

**FLOOD ZONE RESTRICTIVE DECLARATION\***

DECLARATION, made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by  
\_\_\_\_\_  
hereinafter referred to as the “Declarant,” having an office/residing at  
\_\_\_\_\_.

WHEREAS, the Declarant is the fee owner of certain land located in the City and State of New York, Borough of \_\_\_\_\_, designated as Block \_\_\_\_\_ Lot \_\_\_\_\_ on the Tax Map of the City of New York, hereinafter referred to as Parcel A, more particularly described by a metes and bounds description on Schedule A annexed hereto and by this reference made a part hereof;

WHEREAS, Parcel A is located within Zone A as delineated in New York City Administrative Code Reference Standard RS 4-4 as a Special Flood Hazard Area, and as delineated on the Federal Emergency Management Agency’s Flood Insurance Rate Map for the City of New York, Panel \_\_\_\_\_ of \_\_\_\_\_ with an effective date of November 16, 1983 and subsequent amendments thereto;

WHEREAS, the Declarant has requested the New York City Department of Buildings (the “Department of Buildings”) to act upon Application No. \_\_\_\_\_ to construct/alter a mixed use building, as defined in Section 27-317.1 of the 1968 Building Code, on Parcel A (the “Building”) with non-habitable rooms located below the base flood elevation; and

WHEREAS, Section 27-317.2 of the 1968 Building Code allows mixed use buildings to be constructed or altered within Zone A with non-habitable portions located below the base flood elevation provided certain conditions are met and noted in a recorded declaration.

NOW, THEREFORE, in consideration of the issuance by the Department of Buildings of a building permit for the Building, the Declarant does hereby declare the following:

1. The Building is constructed and shall be maintained so as to provide entrance access at or above the base flood elevation;
2. The portion of the Building and all service equipment below the base flood elevation are flood-proofed, in accordance with reference standard RS 4-5;
3. No habitable rooms shall be located in such cellar or basement;
4. No more than one water closet and/or wash basin shall be provided in an enclosed space no larger than required by Section 27-292.1 of the 1968 Building Code or Reference Standard RS 4-6 located in such cellar or basement, and no roughing therein shall be allowed to accommodate any additional fixtures;
5. No accessory kitchen shall be located in such cellar or basement; however, one two-compartment laundry tray or similar appliance may be installed outside the water closet compartment;
6. The building permit application shall state that:

\_\_\_\_\_  
\* This easement agreement is only applicable to buildings governed by the 1968 Building Code.

