BUILDINGS BULLETIN 2009-030  
Zoning

Supersedes: None

Issuer: Fatma M. Amer, P.E.
First Deputy Commissioner

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Purpose: 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.

Related Code/Zoning Section(s):
- ZR 35-53 (Modification of Rear Yard Requirements)
- ZR 23-42 (Level of Yards)
- ZR 12-10 (definition of “mixed building”)

Subject(s):
- 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)