning lot#.

## shoreline

General Definition  
Last Amended 10/25/1993

The "shoreline" is the mean high water line, as determined in accordance with the procedure set forth by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

## shoreline

Applicable to Article XIV - Chapter 4  
Last Amended 12/15/2021

From Section [144-01](#):

The definition of #shoreline# set forth in Section [12-10](#) is modified for the purposes of this Chapter to mean the shoreline on a survey available on the Department of City Planning website.

## shoreline adjacent lot

Applicable to Article XIV - Chapter 2  
Last Amended 8/8/2018

[From Section [142-04](#)]:

For the purposes of this Chapter, a "shoreline adjacent lot" shall refer to a #waterfront zoning lot# with a #shoreline# length of more than 100 feet, or any #zoning lot# that has entered into a binding agreement to improve and maintain a #waterfront public access area# for an adjoining #waterfront zoning lot#.

## show window

General Definition  
Last Amended 12/15/1961

A "show window" is a window or opening in the exterior wall of any portion of a #building# used for business purposes, through which merchandise, services or business are displayed or advertised. A window glazed with transparent glass in the business portion of a #building#, any part of which window is less than six feet above the sidewalk or the established sidewalk grade beneath the window, shall be a

#show window#.

## side lot line

General Definition  
Last Amended 6/30/1989

see #lot line, side#

## side lot ribbon

General Definition  
Last Amended 6/30/1989

A "side lot ribbon" is that portion of the #zoning lot# that is contiguous to, and extends along the entire length of, a #side lot line# from the #street line# to an intersecting #rear lot line#, #side lot line# or other #street line#. Where a #side lot ribbon# is used for a common driveway serving two #zoning lots#, the #side lot ribbon# may occupy space on both sides of a #side lot line#.

## side yard

General Definition

See #yard, side#

## sign

General Definition  
Last Amended 4/8/1998

A "sign" is any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), flag, (including banner or pennant) or any other figure of similar character, that:

- (a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a #building or other structure#;
- (b) is used to announce, direct attention to or advertise; and
- (c) is visible from outside a #building#. A #sign# shall include writing, representation or other figures of similar character, within a #building#, only when illuminated and located in a window.

However, non-#illuminated signs# containing solely non-commercial copy with a total #surface area# not exceeding 12 square feet on any #zoning lot#, including memorial tablets or signs displayed for the direction or convenience of the public, shall not be subject to the provisions of this Resolution.

## sign band

Applicable to Article XII - Chapter 2

FROM [122-01](#):

Sign band

A "sign band" is a horizontal band which extends the full length of the #street wall# of a #building#, and is located between 8 feet and 14 feet above #curb level#.

## sign with indirect illumination

General Definition  
Last Amended 4/8/1998

A "sign with indirect illumination" is any #illuminated# non-#flashing sign# whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into #residences# or #streets#.

## sign, advertising

General Definition  
Last Amended 4/8/1998

An "advertising sign" is a #sign# that directs attention to a business, profession, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same #zoning lot# and is not #accessory# to a #use# located on the #zoning lot#.

## sign, flashing

General Definition  
Last Amended 4/8/1998

A "flashing sign" is any #illuminated sign#, whether stationary, revolving or rotating, that exhibits changing light or color effects, provided that revolving or rotating #signs# that exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed #flashing signs# only if they exhibit sudden or marked changes in such light or color effects.

#Illuminated signs# that indicate the time, temperature, weather or other similar information shall not be considered #flashing signs#, provided that:

- (a) the total #surface area# of such #sign# is not greater than 16 square feet;
- (b) the vertical dimension of any letter or number is not greater than 24 inches; and
- (c) color or intensity of light is constant except for periodic changes in the information displayed, which occur not more frequently than once every minute.

## sign, illuminated

General Definition  
Last Amended 4/8/1998

An "illuminated sign" is a #sign# designed to give forth any artificial light or reflect such light from an artificial source.

## **sign, surface area of**

see #surface area (of a sign)#

## **single-family residence**

General Definition  
Last Amended 2/2/2011

A "single-family residence" is a #building# containing only one #dwelling unit#, and occupied by only one #family#.

## **Site alteration**

Applicable to Article X - Chapter 5  
FROM: [105-01](#):

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures# which includes land contour work, topographic modifications, removal of #topsoil#, vegetation, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, relocation of erratic boulders or modification of any other #natural features#, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies.

## **Site alteration**

Applicable to Article X - Chapter 7  
Last Amended 11/2/2023

FROM [107-01](#):

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#, which includes permanent topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, whether or not a permit is required from the Department of Buildings or other public agencies.

## **Site alteration**

Applicable to Article XI - Chapter 9  
FROM [119-01](#):

Site alteration

For the purposes of this Chapter, a "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#. #Site alterations# shall include the following:

- (a) removal of #topsoil#;
- (b) excavating, filling, land contour work and other topographic modifications where the ground elevation of the land existing on June 30, 1987, is modified by two feet or more;
- (c) dumping, changes in existing drainage systems and changes in grade, alignment or width of public rights-of-way; or
- (d) removal of vegetation beyond 15 feet of the foundation of an existing #building#, except when the plant materials' continued presence would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning or routine maintenance.

## **sky exposure plane or front sky exposure plane**

General Definition  
Last Amended 4/18/1987

A "sky exposure plane" or "front sky exposure plane" is an imaginary inclined plane:

- (a) beginning above the #street line# (or, where so indicated, above the #front yard line#) at a height set forth in the district regulations; and
- (b) rising over a #zoning lot# at a ratio of vertical distance to horizontal distance set forth in the district regulations.

## **sky exposure plane, rear**

General Definition  
Last Amended 4/18/1965

- (a) beginning above a line at a distance from and parallel to the #street line# and at a height set forth in the district regulations; and
- (b) rising over a #zoning lot# at a ratio of vertical distance to horizontal distance set forth in the district regulations.

## **SoHo-NoHo Arts Fund**

Applicable to Article XIV - Chapter 3  
Last Amended 12/15/2021

[From Section [143-02](#)]:

For the purposes of this Chapter, the “SoHo-NoHo Arts Fund” (the “Arts Fund”) shall be a separate interest-bearing account established for the deposit of contributions made when converting #joint living-work quarters for artists# to #residences# through in accordance with the provisions of Section [143-13](#) (Joint Living-Work Quarters for Artists). Funds within the #SoHo-NoHo Arts Fund# shall be allocated by the New York City Department of Cultural Affairs, or a not-for-profit entity designated by the Department of Cultural Affairs, to support arts programming, projects, organizations, and facilities that promote the public presence of the arts within the Special District and surrounding neighborhoods and extend the cultural legacy of SoHo and NoHo generally. Such allocation should prioritize under-resourced organizations and under-served areas within Lower Manhattan neighborhoods south of 14th Street.

No later than June 30 of each year, the Department of Cultural Affairs shall submit a report to the Speaker of the City Council detailing the amount of money deposited into the #SoHo-NoHo Arts Fund# and any expenditure of funds.

## **Special 125th Street District**

General Definition  
Last Amended 2/2/2011

The “Special 125th Street District” is a Special Purpose District designated by the number “125” in which special regulations set forth in Article IX, Chapter 7, apply.

