



Town of North Hempstead

Department of Building Safety, Inspection & Enforcement



210 Plandome Road, Manhasset, NY 11030-2326

www.northhempsteadny.gov

Residential Zoning Definitions

This list by no means is all inclusive and is merely intended as an aid to the Design Professional. The Design Profession bears the responsibility of reading and understanding all aspects of the Town of North Hempstead Zoning Code.

LOT COVERAGE: The area of the maximum horizontal cross section of the buildings on the lot (this includes detached garages and any shed with an area of more than 144 square feet), excluding cornices, eaves, gutters or chimneys projecting not more than 24 inches, steps, one-story open porches (or decks), bay windows extending not more than one story and projecting not more than five feet, balconies and terraces.

GROSS FLOOR AREA: See [Gross Floor Area](#) below.

FRONT YARD: A yard across the full width of the lot extending from the front line of the building to the front line of the lot measured between the side property lines.

FRONT YARD (CORNER LOT): On a corner lot, a front yard shall be required on each street.

AVERAGE FRONT YARD: See [Average Front Yard Setback](#) below.

SIDE YARD: A yard between the side of the building and the corresponding side line of the lot and extending from the front lot line to the rear lot line in the case of a single building on the front portion of the lot.

SIDE YARD (INTERIOR LOT): There are two side yards, one on each side of the main building.

SIDE YARD (CORNER LOT): There is only one side yard. Said yard shall be on the side adjoining the interior lot opposite the front yard having the greater street frontage.

AGGREGATE SIDE YARD: The combined total width of both side yards as a percentage of the total lot width. A corner lot does not have an aggregate side yard. The lot width used to determine the minimum aggregate side yard required for irregularly shaped properties is determined by performing a weighted average lot width calculation measured perpendicular to the lot depth.

REAR YARD (INTERIOR LOT): The yard opposite the front yard.

REAR YARD (CORNER LOT): The yard opposite the front yard having the narrower street frontage.

HEIGHT TO RIDGE: See [Pre-existing Average Grade](#) below.

HEIGHT TO EAVES: See [Pre-existing Average Grade](#) below.

FRONT YARD PAVING: The total of impervious material or paving in the front yard of the property.

REAR YARD COVERAGE: Accessory buildings and/or structures, except as otherwise provided, shall not occupy more than 40% of the area of the rear yard.

PREEXISTING AVERAGE GRADE: See [Pre-existing Average Grade](#) below.



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SKY EXPOSURE PLANE: A theoretical inclined plane through which no portion of a building other than cornices or eaves projecting not more than 18 inches, gutters projecting not more than eight inches and chimneys may penetrate. It begins at a lot line and rises over the zoning lot at a ratio of vertical distance to horizontal distance as set forth in the district regulations. See [Sky Exposure Plane](#) below.

ATTIC: The space between the ceiling joists of the top story and the roof rafters. An attic shall not be used or occupied as living or sleeping quarters. There shall be no fixed stair to any new attic space nor operable windows. Attics shall not have finished floors or heating systems. Attics over one-story extensions shall count as additional gross for area if the height from the joist to the underside of the ridge is greater than five feet. Horizontal access to attics shall be limited to nine square feet.

BASEMENT: That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building.

CELLAR: That portion of a building with half or more of its floor-to-ceiling height below the average level of the adjoining ground. A "cellar" shall not be used or occupied as cooking or sleeping quarters but may be used as recreational space when in compliance with the requirements of the NYS Uniform Fire Prevention and Building Code.

HABITABLE SPACE (Residential Code of New York State) A space in a building for living, sleeping, eating or cooking, or used as a home occupation. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

ACCESSORY BUILDING AND/OR STRUCTURE: A subordinate building and/or structure customarily incidental to and located on the same lot occupied by the main building. All accessory buildings and/or structures are controlled by [Article XI](#) of the Town of North Hempstead Zoning Code. Accessory buildings and/or structures include, but are not limited to, pools, fences, detached garages, sheds (requires permit if over 144 square feet), stationary outdoor fireplaces and barbeques, pergolas, central air-conditioning units, generators, etc.

MAINTAIN EXISTING: An application for a building permit for construction, changes, alterations, improvements or modifications which had been previously completed without the required permit(s) and inspections. All maintenance applications filed in the Town of North Hempstead must be accompanied by plans demonstrating compliance with the current Residential Code of New York State and Town of North Hempstead Zoning Code. Fees for applications and permits to maintain existing construction are multiplied by two in accordance with the Schedule of Fees pursuant to [§2-28C](#) of the Town Ordinance.

