



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Article III - Commercial District Regulations

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## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

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# Chapter 1 - Statement of Legislative Intent

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# Chapter 1 - Statement of Legislative Intent

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## 31-00 - GENERAL PURPOSES OF COMMERCIAL DISTRICTS

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LAST AMENDED

2/26/1967

The Commercial Districts established in this Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to provide sufficient space, in appropriate locations in proximity to residential areas, for local retail development catering to the regular shopping needs of the occupants of nearby residences, with due allowance for the need for a choice of sites;
- (b) to provide appropriate space and, in particular, sufficient depth from a street, to satisfy the needs of modern local retail development, including the need for off-street parking spaces in areas to which a large proportion of shoppers come by automobile, and to encourage the natural tendency of local retail development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants;
- (c) to protect both local retail development and nearby residences against fire, explosions, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;
- (d) to protect both local retail development and nearby residences against congestion, particularly in areas where the established pattern is predominantly residential but includes local retail uses on the lower floors, by regulating the intensity of local retail development, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;
- (e) to provide sufficient and appropriate space and, in particular, sufficient depth from the street, to meet the needs of the city's expected future economy for modern commercial floor space in central, major or secondary commercial centers, including the need for off-street parking space in areas where a large proportion of customers come by automobile, with due allowance for the need for a choice of sites, and to encourage the natural tendency of commercial development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants;
- (f) to protect commercial development in central, major or secondary commercial centers, as far as is possible and appropriate in each area, against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;
- (g) to protect commercial development in central, major or secondary commercial centers against congestion, as far as possible, by limiting the bulk of buildings in relation to the land around them and to one another, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;
- (h) to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, with due allowance for the need for a choice of sites;
- (i) to provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms, within proper standards;
- (j) to protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings; and

- (k) to promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to strengthen the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.
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## **31-10 - PURPOSES OF SPECIFIC COMMERCIAL DISTRICTS**

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LAST AMENDED  
12/15/1961

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### **31-11 - C1 Local Commercial Districts**

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LAST AMENDED  
6/6/2024

These districts are designed to provide for local shopping and include a wide range of retail stores and personal service establishments which cater to frequently recurring needs. These districts also provide for a wide range of other essential local services and limited amusement and recreation as well as small-scale production uses. Since these districts provide amenities in convenient locations near all residential areas, and since they are relatively unobjectionable to nearby residences, these districts are widely mapped.

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### **31-12 - C2 Local Commercial Districts**

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LAST AMENDED  
6/6/2024

These districts are designed to provide for local shopping and include a wide range of retail stores and personal service establishments which cater to frequently recurring needs. These districts also provide for a wide range of other essential local services and limited amusement and recreation as well as small-scale production uses. Since these districts provide amenities in convenient locations near all residential areas, and since they are relatively unobjectionable to nearby residences, these districts are widely mapped.

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### **31-13 - C3 Waterfront Recreation Districts**

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LAST AMENDED  
6/6/2024

These districts are designed to provide for the growing recreational activities of pleasure boating and fishing by permitting rental, servicing and storage of boats in appropriate waterfront areas, normally adjacent to residential development.

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### **31-14 - C4 General Commercial Districts**

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LAST AMENDED  
6/6/2024

These districts comprise the City's major and secondary shopping and business centers, which provide for shopping needs and services over a wide area, and which have a substantial number of large stores generating considerable traffic. These districts are also designed to provide for the wide range of office, amusement and recreation, service, production and related uses normally found in major and secondary shopping centers but to exclude non-retail uses which generate a large volume of trucking.

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## **31-15 - C5 General Central Commercial Districts**

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LAST AMENDED

6/6/2024

These districts are designed to provide for office buildings and the great variety of large retail stores and related activities in the central business district and regional commercial centers. These districts are also designed to provide for the wide range of amusement and recreation, service, production and related uses normally found in the central business district and regional commercial centers but to exclude non-retail uses which generate a large volume of trucking. Special signage regulations are designed to reflect the character of this area.

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## **31-16 - C6 General Central Commercial Districts**

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LAST AMENDED

6/6/2024

These districts are designed to provide for the wide range of retail, office, amusement and recreation, service, production and related uses normally found in the central business district and regional commercial centers but to exclude non-retail uses which generate a large volume of trucking.

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## **31-17 - C7 General Commercial Districts**

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LAST AMENDED

6/6/2024

This district is designed to provide for a wide range of retail, service, office, open and enclosed amusement and recreation, production and related uses, but not residential uses.

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## **31-18 - C8 General Service Districts**

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LAST AMENDED

6/6/2024

These districts are designed to provide for necessary services for a wider area than is served by the Local Commercial Districts. Since these service establishments often involve objectionable influences, such as noise from heavy service operations and large volumes of truck traffic, they are incompatible with both residential and retail uses. New residential development is excluded from these districts.

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## **31-20 - SPECIAL MIDTOWN DISTRICT**

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LAST AMENDED

5/13/1982

The regulations regarding C5P, C5-2.5, C5-3.5, C6-4.5, C6-6.5 and C6-7.5 Districts and any other underlying districts within the Special Midtown District are set forth in Article VIII, Chapter 1 (Special Midtown District).



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 2 - Use Regulations

File generated by <https://zr.planning.nyc.gov> on 3/25/2025

# Chapter 2 - Use Regulations

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## 32-00 - GENERAL PROVISIONS

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LAST AMENDED

12/5/2024

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings# or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into 10 separate Use Groups with similar characteristics. For the purpose of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto. Use Groups I, II, III, IV, V, VI, VII, VIII, IX and X, are permitted in #Commercial Districts# subject to the provisions of the following Sections:

- (a) Sections [32-11](#) (Use Group I – Agriculture and Open Uses) through [32-20](#) (Use Group X – Production Uses), inclusive, establish general #use# allowances in Use Groups I through X, including each #use# listed separately therein, by #Commercial District#, and additional provisions for certain #uses# where applicable.
- (b) Section [32-30](#) (STREETSCAPE REGULATIONS), inclusive, sets forth streetscape regulations on designated street frontages.
- (c) Section [32-40](#) (SUPPLEMENTARY USE REGULATIONS), inclusive, sets forth supplementary #use# regulations and special provisions applying along district boundaries, including:
  - (1) enclosure within #buildings#, as set forth in Section [32-41](#), inclusive;
  - (2) location within #buildings#, as set forth in Section [32-42](#), inclusive; and
  - (3) limitations on business entrances, show windows or #signs#, as set forth in Section [32-43](#), inclusive.
- (d) Section [32-60](#) (SIGN REGULATIONS), inclusive, sets forth regulations for permitted #signs#.

The #use# provisions of this Chapter may be modified or superseded by special rules for certain areas in Article I (GENERAL PROVISIONS), Article VI (Special Regulations Applicable to Certain Areas), and through Special Purpose Districts.

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## 32-01 - Special Provisions for Adult Establishments

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LAST AMENDED

9/9/2004

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.
- (b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing# #uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that

otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

- (c) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a previously established #adult establishment#.
- (d) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no more than one #adult establishment# permitted under this Section shall be established on a #zoning lot#.
- (e) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, #adult establishments# shall not exceed, in total, 10,000 square feet of #floor area# and #cellar# space not used for enclosed storage or mechanical equipment.
- (f) #Adult establishments# which were established on October 25, 1995, and conform to all provisions of the Zoning Resolution relating to #adult establishments# other than the provisions of all or any combination of paragraphs (c), (d), and (e) of this Section, shall not be subject to the provisions of Section [52-77](#) (Termination of Adult Establishments).

For purposes of this Section, an #adult establishment# shall be established upon the date of a permit issued by the Department of Buildings therefor, or, in the case of an #adult establishment# in existence prior to August 8, 2001, as determined by the Department of Buildings, subject to rules as the Department of Buildings may prescribe regarding the failure to perform work authorized under a permit or to commence operation pursuant to a permit and the discontinuance of an #adult establishment#.

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## 32-10 - USE ALLOWANCES

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LAST AMENDED  
6/6/2024

The provisions of Sections [32-11](#) (Use Group I – Agriculture and Open Uses) through [32-20](#) (Use Group X – Production Uses), inclusive, establish #use# allowances by Use Group. A brief statement is inserted at the start of each Section to describe and clarify the basic characteristics of that Use Group, followed by Use Group tables showing #use# allowances by zoning district. For each #use# and zoning district, the tables contain up to two levels of symbology in a particular cell:

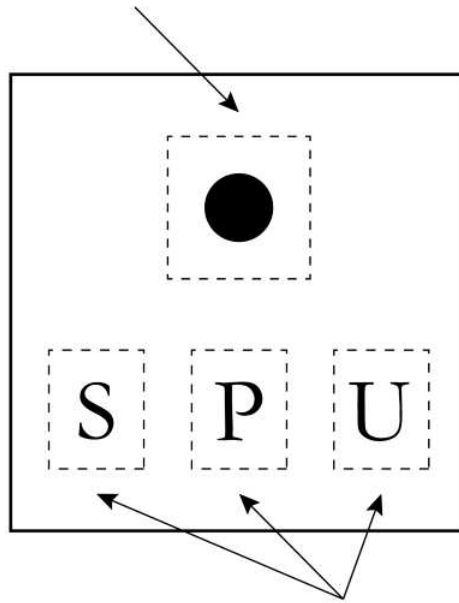
- (a) The top level will always contain a symbol and denotes where #uses# are:
  - (1) permitted as-of-right (“●”);
  - (2) permitted as-of-right in some instances, but with broad #use# limitations on as-of-right applicability, either by district or geographic restrictions (“◆”);
  - (3) allowed by special permit (“○”) of the Board of Standards and Appeals or the City Planning Commission; or
  - (4) not permitted in the district (“-”).
- (b) The second level may or may not be present, depending on the #use# and the zoning district. Where present, the table denotes one or more allowances or restrictions on the as-of-right #use#. Specifically, they denote where the following apply:
  - (1) size restrictions (“S”), including establishment or #lot area# size limitations or person capacities;
  - (2) additional conditions (“P”), including environmental standards or other measures other than size restrictions or open #use# regulations; or
  - (3) open #use# allowances (“U”), including exemptions from enclosure rules and additional open #use# regulations.



