



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK
ZONING DIVISION

Amanda M. Burden, FAICP, *Director*
Department of City Planning

December 15, 2011

RECEIVED
DEC 16 2011
BY COMMUNITY BOARD 8

Re: **N 120132 ZRY**
Zone Green Text Amendment

Dear Community Board Chair:

The Department of City Planning is proposing a city-wide Zone Green Text Amendment to remove zoning barriers to green building features in the City of New York. The proposed text amendment would facilitate retrofitting of existing buildings and construction of new buildings with features that help reduce energy consumption and carbon emissions, generate clean and renewable energy, manage stormwater on site, reduce urban heat island effect through vegetation on roofs, and otherwise promote a healthy and green city.

Key elements of the proposal include:

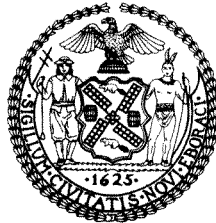
- Allowing external insulation of existing buildings within the property line while exempting it from floor area and yard calculations, and encouraging new high-performance buildings by exempting thicker, more efficient walls from floor area calculations;
- Permitting sun control devices, which can help reduce energy consumption for air conditioning through shading and also reduce energy consumption for lighting by providing glare free natural light (which removes need for artificial lighting). These devices are sometimes prohibited because of projection over required open areas;
- Allowing solar panels, skylights, green roofs and other rooftop features to project above a height limit, and allowing greater volume, similar to what is already allowed in many special purpose districts, above the maximum building height to accommodate modern bulkheads, with requirements for setback and screening of equipment.
- Allowing waivers of floor area and height limits for rooftop greenhouses used for educational and agricultural purposes, by certification of the Chair of the City Planning Commission, on buildings that do not contain residences or sleeping accommodations; and
- On taller buildings and on waterfront blocks, allowing small wind turbines to rise above a maximum height limit, with limits on height and setback from property lines and waterfront access areas.

Thomas C. Wargo, *Director*
Beth Lebowitz, *Deputy Director*
22 Reade Street, New York, NY 10007-1216 Room 3E (212) 720-3262
FAX (212) 720-3244
nyc.gov/planning



Jacqueline Ludorf
Chair

Latha Thompson
District Manager



505 Park Avenue
Suite 620
New York, N.Y. 10022
(212) 758-4340
(212) 758-4616 (Fax)
CB8M@aol.com - E-Mail
www.cb8m.com – Website

The City of New York
Manhattan Community Board 8

December 27, 2011

Thomas C. Wargo, Director
NYC Department of City Planning
22 Reade Street Room 3E
New York, NY 10007-1216

Re: N 120132 ZRY Zone Green Text Amendment

Dear Director Wargo:

I am writing to invite you to the January 18, 2012 Full Board meeting of Community Board 8M, to discuss the above referenced application.

The meeting will begin at 6:30 p.m. and will be held at the Ramaz School, 125 East 85th Street (Lexington-Park) in the Auditorium.

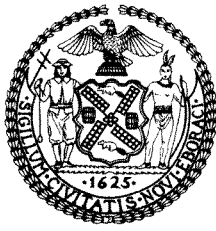
Please contact me to confirm your attendance. We look forward to seeing you January 18th.

Sincerely,

Latha Thompson
District Manager

Jacqueline Ludorf
Chair

Latha Thompson
District Manager



505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
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**The City of New York
Manhattan Community Board 8
OFFICIAL GOVERNMENT NOTICE
DO NOT REMOVE UNTIL JANUARY 19, 2012**

***Public Hearing*
Full Board Meeting**

**Zone Green Text Amendment
N 120132 ZRY**

The Department of City Planning is proposing a city-wide Zone Green Text Amendment to remove zoning barriers to green building features in the City of New York. The proposed text amendment would facilitate retrofitting of existing buildings and construction of new buildings with features that help reduce energy consumption and carbon emissions, generate clean and renewable energy, manage storm water on site, reduce urban heat island effect through vegetation on roofs, and otherwise promote a healthy and green city. This action is not subject to the Uniform Land Use Review Procedure (ULURP).

**Date: Wednesday, January 18, 2012
Time: 6:30 PM
Place: Ramaz School
125 East 85th Street, (Lexington-Park).
Auditorium**

Anyone with an interest in this matter is encouraged to attend, or contact the Board office with any questions, concerns, or comments.

Jacqueline Ludorf, Chair



Land Use Review Application

Department of City Planning



N120132ZRY

DEC 16 2011
BY COMMUNITY BOARD 8

City Planning will
assign and stamp
reference numbers
here

APPLICATION NUM Received by Central Intake on December 8, 2011

DEPARTMENT OF
CITY PLANNING

1. APPLICANT AND APPLICANT'S REPRESENTATIVES

APPLICATION NUMBER

NYC Department of City Planning

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) *

22 Reade Street

STREET ADDRESS

New York NY 10007

CITY STATE ZIP

212.720.3262 212.720.3244

AREA CODE TELEPHONE # FAX#

* List additional applicants below:

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.)

TELEPHONE # FAX #

N/A

STREET ADDRESS

Zone Green Text Amendment

PROJECT NAME (IF ANY)

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)

ZONING SECTIONAL MAP NO(S)

TAX BLOCK AND LOT NUMBER

BOROUGH

COMM. DIST.

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO ☐ YES ☐ IF YES, IDENTIFY

N/A

3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

see attached description.

4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

* No supplemental form required

- ☐ CHANGE IN CITY MAP.....MM \$
- ☐ ZONING MAP AMENDMENT.....ZM \$
- ☒ ZONING TEXT AMENDMENT.....ZR \$ 0
- ☐ ZONING SPECIAL PERMIT.....ZS \$
- ☐ ZONING AUTHORIZATION.....ZA \$
- ☐ ZONING CERTIFICATION.....ZC \$
- ☐ PUBLIC FACILITY, SEL./ACQ.....PF \$
- ☐ DISPOSITION OF REAL PROP.....PD \$
- ☐ URBAN DEVELOPMENT ACTION.....HA \$
- ☐ URBAN RENEWAL PROJECT.....* \$
- ☐ HOUSING PLAN & PROJECT.....* \$
- ☐ FRANCHISE.....* \$
- ☐ REVOCABLE CONSENT.....* \$
- ☐ CONCESSION.....* \$
- ☐ LANDFILL.....* \$
- ☐ OTHER (Describe) \$

- ☐ MODIFICATION \$
- ☐ FOLLOW-UP \$
- ☐ RENEWAL \$
- ☐ OTHER \$
- APPLICATION NO. _____
- APPLICATION NO. _____
- SPECIFY _____
- TOTAL FEE (For all actions) \$

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

☒ City AgencyHas pre-application meeting been held? ☐ NO ☐ YES

If yes N/A

DCP Office/Representative

Date of meeting

5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing)

LEAD AGENCY DCP CEQR NUMBER 12DCP068Y

TYPE OF CEQR ACTION:

☐ TYPE II Type II category: _____ Date determination was made: _____

☒ TYPE I } Has EAS been filed? Yes ☒ No ☐

☐ UNLISTED } If yes, Date EAS filed: December 8, 2011

Has CEQR determination been made? Yes ☒ No ☐

If yes, what was determination?
 • Negative Declaration ☒ } Date determination made: December 12, 2011(Attach Copy)
 CND ☐
 Positive Declaration ☐

If Positive Declaration, has PDEIS been filed? _____

Has Notice of Completion (NOC) for DEIS been issued? _____ If yes, attach copy.

If PDEIS has not been filed, has final scope been issued? _____ If yes, date issued: _____

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No ☐ Yes ☒

7. RELATED ACTIONS BY CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

APPLICATION NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL NO	DATE
N/A			

8. RELATED ACTIONS BY OTHER AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

REFERENCE NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL NO	DATE
N/A			

9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

N/A

10. APPLICANT (Attach authorizing resolution(s), if applicable)

Thomas Wargo, Director, Zoning Division

NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE

Thomas Wargo 12/8/2011

SIGNATURE OF APPLICANT DATE

NYC Department of City Planning

APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

11. CO-APPLICANTS (Attach authorizing resolution(s), if applicable)

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE	SIGNATURE OF CO-APPLICANT	DATE			
CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION					
STREET ADDRESS	CITY	STATE	ZIP	TEL.NO.	FAX
NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE			SIGNATURE OF CO-APPLICANT		DATE
CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION					
STREET ADDRESS	CITY	STATE	ZIP	TEL.NO.	FAX

ADMINISTRATIVE CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.



N120132ZRY

Received by Central Intake on December 8, 2011

Proposed City Map Change
(Check appropriate boxes)

(Check appropriate boxes)

APPLICATION NO

1. ESTABLISH NEW.....☐ STREET ☐ PARK ☐ PUBLIC PLACE ☐ GRADE
2. ELIMINATE EXISTING..... ☐ STREET ☐ PARK ☐ PUBLIC PLACE ☐ GRADE
3. CHANGE EXISTING STREET..... ☐ WIDTH ☐ ALIGNMENT ☐ GRADE
4. EASEMENT
Delineate New.....☐ Remove Existing.....☐ Modify Existing.....☐
5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY☐

Proposed Zoning Map Change(s)

APPLICATION NO.

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")


- CHANGE #1 FROM: _____ TO: _____
EXISTING PROPOSED

CHANGE #2 FROM: _____ TO: _____
EXISTING PROPOSED

CHANGE #3

CHANGE #4

CHANGE #5

 **N120132ZRY**

Received by Central Intake on December 8, 2011

DEPARTMENT OF _____



N120132ZRY

DEPARTMENT OF
CITY PLANNING

Affected Zoning Resolution (ZR) Sections

APPLICATION NO.

