



WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on December 12, 2011 (CEQR No. 12DCP068Y);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 120132 ZRY, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

## Article I

### General Provisions

\* \* \*

#### 11-13

##### Public Parks

District designations indicated on #zoning maps# do not apply to #public parks#, except as set forth in Section 105-91 (Special District Designation on Public Parks). In the event that a #public park# or portion thereof is sold, transferred, exchanged, or in any other manner relinquished from the control of the Commissioner of Parks and Recreation, no building permit shall be issued, nor shall any #use# be permitted on such former #public park# or portion thereof, until a zoning amendment designating a zoning district therefore has been adopted by the City Planning Commission and has become effective after submission to the City Council in accordance with the provisions of Section ~~75-00~~ 71-10 (PROCEDURE FOR AMENDMENTS).

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## Chapter 2

### Construction of Language and Definitions

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#### 12-10 Definitions

\* \* \*

Accessory use, or accessory (8/27/98)

\* \* \*

An #accessory use# includes:

\* \* \*

- (19) An ambulance outpost operated by or under contract with a government agency or a public benefit corporation and located either on the same #zoning lot# as, or on a #zoning lot# adjacent to, a #zoning lot# occupied by a fire or police station-;

(20) Electric vehicle charging in connection with parking facilities;

(21) Solar energy systems.

\* \* \*

Floor area (2/2/11)

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

\* \* \*

(n) floor space in exterior balconies if more than 67 percent of the perimeter of such balcony is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony.

(o) any other floor space not specifically excluded.

However, the #floor area# of a #building# shall not include:

\* \* \*

(10) floor space in exterior balconies provided that not more than 67 percent of the perimeter of such balcony is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony.

\* \* \*

(12) exterior wall thickness, up to 8 inches:

(i) Where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch; or

(ii) Where such wall thickness is part of an exterior wall constructed after (date of adoption), equal to the number of inches by which the wall's total thickness exceeds 8 inches, provided the above-grade exterior walls of the #building# envelope are more energy efficient than required by the New York City Energy Conservation Code (NYCECC) as determined below:

(1) The area-weighted average U-factor of all opaque above-grade wall assemblies shall be no greater than 80 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC, and

(2) The area-weighted average U-factor of all above-grade exterior wall assemblies, including vertical fenestrations, shall be no more than 90 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC. For the purposes of calculating the area-weighted average U-factor, the amount of

fenestration shall equal the amount of fenestration provided in such exterior walls, or an amount equal to the maximum fenestration area referenced in the NYCECC for the calculation of the baseline energy code requirement, whichever is less.

For the purposes of calculating compliance with this paragraph (ii), the term “above-grade” shall only include those portions of walls located above the grade adjoining such wall. Compliance with this paragraph (ii) shall be demonstrated to the Department of Buildings at the time of issuance of the building permit for such exterior walls. The total area of wall thickness excluded from the calculation of #floor area# shall be reflected on the next issued temporary or final Certificate of Occupancy for the building, as well as all subsequent Certificates of Occupancy.

- (13) floor space in a rooftop greenhouse permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses).
- (14) floor space on a sun control device, where such space is inaccessible other than for maintenance.

\* \* \*

## 23-12

### Permitted Obstructions in Open Space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the following obstructions shall be permitted in any #open space# required on a #zoning lot#:

- (a) Air conditioning condensation units, #accessory#, for #single-# or #two-family residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are not more than 18 inches from a #street wall#, fully screened from the #street# by vegetation;
- (b) Awnings and other sun control devices. However, when located at a level higher than a first #story#, excluding a #basement#, all such devices:
  - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
  - (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;
- (ac) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (bd) Breezeways;
- (ee) Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percentages set forth in Section 25-64 (Restrictions on Use of Open Space for Parking);
- (df) Eaves, gutters or downspouts, projecting into such #open space# not more than 16 inches or 20 percent

of the width of such #open space#, whichever is the lesser distance;

- (g) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to 1 inch of thickness for every foot of existing #open space# width, up to a maximum thickness of 8 inches.
- (eh) Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per #dwelling unit#, when #accessory# to a #single-family#, #two-family# or three-#family residence#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot. However, two such spaces for a #single-family residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;
- (i) Solar energy systems:
  - (1) on the roof of an #accessory building#, limited to 18 inches in height as measured perpendicular to the roof surface; or
  - (2) on walls existing on (date of adoption), 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;
- (fj) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#;
- (gk) Terraces, unenclosed, fire escapes, or planting boxes or air conditioning units, provided that no such items project more than six feet into or over such #open space#.

\* \* \*

## 23-44

### Permitted Obstructions in Required Yards or Rear Yard Equivalents

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

- (a) In any #yard# or #rear yard equivalent#:
  - (1) Air conditioning condensation units, #accessory#, for #single-# or #two-family residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are not more than 18 inches from a #street wall#, fully screened from the #street# by vegetation;
  - (2) Arbors or trellises;
  - (3) Awnings or canopies; and other sun control devices, provided that when located at a level higher than a 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;
- (4) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-13. Such balconies are not permitted in required #side yards#;
- (5) Canopies
- (6) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
- (7) 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;
- (8) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to 1 inch of thickness for every foot of existing #yard# width, up to a maximum thickness of 8 inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to 1 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#.

- (9) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots#, a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;
- (10) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;
- (11) Flagpoles;
- (12) Overhanging portions of a #building# in R4 and R5 Districts, except R4A, R4-1, R4B, R5A, R5B or R5D Districts, which are above the first #story# including the #basement# and which project not more than three feet into the required 18 foot #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the projected portion. No support may extend beyond the three-foot projection;
- (13) Parking spaces for automobiles or bicycles, off-street, open, #accessory#, within a #side# or

#rear yard#;

(14) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:

(4i) in R1, R2, R3A, R3X, R3-1, R4A, R4-1 and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-621 (Location of parking spaces in certain districts);

(2ii) in R3-2 Districts, R4 Districts other than R4A, R4-1 and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-621;

(3iii) in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof.

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached building# in an R3-1 or R4-1 District.

(15) Ramps for persons with physical disabilities;

(16) Solar energy systems on walls existing on (date of adoption), 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;

(17) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;

(18) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;

(19) Terraces or porches open;

(20) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#.

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

~~Air conditioning condensation units, #accessory#, for #single# or #two-family residences#, provided that such units are located not less than eight feet from any #lot line#;~~

- (1) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (2) Breezeways;
- (3) Fire escapes;
- (4) Greenhouses, non-commercial, #accessory#, limited to one #story# or 14 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
- (5) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:
  - (4i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed one #story# ten feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. ~~and ff~~ Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#. In addition, solar energy systems, 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#;
  - (2ii) 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 ten feet above adjoining grade, including the apex of a pitched roof in R3, R4 or R5 Districts, or fourteen feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, 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#;
  - (3iii) 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).
- (6) Recreational or drying yard equipment;
- (7) 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#;
- (8) 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# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

\* \* \*

## 23-461

### Side yards for single- or two-family residences

\* \* \*

R3-1 R3-2 R4 R4-1 R4B R5

\* \* \*

(c) Additional regulations

\* \* \*

- (3) Permitted obstructions in open areas between #buildings#

Only air conditioning condensation units, chimneys, downspouts, eaves, exterior wall thickness, gutters, downspouts, open #accessory# off-street parking spaces, steps, and ramps for access by people with disabilities, and steps as set forth in paragraph (a) of Section 23-44 shall be permitted obstructions in open areas required pursuant to paragraphs (c)(1) and (c)(2) of this Section, and provided such obstructions, not including #accessory# off-street parking spaces, may not reduce the minimum width of the open area by more than three feet. ~~Open #accessory# off-street parking spaces shall be permitted in such open areas.~~

\* \* \*

## 23-462

### Side yards for all other buildings containing residences

\* \* \*

R4B R5B R5D

- (b) In the districts indicated, no #side yards# are required; however, where a #building# containing #residences# on an adjacent #zoning lot# has a #side yard#, an open area with a minimum width of eight feet and parallel to the #side lot line# is required along the common #side lot line# between such #buildings#. Obstructions permitted pursuant to paragraph (c)(3) of Section 23-461 (Side yards for single- or two-family residences), shall be permitted in such open areas.

