Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

23-312 - Additional permitted obstructions generally permitted in all yards

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LAST AMENDED
12/5/2024

In all #Residence Districts#, the obstructions set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions, shall be permitted within any #yard# or #rear yard equivalent#:

(a) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-62. Such balconies are not permitted in #side yards# or within five feet of the #side lot line# or #rear lot line# in a #rear yard# or #rear yard equivalent#;

(b) 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#;

(c) 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;

(d) Overhanging portions of a #single-# or #two-family residence# , which are above the first #story# including the #basement# and which project not more than three feet into the #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;

(e) Parking spaces for automobiles, off-street, open, #accessory#, within a #side# or #rear yard#;

(f) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, subject to the provisions of Section 25-621 (Location of parking spaces in certain districts) and Section 25-622 (Location of parking spaces in lower density growth management areas).

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District, or the #front yard# of a #building# containing #residences# on a #qualifying residential site# in an R1 through R5 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;

(g) #Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:

(1) all equipment shall be subject to the applicable provisions of Section 26-50 (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);

(2) the size of all equipment, including any screening or portions of any #building or other structure# enclosing such equipment, shall not exceed:

(i) an area equivalent to 25 percent of a required #yard#, or #rear yard equivalent#, and in addition, in #front yards#, is limited to an area not exceeding 25 square feet. However, for #corner lots#, one #front yard# may be treated as a #side yard# for the purpose of applying such size restrictions;

(ii) in R1 through R5 Districts, a height of 10 feet above the adjoining grade in #rear yards#, #rear yard equivalents# and #side yards#, or a height of five feet above the adjoining grade in #front yards#; and

(iii) in R6 through R12 Districts, a height of 15 feet above the adjoining grade;

(h) 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#;

(i) 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#;

(j) 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#.