Such allowances may be supplemented or superseded by the provisions of Section [32-40](#) (SUPPLEMENTARY USE REGULATIONS), inclusive.

Such notations are illustrated in the following diagram:

For a given zoning district, #use# allowances are denoted as permitted as-of-right (“●”), with limited applicability (“◆”), by special permit (“○”) or not permitted in such district (“-”)



Additional conditions and requirements are grouped below #use# allowances. Such provisions include size restrictions (“S”), additional conditions (“P”) or open #use# allowances (“U”)

Where a #use# is permitted and no second level symbology is included, the #use# is permitted without size restrictions, additional conditions or open #use# allowances. However, all #uses#, where applicable, are subject to the provisions of Section [32-40](#), inclusive.

Use Group tables, except in Section [32-12](#) (Use Group II – Residences), also show the parking requirement category, denoted as “PRC”, for the applicable #use#, where applicable. PRC letters A through G refer to the classification of #commercial uses# to determine required accessory off-street parking spaces as set forth in the table in Section [36-21](#) (General Provisions).

Subcategories within, denoted by number suffices, indicate variations of the same parking category. Where the PRC for a #use# is denoted as “N/A”, no parking requirement applies except as specified in other provisions of this Resolution.

Subsections following the table for a particular Use Group contain specific provisions applicable to certain #uses#, including size restrictions, additional conditions, or permission for unenclosed #uses#. Other subsections contain references for #uses# permitted by special permits of the Board of Standards and Appeals or the City Planning Commission, or provisions for #uses# where two PRCs are assigned.

The following diagram provides an illustrative example of how such provisions are notated across zoning districts for a given #use#:

ILLUSTRATIVE EXAMPLE

	In C1 and C2 Districts, this use is permitted as-of-right, subject to size restrictions and additional conditions		In C4, C5, C6 and C7 Districts, this use is permitted as-of-right, provided it is within a #completely enclosed building#				Parking Requirement Category		
<b>Uses</b>	C1	C2	C3	C4	C5	C6	C7	C8	PRC
<b>Category</b>									
Sample Use	• S P	• S P	—	•	•	•	•	○	A1
			In C3 Districts, this use is not permitted					In C8 Districts, this use is permitted by special permit by the City Planning Commission or the Board of Standards and Appeals	

**32-11 - Use Group I – Agriculture and Open Uses**

LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group I consists of various primarily open #uses# of land. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-111](#) (Use Group I – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [32-112](#) (Use Group I – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section [32-113](#) (Use Group I – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section [32-114](#) (Use Group I – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section [32-115](#) (Use Group I – uses permitted by special permit) for #uses# only permitted by special permit by the Board of Standards and Appeals, as denoted with “O” in the Use Group table; and

- (f) Section [32-116](#) (Use Group I – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

## 32-111 - Use Group I – general use allowances

LAST AMENDED

6/6/2024

The following table includes #uses# classified as Use Group I and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES). Where permitted as-of-right in a #Commercial District#, all #uses# listed as “Open Uses” in the table shall be unenclosed, except for ancillary #buildings or other structures#.

USE GROUP I – AGRICULTURE AND OPEN USES									
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
<b>Agriculture</b>									
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	● S P U	● S P U	● P U	● P U	● P U	● P U	● P U	● P U	G
<b>Open Uses</b>									
Cemeteries	●	●	●	●	●	●	●	●	N/A
Golf courses	●	●	●	●	●	●	●	●	*
Outdoor racket courts	● P	● P	● P	● P	● P	● P	● P	● P	G
Outdoor skating rinks	● P	● P	● P	● P	● P	● P	●	●	G

#Public parks# or playgrounds or private parks	•	•	•	•	•	•	•	•	N/A
Sand, gravel, or clay pits	○	○	○	○	○	○	○	○	N/A

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### 32-112 - Use Group I – uses subject to size limitations

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LAST AMENDED  
6/6/2024

For #uses# denoted with an “S” in Section [32-111](#) (Use Group I – general use allowances), the following provisions shall apply:

Agricultural #uses# located in #buildings# other than greenhouses shall be limited to 3,000 square feet of #floor area# per establishment in C1 Districts that are #select commercial overlays# and 10,000 square feet of #floor area# per establishment in C2 Districts that are #select commercial overlays#.

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### 32-113 - Use Group I – uses subject to additional conditions

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LAST AMENDED  
6/6/2024

For #uses# denoted with a “P” in Section [32-111](#) (Use Group I – general use allowances), the following limitations shall apply:

- (a) Agricultural #uses#, including greenhouses, nurseries, or truck gardens, are permitted in all #Commercial Districts# provided that:
  - (1) no offensive odors or dust are created, and that there is no sale of products which are not produced on the same #zoning lot#; and
  - (2) in C1 or C2 Districts, enclosed agricultural #uses# not located in greenhouses shall be limited to those that do not require a New York State Adult-Use Cultivator or Adult-Use Conditional Cultivator license, or their successors, as applicable.
- (b) Outdoor racket courts or skating rinks are permitted in all #Commercial Districts# provided that all lighting shall be directed away from nearby #residences#.

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### 32-114 - Use Group I – uses subject to open use allowances

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LAST AMENDED  
6/6/2024

For #uses# denoted with a “U” in Section [32-111](#) (Use Group I – general use allowances), a #use# may be open or enclosed without restriction.

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### 32-115 - Use Group I – uses permitted by special permit

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LAST AMENDED  
6/6/2024

For #uses# denoted with “○” in Section [32-111](#) (Use Group I – general use allowances), the provisions of this Section shall apply. Sand, gravel or clay pits may only be permitted in all #Commercial Districts#, by special permit of the Board of Standards and Appeals, in accordance with Section [73-112](#) (Sand, gravel or clay pits).

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### **32-116 - Use Group I – additional provisions for parking requirement category**

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LAST AMENDED  
6/6/2024

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section [32-111](#) (Use Group I – general use allowances), the provisions of this Section shall apply. For golf courses, the portion of such facility used for golf course club houses shall be classified as PRC B3. All other portions of a golf course shall not be subject to any parking requirements.

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### **32-12 - Use Group II – Residences**

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group II consists of #residences# of various types. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-121](#) (Use Group II – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [32-122](#) (Use Group II – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “◆” in the Use Group table; and
- (c) Section [32-123](#) (Use Group II – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

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### **32-121 - Use Group II – general use allowances**

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LAST AMENDED  
6/6/2024

The following table includes #uses# classified as Use Group II and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES).

<b>USE GROUP II – RESIDENTIAL USES</b>	
● = Permitted   ◆ = Permitted with limitations   ○ = Special permit required	
– = Not permitted	
S = Size restriction   P = Additional conditions   U = Open use allowances	

Uses		C1	C2	C3	C4	C5	C6	C7	C8
<b>Residential Uses</b>									
#Single-family residence#	#Detached#	•	•	•	• P	•	•	–	–
	#Zero lot line#	•	•	•	• P	•	•	–	–
	#Semi-detached#	•	•	◆	• P	•	•	–	–
	Other types	•	•	◆	• P	•	•	–	–
#Two-family residence#	#Detached#	•	•	•	• P	•	•	–	–
	#Zero lot line#	•	•	•	• P	•	•	–	–
	#Semi-detached#	•	•	◆	• P	•	•	–	–
	Other types	•	•	◆	• P	•	•	–	–
All other types of #residences#, including #apartment hotels# and #affordable independent residences for seniors#		•	•	◆	• P	•	•	–	–

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### 32-122 - Use Group II – uses permitted with limited applicability

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LAST AMENDED  
6/6/2024

For #uses# denoted with “◆” in Section [32-121](#) (Use Group II – general use allowances), the provisions of this Section shall apply. In C3A Districts, only #single-# or #two-family detached# or #zero lot line residences# shall be permitted.

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### 32-123 - Use Group II – uses subject to additional conditions

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LAST AMENDED  
12/5/2024

For #uses# denoted with a “P” in Section [32-121](#) (Use Group II – general use allowances), the provisions of this Section shall apply. In C4 Districts, all #residential uses# shall be permitted except that in #lower density growth management areas# within the Borough of Staten Island, no #residences# shall be allowed on the following #zoning lots# in C4-1 Districts where such zoning district occupies at least four acres within a #block#, except by special permit of the City Planning Commission in accordance with Section [74-121](#) (Residential use in C4-1 Districts in Staten Island).

