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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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 the 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 the 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.
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.