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

ZR SECTION
NUMBER

ZONING RESOLUTION SECTION TITLE

see attached list

PROPOSED ZONING TEXT AMENDMENTS

Affected Zoning Resolution (ZR) Sections	<u>ZR</u> <u>SECTION</u> <u>NUMBER</u>	<u>ZONING RESOLUTION SECTION TITLE</u>
	11-13	Public Parks
	12-10	Definitions
	23-12	Permitted Obstructions in Open Space
	23-44	Permitted Obstructions in Required Yards or Rear Yard Equivalents
	23-461	Side yards for single- or two-family residences
	23-462	Side yards for all other buildings containing residences
	23-62	Permitted Obstructions
	23-621	Permitted obstructions in certain districts
	23-66	Required Side and Rear Setbacks
	23-711	Standard minimum distance between buildings
	23-861	General provisions
	23-862	Minimum distance between legally required windows and lot lines on small
	corner	lots in R9 or R10 Districts
	23-87	Permitted Obstructions in Courts
	23-891	In R1 through R5 Districts
	24-12	Height and Application of Lot Coverage
	24-33	Permitted Obstructions in Required Yards or Rear Yard Equivalents
	24-35	Minimum Required Side Yards
	24-51	Permitted Obstructions
	24-55	Required Side and Rear Setbacks
	24-65	Minimum Distance between Required Windows and Walls or Lot Lines
	24-68	Permitted Obstruction in Courts
	25-62	Size and Location of Spaces
	26-42	Planting Strips
	<u>26-421</u>	<u>Modifications of planting strip requirements</u> <i>(New Section)</i>
	32-15	Use Group 6
	32-16	Use Group 7
	33-23	Permitted Obstructions in Required Yards or Rear Yard Equivalents
	33-25	Minimum Required Side Yards
	33-42	Permitted Obstructions
	34-232	Modification of side yard requirements
	35-24	Special Street Wall Location and Height and Setback Regulations in Certain
		Districts
	35-52	Modification of Side Yard Requirements
	35-53	Modification of Rear Yard Requirements
	36-521	Size of spaces
	37-53	Design Standards for Pedestrian Circulation Spaces
	37-721	Sidewalk frontage
	37-726	Permitted obstructions
	43-23	Permitted Obstructions in Required Yards or Rear Yard Equivalents
	43-42	Permitted Obstructions
	44-42	Size and Identification of Spaces
	54-313	Single- or two-family residences with non-complying front yards or side yards
	62-341	Developments on land and platforms
	62-342	Developments on piers
	Chapter 1	<u>Enforcement, and Administration and Amendments</u> <i>(Title change only)</i>
	<u>71-10</u>	<u>PROCEDURE FOR AMENDMENTS</u> <i>(New Section)</i>
	Chapter 5	Amendments <i>(Section relocated)</i>

75-00	PROCEDURE FOR AMENDMENTS <i>(Section relocated)</i>
<u>Chapter 5</u>	<u>Certifications</u> <i>(New Section)</i>
<u>75-00</u>	<u>CERTIFICATIONS</u> <i>(New Section)</i>
<u>75-01</u>	<u>Certification for Rooftop Greenhouses</u> <i>(New Section)</i>
81-252	Permitted obstructions
84-135	Limited height of buildings
84-333	Limited height of buildings
87-31	Permitted Obstructions
93-41	Rooftop Regulations
93-55	Special Height and Setback Regulations in the South of Port Authority Subdistrict E
93-77	Design Criteria for Public Access Areas in Subdistrict F
94-072	Special plaza provisions
97-441	Permitted obstructions
98-422	Special rooftop regulations
101-221	Permitted Obstructions
104-322	Permitted Obstructions
107-223	Permitted obstruction in designated open space
111-20	SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7
114-121	Special rooftop regulations
115-231	Permitted obstructions
116-231	Special rooftop regulations
121-32	Height of Street Walls and Maximum Building Height
125-31	Rooftop Regulations
128-31	Rooftop Regulations
131-41	Rooftop Regulations

LR ITEM 3: DESCRIPTION OF PROPOSAL

ZONE GREEN TEXT AMENDMENT

INTRODUCTION

The Department of City Planning is proposing a city-wide Zone Green Text Amendment to remove barriers to construction of green building features in the City of New York. The proposed amendments to the regulations would facilitate retrofitting of existing buildings and construction of new buildings with features that help: reduce energy consumption and carbon emissions, generate clean and renewable energy, manage stormwater run-off on site, reduce urban heat island effect through vegetation on roofs, and otherwise promote a healthy and green city.

The amendments are classified in two broad categories: provisions that promote an energy efficient building envelope, and rooftop infrastructure that serves a variety of purposes. The following sections describe each of the above components in detail. While most of the proposed amendments involving these two categories are applicable to all zoning districts city-wide, some proposed changes would apply to specific zoning districts which are specified in the description below

SUMMARY OF CHANGES

A. Building Insulation

A poorly insulated building envelope could account for as much as 70% of energy loss in the building through windows, roofs and exterior walls. Various studies and in-house energy modeling show that insulating and air sealing a building could save 20% to 50% in energy consumption. Improvements to the building envelope typically offer long term savings, because the envelope is a longer-lasting element than other systems, such as boilers.

