

SUBCHAPTER 4 BUILDING LIMITATIONS

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- 4-2 Area and Height Limitations for Sprinklered Buildings and Spaces.

ARTICLE 1 GENERAL

§[C26-400.1] 27-288 Scope. - The provisions of this article establish building access requirements; shall regulate the division of the city of New York into fire districts and control the occupancy groups and construction classes permitted therein; shall regulate permissible building areas, height and projections beyond the street line and shall establish special flood hazard areas and a regulatory flood datum in the city of New York and regulate permissible occupancies and construction or other improvement below such flood datum within such flood hazard areas.

§[C26-400.2] 27-289 Standards. - The provisions of reference standard RS-4 shall be a part of this subchapter.

§[C26-400.3] 27-290 Definitions. - For definitions to be used in the interpretation of this subchapter, see subchapter two of this chapter.

*ARTICLE 2 BUILDING ACCESS

SUBARTICLE 1 FIRE DEPARTMENT ACCESS

§[C26-401.1] 27-291 Frontage. - Every building, exclusive of accessory buildings, shall have at least eight per cent of the total perimeter of the building fronting directly upon a street or frontage space. For the purposes of this section, building perimeter shall be measured at that story having the maximum enclosed floor area.

§[C26-401.2] 27-292 Building access. - Provisions shall be made for access by the fire department to every building as follows:

(a) Above grade. - Access shall be provided directly from the outdoors to each story below a height of one hundred feet except to the first story or ground floor, by at least one window or readily identifiable access panel within each fifty feet or fraction thereof of horizontal length of every wall that fronts on a street or frontage space. Windows shall be openable or breakable from both the inside and the outside, and shall have a size when open of at least twenty-four inches by thirty-six inches. Panels shall be openable from both the inside and outside and shall have a height when open of forty-eight inches and a width of at least thirty-two inches. The sill of the window or panel shall not be higher than thirty-six inches above the inside floor.

(b) Below grade. - Access shall be provided directly from the outdoors to the first basement or cellar story below grade, except as provided in paragraphs two, three and four of this subdivision, within each one hundred feet or fraction thereof of horizontal length of every wall that fronts on a street or frontage space. Such access shall be by stairs, doors, windows or other

means that provide an opening forty-eight inches high and thirty-two inches wide, the sill of which shall not be higher than thirty-six inches above the inside floor. If an areaway is used to provide below grade access, the minimum horizontal dimension shall be at least one-third the depth of the areaway or six feet whichever is less.

(1) Access to additional stories below grade is not mandatory since they are required to be sprinklered as provided in subdivision k of section 27-954 of article four of subchapter seventeen of this chapter.

(2) One- and two-family dwellings need not provide direct access.

(3) Any building classified in occupancy group J-2 not more than three stories in height and with not more than two dwelling units on any story need not provide direct access when such first basement or cellar story is used for dwelling units or for uses accessory to the residential use in the building.

(4) Except as provided in paragraph three of this subdivision, for buildings classified in occupancy group J-1 or J-2 only one direct access from the outdoors to the first basement or cellar story consisting of a stair or door shall be required when such story is used for dwelling units or for uses accessory to the residential use in the building.

(c) Signs. - Where wall signs are erected to cover doors or windows of existing buildings, access panels shall be provided as necessary to comply with the requirements of subdivisions (a) and (b) of this section.

(d) Location. - Wherever practicable, one access opening in each story shall provide access to a stairway, or where there is no stairway at the exterior wall, one access opening in each story shall be located as close as practicable to a stairway.

(e) Exemptions. - The provisions of subdivisions (a) through (d) of this section shall not apply to any story that is completely protected by an automatic sprinkler system conforming to the construction requirements of subchapter seventeen.

**Local Law 58-1987.*

*SUBARTICLE 2 FACILITIES FOR PEOPLE HAVING PHYSICAL DISABILITIES

§27-292.1 Scope. - As set forth in this subarticle, buildings shall be provided with accessible routes, usable or adaptable space and accessible elements and facilities to make buildings accessible and usable by, and to establish a safe environment for, all categories of people having physical disabilities.

§27-292.2 Standards. - The pertinent provisions of reference standard RS 4-6 shall be part of this subarticle.

§27-292.3 Definitions. - For definitions to be used in

the interpretation of this subarticle, see section 27-232 and reference standard RS 4-6.

§27-292.4 General Requirements. -

(a) This subarticle shall apply to all buildings or portions thereof and their accessory areas, except as specified in this subarticle.

(b) The provisions of this subarticle shall be supplemental to and take precedence over less restrictive provisions of this code in the following articles and sections and in their referenced national standards:

- (1) Subchapter four, building limitations
- a. §27-308 ramps
- (2) Subchapter six, means of egress
- a. §27-357 (d) building access
- b. §27-371 (e) door opening width
- c. §27-377 ramps
- (3) Subchapter seven, special uses and occupancies
- a. Article ten, public garages
- b. Article eleven, open parking structures
- c. Article thirteen, open parking lots
- d. Article fifteen, swimming pools
- (4) Subchapter eight, places of assembly
- a. §27-531 Seating in assembly spaces
- (5) Subchapter sixteen, plumbing and gas piping
- a. Reference standard RS-16, paragraph (c) of section P104.1 Facilities for physically handicapped
- b. Reference standard RS-16, paragraph (d) of section P104.1 accessibility
- (6) Subchapter seventeen, fire alarm, detection and extinguishing equipment
- c. Article six, smoke detecting devices
- (7) Subchapter eighteen, elevators and conveyors
- a. Reference standard RS 18-1
- (c) Facilities in existence on the effective date of this subarticle which comply with the requirements of this subarticle or of other provisions of this code relating to the provision of facilities for people with physical disabilities shall not be diminished to less than those which would be required were the building in which the facilities are located hereafter erected.

§27-292.5 Accessibility. -

(a) Primary entrance(s). - The primary entrance(s) for buildings shall be accessible, except for buildings classified in occupancy group A, J-3 and/or other spaces which normally are not frequented by the public or employees of the facility.

(b) Exterior accessible route. - Except as provided in this subarticle, buildings shall be provided with an exterior accessible route to permit entry at the primary entrance(s) of the building from the following locations:

- (1) Public street or sidewalk
- (2) Driveways
- (3) Parking areas

(4) Passenger loading zones

(5) Transportation stops

(c) Interior accessible route. - Except as provided in this subarticle, in buildings having (an) interior route(s) to one or more of the following spaces or facilities, such route(s) shall be (an) interior accessible route(s) from the entrance(s) usable by all categories of people having physical disabilities to adaptable or usable dwelling units and other spaces and facilities on the same premises including but not limited to:

- (1) Laundry rooms
- (2) Refuse disposal locations
- (3) Mailbox areas
- (4) Recreational, assembly and tenants' meeting rooms
- (5) Storage rooms
- (6) Management offices
- (7) Stores
- (8) Dining areas
- (9) Parking areas

Where the only route to one or more of such spaces or facilities is an exterior route, such route shall be accessible.

(d) Path of travel. - The path of travel in exterior and interior accessible routes shall provide unobstructed safe access and applicable items in such path of travel shall comply with the requirements set forth in reference standard RS 4-6.

(e) Elevators. - Where provided, all elevators shall comply with subchapter eighteen, reference standard RS 18-1, where an interior accessible route is required.

(f) Assembly occupancies. - For assembly occupancies having a mezzanine or balcony which provides a similar view as that from the main floor, accessibility to the mezzanine or balcony shall not be required provided toilet rooms are on the main floor.

(g) Restaurants. - For restaurants, dining rooms and similar occupancies having the same services on levels other than the main floor, accessibility to such levels shall not be required provided that toilet rooms are on the main floor.

(h) Storage. - For buildings in which the intended use is the storage of goods or merchandise, the only requirement shall be accessibility at the primary entrance and an interior accessible route to offices where business may be conducted.

