



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

23-12 - Permitted Obstructions in Open Space

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LAST AMENDED

12/6/2023

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts 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 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 [23-13](#);
- (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 the percentages set forth in Section [25-64](#) (Restrictions on Use of Open Space for Parking);
- (d) #Energy infrastructure equipment# and #accessory# mechanical equipment, subject to the requirements set forth in Section [23-442](#);
- (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#, not to exceed one space per #dwelling unit#, when #accessory# to a #single-family#, #two-family# or three-#family# #residence#, 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#. However, two such spaces for a #single-family# #residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;
- (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#;
- (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 [23-44](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents) or [23-87](#) (Permitted Obstructions in Courts), as applicable.