R6 R7 R8 R9 R10

- (c) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall measure at least eight feet wide for the entire length of the #side lot line#. Obstructions permitted pursuant to paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

\* \* \*

## 23-62

### Permitted Obstructions

In all #Residence Districts#, except as provided in Section 23-621 (Permitted obstructions in certain districts), the obstructions listed in paragraphs (a) through (h) in this Section shall be permitted to penetrate a maximum height limit or #sky exposure plane# set forth in Sections 23-63 (Maximum Height of Walls and Required Setbacks), 23-64 (Alternate Front Setbacks) or 23-69 (Special Height Limitations):

- (a) Awnings and other sun control devices, provided that when located at a level higher than a 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 guardrail permitted in accordance with Section 23-62 (Permitted Obstructions).

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.

- (ab) Balconies, unenclosed subject to the provisions of Section 23-13;
- (bc) #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 Sections 23-63, 23-64, or 23-65 (Tower Regulations);
- (ed) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (df) 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#;
- (eg) Elevators or stair bulkhead, roof water tanks (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage. For the purposes of this paragraph, (d), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#. Portions of elevator shafts and associated vestibules that provide access to a roof pursuant to paragraph (e) of this Section shall not be included in the limitations on width or surface area of this paragraph, (d);

Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, 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, times their average height, in feet, does not exceed an area equal to 4 feet times the width, in feet, of the #street wall# of the #building# facing such frontage.

- (2) all mechanical equipment shall be screened on all sides.
- (3) such obstructions and screening are contained within a volume that complies with one of the following:
  - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to 8 feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or
  - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (g), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#.

- (f) Elevator shafts, portions of which provide an elevator stop with access to a roof, and associated vestibules providing access to such roof, provided that such vestibules include no more than 60 square feet of #floor area#;
- (h) Exterior wall thickness, up to 8 inches, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit 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 penetration of #floor area# above a maximum height limit.
- (gi) Flagpoles or aerials;
- (hj) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
- (k) Roof thickness, up to 8 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to (date of adoption). For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit height by more than 8 inches;

(l) Skylights, clerestories or other day lighting devices, not more than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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 8 feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(m) Solar energy systems:

(1) on the roof of a #building#, up to 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

(i) in R1 through R5 Districts, a height of 6 feet;

(ii) in R6 through R10 Districts, a height of 15 feet; and

(iii) when located on a bulkhead or other obstruction pursuant to paragraph (g) of this Section, a height of 6 feet;

(3) on walls existing on (date of adoption), 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.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.

(n) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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;

(o) 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, or the finished level of the roof as it existed on (date of adoption), whichever is higher;

(p) Wind energy systems 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;

(q) Window washing equipment mounted on a roof;

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

### 23-621

#### Permitted obstructions in certain districts

R2A R3 R4 R4A R4-1 R5A

(a) In the districts indicated, permitted obstructions are limited to chimneys, exterior wall thickness, flag poles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to those listed in paragraphs (c), (f) and (h) of Section 23-62 (Permitted Obstructions).

R2X

(b) In the district indicated, permitted obstructions are limited to chimneys, exterior wall thickness, flag poles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to those listed in paragraphs (c), (f) and (h) of Section 23-62 (Permitted Obstructions). Dormers may be considered permitted obstructions if:

\* \* \*

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(c) In the districts indicated, and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, the permitted obstructions set forth in Section 23-62 shall apply to any #building or other structure#, except that In addition, a dormer may be allowed as a permitted obstruction within a required front setback distance above a maximum base height, the following rules shall apply:-

(1) Such ~~d~~Dormers may shall be allowed as a permitted obstruction, exceed a maximum base height specified for such district provided that on any #street# frontage, 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 of height 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.

(2) Solar energy systems on a roof shall be limited to 4 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.

R5D

(d) In R5D Districts, permitted obstructions shall be as set forth in Section 23-62, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures)

may exceed a maximum height limit provided that the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage. For the purposes of this paragraph, (d), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#.

\* \* \*

## 23-66

### Required Side and Rear Setbacks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over any open areas required by the provisions of this Section. In addition, awnings and other sun control devices, decks, exterior wall thickness, parapet walls, roof thickness, solar energy systems up to 4 feet high, vegetated roofs and weirs are permitted as set forth in Section 23-62 (Permitted Obstructions).

\* \* \*

## 23-711

### Standard minimum distance between buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

\* \* \*

- (e) portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart; ~~and~~
- (f) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph, (f), shall apply to any #zoning lot# with two or more #buildings# where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a “front building,” and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a “front building” shall be considered a “rear building.” The minimum distances set forth in the table in this Section shall apply, except that a minimum distance of 45 feet shall be provided between any such front and rear #buildings#; ~~and~~
- (g) For #buildings# existing on (date of adoption), the minimum distances set forth in the table in this Section, and any non-complying distance greater than 8 feet, may be reduced by up to 8 inches of exterior wall thickness, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A non-complying distance of 8 feet or less shall be limited to a total reduction of 1 inch of wall thickness for each foot of such existing distance between buildings.

\* \* \*

## 23-80

### COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS

\* \* \*

**23-861**

**General provisions**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

\* \* \*

In R3, R4 and R5 Districts, the minimum dimension between a #legally required window# and a #side lot line# shall be 15 feet. Such 15 foot dimension shall be measured in a horizontal plane perpendicular to the #side lot line# or vertical projection thereof. Furthermore, such area with a 15 foot dimension shall be open to the sky from ground level up for the entire length of the #side lot line#. Only air conditioning condensation units, chimneys, downspouts, eaves, exterior wall thickness, gutters, downspouts, open #accessory# off-street parking spaces, steps, and ramps for access by the handicapped, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and provided such obstructions may will not reduce the minimum width of the open area by more than three feet.

**23-862**

**Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts**

R9 R10

In the districts indicated, on a #corner lot# less than 10,000 square feet in #lot area#, a #legally required window# may open on a #yard# bounded on one side by a #front lot line# and having a minimum width of 20 feet, provided that the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not apply to such #yard#. However, awnings and other sun control devices, exterior wall thickness and solar energy systems on walls, as set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted within such minimum distance.

\* \* \*

**23-87**

**Permitted Obstructions in Courts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following obstructions shall be permitted within the minimum area and dimensions needed to satisfy the requirements for a #court#:

- (a) Arbors or trellises;
- (b) Awnings and other sun control devices. However, when located at a level higher than a first #story#, excluding a #basement#, all such devices:
  - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
  - (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;

- (c) Eaves, gutters, downspouts, window sills, or similar projections extending into such #court# not more than four inches;
- (d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to 1 inch of thickness for every foot of existing #court# width, up to a maximum thickness of 8 inches.