(i) Non-grade stories of small non-residential buildings. - The following non-residential buildings or parts thereof are exempt from the provisions of this subarticle concerning requirements for people having physical disabilities, to the extent set forth in subdivisions (1) and (2) of this subsection:

(1) construction of such new buildings the total floor area of which is two thousand five hundred square feet or less;

(2) alterations to such building already existing where the alterations are being made to an above. -grade story

having a total floor area of two thousand five hundred square feet or less or to a below-grade story having a total floor area of two thousand square feet or less.

Notwithstanding the foregoing, floor areas frequented by the public for assembly, governmental, public utility or health facility purposes shall not be exempted unless equivalent functional accessible facilities are provided on the first story.

(j) Where the floor area is more than two thousand five hundred square feet but less than five thousand square feet, a vertical wheelchair lift enclosed in construction having the required fire-resistance rating and connecting not more than two contiguous levels is permitted in lieu of an accessible route as set forth in reference standard RS 4-6.

(k) Where the below-grade cumulative floor area is more than two thousand square feet but not more than five thousand square feet, a vertical wheelchair lift enclosed in construction having the required fire-resistance rating and connecting not more than two contiguous levels is permitted in lieu of an accessible route as set forth in reference standard RS 4-6.

***§27-292.6 Waiver of requirements.** (1) The commissioner may waive the requirements of this subarticle or of subdivision (d) of section 27-357 of this code for the alteration of existing buildings, and for any new building for which a formal application together with plans required by such application was filed with an agency of the city or with the battery park city authority prior to September first, nineteen hundred eighty-seven, when such application was required by law or regulation to be approved by such agency; provided, however, that such waiver would not significantly adversely affect provisions for health, safety and security and that equally safe and proper alternatives are prescribed and, further, that such waiver is based upon a specific finding that strict compliance with the requirement:

- (a) would create an undue economic burden; or
- (b) would not achieve its intended objective; or
- (c) would be physically or legally impossible; or
- (d) would be unnecessary in light of alternatives which insure the achievement of the intended objective or which, without a loss in the level of safety, achieve the intended objective more efficiently, effectively or economically; or
- (e) would entail a change so slight as to produce a negligible additional benefit consonant with the purposes of this code.

(2) Each application for a waiver under subdivision one of this section shall be made to the commissioner in writing, setting forth each requirement sought to be waived and the specific reason or reasons therefor. The commissioner shall determine, under all of the circumstances presented by such application, which of

such requirements may appropriately be waived. The commissioner shall render such determination in a writing, which shall set forth in detail, the commissioner's findings and conclusions with respect to each requirement sought to be waived. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be filed with the department and shall be available for public inspection.

(3) The mayor's office for the handicapped or its successor agency shall be consulted by and shall advise the commissioner concerning each application for a waiver under this section.

* *Local Law 65-1988.*

§27-292.7 Special requirements of other city departments. - The commissioner upon good cause may waive the requirements of this subarticle for the construction of buildings or spaces, or for the alteration of existing buildings to meet the special requirements of other city departments in regard to any of the following:

- (a) Firehouses
- (b) Correctional facilities
- (c) Cargo handling facilities on the waterfront
- (d) Wholesale food markets

§27-292.8 Adaptable dwelling units. - (a) General requirements.

(1) Adaptable dwelling units are units that contain habitable rooms, kitchens, kitchenettes and bathrooms in residential buildings other than in occupancy group J-3 which when constructed are on an accessible route (except as set forth in this subdivision) and are constructed and equipped as defined in section 27-232 and as set forth in this subarticle so that they can be converted to be used, with a minimum of structural change, by all categories of people having physical disabilities.

(2) Such units shall be provided with door widths and clear floor spaces for making dwelling units usable as set forth in reference standard RS 4-6 when occupied by people having physical disabilities.

(3) Interior access, floor surfaces, adaptable kitchens, adaptable kitchenettes and adaptable bathrooms in these dwelling units shall comply with the requirements set forth in reference standard RS 4-6.

(4) Where an adaptable dwelling unit occupies two or more stories within itself, accessibility shall only be required at the first story of such dwelling unit provided that:

- a. The second story is accessible from without; or that
- b. Equivalent accessible functional facilities are provided on the first story; or that
- c. The stair within the dwelling unit has a minimum width of three feet.

(b) Number of adaptable dwelling units. -

- (1) All dwelling units in buildings with elevators shall

be adaptable unless usable dwelling units are provided in accordance with section 27-292.9.

(2) At least one but not less than twenty-five percent of the total number of dwelling units in buildings without an elevator, which have dwelling units on the ground floor and which contain three or more dwelling units, shall be adaptable, unless usable dwelling units are provided in accordance with section 27-292.9. Such adaptable dwelling unit(s) shall be located on the ground floor. Where determination by percentage results in a number containing a decimal of 0.5 or more, the next higher number shall be used, but such number shall not exceed the number of dwelling units actually proposed for the ground floor.

(c) Adaptable bathrooms, kitchens and kitchenettes.

- Adaptable bathrooms, kitchens and kitchenettes within adaptable dwelling units shall be constructed and equipped in accordance with requirements set forth in reference standard RS 4-6 with respect to the following:

Access doorway or opening

Clear floor space

Floor surface

Bathroom, kitchen and kitchenette facilities and controls capable of being made usable

Space and utilities for usable range, (or cooktop or oven), refrigerator/freezer, (dishwasher if provided).

Such items shall include water closet and toilet paper dispenser, lavatory and removable base cabinet, mirrors, medicine cabinet, bathtub and controls, bathtub and shower enclosure, reinforced areas for grab bars, clearance between opposing base cabinets, counter tops, appliances and walls, adjustable or replaceable sink and removable base cabinet, as well as storage cabinets, drawers and shelves.

(d) Washing machines and clothes dryers within adaptable dwelling units. - Where washing machines and clothes dryers are located within adaptable dwelling units, they shall comply with or be capable of being converted to the requirements set forth in reference standard RS 4-6.

(e) Emergency warning devices within adaptable dwelling units. - Emergency warning devices within adaptable dwelling units shall be capable of being converted to audible and visual indication as required and to conform to the requirements set forth in subchapter seventeen, article six, reference standard RS 17-11, reference standard RS 17-12 and reference standard RS 4-6.

§27-292.9 Usable dwelling units. -

(a) General requirements. -

(1) Usable dwelling units are units in residential buildings in other than occupancy group J-3 which are accessible, constructed and equipped, as defined in section 27-232 and as set forth in this subarticle, so as to be usable by people having physical disabilities. A

usable dwelling unit shall be established by conversion from an adaptable dwelling unit when the unit becomes occupied by a person having a physical disability.

(2) Access, storage, controls, windows, doors, floor surfaces, kitchens, kitchenettes and bathrooms, appliances and emergency warning devices in these units shall comply with the requirements set forth in reference standard RS 4-6.

(b) Number of usable dwelling units. (1) Hotels. - In lieu of the requirements of section 27-292.8 in buildings in occupancy group J-1 having ten or more units, not less than five percent of the total number of units shall be constructed as usable units. In all buildings in occupancy group J-1 there shall be available portable smoke detectors of both audible and visual design. The number of detectors available shall be three percent of the number of sleeping rooms with a minimum of one operational detector per building. Proprietors shall post conspicuously a sign at least three inches in height, at the main desk or other similar station, advising of the availability of such detectors. Such detectors shall have a flash frequency range of sixty to one hundred twenty flashes per minute; and, where the average illuminance with motion present is more than twenty lumens per square foot, the visible signaling appliance shall have an effective intensity rating between one hundred and one thousand candela. Hard wiring of audible/visual detectors into an existing central closed-circuit alarm system shall be permitted in lieu of such portable detectors. Where determination by percentage results in a number containing a decimal of 0.5 or more, the next higher number shall be used. Notwithstanding the foregoing, entrance doors to all dwelling units in occupancy group J-1 having ten or more units, and to all bathrooms in such units, shall be no less than thirty-two inches in width.