Existing Buildings

Existing buildings can be insulated by adding insulation either inside the exterior wall or on its outside face. Internal insulation can be limited in its effectiveness because breaks in the continuity of insulation lead to heat transfer (called thermal bridging). In addition, internal insulation of an existing building may require the building to be vacated. In contrast, placing insulation on the exterior face of the building can offer a continuous enclosure, limiting thermal bridging and providing superior energy performance. External insulation can also be applied without vacating the building.

Currently, zoning regulations do not affect internal insulation in existing buildings. However, external insulation of existing buildings could alter zoning calculations by increasing the floor area or building height, and creating projections into setbacks, yards or open space.

The proposed zoning amendments would permit waiver of the amount of new floor area and lot coverage created by the installation of external insulation on building walls that existed prior to the adoption of the zoning text. The amount of added wall thickness that could be waived would be limited to 8 inches. In addition, external insulation on existing roofs would be permitted to project above the maximum building height by a maximum of 8 inches as measured perpendicular to the roof surface.

External insulation would be allowed as a permitted obstruction in required yards, setback areas and other required open spaces such as courts and plazas. To limit the reduction of narrow open areas, such permitted obstructions would be limited to the lesser of either 8 inches, or one inch for every foot of such yard, setback, or open area. When such open area is shared between adjacent zoning lots, along the side lot line, the additional wall thickness would be proportional to the width of the open area on the zoning lot. For example, a six foot wide open area would allow an additional six inches of wall thickness and a two foot wide open area would allow an additional two inches of wall thickness. To prevent poorly shaped corners and joints where an enlargement adjoins an existing building that has added insulating wall thickness, and as a result intrudes into the open area, such enlargement would be allowed to project up to eight inches to align with the existing building exterior wall or roof line. To take advantage of this line-up provision the enlargement must be smaller than the existing building.

New Buildings

The NYC Energy Conservation Code (Energy Code) today requires new buildings and enlargements to comply with minimum energy efficiency standards. Currently, building energy efficiency is evaluated for all systems, including the envelope. In order to ensure minimum standards for the performance of the building envelope, thermal performance standard (U-value) for the building envelope shall be calculated independently.

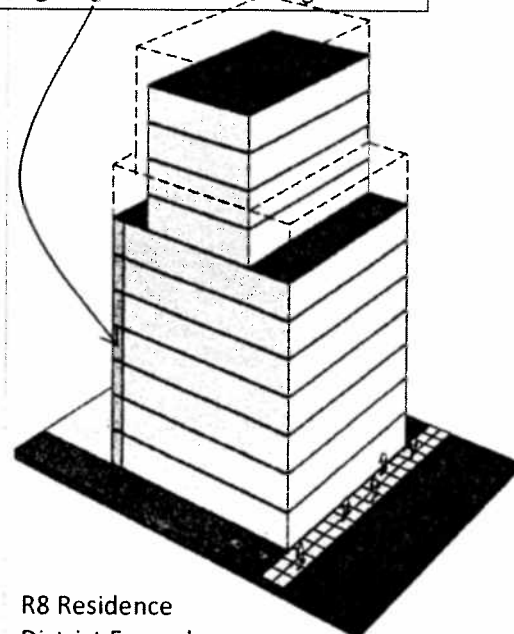
New buildings can perform better than Energy Code requirements by constructing thicker walls with increased insulation. However, currently zoning regulations include the thickness of walls in the calculation of floor area. This can serve as a disincentive for constructing thicker walls that are highly energy efficient, because they reduce the amount of usable floor space.

The proposal would permit floor area exemptions to new buildings and enlargements in all zoning districts that exceed the thermal envelope requirement of the Energy Code. Such new buildings or enlargements would be allowed to exempt from floor area calculations up to 8 inches of wall thickness, provided that at least 8 inches of thickness are included in floor area calculations. For example, if a building requires a 12 inch thick wall to exceed the Energy Code thermal envelope requirement by the required amount, 4 inches of such wall thickness would be exempted from floor area calculations. This provision does not affect the net usable floor space within the building, and it allows no projections into required yards, courts, or open areas. Exempted floor area can be reallocated within the applicable height and setback regulations for the district.

B. Sun Control Devices

Sun control devices, such as horizontal and vertical solar shades, prevent heat gain during summer months, reducing peak cooling demand for buildings by as much as 5 to 15 percent. Solar shades can also improve building occupants' comfort by reducing glare, save energy by providing glare-free day lighting, and enhance architectural aesthetics of the building façade.

Usable space remains constant and reallocated floor area fits within the zoning height and setback regulations



R8 Residence
District Example

Current zoning regulations specify that awnings and canopies may project into a required yard as “permitted obstructions”. Other sun control devices are not specifically listed as permitted obstructions, creating ambiguity regarding whether they are permitted.

