



NYC Buildings Department  
280 Broadway, New York, NY 10007

Robert D. LiMandri, Commissioner



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## BUILDINGS BULLETIN 2009-008

### Zoning

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**Supersedes:** None

**Issuer:** James P. Colgate, RA, Esq.  
Assistant Commissioner for Technical Affairs and Code Development

**Issuance Date:** April 7, 2009

**Purpose:** This document clarifies that any application that would cause any portion of a new building, enlargement or other projection to exceed the “airport referenced imaginary surfaces” as defined in ZR 61-30 shall not be approved by the Department unless a special permit has been granted by the Board of Standards and Appeals.

**Related Code Section(s):** ZR 61-20  
ZR 73-66

**Subject(s):** Special Regulations Applying Around Major Airports

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Article VI, Chapter I of the Zoning Resolution (ZR 61-00) establishes “flight obstruction areas” around designated major airports<sup>1</sup>. Within such “flight obstruction areas”, this chapter establishes “airport approach districts”<sup>2</sup> and “airport circling districts”<sup>3</sup>, which restrict the highest projection of building or structures.

12/15/61

**61-21**

**Restriction on Highest Projection of Building or Structure**

Notwithstanding any other provisions of this Resolution, except as provided in Section 61-22 (Permitted Projection within Any Flight Obstruction Area), the highest projection of any #building or other structure# hereafter constructed or of any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed shall not penetrate:

(a) the #approach surfaces#, the #transitional surfaces#, the #horizontal surface#, or the #conical surface#, whichever is more restrictive, within the Airport Approach District of the #flight obstruction area#; and

(b) the #horizontal surface# or the #conical surface# within the Airport Circling District of the #flight obstruction area#.

As a reference, the “airport approach districts” and “airport circling districts” are also shown in the “flight obstruction area maps”. The “flight obstruction area map” for JFK/Floyd Bennett is available at: [http://www1.nyc.gov/assets/buildings/pdf/JFK\\_map.pdf](http://www1.nyc.gov/assets/buildings/pdf/JFK_map.pdf) and for LaGuardia at: [http://www1.nyc.gov/assets/buildings/pdf/LaGuardia\\_map.pdf](http://www1.nyc.gov/assets/buildings/pdf/LaGuardia_map.pdf)

Please note that the elevations on the “flight obstruction area maps” are referenced to mean sea level (National Geodetic Vertical Datum, NGVD 0’-0”). Therefore, the highest point of the building or other structure must be measured from NGVD 0’-0” and not from the “base plane” as defined in ZR 12-10. For conversions to borough data, see Administrative Code Section 28-104.7.6 (“City Datum”). For the purpose of compliance with ZR 61-20, all rooftop structures, including but not limited to bulkheads, tanks, parapets, flag poles etc., are included in the highest point of the building or any structure.

For all applications within a “flight obstruction area”, that introduce a new building, enlargement or other projection at a vertical distance exceeding 30 feet above curb level (See Example Building C), the applicant shall:

1. Provide a copy of the relevant portion of the “flight obstruction area maps” with the location of the subject site identified,  
and
2. Identify, in a zoning analysis:
  - a) the curb level,
  - b) the maximum height of the new building, enlargement or other projection measured from the curb level or base plane; and
  - c) the highest point of the new building, enlargement or other projection measured from NGVD 0’-0”.and
3. Where the highest point of the new building, enlargement or other projection, as measured from NGVD 0’-0”, is less than 40’-0” vertically of the elevation limits as shown on the “flight obstruction area maps” (See Example Building B), in addition to the above, include a drawing showing such highest point in relation to the applicable approach, transitional, horizontal or conical surfaces to demonstrate compliance with ZR 61-21.

For all applications within a “flight obstruction area”, that introduce a new building, enlargement or other projection at a vertical distance not exceeding 30 feet above curb level but exceeding the “airport referenced imaginary surfaces” (See Example Building E), the applicant shall provide Item 1, 2 and 3 above.

For all applications within a “flight obstruction area”, that introduce a new building, enlargement or other projection at a vertical distance not exceeding 30 feet above curb level and not exceeding the “airport referenced imaginary surfaces” (See Example Building A), no additional information is required by this bulletin.