(2) Adult residential care facilities. - All units in adult residential care facilities shall be usable. "Adult residential care facility" shall mean a family type home for adults, a shelter for adults, a residence for adults, an enriched housing program or an adult home, which contains three or more dwelling units and which provides board and temporary or long-term residential care and services to adults who, though not requiring continual medical or nursing care, are by reason of physical or other limitations associated with age, physical or mental disabilities or other factors unable or substantially unable to live independently. Such facilities shall be considered to be within occupancy group J-2.

(c) Usable bathrooms, kitchens and kitchenettes. - Usable bathrooms, kitchens and kitchenettes within usable dwelling units shall be constructed and equipped in accordance with requirements set forth in reference standard RS 4-6 with respect to the following:

Access doorway or opening

Clear floor space

Floor surface

Bathroom, kitchen and kitchenette facilities and controls

Space and utilities for usable range, (or cooktop or oven), refrigerator/freezer, (dishwasher if provided).

Such items shall include usable water closet and toilet paper dispenser, lavatory and base cabinet, bathtub and controls, bathtub and shower enclosure, grab bars, clearance between opposing base cabinets, counter tops, appliances and walls, sink and base cabinet.

(d) Washing machines and clothes dryers within usable dwelling units. - Where washing machines and clothes dryers are located within usable dwelling units, they shall comply with or be capable of being converted to the requirements set forth in reference standard RS 4-6.

(e) Emergency warning devices within usable dwelling units. - Emergency warning devices within usable dwelling units shall be capable of being converted to audible and visual indication as required and to conform to the requirements set forth in subchapter seventeen, article six, reference standard RS 17-11, reference standard RS 17-12 and reference standard RS 4-6.

§27-292.10 Usable spaces. -

(a) Functional spaces and rooms.

(1) Except as otherwise provided in section 27-292.5, spaces and rooms intended for general public and occupant use shall be accessible and usable. Such spaces and rooms include but are not necessarily limited to the following:

Mercantile spaces

Industrial spaces

Business spaces

Assembly spaces

Educational spaces

Institutional spaces

Toilet rooms

Bathrooms, bathing facilities, shower rooms.

(2) Doors and floor surfaces in usable spaces shall comply with the requirements set forth in reference standard RS 4-6.

(3) Where seating, tables and/or work stations are provided in usable spaces, at least one and not less than five percent shall comply with the requirements set forth in reference standard RS 4-6.

(b) Toilet rooms. -

(1) The location and number of water closets, urinals and lavatories shall be provided in accordance with the requirements set forth in table RS 16-5.

(2) Except where exempted in subdivision (i) of section 27-292.5 or section 27-292.6, facilities for people having physical disabilities shall be provided in toilet rooms or in a readily accessible location. Where such

toilet room is designed for use by not more than one person at a time and has provision for locking from the inside, such toilet room shall be permitted to be used by either sex.

(3) Where toilet rooms are not accessible by elevator, they shall be located so that people with physical disabilities need not travel more than one story thereto by ramp.

(c) Bathing facilities. -

(1) The location and number of plumbing fixtures shall be provided in accordance with the requirements set forth in table RS 16-5 and in reference standard RS 4-6.

(2) Each required bathing facility shall be accessible and at least one of each type of fixture or accessory that is provided in such bathing facility shall comply with the requirements set forth in table RS 16-4 and in reference standard RS 4-6.

§27-292.11 Assembly spaces. -

(a) Assembly spaces other than places of assembly shall be provided with a minimum of accessible wheelchair viewing positions as follows:

Capacity of Assembly Space	Number of Viewing Positions
1 to 25	Minimum 1
26 to 50	Minimum 2
51 to 74	Minimum 3

(b) Places of assembly shall be provided with accessible wheelchair viewing positions in accordance with subparagraph h of paragraph (1) of subdivision (a) of section 27-531.

(c) Size and placement of wheelchair location, surfaces, access to performing area and listening systems, where required, shall comply with the provisions of reference standard RS 4-6. These positions may be utilized by persons who do not use wheelchairs provided that the positions are delineated on the approved seating plans, the seating is readily removable and the positions are unsold one full working day before the performance.

§27-292.12 Public toilet rooms. - Where public toilet rooms are provided, there shall be at least one water closet stall and lavatory fixture for each sex which is accessible to and usable by people having physical disabilities and complies with the requirements of paragraph (c) of section P104.1 of reference standard RS 16-1 and reference standard RS 4-6.

§27-292.13 Drinking fountains. -

(a) Location and number of drinking fountains shall be provided in accordance with the requirements set forth in table 16-5.

(b) At least one drinking fountain on a story on which drinking fountains are provided shall be accessible and

comply with the requirements set forth in reference standard RS 4-6.

(c) Where outside drinking fountains are provided, at least one shall be accessible and comply with the requirements set forth in reference standard RS 4-6.

§27-292.14 Public telephones. - At each location where public telephones are provided, at least one telephone shall be accessible and usable by people who use wheelchairs and at least one telephone shall be accessible and usable by persons with hearing impairment, and each such accessible telephone shall comply with the requirements set forth in reference standard RS 4-6.

§27-292.15 Alarms. - Where emergency warning systems are provided in spaces used by people having physical disabilities such systems shall comply with the requirements set forth in reference standard RS 4-6. Portable audible/visual smoke detecting devices in existing group J-1 occupancies shall comply with the provisions of paragraph (1) of subdivision (b) of section 27-292.9.

§27-292.16 Controls and operating mechanisms. - Where controls and operating mechanisms for light switches, dispensers, alarms and other similar devices are provided, they shall be accessible and comply with the requirements set forth in reference standard RS 4-6.

§27-292.17 Tactile warnings. - Tactile warnings shall be provided at hazardous locations on floors, doors, stairs, hazardous vehicular areas and pools, and shall comply with applicable requirements as set forth in reference standard RS 4-6.

§27-292.18 Signage. -

(a) Symbols of accessibility shall be provided at the following locations:

Parking spaces designated as reserved for people having physical disabilities

Passenger loading zones

Public toilet and bathing facilities

Drinking fountains

Public telephones

(b) Information and directional signage shall be provided where deemed necessary.

(c) Symbols and characters shall comply with the applicable requirements set forth in reference standard RS 4-6.

§27-292.19 Parking spaces. -

(a) Where parking areas or garages are provided, at least one parking space but not less than five percent of the total number of parking spaces provided shall be suitable for use by people having physical disabilities.

Where determination by percentage results in a number containing a decimal of 0.5 or more, the next higher number shall be used.

(b) Location, space, size and signage for parking spaces suitable for use by people having physical disabilities shall comply with provisions set forth in reference standard RS 4-6.

§27-292.20 Passenger loading zones. - Where passenger loading zones are provided, location and access aisles for at least one vehicle (with respect to multiple dwellings) or zones (with respect to other buildings) shall comply with the requirements set forth in reference standard RS 4-6.

**Local Law 58-1987.*

ARTICLE 3 FIRE DISTRICTS

§[C26-402.1] 27-293 Inside fire districts. - The following city areas are hereby established as being inside the fire districts:

(a) All of the borough of Manhattan.

(b) All of the borough of Bronx.

(c) All of the borough of Brooklyn.

(d) Such portions of the boroughs of Staten Island and Queens as are indicated on the "fire district maps" (reference standards RS 4-1 and RS 4-2).

§[C26-402.2] 27-294 Outside fire districts. - All areas not included inside the fire districts shall be designated as outside fire districts.

§[C26-402.3] 27-295 Mixed districts. - Any building located on the boundary line of a fire district, so that it is both inside and outside the district, shall be of a type of construction required for the fire districts if more than twenty-five per cent of the total floor area of the building is located therein.

ARTICLE 4 LIMITATIONS INSIDE THE FIRE DISTRICTS

§[C26-403.1] 27-296 Limitations. - No buildings in those combinations of construction classes and occupancy groups prohibited by tables 4-1 and 4-2 shall be erected inside the fire districts or shall be moved from outside to inside the fire districts, or from one lot to another inside the fire districts. No building or space classified in occupancy group J-1 or J-2 may be located on a lot containing a building classified in construction group I-E, II-D or II-E.