The proposal would add sun control devices to the list of permitted obstructions within a yard or setback, treating them no differently from awnings. Awnings and sun control devices above the ground floor of a building would be allowed to project into a required yard, courts or setback area to a depth of 2 feet 6 inches. Because sun control devices may be provided in a variety of shapes, including screens, the total area of the façade covered by awnings and sun control devices (when viewed in elevation) would be limited to 30 percent of the surface area of the building wall from which they project. When sun control devices are provided as screens, they would be allowed to project above the height limit to match the height of the parapet or guardrail.

C. Location of Air Conditioning Condenser Units for Single or Two-Family Residences

Air conditioning condenser units are currently allowed as permitted obstructions in the rear yards of single or two-family residences in all zoning districts where residences are permitted. These units must be located at least eight feet from all lot lines. The current regulation is very restrictive, especially for attached houses on narrow lots, where the 8 foot setback requirement does not leave sufficient space to place these condensing units. While central air conditioning or ductless mini-split air-conditioning units do consume electricity, they are much less wasteful than air conditioning units set in windows or through-wall sleeves, which dramatically reduce performance of the building envelope.

Newer air-conditioning condenser units are much quieter and less bulky than such units were when the current zoning regulations were established, reducing the need for setbacks from lot lines. In addition, since the current provisions were established, the New York City Noise Code has been created, under which the Department of Environmental Protection regulates noise audible from the neighboring property. Therefore, the proposed amendments would allow air-conditioning condenser units in rear and side yards without any setback from lot lines. These condenser units would be allowed within 18 inches in front of the building wall and its prolongation if screened from view.

Rooftop Infrastructure

Zoning generally regulates building heights either through a sky exposure plane, which defines permitted building heights through a sloping plane that rises as the building gets further from the street, or through maximum height limits in contextual zoning districts. A portion of a building or other structure can rise above the height limit or sky exposure plane only if it is listed as an obstruction permitted to rise above the height limit. The current list of permitted obstructions, which has not changed significantly since the 1961 Zoning Resolution, includes only certain types of rooftop equipment. Important items, more recently developed, such as stormwater management equipment, renewable energy systems such as solar panels, recreational decks, and a range of other mechanical equipment are not included in the list of permitted obstructions. In recent years, contextual height limits have been mapped broadly throughout the city. These height limits are more restrictive of rooftop equipment than the sloping sky exposure plane. In addition, rooftop systems have specific requirements for location and orientation – for instance, solar panels need to have sun exposure, while stair and elevator bulkheads must be located on top of the vertical circulation core. These factors combine to make it challenging to incorporate many green features on rooftops.

The proposed action would allow the following equipment or materials on the roof top of a building: stormwater management infrastructure such as vegetative roofs and blue roofs, recreational surfaces, renewable energy infrastructure such as solar and wind energy generation, and other mechanical equipment, all subject to provisions that allow greater flexibility for configuring rooftop systems while limiting the visibility of these items from street level.

A. Vegetative Roofs, Blue Roofs, Decks, Skylights, Guardrails

Current zoning regulations do not allow vegetative roofs, blue roofs, decks, skylights, or clerestories on roof of the building or the roof of a setback area to rise above the maximum permitted height.

Vegetative roofs consist of drainage layers, soil and planting that can be installed in trays or directly on top of the roof surface. These roofs can improve air quality, reduce heat gain, detain storm water, increase biodiversity, extend the expected life of a roof by reducing the impact of temperature fluctuation and ultraviolet radiation on the roof surface, and make open space available for recreation.

Blue roofs are rooftop stormwater detention systems that control the flow of stormwater by installing weirs near roof drains, check dams, or other detention mechanisms on the roof surface. This system temporarily stores water on the rooftop during a storm event, limiting the rate of flow to storm sewers.

Decks for recreational purposes can provide open space resources to building occupants in a dense urban environment where such space is often limited. A deck can also be installed above a blue roof.

On buildings with flat roofs, the proposed regulations would permit vegetative roofs, blue roofs, and decks as permitted obstructions up to a height of three feet, six inches. These infrastructure systems would also be permitted on the roofs of non-complying existing buildings that exceed the maximum permitted height and would be permitted to extend up to a height of three feet, six inches. These items would also be allowed on a portion of a commercial and community facility use permitted within a rear yard. On sloped roofs, the height of a vegetative roof would be limited to 12 inches measured perpendicular from the roof.

For safety reasons, building code requires guardrails on accessible rooftops. The proposed regulations would permit guardrails up to a maximum height of 3 feet, 6 inches above the accessible surface of the roof. Such guardrail would be required to be no more than 30 percent opaque, to maintain visual openness.

Skylights, clerestories, and other daylighting features can help bring natural light to interior spaces, reducing the energy consumption associated with artificial lighting. The proposed text amendment would allow these features as permitted obstructions up to a height of four feet, provided that they are located at least 8 feet from the roof edge and do not exceed 10 percent of the roof area.

