



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **23-80 - COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS**

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## **23-80 - COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS**

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LAST AMENDED  
12/8/2005

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### **23-81 - Definitions**

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LAST AMENDED  
11/19/1987

Words in italics are defined in Section [12-10](#) (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

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### **23-82 - Building Walls Regulated by Minimum Spacing Requirements**

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LAST AMENDED  
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, at any level at which two portions of a single *#building#* or *#abutting# #buildings#* on a single *#zoning lot#* are not connected one to the other, such portions shall be deemed to be two separate *#buildings#*, and the provisions set forth in Section [23-71](#) (Minimum Distance Between Buildings on a Single Zoning Lot) shall apply. In applying such provisions, the height of the two portions shall be measured from the roof of the connecting portion of such *#building#* instead of from the *#base plane#* or *#curb level#*, as applicable.

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### **23-83 - Building Walls Regulated by Other Than Minimum Spacing Requirements**

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LAST AMENDED  
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, to the extent that the provisions of Section [23-82](#) (Building Walls Regulated by Minimum Spacing Requirements) do not apply, the minimum distance between different walls of the same *#building#* shall conform to the regulations set forth in the following Sections:

Section [23-84](#) (Outer Court Regulations)

Section [23-85](#) (Inner Court Regulations)

Section [23-86](#) (Minimum Distance Between Legally Required Windows and Walls or Lot Lines)

Section [23-87](#) (Permitted Obstructions in Courts).

For the purposes of these Sections, *#abutting# #buildings#* on a single *#zoning lot#* shall be considered a single *#building#*.

However, these regulations shall not apply to any *#single-#* or *#two-family# #detached# #residence#*.

A corner of a *#court#* may be cut off between walls of the same *#building#*, provided that the length of the wall of such cut-off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of #courts# as long as these variations do not substantially change the depth or width of the #court#.

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## **23-84 - Outer Court Regulations**

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LAST AMENDED

12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #outer courts# shall be in compliance with the provisions of this Section.

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## **23-841 - Narrow outer courts**

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LAST AMENDED

3/22/2016

R1 R2 R3 R4 R5

- (a) In the districts indicated, if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least one and one-third the depth of such #outer court#.

However, in R3, R4 or R5 Districts, for #single-# and #two-family residences#, three #stories# or less in height, the width of such #outer court# shall be at least equal to the depth of such #outer court#.

R6 R7 R8 R9 R10

- (b) In the districts indicated, if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least equal to the depth of such #outer court#. However, the depth of an #outer court# may exceed its width in a small #outer court#, provided that:
- (1) no #legally required windows# shall face onto such small #outer court# or any #outer court recess# thereof;
  - (2) such small #outer court# is located above the level of the first #story#;
  - (3) the area of such small #outer court# shall not be less than 200 square feet and no dimension shall be less than 10 feet; and
  - (4) where the perimeter walls of such small #outer court# exceed a height of 75 feet, as measured from the lowest level of such #outer court#, at least 50 percent of such perimeter walls above a height of 75 feet shall setback 10 feet from the court opening. However, the depth of such required setback may be reduced one foot for every foot the minimum dimension of such court exceeds a width of 10 feet.
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## **23-842 - Wide outer courts**

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LAST AMENDED

3/22/2016

R1 R2 R3 R4 R5

- (a) In the districts indicated, if an #outer court# is 30 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 60 feet.

R6 R7 R8 R9 R10

(b) In the districts indicated, if an #outer court# is 30 feet or more in width, an #outer court# may extend to any depth.

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### **23-843 - Outer court recesses**

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LAST AMENDED  
3/22/2016

R1 R2 R3 R4 R5

(a) In the districts indicated, the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 60 feet.

R6 R7 R8 R9 R10

(b) In the districts indicated, the width of an #outer court recess# shall be at least equal to the depth of such #outer court recess#, except that such width need not exceed 30 feet.

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### **23-844 - Modification of court and side yard regulations in the area of the former Bellevue South Urban Renewal Plan in the Borough of Manhattan**

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LAST AMENDED  
3/22/2016

In the Borough of Manhattan, in the area designated by the former Bellevue South Urban Renewal Plan, for a #development# or #enlargement# on a #zoning lot# that adjoins a #zoning lot# including a #building# containing #residences# with #non-complying# #courts# along the common #side lot line#, the #court# regulations of Section [23-80](#) and the open area requirements of paragraph (c) of Section [23-462](#) (Side yards for all other buildings containing residences) may be modified to allow an open area at least eight feet wide to extend along a portion of the #side lot line#.