## **Special Battery Park City District**

General Definition  
Last Amended 2/2/2011

The “Special Battery Park City District” is a Special Purpose District designated by the letters “BPC” in which special regulations set forth in Article VIII, Chapter 4, apply.

## **Special Bay Ridge District**

Last Amended 2/2/2011

The “Special Bay Ridge District” is a Special Purpose District designated by the letters “BR” in which special regulations set forth in Article XI, Chapter 4, apply.

## **Special Bay Street Corridor District**

General Definition  
Last Amended 6/26/2019

The “Special Bay Street Corridor District” is a Special Purpose District designated by the letters “BSC” in which special regulations set forth in Article XIII, Chapter 5, apply.

## **Special Brooklyn Navy Yard District**

General Definition  
Last Amended 12/15/2021

The “Special Brooklyn Navy Yard District” is a Special Purpose District designated by the letters “BNY” in which special regulations set forth in Article XIV, Chapter 4, apply.

## **Special City Island District**

General Definition  
Last Amended 2/2/2011

The “Special City Island District” is a Special Purpose District designated by the letters “CD” in which special regulations set forth in Article XI, Chapter 2, apply.

## **Special Clinton District**

General Definition  
Last Amended 2/2/2011

The “Special Clinton District” is a Special Purpose District designated by the letters “CL” in which special regulations set forth in Article IX, Chapter 6, apply.

## **Special Coastal Risk District**

General Definition  
Last Amended 6/21/2017

The “Special Coastal Risk District” is a Special Purpose District designated by the letters “CR” in which special regulations set forth in Article XIII, Chapter 7, apply.

## **Special College Point District**

General Definition  
Last Amended 2/2/2011

The “Special College Point District” is a Special Purpose District designated by the letters “CP” in which special regulations set forth in Article XII, Chapter 6, apply.

## **Special Coney Island District**

General Definition  
Last Amended 2/2/2011

The “Special Coney Island District” is a Special Purpose District designated by the letters “CI” in which special regulations set forth in Article XIII, Chapter 1, apply.

## **Special Coney Island Mixed Use District**

General Definition  
Last Amended 1/9/1975

The “Special Coney Island Mixed Use District” is a Special Purpose District designated by the letters “CO” in which special regulations set forth in Article X, Chapter 6, apply.

## **Special Downtown Brooklyn District**

General Definition  
Last Amended 2/2/2011

The "Special Downtown Brooklyn District" is a Special Purpose District designated by the letters "DB" in which special regulations set forth in Article X, Chapter 1, apply.

## **Special Downtown Far Rockaway District**

General Definition  
Last Amended 9/9/2017

The "Special Downtown Far Rockaway District" is a Special Purpose District designated by the letters "DFR" in which special regulations set forth in Article XIII, Chapter 6, apply.

## **Special Downtown Jamaica District**

General Definition  
Last Amended 2/2/2011

The "Special Downtown Jamaica District" is a Special Purpose District designated by the letters "DJ" in which special regulations set forth in Article XI, Chapter 5, apply.

## **Special East Harlem Corridors District**

General Definition  
Last Amended 11/30/2017

The "Special East Harlem Corridors District" is a Special Purpose District designated by the letters "EHC" in which special regulations set forth in Article XIII, Chapter 8, apply.

## **Special Enhanced Commercial District**

General Definition  
Last Amended 6/28/2012

The "Special Enhanced Commercial District" is a Special Purpose District designated by the letters "EC" in which special regulations set forth in Article XIII, Chapter 2, apply.

## **Special Flushing Waterfront District**

General Definition  
Last Amended 12/10/2020

The "Special Flushing Waterfront District" is a Special Purpose District designated by the letters "FW" in which special regulations set forth in Article XII, Chapter 7, apply.

## **Special Forest Hills District**

General Definition  
Last Amended 2/2/2011

The "Special Forest Hills District" is a Special Purpose District designated by the letters "FH" in which special regulations set forth in Article VIII, Chapter 6, apply.

## **Special Garment Center District**

General Definition  
Last Amended 2/2/2011

The "Special Garment Center District" is a Special Purpose District designated by the letters "GC" in which special regulations set forth in Article XII, Chapter 1, apply.

## **Special Governors Island District**

General Definition  
Last Amended 7/24/2013

The "Special Governors Island District" is a Special Purpose District designated by the letters "GI" in which the special regulations set forth in Article XIII, Chapter 4, apply.

## **Special Gowanus Mixed Use District**

General Definition  
Last Amended 11/23/2021

The "Special Gowanus Mixed Use District" is a Special Purpose District designated by the letter "G" in which special regulations set forth in Article XIII, Chapter 9, apply.

## **Special Grand Concourse Preservation District**

General Definition  
Last Amended 2/2/2011

The "Special Grand Concourse Preservation District" is a Special Purpose District designated by the letter "C" in which special regulations set forth in Article XII, Chapter 2, apply.

## **Special Harlem River Waterfront District**

General Definition  
Last Amended 2/2/2011

The "Special Harlem River Waterfront District" is a Special Purpose District designated by the letters "HRW" in which special regulations set forth in Article VIII, Chapter 7, apply.

## **special height locations**

Applicable from 84-00 to 84-343

Last Amended 2/2/2011

FROM [84-01](#):

"Special height locations" are designated areas in Zone A and Zone C of the #Special Battery Park City District# subject to the regulations in Appendices 2.2 and 3.2 of this Chapter, in accordance with Sections [84-135](#) and [84-333](#) (Limited height of buildings).

### **Special Hillside Preservation District**

General Definition  
Last Amended 2/2/2011

The "Special Hillside Preservation District" is a Special Purpose District mapped in Staten Island designated by the letters "HS" in which special regulations set forth in Article XI, Chapter 9, apply.

### **Special Hudson River Park District**

General Definition  
Last Amended 12/15/2016

The "Special Hudson River Park District" is a Special Purpose District designated by the letters "HRP" in which special regulations set forth in Article VIII, Chapter 9, apply.

### **Special Hudson Square District**

General Definition  
Last Amended 3/20/2013

The "Special Hudson Square District" is a Special Purpose District designated by the letters "HSQ," in which special regulations set forth in Article VIII, Chapter 8, apply.

### **Special Hudson Yards District**

General Definition  
Last Amended 2/2/2011

The "Special Hudson Yards District" is a Special Purpose District designated by the letters "HY" in which special regulations set forth in Article IX, Chapter 3, apply.

### **Special Hunts Point District**

General Definition  
Last Amended 2/2/2011

The "Special Hunts Point District" is a Special Purpose District designated by the letters "HP" in which special regulations set forth in Article X, Chapter 8, apply.

### **Special Inwood District**

General Definition  
Last Amended 8/8/2018

The "Special Inwood District" is a Special Purpose District designated by the letters "IN" in which special regulations set forth in Article XIV, Chapter 2, apply.

### **Special Jerome Corridor District**

General Definition  
Last Amended 3/22/2018

The "Special Jerome Corridor District" is a Special Purpose District designated by the letter "J" in which special regulations set forth in Article XIV, Chapter 1, apply.

