



NYC Buildings Department  
280 Broadway, New York, NY 10007

Robert D. LiMandri, Commissioner



---

## BUILDINGS BULLETIN 2009-030

### Zoning

---

<b>Supersedes:</b>	None
<b>Issuer:</b>	Fatma M. Amer, P.E. First Deputy Commissioner
<b>Issuance Date:</b>	December 23, 2009
<b>Purpose:</b>	This document clarifies the level at which a residential rear yard is required for a mixed building when applying ZR 35-53 to modify rear yard requirements.
<b>Related Code/Zoning Section(s):</b>	ZR 35-53 (Modification of Rear Yard Requirements) ZR 23-42 (Level of Yards) ZR 12-10 (definition of "mixed building")
<b>Subject(s):</b>	Zoning, mixed building; Zoning, rear yards

---

Article III, Chapter 5 (Section 35-00) of the Zoning Resolution (ZR) provides bulk regulations for "mixed buildings" as defined in ZR 12-10. ZR 35-10 requires a residential rear yard for the residential portion of a mixed building. ZR 35-53 (Modification of Rear Yard Requirements) allows the residential rear yard, when required, to be provided above curb level notwithstanding the requirements of ZR 23-42 (Level of Yards). This Bulletin clarifies the level at which a residential rear yard is required for a mixed building.

6/29/94

**35-53**

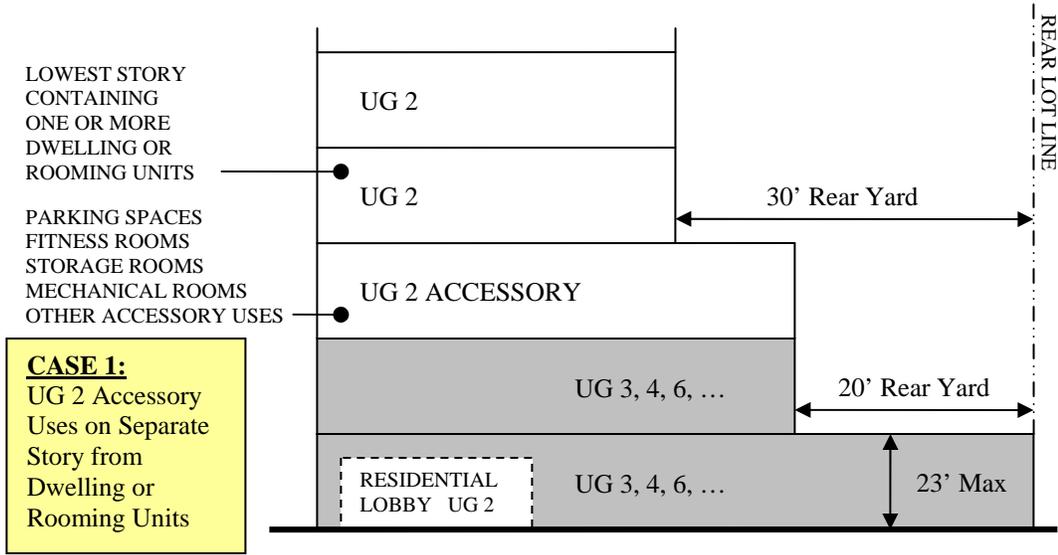
**Modification of Rear Yard Requirements**

C1 C2 C3 C4 C5 C6

In the districts indicated, for a *residential* portion of a *mixed building*, the required *rear yard* may be provided at any level not higher than the floor level of the lowest *story* used for *residential use*.

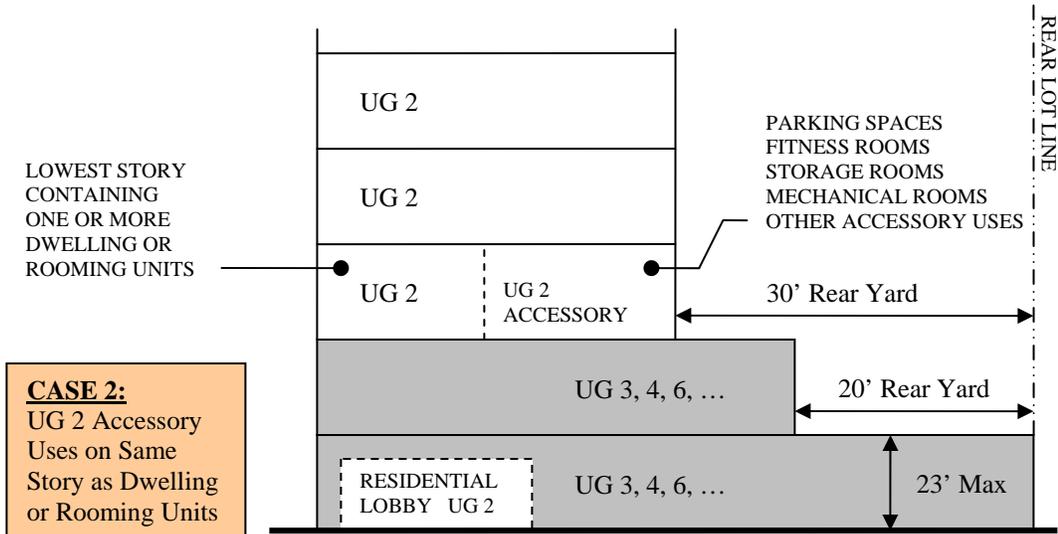
Portions of a mixed building occupied by "residential use" shall mean that level of the building containing dwelling units or rooming units. For such mixed buildings, the residential yard is required at a level no higher than the floor level of the lowest story containing dwelling or rooming units (See Case 1 and Case 2 below).

As such, levels not containing dwelling or rooming units and occupied exclusively by community facility uses, commercial uses and/or uses in connection with residential use, such as parking spaces, lobby area, and accessory fitness rooms, do not require a residential rear yard. Those levels are subject to the underlying district rear yard requirements for commercial or community facility uses.



**CASE 1:**  
UG 2 Accessory  
Uses on Separate  
Story from  
Dwelling or  
Rooming Units

**SECTION DIAGRAM** (Not to Scale)



**CASE 2:**  
UG 2 Accessory  
Uses on Same  
Story as Dwelling  
or Rooming Units

**SECTION DIAGRAM** (Not to Scale)