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### **23-85 - Inner Court Regulations**

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LAST AMENDED  
12/15/1961

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

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### **23-851 - Minimum dimensions of inner courts**

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LAST AMENDED  
3/22/2016

For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

R1 R2 R3 R4 R5

- (a) In the districts indicated, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet. In R1, R2 and R3 Districts, the area of an #inner court# shall not be less than 200 square feet and the minimum dimension of such #inner court# shall not be less than 12 feet.

R6 R7 R8 R9 R10

- (b) In the districts indicated, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet.

However, the area and dimensions of an #inner court# may be reduced for a small #inner court#, provided that:

- (1) no #legally required windows# shall face onto such small #inner court# or any #inner court recess# thereof;
- (2) the area of such small #inner court# shall not be less than 200 square feet and no dimension shall be less than 10 feet; and
- (3) where the perimeter walls of such small #inner court# exceed a height of 75 feet, as measured from the lowest level of such #inner court#, at least 50 percent of such perimeter walls above a height of 75 feet shall setback 10 feet from the court opening. However, the depth of such required setback may be reduced one foot for every foot the minimum dimension of such court exceeds a width of 10 feet.

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## **23-852 - Inner court recesses**

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LAST AMENDED  
3/22/2016

R1 R2 R3 R4 R5

- (a) In the districts indicated, the width of an #inner court recess# shall be at least twice the depth of the recess. However, if the recess opening is 60 feet or more in width, this provision shall not apply.

R6 R7 R8 R9 R10

- (b) In the districts indicated, the width of an #inner court recess# shall be at least equal to the depth of the #inner court recess#, except that such width need not exceed 30 feet.

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## **23-86 - Minimum Distance Between Legally Required Windows and Walls or Lot Lines**

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LAST AMENDED  
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, the minimum distance between #legally required windows# and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to #legally required windows# in #buildings# containing #residences# :

- (a) in R2X, R3, R4 or R5A Districts, with a maximum height of 35 feet and with a maximum of three units; and
- (b) in other districts either:
  - (1) with a maximum height of 32 feet and with a maximum of three units; or

(2) with three #stories# if the lowest #story# is either a #basement# or is excluded from #floor area# by definition.

For the purposes of this Section, #abutting# #buildings# on the same #zoning lot# shall be considered a single #building#.

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## 23-861 - General provisions

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LAST AMENDED  
12/6/2023

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section [23-862](#) (Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts) or Section [23-863](#) (Minimum distance between legally required windows and any wall in an inner court), the minimum distance between a #legally required window# and:

- (a) any wall;
- (b) a #rear lot line#, or vertical projection thereof; or
- (c) a #side lot line#, or vertical projection thereof;

shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening; provided, however, that a #legally required window# may open on any #outer court# meeting the requirements of Section [23-84](#) (Outer Court Regulations), except for small #outer courts# in R6 through R10 Districts, the provisions for which are set forth in paragraph (b) of Section [23-841](#) (Narrow outer courts).

The obstructions permitted for any #yard# set forth in paragraph (a) of Section [23-441](#) (General permitted obstruction allowances), shall be permitted in such minimum distance.

However, for shallow #interior lots# in R6 through R10 Districts, the minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, may be reduced to equal the #rear yard# depth required pursuant to the provisions of Section [23-52](#) (Special Provisions for Shallow Interior Lots). However, in no event shall such minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, be less than 20 feet.

In R3, R4 and R5 Districts, the minimum dimension between a #legally required window# and a #side lot line# shall be 15 feet. Such 15 foot dimension shall be measured in a horizontal plane perpendicular to the #side lot line# or vertical projection thereof. Furthermore, such area with a 15 foot dimension shall be open to the sky from ground level up for the entire length of the #side lot line#. Only #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, chimneys, downspouts, eaves, gutters, open #accessory# off-street parking spaces, #qualifying exterior wall thickness#, ramps for access by the handicapped, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in of Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), provided that such obstructions, not including #qualifying exterior wall thickness# and #accessory# mechanical equipment, will not reduce the minimum width of the open area by more than three feet.