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #courts# 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 #court#.

- (e) Fences;
- (f) Fire escapes in #outer courts#;

Fire escapes in #outer court recesses# not more than five feet in depth;

Fire escapes in #inner courts# where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer court recesses# more than five feet in depth where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

- (g) Flag poles;
- (h) Open terraces, porches, or steps;
- (i) Recreational or drying yard equipment.;
- (j) Solar energy systems on walls existing on (date of adoption), 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;

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to 4 feet high, vegetated roofs and weirs as set forth in Section 23-62 (Permitted Obstructions) shall be permitted.

\* \* \*

## **23-891 In R1 through R5 Districts**

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to all #zoning lots# with two or more #buildings# or #building segments# containing #residences#. All such #buildings# or

#building segments# shall provide open areas as follows: in accordance with this Section. Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways, shall not be permitted within such open areas.

- (a) An open area shall be provided adjacent to the rear wall of each such #building# or #building segment#. For the purposes of this Section, the “rear wall” shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 30 feet when measured perpendicular to each rear wall. No such open areas shall serve more than one #building# or #building segment#. ~~Only those obstructions set forth in Section 23-44 shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways shall not be permitted within such open areas.~~

\* \* \*

### 24-33

#### Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence 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 or canopies; and other sun control devices, provided that when located at a level higher than a first #story#, excluding a #basement#, all such awnings and other sun control devices:
    - (i) shall be limited to a maximum projection of 2 feet, 6 inches into such required #yard#; 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 (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to 1 inch of thickness for every foot of existing #yard# width, up to a maximum thickness of 8 inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to 1 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) Solar energy systems, on walls existing on (date of adoption), 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;
  - (11) Steps, and ramps for people with disabilities;
  - (12) Terraces or porches, open;
  - (13) 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 24-165;
  - (2) Breezeways;
  - (3) 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:
    - (4i) 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;
    - (2ii) in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, any portion of a #building# used for any #community facility use#;
    - (3iii) in all #Residence #Districts#, not listed in paragraph (b)(2) of this Section, beyond one

hundred 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;

- (4) Fire escapes;
- (5) Greenhouses, #accessory#, non-commercial, limited to one #story# or 14 feet in height above natural grade level, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard# or #rear yard equivalent# on a #zoning lot#;
- (6) 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 14 feet above #curb level#. However, such #accessory building# or portion of a #building# shall not be a permitted obstruction in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts;
- (7) Recreation or drying yard equipment;
- (8) 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#;
- (9) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#, up to 4 feet in height as measured perpendicular to the roof surface when located above a permitted #community facility use# or attached parking structure; however, 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;
- (10) 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# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

\* \* \*

## 24-35 Minimum Required Side Yards

\* \* \*

R6 R7 R8 R9 R10

- (b) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall be at least eight feet wide. Permitted obstructions pursuant to paragraph (a) of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

\* \* \*

## 24-51

### Permitted Obstructions

In all #Residence Districts#, the following obstructions shall be permitted and may thus penetrate a maximum height limit or #sky exposure plane# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

- (a) Awnings and other sun control devices, provided that when located at a level higher than a 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 guardrail permitted in accordance with Section 23-62 (Permitted Obstructions).

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.

- (ab) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (bc) #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 Sections 24-52, 24-53 or 24-54 (Tower Regulations);
- (ed) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (df) Elevators or stair bulkhead, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage. For the purposes of this paragraph, (e), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;

Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, 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, times their average height, in feet, does not exceed an area equal to 4 feet times the width, in feet, of the #street wall# of the #building# facing such frontage.

- (2) all mechanical equipment shall be screened on all sides.
- (3) such obstructions and screening are contained within a volume that complies with one of the following:
  - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to 8 feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or
  - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (f), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#.

- (g) Exterior wall thickness, up to 8 inches, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit 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 penetration of #floor area# above a maximum height limit.
- (eh) Flagpoles or aerials;
- (fi) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (gj) Parapet walls, not more than four feet ~~high~~ in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
- (k) Roof thickness, up to 8 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to (date of adoption). For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such

#building#, provided the #enlarged# portion does not exceed the maximum height limit height by more than 8 inches;

- (l) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (m) Skylights, clerestories or other day lighting devices, not more than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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 8 feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (n) Solar energy systems:
  - (1) on the roof of a #building#, up to 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
  - (2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
    - (i) in R1 through R5 Districts, a height of 6 feet;
    - (ii) in R6 through R10 Districts, a height of 15 feet; and
    - (iii) when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of 6 feet;
  - (3) on walls existing on (date of adoption), 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.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.

- (ho) Spires or belfries;
- (p) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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;
- (q) 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, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (r) Wind energy systems 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;
- (s) Window washing equipment mounted on a roof;
- (t) Wire, chain link or other transparent fences.

\* \* \*

**24-55  
Required Side and Rear Setbacks**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-165 (Balconies); and awnings and other sun control devices, decks, exterior wall thickness, parapet walls, roof thickness, solar energy systems up to 4 feet high, vegetated roofs and weirs as set forth in Section 24-51 (Permitted Obstructions), are permitted to project into or over any open areas required by the provisions of this Section.

\* \* \*

**24-65  
Minimum Distance between Required Windows and Walls or Lot Lines**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum distance between required windows and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to required windows in #buildings# of three #stories# or less. For #buildings# existing on (date of adoption), the minimum distances set forth in this Section, and any non-complying distance greater than 8 feet, may be reduced by up to 8 inches of exterior wall thickness from each #building# wall, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A non-complying distance of 8 feet or less shall be limited to a total reduction of 1 inch of wall thickness for each foot of such existing distance between buildings.

\* \* \*

**24-68  
Permitted Obstruction in Courts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall not be considered obstructions when located within a #court#:

- (a) Arbors or trellises;
- (b) Awnings and other sun control devices. However, when located at a level higher than a first #story#, excluding a #basement#, all such devices:

- (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
- (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;
- (c) Eaves, gutters, downspouts, window sills or similar projections, extending into such #court# not more than four inches;
- (d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to 1 inch of thickness for every foot of existing #court# width, up to a maximum thickness of 8 inches.

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #courts# 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 #court#.

- (e) Fences;
- (f) Fire escapes in #inner courts#, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;  
  
Fire escapes in #outer courts#;  
  
Fire escapes in #outer court recesses#, not more than five feet in depth;  
  
Fire escapes in #outer court recesses#, more than five feet in depth, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;
- (g) Flagpoles;
- (h) Recreational or yard drying equipment;
- (i) Solar energy systems on walls existing on (date of adoption), 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;
- (j) Terraces, open, porches or steps.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to 4 feet high, vegetated roofs and weirs as set forth in Section 24-51 (Permitted Obstructions) shall be permitted.

\* \* \*

## 25-62 Size and Location of Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

Driveways used to access required parking spaces must be unobstructed for a width of at least 8 feet and a height of 8 feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

\* \* \*

## **26-42 Planting Strips**

In accordance with applicability requirements of underlying district regulations, the owner of the #development#, #enlargement# or #converted building# shall provide and maintain a planting strip. #Street# trees required pursuant to Section 26-41 shall be planted within such planting strip. In addition to such #street# trees, such strip shall be fully planted with grass or groundcover, except as provided in Section 26-421. Such planting strip shall be located adjacent to, and extend along, the entire length of the curb of the #street#. However, in the event that both adjoining properties have planting strips adjacent to the #front lot line#, such planting strip may be located along the #front lot line#. The width of such planting strip shall be the greatest width feasible given the required minimum paved width of the sidewalk on #street# segments upon which the #building# fronts, except that no planting strip less than six inches in width shall be required. ~~Driveways are permitted to traverse such planting strip, and utilities are permitted to be located within such planting strip.~~

## **26-421 Modifications of planting strip requirements**

Driveways are permitted to traverse planting strips. Planting strips may be interrupted by utilities and paved areas required for bus stops.

