64-10 - GENERAL PROVISIONS
The provisions of this Chapter shall be in effect until one year after the adoption by the City of New York of new final Flood Insurance Rate Maps superseding the Flood Insurance Rate Maps in effect on October 28, 2012.

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

**Basement**

For buildings, or portions thereof, that comply with flood-resistant construction standards, a "basement" is a story (or portion of a story) partly below flood-resistant construction elevation, with at least one-half of its height (measured from floor to ceiling) above flood-resistant construction elevation.

**Cellar**

For buildings, or portions thereof, that comply with flood-resistant construction standards, a “cellar” is a space wholly or partly below the flood-resistant construction elevation, with more than one-half its height (measured from floor to ceiling) below the flood-resistant construction elevation.

**Flood-resistant construction elevation**

The "flood-resistant construction elevation" is the greater of:

(a) the “design flood elevation” determined pursuant to Appendix G of the New York City Building Code for a building’s structural occupancy category; or

(b) the base flood elevation indicated on the flood maps, plus the additional elevation required above base flood elevation for the applicable occupancy category when determining the Design Flood Elevation pursuant to Appendix G of the Building Code.

**Flood-resistant construction standards**

“Flood-resistant construction standards” shall:

(a) comply with the standards of Appendix G of the Building Code for “Post-FIRM Construction,” whether construction
voluntarily complies with standards for “Post-FIRM Construction” or is required to comply; and

(b) utilize the higher base flood elevation and the more stringent flood hazard area designation, as applicable, of the flood maps or the Flood Insurance Rate Maps in effect on October 28, 2012.

Hurricane Sandy

“Hurricane Sandy” is a severe storm that occurred on October 28, 2012, causing heavy flooding, power outages, property damage and disruption of public transportation and other vital services.

Lowest occupiable floor

The “lowest occupiable floor” shall be the finished floor level of the lowest floor that is not used solely for parking, storage, building access or crawl space, where any space below such lowest occupiable floor is wet flood-proofed in accordance with flood-resistant construction standards and used only for parking, storage or building access, or otherwise is not occupiable space.

Predominant or predominantly

"Predominant” or "predominantly" shall mean that a use or a group of uses comprises at least 75 percent of the total floor area of the building or of the area of the zoning lot, as applicable.

64-12 - Applicability

The provisions of this Chapter shall apply only within the flood zone, as follows:

(a) Except where otherwise stated, all buildings, or portions thereof, shall comply with flood-resistant construction standards as a condition of construction pursuant to the following optional provisions, as applicable, inclusive:

Section 64-10 GENERAL PROVISIONS
Section 64-20 SPECIAL USE REGULATIONS
Section 64-30 SPECIAL BULK REGULATIONS
Section 64-40 SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012
Section 64-50 SPECIAL PARKING REGULATIONS
Section 64-70 SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS
Section 64-80 MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS
Section 64-90 SPECIAL APPROVALS
(b) The provisions of Section 64-60 (DESIGN REQUIREMENTS) shall apply to all developments, all horizontal enlargements with new street walls, or alterations that increase the height of street walls, except that Section 64-65 (Screening Requirements for Parking Within or Below Buildings) shall apply to all buildings as provided therein.

(c) Where a zoning lot is located partially within a flood zone, the regulations of this Chapter shall apply where any portion of a building on such zoning lot is within such flood zone.

(d) In Neighborhood Recovery Areas, shown on maps in Section 64-A80 (NEIGHBORHOOD RECOVERY AREA MAPS) of this Chapter, optional provisions to expedite the vertical elevation or reconstruction of single- or two-family residences shall apply. These provisions are set forth in Appendix A and shall supplement, supersede or modify the provisions of this Chapter. The maps are hereby incorporated and made part of this Resolution, for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter may apply.

64-13 - Applicability of District Regulations

LAST AMENDED
10/10/2013

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

64-131 - Measurement of height

LAST AMENDED
10/10/2013

All measurements of height above curb level, base plane, base flood elevation, grade or other similar ground related datum, shall be from the flood-resistant construction elevation. This provision shall not apply to buildings that are accessory to single- or two-family residences, or to fences, signs not affixed to buildings, or other structures that are not buildings.

In R3, R4-1 and R4A Districts within lower density growth management areas, the maximum perimeter wall height shall be 21 feet above the flood-resistant construction elevation or 26 feet above grade, whichever is greater.

Where different flood-resistant construction elevations apply to different portions of a building, the highest of such flood-resistant construction elevations may apply to the entire building.

For buildings located partially within and partially outside of the flood zone, all measurements of height shall be in accordance with only one of the following provisions:

(a) the flood-resistant construction elevation shall apply to the entire building;

(b) the height of the portion of the building within the flood zone shall be measured from the flood-resistant construction elevation, and the height of the portion of the building outside of the flood zone shall be measured from an elevation determined in accordance with the underlying applicable regulations; or

(c) the elevation of each such portion of the building from where height is measured shall be multiplied by the percentage of the total lot coverage of the building to which such elevation applies. The sum of the products thus obtained shall be the elevation from which the height of the entire building is measured.