Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

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

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LAST AMENDED
12/5/2024

In all #Commercial Districts#, the obstructions set forth in Sections 23-311 (Permitted obstructions in all yards, courts and open areas) and 23-341 (Permitted obstructions in required rear yards or rear yard equivalents), 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, provided that:

(i) all equipment shall be subject to the applicable provisions of Section 37-20 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS); and

(ii) the height of all equipment shall not exceed a height of 23 feet above #curb level#;

(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 24-164;

(2) 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#. However, in C7 Districts, the height of such obstruction shall be modified so that such #building# shall not exceed two #stories#, excluding #basements#, nor in any even 30 feet above #curb level#. In addition, in all districts, 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;

(3) 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; or

(4) Solar energy systems affixed to solar canopies and located over parking spaces associated with #public parking lots#, automobile rental establishments, or commercial or public utility vehicle parking facilities, as permitted, provided that the height shall not exceed 15 feet above the level of the adjoining grade.

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#.