### **Special Limited Commercial District**

General Definition  
Last Amended 2/2/2011

The "Special Limited Commercial District" is a Special Purpose District designated by the letters "LC" in which special regulations set forth in Article VIII, Chapter 3, apply.

### **Special Lincoln Square District**

General Definition  
Last Amended 2/2/2011

The "Special Lincoln Square District" is a Special Purpose District designated by the letter "L" in which special regulations set forth in Article VIII, Chapter 2, apply.

### **Special Little Italy District**

General Definition  
Last Amended 2/2/2011

The "Special Little Italy District" is a Special Purpose District designated by the letters "LI" in which special regulations set forth in Article X, Chapter 9, apply.

### **Special Long Island City Mixed Use District**

General Definition  
Last Amended 2/2/2011

The "Special Long Island City Mixed Use District" is a Special Purpose District designated by the letters "LIC" in which special regulations set forth in Article XI, Chapter 7, apply.

### **Special Lower Manhattan District**

General Definition  
Last Amended 2/2/2011

The "Special Lower Manhattan District" is a Special Purpose District designated by the letters "LM" in which special regulations set forth in Article IX, Chapter 1, apply.

### **Special Madison Avenue Preservation District**

General Definition  
Last Amended 2/2/2011

The "Special Madison Avenue Preservation District" is a Special Purpose District designated by the letters "MP" in which special regulations set forth in Article IX, Chapter 9, apply.

### **Special Manhattanville Mixed Use District**

General Definition  
Last Amended 2/2/2011

The "Special Manhattanville Mixed Use District" is a Special Purpose District designated by the letters "MMU" in which special regulations set forth in Article X, Chapter 4, apply.

### **Special Midtown District**

General Definition  
Last Amended 2/2/2011

The "Special Midtown District" is a Special Purpose District designated by the letters "MiD" in which special regulations set forth in Article VIII, Chapter 1, apply.

### **Special Mixed Use District**

General Definition  
Last Amended 12/10/1997

The "Special Mixed Use District" is a Special Purpose District designated by the letters "MX" in which special regulations set forth in Article XII, Chapter 3, apply. The #Special Mixed Use District# appears on the #zoning maps# superimposed on paired M1 and #Residence Districts#, and its regulations supplement or modify those of the M1 and #Residence Districts#. The #Special Mixed Use District# includes any district that begins with the letters "MX."

### **Special Natural Area District**

General Definition  
Last Amended 2/2/2011

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply. The #Special Natural Area District# includes any district whose designation begins with the letters "NA".

### **Special Ocean Parkway District**

General Definition  
Last Amended 2/2/2011

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply.

### **Special Park Improvement District**

General Definition  
Last Amended 2/2/2011

The "Special Park Improvement District" is a Special Purpose District designated by the letters "PI" in which special regulations set forth in Article IX, Chapter 2, apply.

### **Special Planned Community Preservation District**

General Definition  
Last Amended 2/2/2011

The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply.

### **Special Scenic View District**

General Definition  
Last Amended 2/2/2011

The "Special Scenic View District" is a Special Purpose District designated by the letters "SV" in which the special regulations set forth in Article X, Chapter 2, apply.

### **Special Sheepshead Bay District**

General Definition  
Last Amended 2/2/2011

The "Special Sheepshead Bay District" is a Special Purpose District designated by the letters "SB" in which special regulations set forth in Article IX, Chapter 4, apply.

### **Special SoHo-NoHo Mixed Use District**

General Definition  
Last Amended 12/15/2021

The "Special SoHo-NoHo Mixed Use District" is a Special Purpose District designated by the letters "SNX" in which special regulations set forth in Article XIV, Chapter 3, apply.

### **Special South Richmond Development District**

General Definition  
Last Amended 2/2/2011

The "Special South Richmond Development District" is a Special Purpose District designated by the letters "SR" in which special regulations set forth in Article X, Chapter 7, apply.

### **Special Southern Hunters Point District**

General Definition  
Last Amended 2/2/2011

The "Special Southern Hunters Point District" is a Special Purpose District designated by the letters "SHP" in which special regulations set forth in Article XII, Chapter 5, apply.

### **Special Southern Roosevelt Island District**

General Definition  
Last Amended 5/8/2013

The "Special Southern Roosevelt Island District" is a Special Purpose District designated by the letters "SRI" in which special regulations set forth in Article XIII, Chapter 3, apply.

### **Special St. George District**

General Definition  
Last Amended 2/2/2011

The "Special St. George District" is a Special Purpose District designated by the letters "SG" in which special regulations set forth in Article XII, Chapter 8, apply.

### **Special Stapleton Waterfront District**

General Definition  
Last Amended 2/2/2011

The "Special Stapleton Waterfront District" is a Special Purpose District designated by the letters "SW" in which special regulations set forth in Article XI, Chapter 6, apply.

### **Special Transit Land Use District**

General Definition  
Last Amended 2/2/2011

A "Special Transit Land Use District" is a Special Purpose District designated by the letters "TA" in which special regulations set forth in Article IX, Chapter 5, apply.

### **Special Tribeca Mixed Use District**

General Definition  
Last Amended 2/2/2011

The "Special Tribeca Mixed Use District" is a Special Purpose District designated by the letters "TMU" in which special regulations set forth in Article XI, Chapter 1, apply.

### **Special Union Square District**

General Definition  
Last Amended 2/2/2011

The "Special Union Square District" is a Special Purpose District, designated by the letters "US" in which special regulations set forth in Article XI, Chapter 8, apply.

### **Special United Nations Development District**

General Definition  
Last Amended 2/2/2011

The "Special United Nations Development District" is a Special Purpose District designated by the letter "U" in which special regulations set forth in Article VIII, Chapter 5, apply.

### **Special West Chelsea District**

General Definition  
Last Amended 2/2/2011

The "Special West Chelsea District" is a Special Purpose District designated by the letters "WCh" in which special regulations set forth in Article IX, Chapter 8, apply.

### **Special Willets Point District**

General Definition  
Last Amended 2/2/2011

The "Special Willets Point District" is a Special Purpose District designated by the letters "WP" in which special regulations set forth in Article XII, Chapter 4, apply.

### **staging area**

Applicable to Article X - Chapter 5

FROM [105-01](#):

staging area

A "staging area" is any area on a #zoning lot# used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

## staging area

Applicable to Article XI - Chapter 9

FROM [119-01](#):

staging area

A "staging area" is any area on a #zoning lot# or other tract of land used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

## steep slope

Applicable to Article X - Chapter 5

FROM [105-01](#):

steep slope

A "steep slope" is a portion of a #zoning lot# with an incline of 25 percent or greater. However, a portion of a #zoning lot# with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the #zoning lot#.

## steep slope

Applicable to Article XI - Chapter 9

FROM [119-01](#):

steep slope

A "steep slope" is a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater. However, a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than 10 feet, measured along the horizontal plane, unless such portions in the aggregate equal 10 percent or more of the area of the #zoning lot#.

## steep slope buffer

Applicable to Article X - Chapter 5

FROM [105-01](#):

steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

## steep slope buffer

Applicable to Article XI - Chapter 9

FROM [119-01](#):

steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

## story

General Definition

Last Amended 2/2/2011

A "story" is that part of a #building# between the surface of a floor (whether or not counted for purposes of computing #floor area ratio#) and the ceiling immediately above. However, a #cellar# shall not be considered a #story#. Furthermore, attic space that is not #floor area# pursuant to Section [12-10](#) (DEFINITIONS) shall not be considered a #story#.