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## **32-13 - Use Group III – Community Facilities**

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group III consists of #uses# that provide educational, religious, health and other essential services. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-131](#) (Use Group III – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section [32-132](#) (Use Group III – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with a “S” in the Use Group tables;
- (c) Section [32-133](#) (Use Group III – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section [32-134](#) (Use Group III – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “O” in the Use Group tables; and
- (e) Section [32-135](#) (Use Group III – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group tables.

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## **32-131 - Use Group III – general use allowances**

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LAST AMENDED  
12/5/2024

The following tables include #uses# classified as Use Group III and set forth their allowances by #Commercial District#. Such #uses# are categorized as #community facilities# with and without sleeping accommodations, as provided in paragraphs A and B of this Section. Notations found in the tables are further described in Section [32-10](#) (USE ALLOWANCES).

### **A. Community Facilities with Sleeping Accommodations**







Non-profit or voluntary hospitals and related facilities, except animal hospitals	•	•	•	•	•	•	•	•	E1
Proprietary hospitals and related facilities, except animal hospitals	•	•	•	•	•	•	•	•	E1
<b>Other Institutions and Facilities</b>									
Community centers	•	•	•	•	•	•	•	•	B3
Libraries	•	•	•	•	•	•	•	–	G
Museums	•	•	•	•	•	•	•	–	G
Non-commercial art galleries	•	•	•	•	•	•	•	•	G
Non-commercial clubs	• P	• P	• P	• P	• P	• P	• P	• P	B3
Non-commercial recreation centers	•	•	•	•	•	•	•	•	B3
Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities	• S	• S	• S	• S	• S	• S	• S	• S	B3
Welfare centers	•	•	•	•	•	•	•	•	B3

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### 32-132 - Use Group III – uses subject to size limitations

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LAST AMENDED  
6/6/2024

For #uses# denoted with an “S” in Section [32-131](#) (Use Group III – general use allowances), the provisions of this Section shall apply. For any philanthropic or non-profit institutions, with or without sleeping accommodations, in all #Commercial

Districts#, the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, except that in #Commercial Districts# mapped within, or with an equivalent of an R8, R9 or R10 District, 25,000 square feet, whichever is greater.

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### **32-133 - Use Group III – uses subject to additional conditions**

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LAST AMENDED

12/5/2024

For #uses# denoted with a “P” in Section [32-131](#) (Use Group III – general use allowances), the following provisions shall apply:

- (a) Monasteries, convents or novitiates in C8 Districts, used only for living purposes, are permitted provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# that is contiguous thereto or directly across the #street# on which such #buildings# face.
- (b) #Long-term care facilities# in C1 through C7 Districts are permitted except that in the #high-risk flood zone#, as defined in Section [64-11](#) (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within such areas.
- (c) #Non-profit hospital staff dwellings# in all #Commercial Districts# shall be located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto. However, in C1 through C7 Districts, such separate #zoning lot# may also include those that would be contiguous but for its separation by a #street# or a #street# intersection. Such conditions may be further modified by special permit of the City Planning Commission, in accordance with Section [74-132](#) (Non-profit hospital staff dwelling).
- (d) Ambulatory diagnostic or treatment health care facilities in all #Commercial Districts# shall be limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing.
- (e) Non-commercial clubs as classified in this Use Group, in all #Commercial Districts#, shall not include:
  - (1) clubs, the chief activity of which is a service predominantly carried on as a business;
  - (2) non-commercial outdoor swimming pool clubs; or
  - (3) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#.

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### **32-134 - Use Group III – uses permitted by special permit**

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LAST AMENDED

6/6/2024

For #uses# denoted with “O” in Section [32-131](#) (Use Group III – general use allowances), the provisions of this Section shall

apply. #Schools# may be permitted in C8 Districts by special permit of the Board of Standards and Appeals, in accordance with Section [73-133](#) (Schools).

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## **32-135 - Use Group III – additional provisions for parking requirement category**

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LAST AMENDED

12/5/2024

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section [32-131](#) (Use Group III – general use allowances), the following provisions shall apply:

- (a) #Non-profit hospital staff dwellings# shall be subject to parking requirements applicable to #residences#, in accordance with Section [36-027](#) (Applicability of regulations to non-profit hospital staff dwellings).
- (b) For colleges, universities or seminaries, the portion of such facility that is used for classrooms, laboratories, student centers or offices shall be classified as PRC G. The portion of such facility that is used for theaters, auditoriums, gymnasiums or stadiums shall be classified as PRC B2.

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## **32-14 - Use Group IV – Public Service Facilities and Infrastructure**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group IV consists of #uses# that provide public services, including public safety buildings, and infrastructure. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-141](#) (Use Group IV – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section [32-142](#) (Use Group IV – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group tables;
- (c) Section [32-143](#) (Use Group IV – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section [32-144](#) (Use Group IV – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables; and
- (e) Section [32-145](#) (Use Group IV – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “O” in the Use Group tables.

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## **32-141 - Use Group IV – general use allowances**

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LAST AMENDED

12/5/2024

The following tables include #uses# classified as Use Group IV and set forth their allowances by #Commercial District#. Such #uses# are categorized as public service facilities, utility infrastructure, or renewable energy and green infrastructure, as provided





Incineration or reduction of garbage, offal or dead animals	-	-	-	-	-	-	-	-	D1
Radioactive waste disposal services involving the handling or storage of radioactive waste	-	-	-	-	-	-	-	-	D1
Sewage disposal plants	○	○	○	○	○	○	○	○	D1
Water or sewage pumping stations	●	●	-	●	●	●	●	●	N/A
<b>Transportation Infrastructure</b>									
Airports	-	-	-	-	-	-	-	-	N/A
Boat launching facilities for non-commercial pleasure boats	● U	● U	● U	● U	● U	● U	● U	● U	N/A
Bus stations	○	○	-	○	○	○	○	○	N/A
Docks	● S P U	● S P U	● S P U	● S P U	● S P U	● S P U	● S P U	● S P U	G

Freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	-	-	-	-	-	-	-	-	D2
Heliports	-	-	○	○	○	○	○	○	N/A
Mooring facilities for non-commercial pleasure boats	● U	● U	● U	● U	● U	● U	● U	● U	N/A
Public transit or railroad electric substations	○	○	○	○	○	○	○	○	D2
Public transit yards, including #accessory# motor fuel pumps	-	-	-	-	-	-	-	● P U	D2
#Railroad right-of-way#	● U	● U	● U	● U	● U	● U	● U	● U	N/A
Railroad passenger stations	○	○	○	○	○	○	○	○	N/A
Seaplane bases	○	○	○	○	○	○	○	○	N/A
Truck weighing stations	-	-	-	-	-	-	-	-	D2

C. Renewable Energy and Green Infrastructure



USE GROUP IV(C) – RENEWABLE ENERGY AND GREEN INFRASTRUCTURE									
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted</p> <p>S = Size restriction   P = Additional conditions   U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
Renewable Energy and Green Infrastructure									
#Energy infrastructure equipment#	● P U	● P U	● P U	● P U	● P U	● P U	● P U	● U	N/A
Public bicycle and micromobility parking	● U	● U	● U	● U	● U	● U	● U	● U	N/A
Recycling, or organic material, receiving	● S	● S	● S	● S	● S	● S	● S	● S	N/A

### 32-142 - Use Group IV – uses subject to size limitations

LAST AMENDED  
12/5/2024

For #uses# denoted with an “S” in Section [32-141](#) (Use Group IV – general use allowances), the following provisions shall apply:

- (a) Electric or gas utility substations in C1 or C2 Districts, or C4 through C8 Districts, are limited to a site of not more than 10,000 square feet. However, electric utility substations on a site in excess of 10,000 square feet may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section [73-143](#) (Electric or gas utility substations) or by special permit of the City Planning Commission, in accordance with Section [74-142](#) (Electric utility substations).
- (b) The following capacity limitations shall apply to docks:
  - (1) In C1 through C3 Districts, docks for ferries shall be limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour except that such limitation on operational passenger load may be modified by authorization by the City Planning Commission in accordance with Section [62-821](#) (Modification of requirements for ferries and sightseeing, excursion or sport fishing vessels). In C4 through C8 Districts, docks for ferries shall be permitted without restriction on passenger load.
  - (2) Docks for water taxis shall be limited to a vessel capacity up to 99 passengers.

- (3) Docks for sightseeing, excursion or sport fishing vessels shall be limited to the following aggregate dock capacities per #zoning lot#, whereby “dock capacity” is the U.S. Coast Guard-certified capacity of the largest vessel using a dock and “aggregate dock capacity” is the sum of the dock capacities of all docks on the #zoning lot#:
- (i) 200 in C1, C2 and C3 Districts;
  - (ii) 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2 and C8-3 Districts; and
  - (iii) 2,500 in C4-4A, C4-5, C4-6, C4-7, C4-8, C4-9, C4-11, C5, C6, C7 and C8-4 Districts.
- (c) In all #Commercial Districts#, recycling, or organic material, receiving, shall be limited to 5,000 square feet per establishment.

