

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
Bill de Blasio, Mayor

CITY PLANNING COMMISSION  
Marisa Lago, Chair

## Article I: General Provisions

### Chapter 2 - Construction of Language and Definitions

Effective date of most recently amended section of Article I Chapter 2: 6/21/17

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CITY PLANNING COMMISSION  
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(12/15/61)

**Chapter 2**  
**Construction of Language and Definitions**

(12/15/61)

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

(2/2/11)

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

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.

(2/2/11)

## **12-02**

### **Rules for Interpretation of District Designations**

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

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.

Abut, or abutting (2/2/11)

"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#.

Accessory use, or accessory (4/30/12)

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 the principal #use#.

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

An #accessory use# includes:

- (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, M1-5A 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, open or enclosed.
- (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) Electric vehicle charging in connection with parking facilities.
- (21) Solar energy systems.

(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"; and

which 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"; and

which 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.

An "adult physical culture establishment," is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:

- (1) treatment by a licensed physician, a licensed chiropractor, a licensed osteopath, a New York licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;
- (2) electrolysis treatment by a licensed operator of electrolysis equipment;
- (3) hospitals, #long-term care facilities#, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4;
- (4) barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only; and
- (5) athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.

#Adult physical culture establishments# are not permitted in any District.

Advertising sign - see Sign, advertising

Affordable independent residence for seniors (3/22/16)

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# used for class A occupancy as defined in the New York State Multiple Dwelling Law. For the purposes of this definition, "super's unit," shall be as defined in Section

23-911 (General definitions).

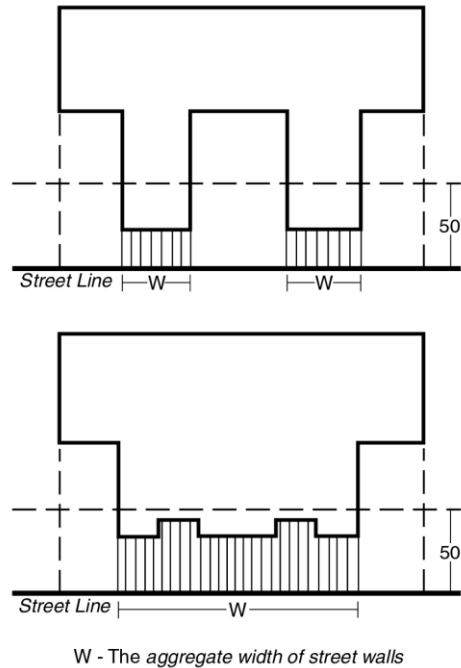
An #affordable independent residence for seniors# may consist of one or more #buildings# on the same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#, and shall contain related #accessory# social and welfare facilities primarily for residents, such 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 (2/2/11)

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#.



### AGGREGATE WIDTH OF STREET WALLS

Alterations, incidental or to alter incidentally (12/15/61)

"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 - see Hotel, apartment

Arcade (2/2/11)

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.

Artist (4/27/76)

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

Attached (building) (2/2/11)

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#.

Automotive service station (2/2/11)

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 gasoline or

other motor fuels 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 are permitted #accessory uses#.

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

Base flood elevation (6/30/89)

The "base flood elevation" is the level in feet of the flood having a one percent chance of being equaled or exceeded in any given year, as indicated on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

Base plane (3/22/16)

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. In either case, in the #flood zone#, either the #base flood elevation# may be the level of the #base plane# or #building# height may be measured from the #flood-resistant construction elevation#, as provided in Article VI, Chapter 4. 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#, unless the #base plane# is also the #base flood elevation#.

- (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, unless the #base plane# is also the #base flood elevation#. 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 #baseplanes# 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 (10/25/93)

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 (12/15/61)

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 (12/15/61)

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.

Building (2/2/11)

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 - see Designed for residential use

Building or other structure (12/15/61)

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

Building segment (12/5/90)

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 (2/2/11)

"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.

Car sharing vehicle (9/29/10)

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 (10/25/93)

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#.

Commercial (2/2/11)

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 (12/15/61)

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

Commercial District (2/2/11)

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."

Community facility (2/2/11)

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

Community facility building (12/15/61)

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

Completely enclosed (building)

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.

Conversion, or to convert (2/2/11)

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 - see Lot, corner

Court (12/15/61)

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

Court, depth of outer (12/15/61)

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 (12/15/61)

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 (12/15/61)

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:

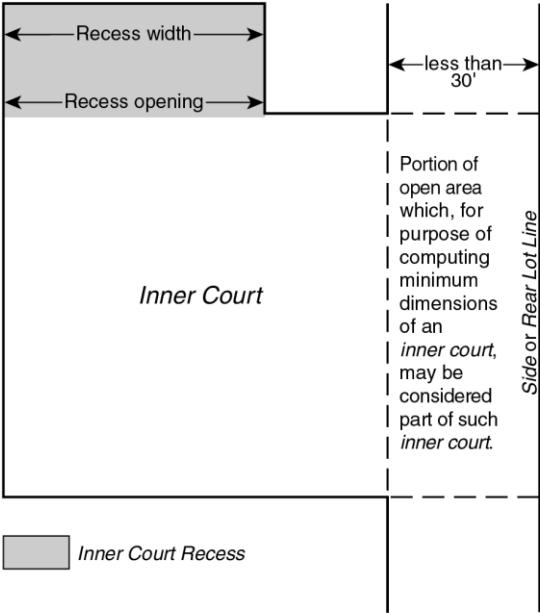
- (a) a #front lot line#;
- (b) a #front yard#;
- (c) a #rear yard#; or
- (d) any open area along a #rear lot line#, or along a #side lot line# having a width or depth of at least 30 feet, and which open area extends along the entire length of such #rear# or #side lot line#; and

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

Court recess, inner (12/15/61)

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#.

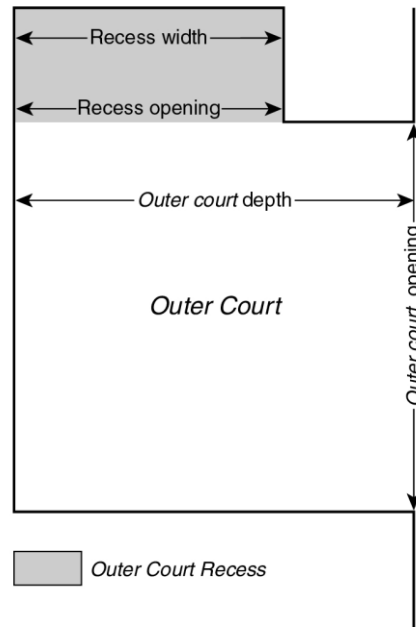




INNER COURT RECESS

Court recess, outer (12/15/61)

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, width of outer (12/15/61)

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#.

Covered pedestrian space (6/12/96)

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.

Curb level (10/25/93)

"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#.

Depth of outer court - see Court, depth of outer

Designed for residential use, (building) (1/8/76)

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) (12/15/61)

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

Development, or to develop (2/2/11)

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#.

Dwelling unit (2/2/11)

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.

Enclosed sidewalk cafe - see Sidewalk cafe, enclosed

Enlargement, or to enlarge (2/2/11)

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#.

Extension, or to extend (12/15/61)

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 (2/2/11)

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.

Fire wall (2/2/11)

- (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#.

Flashing sign - see Sign, flashing

Flood maps (10/9/13)

"Flood maps" shall be the most recent advisory or preliminary maps or map data released by the Federal Emergency Management Agency (FEMA) after October 28, 2012, until such time as the City of New York adopts new final Flood Insurance Rate Maps. When new final Flood Insurance Rate Maps are adopted by the City of New York superseding the Flood Insurance Rate Maps in effect on October 28, 2012, #flood maps# shall be such new adopted final Flood Insurance Rate Maps.

Flood zone (10/9/13)

The "flood zone" is the area that has a one percent chance of flooding in a given year, as indicated on the effective Flood Insurance Rate Maps, plus any additional area that has a one percent chance of flooding in a given year, as indicated on the #flood maps#.

