



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

81-252 - Permitted obstructions

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LAST AMENDED

12/6/2023

Except as set forth in this Section, structures which under the provisions of Sections [33-42](#) or [43-42](#) (Permitted Obstructions) or [34-11](#) or [35-10](#) (GENERAL PROVISIONS), are permitted to penetrate a maximum height limit or a #sky exposure plane# shall not be permitted as exceptions to the height limitations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses# set forth in Section [81-26](#) (Height and Setback Regulations—Daylight Compensation), nor shall they be excluded in determining daylight blockage pursuant to the provisions of Section [81-27](#) (Alternate Height and Setback Regulations—Daylight Evaluation).

The following shall be permitted as exceptions to the height regulations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses#, set forth in Section [81-26](#), and shall be excluded in determining daylight blockage, pursuant to the provisions of Section [81-27](#):

- (a) unenclosed balconies conforming to the provisions of Section [23-13](#) (Balconies); and
- (b) #qualifying exterior wall thickness#. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.