§[C26-403.2] 27-297 Exemptions. - The following constructions shall be exempt from the provisions of section 27-296 of this article:

(a) **One- or two-family dwellings.** - One- or two-

family detached or semi-detached dwellings of two stories or less in height and two thousand five hundred square feet or less in area located within zoning residence districts [R-2, R3-1, R3-2, R-4 and R-5]* may be constructed or reconstructed of construction groups II-D combustible materials, or if damaged for any cause, only the damaged portions shall be required to be reconstructed to conform to II-D construction. In addition, one-family dwellings located within zoning residence district [R. -1]* anywhere in the city, may be of combustible group II-E construction in conformance with the area and height limits established by tables 4-1 and 4-2.

* *Copy in brackets not enacted but probably intended.*

(b) Fences. - Fences not over six feet high may be erected of wood or other combustible material.

(c) Storm enclosures, bay windows, etc. - Storm enclosures, bay windows and similar appendages may be constructed of combustible materials in accordance with the provisions of section 27-336 of article four of subchapter five of this chapter.

(d) Accessory buildings for open parking lots. - Parking lot offices and similar accessory buildings not more than ten feet high and not more than one hundred fifty square feet in area may be constructed of combustible materials when on the same lot or accessory to a lot used for motor vehicle parking, and when located at least six feet from any lot line or building.

(e) Temporary structures. - Temporary platforms, reviewing stands, and similar miscellaneous structures may be constructed of combustible materials and used for a limited period of time, subject to the approval of the commissioner.

(f) Greenhouse. - Greenhouses may be constructed of combustible materials when accessory to a one - or two-family dwelling on the same lot and when located at least six feet from any lot line or building.

(g) Roof structures. - Cooling towers, antenna supports, and other roof structures may be constructed of combustible materials in accordance with the provisions of section 27-338 of subchapter five of this chapter.

(h) Bins, tanks, and towers. - Coal and material bins, water towers, tank structures, and trestles may be constructed of wood planking and timbers of dimensions not less than as required for class II-A construction when not over thirty-five feet high and having an exterior separation of at least thirty feet.

(i) Signs. - Ground signs, wall signs, roof signs, and temporary signs may be constructed of combustible materials within the limitations established in article eighteen of subchapter seven of this chapter.

§[C26-403.3] 27-298 Additions to existing buildings. - No building inside the fire districts may be increased

in area or height to exceed the limitations of tables 4-1 and 4-2. (See Tables 4-1 and 4-2).

ARTICLE 5 LIMITATIONS OUTSIDE THE FIRE DISTRICTS

§[C26-404.1] 27-299 Limitations. - No buildings in those combinations of construction classes and occupancy groups prohibited by tables 4-1 and 4-2 shall be erected outside the fire districts. No building or space classified in occupancy group J-1 or J-2 may be located on a lot containing a building classified in construction group I-E, II-D or II-E. No building classified in construction group I-E, II-D or II-E shall be located on a lot containing a building or space classified in occupancy group J-1 or J-2.

§[C26-404.2] 27-300 Additions to existing buildings.

- No building outside of the fire districts may be increased in area or height to exceed the limitations of tables 4-1 and 4-2.

ARTICLE 6 AREA LIMITATIONS

§[C26-405.1] 27-301 Area limitations of buildings. - No building or building section shall be constructed or altered so as to exceed the area limits established by tables 4-1 and 4-2 based on the occupancy group classification of the building or building section, except as these may be specifically modified by other provisions of this code.

§[C26-405.2] 27-302 Area limitations of spaces. - No occupancy within a building or building section shall be constructed or altered so as to exceed in total cumulative area the area limits established by tables 4-1 and 4-2, except as these may be specifically modified by other provisions of this code.

§[C26-405.3] 27-303 Frontage increase. - When a building has more than twenty-five per cent of the total perimeter of the building fronting directly upon a street or frontage space, the tabular areas listed in tables 4-1 and 4-2 may be increased 1.33 per cent for each one per cent of such excess frontage.

§[C26-405.4] 27-304 Existing excessive area. - Any building existing on December sixth, nineteen hundred sixty-eight that exceeds the maximum allowable area permitted under the provisions of this section, may be enlarged if the addition is separated from the existing building by a fire division meeting the requirements of subchapter five of this chapter, and if the additional area does not exceed the limits established by tables 4-1 and 4-2 for the specific occupancy group and construction class.

ARTICLE 7 HEIGHT LIMITATIONS

§[C26-406.1] 27-305 Height limitations of buildings.

- No building or building section shall be constructed or altered so as to exceed the height limits established by tables 4-1 and 4-2 based on the occupancy group classification of the building or building section, except as these may be specifically modified by other provisions of this code.

§[C26-406.2] 27-306 Measurement. - In applying the provisions of this code governing height limits, the following appurtenant structures shall not be included in the height of the building unless the aggregate area of all such structures exceeds thirty-three and one-third percent of the area of the roof of the building upon which they are erected:

- (a) Roof tanks and their supports.
- (b) Ventilating, air conditioning, and similar building service equipment.
- (c) Roof structures, bulkheads, and penthouses.
- (d) Chimneys.
- (e) Parapet walls four feet or less in height.

***TABLE 4-1 AREA AND HEIGHT LIMITATIONS FOR UNSPRINKLERED BUILDINGS AND SPACES**

Occupancy Group		NONCOMBUSTIBLE CONSTRUCTION GROUP I					COMBUSTIBLE CONSTRUCTION GROUP II				
		Class IA	Class IB	Class IC	Class ID	Class IE	Class IIA	Class IIB	Class IIC	Class IID	Class IIE
HIGH HAZARD A ^e	Area	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.
	Height										
STORAGE B-1	Area	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	N. P.
	Height	75'-0"	75'-0"	65'-0"(5)	65'-0"(5)	40'-0"(3)	50'-0"(4)	50'-0"(4)	40'-0"(3)	40'-0"(3)	N. P.
STORAGE B-2 ^b	Area	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	2,100
	Height	75'-0"	N.L.	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
MERCANTILE C	Area	7,500	7,500	7,500	7,500	7,500	7,500	7,500	5,600	8,400	2,100
	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
INDUSTRIAL D-1	Area	7,500	7,500	7,500	7,500	3,500	7,500	7,500	N. P.	1,400	N. P.
	Height	75'-0"	75'-0"	65'-0"(5)	65'-0"(5)	40'-0"(3)	50'-0"(4)	50'-0"(4)		40'-0"(3)	
INDUSTRIAL D-2	Area	N.L.	N.L.	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100
	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
BUSINESS E	Area				N.L.	10,500	14,700	14,700	5,600	8,400	2,100
	Height	75'-0" ^{d,f}	75'-0" ^{d,f}	75'-0" ^{d,f}	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
ASSEMBLY F-1	Area				N.L.	17,500	10,500	14,700	14,700	5,600	8,400
	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
ASSEMBLY F-2 ^c	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height					75'-0"(6)	75'-0"(6)	75'-0"(6)	65'-0"(5)	75'-0"(6)	65'-0"(5)
ASSEMBLY F-3	Area				N.L.	17,500	10,500	14,700	14,700	5,600	8,400
	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
ASSEMBLY F-4 ^g	Area				N.L.	17,500	10,500	14,700	14,700	5,600	8,400
	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
EDUCATIONAL G	Area	N.L.		N.L.	N.L.	17,500	10,500	14,700	14,700	5,600	8,400
	Height	75'-0"	75'-0"	75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)	40'-0"(3)
INSTITUTIONAL H-1	Area	17,500	14,000	10,500	7,000	N.P.	4,200	4,200	N. P.	N. P.	N. P.
	Height	N.L.	75'-0"	65'-0"(5)	50'-0"(4)		50'-0"(4)	50'-0"(4)			
INSTITUTIONAL H-2	Area	17,500	14,000	10,500	7,000	N.P.	4,200	4,200	N. P.	N. P.	N. P.
	Height	N.L.	75'-0"	65'-0"(5)	50'-0"(4)		50'-0"(4)	50'-0"(4)			
RESIDENTIAL J-1	Area	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.
	Height										
*RESIDENTIAL J-2 When Constructed Subject to the Requirements of §27-954(t) or Altered Subject to the Requirements of §27-123.2		Area	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.	N. P.
*RESIDENTIAL J-2 When Not Subject to the Requirements of §27-954(t) or Altered Subject to the Requirements of §27-123.2		Area	N.L.	N.L.	N.L.	17,500	N.P.	10,000	10,000	5,600	N. P.
		Height			75'-0"	75'-0"(6)		75'-0"(6)	75'-0"(6)	40'-0"(3)	
RESIDENTIAL J-3		Area	N.L.	N.L.	N.L.	17,500	10,500	14,700	14,700	5,600	8,400
		Height			75'-0"	75'-0"(6)	40'-0"(3)	75'-0"(6)	75'-0"(6)	40'-0"(3)	40'-0"(3)

N.L. – No Limit

N.P. – Not Permitted

Not Permitted Inside Fire Districts^a

Notes for Table 4-1:

Tabulated areas are given in sq. ft. and establish maximum gross area permitted on any one story within a building or fire area.