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### **32-143 - Use Group IV – uses subject to additional conditions**

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LAST AMENDED  
6/6/2024

For #uses# denoted with a “P” in Section [32-141](#) (Use Group IV – general use allowances), the following provisions shall apply:

- (a) For telephone exchanges or other communications equipment structures in C1 or C2 Districts, or C4 through C8 Districts, and not existing on December 15, 1961, the height above #curb level# shall not exceed that attributable to #commercial buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#. Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.
- (b) Docks in all #Commercial Districts# shall be limited to ferries, water taxis, sightseeing, excursion or sport fishing vessels, and non-commercial pleasure boats, except that:
- (1) In C6 Districts, docks for passenger ocean vessels may be permitted by special permit by the City Planning Commission, in accordance with Section [62-833](#) (Docks for passenger ocean vessels in C6 Districts).
  - (2) In all #Commercial Districts#, docks for #gambling vessels# may be permitted by special permit by the City Planning Commission, in accordance with Section [62-838](#) (Docks for gambling vessels).
  - (3) In Community District 1 in the Borough of Brooklyn, docks for ferries and water taxis shall be allowed provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section [62-813](#) (Docking facilities for ferries or water taxis in certain waterfront areas).
- (c) Public transit yards in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Sections [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive.
- (d) #Energy infrastructure equipment# in all #Commercial Districts#, except in C8 Districts, are subject to the screening and enclosure provisions of Section [37-20](#) (SCREENING AND ENCLOSURE PROVISIONS).

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### **32-144 - Use Group IV – uses subject to open use allowances**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [32-141](#) (Use Group IV – general use allowances), a #use# may be open or enclosed without restriction.

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## **32-145 - Use Group IV – uses only permitted by special permit**

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LAST AMENDED

6/6/2024

For #uses# denoted with “O” in Section [32-141](#) (Use Group IV – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted by special permit of the Board of Standards and Appeals:
- (1) Radio or television towers may be permitted in all #Commercial Districts#, in accordance with Section [73-141](#) (Radio or television towers).
  - (2) Electric utility substations on a site no greater than 40,000 square feet may be permitted in C3 Districts, in accordance with Section [73-143](#) (Electric or gas utility substations).
  - (3) Public transit or railroad electric substations on a site no greater than 40,000 square feet may be permitted in all #Commercial Districts#, in accordance with Section [73-146](#) (Public transit or railroad electric substations).
- (b) The following #uses# may be permitted by special permit of the City Planning Commission:
- (1) Electric utility substations on a site greater than 40,000 square feet may be permitted in C3 Districts, in accordance with Section [74-142](#) (Electric utility substations).
  - (2) Sewage disposal plants may be permitted in all #Commercial Districts#, in accordance with Section [74-143](#) (Sewage pumping stations and sewage disposal plants).
  - (3) Bus stations may be permitted in C1 or C2 Districts, or C4 through C8 Districts, in accordance with Section [74-145](#) (Bus stations).
  - (4) Heliports may be permitted in C3 through C8 Districts, in accordance with Section [74-146](#) (Heliports).
  - (5) Public transit or railroad electric substations on a site greater than 40,000 square feet may be permitted in all #Commercial Districts#, in accordance with Section [74-147](#) (Public transit or railroad electric substations).
  - (6) Railroad passenger stations may be permitted in all #Commercial Districts#, in accordance with Section [74-148](#) (Railroad passenger stations).
  - (7) Seaplane bases may be permitted in all #Commercial Districts#, in accordance with Section [74-149](#) (Seaplane bases).

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## **32-15 - Use Group V – Transient Accommodations**

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LAST AMENDED

6/6/2024

Use Group V consists of #uses# for transient occupancy of various types. The provisions regulating #uses# classified in this Use

Group are set forth as follows:

- (a) Section [32-151](#) (Use Group V – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [32-152](#) (Use Group V – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with a “◆” in the Use Group table;
- (c) Section [32-153](#) (Use Group V – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section [32-154](#) (Use Group V – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section [32-155](#) (Use Group V – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals, as denoted with a “○” in the Use Group table; and
- (f) Section [32-156](#) (Use Group V – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with an “\*” in the Use Group table.

### 32-151 - Use Group V – general use allowances

LAST AMENDED

6/6/2024

The following table includes #uses# classified as Use Group V and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES).

USE GROUP V – TRANSIENT ACCOMMODATIONS									
<p>● = Permitted   ◆ = Permitted with limitations   ○ = Special permit required</p> <p>– = Not permitted</p> <p>S = Size restriction   P = Additional conditions   U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
<b>Transient Accommodations</b>									
#Motels#	◆ P	◆ P	–	● P	● P	● P	● P	● P	F1
Overnight camps	○	○	○	○	○	○	○	● U	G

#Tourist cabins#	◆ P	◆ P	—	● P	● P	● P	● P	● P	F1
#Transient hotels#	◆ P	◆ P	—	● P	● P	● P	● P	● P	*

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### 32-152 - Use Group V – uses permitted with limited applicability

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LAST AMENDED

6/6/2024

For #uses# denoted with a “◆” in Section [32-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. In C1 or C2 Districts that are #select commercial overlays#, #motels#, #tourist cabins# or #transient hotels#, as permitted pursuant to the provisions of Section [32-153](#) (Use Group V – uses subject to additional conditions), shall be located on a #zoning lot# in whole or in part within a 1,000-foot radius of the entrance or exit of a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#.

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### 32-153 - Use Group V – uses subject to additional conditions

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LAST AMENDED

6/6/2024

For #uses# denoted with a “P” in Section [32-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. For the purposes of this Section, #transient hotels# shall also include #motels#, and #tourist cabins#.

In all #Commercial Districts#, #transient hotels# shall be permitted only as set forth in this Section.

(a) Applicability

A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section [74-152](#) (In Commercial Districts) shall be applicable to:

- (1) the #development# of a #transient hotel#;
- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 9, 2021, did not contain such #use#; or
- (3) an #enlargement# or #extension# of a #transient hotel# that existed prior to December 9, 2021, that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

Notwithstanding the above, the provisions of this Section shall not apply to the following:

- (1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose;
- (2) where an application for a project containing a #transient hotel#, including an application for an extension of time to complete construction, has been filed at the Board of Standards and Appeals before December 9, 2021 and such application has been approved after January 1, 2018, provided that:
  - (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in an application or in environmental review documents; and
  - (ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section [11-332](#) (Extension of period to complete construction); or
- (3) where an application for a project containing a #transient hotel# has been certified by the City Planning Commission before December 9, 2021, and has been approved by the Commission after January 1, 2018, provided that:
  - (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in a land use application or in environmental review documents; and
  - (ii) in the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section [11-332](#). For such applications where a special permit for a #transient hotel# has been certified by the Commission pursuant to a #Special Purpose District#, such application may continue pursuant to the regulations and term of years proposed or in effect at the time such special permit was certified by the Commission.

(c) Existing hotels

- (1) Any #transient hotel# existing on December 9, 2021, shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use# other than a #transient hotel#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section [74-152](#) or other applicable section of this Resolution.
- (2) The provisions of paragraph (c)(1) of this Section shall be modified up to December 9, 2027, to allow a #transient hotel# existing on December 9, 2021, to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between December 9, 2021, and December 9, 2027.
- (3) In the event a casualty damages or destroys a #transient hotel# that was in such #use# as of December 9, 2021, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section [54-40](#) (DAMAGE OR DESTRUCTION IN

## NON-COMPLYING BUILDINGS).

### (d) Vesting regulations

The provisions of Section [11-30](#) (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, the following provisions shall apply.

- (1) If, on or before May 12, 2021, an application for a #development#, #enlargement# or #conversion# to a #transient hotel# has been filed with the Department of Buildings, and if, on or before December 9, 2022, the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued.
- (2) However, in the case of an application for a #development#, #enlargement# or #conversion# to a #transient hotel# that has been filed with the Department of Buildings prior to January 1, 2018, and has not received a permit contingent on zoning approval on or before December 9, 2022, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, the provisions of this paragraph shall apply. For such applications, if, on or before December 9, 2022 a permit contingent on zoning approval was lawfully issued by the Department of Buildings, such construction may be started or continued.
- (3) In the case of an application filed after December 9, 2021, for a #development# containing a #transient hotel# on a #zoning lot# located in the Theater Subdistrict of the #Special Midtown District# that as of December 9, 2021, has a #lot area# of 20,000 square feet or more; and for which at least 10,000 square feet of such #lot area# is clear of #buildings# or is occupied by #buildings# which are substantially vacant, or any combination thereof, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, if on or before December 9, 2023, the Department of Buildings has approved an application for a foundation or a new #building#, based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. For the purposes of this paragraph, “substantially vacant” shall mean that at least 90 percent of the #floor area# of a #building# is unoccupied.

All such applications may be revised and retain vested status, provided that the #floor area# for the #transient hotel# is not increased by more than 20 percent of the final approved application, or for a proposed #enlargement#, by more than 20 percent of the proposed new #floor area# of the final approved application.

In the event that a temporary or final certificate of occupancy has not been issued by December 9, 2027, the building permit shall automatically lapse and the right to continue construction shall terminate, provided that in the case of a #development# containing a #transient hotel# on a #zoning lot# that has a #lot area# of 20,000 square feet or more and is located in the Theater Subdistrict of the #Special Midtown District#, having vested status under the provisions of paragraph (d)(1) or (d)(3) of this Section, such period for issuance of a temporary or final certificate of occupancy shall be until December 9, 2031. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section [11-332](#).

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## **32-154 - Use Group V – uses subject to open use allowances**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [32-151](#) (Use Group V – general use allowances), a #use# may be open or enclosed without restriction.

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## 32-155 - Use Group V – uses permitted by special permit

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LAST AMENDED

6/6/2024

For #uses# denoted with a “○” in Section [32-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. In C1 through C7 Districts, overnight camps may only be permitted by special permit of the Board of Standards and Appeals, in accordance with Section [73-151](#) (Overnight camps).

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## 32-156 - Use Group V – additional provisions for parking requirement category

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LAST AMENDED

6/6/2024

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section [32-151](#) (Use Group V – general use allowances), the provisions of this Section shall apply. For #transient hotels#, #floor area# used for sleeping accommodations shall be classified as PRC F2. #Floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls or radio or television studios shall be classified as PRC B1.

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## 32-16 - Use Group VI – Retail and Services

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group VI consists of #uses# where goods or services are conveyed directly to consumers. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-161](#) (Use Group VI – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section [32-162](#) (Use Group VI – uses subject to size limitations) for size limitations that apply to certain #uses#, as denoted with an “S” in the Use Group tables;
- (c) Section [32-163](#) (Use Group VI – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (d) Section [32-164](#) (Use Group VI – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables;
- (e) Section [32-165](#) (Use Group VI – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals, as denoted with “○” in the Use Group tables; and
- (f) Section [32-166](#) (Use Group VI – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with an “\*” in the Use Group tables.

The provisions of Sections [32-162](#), [32-163](#) and [32-164](#), except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section [73-161](#) (Retail and service uses), or by special permit of the City Planning Commission, in accordance with Section [74-161](#) (Retail and service uses).



## 32-161 - Use Group VI – general use allowances

LAST AMENDED

6/6/2024

The following tables include #uses# classified as Use Group VI and sets forth their allowances by #Commercial District#. Notations found in the tables are further described in Section [32-10](#) (USE ALLOWANCES).

The following tables are organized by retail trade establishments and general service establishments. Included in the retail trade establishment table, for reference purposes only, are the three-digit subsector categories from the retail trade sector (sectors [44-45](#)) of the 2022 North American Industry Classification System (NAICS). Included in the general service establishments table, for reference purposes only, are the three-digit subsector categories from the relevant transportation and warehousing sector ([48-49](#)), information sector (51), finance and insurance sector (52), real estate and rental and leasing sector (53), professional, scientific, and technical services (54), management of companies and enterprises (55), administrative and support and waste management and remediation services sector (56), educational services (61), accommodation and food services sector (72) and other services sector (81) of the 2022 NAICS.

For each #use# under the three-digit subsector categories in retail and general service establishments, the four-digit industry groups, five-digit NAICS industry or six-digit U.S. detail code is referenced. However, where such four-digit, five-digit or six-digit categories are not referenced after a #use#, the specified #use# is not a specific NAICS industry sector category or includes a group of existing categories.

USE GROUP VI – RETAIL TRADE ESTABLISHMENTS									
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required                      – = Not permitted                      S = Size restriction   P = Additional conditions   U = Open use allowances</p>									
Uses (NAICS Code)	C1	C2	C3	C4	C5	C6	C7	C8	PRC
<b>Motor Vehicle and Parts Dealer (441)</b>									
Automobile dealers (4411)	–	● P	–	● P	● P	● P	● P	● U	A4
Other motor vehicle dealers (4412)	Boat dealers (441222)	–	● P	● P U	● P	● P	● P	● U	A4
	All other motor vehicle dealers (in 4412)	–	● P	–	● P	● P	● P	● U	A4

Automotive parts, accessories and tire retailers (4413)		•	•	–	•	•	•	•	•	A2
<b>Building Material and Garden Equipment and Supplies Dealer (444)</b>										
Building material and supplies dealers (4441)	Lumber yards, retail (in 444180)	–	• S	–	•	•	•	•	• U	A3
	All other building material and supplies dealers (in 4441)	• S	• S	–	•	•	•	•	• U	A3
Lawn and garden equipment and supplies retailers (4442)		• U	• U	–	• U	• U	• U	• U	• U	A2
<b>Food and Beverage Retailers (445)</b>										
Grocery and convenience retailers (4451)		•	•	–	•	•	•	•	•	*
Specialty food retailers (4452)		•	•	•	•	•	•	•	•	*
Beer, wine and liquor retailers (4453)		•	•	–	•	•	•	•	•	A2
<b>Furniture, Home Furnishings, Electronics, and Appliance Retailers (449)</b>										
Furniture and home furnishing retailers (4491)		• S	• S	–	•	•	•	•	•	A3
Electronics and appliance retailers (4492)		• S	• S	–	•	•	•	•	•	A3
<b>General Merchandise Retailers (455)</b>										

Department stores (4551)	● S	● S	–	●	●	●	●	●	A2	
Warehouse clubs, supercenters, and other general merchandise retailers (4552)	● S	● S	–	●	●	●	●	●	A2	
<b>Health and Personal Care Retailers (456)</b>										
Health and personal care retailers (4561)	●	●	–	●	●	●	●	●	A2	
<b>Gasoline Stations and Fuel Dealers (457)</b>										
Gasoline stations (4571)	#Automotive service stations#	–	○	–	○	○	○	○	● P U	N/A
	Electric vehicle charging and battery swapping	● U	● U	● U	● U	● U	● U	● U	● U	N/A
	Boat fuel sales	–	● P U	● P U	● P U	● P U	● P U	● P U	● U	A4
Fuel dealers (4572)	–	–	–	–	–	–	–	● S P U	A3	
<b>Clothing, Clothing Accessories, Shoe and Jewelry Retailers (458)</b>										
Clothing and clothing accessories retailers (4581)	● S	● S	–	●	●	●	●	●	A2	
Shoe retailers (4582)	●	●	–	●	●	●	●	●	A2	
Jewelry, luggage, and leather goods retailers (4583)	●	●	–	●	●	●	●	●	A2	
<b>Sporting Goods, Hobby, Musical Instrument, Book and Miscellaneous Retailers (459)</b>										

Sporting goods, hobby, and musical instrument retailers (4591)	Sporting goods retailers (45911)	●	●	●	●	●	●	●	●	A2
	All other hobby and musical instrument retailers (in 4591)	●	●	–	●	●	●	●	●	A2
Book retailers and news dealers (4592)	Book retailers	●	●	–	●	●	●	●	●	A2
	News dealers	● U	● U	–	● U	● U	● U	● U	● U	A2
Florists (4593)		● U	● U	–	● U	● U	● U	● U	● U	A2
Office supplies, stationery, and gift retailers (4594)		●	●	–	●	●	●	●	●	A2
Used merchandise retailers (4595)		●	●	–	●	●	●	●	●	A2
Miscellaneous retailers (4599)		●	●	–	●	●	●	●	●	A2

**USE GROUP VI – SERVICE ESTABLISHMENTS**

● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required  
 – = Not permitted  
 S = Size restriction   P = Additional conditions   U = Open use allowances

Uses (NAICS Code)	C1	C2	C3	C4	C5	C6	C7	C8	PRC
<b>Postal Service (491) / Couriers and Messengers (492)</b>									
Postal service (4911)	●	●	–	●	●	●	●	●	G

Couriers and express delivery services (4921)	•	•	–	•	•	•	•	•	A2
Local messengers and local delivery (4922)	•	•	–	•	•	•	•	•	A2
<b>Telecommunications (517)</b>									
Wired and wireless telecommunications (5171)	•	•	–	•	•	•	•	•	A2
<b>Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services (518)</b>									
Computing infrastructure providers, data processing, web hosting, and related services (5182)	•	•	–	•	•	•	•	•	A3
<b>Credit Intermediation and Related Activities (522)</b>									
Savings, loan and other financial services (5221, 5222 and 5223)	•	•	–	•	•	•	•	•	A3
<b>Securities, Commodity Contracts, and Other Financial Investments and Related Activities (523)</b>									
Securities, commodity contracts, and other financial investments and related activities (5231, 5232 and 5239)	•	•	–	•	•	•	•	•	A3
<b>Insurance Carriers and Related Activities (524)</b>									
Insurance carriers and related activities (5241 and 5242)	•	•	–	•	•	•	•	•	A3
<b>Funds, Trusts and Other Financial Vehicles (525)</b>									
Funds, trusts and other financial vehicles (5251 and 5259)	•	•	–	•	•	•	•	•	A3

Real Estate (531)										
Real estate (5311, 5312, and 5313)		•	•	–	•	•	•	•	•	A3
Rental and Leasing Services (532)										
Automotive equipment rental and leasing (5321)		• S	•	–	•	•	•	•	• U	N/A
Consumer goods rental (5322)	Consumer electronics and appliances rental (53221)	• S	• S	–	•	•	•	•	•	A3
	Recreational goods rental (532284)	• S	• S	• U	•	•	•	•	• U	A3
	All other consumer goods rental (in 5322)	• S	• S	–	•	•	•	•	•	A3
General rental centers (5323)		• S	• S	–	•	•	•	•	•	A3
Commercial and industrial machinery and equipment rental and leasing (5324)		• S	• S	–	•	•	•	•	• U	A3
Professional, Scientific, and Technical Services (541)										
Veterinary services (54194)		• P	• P	–	• P	• P	• P	• P	• P	A3
All other professional, scientific, and technical services (in 541)		•	•	–	•	•	•	•	•	A3
Management of Companies and Enterprises (551)										

