



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **64-321 - Measurement of height for flood-resistant buildings**

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64-321 - Measurement of height for flood-resistant buildings

LAST AMENDED  
5/12/2021

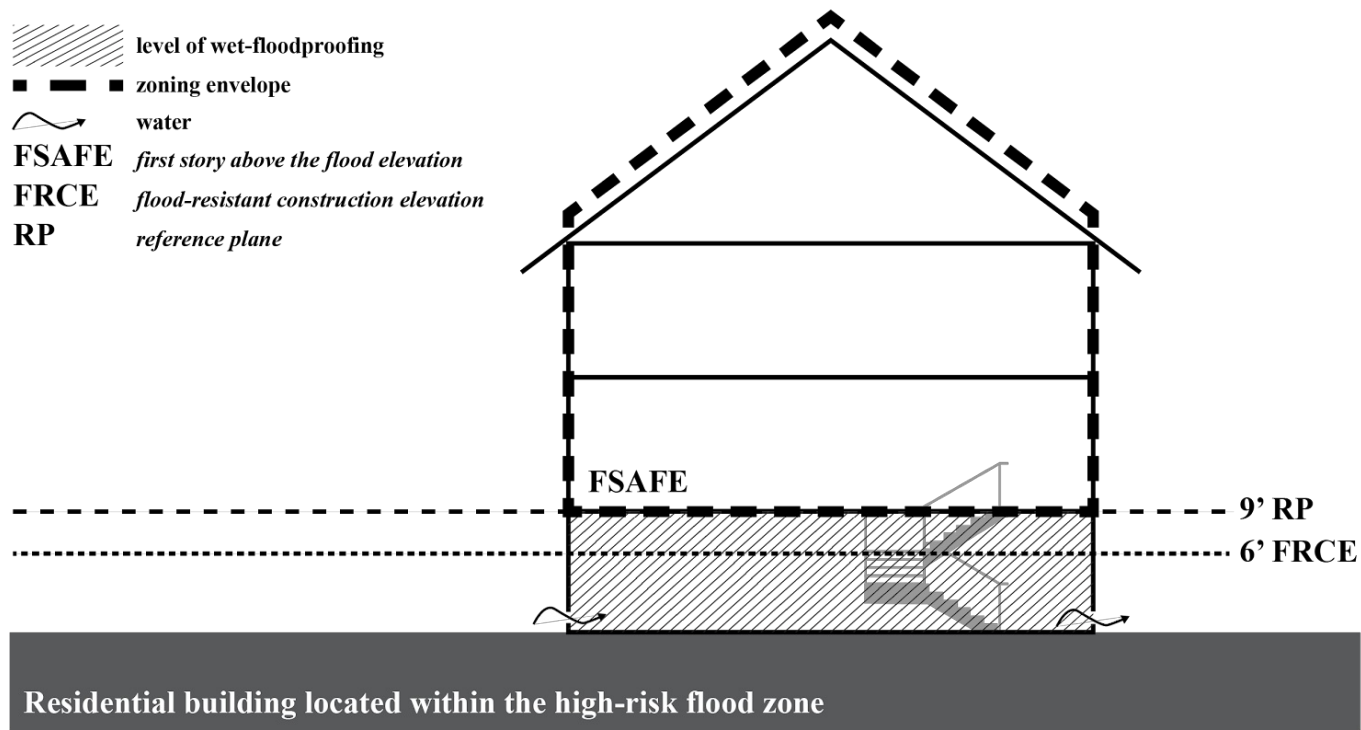
In all districts, as an alternative to measuring heights from #base plane#, #curb level#, or other applicable datum, all height measurements in #flood zones#, including the number of #stories# permitted, as applicable, may be measured from the #reference plane#, except as follows:

- (a) any minimum base height requirements shall continue to be measured from the #base plane#; and
- (b) the provisions of this Section shall not apply:
  - (1) to fences or other structures that are not #buildings#; and
  - (2) to #buildings# that are #accessory# to #single-# or #two-family residences#, except when mechanical equipment is located within such #building#.

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of the optional height regulations available to #zoning lots# in #flood zones#. Specially, the examples illustrate how the defined terms #reference plane#, from which height is measured, relates to the #flood-resistant construction elevation# and the #first story above the flood elevation#. All terms are defined in Section [64-11](#) (Definitions).

