Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

44-40 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

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44-40 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

LAST AMENDED
12/15/1961

44-41 - General Provisions

LAST AMENDED
12/15/1961

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of Section ~~44-40~~, inclusive.

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

44-42 - Size and Identification of Spaces

LAST AMENDED
12/6/2023

44-421 - Size of spaces

LAST AMENDED
12/6/2023

M1 M2 M3

(a) Minimum maneuvering space

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space, except as follows:

(1) Standard attended facilities

An area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of the Department of Buildings, or where the applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the applicant's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

(2) Attended facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, each individually

lifted tray upon which a vehicle is stored shall be considered one parking space. Any other attended space not on a lifted tray shall be subject to the provisions of paragraph (a)(1) of this Section.

(3) #Automated parking facilities#

For #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one parking space. The term "tray" shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

However, auxiliary parking trays in an #automated parking facility# may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

(b) Driveway access

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

(c) Minimum size for each parking space

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

44-422 - Identification of car sharing vehicles

LAST AMENDED
12/6/2023

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

(a) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility; and

(b) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility.

44-423 - Calculating floor area in parking facilities with lift systems, or in automated parking facilities

LAST AMENDED
12/6/2023

For enclosed #accessory# off-street parking facilities, or #public parking garages#, for the purposes of determining #floor area# in an #automated parking facility#, or an attended parking facility with parking lift systems, each tray upon which a vehicle is stored at a height that exceeds the permitted exemption set forth in the definition of #floor area# in Section 12-10, or as otherwise modified in this Resolution, as applicable, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

44-43 - Location of Access to the Street

LAST AMENDED
6/21/1973

M1 M2 M3

In all districts, as indicated, the entrances and exits of all permitted or required #accessory# #group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings or, in the case of #public parking lots# or #public parking garages# permitted in accordance with the provisions of Article VII, Chapter 4, the City Planning Commission certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings or the City Planning Commission may refer such matter to the Department of Transportation for a report and may base its determination on such report.

The waiver provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

44-44 - Surfacing

LAST AMENDED
12/6/2023

M1 M2 M3

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced, and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory# #group parking facility# shall be surfaced with permeable paving materials, asphaltic or Portland cement concrete, or other hard-surfaced dustless material.

44-45 - Screening

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

(a) shall be screened from all adjoining #zoning lots# in #Residence Districts# (including such #zoning lots# situated across a #street#) by either:

(1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more

than 50 percent of the face is open;

(b) shall be maintained in good condition at all times;

(c) may be interrupted by normal entrances or exits; and

(d) shall have no #signs# hung or attached thereto other than those permitted in Section 42-62 (Permitted Signs).

Paragraph (a) shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

44-46 - Accessory Off-street Parking Spaces in Public Parking Garages

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, permitted or required #accessory# off-street parking spaces may be provided in a permitted #public parking garage#, but only on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory# and subject to all the other applicable regulations of this Chapter.

Such #accessory# off-street parking spaces shall be included with all other spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number of spaces in such #public parking garage#.

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections 73-67 (Additional Floor Space for

Public Parking Garages), 74-193 (Public parking garages or public parking lots outside high density areas) or 74-194 (Public parking garages or public parking lots inside high density areas).

44-47 - Parking Lot Maneuverability and Curb Cut Regulations

LAST AMENDED
6/6/2024

M1 M2 M3

In all districts, as indicated, the provisions of this Section shall apply to:

(a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use#;

(b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:

(1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility# #use# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

(2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility# #uses#; and

(c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility

use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automobile dealers, automotive repair and maintenance, or #automotive service stations# listed under Use Group VI.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards set forth in paragraphs (b) and (c) of Section 36-57.

44-48 - Parking Lot Landscaping

LAST AMENDED
2/2/2011

M1 M2 M3

In all districts, as indicated, all #developments# and #enlargements# containing #commercial# or #community facility# #uses# and new open parking areas #accessory# to #commercial# or #community facility# #uses# shall comply with the provisions of Section 37-90 (PARKING LOTS), inclusive.

44-49 - Cross Access Connections in Manufacturing Districts in the Borough of Staten Island

LAST AMENDED
6/10/2009

M1 M2 M3

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots in accordance with the provisions of Section 36-58 (Cross Access Connections in the Borough of Staten Island), inclusive.