Management of companies and enterprises (5511)		•	•	–	•	•	•	•	•	A3
<b>Administrative and Support Services (561)</b>										
Travel and reservation services (5615)		•	•	–	•	•	•	•	•	A3
Services to buildings and dwellings (5617)	Carpet and upholstery cleaning services (56174)	–	–	–	–	–	–	–	• P	D1
	All other services to buildings and dwellings (in 5617)	•	•	–	•	•	•	•	•	A3
All other administrative and support services (in 561)		•	•	–	•	•	•	•	•	A3
<b>Educational Services (611)</b>										
Business schools and computer and management training (6114)		•	•	–	•	•	•	•	•	A3
Technical and trade schools (6115)		• P	• P	–	• P	• P	• P	• P	• P	A3
All other schools and instruction (6116 and 6117)		•	•	–	•	•	•	•	•	A3
<b>Food Services and Drinking Places (722)</b>										
Special food services (7223)		• S	•	•	•	•	•	•	•	A3
Eating or drinking establishments (7224 and 7225)		• S U	• S U	• S U	• P U	• P U	• P U	• U	• U	*

**Repair and Maintenance (811)**

Automotive repair and maintenance (8111)	#Heavy motor vehicle repair and maintenance shops#	-	-	-	-	-	-	-	● P	A4
	#Light motor vehicle repair and maintenance shops#	-	○	-	○	○	○	○	● P	A3
	Car washes (811192)	-	-	-	-	-	-	-	● P	N/A
Electronic and precision equipment repair and maintenance (8112)		● S	●	-	●	●	●	●	●	A3
Commercial and industrial machinery and equipment repair and maintenance (8113)		-	-	-	-	-	-	-	● P	A3
Personal and household goods repair and maintenance (8114)	Bicycle repair	●	●	●	●	●	●	●	●	A3
	Recreational boat repair	● P U	● P U	● P U	● P U	● P U	● P U	● P U	● P U	A4
	Home and garden equipment and appliance repair and maintenance (81141)	-	-	-	-	-	-	-	● P	A3
	All other personal and household goods repair and maintenance (in 8114)	●	●	-	●	●	●	●	●	A3



Personal and Laundry Services (812)											
Personal care services (8121)	#Health and fitness establishments#	● P U	● P U	● P U	● P U	● P U	● P U	● P U	● P U	● U	A2
	All other personal care services (in 8121)	●	●	—	●	●	●	●	●	●	A2
Death care services (8122)	Funeral homes and funeral services (81221)	●	●	—	●	●	●	●	●	●	G
	Crematoriums	—	—	—	—	—	—	—	—	● P	A4
Dry cleaning and laundry services (8123)	Personal laundry services	●	●	—	●	●	●	●	●	●	A2
	Personal dry cleaning services	● S P	● S P	—	● S P	● S P	● S P	● S P	● S P	● P	A2
	Industrial dry cleaning and laundry services	—	—	—	—	—	—	—	—	● P	D1
Other personal services (8129)	Pet care services (81291)	● P	● P	—	● P	● P	● P	● P	● P	●	A2
	All other personal services (in 8129)	●	●	—	●	●	●	●	●	●	A3

**32-162 - Use Group VI - uses subject to size limitations**

LAST AMENDED  
6/6/2024

For #uses# denoted with an “S” in Section [32-161](#) (Use Group VI – general use allowances), a limit of 10,000 square feet of #floor area# per establishment shall apply except that:

- (a) fuel dealers in C8 Districts shall be limited to 5,000 square feet of #floor area# per establishment;

- (b) eating or drinking establishments in C1 through C3 Districts, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, shall be limited to a capacity of 200 persons or fewer. However, an establishment with a capacity of more than 200 persons may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section [73-162](#) (Eating or drinking establishments);
- (c) computing infrastructure providers, data processing, web hosting, and related services in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment;
- (d) automotive equipment rental and leasing, general rental centers or commercial and industrial machinery and equipment rental and leasing in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment and in C1 Districts that are not #select commercial overlays#, shall be limited to 10,000 square feet per establishment;
- (e) special food services in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment;
- (f) electronic and precision equipment repair and maintenance in C1 Districts that are #select commercial overlays#, shall be limited to 3,000 square feet of #floor area# per establishment; and
- (g) personal dry cleaning services in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to 2,500 square feet of #floor area# per establishment.

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## **32-163 - Use Group VI – uses subject to additional conditions**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “P” in Section [32-161](#) (Use Group VI – general use allowances), the following conditions shall apply:

- (a) Service Limitations
  - (1) Automobile dealers and all other motor vehicle dealers in C2 Districts, or C4 through C7 Districts, shall not include repair services or preparation of vehicles for delivery.
  - (2) The following provisions shall apply to boat dealers and recreational boat repair services:
    - (i) In C2 through C7 Districts, boat dealers shall be restricted to boats less than 100 feet in length. Additionally, in C2 Districts, or C4 through C7 Districts, such establishment shall not include repair services or preparation of vehicles for delivery.
    - (ii) In all #Commercial Districts#, recreational boat repair services shall be restricted to boats less than 100 feet in length.
  - (3) Veterinary service or pet care service establishments in C1 or C2 Districts, or C4 through C7 Districts, shall not include overnight boarding or accommodations.
- (b) Location and Other Building Requirements
  - (1) Boat fuel sales establishments in C2 through C7 District shall be restricted to location within 10 feet of a boat dock berth.
  - (2) For veterinary services in C1 or C2 Districts, or C4 through C7 Districts, where such #building# contains a

#residential use#, no access shall be from an entrance serving the #residential# portion.

- (3) Eating or drinking establishments in C4 through C6 Districts, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and a capacity of more than 200 persons, except those that are located within hotels, shall be subject to the following conditions:
    - (i) In C4 Districts, such establishment shall be a minimum of 100 feet from a #Residence District# boundary, except that within 100 feet from a #Residence District# boundary, such establishment is permitted only by special permit of the Board of Standards and Appeals, in accordance with Section [73-162](#) (Eating or drinking establishments);
    - (ii) In C5-1, C5-2, C6-1, C6-2, C6-3 or C6-4 Districts, the entrance to such establishment shall be a minimum of 100 feet from the nearest #Residence District# boundary;
    - (iii) In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, eating or drinking establishments providing entertainment with cover charge or specified showtime and a capacity of more than 200 persons are permitted only by special permit of the Board of Standards and Appeals, in accordance with Section [73-162](#); and
    - (iv) In C4, C5-1, C5-2, C6-1, C6-2, C6-3 or C6-4 Districts, a minimum of four square feet of waiting area within the zoning lot shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.
  - (4) For car washes in C8 Districts, reservoir space for not less than 10 automobiles per washing lane shall be provided on the #zoning lot#.
- (c) Environmental Conditions
- (1) Technical and trade schools in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to establishments not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare or other objectionable effects.
  - (2) For #health and fitness establishments# in C1 through C7 Districts, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be located within #completely enclosed buildings#. Where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, such #use# shall be required to have an acoustical engineer verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection. Such high-intensity #uses# shall meet the following standards for noise and vibration:
    - (i) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
    - (ii) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.
  - (3) Personal dry cleaning services in C1 or C2 Districts, or C4 through C7 Districts, shall be limited to solvents with a flash point of not less than 138.2 degrees Fahrenheit, and total aggregate dry load capacity of machines shall not exceed 60 pounds.

- (4) The following #uses# in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Sections [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive:

#Automotive service stations#

Car wash

Carpet upholstery cleaning services

Commercial and industrial machinery and equipment repair and maintenance

Crematorium

Fuel dealers

#Heavy motor vehicle repair and maintenance shops#

Home and garden equipment and appliance repair and maintenance

Industrial dry cleaning and laundry services

#Light motor vehicle repair and maintenance shops#

Personal dry cleaning services

Technical and trade school

Veterinary services.

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## **32-164 - Use Group VI – uses subject to open use allowances**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [32-161](#) (Use Group VI – general use allowances), a #use# may be open or enclosed without restriction except that:

- (a) for the following #uses# in C8 Districts, the maximum open area on a #zoning lot# allocated to such #use# shall not exceed 5,000 square feet:

Automotive equipment rental and leasing;

Building material and supplies dealers;

Commercial and industrial machinery and equipment rental and leasing; and

Recreational goods rental;

- (b) boat dealers in C3 Districts may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary;
- (c) for lawn and garden equipment and supplies retailers or florists in C1 or C2 Districts, or C4 through C6 Districts, the maximum open area on a #zoning lot# allocated to such #use# shall not exceed 5,000 square feet. In C7 or C8 Districts, such #use# may be open or enclosed without restriction;
- (d) for eating or drinking establishments, such open #use# shall be limited to outdoor table service;
- (e) recreational boat repair in all #Commercial Districts# may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary; and
- (f) #health and fitness establishments# in all #Commercial Districts# may be unenclosed except in C1 through C7 Districts, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be located within #completely enclosed buildings#.