Floor area (3/22/16)

"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 gallerias, 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;
- (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 or becomes unused or inaccessible within a #building#;
- (l) floor space that has been eliminated from the volume of an existing #building# in conjunction with the #development# of a new #building# or in the case of a major #enlargement#, as set forth in Section 11-31 (General Provisions), of another #building# on the same #zoning lot#;
- (m) floor space used for mechanical equipment that exceeds 50 square feet for the first #dwelling unit#, an additional 30



square feet for the second #dwelling unit#, and an additional 10 square feet for each additional #dwelling unit# in R2X, R3, R4 or R5 Districts. 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#;

- (n) 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
- (o) 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 mechanical equipment, except that such exclusion shall not apply in R2A Districts, and in R1-2A, R2X, R3, R4, or R5 Districts, such exclusion shall be limited to 50 square feet for the first #dwelling unit#, an additional 30 square feet for the second #dwelling unit# and an additional 10 square feet for each additional #dwelling unit#. 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) exterior wall thickness, up to eight inches:

- (i) where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch; or
- (ii) where such wall thickness is part of an exterior wall constructed after April 30, 2012, equal to the number of inches by which the wall's total thickness exceeds eight inches, provided the above-grade exterior walls of the #building# envelope are more energy efficient than required by the New York City Energy Conservation Code (NYCECC) as determined by the following:
  - (1) the area-weighted average U-factor of all opaque above-grade wall assemblies shall be no greater than 80 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC; and
  - (2) the area-weighted average U-factor of all above-grade exterior wall assemblies, including vertical fenestrations, shall be no more than 90 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC. For the purposes of calculating the area-weighted average U-factor, the amount of fenestration shall equal the amount of fenestration provided in such exterior walls, or an amount equal to the maximum fenestration area referenced in the NYCECC for the calculation of the baseline energy code requirement, whichever is less;

For the purposes of calculating compliance with this paragraph, (12)(ii), the term "above-grade" shall only include those portions of walls located above the grade adjoining such wall. Compliance with this paragraph

shall be demonstrated to the Department of Buildings at the time of issuance of the building permit for such exterior walls. The total area of wall thickness excluded from the calculation of #floor area# shall be reflected on the next issued temporary or final certificate of occupancy for the #building#, as well as all subsequent certificates of occupancy;

- (13) floor space in a rooftop greenhouse permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (14) floor space on a sun control device, where such space is inaccessible other than for maintenance.

Floor area ratio (2/2/11)

"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)

Front lot line - see Lot line, front

Front sky exposure plane - see Sky exposure plane

Front yard - see Yard, front

Front yard line - see Yard line, front

Front yard line level - see Yard line, front, level (of)

Gambling vessel (2/26/98)

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.

#### Group parking facility (2/2/11)

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.

#### Height factor (3/22/16)

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.

Home occupation (2/2/11)

- (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.

Hotel, apartment (2/2/11)

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 (8/17/90)

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.

Illuminated sign - see Sign, illuminated

Incidental alteration - see Alteration, incidental

Inclusionary Housing area, Mandatory - see Mandatory Inclusionary Housing area

Inclusionary Housing designated area (3/22/16)

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 (3/22/16)

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.

Initial setback distance (12/15/61)

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 - see Court, inner

Inner court recess - see Court recess, inner

Interior lot - see Lot, interior

Joint living-work quarters for artists (2/2/11)

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 M1-5A and M1-5B Districts), 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in M1-5A and M1-5B Districts) and 74-78 (Conversions of Non-residential Floor Area).

Land with minor improvements (2/2/11)

"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.

Large-scale community facility development (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 modifications).

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 (2/2/11)

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 (2/2/11)

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 (6/29/94)

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 (10/13/10)

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-term care facility (3/22/16)

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 (2/20/64)

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

Lot area per dwelling unit (12/15/61)

"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 (12/15/61)

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

Lot, corner (5/20/65)

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 coverage (3/22/16)

"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 (12/15/61)

"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, interior (12/15/61)

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

#### Lot line (12/15/61)

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

Lot line, front (12/15/61)

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

Lot line, rear (12/15/61)

