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.