Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

23-341 - Permitted obstructions in required rear yards or rear yard equivalents

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LAST AMENDED
12/5/2024

(a) In all #Residence Districts#, the obstructions set forth in Sections 23-311 and 23-312, as well as the following obstructions shall be permitted within any required #rear yard# or #rear yard equivalent#. These allowances are generally common to #Residence#, #Commercial# and #Manufacturing Districts#.

(1) Breezeways;

(2) Fire escapes;

(3) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;

(4) Recreational or drying yard equipment;

(5) Sheds, tool rooms or other similar #accessory# #buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;

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

(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; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a #detached# #accessory# #building or other structure#, or on any roof with a slope greater than 20 degrees; or

(ii) affixed to solar canopies and located over any otherwise unenclosed #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;

(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#.

(b) In all #Residence Districts#, the obstructions set forth in Sections 23-311 and 23-312, as well as the following obstructions shall be permitted within any required #rear yard# or #rear yard equivalent#.

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

(2) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:

(i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed 10 feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Parking spaces shall also be permitted in #buildings# allowed as permitted obstructions pursuant to paragraph (b)(4) of this Section, provided that the

portion allocated to parking spaces does not exceed 10 feet in height;

(ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed 15 feet above #base plane#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory# #building# within the #rear yard#;

(iii) enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single-# or #two-family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption);

(3) any portion of a #building# used for #residential uses# other than #dwelling units# in #buildings# containing #qualifying senior housing#, provided that:

(i) such #zoning lot# is located in an R6 through R12 Districts other than R6B, R7B or R8B Districts;

(ii) such #building# portion is located within 100 feet of a #wide street#;

(iii) the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less; and

(iv) such space shall be accessible to all residents of the #building#.

In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

(4) for #single-# or #two- family residences#, any portion of a #building# used for #residential uses#, provided that:

(i) for any #ancillary dwelling unit# associated with a #detached#, #zero lot line# or #semi-detached# #building#, the height, at any level, shall be limited to one #story#, not to exceed 15 feet. However, where an #accessory# parking space is provided below a portion of a #building# containing an #ancillary dwelling unit#, the height of such #building#, and an associated #ancillary dwelling unit#, shall not exceed two #stories# or 25 feet in height above adjoining grade, whichever is less, including the apex of a pitched roof;

(ii) for #detached# and #zero lot line# #buildings#, the height of all other portions of #buildings# not containing an #ancillary dwelling unit# shall be limited to two #stories# or 25 feet in height above adjoining grade, whichever is less, including the apex of a pitched roof;

(iii) the size shall be limited to an area not exceeding one-third of the #rear yard# or #rear yard equivalent#; and

(iv) where such #building# is free-standing from other existing #buildings# on the #zoning lot#, it shall not be closer than five feet to a #rear lot line# or #side lot line#.

In addition, parapet walls, roof thickness, skylights, vegetated roofs and weirs, as set forth in Section 23-41 (Permitted Obstructions), inclusive, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

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#.