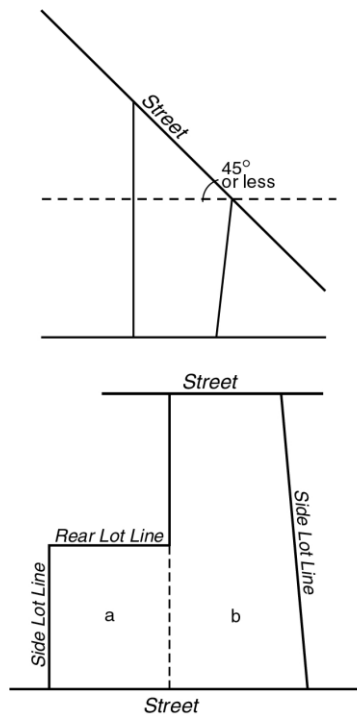
A "rear lot line" is any #lot line# of a #zoning lot# except a #front lot line#, which is parallel or within 45 degrees of being parallel to, and does not intersect, any #street line# bounding such #zoning lot#.

Lot line, side (12/15/61)

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

Lot, through (12/15/61)

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#.



a - Portion of lot subject to *interior lot* regulations  
b - Portion of lot subject to *through lot* regulations

## THROUGH LOT

Lot width (12/15/61)

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

Lot, zoning - see Zoning lot

Lower density growth management area (2/2/11)

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.

Mandatory Inclusionary Housing area (3/22/16)

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.

Manhattan Core

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

Manufacturing (2/2/11)

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

Manufacturing District (2/2/11)

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."

Mixed building (2/2/11)

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

Motel or tourist cabin (12/15/61)

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 - see Street, narrow

Non-complying, or non-compliance (12/15/61)

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 (2/2/11)

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 (6/27/63)

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 (3/22/16)

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-residential building (2/2/11)

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

Open space (2/2/11)

"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 ratio (2/2/11)

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 - see Court, outer

Outer court recess - see Court recess, outer

Physical culture or health establishments (7/24/13)

A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as #accessory# to the physical exercise program or massage facility. Except as specifically provided in Special Purpose Districts, #physical culture or health establishments# are only permitted pursuant to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health-related facility/services pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.

Plaza (10/17/07)

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 (2/2/11)

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 (10/17/07)

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 (10/17/07)

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.

Predominantly built-up area (3/22/16)

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 (2/2/11)

"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#.

Private road (2/2/11)

In accordance with Sections 26-00 (APPLICABILITY OF THIS CHAPTER) and 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS), 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#.

Public park (12/15/61)

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 (9/29/10)

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

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

#Car sharing vehicles# may occupy parking spaces in a #public parking garage#; however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such garage. 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#.

Sale of motor fuel or motor oil or minor repairs incidental to the parking or storage of motor vehicles are permitted #accessory uses#.

Public parking lot (2/2/11)

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 commercial or public utility vehicles or the dead storage of motor vehicles; and

(b) not #accessory# to a #use# on the same or another #zoning lot#.

#Car sharing vehicles# may occupy spaces in a #public parking lot#; however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such parking lot. Minor repairs incidental to the parking or storage of motor vehicles are a permitted #accessory use#.

Public plaza - see Plaza, public

Publicly accessible open area (10/17/07)

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#.

Qualifying ground floor (3/22/16)

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#.

Quality Housing building (3/22/16)

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 (2/2/11)

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 (2/22/90)

"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 - see Lot line, rear

Rear yard - see Yard, rear

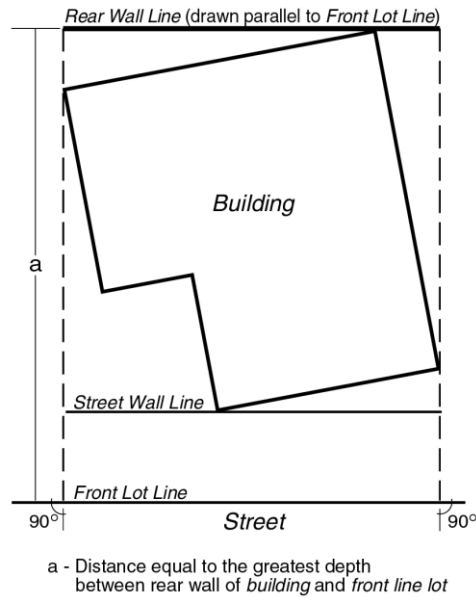
Rear yard equivalent - see Yard equivalent, rear

Rear yard line - see Yard line, rear

Rear sky exposure plane - see Sky exposure plane, rear

## Rear wall line

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

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

### Residence, or residential (3/22/16)

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#.

