Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

124-40 - PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS

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124-40 - PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS

LAST AMENDED
11/13/2008

Publicly accessible open spaces shall be provided as specified in Section 124-40, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

124-41 - Amount of Publicly Accessible Open Space

LAST AMENDED
4/11/2024

Publicly accessible open space within the #Special Willets Point District# shall total not less than eight acres. Such required amounts shall be open to the sky and shall not include any sidewalks required pursuant to this Section or sidewalk widenings pursuant to Section 124-33.

For #developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on individual #zoning lots# of at least 200,000 square feet or groups of #zoning lots# subject to the provisions of Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS) that are, in aggregate, at least 200,000 square feet, the following amount of publicly accessible open space shall be provided for each 1,000 square feet of #floor area#:

Within Area A: 30 square feet

Within Area B: 50 square feet.

Such publicly accessible open space may be transferred from the #zoning lot# containing the #development# or #enlargement# to any other #zoning lot# in the #Special Willets Point District#, provided that such publicly accessible open space meets the requirements of Section 124-42, inclusive.

124-42 - Types and Standards of Publicly Accessible Open Space

LAST AMENDED
6/6/2024

The following types and standards of publicly accessible open space shall apply:

(a) Park

At least one park not less than two acres in area shall be provided. Such park shall be bounded on all sides by #streets# or a #school#, and at least one of the #streets# bounding the park shall be a #connector street#. No portion of such park shall be closer than 200 feet from the boundaries of the #Special Willets Point District#. Up to five percent of the area of such outdoor park may be covered by a #building or other structure#. A minimum of 50 percent of such park shall be planted, except that the planted area may be reduced to 40 percent if a playground acceptable to the Department of Parks and Recreation is provided within such park.

(b) 126th Street

The provisions of this paragraph (b) shall apply along the western boundary of #blocks# bounding 126th Street:

(1) a sidewalk with a minimum width of 15 feet shall be located adjacent to the curb, and have an elevation not higher than one foot above the level of the road bed;

(2) a pedestrian amenity area at least 20 feet wide and no more than 35 feet wide shall be located between such sidewalk and the #street wall# of any #building# fronting upon 126th Street. Pedestrian circulation space at least five feet wide shall be provided within such area within 1.5 feet of the ground floor elevation of such #street walls# to allow pedestrian movement in a direction parallel with the #street# and connecting with sidewalks of #streets# intersecting 126th Street;

(3) on each such #block# there shall be a minimum of two ramps connecting the sidewalk along 126th Street and the pedestrian circulation space. In addition, stairways shall be provided linking the sidewalk and pedestrian circulation space so that each establishment on the #block# with entrances facing 126th Street is readily accessible by such stairs or ramps; and

(4) all publicly accessible open spaces shall comply with the provisions of Sections 37-725 (Steps), 37-726 (Permitted obstructions), 37-728 (Standards of accessibility for persons with disabilities), 37-73 (Kiosks and Open Air Cafes) and 37-74 (Amenities), except for the following modifications:

(i) Section 37-73, paragraph (b), shall be modified to permit open air cafes to be at a different elevation from adjoining public access areas and from adjoining sidewalks;

(ii) Section 37-73, paragraphs (c)(4) and (d), shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required;

(iii) for publicly accessible open space on the western boundary of #blocks# facing Citi Field Stadium, Section 37-73, paragraph (b), shall be modified to limit the aggregate area of open air cafes to no more than 50 percent of the public access area, and to allow open air cafes to occupy up to 75 percent of #street# frontage;

(iv) in Section 37-741, the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply;

(v) for public access areas on the western boundary of #blocks# facing Citi Field Stadium, Section 37-741 shall be modified so that seating for open air cafes may count toward the seating requirement, in the category of moveable seating, provided that 25 percent of the linear seating capacity is provided through other seating types;

(vi) for publicly accessible open space not on the western boundary of #blocks# facing Citi Field Stadium, Section 37-742 shall be modified to require planters, planting beds and accessible lawns at a rate of 200 square feet for every 1,000 square feet of publicly accessible open space; and

(vii) Section 37-747 (Public space signage) shall not apply; in lieu thereof, paragraph (i) (Hours of access) of this Section shall apply.

(c) Roosevelt Avenue

Along the south side of #blocks# bounding Roosevelt Avenue, the following provisions shall apply:

(1) a bike lane with a minimum width of five feet shall be located no more than 16 feet from the curb line; and

(2) a pedestrian amenity area at least 20 feet in width and not more than 45 feet in width shall be provided between the bike lane and the #street wall# of a #building#:

(i) within the pedestrian amenity area, there shall be a sidewalk with a minimum width of 13 feet, generally parallel to Roosevelt Avenue, linking the sidewalk along 126th Street to either a sidewalk along the #eastern perimeter street#, if built, or the sidewalk leading to the Roosevelt Avenue Bridge; and

(ii) a minimum of 50 percent of the pedestrian amenity area shall be planted.