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## 23-862 - Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts

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LAST AMENDED

12/6/2023

R9 R10

In the districts indicated, on a #corner lot# less than 10,000 square feet in #lot area#, a #legally required window# may open on a #yard# bounded on one side by a #front lot line# and having a minimum width of 20 feet, provided that the provisions of Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not apply to such #yard#. However, #accessory# mechanical equipment limited in depth to 18 inches from an exterior wall, awnings and other sun control devices, #qualifying exterior wall thickness#, and solar energy systems on walls, as set forth in Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted within such minimum distance.

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### **23-863 - Minimum distance between legally required windows and any wall in an inner court**

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LAST AMENDED

3/22/2016

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 30 feet. However, such provisions shall not apply to small #inner courts#, the provisions for which are set forth in paragraph (b) of Section [23-851](#) (Minimum dimensions of inner courts).

Such minimum distance shall be measured in a horizontal plane at the sill level of, and perpendicular to, the #legally required window# for the full width of the rough window opening, between such window and a projection of such wall onto such horizontal plane.

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### **23-87 - Permitted Obstructions in Courts**

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LAST AMENDED

12/6/2023

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the obstructions permitted for any #yard# set forth in paragraph (a) of Section [23-441](#) (General permitted obstruction allowances), as well as the following obstructions shall be permitted within the minimum area and dimensions needed to satisfy the requirements for a #court# . For the purposes of applying such allowances to #courts#, all percentage calculations shall be applied to the area of the #court# instead of the #yard#:

- (a) Fences
- (b) Fire escapes in #outer courts#;

Fire escapes in #outer court recesses# not more than five feet in depth;

Fire escapes in #inner courts# where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer court recesses# more than five feet in depth where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

- (c) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section [23-442](#);
- (d) Recreational or drying yard equipment;

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section [23-62](#) (Permitted Obstructions), shall be permitted.

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## **23-88 - Minimum Distance Between Lot Lines and Building Walls**

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LAST AMENDED  
4/30/2008

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### **23-881 - Minimum distance between lot lines and building walls in lower density growth management areas**

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LAST AMENDED  
2/2/2011

In R1, R2, R3, R4-1 and R4A Districts within #lower density growth management areas#, the provisions of this Section shall apply to any #zoning lot# with two or more #buildings#, where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this Section, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a “front building,” and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a “front building” shall be considered a “rear building”. An open area with a minimum width of 15 feet shall be provided between any such “rear building” and the #side lot line# of an adjoining #zoning lot#, and an open area with a minimum width of 30 feet shall be provided between any such “rear building” and the #rear lot line# of an adjoining #zoning lot#. The permitted obstruction provisions of Section [23-44](#) for #side yards# shall apply where such open areas adjoin a #side lot line#, and the permitted obstruction provisions of Section [23-44](#) for #rear yards# shall apply where such open areas adjoin a #rear lot line#.

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### **23-882 - Minimum distance between lot lines and building walls in R1 through R5 Districts**

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LAST AMENDED  
4/30/2008

R1 R2 R3 R4 R5

In the districts indicated, for #corner lots# with multiple #buildings# or #building segments#, an open area at least 30 feet in



depth shall be provided between the #side lot line# and the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety.

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## **23-89 - Open Area Requirements for Residences**

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LAST AMENDED

4/14/2010

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### **23-891 - In R1 through R5 Districts**

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LAST AMENDED

4/30/2012

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to all #zoning lots# with two or more #buildings# or #building segments# containing #residences#. All such #buildings# or #building segments# shall provide open areas in accordance with this Section. Only those obstructions set forth in Section [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways, shall not be permitted within such open areas.

- (a) An open area shall be provided adjacent to the rear wall of each such #building# or #building segment#. For the purposes of this Section, the “rear wall” shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 30 feet when measured perpendicular to each rear wall. No such open areas shall serve more than one #building# or #building segment#.
- (b) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and the open area provisions of this Section applied adjacent to such wall. However, for not more than one #building# or #building segment# located at the corner of intersecting #streets# or #private roads#, the depth of such required open area may be reduced to 20 feet.

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### **23-892 - In R6 through R10 Districts**

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LAST AMENDED

3/22/2016

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

In the districts indicated, and for #Quality Housing buildings# in R6 through R10 Districts without a letter suffix, the area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, pursuant to the provisions of Section [28-23](#) (Planting Areas).