B. Solar Energy Generation

Current zoning regulations do not permit solar energy systems to exceed a maximum height limit. Many existing buildings are built to or above their current height limit, and new buildings often build to the maximum height limit. The current regulations thereby limit the potential to generate renewable solar energy on the roofs of buildings.

Solar energy installations are a leading source of renewable energy with relatively low operating costs and greater efficiency because of lower transmission losses associated with on-site generation. Solar PV panels generate electricity while solar thermal systems provide for hot water needs. Both technologies benefit building owners or occupants by reducing utility costs. Excess energy generated through solar PV can be sold back to the grid through net metering. Because peak generation for solar power occurs on hot, sunny days, solar PV installations also reduce the burden on the local electrical grid by reducing peak loads.

The proposed regulations would allow solar energy systems as a permitted obstruction above building setbacks and above the height limit of the roof. They would be allowed without restriction up to a height of 4 feet on buildings with flat roofs, and within 18 inches of a sloping roof, measured perpendicular to the roof surface. On buildings with flat roofs, taller solar energy systems would be allowed, provided that portions more than 4 feet high are set back at least 6 feet from the street wall, and the area of such portions above 4 feet does not exceed 25 percent of the roof area. On flat-roofed buildings in R1 through R5 districts and in commercial overlays within such districts, these panels would be limited to a maximum height of 6 feet; in all other districts the maximum height would be 15 feet. Solar energy installations would also be permitted on bulkheads, roof water tanks and other mechanical equipment, limited to a height of 6 feet above the surface on which the panels are installed.

The proposed text amendment would also permit solar energy installations on roofs of sheds, garages, and other accessory structures permitted in yards, up to a height of 18 inches measured perpendicular to the roof.

The proposed text amendment would also allow solar energy systems on existing walls, if they project no more than 10 inches into required yard, setback or other required open area and occupy no more than 20 percent of the

surface area of the building wall from which it projects. This would enable buildings that have walls with good sun exposure but not adequate amounts of available sun-exposed roof to install solar energy systems.

C. Wind Energy Generation

Current zoning regulations do not permit wind energy installations to exceed a building’s maximum height limit.

Wind turbines are another source of renewable energy, with many benefits similar to those of solar panels. Wind power generation complements solar power generation as the wind speeds are highest on cloudy days and at night. Effective wind energy generation requires reliable, sustained winds, which are frequently not available at lower elevations in a dense urban environment. The greatest potential for wind energy generation exists on taller buildings without obstructions in the vicinity and near the waterfront, where consistent winds are more common.

The proposed text amendment would allow small wind turbines to exceed a height limit when installed on top of buildings that are at least 100 feet in height. The wind turbines would be restricted to a maximum height of 55 feet above the roof of a building and prohibited within 10 feet of any zoning lot line. In districts that allow residential use as-of-right or through discretionary action and within 100 feet of such districts, the diameter of the swept area of a turbine would be limited to a maximum of 15 feet.

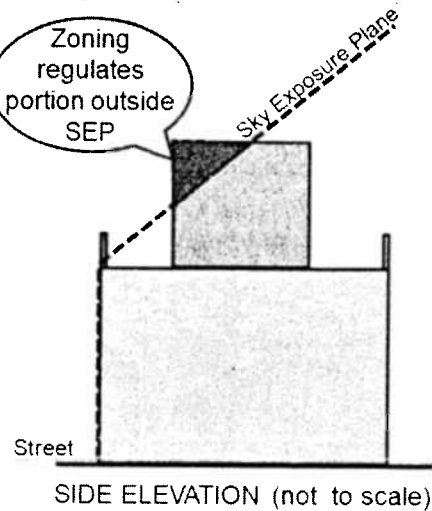
On waterfront blocks, building heights are further restricted and sky-exposure plane provisions are not available for C8 and manufacturing districts. The proposed text amendment would allow wind turbines to exceed a height limit on waterfront blocks in C4-1, C7, C8-1 and M1-1 Districts, up to a maximum height of 55 feet and with a minimum setback of 10 feet from waterfront public access areas and zoning lot lines. To provide sufficient flexibility for small freestanding wind turbines on waterfront blocks, freestanding wind turbines would be allowed to exceed a height limit in the above districts, when located outside of required open areas, up to a height of 85 feet. A setback of at least 10 feet would be required from waterfront public access areas and zoning lot lines.

On waterfront blocks, wind turbines would also be permitted above a height limit on buildings less than 100 feet in height that are located within R6 through R10 residence districts and equivalent commercial districts and Manufacturing Districts other than M1-1. In these districts, the maximum height of the wind turbines would be limited to either 55 feet or 50 percent of the building height, whichever is less. In addition, the wind turbines will not be allowed within 10 feet of any zoning lot line or the boundary of a waterfront public access area.

