



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **23-734 - Permitted obstructions in open space**

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## 23-734 - Permitted obstructions in open space

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LAST AMENDED

12/5/2024

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In R6 through R10 Districts without a letter suffix, the obstructions permitted for any #yard# set forth in paragraph (a) of 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.