

Practice Update

New York City Council Approves the Flood Resiliency Text Amendment

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On May 12, 2021, the New York City Council approved the Zoning for Coastal Flood Resiliency Text Amendment. The Department of City Planning proposed a series of text amendments and local zoning map amendments that are intended to address coastal flood risks throughout the five boroughs.

The approved text amendment will (i) allow buildings to be built to precautionary standards that take into account increasing flood risk, (ii) support resilient buildings that are accessible and fit in with their surroundings, (iii) enable existing buildings to become more resilient through partial retrofits; and (iv) allow property owners and the City to reduce flooding event recovery times in the future by making preparations today.

While the changes to the Zoning Resolution are extensive, we have identified some ways these changes will be beneficial to property owners within certain flood zones. The 2021 Coastal Flood Resiliency Text Amendment will create opportunities for property owners, developers, architects and urban designers to:

- Incrementally retrofit existing buildings in anticipation of future flooding events;

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- Increase building heights for new and existing buildings;
- Have more design flexibility by allowing additional “permitted obstructions” within height, setback, yard and open space requirements;
- Retain available floor area that was otherwise lost due to prior flood mitigation regulations;
- Have more flexibility regarding the placement of uses within their buildings;
- Exempt additional floor area in certain areas;
- Design streetscapes with more flexibility to promote a more engaging pedestrian experience; and
- Reduce the cost of flood insurance.

The updated flood text increases development flexibility within 1% and 0.2% flood zones and contains regulations designed to assist in the City’s overall resiliency efforts, such as limitations on new nursing homes development and enlargements in certain areas vehicular access could be obstructed during a flooding event.

For more information on how the Zoning for Coastal Flood Resiliency Text Amendment may affect your property or development project, please contact Joshua Rinesmith at joshua.rinesmith@akerman.com.

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