#### Residence District (2/2/11)

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."

#### Residential building (2/2/11)

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

Residential plaza - see Plaza, residential

#### Residential use (12/15/61)

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

#### Rooms (7/26/01)

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

#### Rooming unit (7/26/01)

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#.

School (1/18/11)

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.

Semi-detached (building) (2/2/11)

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#.

Shoreline (10/25/93)

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.

Show window (12/15/61)

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 - see Lot line, side

Side lot ribbon (6/30/89)

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 - see Yard, side

Sidewalk cafe (2/2/11)

A "sidewalk cafe" is a portion of an eating or drinking place that is located on a public sidewalk and is either an #enclosed#, #unenclosed# or #small sidewalk cafe#. #Sidewalk cafes# are further defined in Section 20-223, subdivision (a), of the Administrative Code.

Sidewalk cafe, enclosed (1/29/03)

An "enclosed sidewalk cafe" is a #sidewalk cafe# that is contained within a structure constructed predominantly of light materials such as glass, slow-burning plastic or lightweight

metal.

Sidewalk cafe, small (5/5/04)

A "small sidewalk cafe" is an #unenclosed sidewalk cafe# containing no more than a single row of tables and chairs adjacent to the #street line# where such tables and chairs occupy a space on the sidewalk no greater than 4 feet, 6 inches from the #street line#.

Sidewalk cafe, unenclosed (5/5/04)

An "unenclosed sidewalk cafe" is a space on the sidewalk that contains readily removable tables, chairs or railings with no overhead coverage other than umbrellas or a retractable awning that is affixed to the #building# wall and does not extend further than the width of the #unenclosed sidewalk cafe#.

Sign (4/8/98)

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, advertising (4/8/98)

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 (4/8/98)

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 (4/8/98)

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)

Sign with indirect illumination (4/8/98)

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#.

Single-family residence (2/2/11)

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

Sky exposure plane or front sky exposure plane (4/18/87)

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 (4/18/65)

A "rear sky exposure plane" is an imaginary inclined plane:

- (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.

Special 125th Street District (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 City Island District (2/2/11)

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 (2/2/11)

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 (6/21/17)

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 (2/2/11)

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 (2/2/11)

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 (1/9/75)

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 (2/2/11)

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 Jamaica District (2/2/11)

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 Enhanced Commercial District (6/28/12)

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 Forest Hills District (2/2/11)

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 (2/2/11)

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 (7/24/13)

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 Grand Concourse Preservation District (2/2/11)

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 (2/2/11)

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 Hillside Preservation District (2/2/11)

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 (12/15/16)

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 (3/20/13)

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 (2/2/11)

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 (2/2/11)

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 Limited Commercial District (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (12/10/97)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 South Richmond Development District (2/2/11)

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 (2/2/11)

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 (5/8/13)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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 (2/2/11)

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.

Story (2/2/11)

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 (2/2/11)

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 line (10/25/73)

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, narrow (12/15/61)

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

Street setback line (9/19/85)

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,

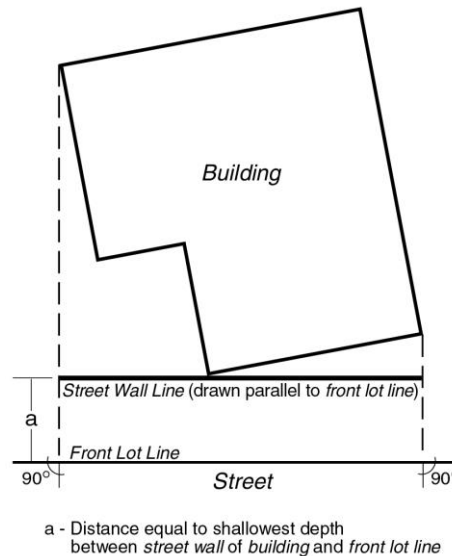
#extended# or structurally altered but shall not be #enlarged#.