See section 27-303 and subdivision (e) of section 27-328 for permissible area increases. Tabulated heights are given in feet and number of stories (in parentheses).

^a See section 27-297 for construction exemptions.

^b See article eleven of subchapter seven of chapter one of this title for area and height limitations of open parking structures.

^c See paragraph two of subdivision (b) of section 27-548 for grandstand limitations.

^d See subdivision (c) of section 27-339 for area limitations for existing office buildings one hundred feet or more in height with mechanical ventilation and/or air-conditioning systems that serve

^e Spaces in occupancy group A solely due to their containing gas distribution piping at pressure levels above fifteen psig may be unsprinklered and conform with the area and height limitations set forth in table 4-2, provided other fire protection requirements set forth in section 27-404 and subchapters five and seventeen of chapter one of this title are met.

^f See section 27-954 for area limitations for buildings less than seventy-five ft. in height.

^g See subdivisions (u) and (v) of section 27-954 for requirements pertaining to F-4 spaces within J-1 buildings, catering establishments and banquet halls with occupant load of three hundred or more persons.

^{*} *Local Law 10-1999.*

TABLE 4-2 AREA AND HEIGHT LIMITATIONS FOR SPRINKLERED BUILDINGS AND SPACES

Occupancy Group		NONCOMBUSTIBLE CONSTRUCTION GROUP I					COMBUSTIBLE CONSTRUCTION GROUP II				
		Class IA	Class IB	Class IC	Class ID	Class IE	Class IIA	Class IIB	Class IIC	Class IID	Class IIE
HIGH HAZARD A	Area	N.L.	17,500	14,000	10,500	3,500	7,700	7,700	N.P.	1,400	N.P.
	Height		75'-0"(6)	65'-0"(5)	65'-0"(5)	40'-0"(3)	50'-0"(4)	50'-0"(4)		50'-0"(4)	
STORAGE B-1	Area	N.L.	N.L.	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100
	Height			85'-0"(7)	75'-0"(6)	50'-0"(4)	75'-0"(6)	75'-0"(6)	40'-0"(3)	50'-0"(4)	40'-0"(3)
STORAGE B-2 ^b	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height				85'-0"(7)	50'-0"(4)	85'-0"(7)	85'-0"(7)	50'-0"(4)	50'-0"(4)	50'-0"(4)
MERCANTILE C	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height				85'-0"(7)	50'-0"(4)	85'-0"(7)	85'-0"(7)	50'-0"(4)	50'-0"(4)	50'-0"(4)
INDUSTRIAL D-1	Area	N.L.	N.L.	N.L.	17,500	10,500	14,700	14,700	5,600	8,400	2,100
	Height				85'-0"(7)	75'-0"(6)	75'-0"(6)	75'-0"(6)	40'-0"(3)	50'-0"(4)	40'-0"(3)
INDUSTRIAL D-2	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height				85'-0"(7)	50'-0"(4)	85'-0"(7)	85'-0"(7)	50'-0"(4)	50'-0"(4)	50'-0"(4)
BUSINESS E	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height				85'-0"(7)	50'-0"(4)	85'-0"(7)	85'-0"(7)	50'-0"(4)	50'-0"(4)	50'-0"(4)
ASSEMBLY F-1	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height				85'-0"(7)	50'-0"(4)	85'-0"(7)	85'-0"(7)	50'-0"(4)	50'-0"(4)	50'-0"(4)
ASSEMBLY F-2	Area	N.L.	N.L.	N.L.	N.L.	N.L.	N.L.	N.L.	19,600	N.L.	16,100
	Height				85'-0"(7)	N.L.	N.L.	N.L.	75'-0"(6)	N.L.	75'-0"(6)
ASSEMBLY F-3	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height				85'-0"(7)	75'-0"(4)	85'-0"(7)	85'-0"(7)	50'-0"(4)	50'-0"(4)	50'-0"(4)
ASSEMBLY F-4	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height				85'-0"(7)	75'-0"(4)	85'-0"(7)	85'-0"(7)	50'-0"(4)	50'-0"(4)	50'-0"(4)
EDUCATIONAL G	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height				85'-0"(7)	75'-0"(4)	85'-0"(7)	85'-0"(7)	50'-0"(4)	50'-0"(4)	50'-0"(4)
INSTITUTIONAL H-1	Area	N.L.	N.L.	17,500	11,200	7,000	11,200	11,200	3,500	4,000	N.P.
	Height			85'-0"(7)	75'-0"(6)	65'-0"(5)	65'-0"(5)	65'-0"(5)	40'-0"(3)	50'-0"(4)	
INSTITUTIONAL H-2	Area	N.L.	N.L.	17,500	11,200	7,000	11,200	11,200	3,500	4,000	N.P.
	Height			85'-0"(7)	75'-0"(6)	65'-0"(5)	65'-0"(5)	65'-0"(5)	40'-0"(3)	50'-0"(4)	
RESIDENTIAL J-1	Area	N.L.	N.L.	N.L.	N.L.	N.P.	N.L.	N.L.	N.P.	N.P.	N.P.
	Height				85'-0"(7)	N.P.	85'-0"(7)	N.P.	N.P.	N.P.	
RESIDENTIAL J-2	Area	N.L.	N.L.	N.L.	N.L.	N.P.	N.L.	N.L.	12,600	N.P.	N.P.
	Height				85'-0"(7)	N.P.	85'-0"(7)	N.P.	N.P.	N.P.	
RESIDENTIAL J-3	Area	N.L.	N.L.	N.L.	N.L.	17,500	N.L.	N.L.	12,600	15,400	9,100
	Height				85'-0"(7)	50'-0"(4)	85'-0"(7)	85'-0"(7)	50'-0"(4)	50'-0"(4)	50'-0"(4)

N.L. — No Limit

N.P.—Not Permitted

Not permitted inside Fire Districts^a

Notes for Table 4-2:

Tabulated areas are given in square feet and establish maximum gross area permitted on any one story within a building or fire area. See section 27-303 for permissible area increases. Tabulated heights are given in feet and number of stories (in parentheses).

^a See section 27-297 for construction exemptions.

^b See article eleven of subchapter seven of this chapter for area and height limitations of open parking structures.

ARTICLE 8 GENERAL PROJECTION LIMITATIONS

§[C26-407.1] 27-307 Permissible projections beyond the street line. - No part of a new building, or of any alteration or addition to an existing building, shall be constructed to extend beyond the street line, except as specifically provided in this subchapter.

***§[C26-407.2] 27-308 Ramps.** -

- (a) When a building erected prior to December sixth, nineteen hundred sixty-nine is altered to provide access to individuals who use wheelchairs, ramps constructed to provide such access may, with the approval of the commissioner, project beyond the street line for a distance of not more than forty-four inches.
- (b) Ramps shall comply with the applicable provisions of reference standard RS 4-6.