NEW CASSEL URBAN RENEWAL OVERLAY DISTRICT: The boundaries are the Wantagh Parkway on the eastern side, Brush Hollow Road and Union Avenue on the northern side, School Street on the western side and Railroad Avenue on the southern side. All applications for work in this district must meet the requirements of [Article XXB](#) of the Town of North Hempstead Zoning Code.

PARKING SPACE: The off-street paved or surfaced area available and usable for the parking of one motor vehicle, having dimensions of not less than 10 feet by 20 feet. A single-family dwelling is required to have two parking spaces. A two-family dwelling is required to have four parking spaces.

PRIVATE GARAGE: A detached accessory building or part of the main building used for the storage of not more than two noncommercial automobiles or one commercial and one noncommercial automobiles, owned and used by the occupant of the dwelling and in which no business or service is conducted. Such garage shall not exceed 26 feet in width and 24 feet in depth, with garage doors not to exceed eight feet in height.



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DRAINAGE REQUIREMENT: All construction, or maintenance of existing construction, in which there will be an increase in impervious surface area in excess of 5% of the lot area or 750 square feet, whichever is less, requires on-site underground retention of 2 ½ inches of rainfall per Section [§70-202.2](#) of the Town of North Hempstead Zoning Code. Impervious surfaces do not include decks or patios on sand or gravel. Patios on concrete base or crushed concrete aggregate are considered impervious surfaces.

RETAINING WALLS: All walls and other structures of any construction which are intended to, or which in fact, retain or support adjoining earth or rock. All construction or maintenance of retaining walls must meet the requirements found in [Article XXII](#) of the Town of North Hempstead Zoning Code.



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Residential Zoning Definitions

Pre-existing Average Grade

to be used in conjunction with [Chapter 70](#) of the Town of North Hempstead Code

Requirement: In all residential zoning districts, new construction is limited to a maximum height of 30 feet. The maximum height to the uppermost eave shall be 22 feet.

When Required: Construction of a new dwelling, two-story or second story addition.

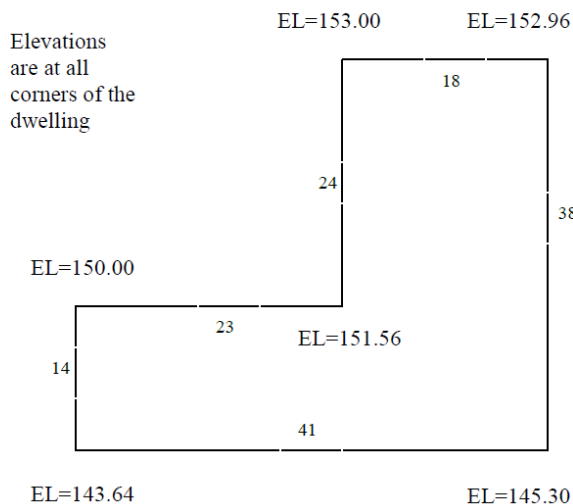
Building Height: The vertical distance measured from the average level of the preexisting grade at the perimeter of the building to the highest point of the roof.

Eave Height: The top of the uppermost wall plate, as measured from the average level of the preexisting grade at the perimeter of the building.

Pre-existing grade: The elevation of the land prior to commencement of any alteration, grading or construction at the premises.

Explanation: To determine the preexisting average grade you must superimpose the perimeter of the proposed dwelling onto the topographical survey of the existing property to determine the existing elevations of the property at the corners of the proposed building before any re-grading of the property occurs.