On #zoning lots# containing #schools#, permeable pavers or permeable pavement may be substituted for grass or ground cover, provided that, beneath such permeable pavers or pavement, there is structural soil or aggregate containing at least 25 percent pore space, or other kind of engineered system that absorbs stormwater, as acceptable to the Department of Transportation. Any area improved with permeable pavers or pavement pursuant to this paragraph shall be no less than 3 feet in width except where necessary for compliance with the

Americans with Disabilities Act.

\* \* \*

**32-15**  
**Use Group 6**

\* \* \*

D. Public Service Establishments\*\*\*\*\*

\* \* \*

Telephone exchanges or other communications equipment structures. In all districts the height above #curb level# of such structures not existing on December 15, 1961, shall not exceed that attributable to #commercial buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#.

Solar energy systems

Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.

\* \* \*

**32-16**  
**Use Group 7**

\* \* \*

D. Auto Service Establishments

Automobile glass and mirror shops [PRC-B1]

Automobile seat cover or convertible top establishments, selling or installation [PRC-B1]

Electric vehicle charging stations and automotive battery swapping facilities [PRC-B1]

Tire sales establishments, including installation services [PRC-B1]

E. #Accessory Uses#

\* In a C6-1A District, #uses# in Use Group 7 are not permitted

\* \* \*

### 33-23

#### Permitted Obstructions in Required Yards or Rear Yard Equivalents

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 or canopies; and other sun control devices, provided that when located at a level higher than a 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 (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to 1 inch of thickness for every foot of existing #yard# width, up to a maximum thickness of 8 inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to 1 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) Solar energy systems on walls existing on (date of adoption), 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;

- (11) Steps, and ramps for people with disabilities;
  - (12) Terraces or porches, open;
  - (13) 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 24-165;
  - (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 4 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 (date of adoption), 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 8 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#.

\* \* \*

### **33-25**

#### **Minimum Required Side Yards**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #side yards# are required. However, if an open area extending along a #side lot line# is provided at any level, it shall be either:

- (a) at least eight feet wide at every point; or
- (b) at least five feet wide at every point, with an average width of eight feet, such average being the mean of the width of the open area at its narrowest point and its width at its widest point, provided that:
  - (1) such widest point shall be on a #street line#;
  - (2) no portion of a #building# shall project beyond a straight line connecting such two points; and
  - (3) in the case of a #zoning lot# bounded by a #side lot line# extending from #street# to #street#, such average shall be computed and such open area shall be provided as though each half of such #side lot line# bounded a separate #zoning lot#.

Permitted obstructions pursuant to paragraph (a) of Section 33-23(Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

\* \* \*

### **33-42**

#### **Permitted Obstructions**

In all #Commercial Districts#, the following obstructions shall be permitted and may thus penetrate a maximum height limit or #sky exposure planes#, as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks) or 33-491 (Limited Height Districts):

- (a) Awnings and other sun control devices, provided that when located at a level higher than a 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 guardrail permitted in accordance with Section 33-42 (Permitted Obstructions).

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) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (bc) #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 Sections 33-43, 33-44 or 33-45 (Tower Regulations);
- (ed) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (df) Elevators or stair bulkhead, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage. For the purposes of this paragraph, (e), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;

Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, 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, times their average height, in feet, does not exceed an area equal to 4 feet times the width, in feet, of the #street wall# of the #building# facing such frontage.
- (2) all mechanical equipment shall be screened on all sides.
- (3) such obstructions and screening are contained within a volume that complies with one of the following:
  - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to 8 feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or
  - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, are limited to a maximum height of 25 feet, and where the maximum

permitted height of a #building# is 120 feet or greater, are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (f), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#.

- (g) Exterior wall thickness, up to 8 inches, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit 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 penetration of #floor area# above a maximum height limit.
- (eh) Flagpoles or aerials;
- (fi) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (gj) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
- (k) Roof thickness, up to 8 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to (date of adoption). For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit height by more than 8 inches;
- (l) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (m) Skylights, clerestories or other day lighting devices, not more than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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 8 feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (n) Solar energy systems:
  - (1) on the roof of a #building#, up to 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
  - (2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

- (i) in #Commercial Districts# mapped within #Residence Districts#, and in C3 and C4-1 Districts, a height of 6 feet;
  - (ii) in all other #Commercial Districts#, a height of 15 feet; and
  - (iii) when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of 6 feet.
- (3) on walls existing on (date of adoption), 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.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.

- (h) Spires or belfries;
- (p) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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;
- (q) 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, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (r) Wind energy systems 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 from any #lot line#; and
  - (3) in districts where new #residences# or new #joint living work quarters for artists# are allowed as -of-right or by special permit or authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet;
- (s) Window washing equipment mounted on a roof;
- (t) Wire, chain link or other transparent fences.

\* \* \*

### 34-232 Modification of side yard requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 34-233 (Special provisions applying along district boundaries), no #side yard# shall be required for any #residential building#. However, if any open area extending along a #side lot line# is provided, such open area shall have a width of not less than eight feet. Permitted obstructions pursuant to paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

\* \* \*

### **35-24 Special Street Wall Location and Height and Setback Regulations in Certain Districts**

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A  
C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A  
C6-3D C6-3X C6-4A C6-4X

\* \* \*

(a) Permitted obstructions

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A  
C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other #Commercial Districts#, the provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts), ~~and an elevator shaft and associated vestibule may be allowed as a permitted obstruction, pursuant to paragraph (f) of Section 23-62.~~

\* \* \*

### **35-52 Modification of Side Yard Requirements**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying Adjacent to R1 through R6B Districts), no #side yard# shall be required although, if any open area extending along a #side lot line# is provided at any level, it shall have a width of not less than eight feet. Permitted obstructions pursuant to paragraph (a) of Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

However, in C3A Districts, #side yards# shall be provided in accordance with the regulations for R3A Districts as set forth in Section 23-461 (Side yards for single- or two-family residences).

### **35-53**

**Modification of Rear Yard Requirements**

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#. If the level of such #yard# is at or higher than the first #story#, decks, parapet walls, roof thickness, solar energy systems up to 4 feet high, vegetated roofs and weirs shall be permitted pursuant to Section 23-62 (Permitted Obstructions).

\* \* \*

**36-521**  
**Size of spaces**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

Driveways used to access required parking spaces must be unobstructed for a width of at least 8 feet and a height of 8 feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

\* \* \*

**37-53**  
**Design Standards for Pedestrian Circulation Spaces**

(a) Arcade

\* \* \*

(3) Permitted obstructions

Except for #building# columns, and exterior wall thickness pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), an arcade shall be free from obstructions of any kind.

\* \* \*

(b) #Building# entrance recess area

A #building# entrance recess area is a space that adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the #building's# lobby entrance or to the entrance to a ground floor #use#.

\* \* \*

(2) Permitted obstructions

Any portion of a #building# entrance recess area under an overhanging portion of the #building# shall have a minimum clear height of 15 feet. It shall be free of obstructions except for exterior wall thickness as set forth in Section 33-23, and #building# columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the #street line#. Between a #building# column and a wall of the #building#, there shall be a clear path at least five feet in width.