## street

General Definition

Last Amended 2/2/2011

A "street" is:

- (a) a way established on the City Map; or
- (b) a way designed or intended for general public use, connecting two ways established on the City Map, that:
  - (1) performs the functions usually associated with a way established on the City Map;
  - (2) is at least 50 feet in width throughout its entire length; and
  - (3) is covenanted by its owner to remain open and unobstructed throughout the life of any #building# or #use# that depends thereon to satisfy any requirement of this Resolution; or
- (c) any other open area intended for general public use and providing a principal means of approach for vehicles or pedestrians from a way established on the City Map to a #building# or other structure#, that:

- (1) performs the functions usually associated with a way established on the City Map;
  - (2) is at least 50 feet in width throughout its entire length;
  - (3) is approved by the City Planning Commission as a "street" to satisfy any requirement of this Resolution; and
  - (4) is covenanted by its owner to remain open and unobstructed throughout the life of any #building# or #use# that depends thereon to satisfy any requirement of this Resolution; or
- (d) any other public way that on December 15, 1961, was performing the functions usually associated with a way established on the City Map; or
- (e) a #covered pedestrian space# that directly links two parallel or substantially parallel ways established on the City Map, for which a #floor area# bonus may be awarded or was awarded pursuant to a prior definition of such amenity, that may, by certification of the City Planning Commission, be deemed to be a #street#, provided the Commission finds that:
- (1) no portion of such space is located within 50 feet of the intersection of two ways established on the City Map;
  - (2) such space is unobstructed for a minimum width of 15 feet and a minimum height of 15 feet, except for enclosures at the entrances;
  - (3) such space is located at an elevation no more than five feet above or below #curb level#; and
  - (4) the space functions as a #street# providing access to another #street#, shops and other #uses#, and that such access is graphically and visually evident to the pedestrian.

All provisions of this Resolution shall continue to be applicable to such space without being modified, varied or affected by the qualification of such space as a #street#.

The City Planning Commission may prescribe appropriate conditions and safeguards to achieve public utilization of the #street#.

For purposes of paragraphs (a), (b), (c) and (d) of this definition, a #private road#, or a driveway that serves only to give vehicular access to an #accessory# parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance to a #building#, shall not be considered a #street#.

## Street frontage zone

Applicable to Article VIII - Chapter 1  
Last Amended 2/2/2011

A portion of a #zoning lot# which lies within an area bounded by a continuous #front lot line# and either the center line of the #block# or a line 100 feet distant from and parallel to that #front lot line#, whichever is closer to that #front lot line#. There shall be a #street frontage zone# for each #zoning lot# #street# frontage.

(See illustration of #Street Frontage Zones#)

[STREET FRONTAGE ZONES - image]

## street line

General Definition  
Last Amended 10/25/1973

A "street line" is a #lot line# separating a #street# from other land.

A #street setback line# supersedes the #street line# in the application of #yard#, height and setback, and #court# regulations.

## street setback line

General Definition  
Last Amended 9/19/1985

A "street setback line" is a line shown on the City Map in the Borough of Staten Island, or in Community District 10 in the Borough of Queens. A #street setback line# shall not be located within a mapped #street# area.

A #street setback line# supersedes the #street line# in the application of #yard#, height and setback, and #court# regulations.

No #building or other structure# shall be erected within the area between #street setback lines# fronting on the same #street#, or between a #street setback line# and the opposite mapped #street line# if no #street setback line# exists. Any existing #building or other structure# within this area may be continued, changed, #extended# or structurally altered but shall not be #enlarged#.

## street wall

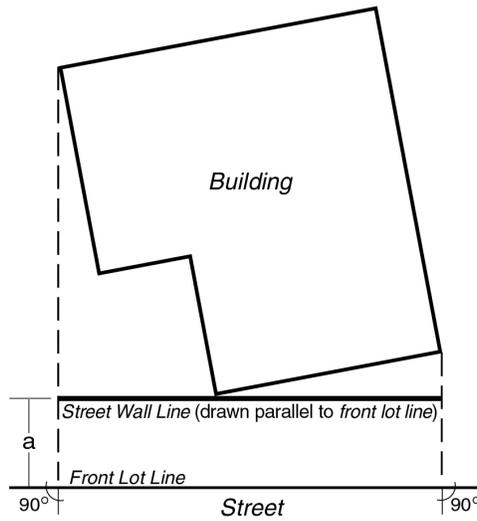
General Definition  
Last Amended 12/15/1961

A "street wall" is a wall or portion of a wall of a #building# facing a #street#.

## street wall line

General Definition  
Last Amended 12/5/1990

A "street wall line" is that portion of a line drawn parallel to a #front lot line# at a distance equal to the shallowest depth between the #street wall# of a #building# and the #front lot line#, from which, when viewed directly from above, lines perpendicular to the #front lot line# may be drawn to a #street wall#.



a - Distance equal to shallowest depth between *street wall of building* and *front lot line*

## STREET WALL LINE

### street wall line level

General Definition  
Last Amended 12/5/1990

"Street wall line level" is the mean level of the natural grade at the *street wall line*. On *corner lots*, *street wall line level* is the average of the mean levels of the natural grade of each *street wall line*. On *through lots*, *street wall line level* is determined separately for each *street* frontage to a distance midway between such *streets*.

### street, narrow

General Definition  
Last Amended 12/15/1961

A "narrow street" is any *street* less than 75 feet wide.

### street, wide

General Definition  
Last Amended 12/19/2011

A "wide street" is any *street* 75 feet or more in width. In C5-3, C6-4 or C6-6 Districts, when a *front lot line* of a *zoning lot* adjoins a portion of a *street* whose average width is 75 feet or more and whose minimum width is 65 feet, such portion of a *street* may be considered a *wide street*; or when a *front lot line* adjoins a portion of a *street* 70 feet or more in width, which is between two portions of a *street* 75 feet or more in width, and which portion is less than 700 feet in length, such portion may be considered a *wide street*, and in that case, for the purposes of the height and setback regulations and the measurement of any *publicly accessible open area* or *arcade*, the *street line* shall be considered to be a continuous line connecting the respective *street lines* of the nearest portions of the *street* which are 75 feet or more in width.

In Community District 7 in the Borough of Manhattan, the roadways of Broadway between West 94th and West 97th Streets which are separated by mapped *public park* shall each be considered a *wide street*.

### supplemental public access area

Applicable to Article VI - Chapter 2

A "supplemental public access area" is a public access area provided on a *waterfront zoning lot*, in addition to other required public access areas, in order to fulfill the required *waterfront public access area* requirements. A *supplemental public access area* shall not include a *shore public walkway* or an *upland connection*.

### surface area (of a sign)

General Definition  
Last Amended 4/8/1998

The "surface area" of a *sign* shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such *sign* from the background against which it is placed. In any event, the supports or uprights on which such *sign* is supported shall not be included in determining the *surface area* of a *sign*.