**Local Law 58-1987.*

§[C26-407.3] 27-309 Special restrictions. - The provisions of this subchapter shall not authorize any projections beyond the street line on those streets where removal of all, or certain projects has been directed by any action of the board of estimate or the former board of estimate and apportionment, or which has been, or may be, directed by any action of the council or the board of estimate, except those projections that are permitted in conformity with such actions.

§[C26-407.4] 27-310 Projections removable. - All projections permitted beyond the street line by the provisions of this subchapter shall be constructed so that they may be removed at any time without endangering the structural safety or fire safety of the building except that footings as permitted under subdivision (a) of section 27-314 of article nine of this subchapter need not be removable.

§[C26-407.5] 27-311 Permission revocable. - Any permission, expressed or implied, permitting the construction of projections within the area of the street under the provisions of this subchapter shall be revocable by the council or the board of estimate, except footings as permitted under subdivision (a) of section 27-314 of article nine of this subchapter.

§[C26-407.6] 27-312 Existing projections. - Any part of a building that projects beyond a street line on January first, nineteen hundred thirty-eight may be

maintained as constructed until its removal is directed by the council or the board of estimate.

(a) Alterations. -

Alterations to existing projections beyond the street line may be permitted in whole or in part, provided that such alterations conform with the requirements of this subchapter.

ARTICLE 9 PERMISSIBLE PROJECTIONS BEYOND STREET LINES

§[C26-408.1] 27-313 Projections above grade. - Subject to the provisions of article eight of this subchapter the following projections may be constructed, above grade, to project beyond the street line:

(a) Fixed Projections. - Fixed projections are those elements listed below, generally of an architectural character, that form an integral part of the building facade. The aggregate area of all fixed projections constructed to extend beyond the street line shall not exceed ten square feet within any one hundred square feet of wall area, except that a veneer may be applied to the entire facade of a building erected before December sixth, nineteen hundred sixty-eight, if such veneer does not project more than four inches beyond the street line. The area of any fixed projection shall be measured at that vertical plane, parallel to the wall, in which the area of the projection is greatest. This plane of measurement may be at the street line, the line of maximum projection, or any point in between.

(1) ENTRANCE DETAILS. - Entrance details, including steps, and doors when fully open, may be constructed to project beyond the street line not more than eighteen inches. Entrance steps that project beyond the street line shall be guarded at each end by railings or check pieces at least three feet high or by other members of the entrance detail providing equivalent protection.

(2) ARCHITECTURAL DETAILS. - Details such as cornices, eaves, bases, sills, headers, band course, opening frames, sun control devices, rustications, applied ornament or sculpture, grilles, windows when fully open, air conditioning units, and other similar elements may be constructed to project not more than four inches beyond the street line when less than ten feet above the ground or sidewalk level, and not more than ten inches beyond the street line when more than ten feet above the ground or sidewalk level.

(3) BALCONIES. -Balconies, including railings and supporting brackets, no parts of which are less than ten

feet above the ground or sidewalk level, may be constructed to project not more than twenty-two inches beyond the street line. When permitted by the provisions of subchapter six of this chapter, fire escapes that are part of a required exit may be constructed to project not more than four feet six inches beyond the street line provided no part, including any movable ladder or stair, is lower than ten feet above the ground or sidewalk level when not in use.

(4) MARQUEES. - Marquees may be erected on public buildings, theaters, hotels, terminals, large department stores, supermarkets, multi-family dwellings, and similar buildings of an essentially public nature, or upon a warehouse or market in an established market area as designated by reference standard RS 4-3, so as to project beyond the street line, but not nearer than two feet to the curb line, provided that no parts of such marquees are less than ten feet above the ground or sidewalk level. Marquees must not be more than two feet to curb lines hereafter established or changed. When measured from top to bottom, marquees shall not be thicker nor shall the fascia be higher than three feet. This dimension shall include all decorations, but shall exclude any tension supports suspending the marquee from the wall. Marquees shall be supported entirely from the building and be constructed of noncombustible materials, except that the roof or any part of the roof may contain skylights complying with the requirements of subdivision (d) of section 27-338 of article four of subchapter five of this chapter. Marquee roofs shall be drained in accordance with the provisions of subchapter sixteen of this chapter. When the occupancy or use of a building with a marquee projecting beyond the street line is changed to occupancy or use for which a marquee is not permitted by this section the marquee shall be removed.

(5) LIGHT FIXTURES. - Light fixtures that are supported entirely from the building may be constructed to project not more than two feet beyond the street line, provided no part of the fixture is less than eight feet above the ground or sidewalk level.

(6) FLAGPOLES. - Flagpoles that are supported entirely from the building may be constructed to project not more than eighteen feet beyond the street line, but not closer than two feet to the curb line, provided that no part of the flagpole is less than fifteen feet above the ground or sidewalk level.

(7) WALL SIGNS. - Wall signs may be constructed to project not more than twelve inches beyond the street line when conforming to the requirements of subchapter seven of this chapter.

(8) PROJECTING SIGNS. - Projecting signs may be constructed to project not more than ten feet beyond the street line, but not closer than two feet to the curb line, when conforming to the requirements of subchapter seven of this chapter, and provided that no part of the

sign is less than ten feet above the ground or sidewalk level.

(b) **Awnings.** - Awnings supported entirely from the building may be constructed to project beyond the street line as follows:

(1) **STORE FRONT AWNINGS.** - Store front awnings may be constructed to project beyond the street line not more than eight feet, provided no part of the awning is less than eight feet above the ground or sidewalk level, except for a flexible valance, which may be not less than seven feet above the ground or sidewalk level, and provided that the awning box or cover does not project more than twelve inches.

(2) **AWNINGS.** - Awnings over windows or doors may be constructed to project beyond the street line not more than five feet, provided that no part of the awning is less than eight feet above the ground or sidewalk level.

(3) **CONSTRUCTION.** - Awnings shall be constructed of a noncombustible frame covered with flameproofed canvas or cloth, slow-burning plastic, sheet metal, or other equivalent material.

(c) **Storm enclosures.** - Storm enclosures projecting not more than eighteen inches beyond the street line may be permitted during the period between November fifteenth and the following April fifteenth. Such enclosures shall be removed at the end of this period. Construction shall follow the requirements of section 27-336 of subchapter five of this chapter.

(d) **Bridges between buildings.** - Bridges connecting buildings, and projecting beyond street lines, may be constructed subject to the approval of the board of estimate and the department of highways. Such bridges shall be of a construction class that is at least equal to the higher class of the two buildings connected, and shall otherwise comply with the provisions of this code and other applicable laws and regulations.

(e) **Sidewalk cafes.** - (1) Enclosures for sidewalk cafes, where permitted by the commissioner of consumer affairs, may be provided beyond the building line, within a street, provided such enclosures are constructed of incombustible material or slow-burning plastic or other material which will not support combustion, and provided the sides of such enclosures do not extend more than eight feet above the sidewalk.

(2) Awnings supported entirely from the building may be placed over sidewalk cafes provided they are at least eight feet clear above the sidewalk and provided they are within the limits specified by the commissioner of consumer affairs. Such awnings shall be supported on metal frames and constructed of canvas treated to render it fire-resistive or other material, which will not support combustion.

(3) No part of any awning, enclosure, fixture or equipment of a sidewalk cafe shall be located beneath a fire-escape so as to obstruct operation of fire-escape

drop ladders or counter-balanced stairs or to obstruct any exit from a building.

(4) a. Removable platforms shall be constructed to provide for a continuous unbroken and level floor without openings or cracks so as to prevent any material or liquid from falling through to the area beneath; no papers, trash or other materials may be permitted to accumulate in the area beneath the floor of the platform.

b. No part of the platform shall obstruct an exit from any building.

c. No part of the platform shall cover a cellar entrance, areaway or other vent, except that an easily removable section, prominently designated, will be permitted if acceptable to the commissioner.

d. No siamese connection or hydrant may be obstructed in any way that would hinder its use by the fire department.

(5) In addition to the requirements specified herein, the commissioner may promulgate such additional regulations necessary to secure safety.