\* \* \*

(c) Corner arcade

\* \* \*

(2) Permitted obstructions

Except for #building# columns, and exterior wall thickness pursuant to Section 33-23, a corner arcade shall be free from obstructions of any kind.

\* \* \*

(d) Corner circulation space

\* \* \*

(2) Permitted obstructions

A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements does not exceed 20 percent of the area of the corner circulation space and that such elements and any attachments thereto are at least eight feet above #curb level#. A corner circulation space shall be clear of all other obstructions including, without limitation, door swings, #building# columns, #street# trees, planters, vehicle storage, parking or trash storage. However, exterior wall thickness may be added as pursuant to Section 33-23. No gratings, except for drainage, shall be permitted.

\* \* \*

(f) Sidewalk widening

\* \* \*

(3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for those obstructions permitted under paragraph (f)(2) of this Section, for exterior wall thickness pursuant to Section 33-23, and for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements, measured on the plan, does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb level#.

\* \* \*

(h) Through #block# connection

\* \* \*

(2) Design standards for a through #block# connection

(i) A through #block# connection shall provide a straight, continuous, unobstructed path at least 15 feet wide. If covered, the clear, unobstructed height of a through #block# connection shall not be less than 15 feet. Exterior wall thickness as set forth in Section 33-23 shall be a permitted obstruction to such path.

\* \* \*

**37-721  
Sidewalk frontage**

\* \* \*

(b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted obstructions) shall be allowed, provided such obstructions are not higher than two feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, exterior wall thickness pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

For #corner public plazas#, the requirements of this Section shall apply separately to each #street# frontage, and the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions.

\* \* \*

**37-726  
Permitted obstructions**

(a) #Public plazas# shall be open to the sky and unobstructed except for the following features, equipment

and appurtenances normally found in #public parks# and playgrounds: water features, including fountains, reflecting pools, and waterfalls; sculptures and other works of art; seating, including benches, seats and moveable chairs; trees, planters, planting beds, lawns and other landscape features; arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights and lighting stanchions; public telephones; public restrooms; permitted temporary exhibitions; permitted awnings, canopies or marquees; permitted freestanding signs; play equipment; exterior wall thickness added pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents); permitted kiosks and open-air cafes; stages; subway station entrances, which may include escalators; and drinking fountains.

However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (b) of this Section. In addition, certain of the obstructions listed in this paragraph, (a), shall not be permitted within the sidewalk frontage of a #public plaza#, as described in Section 37-721 (Sidewalk frontage).

- (b) Permitted obstructions may occupy a maximum percentage of the area of a #public plaza#, as follows:

For #public plazas# less than 10,000 square feet in area: 40 percent

For #public plazas# less than 10,000 square feet in area with a permitted open air cafe: 50 percent

For #public plazas# 10,000 square feet or more in area: 50 percent

For #public plazas# 10,000 square feet or more in area with a permitted open-air cafe: 60 percent.

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or moveable, such as moveable chairs, open air cafes, or temporary exhibitions shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.

Trees planted flush-to-grade in accordance with the provisions of Section 37-742 (Planting and trees) and tree canopies do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions, except that lawn, turf or grass areas intended for public access and seating shall not count as obstructions, provided such lawns do not differ in elevation from the adjoining #public plaza# elevation by more than 6 inches. Exterior wall thickness added pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) in any #publicly accessible open area# or #public plaza# built prior to the (date of adoption) shall not count as obstructions for the purpose of calculating total area occupied by permitted obstructions.

\* \* \*

- (c) Canopies, awnings, ~~and~~ marquees and sun control devices

- (1) Entrances to #buildings# located within a #public plaza# may have a maximum of one canopy, awning or marquee, provided that such canopy, awning or marquee:

~~(1)~~(i) has a maximum area of 250 square feet;

- (2)(ii) does not project into the #public plaza# more than 15 feet when measured perpendicular to the #building# facade;
- (3)(iii) is located a minimum of 15 feet above the level of the #public plaza# adjacent to the #building# entrance; and
- (4)(iv) does not contain vertical supports.

Such canopies, awnings, and marquees shall be designed to provide maximum visibility into the #public plaza# from adjoining #streets# and the adjacent #building#. However, canopies, awnings, and marquees associated with entrances to #buildings# containing #residences# located within a #public plaza# may project more than 15 feet into the #public plaza# and contain vertical supports if they are located entirely within 10 feet of the edge of the #public plaza#.

- (2) Sun control devices may be located within a #public plaza#, provided that all such devices:
  - (i) shall be located above the level of the first #story# ceiling;
  - (ii) shall be limited to a maximum projection of 2 feet, 6 inches;
  - (iii) shall have solid surfaces that in aggregate, cover an area no more than 20 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
  - (iv) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted within Section 33-42 (Permitted Obstructions);

\* \* \*

### 43-23

#### Permitted Obstructions in Required Yards or Rear Yard Equivalents

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

- (a) In any #yard# or #rear yard equivalent#:
  - (1) Arbors or trellises;
  - (2) Awnings or canopies; and other sun control devices, provided that when located at a level higher than a 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 (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to 1 inch of thickness for every foot of existing #yard# width, up to a maximum thickness of 8 inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to 1 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) Solar energy systems on walls existing on (date of adoption), 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;
  - (11) Steps, and ramps for persons with physical disabilities;
  - (12) Terraces or porches, open;
  - (13) 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) Any #building# or portion of a #building# used for any permitted #use#, 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 and treatment of patients, or #joint living-work quarters for artists#) 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 shall be permitted upon such #building#, or portion thereof, as listed within Section 43-42 (Permitted Obstructions);
  - (2) Breezeways;

- (3) Fire escapes;
- (4) 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#;
- (5) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#:
  - (i) up to 4 feet in height as measured perpendicular to the roof surface when located above a permitted #commercial or community facility use# or attached parking structure; however
  - (ii) 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;
- (6) 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# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

\* \* \*

#### 43-42

#### Permitted Obstructions

In all #Manufacturing Districts#, the following obstructions shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks) or 43-49 (Limited Height Districts).

- (a) Awnings and other sun control devices, provided that when located at a level higher than a 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 guardrail permitted in accordance with Section 43-42 (Permitted Obstructions).

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.

- (ab) #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 Sections 43-43, 43-44 or 43-45 (Tower Regulations);

- (bc) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given 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, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (ec) Elevators or stair bulkhead, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage. For the purposes of this paragraph, (b), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;

Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, 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, times their average height, in feet, does not exceed an area equal to 4 feet times the width, in feet, of the #street wall# of the #building# facing such frontage.
- (2) all mechanical equipment shall be screened on all sides.
- (3) such obstructions and screening are contained within a volume that complies with one of the following:
  - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to 8 feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or
  - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (e), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#.

- (f) Exterior wall thickness, up to 8 inches, where such wall thickness is added to the exterior face of a

#building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit 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 penetration of #floor area# above a maximum height limit.

- (dg) Flagpoles or aerials;
- (eh) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (fi) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
- (j) Roof thickness, up to 8 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to (date of adoption). For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit height by more than 8 inches;
- (k) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (l) Skylights, clerestories or other day lighting devices, not more than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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 8 feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
  - (1) on the roof of a #building#, up to 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
  - (2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
    - (i) a height of 15 feet;
    - (ii) when located on a bulkhead or other obstruction pursuant to paragraph (e) of this Section, a height of 6 feet;
  - (3) on walls existing on (date of adoption), 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.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.

