Sky Exposure Plane

This handout 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:

A. 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.

B. At no point may a structure be built higher than (see below) times the horizontal distance from a lot line.

C. The foregoing requirements for sky exposure plane shall not apply to alterations to existing single-family dwellings, provided that:
   (1) The existing dwelling has either a valid certificate of occupancy or a valid certificate of existing use effective as of December 31, 1999; and
   (2) The alteration does not include demolition of more than 40% of the building's perimeter as it existed on December 31, 1999; and
   (3) The maximum height to the ridge does not exceed 30 feet.


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

- 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**

<table>
<thead>
<tr>
<th>Side</th>
<th>Calculation</th>
<th>Average Grade</th>
</tr>
</thead>
</table>
| West Side    | \[
|              | \frac{58.0+58.6}{2} = 58.3       | 58.3’         |
| East Side    | \[
|              | \frac{54.2+55.2}{2} = 54.7       | 54.7’         |