(f) **Curb cuts.** - The lowering of any curb or the change of grade of any sidewalk for the purpose of providing a driveway across such curb or sidewalk shall be constructed in accordance with the specifications prescribed in section 27-558 of article three of subchapter nine of this chapter or as required by the commissioner. The commissioner shall limit the length of any curb cut for the purpose of providing a driveway across such curb or sidewalk, when in the opinion of the commissioner the actual use or intended use of such driveway would endanger the public. The owner shall maintain every part of such driveway in accordance with the specifications prescribed in section 27-558 of article three of subchapter nine of this chapter. Where the vehicular use of such driveway, in the opinion of the commissioner is dangerous to the public, the commissioner shall order the owner to discontinue use of such driveway and restore the curb and sidewalk as required by the department of transportation. Upon the failure of the owner to comply with such order, the commissioner may inform the commissioner of transportation of such failure to comply and request the cooperation of the commissioner of transportation acting under his or her authority pursuant to section twenty-nine hundred four of the New York city charter in the enforcement of this section.

§[C26-408.2] 27-314 Projections below grade. - Subject to the provisions of article eight of this subchapter the following projections may be constructed below grade to project beyond the street line:

(a) **Footings.** - Exterior wall and column footings may be constructed to project beyond the street line not more than twelve inches, provided that the top of the footing is not less than eight feet below the ground or

sidewalk level.

(b) **Foundation walls.** - Foundation walls required to support permitted projections may be constructed to project not more than the permitted projection beyond the street line.

(c) **Vaults.** - Vaults licensed by the commissioner of transportation may be constructed to project beyond the street line but not beyond the curb line. Vault covers shall be set flush with the sidewalk and surfaced with non-skid material.

(d) **Tunnels between buildings.** -

Tunnels connecting buildings, and projecting beyond street lines, may be constructed subject to the approval of the board of estimate and the department of transportation. Such tunnels shall comply with the provisions of this code and other applicable laws and regulations.

***§[C26-408.3] 27-315- Restrictions on construction and projections on certain streets, parkways, boardwalks and beaches.** -

Notwithstanding the foregoing provisions of this article, it shall be unlawful to build, erect, make areaways, steps or other projections prohibited by sections 19-131, 19-132, 19-135 of the code.

* *Local Law 104-1993.*

*** ARTICLE 10 GENERAL LIMITATIONS ON OCCUPANCY AND CONSTRUCTION WITHIN SPECIAL FLOOD HAZARD AREAS**

§[C26-409.1] 27-316 Permit restrictions. - Within special flood hazard areas, as delineated in reference standard RS 4-4, applications for permits shall be subject to the following:

(a) Permissible uses and other measures to reduce flood losses shall take precedence over any conflicting laws.

(b) Major repairs or alterations shall be with construction materials and utility equipment that are resistant to flood damage, and use construction methods and practices that will minimize flood damage.

(c) New and proposed construction or substantial improvements shall be protected against flood damage, be designed (or modified) and anchored to prevent flotation, collapse, or lateral movements of the structure, use construction materials and utility equipment that are resistant to flood damage, and use construction methods and practices that will minimize flood damage.

(d) New and proposed developments and construction shall minimize flood damage, locate, elevate and construct all public utilities such as gas, sewer, electrical and water systems to minimize or eliminate flood damage, and provide adequate drainage so as to reduce exposure to flood hazards.

(e) New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and discharges from the systems into floodwaters, and require on-site disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(f) Subdivision proposals and other proposed new developments and construction shall (i) minimize flood damage, (ii) have all public utilities, such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage, and (iii) provide adequate drainage so as to reduce exposure to flood hazards.

(g) Upon placement of the lowest floor, or flood-proofing by any means, the holder of any permit to which this section applies shall submit to the department a certification of the elevation of the lowest floor, or where applicable of the lowest flood-proofed elevation, in relation to mean sea level. Provided, however, that in areas designated as Zone V in reference RS 4-4, such permit holder shall certify to the department the elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor. Such certification shall be prepared by a registered architect or licensed professional engineer.

(h) Compliance with the foregoing shall be accomplished in accordance with sections 27-317, 27-317.1, 27-317.2, 27-550, 27-580, 27-652, 27-771, 27-787 and subdivision (aa) of section 27-901 of this title and reference standards RS 4-4 and RS 4-5.

§ 27-316.1 Permit application contents. - Applications for permits for construction within special flood hazard areas, as delineated in reference standard RS 4-4, shall contain the following information:

(a) the elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar);

(b) for non-residential structures, the elevation in relation to mean sea level to which such structure will be flood-proofed;

(c) a certification from a registered architect or licensed professional engineer that heating, ventilation, air conditioning, plumbing, electrical and other services facilities within the structure will be located or constructed so as to prevent water from entering or accumulating within the components during conditions of flooding;

(d) for non-residential structures intended to be floodproofed, a certification from a registered architect or licensed professional engineer that the flood-proofing design and methods of construction of such structure are in accordance with reference standard RS 4-5 and with accepted standards of practice to make such structure watertight, with walls substantially impermeable to the passage of water, and with structural components

having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(e) for structures within Zone V, as delineated in reference standard RS 4-4, a certification from a registered architect or licensed professional engineer that the design and methods of construction of such structure are in accordance with reference standard RS 4-5 and with accepted standards of practice for meeting the requirements of subdivision (f) of section 27-317 of this code; and

(f) a description, where applicable, of the extent to which any watercourse will be altered or relocated as a result of the proposed work.

§[C26-409.2] 27-317 Occupancy and construction restrictions. -

(a) Within special flood hazard areas, as delineated in reference standard RS 4-4, no building in occupancy group classification J1, J2 or J3 shall be constructed or altered so as to have the lowest floor below the base flood elevation.

(b) New construction or substantial improvements of non-residential buildings within special flood hazard areas, as delineated in reference standard RS 4-4, shall have the lowest floor elevated to or above the base flood elevation; or, together with attendant utilities and sanitary facilities, shall be floodproofed up to the level of the base flood elevation, in accordance with the requirement of reference standard RS 4-5. Provided, however, that new construction or substantial improvements of non-residential buildings within area designated as Zone V in reference standard RS 4-4 shall meet the requirements of subdivision (f) of this section.

(c) Any encroachment in the floodway, as delineated in reference standard RS 4-4, including fill, new construction, substantial improvement, or any other development that would result in any increase in flood levels within the community during the occurrence of the base flood discharge, shall be prohibited.

(d) Manufactured homes shall be anchored to resist flotation, collapse or lateral movement and shall be elevated on a permanent foundation to or above the base flood elevation or, when no base flood elevation has been determined, two feet above the highest adjacent grade. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. No park trailers or travel trailers shall be permitted within special flood hazard areas, as delineated in reference standard RS 4-4.

(e) In the case of alterations constituting a substantial improvement to parts of non-residential and non-institutional buildings below the base flood elevation, all parts below the base flood elevation need comply with the applicable requirements of reference standard RS 4-5.

(f) All new construction and substantial improvements

of buildings within Zone V, as delineated in reference standard RS 4-4, shall be performed pursuant to the provisions of RS 4-5. Such construction and improvements shall have the lowest floor elevated on adequately anchored pilings or columns and securely anchored to such piles or columns to prevent flotation, collapse or lateral movement resulting from the simultaneous action of wind and water loads on all building components, and, the lowest portion of the structural members of the lowest floor, other than the pilings or columns, shall be elevated to or above the base flood elevation. For purposes of this subdivision, wind and water loading values shall each have a one percent chance of being equalled or exceeded in any given year (one hundred year mean recurrence interval). In addition:

(1) The installation of anchoring to anchored pilings or columns shall be subject to controlled inspection.

(2) The space below the lowest floor shall be free of obstruction or, alternatively, such space shall be constructed with break-away walls of an open lattice type construction, which is intended to collapse under stress from abnormally high tides or wind driven water without jeopardizing the structural support of the building. Such space shall not be used for human habitation.