Street wall (12/15/61)

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

## Street wall line (12/5/90)

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#.



## STREET WALL LINE

## Street wall line level (12/5/90)

"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, wide (12/19/11)

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#.

Surface area (of a sign) (4/8/98)

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#.

Through block arcade (10/17/07)

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 lot - see Lot, through

Tourist cabin - see Motel or tourist cabin

Trailer (12/15/61)

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

Trailer camp (2/2/11)

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

Transit Zone (3/22/16)

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

Transient hotel - see Hotel, transient

Two-family residence (2/2/11)

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

Unenclosed sidewalk café - see Sidewalk café, unenclosed

Urban plaza - see Plaza, urban

Use (2/2/11)

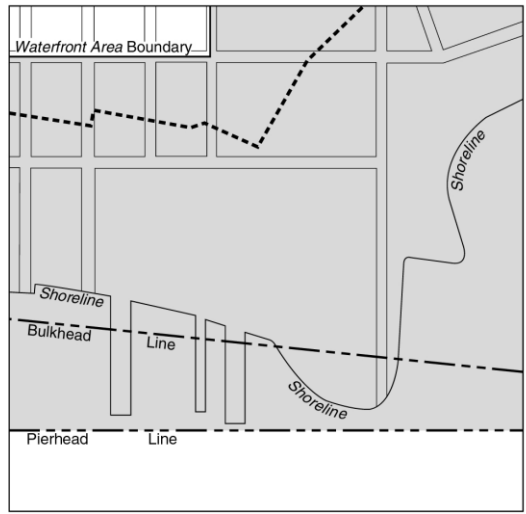
A "use" is:

- (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.

Waterfront area (4/22/09)

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#.

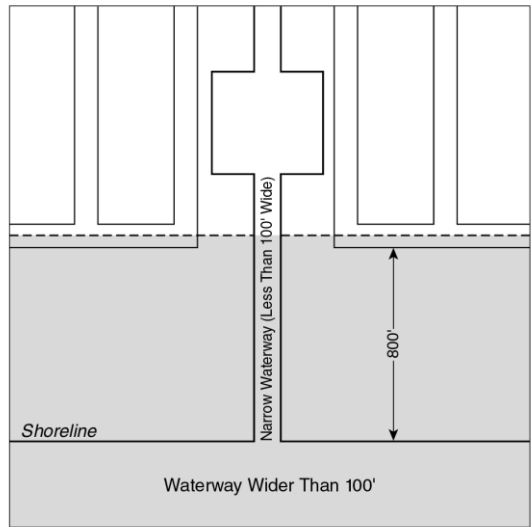
For the purposes of this definition, only #blocks# along waterways that have a minimum width of 100 feet between opposite #shorelines#, with no portion downstream less than 100 feet in width, shall be included within the #waterfront area#. However, #blocks# bounding the Gowanus Canal north of Hamilton Avenue, as shown on the City Map, 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

Wide street - see Street, wide

Width of outer court - see Court, width of outer

Yard (9/19/73)

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 (12/15/61)

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, front (12/15/61)

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

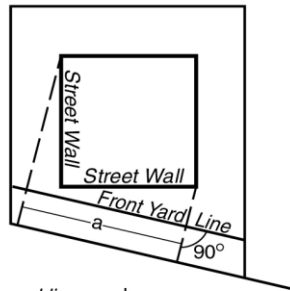
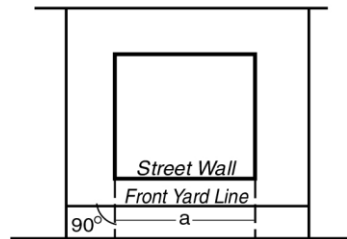
In the case of a #corner lot#, any #yard# extending along the full length of a #street line# shall be considered a #front yard#.

Yard line, front (12/15/61)

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) (12/15/61)

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 (12/15/61)

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, rear (12/15/61)

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

Yard, side (12/15/61)

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 (2/2/11)

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#.

Zoning lot (2/2/11)

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 (12/15/61)

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