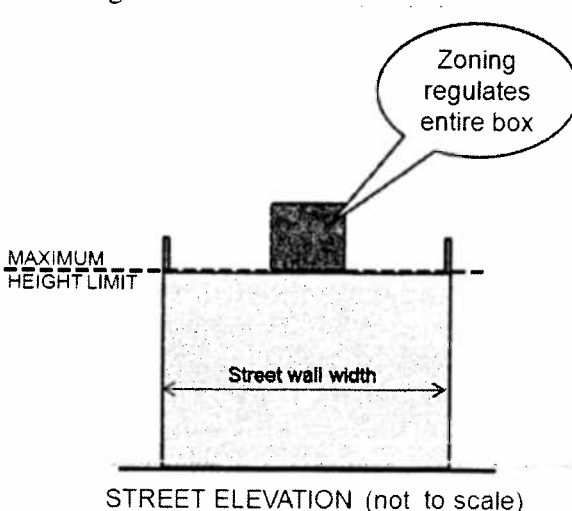
D. Bulkheads

Existing zoning regulations allow a volume above the height limit to be occupied by stair and elevator bulkheads, roof water tanks, and cooling equipment. These regulations, which allow a volume whose surface area facing the street is limited to four times the street wall width, were established based on the types of building systems prevalent in the late 1950s. Today, a variety of other mechanical equipment may also make sense to locate on rooftops. For instance, boilers or cogeneration plants are safer (from flooding and fire) and can be more energy- and space-efficient when placed on rooftops. In addition, the current bulkhead regulations were conceived in conjunction with the 1961 Zoning Resolution’s sky exposure plane. In more recent years, contextual zoning districts have been mapped widely throughout the city, making the current regulations for bulkheads more restrictive (see diagram).

Sky-Exposure Plane



Contextual Height Limits



This lack of flexibility has been remedied in many recently created zoning districts and Special Purpose Districts (Coney Island, St. George, Southern Hunters Point, Downtown Jamaica, Tribeca Mixed-Use District, Downtown Brooklyn, West Chelsea, 125th Street, Hudson Yards, Harlem River, Battery Park City, Stapleton, Bay Ridge and in R5D districts), where the bulkhead formula is expanded to accommodate a volume whose surface area facing the street can be eight times the street wall width. Current zoning regulations also have an alternative option for many special districts that allow the bulkheads to cover 20 percent of the lot coverage of the building with maximum height limits of 20 feet and 40 feet for different special districts.

The proposal would extend, with minor modifications, the bulkhead provisions that exist today within many special districts and the recently created R5D district to R6 through R10 residence districts and equivalent commercial districts and Manufacturing Districts. The proposed regulation would allow stair bulkheads, elevator bulkheads, roof water tanks and other accessory mechanical appurtenances to be included in the bulkhead formula, which would permit a volume whose surface area is limited to eight times the street wall width. Alternatively, a building could opt for a bulkhead volume covering 20 percent of the lot coverage of the building, but not exceeding a height of 25 feet in districts where height is limited to less than 120 feet, or a height of 40 feet in districts where height may be limited to 120 feet or more. Such obstructions would be required to set back at least 10 feet from the roof edge, but need not be more than 20 feet from a wide street line or 25 feet from a narrow street line. In order to allow stair and elevator bulkheads to be configured to serve the building below, stair and elevator bulkheads would be exempted from this setback requirement if they occupy a volume whose area facing the street wall does not exceed four times the street wall width. The proposal would also require all mechanical equipments allowed under this provision to be screened on all sides.

E. Rooftop Greenhouses

Current zoning regulations permit greenhouses in all zoning districts, subject to floor area and height limits. The proposal seeks to promote educational and commercial rooftop greenhouses in New York City by allowing them to be exempted from height and floor area restrictions.

The proposed text amendment would allow, by certification from the Chair of the City Planning Commission, exemption from floor area and height limits for greenhouses on top of buildings which do not contain residences or sleeping accommodations, in all zoning districts. Such greenhouses would be largely transparent structures on top of a building, limited to 25 feet in height and required to set back at least 6 feet from all roof edges. Rooftop greenhouses granted such waivers would be required to include a rainwater collection system. In the event that residences or sleeping accommodations are introduced in the building, the rooftop greenhouse would be required to be dismantled.

It is anticipated that this provision would encourage the creation of smaller greenhouses associated with schools for educational purposes, and larger greenhouses dedicated to commercial food production, located primarily in industrial areas.

Other Modifications

A. Accessory Use and Use Groups

The current zoning regulations were drafted prior to the advent of solar energy generation and electric vehicles (EV). Therefore, use regulations are not written to clearly distinguish these cleaner activities from uses such as power plants or gas stations. The proposed action would establish clear language specifying that solar energy generation is allowed as accessory to any primary use, that EV charging facilities are allowed in public or accessory parking facilities, and that EV charging or battery swapping facilities are permitted as Use Group 7D, similar to automobile tire or glass establishments.

