



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **33-23 - Permitted Obstructions in Required Yards or Rear Yard Equivalents**

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## 33-23 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

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LAST AMENDED

5/12/2021

In all #Commercial Districts#, the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

(a) In any #yard# or #rear yard equivalent#:

- (1) Arbors or trellises;
- (2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
  - (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
  - (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (3) Canopies;
- (4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
- (5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
- (6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;  
  
Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# 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 encroachment of #floor area# into a required #yard#;
- (7) Fences;
- (8) Flagpoles;
- (9) Parking spaces for automobiles or bicycles, off-street, open, #accessory# ;
- (10) #Accessory# power systems, including, but not limited to, generators, solar energy systems, fuel cells, batteries and other energy storage systems, provided that all equipment shall not exceed a height of 23 feet above #curb level# ;
- (11) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (12) Steps, and ramps or lifts for people with physical disabilities;

- (13) Terraces or porches, open;
  - (14) Walls, not exceeding eight feet in height and not roofed or part of a #building#.
- (b) In any #rear yard# or #rear yard equivalent#:
- (1) Balconies, unenclosed, subject to the provisions of Section [24-166](#);
  - (2) Breezeways;
  - (3) Any #building# or portion of a #building# used for any permitted #use# other than #residences#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section [33-42](#) (Permitted Obstructions), shall be permitted above such a #building#, or portion thereof;
  - (4) Fire escapes;
  - (5) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section [33-42](#), shall be permitted above such an #accessory# #building#, or portion thereof;
  - (6) Solar energy systems:
    - (i) on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial# or #community facility# #use# or attached parking structure;
    - (ii) on the roof of a #building# permitted as an obstruction to such #yard#, shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
    - (iii) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
  - (7) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# that is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.