The following is an example of the diagram and calculation which must be provided on the plans:



Calculation

$$\begin{aligned}
 145.30 + 143.64 &= 288.94 / 2 = 144.47 \times 41 = 5923.27 \\
 143.64 + 150.00 &= 293.64 / 2 = 146.82 \times 14 = 2055.48 \\
 150.00 + 151.56 &= 301.56 / 2 = 150.78 \times 23 = 3467.94 \\
 151.56 + 153.00 &= 304.56 / 2 = 152.28 \times 24 = 3654.72 \\
 153.00 + 152.96 &= 305.96 / 2 = 152.98 \times 18 = 2753.64 \\
 152.96 + 145.30 &= 298.26 / 2 = 149.13 \times 38 = 5666.94 \\
 &158 \quad 23,521.99
 \end{aligned}$$

$$23,521.99 / 158 = 148.87$$

The preexisting average grade = 148.87'

- Once the preexisting average grade is determined, it must be shown on the elevations along which the elevation of the top of foundation, eave height and building height.
- The approved plans for new dwellings and two-story additions will be stamped with "FOUNDATION LOCATION SURVEY REQUIRED PRIOR TO FRAMING". The foundation location survey must provide the elevation of the top of foundation.
- The approved plans for new dwellings, two-story additions and second story additions will be stamped with "UPDATED SURVEY WITH RIDGE AND EAVE HEIGHT IS REQUIRED AFTER FRAMING"



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Residential Zoning Definitions

Gross Floor Area

to be used in conjunction with [Chapter 70](#) of the Town of North Hempstead Code

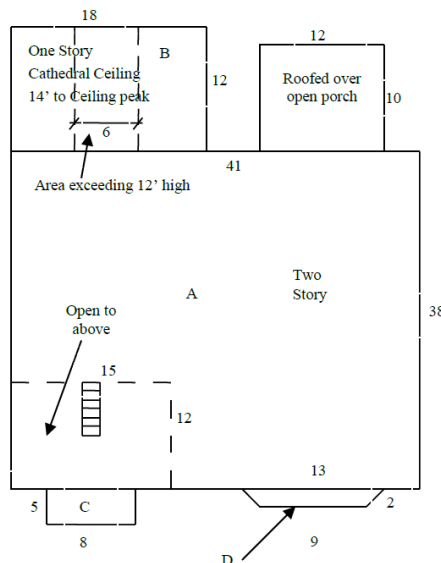
Requirement: In all residential zoning districts, the maximum permitted gross floor area is limited by both a percentage of the lot area and a maximum allowable cap for that zoning district.

When Required: Any new construction or maintenance of existing construction which increases the gross floor area as defined below.

Gross Floor Area (§70-231): The sum of the gross horizontal area of all floors or stories of a dwelling as measured to the outside face of the exterior wall inclusive of all exterior facing as well as attached garages, enclosed porches and roofed porches having more than 50% of the perimeter enclosed or screened, attics over one-story extensions where the height from the joist to the underside of the ridge is greater than five (5) feet, all habitable and occupiable attics, and basement areas with ceiling heights in excess of seven feet or greater. Basement areas with a maximum ceiling height of eight feet shall not be included in the gross floor area in all residential building permit applications or amendments submitted prior to December 21, 2007. Attics that are non-habitable and non-occupiable and cellars shall be excluded from the gross floor area. The gross floor area of detached garages greater than 300 square feet shall be included in their entirety. Gross floor area in dwellings for areas exceeding 12 feet in height shall be counted at 2.0 times the actual floor area except in garages.

Basement (§70-231): The space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building.

The following is an example of the diagram and calculation which must be provided on the plans:



Calculation

A (main dwelling)	41 x 38 =	1,558
B (rear addition)	18 x 12 =	216
B (cathedral ceiling > 12')	6 x 12 =	72
C (one-story vestibule)	5 x 8 =	40
D (one-story bay)	11 x 2 =	22
	First floor total =	1,908
A (main dwelling)	41 x 38 =	1,558
	Second floor total =	1,558
Detached Garage	20 x 20 =	400
Roofed over open porch	10 x 12 =	0
	Total gross floor area =	3,866

- Note that the two-story foyer is included as floor area on both stories, and that the area of the staircase does not get deducted from either the first floor or second floor area.
- Note that the portion of the one-story rear addition where the cathedral ceiling exceeds 12 feet is counted twice.
- Note that the roofed over open porch which is open at more than 50% of its perimeter does not get included in gross floor area.



