



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **24-33 - Permitted Obstructions in Required Yards or Rear Yard Equivalents**

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## 24-33 - Permitted Obstructions in Required Yards or Rear Yard Equivalents

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LAST AMENDED

12/6/2023

In all #Residence Districts#, the obstructions set forth in Section [23-441](#) (General permitted obstruction allowances), as well as 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) Fences;
  - (2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
  - (3) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section [23-442](#) (Additional permitted obstructions);
  - (4) Steps;
  - (5) 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) Any #building# or portion of a #building# used for #community facility# #uses#, including #accessory# parking spaces for bicycles within such #building#, provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#, and further provided that the area within such #building# dedicated to #accessory# parking spaces for bicycles shall not exceed the area permitted to be excluded from #floor area#, pursuant to Section [25-85](#) (Floor Area Exemption). In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, pursuant to Section [24-51](#) (Permitted Obstructions), shall be permitted above such an #accessory building#, or portion thereof. However, the following shall not be permitted obstructions:
    - (i) in all #Residence Districts#, 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;
    - (ii) in R1, R2, R3-1, R3A, R3X, R4-1 R4A or R4B Districts, any portion of a #building# used for any #community facility# #use#;
    - (iii) in all #Residence Districts# not listed in paragraph (b)(2)(ii) of this Section, beyond 100 feet of a #wide street#, any portion of a #building# used for a #community facility# #use# other than a #school#, house of worship, college or university, or hospital and related facilities;
  - (3) Parking spaces, off-street, #accessory# to a #community facility# #use#, provided that the height of an #accessory building#, or portion of a #building# used for such purposes, shall not exceed 15 feet above #curb level#. However, such #accessory building# or portion of a #building# shall not be a permitted obstruction in R1, R2, R3-1, R3A, R3X, R4-1, R4A or R4B Districts.

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