



## Zoning Resolution

THE CITY OF NEW  
YORK  
Bill de Blasio, Mayor

CITY PLANNING COMMISSION  
Marisa Lago, Chair

# 64-40 - SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012

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## 64-40 - SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012

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LAST AMENDED  
10/10/2013

The following provisions shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#.

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## 64-41 - Special Floor Area Regulations for Buildings Existing on October 28, 2012

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LAST AMENDED  
10/10/2013

### 64-411 - Floors below the flood-resistant construction elevation

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LAST AMENDED  
10/10/2013

(a) Dry flood-proofing

In C1 and C2 Districts mapped within R1 through R6 Districts, and in C3, C4-1, C4-2 and C4-3 Districts, where the level of any finished floor above adjacent grade that existed on October 28, 2012, is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for dry flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been dry flood-proofed and must comply with the provisions of Appendix G of the New York City Building Code, and that the number of #dwelling units# or #rooming units# shall be limited to no more than the number existing on October 28, 2012.

In addition, the following provisions shall apply:

- (1) such floor space exempted from the definition of #floor area# shall not exceed 10,000 square feet;
- (2) such floor space exempted from the definition of #floor area# shall be used for a #community facility use# or #commercial use# permitted by the underlying zoning district;
- (3) no floor space shall be exempted if parking spaces within such #building# are located within 30 feet of the #street wall#; and
- (4) the #building# shall contain no more #dwelling units# or #rooming units# than existed on October 28, 2012.

(b) Wet flood-proofing

This paragraph shall not apply to #buildings# containing non-#residential uses# where the #flood-resistant construction elevation# is less than two feet above the level of the first finished floor above #curb level#.

Where the level of any finished floor above adjacent grade that existed on October 28, 2012, is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for wet flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been wet flood-proofed and must comply with the provisions of Appendix G of the Building Code.

The #floor area# which has been flood-proofed pursuant to the provisions of this Section need not be rebuilt prior to sign-off by the Department of Buildings or issuance of a certificate of occupancy for such alteration to the flood-proofed floor space in order for such #floor area# to be preserved as long as an application for construction documents for the reconstruction of such #floor area# has been approved by the Department of Buildings prior to the issuance of such sign-off or certificate of occupancy for the alteration associated with the flood-proofing. Such construction documents shall acknowledge that the #non-complying floor area# is being preserved and shall depict its use within the same #building# in a manner complying with #flood-resistant construction standards#.

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### 64-412 - Lowest story of a residential building

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LAST AMENDED

10/10/2013

In all districts, where the #floor area# of a #single-# or #two-family residence# existing on October 28, 2012, did not include the lowest #story# because such #story# complied with the criteria set forth in paragraph (9) of the definition of "floor area" in Section 12-10, any space used for dwelling purposes within such #story# shall continue to be exempt from the definition of #floor area#, notwithstanding such criteria, provided such #story# is elevated or reconstructed at or above the #flood-resistant construction elevation#.

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## 64-42 - Yards, Courts and Open Space for Buildings Existing on October 28, 2012

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LAST AMENDED  
10/10/2013

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### 64-421 - Permitted obstructions

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LAST AMENDED  
10/10/2013

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

- (a) For existing #single-# and #two-family residences#, and for the reconstruction of such #residences#, mechanical equipment including but not limited to #accessory# heating and cooling equipment and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#; and
  - (2) located at least five feet from any #lot line#; and
  - (3) screened on all sides by walls consisting of at least 50 percent opaque materials; and
  - (4) in compliance with the standards of either paragraph (a)(5) or (a)(6) of this Section; and
  - (5) the mechanical equipment and all structure and screening are located no more than seven feet from the wall of a #building# and limited to a height of no more than 10 feet above #flood-resistant construction elevation#; or
  - (6) the mechanical equipment is located within a detached garage or on the roof of a detached garage, provided that:
    - (i) where covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance, no portion of the roof shall exceed a height of 14 feet above the adjoining grade, measured to the midpoint of a sloping roof; or
    - (ii) for all other conditions, no portion of the garage, screening or the mechanical equipment shall exceed a height of 12 feet above the adjoining grade.
- (b) For existing #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be permitted obstructions in #courts# and #open space#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#;
  - (2) within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
  - (3) limited to a height established in Section 64-322 (Permitted obstructions in required yards, courts and open space), paragraph (c), for mechanical equipment as permitted obstructions in a #rear yard#; and
  - (4) located at least 30 feet from any #legally required window#.
- (c) For existing #buildings#, except #single-# and #two-family residences#, lifts for persons with disabilities, where permitted pursuant to provisions of the New York City Building Code, shall be permitted obstructions in #yards#, #courts# and #open space#.

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## 64-422 - Front yard planting requirement

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LAST AMENDED  
10/10/2013

R1 R2 R3 R4 R5

In the districts indicated, the provisions of Section 23-451 (Planting requirement) are modified for existing #buildings#, where the distance between the #street wall# and the #street line# is six feet or less, to allow stairs, ramps or lifts that access the #lowest occupiable floor# to be counted as planted area for the purposes of fulfilling the requirements of such provisions.

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## 64-43 - Special Height and Setback Regulations for Buildings Existing on October 28, 2012

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LAST AMENDED  
10/10/2013

### 64-431 - For existing single- and two-family residences

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LAST AMENDED  
10/10/2013

#Single-# and #two-family residences# existing on October 28, 2012, may be vertically elevated, or reconstructed to a higher elevation,

in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space, located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#, and in so doing may create a #non-compliance# as to height and setback to the extent that such lowest horizontal structural member is elevated or reconstructed to #flood-resistant construction elevation#.

This Section shall not preclude the construction of complying #enlargements# or other complying structures on the #zoning lot#.

#Buildings# that were complying on October 28, 2012, and vertically elevated or reconstructed to a higher elevation, pursuant to this Section, shall be considered legal #non-complying buildings#.

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### 64-432 - Permitted obstructions for certain existing buildings

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LAST AMENDED  
10/10/2013

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in #Commercial# and #Manufacturing Districts#, for all existing #buildings#, the regulations for permitted obstructions to height and setback regulations shall be modified to increase the permitted volume for elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, as follows:

- (a) where the maximum #building# height is less than 120 feet, the maximum permitted height of such volume may be increased from 25 feet to 33 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#; and
  - (b) where the maximum #building# height is 120 feet or greater, the maximum permitted height of such volume may be increased from 40 feet to 55 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#.
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## 64-44 - Special Minimum Distance Regulations for Buildings Existing on October 28, 2012

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LAST AMENDED  
10/10/2013

For #single-# and #two-family residences# existing on October 28, 2012, if such #buildings# are elevated, relocated or reconstructed pursuant to Sections 64-131 (Measurement of height), 64-722 (Single- and two-family residences in required front yards) and 64-431 (For existing single- and two-family residences), the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply.