



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **109-14 - Open Recreation Space and Landscaping Regulations**

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## 109-14 - Open Recreation Space and Landscaping Regulations

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LAST AMENDED  
2/3/1977

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### 109-141 - Open recreation space regulations

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LAST AMENDED  
2/2/2011

For any #building# or portion of a #building# #developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable landscaped #open recreation space# accessible to the occupants of such #development# or #enlargement#. Such #open recreation space# may be accessible to the public.

Such #open recreation space# shall be located at the ground level and/or the roof level. However, if such #open recreation space# is located both at the ground level and at the roof level, not less than 40 percent may be located at either location. Such #open recreation space# shall be landscaped and properly maintained in accordance with the provisions of Section 109-142.

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### 109-142 - Landscaping regulations

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LAST AMENDED  
2/2/2011

The required #open recreation space#, as provided in Section [109-141](#), on a #zoning lot# containing a #development# or #enlargement# shall be landscaped and maintained in the following manner.

Ground level #open recreation space# shall:

- (a) have a minimum dimension of 20 feet for a #development# and 10 feet for an #enlargement#, measured perpendicular to its perimeter;
- (b) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;
- (c) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to the following standards:
  - (1) seating shall have a minimum depth of 16 inches; seating with backs at least 12 inches high shall have a minimum depth of 14 inches; seating 30 inches or more in depth shall count double provided there is access to both sides;
  - (2) seating higher than 36 inches and lower than 12 inches above the level of the adjacent walking surface shall not count toward meeting the seating requirements;
  - (3) the tops of walls including but not limited to those which bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in paragraphs (c)(1) and (c)(2) of this Section;
  - (4) movable seating or chairs may be credited as 30 inches of linear seating per chair; and
  - (5) steps do not count toward the seating requirements;
- (d) have paved areas paved with unit pavers, such as bricks or quarry tiles, or poured-in-place materials. If poured-in-place

materials are selected, they shall be of decorative color and/or textures, through the use of dyes and/or exposed aggregates. All paving shall have a non-skid surface;

- (e) be landscaped with shrubs, vines, ground cover or plants in planters over a minimum of 25 percent of the #open recreation space# area;
- (f) be planted with one tree of not less than three and one-half inch caliper for every 1,000 square feet or portion thereof of required #open recreation space#. Such trees shall be planted in at least 100 cubic feet of soil of at least 3 feet, 6 inches in depth;
- (g) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# frontage upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly into the #open recreation space#; and
- (h) be maintained by the #building# owner who shall be responsible for the maintenance of the #open recreation space# including, but not limited to, the repair and confinement of all amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#, pursuant to Section [109-14](#) (Open Recreation Space and Landscaping Regulations).

#Open recreation space# at roof level shall:

- (1) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# fronting upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly onto the #open recreation space#;
- (2) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to seating standards set forth for ground level #open recreation space#; and
- (3) be landscaped with shrubs, vines, flowers, ground cover and/or plants in planters over a minimum of 25 percent of the #open recreation space# area.