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### **32-165 - Use Group VI - uses permitted by special permit**

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LAST AMENDED

6/6/2024

For #uses# denoted with “○” in Section [32-161](#) (Use Group VI – general use allowances), the following provisions shall apply:

- (a) #Automotive service stations# may be permitted in C2 Districts, and C4 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section [73-163](#) (Automotive service stations).
- (b) #Light motor vehicle repair and maintenance shops# may be permitted in C2 Districts, and C4 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section [73-164](#) (Light motor vehicle repair and maintenance shops).

However, notwithstanding the above, #light motor vehicle repair and maintenance shops# existing prior to June 6, 2024, shall be considered a conforming #use# and thereafter may be continued, structurally altered, #extended# or #enlarged# subject to the applicable #bulk# regulations for the district. However, in no event shall the additional #floor area# associated with an #enlarged# or #extended# portion exceed 50 percent of the #floor area# of such #light motor vehicle repair and maintenance shop# as it existed on June 6, 2024.

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### **32-166 - Use Group VI – additional provisions for parking requirement category**

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LAST AMENDED

6/6/2024

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section [32-161](#) (Use Group VI – general use allowances), the following provisions shall apply:

- (a) Grocery and convenience retailers or specialty food retailers with 2,500 square feet or more of #floor area# per establishment shall be classified as PRC A1. Such retailers with less than 2,500 square feet of #floor area# shall be classified as PRC A2.

- (b) Eating or drinking establishments, where such establishment provides entertainment with a cover charge or specified showtime, or includes a dance floor, and has a capacity of more than 200 persons, shall be classified as PRC B1. All other eating or drinking establishments shall be classified as PRC A2.

### 32-17 - Use Group VII – Offices and Laboratories

LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group VII consists of #uses# that provide administrative and research workspaces for business, professional or governmental purposes. The provisions regulating #uses# classified in this Use Group, are set forth as follows:

- (a) Section [32-171](#) (Use Group VII – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [32-172](#) (Use Group VII – use permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with a “◆” in the Use Group table; and
- (c) Section [32-173](#) (Use Group VII – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table.

### 32-171 - Use Group VII – general use allowances

LAST AMENDED

6/6/2024

The following table includes #uses# classified as Use Group VII and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES).

USE GROUP VII – OFFICES AND LABORATORIES									
● = Permitted   ◆ = Permitted with limitations   ○ = Special permit required – = Not permitted S = Size restriction   P = Additional conditions   U = Open use allowances									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
<b>Laboratories</b>									
Laboratories	◆ P	● P	–	● P	● P	● P	● P	● P	A3
<b>Offices</b>									

Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental	•	•	–	•	•	•	•	•	A3
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### 32-172 - Use Group VII – uses permitted with limited applicability

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LAST AMENDED  
6/6/2024

For #uses# denoted with a “♦” in Section [32-171](#) (Use Group VII – general use allowances), the provisions of this Section shall apply.

In C1 Districts outside of the Borough of Manhattan that are #select commercial overlays#, laboratories shall not be permitted.

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### 32-173 - Use Group VII – uses subject to additional conditions

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LAST AMENDED  
6/6/2024

For #uses# denoted with a “P” in Section [32-171](#) (Use Group VII – general use allowances), the provisions of this Section shall apply. In C1 or C2 Districts, as well as in C4 through C8 District, laboratories shall be limited to those that comply with the standards set forth in Section 427 of the New York City Building Code, or its successor. However, other laboratories may be permitted by special permit of the City Planning Commission, as set forth in Section [74-171](#) (Laboratories).

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### 32-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group VIII consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-181](#) (Use Group VIII – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [32-182](#) (Use Group VIII – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section [32-183](#) (Use Group VIII – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section [32-184](#) (Use Group VIII – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;

- (e) Section [32-185](#) (Use Group VIII – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “○” in the Use Group table; and
- (f) Section [32-186](#) (Use Group VIII – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

The provisions of Sections [32-182](#), [32-183](#) and [32-184](#), except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section [73-181](#) (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section [74-181](#) (Recreation, entertainment and assembly space uses).

## 32-181 - Use Group VIII – general use allowances

LAST AMENDED  
6/6/2024

The following table includes #uses# classified as Use Group VIII and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES).

USE GROUP VIII – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES									
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
<b>Amusement and Recreation Facilities</b>									
#Amusement or recreation facilities#	● S P	● S P	○	●	●	●	● U	● U	*
#Select entertainment facilities#	● S	● S	○	●	●	●	● U	● U	*
#Outdoor amusement parks#	–	–	–	–	–	–	● S U	● S U	C
<b>Art Galleries and Studios</b>									
Art galleries	●	●	–	●	●	●	●	●	A2



Art, music, dancing or theatrical studios	●	●	–	●	●	●	●	●	A2
Production or entertainment studios	● S	● S	–	●	●	●	●	●	B1
<b>Entertainment and Sporting Venues</b>									
Arenas or auditoriums	–	–	–	● S	● S	● S	● S	● S	B1
Drive-in theaters	–	–	–	–	–	–	○	○	N/A
Racetracks	–	–	–	–	–	–	–	○	B1
Stadiums	–	–	–	● S U	● S U	● S U	● S U	● S U	B1
Theaters	● P	● P	–	● P	● P	● P	●	● P	B1
<b>Other Assembly Spaces</b>									
Banquet, function or reception halls	●	●	–	●	●	●	●	●	B1
Gaming facilities	–	–	–	● P	● P	● P	● P	● P	B1
Historical exhibits	●	●	–	●	●	●	●	●	B1
Meeting halls	●	●	–	●	●	●	●	●	B1
Non-commercial clubs	●	●	●	●	●	●	●	●	B1
Observation decks	● U	● U	–	● U	● U	● U	● U	● U	B1

Outdoor day camps	○	○	○	○	○	○	○	● U	G
Publicly accessible spaces	● U	● U	–	● U	● U	● U	● U	● U	N/A
Riding academies or stables	○	○	○	○	○	○	○	● P U	A4
Trade expositions	–	–	–	● S	● S	● S	● S	● S	B1

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### 32-182 - Use Group VIII – uses subject to size limitations

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LAST AMENDED  
6/6/2024

For #uses# denoted with an “S” in Section [32-181](#) (Use Group VIII – general use allowances), the specific size limitations shall be as follows:

- (a) #Amusement or recreation facilities# in C1 Districts that are #select commercial overlays# shall be limited to 3,000 square feet of #floor area# per establishment, in C1-5, C2-1, C2-2 and C2-3 Districts shall be limited to 5,000 square feet per establishment, and in other C1 or C2 Districts shall be limited to 10,000 square feet of #floor area# per establishment;
- (b) #Select entertainment facilities# in C1 Districts that are #select commercial overlays# shall be limited to 3,000 square feet of #floor area# per establishment and in other C1 Districts and in C2 Districts shall be limited to 10,000 square feet of #floor area# per establishment;
- (c) Production or entertainment studios in C1 or C2 Districts are limited to 10,000 square feet of #floor area# per establishment.
- (d) #Outdoor amusement parks# in C7 or C8 Districts are limited to 10,000 square feet of #lot area#, except as permitted by special permit by the Board of Standards and Appeals, in accordance with Section [73-183](#) (Outdoor Amusement Parks).
- (e) Arenas, auditoriums or stadiums in C4 through C8 Districts are limited to a maximum capacity of 2,500 seats and trade expositions are limited to a rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings. Such facilities may exceed a capacity of 2,500 seats or 2,500 persons by special permit of the City Planning Commission, in accordance with Section [74-182](#) (Arenas, auditoriums, stadiums or trade expositions).

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### 32-183 - Use Group VIII – uses subject to additional conditions

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LAST AMENDED  
12/5/2024

For #uses# denoted with a “P” in Section [32-181](#) (Use Group VIII – general use allowances), the following provisions shall

apply:

- (a) #Amusement or recreation facilities# located in #mixed buildings# in C1 or C2 Districts that are #select commercial overlays# shall be subject to the provisions of Section [42-41](#) (Performance Standards Regulations), inclusive, for an M1 District adjoining a #Residence District#;
- (b) Gaming facilities shall be limited to those for which an application was submitted to the New York State Gaming Commission to develop and operate a gaming facility before June 30, 2025 pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on December 5, 2023, and operating under a gaming license issued by the Gaming Commission. No other gaming facilities shall be permitted.

Gaming facilities may include gaming area and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.

Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.

- (c) Motion picture theaters, in a new or existing #building# in C1 or C2 Districts that are not #select commercial overlays#, C4-5, C4-6, C4-7, C4-8, C4-9, C4-11, C5, C6 and C8-4 Districts, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater in order to prevent obstruction of #street# areas. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.
- (d) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Section [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

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### **32-184 - Use Group VIII – uses subject to open use allowances**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [32-181](#) (Use Group VIII – general use allowances), a #use# may be open or enclosed without restriction except that stables in C8 Districts shall be enclosed.

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### **32-185 - Use Group VIII – uses permitted by special permit**

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LAST AMENDED

6/6/2024

For #uses# denoted with “O” in Section [32-181](#) (Use Group VIII – general use allowances), the provisions of this Section shall apply.

- (a) The following #uses# may be permitted by special permit of the Board of Standards and Appeals:
  - (1) Waterfront-oriented #amusement or recreation facilities# may be permitted in C3 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73- 182 (Outdoor Recreation and Amusement Facilities).