EXAMPLE 1

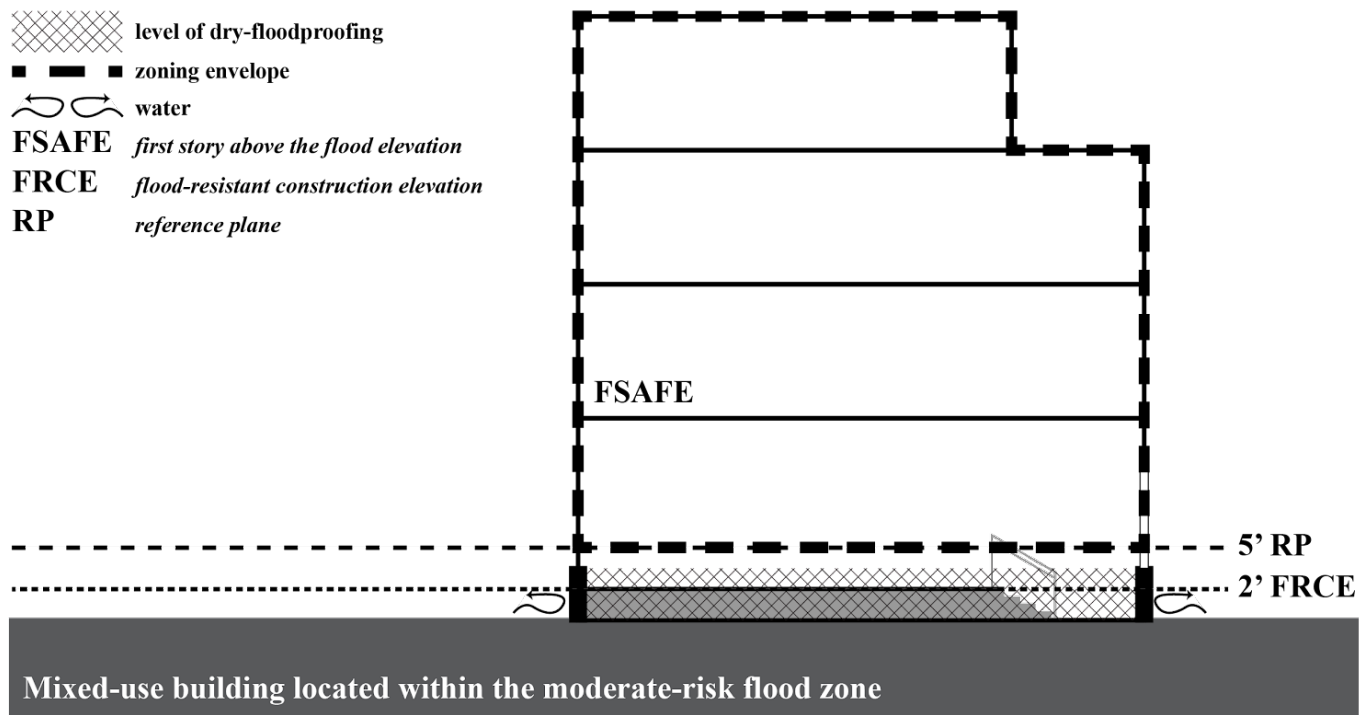


A #zoning lot# located within the #high-risk flood zone# has a #flood-resistant construction elevation# (as defined in Section [64-11](#)) that equates to being located six feet above grade (for illustrative purposes). The owner of a #single-family# #detached# #residence# would like to elevate the first habitable floor three feet above the #flood-resistant construction elevation# and wet-floodproof the ground floor up to that same level (nine feet above grade) to account for sea level rise projections.

Pursuant to Section [64-321](#), height measurements in **flood zones**, including height and setback regulations, may start from the **reference plane**, allowing the owner the necessary flexibility to address long-term climate change. For **zoning lots** located within the **high-risk flood zone**, the **reference plane**, may be established at any level between the **flood-resistant construction elevation** and a height of 10 feet above the **base plane** or **curb level**, as applicable. (Where the **flood-resistant construction elevation** exceeds 10 feet, the **reference plane** may still be established at the **flood-resistant construction elevation**, but that is not the case here.) While there is a level of flexibility built into the **reference plane** definition, the **reference plane** itself must also be located at or below the **first story above flood elevation**.

Considering the owner of such **single-family detached residence** is proposing to wet-floodproof the ground floor up to nine feet above grade, the **first story above flood elevation** becomes the finished floor level of the first **story** located at or above nine feet, which is, in this case, the second **story**. Therefore, the **reference plane** was able to be situated at that same level (nine feet above grade), but not higher.

EXAMPLE 2



A **zoning lot** located within the **moderate-risk flood zone** has a **flood-resistant construction elevation** (as defined in Section [64-11](#)) of two feet above the lowest grade adjacent to the **building** or other structure. The owner of a **mixed building** that was flooded during Hurricane Sandy, would like to proactively comply with **flood-resistant construction standards** to be better prepared in the event of a future storm. To realize that, the owner decided to elevate the ground floor with a **commercial use** to the **flood-resistant construction elevation**, and dry-floodproof one foot above that for extra safety.

Pursuant to Section [64-321](#), height measurements in **flood zones**, including height and setback regulations, may start from the **reference plane**, allowing the owner the necessary flexibility to address long-term climate change. For **zoning lots** located within the **moderate-risk flood zone**, the **reference plane** may be established at any level between the **flood-resistant construction elevation** and a height of five feet above the **base plane** or **curb level**, as applicable. While there is a level of flexibility built within the **reference plane** definition, the **reference plane** must also be located at or below the **first story above flood elevation**.

Considering that the owner of such **mixed building** is proposing to elevate and dry-floodproof the ground floor up to three feet above grade, the **first story above flood elevation** becomes the finished floor level of the first **story** located at or above three feet, which is, in this case, the second **story**. Therefore, the **reference plane** was able to be situated at five feet above the **base plane** or **curb level**, as applicable.