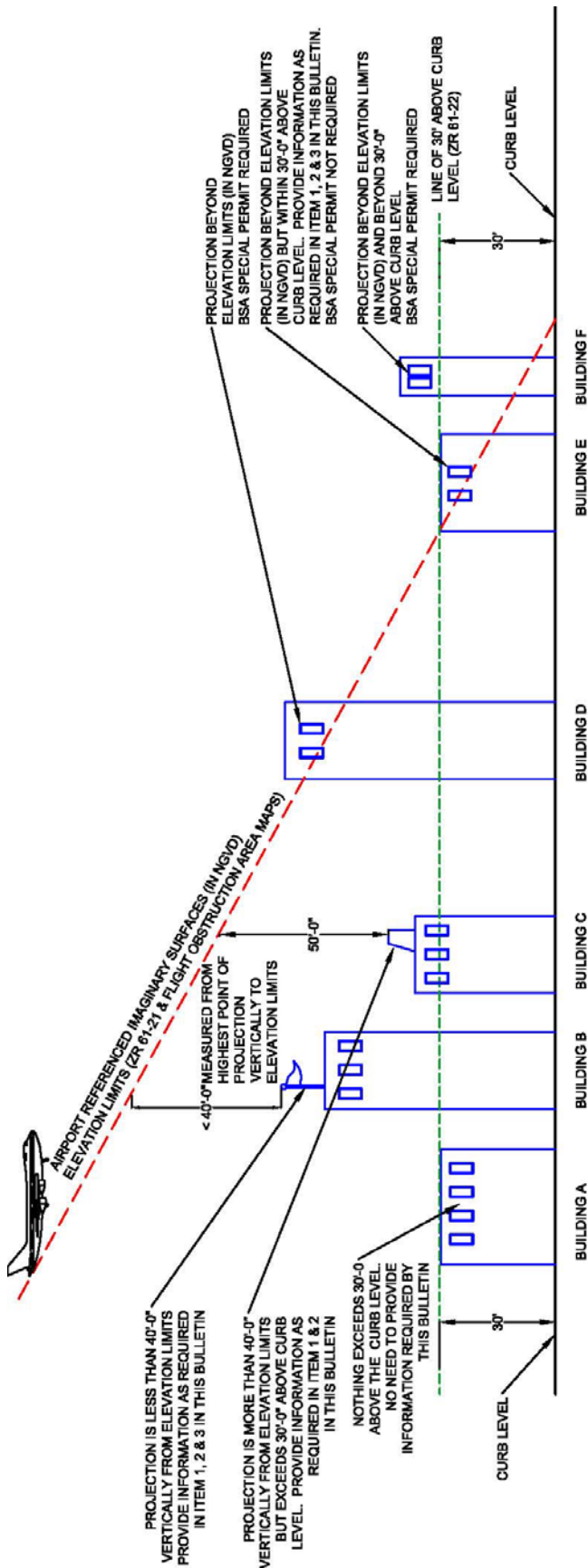
For any application that would cause any portion of a new building, enlargement or other projection within a “flight obstruction area” to exceed the “airport referenced imaginary surfaces” pursuant to ZR 61-20 (See Example Building D and F), the Department of Buildings shall not approve such application unless a special permit has been granted by the NYC Board of Standards and Appeals pursuant to ZR 73-66.

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<sup>1</sup> John F. Kennedy International, LaGuardia, and U.S. Naval Air Station, i.e. Floyd Bennett Field (ZR 61-11 and 61-12)

<sup>2</sup> “Airport Approach Districts” lie generally below the flight path of aircraft approaching or taking off from the runways of such airport (ZR 61-121)

<sup>3</sup> “Airport Circling Districts” lie generally below the flight path of aircraft circling such airport (ZR 61-122)



### ILLUSTRATION-SPECIAL REGULATIONS APPLYING AROUND MAJOR AIRPORTS

NOT TO SCALE. FOR ILLUSTRATION PURPOSES ONLY. FOR MORE INFORMATION, REFER TO ZONING RESOLUTION ARTICLE VI, CHAPTER 1