- (gn) Spires or belfries;
- (o) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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;
- (p) 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, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (q) Wind energy systems 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 from any #lot line#; and
  - (3) in districts where #residences# new #joint living work quarters for artists# are permitted as-of-right, by special permit or authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet;
- (r) Window washing equipment mounted on a roof;
- (hs) Wire, chain link or other transparent fences.

\* \* \*

#### **44-42 Size and Identification of Spaces**

M1 M2 M3

- (a) Size of spaces

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

Driveways used to access required parking spaces must be unobstructed for a width of at least 8 feet and

a height of 8 feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

In any case where a reduction of the required area per parking space is permitted on the basis of the applicant's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

\* \* \*

### 54-313

#### Single- or two-family residences with non-complying front yards or side yards

\* \* \*

(b) In all districts, for an existing #single-# or #two-family residence# with a #noncomplying side yard#, an #enlargement# involving a vertical extension of existing #building# walls facing such #non-complying side yard# is permitted, provided the following conditions are met:

- (1) the portion of the #building# which is being vertically extended complies with the height and setback regulations applicable to an R3-2 District;
- (2) the #non-complying side yard# where the #building# wall is being vertically extended is at least three feet in width and the minimum distance between such #building# wall and the nearest #building# wall or vertical prolongation thereof on an adjoining #zoning lot# across the common #side lot line# is eight feet;
- (3) the #enlarged building# does not contain more than two #dwelling units#;
- (4) that there is no encroachment on the existing #non-complying side yard# except as set forth in this Section; and
- (5) the #enlargement# does not otherwise result in the creation of a new #noncompliance# or in an increase in the degree of #non-compliance#.

Notwithstanding the provisions set forth in paragraphs (a)(1) and (b)(1) of this Section, when an existing #building# has added exterior wall thickness pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), such vertical extensions may align with the location of the finished exterior #building# wall of the existing #building#.

\* \* \*

### 62-341

#### Developments on land and platforms

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar

structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

\* \* \*

(4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 shall apply. In addition, the following regulations regarding permitted obstructions shall be permitted apply:

(i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in Table C of this Section, provided that on any #street# frontage 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. At any level above the maximum base height, the width of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See Illustration of Dormer)

\* \* \*

(iii) Wind energy systems

Regulations governing wind energy systems are modified pursuant to this paragraph:

In R6 through R10 Districts, Commercial Districts other than C1 or C2 Districts mapped within R1 through R5 Districts and C4-1, C7, C8-1, and Manufacturing Districts other than M1-1 Districts, wind energy systems located on a roof of a #building# shall not exceed a height equivalent to 50 percent of the height of such portion of the #building# or 55 feet, whichever is less, as measured from the roof to the highest point of the wind turbine assembly.

In C4-1, C7, C8-1 and M1-1 Districts, for #buildings# containing #commercial# or #community facility uses#, wind energy systems shall not exceed a height of 55 feet when located above a roof of the #building# as measured to the highest point of the wind turbine assembly.

In all districts, no portion of a wind energy system may be closer than 10 feet to a #waterfront public access area# boundary or a #zoning lot line#.

(b) Lower density districts

R1 R2 R3 R4 R5 C3 C4-1 C7 C8-1 M1-1

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying district height and setback regulations are applicable or modified as follows:

\* \* \*

(4) Other structures

All structures other than #buildings# shall be limited to a height of 35 feet, except that in C4-1, C7, C8-1 and M1-1 Districts, freestanding wind energy systems shall be permitted to a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly.

(c) Medium and high density non-contextual districts

\* \* \*

Table A  
HEIGHT AND SETBACK FOR ALL BUILDINGS AND OTHER STRUCTURES IN  
MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS\*

\* \* \*

(d) Medium and high density contextual districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-5A C4-5D  
C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-4A

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Sections 23-60, 24-50 and 35-24 shall not apply. In lieu thereof, the height and setback regulations set forth in this Section following regulations shall apply:

\* \* \*

**62-342**  
**Developments on piers**

\* \* \*

(a) Height and setback regulations on #piers#

The height of a #building or other structure# on a #pier# shall not exceed 30 feet. However, where a setback at least 15 feet deep is provided, the maximum height of a #building or other structure# shall be 40 feet. Such required setback shall be provided at a minimum height of 25 feet and a maximum height of 30 feet, and may be reduced to ten feet in depth along any portion of the #building or other structure# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion. In addition, wind energy systems shall be allowed, provided such a system does not exceed a height of 85 feet, as measured from the base plane to the highest point of the wind turbine

assembly or, when located above a roof of the #building#, a height of 55 feet, as measured to the highest point of the wind turbine assembly, whichever is higher.

(b) #Bbuilding# width and spacing regulations on #piers#

\* \* \*

## **Article VII Administration**

### **Chapter 1 Enforcement, ~~and~~ Administration and Amendments**

#### **71-00 ENFORCEMENT AND ADMINISTRATION**

\* \* \*

#### **71-10 PROCEDURE FOR AMENDMENTS**

The City Planning Commission shall adopt resolutions to amend the text of this Resolution or the #zoning maps# incorporated therein, and the City Council shall act upon such amendments, in accordance with the provisions of the New York City Charter.

\* \* \*

#### **~~Chapter 5~~ ~~Amendments~~**

#### **~~75-00~~ ~~PROCEDURE FOR AMENDMENTS~~**

~~The City Planning Commission shall adopt resolutions to amend the text of this Resolution or the #zoning maps# incorporated therein, and the City Council shall act upon such amendments, in accordance with the provisions of the New York City Charter.~~

\* \* \*

#### **Chapter 5 Certifications**

#### **75-00 CERTIFICATIONS**

#### **75-01 Certification for Rooftop Greenhouses**

A rooftop greenhouse shall be excluded from the definition of #floor area# and may exceed #building# height

limits, upon certification by the Chairperson of the City Planning Commission that such rooftop greenhouse:

- (a) is located on the roof of a #building# that does not contain #residences# or other #uses# with sleeping accommodations;
- (b) will only be used for cultivation of plants, or primarily for cultivation of plants when #accessory# to a #community facility use#;
- (c) is no more than 25 feet in height;
- (d) has roofs and walls consisting of at least 70 percent transparent materials, except as permitted pursuant to paragraph (f)(3) of this Section;
- (e) where exceeding #building# height limits, is set back from the perimeter wall of the #story# immediately below by at least 6 feet on all sides; and
- (f) has been represented in plans showing:
  - (1) the area and dimensions of the proposed greenhouse, the location of the existing or proposed #building# upon which the greenhouse will be located, and access to and from the #building# to the greenhouse;
  - (2) that the design of the greenhouse incorporates a rainwater collection and reuse system; and
  - (3) any portions of the greenhouse dedicated to office or storage space #accessory# to the greenhouse, which shall be limited to 20 percent of the floor space of the greenhouse, and shall be exempt from the transparency requirement in paragraph (d) of this Section.

Plans submitted shall include sections and elevations, as necessary to demonstrate compliance with the provisions of paragraphs (a) through (f) of this Section, as applicable. A copy of the proposed rooftop greenhouse plan shall be delivered to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. The certification of a rooftop greenhouse shall not be complete until the earlier of the date that the affected Community Board submits comments regarding such proposal to City Planning or informs City Planning that such Community Board has no comments; or 45 days from the date that such proposal was submitted to the affected Community Board.

