



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

33-42 - Permitted Obstructions

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LAST AMENDED

12/6/2023

In all #Commercial Districts#, the obstructions set forth in Section [23-621](#) (General permitted obstruction allowances), as well as the following obstructions shall be permitted and may thus penetrate a maximum height limit or #sky exposure planes#, as set forth in Sections [33-43](#) (Maximum Height of Walls and Required Setbacks), [33-44](#) (Alternate Front Setbacks) or [33-491](#) (Limited Height Districts):

- (a) Balconies, unenclosed, subject to the provisions of Section [24-166](#);
- (b) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#) and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
 - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
 - (2) the aggregate area of such obstructions, including any required screening, does not exceed 50 percent of the #lot coverage# of the #building#;
 - (3) the height of obstructions within an aggregate area equivalent to at least 20 percent of the #lot coverage# of the #building# shall not exceed 15 feet above the maximum permitted height; and;
 - (4) the height of obstructions within the remaining #lot coverage#, not to exceed 30 percent of the #building#, shall not exceed:
 - (i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
 - (ii) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
 - (5) all equipment shall be subject to the applicable provisions of Section [37-20](#) (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
- (c) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;

- (d) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;
- (e) Spires or belfries;
- (f) Wind energy systems, #accessory# or as part of #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided that:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) in districts where new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet.