Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

23-734 - Permitted obstructions in open space

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LAST AMENDED
12/5/2024

In R6 through R10 Districts without a letter suffix, the obstructions permitted for any #yard# set forth in Section 23-311 (Permitted obstructions in all yards, courts and open areas), as well as the following obstructions, shall be permitted in any #open space# required on a #zoning lot#. For the purposes of applying such allowances to #open space#, all percentage calculations shall be applied to the area of the #open space# instead of the #yard#:

(a) balconies, unenclosed, subject to the provisions of Section 23-62;

(b) breezeways;

(c) 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 50 percent of the required #open space# on any #zoning lot#;

(d) #energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section 23-312 (Additional permitted obstructions generally permitted in all yards);

(e) greenhouses, non-commercial, #accessory#, limited to one #story# or 15 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of the #open

space##;

(f) parking spaces, off-street, enclosed, #accessory#, 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#;

(g) 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) affixed to solar canopies and located over any #accessory# off-street parking space, provided that the height shall not exceed 15 feet above the level of the adjoining grade;

(h) steps;

(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#; or

(j) fire escapes or planting boxes, provided that no such items project more than six feet into or over such #open space#.

However, any such #open space# that is part of a required #yard#, #rear yard equivalent# or #court# may contain an obstruction listed in this Section only where such obstruction is permitted, pursuant to Sections 23-311, 23-312, 23-341 (Permitted obstructions in required rear yards or rear yard equivalents) or 23-351 (Permitted obstructions in courts), as applicable.