No building permits or certificates of occupancy related to the addition of #residences# or other #uses# with sleeping accommodations within the #building# may be issued by the Department of Buildings, unless and until such rooftop greenhouse has been fully dismantled. A Notice of Restrictions shall be recorded for the #zoning lot# providing notice of the certification pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson of the City Planning Commission, and the filing and recording of such instrument shall be a precondition to the use of such rooftop greenhouse. The recording information for the rooftop greenhouse certification shall be referenced on the first Certificate of Occupancy to be issued after such notice is recorded, as well as all subsequent Certificates of Occupancy, for as long as the rooftop greenhouse remains intact.

\* \* \*

## 81-252

### Permitted obstructions

With the exception of unenclosed balconies conforming to the provisions of Section 23-13 (Balconies), the Except as set forth in this Section, structures which under the provisions of Sections 33-42 or 43-42 (Permitted Obstructions) or 34-11 or 35-11 (General Provisions); are permitted to penetrate a maximum height limit or a #sky exposure plane# shall not be permitted as exceptions to the height limitations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses# set forth in Section 81-26 (Height and Setback Regulations), nor shall they be excluded in determining daylight blockage pursuant to the provisions of Section 81-27 (Alternate Height and Setback Regulations).

The following shall be permitted as exceptions to the height regulations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses# set forth in Section 81-26 (Height and Setback Regulations) and shall be excluded in determining daylight blockage pursuant to the provisions of Section 81-27 (Alternate Height and Setback Regulations).

- (a) Unenclosed balconies conforming to the provisions of Section 23-13 (Balconies); and
- (b) Exterior wall thickness, up to 8 inches, where such wall thickness is added to the exterior face of a #building# wall existing on (date of adoption), provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit 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 penetration of #floor area# above a maximum height limit.

\* \* \*

## 84-135

### Limited height of buildings

For the purposes of this Section, the term “#buildings#” shall include #buildings or other structures#. No portion of any #building# may be built to a height greater than 85 feet above #curb level#, except that:

\* \* \*

- (e) Sections 23-62 (Permitted Obstructions) and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building# that exceeds an established height limit shall be subject to the following provisions:
  - (1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:
    - (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level
    - (ii) Elevator or stair bulkheads, roof water tanks, cooling towers and ~~or other~~ #accessory# mechanical equipment (including enclosure walls), ~~provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each~~

#street# frontage times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage at #curb level#, or the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet pursuant to Section 33-42 (Permitted Obstructions)

- (iii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (iv) External wall thickness, pursuant to Section 33-42 (Permitted Obstructions)
- (v) Flagpoles and aerials
- (vi) Heliostats and wind turbines energy systems
- (vii) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
- (viii) Roof thickness, up to 8 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to (date of adoption). For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit height by more than 8 inches;
- (ix) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (x) Skylights, clerestories or other day lighting devices, not more than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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 8 feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (xi) Solar energy systems:
  - (1) on the roof of a #building#, up to 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
  - (2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot

coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section 33-42, do not exceed a height of 6 feet.

- (3) on walls existing on (date of adoption), 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.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.

- (xii) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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;

- (xiii) 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, or the finished level of the roof as it existed on (date of adoption), whichever is higher;

- (xiv) Wire, chain link or other transparent fences;

- (2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers ~~and or other~~ #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:

- (i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (e)(1) of this Section;
- (ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and
- (iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top; and

- (f) in #special height locations# in Appendices 2.2 and 3.2 of this Chapter, no portion of a #building#, including permitted obstructions, shall exceed a height of 450 feet above #curb level#.

\* \* \*

## 84-333

### Limited height of buildings

The maximum height of any #building or other structure#, or portion thereof, shall not exceed 400 feet on any portion of subzone C-1 shown as a #special height location# in Appendix 3.2 of this Chapter, except that permitted obstructions pursuant to Section 33-42 shall be allowed to penetrate a maximum height limit.

The maximum height of any #building or other structure#, or any portion thereof, located within subzone C-2

shall not exceed 180 feet above #curb level#, except that:

- (a) the maximum height of any #building or other structure#, or portion thereof, shown as a #special height location# shall not exceed the height set forth in Appendix 3.2; and
- (b) Sections 23-62 and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:
  - (1) The following shall not be considered obstructions and may this penetrate a maximum height limit:
    - (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# or a #building# at any level;
    - (ii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
    - (iii) Elevator or stair bulkheads, roof water tanks, cooling towers or other accessory mechanical equipment (including enclosure walls), ~~provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #buildings# facing such frontage at #curb level#, or the #lot coverage# of all such obstructions, does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet pursuant to Section 33-42 (Permitted Obstructions);~~
    - (iv) Fences, wire, chain link or other transparent type;
    - (v) Flagpoles and aerials;
    - (vi) Parapet walls, not more than four feet ~~high~~ in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
    - (vii) Roof thickness, up to 8 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to (date of adoption). For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit height by more than 8 inches;
    - (viii) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(ix) Skylights, clerestories or other day lighting devices, not more than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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 8 feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(x) Solar energy systems:

(a) on the roof of a #building#, up to 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(b) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section 33-42, do not exceed a height of 6 feet.

(c) on walls existing on (date of adoption), 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.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.

(xi) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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;

(xii) 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, or the finished level of the roof as it existed on (date of adoption), whichever is higher;

(2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and ~~or other~~ #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:

(i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (b)(1) of this Section;

(ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and

(iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top.

(c) Notwithstanding the above, ~~in~~ no event, shall the height of any #building#, including permitted obstructions, exceed 800 feet above #curb level#.

\* \* \*

### 87-31 Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, ~~except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:~~

- (a) ~~the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or~~
- (b) ~~the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.~~

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) (1) of Section 23-621 (Permitted obstructions in certain districts).

\* \* \*

### 93-41 Rooftop Regulations

- (a) Permitted obstructions
  - (1) Subdistricts A, B, C, D and E

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Subdistricts A through E, ~~except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition,~~ dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

- (b) (2) Subdistrict F

In Subdistrict F, the provisions of paragraph (d) of Section 33-42 (Permitted Obstructions) shall not apply, except that. In lieu thereof, the following shall apply:

- (i) #Building# bases and transition heights

For all #building# bases and transition heights, rooftop mechanical structures, including, but not limited to, elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment, and their required enclosures may penetrate a maximum height limit, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

(ii) Towers

For all towers, rooftop mechanical equipment, including, but not limited to, elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment, and their required enclosures, may penetrate a maximum height limit. For towers above a height of 350 feet, such rooftop mechanical structures shall comply with the tower top articulation provisions set forth in Section 93-569 (Tower top articulation).

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

\* \* \*

**93-55**

**Special Height and Setback Regulations in the South of Port Authority Subdistrict E**

(a) #Zoning lots# with Eighth Avenue frontage

\* \* \*

(2) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane#. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621, may penetrate the #sky exposure plane#.

\* \* \*

**93-77**

**Design Criteria for Public Access Areas in Subdistrict F**

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

(a) Design criteria

\* \* \*

(12) Canopies, awnings, ~~and~~ marquees and sun control devices

Where #buildings# front onto publicly accessible open spaces, private streets and pedestrian ways, canopies, awnings, and marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions).

