



Zoning Resolution

THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Marisa Lago, Chair

64-10 - GENERAL PROVISIONS

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64-10 - GENERAL PROVISIONS

LAST AMENDED
10/10/2013

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.

64-11 - Definitions

LAST AMENDED
10/10/2013

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

LAST AMENDED
10/10/2013

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:

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|---------------|--|
| 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.