(3) The use of fill for structural support of buildings within Zone V shall not be permitted.

(4) The man-made alteration of sand dunes within Zone V which would increase potential flood damage to buildings shall not be permitted.

(5) All new construction within Zone V shall be located landward of the reach of mean high tide.

(g) All new construction and substantial improvements of buildings within Zone A, as delineated in reference standard RS 4-4 shall be performed pursuant to the provisions of reference standard RS 4-5. Where such construction or improvement is not floodproofed, any fully enclosed space below the lowest floor that is subject to flooding, as defined in section 27-317.1 of this code, shall be designed to equalize hydrostatic flood forces on exterior walls automatically (without human intervention) by allowing for the entry and exit of floodwaters. Design for meeting this requirement shall be certified by a registered architect or licensed professional engineer or shall meet or exceed the following minimum criteria:

(1) A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed space subject to flooding, shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(h) When used within special flood hazard areas, as delineated in reference standard RS 4-4, breakaway walls shall have a design safe loading resistance of not less than ten and no more than twenty pounds per square foot. Use of a breakaway wall which exceeds a design safe loading resistance of twenty pounds per square foot shall be permitted only if a registered architect or licensed professional engineer certifies that the proposed design meets the following conditions:

(1) Breakaway wall collapse will result from a water load less than that which would occur during the base flood; and

(2) the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values used in this determination shall each have a one percent chance of being equalled or exceeded in any given year (one hundred year mean recurrence interval).

§[C26-409.3] 27-317.1 Definitions for special flood hazard areas. - The following definitions shall supplement the definitions that appear in article two of subchapter two of this chapter and shall apply only to the provisions of article ten of subchapter four of this chapter and to the reference standards contained therein:

AREA OF SPECIAL FLOOD HAZARD. - The land in the flood plain delineated in reference standard RS 4-4 as subject to a one percent or greater chance of flooding in any given year. Such area is designated on the Flood Insurance Rate Map (FIRM) as Zone A, AE, AH, AI-99, V, VE or VI-30. Such area is also known as the base flood plain or one hundred year flood plain.

BASEFLOOD. - The flood having a one percent chance of being equalled or exceeded in any given year.

BASEFLOOD ELEVATION. - The level (in feet) indicated on the Flood Insurance Rate Map (FIRM).

BREAKAWAY WALL. - wall that is not part of the structural support of the building to which it is attached and is intended through its design and construction to collapse under specific later loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

DEVELOPMENT. - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations located within the area of special flood hazard.

ELEVATED BUILDING. - A non-basement building

(i) constructed, in an area designated as Zone A in reference standard RS 4-4, to have the top of the elevated floor, or in an area designated as Zone V in reference standard RS 4-4, to have the bottom of the

lowest horizontal structural member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of water, and (ii) adequately anchored so that the structural integrity of such building is not impaired during a flood of up to the magnitude of the base flood. In an area designated as Zone A in reference standard RS 4-4, such term also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to permit the unimpeded movement of flood waters. In an area designated as Zone V in reference standard RS 4-4, such term also includes a building otherwise meeting the definition of elevated building in which the lower area is enclosed by means of breakaway walls meeting the standards of subdivision (h) of section 27-317 of this code.

FLOOD OR FLOODING. - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from:

- (1) the overflow of inland or tidal waters; or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). - An official map issued by the Federal Emergency Management Agency on which the regulatory floodway along water courses is delineated.

FLOOD HAZARD BOUNDARY MAP (FHBMM). - An official map issued by the Federal Emergency Management Agency on which areas of special flood hazard are delineated.

FLOOD INSURANCE RATE MAP (FIRM). - The official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazards. Such map includes the flood boundary and floodway map and the flood hazard boundary map, as defined in this section.

FLOOD PLAIN. - Any land area susceptible to being inundated by water from any source (see "flood or flooding").

FLOOD PROOFING. - Any combination of structural and non-structural additions, changes or adjustments to structures to reduce or eliminate flood damage to real estate, improved real property, water and sanitary utilities, or structures and their contents.

FLOODWAY OR REGULATORY FLOODWAY. - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGHEST ADJACENT GRADE. - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LOWEST FLOOR. - The lowest level including cellar or basement of the lowest enclosed area. For the purpose of this article, an unfinished or flood resistant

enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement, is not considered a structure's lowest floor, provided that such enclosure shall not be built so as to render the structure in violation of the requirements of subdivision (g) of section 27-317 of this code.

MANUFACTURED HOME. - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to required utilities.

MIXED USE BUILDING. - Any building occupied in part for residential use, with one or more nonresidential uses located on a story below the lowest story occupied entirely by such residential use.

NATIONAL GEODETIC VERTICAL DATUM (NGVD). - A vertical control used as a reference for establishing elevations within the flood plain, as provided in section 27-158 of this code.

NEW CONSTRUCTION. - Buildings for which the "start of construction" commenced on or after November sixteenth, nineteen hundred eighty-three.

SAND DUNES. - Naturally occurring accumulations of sand in ridges or mounds landward of a beach.

START OF CONSTRUCTION. - The date on which the building permits was issued, provided, however, that the actual start of construction, repair, reconstruction, placement or substantial improvement is within one hundred eighty days of such date. "Actual start" means either the first placement of permanent construction of a building on a site, such as pile driving, the pouring of slabs, or footings, or any work beyond the stage of excavation; or, for a building without a cellar, basement or poured footings, the first permanent framing or assembly of such building or any part thereof on its piling or foundations. "Permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a cellar, basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main building.

SUBSTANTIAL IMPROVEMENT. - Any repair, reconstruction, alteration, or improvement of a building, the cost of which equals or exceeds fifty percent of its market value either:

- (1) before the alteration, improvement, or repair is started, or
- (2) if the building has been damaged and is being restored, before such damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural parts of the building commences, whether or not that alteration affects the external dimensions of the

building. The term "substantial improvement" does not, however, include either:

- (1) any project for improvement of a building to comply with state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions, or
- (2) any alteration of a building designated as worthy of preservation because of historic or architectural importance, or a building within an area so designated by the landmarks preservation commission, or listed on the national register of historic places or state inventory of historic places.

ZONE A. - A symbol used on the flood insurance rate map to designate an area of special flood hazard without velocity (wave action). When not shown on the flood insurance rate map, the water surface elevation may be determined from available data by the registered architect or licensed professional engineer of record.

ZONE V. - A symbol used on the flood insurance rate map to designate an area of special flood hazard with velocity (wave action). When not shown on the flood insurance rate map, the water surface elevation may be determined from available data by the registered architect or licensed professional engineer of record.

§[C26-409.4] 27-317.2 Exceptions within special flood hazard areas. - Mixed use buildings may be constructed within Zone A, as delineated in reference standard RS 4-4, with non-habitable portions below the base flood elevation, provided all of the following conditions are met:

- (a) The building is constructed so as to provide entrance access at or above the base flood elevation.
- (b) The portion of the building and all service equipment below the base flood elevation are floodproofed, in accordance with reference standard RS 4-5.
- (c) No habitable rooms may be located in such cellar or basement.
- (d) A water closet and/or a wash basin may be located in an enclosed space not to exceed four feet by four feet six inches in such cellar or basement, and no roughing therein shall be allowed to accommodate any additional fixtures.
- (e) No accessory kitchens shall be allowed in such cellar or basement; however, one two-compartment laundry tray or similar appliance may be installed outside the water closet compartment.

**(f) The building permit application filed with the department of buildings or the work permit application filed with the department of ports and trade shall state that:

- (1) The premises is located within the special flood hazard area;
- (2) The cellar or basement is located below the level of the base flood elevation; and

(3) No portion of the cellar or basement may be used for living purposes.

**(g) A deed restriction noting all of the above is to be recorded in the county clerk's office and the page and liber number indicated on either the building permit application and certificate of occupancy filed with and issued by the department of buildings or the work permit application and the certificate of completion filed with and issued by the department of ports and trade.

***Local Law 14-1989.*

**Local Law 33-1988.*

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