



Legislation Text

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Proposed Int. No. 962-A

By Council Member Constantinides

A Local Law to amend the New York city building code, in relation to allowed amount of impermeable area at zoning lots

Be it enacted by the Council as follows:

Section 1. Appendix A of the New York city building code is amended to read as follows:

APPENDIX A
[RESERVED] PERMEABILITY OF LOTS

SECTION BC A101
PERMEABILITY OF LOTS

A101.1 Definitions. As used in this appendix, the following terms have the following meanings:

IMPERMEABILITY FACTOR. For an open area either required or provided on a zoning lot, the percentage obtained by dividing the (i) the area of such open area that is covered with asphalt, concrete, or other impervious materials designated by the commissioner by (ii) the total area of open area.

MAXIMUM IMPERMEABILITY FACTOR. For a zoning lot, the greater of:

1. 50 percent; or
2. The impermeability factor of such lot on the effective date of the local law that added this section or, if such lot did not exist on such effective date, the date that such lot was created.

A101.2 Impermeable surfaces at zoning lots. Zoning lots shall comply with the following requirements:

1. No permit may be issued for new construction or major alterations at a zoning lot unless the applicant demonstrates to the satisfaction of the commissioner that such work will not increase the impermeability factor of such lot to greater than the maximum impermeability factor for such lot.
2. If the impermeability factor of a zoning lot exceeds 50 percent, no permit may be issued for new construction or major alterations at such lot unless the applicant demonstrates to the satisfaction of the commissioner that such work will not increase the impermeability factor of such lot.

Exceptions:

1. A zoning lot that contains, or will upon the completion of such work contain, a Group F or H occupancy, a Group M motor fuel-dispensing facility, or another type of building specified by rule of the commissioner after consulting with the department of environmental protection.
2. A zoning lot for which the permit applicant demonstrates, in a manner established by the commissioner, that at least 75 percent of such lot will be shaded.
3. The commissioner may, in consultation with the department of environmental protection, by rule establish a procedure for varying the application of this section where the commissioner determines that compliance with this section is reasonably likely to result in flooding or other damage to property.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings and the commissioner of environmental protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

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