(d) #Block# at Roosevelt Avenue and 126th Street

In the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126th Street, the following improvements shall be provided:

(1) an entry plaza of at least 7,000 square feet shall be provided adjacent to the intersection of 126th Street and Roosevelt Avenue, as follows:

(i) the plaza shall include no less than 60 feet and no more than 80 feet of frontage along 126th Street;

(ii) each #use# or establishment with frontage on the plaza shall include at least one entrance to such plaza;

(iii) at least two amenities shall be provided from among those listed in Section 37-748, except that a kiosk that provides information instead of food service shall also be permitted; and

(iv) the area of such plaza shall not overlap with the requirements of paragraph (c) of this Section for Roosevelt Avenue;

(2) a central plaza of at least 20,000 square feet shall be provided, as follows:

(i) the plaza shall have at least 100 feet of frontage on a #connector street#;

(ii) the prolongation of the centerline of the #primary retail street# shall intersect with such plaza;

(iii) such plaza shall meet the pedestrian amenity standards of paragraph (b)(4) of this Section for 126th Street; and

(iv) a minimum of 15 percent of such plaza shall be planted; and

(3) a pedestrian corridor area shall be provided linking the entry plaza required pursuant to paragraph (d)(1) of this Section and the central plaza required pursuant to paragraph (d)(2) of this Section, as follows:

(i) such corridor shall be at least 60 feet in width and include, within such width, a 40 foot utility easement;

(ii) such corridor shall be at least 150 feet in length;

(iii) each #use# or establishment with frontage on such corridor shall include at least one entrance to such corridor; and

(iv) each side of such corridor area shall be planted with #street# trees of not less than three-inch caliper at the time of planting for the entire length of such corridor, at a rate of one tree for every 25 feet of the length of each side of such corridor; and

(4) #uses# on the portion of the #ground floor level# frontage along a publicly accessible open space required pursuant to this paragraph, to the minimum depth set forth in Section 37-32, shall be limited to those #commercial uses# permitted by the underlying districts, except for lobbies, entrances and exits to off-street parking facilities and entryways to #mass transit stations#, as provided by Section 37-33. #Ground floor level# #street walls# shall be glazed in accordance with the provisions of Section 37-34.

(e) Northern Boulevard

Along the north side of #blocks# bounding Northern Boulevard, the following provisions shall apply:

(1) a sidewalk with a minimum width of 13 feet shall be located adjacent to the curb and have an elevation not higher than one foot above the road bed of Northern Boulevard;

(2) an open area at least eight feet wide and no more than 15 feet wide shall be located between the sidewalk and the #street wall# of a #building#, except that such area need not be provided where such areas may interfere with truck movements in the loading area for a convention center located on any such #block#; and

(3) a minimum of 70 percent of such open area shall be planted.

(f) #Eastern perimeter street#

Along the #eastern perimeter street# between the required sidewalk and the eastern boundary of the #Special Willets Point District#, an open area with a minimum depth of eight feet and a maximum depth of 15 feet shall be provided. At least 70 percent of such open area shall be planted.

(g) Convention center

If a convention center is provided, a pedestrian amenity area shall be required between the #street line# and the #street wall# of the convention center. The pedestrian amenity area shall have a depth of at least 10 feet and not more than 22 feet and shall meet the standards of paragraph (b)(4) of this Section for 126th Street.

(h) Standards for additional areas

If the amount of public access areas required pursuant to paragraphs (a) through (g) of this Section does not total eight acres, the difference shall be provided in the form of one or more public access areas located not closer than 100 feet to the boundary of the #Special Willets Point District#.

(i) Hours of access

All publicly accessible open space shall be accessible to the public from sunrise to one hour after sunset. Entry plaques for public access areas over one-half acre in size shall be provided as described in paragraph (a) of Section 37-751, except that the number of such plaques shall be provided so that one such plaque is located at each point of entry to such publicly accessible

open space, and lettering at least one inch in height shall be provided stating the words, “Open to the public:” followed by hours permitted pursuant to this paragraph (i).

(j) Active recreation

A minimum of one-half acre of public access area shall be designed for active recreational use. This area may be located anywhere within the eight acres of publicly accessible open space required within the #Special Willets Point District#. Such area may include rooftop areas, provided that adequate public access is provided to the general public and that, regardless of the size of such rooftop area, entry plaques are provided for each point of entry pursuant to paragraph (i) of this Section. Access to such areas shall comply with the Americans with Disabilities Act of 1990.