

## 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; and

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 building or structure that is nonresidential (for flood zone purposes) and is either a post-FIRM new building or substantial improvement that contains dwelling units utilizing the dry floodproofing option set forth in Section BC G304.1.2(2) of the 2008 Building Code on Parcel A (the “Building”).

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. All rooms and spaces within the dwelling units shall be located at or above the design flood elevation;
2. No more than one toilet and one sink shall be located below the design flood elevation. Any such toilet room shall not be located within a dwelling unit and shall be no larger than required by Chapter 11 of the 2008 Building Code, and no roughing therein shall be permitted to accommodate additional fixtures;
3. No more than one two-compartment laundry tray shall be permitted below the design flood elevation;
4. No kitchen or kitchenettes shall be permitted below the design flood elevation;
5. Failure to comply with the terms of this declaration may result in the revocation of a building permit or certificate of occupancy;
6. This declaration may not be modified, amended or terminated without prior written consent of the Department of Buildings;
7. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns; and
8. This declaration shall be recorded at the city register’s (county clerk’s) office against all affected parcels of land and the cross-reference number and title of the declaration shall be recorded in the

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\* This easement agreement is only applicable to buildings governed by the 2008 Building Code.

permit application and on each temporary and permanent certificate of occupancy hereafter issued to buildings located on the affected parcels and in any deed for the conveyance thereof.

IN WITNESS WHEREOF, Declarant has made and executed the foregoing restrictive declaration as of the date hereinabove written.

\_\_\_\_\_  
Declarant  
By:

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned, personally appeared [Declarant] \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public