When two *signs* of the same shape and dimensions are mounted or displayed back-to-back and parallel on a single free-standing structural frame, only one of such *signs* shall be included in computing the total *surface area* of the two *signs*.

When a double-faced *sign* projects from the wall of a *building*, and its two sides are located not more than 28 inches apart at the widest point and not more than 18 inches apart at the narrowest point, and display identical writing or other representation, the *surface area* shall include only one of the sides. Any additional side of a multi-faced *sign* shall be considered as a separate *sign* for purposes of computing the total *surface area* of the *sign*.

### ten-foot setback line

Applicable to Article VIII - Chapter 1  
Last Amended 2/2/2011

A line which is parallel to the #street line# at a depth of 10 feet and represents the minimum distance any portion of a #building# exceeding the maximum height at the #street line# is required to be set back from the #street line#. A greater setback distance may be required by a #setback line# or a #half-setback line# depending upon the #building# height for which such #setback line# or #half-setback line# is established.

[TEN-FOOT SETBACK LINE ON AN ENCROACHMENT GRID - 2 images]

## **through block arcade**

General Definition

Last Amended 10/17/2007

A "through block arcade" is a continuous area within a #building# connecting one #street# with another #street#, #publicly accessible open area# or #arcade# adjacent to the #street#. This area may be enclosed in whole or in part and must have a minimum width of 20 feet and a minimum average height of 20 feet. Such a #through block arcade# shall, at either end, be at the same level as the #street#, #publicly accessible open area# or #arcade# that it adjoins.

## **through block public plaza**

Applicable to Article III - Chapter 7

A "through block public plaza" is a #public plaza# or portion of a #public plaza# that is not a #corner public plaza# and that connects two #streets# that are parallel or within 45 degrees of being parallel to each other.

## **through lot**

General Definition

see #lot, through#

## **tidal wetland area**

Applicable to Article VI - Chapter 2

A "tidal wetland area" is an area planted with species tolerant of saline water inundation that is located between the mean low water line and the landward edge of the stabilized natural shore or bulkhead. Such area may be used to satisfy requirements for #waterfront yards#, #shore public walkways# and planting in this Chapter.

## **Tier I site**

Applicable to Article X - Chapter 5

FROM [105-01](#):

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

## **Tier I site**

Applicable to Article XI - Chapter 9

FROM [119-01](#):

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

## **Tier II site**

Applicable to Article X - Chapter 5

FROM [105-01](#):

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

## **Tier II site**

Applicable to Article XI - Chapter 9

FROM [119-01](#):

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

## **topsoil**

Applicable to Article X - Chapter 5

FROM [105-01](#):

topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

## topsoil

Applicable to Article XI - Chapter 9

FROM [119-01](#):

topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

## tourist cabin

General Definition

see #motel or tourist cabin#

## trailer

General Definition

Last Amended 12/15/1961

A "trailer" is a vehicle standing on wheels or rigid supports that is used for living or sleeping purposes.

## trailer camp

General Definition

Last Amended 2/2/2011

A "trailer camp" is a #zoning lot# or portion thereof used or designated for the #use# of two or more #trailers#.

## transient hotel

General Definition

see #hotel, transient#

## transit agency

Applicable to Article VI - Chapter 6

Last Amended 10/7/2021

FROM [66-11](#): For the purposes of this Chapter, a "transit agency" shall refer to any governmental agency with jurisdiction over the affected *mass transit station*.

## transit volume

Applicable to Article VI - Chapter 6

Last Amended 10/7/2021

FROM [66-11](#): For the purposes of this Chapter, a "transit volume" shall refer to an area of a *transit-adjacent site* where, pursuant to the provisions of this Chapter, a *transit agency* has determined transit or pedestrian circulation improvements are needed for a *mass transit station*. Such *transit volume* may be used to accommodate *esement volumes* or *clear paths*.

## Transit Zone

General Definition

Last Amended 3/22/2016

The "Transit Zone" is the area within the boundaries shown in [APPENDIX I](#) of this Resolution where special parking provisions apply.

## transit-adjacent sites

Applicable to Article VI - Chapter 6

Last Amended 10/7/2021

[From Section [66-11](#)]:

For the purposes of this Chapter, "transit-adjacent sites" shall refer to *zoning lots* that are located within 50 feet of a *mass transit station* and located in *eligible zoning districts*. *Transit-adjacent sites* include *primary transit-adjacent sites* and *secondary transit-adjacent sites*.

## transit-adjacent sites

Applicable to Article XIV - Chapter 1

Last Amended 10/7/2021

[From Section [66-11](#)]:

For the purposes of this Chapter, "transit-adjacent sites" shall refer to *zoning lots* that are located within 50 feet of a *mass transit station* and located in *eligible zoning districts*. *Transit-adjacent sites* include *primary transit-adjacent sites* and *secondary transit-adjacent sites*.

## transitional surfaces

Applicable to Article VI - Chapter 1

The "transitional surfaces" are imaginary inclined planes extending upward and outward from the side edges of all #approach surfaces#, and from lines parallel to, 500 feet from, and at the same level as the center line of each runway, which:

- (a) rise at a slope of one foot in height for every seven feet of horizontal distance measured in a vertical plane at right angles to the center line of the runway; and
- (b) extend to the point of intersection with the #horizontal surface# or the #conical surface#.

### **tree credit**

Applicable to Article X - Chapter 5

FROM [105-01](#):

tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more that is counted towards a tree preservation requirement or a credit for a newly planted tree of three-inch #caliper# or more that is counted towards a tree planting requirement.

### **tree credit**

Applicable to Article XI - Chapter 9

FROM [119-01](#):

tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more which is counted toward a tree preservation requirement, or a credit for a newly planted tree of three-inch #caliper# or more which is counted toward a tree planting requirement.

### **tree credit**

Applicable to Article X - Chapter 7  
Last Amended 11/2/2023

FROM [107-01](#):

tree credit

A "tree credit" is a credit for preserving an existing tree or for planting a new tree which is counted towards tree requirements.

### **tree protection plan**

Applicable to Article X - Chapter 5

FROM [105-01](#):

tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arboriculturists (ISA) or equivalent professional organization that includes:

- (a) a survey of the current condition and health of such trees of six-inch #caliper# or more;
- (b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (c) a schedule for site monitoring during construction;
- (d) a procedure to communicate protection measures to contractor and workers; and
- (e) post-construction treatment.

### **tree protection plan**

Applicable to Article XI - Chapter 9

FROM [119-01](#):

tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arboriculturists (ISA) or equivalent professional organization that includes:

- (a) a survey of the current condition and health of such trees of six-inch #caliper# or more;
- (b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (c) a schedule for site monitoring during construction;
- (d) a procedure to communicate protection measures to contractor and workers; and
- (e) post-construction treatment.

## two-family residence

General Definition  
Last Amended 2/2/2011

A "two-family residence" is a #building# containing not more than two #dwelling units#, and occupied by only two #families#.

