**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# 63-02 - Applicability

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## 63-02 - Applicability

LAST AMENDED
10/9/2013

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

## 63-021 - Areas permitting FRESH food stores

LAST AMENDED
12/15/2021

The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in Sections 63-022 (Special Purpose Districts where regulations for FRESH food stores are not applicable) and 63-023 (Limitation on location of FRESH food stores):

all of Manhattan Community District 10;

all of Bronx Community Districts 1, 4, 5, 6, 7 and 9; and

all of Brooklyn Community Districts 3, 4, 5, 9, 16 and 17.

Portions of other Community Districts in which FRESH food stores are permitted are shown on the maps in Appendix A of this Chapter.

## 63-022 - Special Purpose Districts where regulations for FRESH food stores are not applicable

LAST AMENDED
12/15/2021

The provisions of this Chapter shall not apply to the following Special Purpose Districts:

#Special Madison Avenue Preservation District#;

#Special Manhattanville Mixed Use District#; and

#Special Park Improvement District#.

## 63-023 - Limitation on location of FRESH food stores

LAST AMENDED
12/15/2021

After December 15, 2021, no certification shall be issued for increased #residential# #floor area# for a #FRESH food store# where the sum of the increased #residential# #floor area# generated pursuant to Section 63-21 (Special Floor Area Regulations) by all #FRESH food stores# within a half-mile radius of the #zoning lot# that is the subject of such certification would exceed 40,000 square feet.

Such calculation shall include increased #residential# #floor area# on all #zoning lots# containing #FRESH food stores# that have been certified by the Chairperson of the City Planning Commission pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE), including those issued prior to December 15, 2021, provided that such certification has not expired, or has not been

superseded by a certification pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or an authorization pursuant to Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS).

However, for any area that has a sum of more than 40,000 square feet of increased #residential# #floor area# generated pursuant to Section 63-21, the Chairperson may certify a #FRESH food store# that was previously certified pursuant to Section 63-30, provided such certification has not lapsed and that there shall be no increase in the amount of increased #residential# #floor area# beyond what was previously certified for such #FRESH food store#.