Solar energy generation would also be listed under Use Group 6, to permit such facilities as a primary use in commercial and manufacturing districts. Existing height and setback regulations of the Zoning Resolution applicable to these districts would apply to the solar energy generation facility.

B. Planting Strips Adjacent to Schools

Recently established zoning regulations require sidewalks in lower density residential districts to provide planting strips. However, these requirements can be impractical in front of schools, which generate high amounts of foot traffic, particularly at admission and pickup times or during fire drills.

The proposal would establish an alternative to planting strips within sidewalks adjoining schools. These planting strips would be permitted to be replaced with permeable pavers or pavement, with structural soil or other materials underneath to absorb stormwater. The minimum width of these permeable strips would be three feet. All such permeable pavement would be subject to Department of Transportation standards

**PROPOSED ZONE GREEN TEXT AMENDMENT
December 12, 2011**

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 therefor 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).

* * *

Chapter 2

Construction of Language and Definitions

* * *

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:

* * *

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

* * *

(12) exterior wall thickness, up to eight 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 within an exterior wall constructed after (date of adoption), equal to the amount that such wall is greater than eight inches in thickness 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 40 percent of the area of such exterior walls, 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.

- (13) floor space in a rooftop greenhouse permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses).

* * *

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 within 18 inches of the #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 into such #open space# 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 one inch of thickness for every foot of existing #open space# width, up to a maximum thickness of eight 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, 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 within 18 inches of the #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 into a required #yard# or #rear yard equivalent# 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 one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one 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:
 - (+i) 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 if~~ 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 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 into a required setback 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 four 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:
 - (a) 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 eight feet 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 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 eight 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, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;
- (k) Roof thickness, up to eight 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 eight inches;

- (l) Skylights, clerestories or other day lighting devices, not more than four 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 eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(m) Solar energy systems:

- (1) on the roof of a #building#, up to four 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;
- (2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six 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 six 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 six 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 #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;
- (ir) Wire, chain link or other transparent fences.

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 dDormers 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 four feet or less 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. 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 four 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 eight 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 one 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 into such court 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 one inch of thickness for every foot of existing #court# width, up to a maximum thickness of eight 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, parapet walls, roof thickness, solar energy systems up to four 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 two feet, six 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 one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one 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 ~~d~~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 ~~d~~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 four 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 into a required setback 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 four 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 eight 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 eight 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, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;
- (k) Roof thickness, up to eight 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 eight 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 four 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 eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (n) Solar energy systems:

 - (1) on the roof of a #building#, up to four 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;
 - (2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six 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 six 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 six 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 #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 ten 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 four 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 eight 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 one 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 into such court 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 one inch of thickness for every foot of existing #court# width, up to a maximum thickness of eight 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.

* * *

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 eight feet and a height of eight 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 three 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 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 one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior

wall thickness is limited to one 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 four 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 into a required setback 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, (c), #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 four 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:
 - (a) 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 eight feet 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 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 eight 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#;
- (gi) 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, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;
- (k) Roof thickness, up to eight 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 eight inches;
- (l) Rooftop greenhouses, permitted by pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (m) Skylights, clerestories or other day lighting devices, not more than four 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 eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (n) Solar energy systems:
 - (1) on the roof of a #building#, up to four 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;
 - (2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six 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 six 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 six 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 #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 four 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 eight feet and a height of eight 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) #Bbuilding# 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 six 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 two feet, six 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 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 one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one 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 four 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 into a required setback 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;
- (ee) 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 four 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:
 - a. 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 eight feet 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 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 eight 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, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;
- (i) Roof thickness, up to eight 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 eight 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 four 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 eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
 - (1) on the roof of a #building#, up to four 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;
 - (2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six 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 six 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 #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 eight feet and a height of eight 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 #non-complying 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 #non-compliance# 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 the #building# or 55 feet, whichever is less, as measured from the roof of the #building# 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 ten 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) exceeds #building# height limits by no more than 25 feet;
- (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 #accessory# office or storage space, 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.

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 eight 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 aerals
- (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, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;
- (viii) Roof thickness, up to eight 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 eight 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 four 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 eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (xi) Solar energy systems:
 - (1) on the roof of a #building#, up to four 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;
 - (2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six 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 six 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 aerals;
- (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, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;
- (vii) Roof thickness, up to eight 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 eight 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 four 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 eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (x) Solar energy systems:
 - (a) on the roof of a #building#, up to four 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;
 - (b) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six 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 six 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, i~~ n 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~~

- (+) 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 (df) 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) ~~D~~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, provided such guardrail is not more than 3 feet, 6 inches above the accessible level of a roof;
- (h) Pipes and supporting structures;
- (i) Railings;
- (j) Roof thickness, up to eight 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 eight 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 four 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 eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
 - (1) on the roof of a #building#, up to four 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;
 - (2) on the roof of a #building#, greater than four feet in height, provided that all such portions above four feet are set back at least six 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 six 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 #non-complying 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.~~

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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.~~