## ultra low energy building

General Definition  
Last Amended 12/6/2023

An "ultra-low-energy building" shall refer to a #building# which complies with requirements for ultra-low-energy usage. At time of application for plan approval to the Commissioner of Buildings, materials shall be submitted demonstrating:

- (a) that such #building# shall comply with the requirements of Local Law 154 of 2021, as such requirements would apply to a new #building# where an application for the approval of construction documents is submitted to the Commissioner of Buildings after July 1, 2027;
- (b) that such #building# shall be designed and constructed to reduce energy use:
  - (1) for #buildings# three #stories# or less:

such #building# shall be a net-zero energy #building# which shall produce energy onsite from renewable energy sources in an amount equal to or greater than such #building#'s total energy needs; or
  - (2) for all other #buildings#:

energy performance that exceeds by at least 15 percent the energy performance of such a #building# if designed and constructed according to an approved modeling method set forth in the New York City Energy Conservation Code.
- (c) that a registered design professional has verified that the proposed design will meet the requirements of this definition; and
- (d) that plans have been prepared to conduct, as relevant: inspections, equipment commissioning, and airtightness testing during the construction phase.

No final certificate of occupancy shall be issued for such a #building# until a report prepared by a registered design professional has been submitted to the Commissioner of Buildings verifying that the #building# has completed and successfully passed the inspections, commissioning, and testing set forth in paragraph (d) of this definition.

The Department of City Planning may, by rule, update or supplement the requirements of this section exclusively for the purpose of keeping such requirements aligned with advancing technological and construction practices. Such updates may only modify the statutory reference in paragraph (a) of this definition; the specified parameters and reference standards of paragraph (b)(2) of this definition.

## unlicensed physical treatment establishment

General Definition  
Last Amended 12/9/2021

An #unlicensed physical treatment establishment# is any establishment that offers or advertises or is equipped or arranged so as to provide as part of its services, whether as a principal #use# or as an #accessory use#, massages, body rubs, alcohol rubs, baths or other similar treatment administered by a person that is not a healthcare professional licensed by the State of New York to provide such service, or under the supervision of such licensee and working in a manner allowed by the license. However, #unlicensed physical treatment establishments# shall not include barbershops or beauty parlors that offer massage to the scalp, the face, the neck or shoulders only.

#Unlicensed physical treatment establishments# shall not be permitted in any District.

## upland connection

Applicable to Article XI - Chapter 6

FROM [116-01](#):

upland connection

An "upland connection" is a pedestrian way which provides a public access route from the *Esplanade* or a *shore public walkway* to a public sidewalk within a public *street*. Required *upland connections* are shown in the District Plan, Map 5 (Upland Connections and Visual Corridors), in Appendix A of this Chapter.

## upland connection

Applicable to Article VI - Chapter 2

An "upland connection" is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, #public park# or other accessible public place.

## upland lot

Applicable to Article VI - Chapter 2

An "upland lot" is the portion of a #waterfront zoning lot# located landward of the bulkhead line. Where a portion of the #shoreline# projects seaward of the bulkhead line, such land above water shall be included as part of the #upland lot# (see illustration of Seaward/Upland Lots).

## upper street wall

Applicable to Article X - Chapter 4

FROM [104-01](#):

upper street wall

“Upper street wall” is that portion of the #street wall# of a #building# that extends from the #lower street wall# to the maximum #building# height set forth for each Parcel in the Base Plane and Building Height Table in Appendix B of this Chapter, or the height of the #building#, whichever is less.

### urban plaza

General Definition

see #plaza, urban#

### use

General Definition

Last Amended 2/2/2011

A "use" is:

- (a) any purpose for which a #building or other structure# or an open tract of land may be designed, arranged, intended, maintained or occupied; or
- (b) any activity, occupation, business or operation carried on, or intended to be carried on, in a #building or other structure# or on an open tract of land.

### vantage point

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277

Last Amended 8/9/2017

A point on the #center line of the street# bounding the #zoning lot# and located 250 feet from the intersection of the extension of the #zoning lot's# #far lot line# with the #center line of the street#. (See illustration of #Far Lot Line# and #Vantage Point#)

### vantage street

Applicable from 81-271, 81-272, 81-273, 81-274, 81-275, 81-276, 81-277

Last Amended 8/9/2017

A #street# bounding the #zoning lot# and on the center line of which a #vantage point# is located.

### view framing line

Applicable to Article X - Chapter 2

FROM [102-01](#):

view framing line

The "view framing line" is a line or lines which establish the outer edge of the #scenic view# to be protected. For each #scenic view#, the #view framing line# or #lines# and their elevation are to be located and identified and made part of this Chapter.

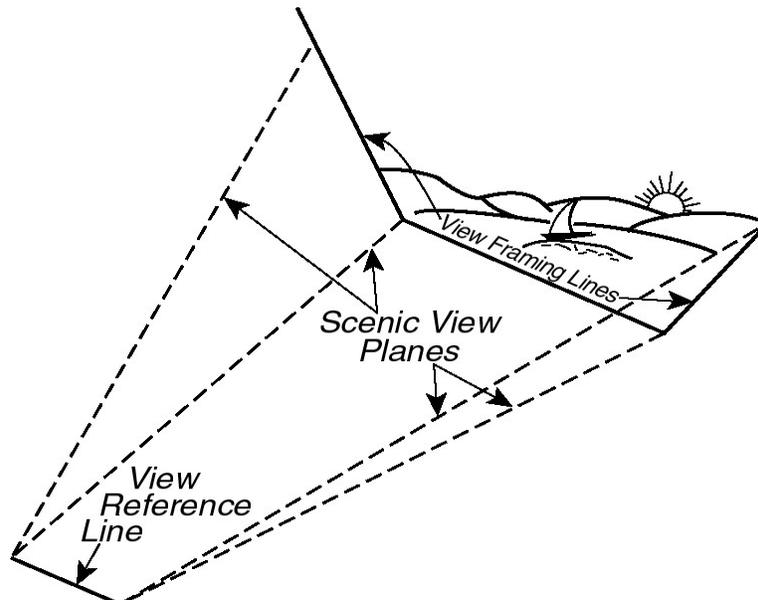
### view plane

Applicable to Article X - Chapter 2

FROM [102-01](#):

view plane

A "view plane" is an imaginary plane above which no obstruction shall be permitted within a #Special Scenic View District# unless authorized by the City Planning Commission. Position of the #view plane# may be conical surfaces. Such #view plane# or #planes# are established by joining the #view reference line# with the #view framing lines# as illustrated below:



#View planes# and their elevation, length and slopes applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

### **view reference line**

Applicable to Article X - Chapter 2

FROM [102-01](#):

view reference line

The "view reference line" is a line within a mapped #public park# or an esplanade or a mapped public place from which at any point an outstanding #scenic view# may be observed. A #view reference line# and its elevation applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

The mapped #public park# or an esplanade or a mapped public place in which such #view reference line# is located shall be directly accessible from a #street#.

### **visual corridor**

Applicable to Article XI - Chapter 6

FROM [116-01](#):

visual corridor

A "visual corridor" is a public *street* or tract of land within a *block* that provides a direct and unobstructed view to the water from a vantage point within a public *street*. Required *visual corridors* are shown in the District Plan, Map 5 and Map 6 (Location of Visual Corridor in Subarea E) in Appendix A of this Chapter.

### **visual corridor**

Applicable to Article VI - Chapter 2

A "visual corridor" is a public #street# or open area within one or more #zoning lots# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, #public park# or other public place.