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Residential Zoning Definitions

Average Front Yard Setback

to be used in conjunction with [Chapter 70](#) of the Town of North Hempstead Code

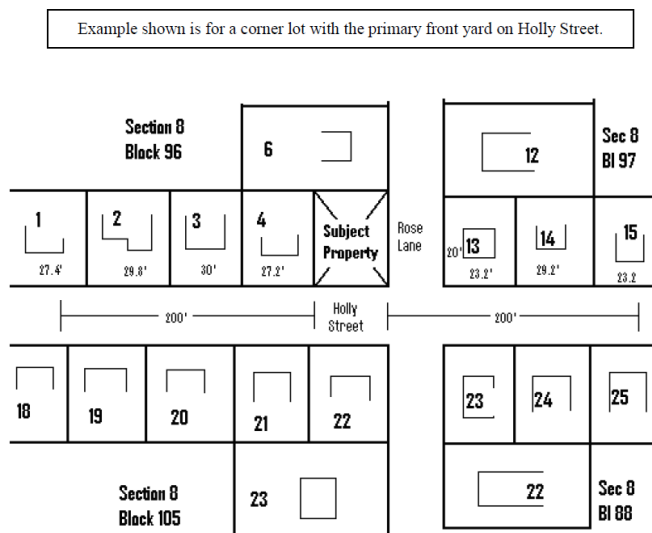
Requirement: In all residential zoning districts, the minimum front yard depth shall be the same as the average front yard depth of the existing primary buildings used as dwellings within 200 feet (300 feet for zoning district Residence-AA) on each side of the lot on the same side of the street and within the same zoning district, or the minimum front yard setback for that district, whichever is greater. On a lot with multiple street fronts, the average front yard setback shall only apply to the primary front yard.

When Required: Construction of a new dwelling, front addition, second story over existing first story, or any front portico, porch or vestibule.

Primary Front Yard: The front yard with the narrower street frontage. For lots having equal street frontage, the primary front yard shall be the front yard where the main entrance is established.

Existing Buildings: The front yards of the existing building is measured to the main building, not permitted encroachments such as open porches, enclosed porches, vestibule and porticos.

The following is an example of the diagram and calculation which must be provided on the plans:



Calculation

		Holly Street	Rose Lane	
<u>Block</u>	<u>Lot</u>			Average front yard setback is no longer required for secondary front yards.
96	1	27.4		
	2	29.8		
	3	30.0		
	4	27.2		
97	13	23.2		The front yard requirement for the secondary front yard is the minimum required by subsection B of the specific zoning districts Front Yard requirement.
	14	29.2		
	15	<u>23.2</u>		
		190.0		
		$190.0 / 7 = 27.14'$		

The subject property is not included in the calculation of average front yard setback

- The existing front yard setbacks of the required buildings may be obtained by actual field survey performed by a Licensed Land Surveyor or by filing FOIL requests with the Town of North Hempstead Building Department for a copy of any survey which may exist in the property folders of the subject properties. When using surveys from the town records it is the applicant's responsibility to verify that the surveys depict current field conditions. Front yard setbacks cannot be obtained by estimating overhead photographs from the Nassau County Assessor or other online sources.
- The average front yard is required to be provided even if the applicant is proposing to build directly over or to the side of an existing first floor at the front of the existing dwelling.



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Residential Zoning Definitions

Sky Exposure Plan

to be used in conjunction with [Chapter 70](#) of the Town of North Hempstead Code

Requirement: All new construction and alterations shall be contained within the area defined by the required sky exposure planes.

When Required: Construction of a new dwelling. Any side or rear additions to an existing dwelling when the existing and proposed construction does not comply with all criteria of the exception to this code contained in Sub-Section C of the zoning code.