\* \* \*

**94-072**

**Special plaza provisions**

In Areas A, C and E, all #developments# which are located on a #zoning lot# with frontage along Emmons Avenue, except for a #zoning lot# of less than 8,000 square feet which was in existence as of November 1, 1972, shall provide and maintain a plaza for public use which complies with the following requirements:

\* \* \*

- (c) The size of the plaza shall be at least 4,000 square feet in one location and shall not at any point be more than two feet below or five feet above #street# level, with a minimum dimension of 35 feet. At least 15 percent of the plaza area shall be landscaped and planted with trees, except when a #zoning lot# abutting both Dooley Street and Emmons Avenue is #developed#, ~~then~~ such landscaping shall be at least 75 percent of the total plaza area provided with such #development#.

\* \* \*

- (f) A plaza may include as permitted obstructions, sculptures, kiosks, or open cafes occupying in the aggregate no more than 30 percent of the total plaza area. Ice skating rinks are also allowed as permitted obstructions within such plazas only for the months from October through March, provided the minimum area of such plaza is 7,500 square feet. Exterior wall thickness, awnings and other sun control devices pursuant to Section 37-726 (Permitted Obstructions) shall also be allowed as permitted obstructions.

\* \* \*

**97-441**

**Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the Special District, except that ~~the provisions of paragraph (d) shall not apply. In lieu thereof, the following regulations shall apply:~~

~~Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit or #sky exposure plane# provided that either:~~

- (a) ~~the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or~~

(b) for ~~#buildings#~~ at least 120 feet in height, the ~~#lot coverage#~~ of all such obstructions does not exceed 20 percent of the ~~#lot coverage#~~ of the ~~#building#~~, and the height of all such obstructions does not exceed 40 feet.

~~In addition,~~ dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

\* \* \*

## 98-422

### Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all ~~#buildings#~~ or other structures# within the ~~#Special West Chelsea District#~~, except ~~that as modified as follows:~~

(a) ~~Permitted Obstructions~~

(1) ~~Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a #sky exposure plane# or a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.~~

(2) ~~Dormers~~ may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts). However, dormers may not exceed the maximum ~~#building#~~ height in Subareas C, F and G where the maximum base height and maximum ~~#building#~~ height are the same.

(b) ~~Ventilation and mechanical equipment~~

All mechanical equipment located within 15 feet of the level of the ~~#High Line bed#~~ that is within 25 feet of the ~~#High Line#~~, measured horizontally, or within the ~~#High Line frontage#~~, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the ~~#High Line#~~.

\* \* \*

## 101-221

### Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all ~~#buildings#~~ within the ~~#Special Downtown Brooklyn District#~~, except that ~~elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosures) may penetrate a maximum height limit, provided the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet.~~ ~~In addition,~~ dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

\* \* \*

## 104-322

### Permitted Obstructions

\* \* \*

- (a) Chimneys, flues, intake and exhaust vents limited to a #lot coverage# of 900 square feet with neither length nor width of any single such obstruction, nor the total length or width of all such obstructions, greater than 30 feet;
- (b) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher;
- (d) Elevator and stair bulkheads to a maximum height of 15 feet above the permitted maximum height of mechanical equipment;
- (e) Flagpoles or aerials;
- (f) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such #sky exposure plane#;
- (g) Parapet walls, not more than four feet ~~high~~ in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within 2 feet of a parapet wall, provided such guardrail is not more than 4 feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond 2 feet from a parapet wall;
- (h) Pipes and supporting structures;
- (i) Railings;
- (j) Roof thickness, up to 8 inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to (date of adoption). For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit height by more than 8 inches;
- (k) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (l) Skylights, clerestories or other day lighting devices, not more than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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 8 feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(m) Solar energy systems:

- (1) on the roof of a #building#, up to 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
- (2) on the roof of a #building#, greater than 4 feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above 4 feet are set back at least 6 feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
  - (i) a height of 15 feet; and
  - (iii) when located on a bulkhead or other obstruction pursuant to paragraph (d) of this Section, a height of 6 feet;
- (3) on walls existing on (date of adoption), 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.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.

(n) Spires or belfries;

(o) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on (date of adoption), whichever is higher. 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;

(p) 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, or the finished level of the roof as it existed on (date of adoption), whichever is higher;

(q) Window washing equipment mounted on the roof;

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

\* \* \*

**107-223**

**Permitted obstruction in designated open space**

The following shall not be considered as obstructions when located in #designated open space#:

- (a) Awnings and other sun control devices pursuant to Section 23-44 (Permitted Obstructions)
- (b) Balconies, unenclosed, subject to the provisions of Section 23-13; or
- (bc) Eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches; or

- (ed) Fences or walls, conditioned upon certification by the City Planning Commission that:
  - (1) such fences or walls will not obstruct or preclude public access or circulation of pedestrians, cyclists or horseback riders through the public easement within #designated open space#; and
  - (2) the location, size, design and materials of such fences or walls are appropriate to the character of the #designated open space#.
- (e) Exterior wall thickness, pursuant to Section 23-44 (Permitted Obstructions)
- (f) Solar energy systems on walls existing on (date of adoption), 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;

No #accessory# off-street parking facilities shall be permitted in #designated open space#. No #building or other structure# shall be erected in #designated open space# except as permitted by the provisions of Section 107-221 (Active recreational activities). Any existing #building or other structure# located within the #designated open space# on September 11, 1975, and not complying with the provisions of this Section or the other Sections specified in the preceding paragraph, shall not be #enlarged# but may be continued as a #non-conforming use# or #noncomplying building# subject to the applicable provisions of Article V (Non-Conforming Uses and Non-Complying Buildings) in accordance with the underlying district regulations.

\* \* \*

**111-20**  
**SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7**

\* \* \*

- (d) Area A4, A5, A6 and A7

Except as set forth herein, the bulk regulations of the underlying district shall apply.

\* \* \*

- (2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

\* \* \*

**114-121**

### Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except that the provisions of paragraph (d) of Section 33-42 shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may exceed a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 20 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

\* \* \*

### 115-231

#### Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Jamaica District#, except that the provisions of paragraph (d) of Section 33-42 shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either:

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (b) for #buildings# at least 120 feet in height, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

\* \* \*

### 116-231

#### Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in the #Special Stapleton Waterfront District#, except that the provisions of paragraph (d) of Section 33-42 shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including

~~enclosures) may exceed a maximum height limit provided that either:~~

- ~~(a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or~~
- ~~(b) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 20 feet.~~

~~In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).~~

\* \* \*

### 121-32 Height of Street Walls and Maximum Building Height

\* \* \*

(b) Maximum #building# height

\* \* \*

- (2) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c) (1) of Section 23-621, may penetrate the #sky exposure plane#.

\* \* \*

### 125-31 Rooftop Regulations

(a) ~~Permitted obstructions~~

~~The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Southern Hunters Point District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:~~

- ~~(1) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or~~
- ~~(2) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).~~

(b) ~~Screening requirements for mechanical equipment~~

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

\* \* \*

## 128-31 Rooftop Regulations

~~The provisions of this Section shall apply to all #buildings# in C4-2 Districts within the Upland and Waterfront Subdistricts.~~

### (a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# in C4-2 Districts within the Upland and Waterfront Subdistricts, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:

- (1) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (2) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

### (b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and #conversions# of #non-residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

\* \* \*

## 131-40 HEIGHT AND SETBACK REGULATIONS

### 131-41 Rooftop Regulations

#### (a) Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit

provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

(b) ~~Screening requirements for mechanical equipment~~

~~For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.~~

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on April 30, 2012, on file in this office.

.....  
City Clerk, Clerk of The Council