### **water coverage**

Applicable to Article VI - Chapter 2

"Water coverage" is the portion of a #zoning lot# seaward of the #shoreline# that, when viewed directly from above, would be covered by a #pier#, #platform# or #floating structure#, including portions of #buildings or other structures# projecting over the water from such structures. #Water coverage# shall not include docking or navigational appurtenances which may project from the aforementioned structures.

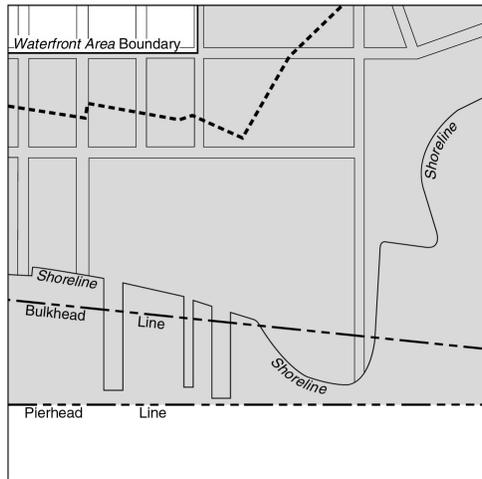
### **waterfront area**

General Definition

Last Amended 11/23/2021

The "waterfront area" is the geographical area comprising all #blocks# between the pierhead line and a line 800 feet landward from the #shoreline#. Where such line intersects a #block#, the entire #block# shall be included and the #waterfront area# boundary shall coincide with the centerline of the landward boundary #street# or other #block# boundary. Notwithstanding the above, any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a waterfront public park, shall not be included in the #waterfront area#.

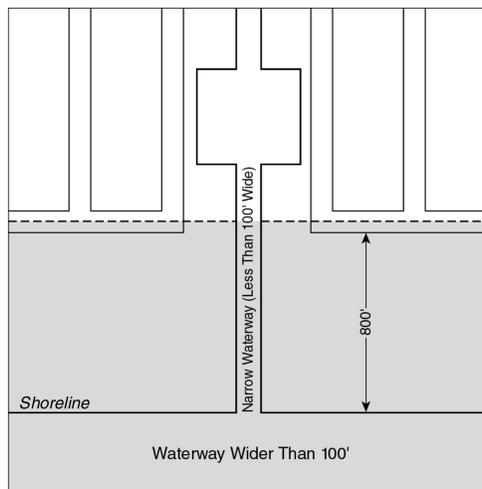
For the purposes of this definition, only #blocks# along waterways that have a minimum width of 100 feet between opposite #shores#, with no portion downstream less than 100 feet in width, shall be included within the #waterfront area#. However, #blocks# bounding Dutch Kills and the portion of the Bronx River located south of the prolongation of East 172nd Street, shall be included within the #waterfront area#.



----- 800' line from *Shoreline* (Mean High Water)

 *Waterfront Area*

## WATERFRONT AREA



----- Centerline of *Street* and/or *Waterfront Area* Boundary

 *Waterfront Area*

## NARROW WATERWAY EXCLUSION

### waterfront block or waterfront zoning lot

Applicable to Article VI - Chapter 2

A “waterfront block” or “waterfront zoning lot” is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:

- (a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;
- (b) a #block# within the #waterfront area# that #abuts# a #public park# along the waterfront shall be deemed to be part of a #waterfront block#; and
- (c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

However, any #block# or #zoning lot# in the #waterfront area# having a boundary within or coincident with the boundaries of the Gowanus Canal, as shown on the City Map, shall be a #waterfront block# or #waterfront zoning lot#, respectively.

Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a #public park# along the waterfront, shall be deemed outside of the #waterfront block#.

### waterfront esplanade

Applicable to Article X - Chapter 7

FROM [107-01](#):

waterfront esplanade

The “waterfront esplanade” is a pedestrian way to be provided for public #use# within the #open space network# along the Raritan Bay waterfront, as shown on the District Plan (Map 3 in Appendix A).

## **waterfront public access area**

Applicable to Article VI - Chapter 2

A “waterfront public access area” is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or public access area on a #pier# or #floating structure#.

## **waterfront yard**

Applicable to Article VI - Chapter 2

A “waterfront yard” is that portion of a #waterfront zoning lot# extending open and unobstructed from the lowest level to the sky along the entire length of the #shoreline#, stabilized natural shore, bulkhead or water edge of a #platform#, as applicable, for a depth or width as set forth in this Chapter.

## **wide street**

General Definition

see #street, wide#

## **width of outer court**

General Definition

see #court, width of outer#

## **width of outer court**

see #court, width of outer#

## **yard**

General Definition

Last Amended 9/19/1973

A “yard” is that portion of a #zoning lot# extending open and unobstructed from the lowest level to the sky along the entire length of a #lot line#, and from the #lot line# for a depth or width set forth in the applicable district #yard# regulations.

Where a #street setback line# is shown on the City Map the #yard# extends along the entire length of the #street setback line#, and from the #street setback line# for a depth or width set forth in the applicable district #yard# regulations.

## **yard equivalent, rear**

General Definition

Last Amended 12/15/1961

A “rear yard equivalent” is an open area which may be required on a #through lot# as an alternative to a required #rear yard#.

## **yard line, front**

General Definition

Last Amended 12/15/1961

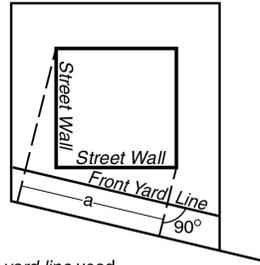
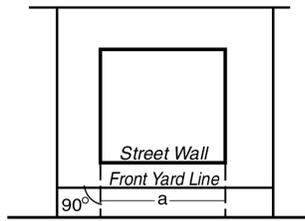
A “front yard line” is a line drawn parallel to a #front lot line# at a distance therefrom equal to the depth of a required #front yard#.

## **yard line, front, level (of)**

General Definition

Last Amended 12/15/1961

The “front yard line level” is the mean level of that portion of the #front yard line# from which, when viewed directly from above, lines perpendicular to the #front yard line# may be drawn to a #street wall#. On #corner lots#, the #front yard line level# is the mean of the #front yard line levels#.



a - Portion of front yard line used to determine front yard line level

## FRONT YARD LINE LEVEL

### yard line, rear

General Definition  
Last Amended 12/15/1961

A "rear yard line" is a line drawn parallel to a #rear lot line# at a distance therefrom equal to the depth of a required #rear yard#.

### yard, front

General Definition  
Last Amended 12/15/1961

A "front yard" is a #yard# extending along the full length of a #front lot line#.

In the case of a #corner lot#, any #yard# extending along the full length of a #street line# shall be considered a #front yard#.

### yard, rear

General Definition  
Last Amended 12/15/1961

A "rear yard" is a #yard# extending for the full length of a #rear lot line#.

### yard, side

General Definition  
Last Amended 12/15/1961

A "side yard" is a #yard# extending along a #side lot line# from the required #front yard# (or from the #front lot line# if no #front yard# is required) to the required #rear yard# (or to the #rear lot line#, if no #rear yard# is required). In the case of a #corner lot#, any #yard# which is not a #front yard# shall be considered a #side yard#.

