Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

23-41 - Permitted Obstructions

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23-41 - Permitted Obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in this Section, inclusive, shall be permitted to penetrate a maximum height limit set forth in Sections 23-42 (Height and Setback Requirements in R1 Through R5 Districts), 23-43 (Height and Setback Requirements for R6 Through R12 Districts) or 23-44 (Special Provisions for Certain Areas).

23-411 - General permitted obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the following obstructions shall be permitted to penetrate a maximum height limit or #sky exposure plane#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

(a) 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:

(1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;

(2) 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; and

(3) may rise above the permitted #building# height, up to the height of a parapet wall or railing permitted in accordance with this Section. When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

(b) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in the applicable height and setback regulations;

(c) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

(d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;

(e) Flagpoles or aerials;

(f) Parapets, railings, or safety guards, whether applied singly, or in combination, provided that:

(1) parapets shall not exceed four feet in height;

(2) railings shall not exceed 4 feet, 6 inches in height, and shall be at least 50 percent open for the portion that exceeds four feet in height; and

(3) safety guards shall not exceed 10 feet in height and shall be at least 90 percent transparent for the portion that exceeds four feet in height;

(g) #Qualifying exterior wall thickness#;

(h) Roof thickness, up to 12 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to December 5, 2024. For a #building# that has added roof thickness pursuant to this paragraph, the height of any other permitted obstruction may be measured from the finished level of the roof instead of the maximum height limit or #sky exposure plane#;

(i) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(j) Solar energy systems, #accessory# or as part of an #energy infrastructure equipment#:

(1) on the roof, or any portion thereof, of a #building#, with a slope less than 20 degrees: up to a height of 15 feet, or, when located on a bulkhead or other obstruction of this Section, a height of six feet; or

(2) on the roof, or any portion thereof, of a #building#, which has a slope of more than 20 degrees: up to a height of 60 inches in height, as measured perpendicular to the roof surface;

(k) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(l) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit;

(m) Window washing equipment mounted on a roof;

(n) Wire, chain link or other transparent fences.

23-412 - Additional permitted obstructions

LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in Section 23-411 (General permitted obstructions), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or #sky exposure plane#:

(a) Balconies, unenclosed, subject to the provisions of Section 23-62 (Balconies);

(b) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a #detached# or #semi-detached# #single-# or #two-family residence#;

(c) Elevator or stair bulkheads (including shafts and vestibules), roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures or other screening), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), 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 screening, does not exceed 50 percent of the #lot coverage# of the #building# and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (c)(3) of this Section;

(3) the aggregate area of such obstructions, including any screening, does not exceed 30 percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed:

(i) R1 through R5 Districts, for #buildings# on #qualifying residential sites#, or in R3-2, R4, and R5 Districts, except R4-1, R4A, R4B and R5A Districts, for any #building#, a height of 25 feet above the maximum permitted height;

(ii) in R6 through R12 Districts:

(a) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height; and

(b) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and

(4) all equipment shall be subject to the applicable provisions of Section 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(d) Wind energy systems, #accessory# or as part of an #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided:

(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) the diameter of the swept area of the rotor does not exceed 15 feet.

23-413 - Permitted obstructions in certain districts

LAST AMENDED
12/5/2024

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10 R11 R12

(a) In the districts indicated, for those #buildings# that are subject to Section 23-421 (Basic pitched-roof envelopes for certain districts), permitted obstructions are limited to chimneys, dormers, #qualifying exterior wall thickness#, flagpoles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-411 (General permitted obstructions).

(b) In the districts indicated, for #buildings# other than those subject to the provisions set forth in Section 23-421, for those #buildings# subject to any height and setback regulations, the following rules shall apply within a required front setback distance above a maximum base height:

(1) Dormers shall be allowed as a permitted obstruction, provided that on any #street# frontage, either one of the following methods is applied:

(i) the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story#entirely below the maximum base height. For each foot above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height; or

(ii) the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

Where towers allowances are utilized pursuant to the provisions of Section 23-435, dormers may only rise to a height equivalent to 75 percent of the height of the tower portion. Such dormer shall be included in the calculation of tower coverage.

(2) Solar energy systems on a roof shall be limited to four feet or less in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher. However, on a roof with a slope greater than 20 degrees, such systems shall be limited to 18 inches in height as measured perpendicular to the roof surface.

(3) Wind energy systems shall not be allowed as permitted obstructions.

(4) Window washing equipment shall not be allowed as permitted obstructions.