Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

78-52 - Common Open Space

File generated by https://zr.planning.nyc.gov on 11/4/2026

78-52 - Common Open Space

LAST AMENDED
2/2/2011

An area designated on the site plan of a #large-scale residential development# as "common #open space#" and on the subdivision plan as an area to be held in separate ownership for the use and benefit of residents occupying specified #zoning lots# shown on such subdivision plan may be approved as part of such subdivision plan, provided that it meets the following requirements:

(a) it shall be conveniently accessible to all residents of #zoning lots# for which it is intended to satisfy the #open space# requirements;

(b) it shall be made available in its improved state as set forth on the site plan in accordance with an approved time schedule;

(c) it shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance;

(d) provisions to ensure its continuing availability shall be included in the covenants to be incorporated in the deed to each parcel to be served by such common #open space#;

(e) it shall be entirely at natural grade level or at the principal level of pedestrian circulation in adjacent areas;

(f) it may contain only such obstructions as are specifically permitted under the provisions of Section 23-734 (Permitted obstructions in open space) or minor #accessory# structures, and the total area occupied by driveways, private streets or open #accessory# off-street parking spaces in all areas claimed as common or private #open space# throughout the #large-scale

residential development#, shall not exceed 50 percent of the total required #open space# for the #large-scale residential development#; and

(g) such #open space# shall include both active and passive recreation space providing a range of recreational facilities and activities appropriate to the occupants of the #large-scale residential development#. Such space shall be physically and visually accessible to the occupants and shall be screened from unsuitable areas. Passive recreation space shall be landscaped and shall be located in areas other than access and egress spaces. Active recreation facilities, such as play equipment, court game facilities, or ball fields, shall be designed to provide the maximum possible area appropriate to the size of the #large-scale residential development#.

The approval of a subdivision plan which includes common #open space# shall be conditioned upon a finding that these requirements are met.