Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

37-91 - Applicability

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LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of Section 37-90 (PARKING LOTS), inclusive, shall apply to open parking areas that contain 18 or more spaces or are greater than 6,000 square feet in area, as follows:

(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 an increase in:

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

(2) a 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#.

All #public parking lots# shall comply with the provisions of Section 37-921 (Perimeter landscaping).

The provisions of Section 37-90, inclusive, shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# 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 Section 37-90, inclusive, 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 landscaped areas required pursuant to this Section within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived pursuant to Sections 25-33, 36-23 or 44-23, as applicable, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #commercial# or #community facility# #uses# or curb cuts accessing #commercial# or #community facility# #uses# are shown on the site plan required pursuant to Section 36-57, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

A detailed plan or plans prepared by a registered landscape architect demonstrating compliance with the provisions of Section 37-90, inclusive, shall be submitted to the Department of Buildings. Such plans shall include grading plans, drainage plans and planting plans, and sections and elevations as necessary to demonstrate compliance with the provisions of this Section.

Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to November 28, 2007, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.