## zero lot line building

General Definition  
Last Amended 2/2/2011

A "zero lot line building" is a #building# that #abuts# only one #side lot line# and does not #abut# another #building# on the same or an adjoining #zoning lot# and which is surrounded on all sides but one by #yards#, other open area or #street lines# on the #zoning lot#. However, #accessory buildings# permitted pursuant to Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents) may be permitted to #abut# a #zero lot line building# on an adjoining #zoning lot#.

## Zone A, Zone B, Zone C

Applicable to Article VIII - Chapter 1  
Last Amended 2/2/2011

"Zone A," "Zone B" and "Zone C" are zones on an #encroachment grid# defined as follows:

- (a) #Zone A# is the #free zone#.
- (b) #Zone B#, an #encroachment# zone, is the zone, exclusive of any area in #Zone A# and any area closer to the #street line# than the #ten-foot setback line#, which lies between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#.
- (c) #Zone C#, an #encroachment# zone and penalty zone, is the zone, exclusive of any area closer to the #street line# than the #ten-foot setback line#, which lies between the #half-setback line# and the #ten-foot setback line#.

## zoning lot

A "zoning lot" is either:

- (a) a lot of record existing on December 15, 1961, or any applicable subsequent amendment thereto;
- (b) a tract of land, either unsubdivided or consisting of two or more contiguous lots of record, located within a single #block#, which, on December 15, 1961, or any applicable subsequent amendment thereto, was in single ownership;
- (c) a tract of land, either unsubdivided or consisting of two or more lots of record contiguous for a minimum of 10 linear feet, located within a single #block#, which at the time of filing for a building permit (or, if no building permit is required, at the time of the filing for a certificate of occupancy) is under single fee ownership and with respect to which each party having any interest therein is a party in interest (as defined herein); or
- (d) a tract of land, either unsubdivided or consisting of two or more lots of record contiguous for a minimum of 10 linear feet, located within a single #block#, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy) is declared to be a tract of land to be treated as one #zoning lot# for the purpose of this Resolution. Such declaration shall be made in one written Declaration of Restrictions covering all of such tract of land or in separate written Declarations of Restrictions covering parts of such tract of land and which in the aggregate cover the entire tract of land comprising the #zoning lot#. Any Declaration of Restrictions or Declarations of Restrictions which individually or collectively cover a tract of land are referred to herein as "Declarations." Each Declaration shall be executed by each party in interest (as defined herein) in the portion of such tract of land covered by such Declaration (excepting any such party as shall have waived its right to execute such Declaration in a written instrument executed by such party in recordable form and recorded at or prior to the recording of the Declaration). Each Declaration and waiver of right to execute a Declaration shall be recorded in the Conveyances Section of the Office of the City Register or, if applicable, the County Clerk's Office of the county in which such tract of land is located, against each lot of record constituting a portion of the land covered by such Declaration.

A #zoning lot#, therefore, may or may not coincide with a lot as shown on the official tax map of the City of New York, or on any recorded subdivision plat or deed.

Parcels within City-owned tracts of land located in Broad Channel within the boundaries of Community Board 14 in the Borough of Queens that were numerically identified for leasing purposes on maps filed in the Office of Borough President prior to December 15, 1961, may be considered as individual lots of record as of September 10, 1981.

- (e) For purposes of the provisions of paragraph (c) hereof:
  - (1) prior to issuing a building permit or a certificate of occupancy, as the case may be, the Department of Buildings shall be furnished with a certificate issued to the applicant therefor by a title insurance company licensed to do business in the State of New York showing that each party having any interest in the subject tract of land is a party in interest (as defined herein); except that where the City of New York is a fee owner, such certificate may be issued by the New York City Law Department; and
  - (2) a "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the development thereof and (Z) the holder of any unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the development thereof and which would be disclosed by a physical inspection of the tract of land.
- (f) For purposes of the provisions of paragraph (d) hereof:
  - (1) prior to issuing a building permit or a certificate of occupancy, as the case may be, the Department of Buildings shall be furnished with a certificate issued to the applicant therefor by a title insurance company licensed to do business in the State of New York showing that each party in interest (excepting those parties waiving their respective rights to join therein, as set forth in this definition) has executed the Declaration and that the same, as well as each such waiver, have been duly recorded; except that where the City of New York is a fee owner, such certificate may be issued by the New York City Law Department;
  - (2) the Buildings Department, in issuing a building permit for construction of a #building or other structure# on the #zoning lot# declared pursuant to paragraph (d) above or, if no building permit is required, in issuing a certificate of occupancy for such #building or other structure#, shall accept an application for same from and, if all conditions for issuance of same are fulfilled, shall issue same to any party to the Declaration;
  - (3) by their execution and recording of a Declaration, the parties to the Declaration, and all parties who have waived their respective rights to execute such Declaration, shall be deemed to have agreed that no breach by any party to the Declaration, or any agreement ancillary thereto, shall have any effect on the treatment of the tract of land covered by the Declaration as one #zoning lot# for purposes of this Resolution and such tract of land shall be treated as one #zoning lot# unless such #zoning lot# is subdivided in accordance with the provisions of this Resolution; and
  - (4) a "party in interest" in the portion of the tract of land covered by a Declaration shall include only (W) the fee owner or owners thereof, (X) the holder of any enforceable recorded interest in all or part thereof which would be superior to the Declaration and which could result in such holder obtaining possession of any portion of such tract of land, (Y) the holder of any enforceable recorded interest in all or part thereof which would be adversely affected by the Declaration, and (Z) the holder of any unrecorded interest in all or part thereof which would be superior to and adversely affected by the Declaration and which would be disclosed by a physical inspection of the portion of the tract of land covered by the Declaration.

A #zoning lot# may be subdivided into two or more #zoning lots#, provided that all resulting #zoning lots# and all #buildings# thereon shall comply with all of the applicable provisions of this Resolution. If such #zoning lot#, however, is occupied by a #non-complying building#, such #zoning lot# may be subdivided provided such subdivision does not create a new #non-compliance# or increase the degree of #non-compliance# of such #building#.

Where ownership of a #zoning lot# or portion thereof was effected prior to the effective date of this amendment, as evidenced by an attorney's affidavit, any #development#, #enlargement# or alteration on such #zoning lot# may be based upon such prior effected ownership as then defined in the #zoning lot# definition of Section [12-10](#). Such prior leasehold agreements shall be duly recorded prior to August 1, 1978.

Prior to the issuance of any permit for a #development# or #enlargement# pursuant to this Resolution a complete metes and bounds of the #zoning lot#, the tax lot number, the block number and the ownership of the #zoning lot# as set forth in paragraphs (a), (b), (c) and (d) herein shall be recorded by the applicant in the Conveyances Section of the Office of the City Register (or, if applicable, the County Clerk's Office) of the county in which the said #zoning lot# is located. The #zoning lot# definition in effect prior to the effective date of this amendment shall continue to apply to Board of Standards and Appeals approvals in effect at the effective date hereof.

## **zoning maps**

"Zoning maps" are the maps incorporated into the provisions of this Resolution in accordance with the provisions of Section [11-14](#) (Incorporation of Maps).