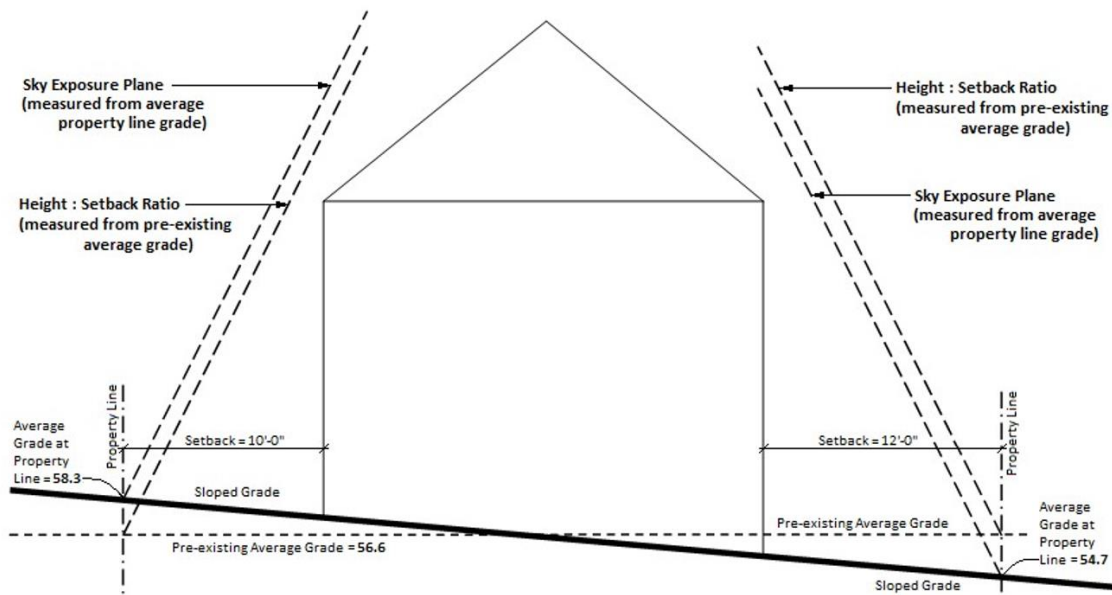
Sky Exposure Plane: A theoretical inclined plane through which no portion of a building, other than cornices or eaves projecting not more than 18 inches, gutters projecting not more than eight inches and chimneys, may penetrate. It begins at a lot line or other predetermined plane and rises over the zoning lot at a ratio of vertical distance to horizontal distance as set forth in the district regulations.

The Code:

- There shall be a sky exposure plane projecting inward from the front and side property lines at a ratio of (see below) feet vertical to one foot horizontal.
- At no point may a structure be built higher than (see below) times the horizontal distance from a lot line.
- The foregoing requirements for sky exposure plane shall not apply to alterations to existing single-family dwellings, provided that: The existing dwelling has either a valid certificate of occupancy or a valid certificate of existing use effective as of December 31, 1999; and the alteration does not include demolition of more than 40% of the building's perimeter as it existed on December 31, 1999; and The maximum height to the ridge does not exceed 30 feet.

Residence C = 4-to-1. Residence B = 3-to-1. Residence A = 2-to-1. Residence AA = 1-to-1. Residence AAA = 1-to-1.

The following is an example of the information which must be provided on the elevations or separate diagram: |





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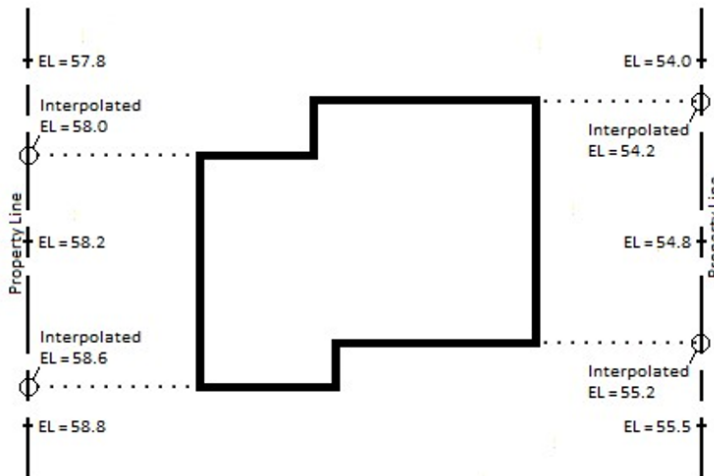
Residential Zoning Definitions

Sky Exposure Plan (Cont'd)

to be used in conjunction with [Chapter 70](#) of the Town of North Hempstead Code

- **The sky exposure plane** demonstrates compliance with Sub-Section A of the zoning code, and projects inward from the property line (measured from the average grade at the property line proximate to the building).
- **The height:setback ratio** demonstrates compliance with Sub-Section B of the zoning code and is a ratio between the height (measured from the pre-existing average grade) and the building setback.
- The project must comply with **both** requirements (sky exposure plane, and height:setback ratio).

The following is how the average grade at the property line proximate to the building is determined:



A property survey with elevations along the property line must be obtained, and the design professional must interpolate these elevations to determine the elevations adjacent to the building corners. The elevations must then be averaged on each side.

Calculation

West Side	East Side
$\frac{58.0+58.6}{2} = 58.3$	$\frac{54.2+55.2}{2} = 54.7$

The average grade at the west side is 58.3' and at the east side is 54.7'