- (2) Outdoor day camps may be permitted in C1 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section [73-184](#) (Outdoor day camps).
  - (3) Riding academies or stables may be permitted in C1 through C7 Districts, by special permit of the Board of Standards and Appeals in accordance with Section [73-185](#) (Riding academies or stables).
- (b) The following #uses# may be permitted by special permit of the City Planning Commission:
- (1) Drive-in theaters may be permitted in C7 or C8 Districts by special permit of the City Planning Commission, in accordance with Section [74-183](#) (Drive-in theaters).
  - (2) Racetracks may be permitted in C8 Districts by special permit of the City Planning Commission, in accordance with Section [74-184](#) (Racetracks).

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## **32-186 - Use Group VIII – additional provisions for parking requirement category**

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LAST AMENDED  
6/6/2024

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section [32-181](#) (Use Group VIII – general use allowances), the following provisions shall apply. #Amusement or recreation facilities# or #select entertainment facilities# that are enclosed shall be classified as PRC B1. Such #uses# that are unenclosed shall be classified as PRC C.

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## **32-19 - Use Group IX – Storage**

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group IX consists of #uses# that provide storage for materials, goods, and vehicles. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-191](#) (Use Group IX – general use allowances) which includes the compilation of #uses# in the Use Group tables;
- (b) Section [32-192](#) (Use Group IX – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “◆” in the Use Group tables;
- (c) Section [32-193](#) (Use Group IX – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group tables;
- (d) Section [32-194](#) (Use Group IX – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group tables;
- (e) Section [32-195](#) (Use Group IX – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group tables;
- (f) Section [32-196](#) (Use Group IX – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with “O” in the Use Group tables; and





Petroleum or petroleum products, storage or handling	-	-	-	-	-	-	-	-	D2
Refrigerating plants	-	-	-	-	-	-	-	-	D2
Scrap metal, junk, paper or rags storage, sorting, or baling	-	-	-	-	-	-	-	-	D2

C. Vehicle Storage

USE GROUP IX(C) – VEHICLE STORAGE									
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required            – = Not permitted            S = Size restriction   P = Additional conditions   U = Open use allowances</p>									
Uses	C1	C2	C3	C4	C5	C6	C7	C8	PRC
<b>Vehicle Storage</b>									
Boat storage	● P U	● P U	● P U	● P U	● P U	● P U	● P U	● P U	A4
Commercial or public vehicle storage, including #accessory# motor fuel pumps	-	-	-	-	-	-	-	● U	D2
Dead storage of motor vehicles	-	-	-	-	-	-	-	● U	N/A
#Public parking garages# or #public parking lots#	♦ P U	♦ P U	-	♦ P U	♦ P U	♦ P U	♦ P U	♦ P U	N/A

**32-192 - Use Group IX – uses permitted with limited applicability**

LAST AMENDED  
12/5/2024

For #uses# denoted with “♦” in Section [32-191](#) (Use Group IX – general use allowances), the provisions of this Section shall apply.

- (a) In C1 or C2 Districts located outside of the Borough of Manhattan that are #select commercial overlays#, micro-distribution facilities shall not be permitted as-of-right. The Board of Standards and Appeals may permit micro-distribution facilities with a size limit of 5,000 square feet of #floor area# per establishment pursuant to Section [73-191](#) (Micro-distribution facilities).
- (b) For #public parking garages# and #public parking lots# the following provisions shall apply:
- (1) In the #Manhattan Core#, such #uses are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section [16-02](#) (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6;
  - (2) In C1 or C2 Districts that are #select commercial overlays#, C4-1, C4-2, C4-3, C4-4, C4-5D, C7 outside the #Greater Transit Zone#, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, #public parking garages# and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces pursuant to Section [74-194](#) (Public parking garages or public parking lots outside high density areas); and
  - (3) In C1 or C2 Districts that are not #select commercial overlays#, C4-5, C4-5A, C4-5X, C4-6, C4-7, C4-8, C4-9, C4-11, C4-12, C5, C6, C7 inside the #Greater Transit Zone#, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, #public parking garages# are not permitted as-of-right, and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces pursuant to Section [74-195](#) (Public parking garages or public parking lots in high density central areas).

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## **32-193 - Use Group IX – uses subject to size limitations**

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LAST AMENDED  
6/6/2024

For #uses# denoted with an “S” in Section [32-191](#) (Use Group IX – general use allowances), the following provisions shall apply:

- (a) Building materials or contractors’ yards in C8 Districts shall be limited to 10,000 square feet of #lot area# per establishment.
- (b) Depositories for storage of office records, microfilm or computer tapes, or for data processing, in C4 through C7 Districts, shall be limited to 5,000 square feet of #floor area# per establishment on the ground floor, and without limitation above the ground floor.
- (c) For micro-distribution facilities, the following size limitations shall apply:
  - (1) In C1 or C2 Districts, such #use# shall be limited to 2,500 square feet of #floor area# per establishment.
  - (2) In C4 through C7 Districts, such #use# shall be limited to 5,000 square feet of #floor area# per establishment on the ground floor and 10,000 square feet above the ground floor.

However, such size limit shall not apply to #floor area# allocated to the parking of commercial vehicles associated with such micro-distribution facilities in an #accessory# off-street parking facility or #public parking garage# on the same #zoning lot# utilizing the provisions of Section [36-46](#) (Restrictions on Use of Accessory Parking Spaces and Spaces in Public Parking Garages), provided that such parking areas are not used for storage.

Such size limit may be modified by special permit of the Board of Standards and Appeals, in accordance with Section [73-](#)



[191](#) (Micro-distribution facilities), or by special permit of the City Planning Commission, in accordance with Section [74-191](#) (Micro-distribution facilities).

- (d) Trucking terminals or motor freight stations in C8 Districts are limited to 20,000 square feet of #lot area# per establishment, except that establishments with a #lot area# in excess of 20,000 square feet may be permitted by special permit by the City Planning Commission pursuant to Section [74-193](#) (Trucking terminals or motor freight stations).
- (e) For wholesale establishments, the following size limitations shall apply:
  - (1) In C1 or C2 Districts, such #use# shall be limited to 2,500 square feet of #floor area# per establishment.
  - (2) In C4 through C7 Districts, such #use# shall be limited to 5,000 square feet of #floor area# per establishment except that such limitation shall not apply to establishments above the ground floor where storage is restricted to samples.

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### **32-194 - Use Group IX – uses subject to additional conditions**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “P” in Section [32-191](#) (Use Group IX – general use allowances), the following provisions shall apply:

- (a) Wholesale establishment in C1 or C2 Districts, or C4 through C8 Districts, shall not include produce or meat markets.
- (b) Boat storage in all #Commercial Districts# shall be restricted to boats less than 100 feet in length.
- (c) #Public parking garages# and #public parking lots# in all applicable districts, shall be subject to the provisions set forth in Section [36-029](#) (Applicability of regulations to public parking garages and public parking lots).

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### **32-195 - Use Group IX – uses subject to open use allowances**

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LAST AMENDED

6/6/2024

For #uses# denoted with a “U” in Section [32-191](#) (Use Group IX – general use allowances), a #use# may be open or enclosed without restriction except that:

- (a) boat storage in all #Commercial Districts# may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary;
- (b) building materials or contractors’ yards in C8 Districts may be open or enclosed provided that not more than 5,000 square feet of such #lot area# is used for open storage; and
- (c) #public parking garages#, in all applicable districts, may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

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### **32-196 - Use Group IX – uses permitted by special permit**

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LAST AMENDED

6/6/2024

For #uses# denoted with “O” in Section [32-191](#) (Use Group IX – general use allowances), the provisions of this Section shall

apply. #Public parking garages# may be permitted in C5 or C6 Districts by special permit by the City Planning Commission in accordance with Section [74-195](#) (Public parking garages or public parking lots in high density central areas). In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section [16-02](#) (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

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## **32-197 - Use Group IX – additional provisions for parking requirement category**

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LAST AMENDED

6/6/2024

For permitted #uses# denoted with “\*” for parking requirement category (PRC) in Section [32-191](#) (Use Group IX – general use allowances), the provisions of this Section shall apply. Wholesale establishments in C1 or C2 Districts, or C4 through C7 Districts, shall be classified as PRC A3. In C8 Districts, such #use# shall be classified as PRC A4.

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## **32-20 - Use Group X – Production Uses**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

Use Group X consists of #uses# engaged in the mechanical, physical, or chemical transformation of materials into new goods. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section [32-201](#) (Use Group X – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section [32-202](#) (Use Group X – uses subject to size limitations) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section [32-203](#) (Use Group X – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table; and
- (d) Section [32-204](#) (Use Group X – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

The provisions of Sections [32-202](#) and [32-203](#), except as otherwise specified in such Sections, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section [73-211](#) (Production uses), or by special permit of the City Planning Commission, in accordance with Section [74-211](#) (Production uses).

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## **32-201 - Use Group X - general use allowances**

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LAST AMENDED

6/6/2024

The following table includes #uses# classified as Use Group X and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section [32-10](#) (USE ALLOWANCES).

Included in the #use# table, for reference purposes only, are the three-digit subsector categories from the manufacturing sector (sectors [31-33](#)) of the 2022 North American Industry Classification System (NAICS). For each #use# under the three-digit subsector categories in manufacturing, the four-digit industry group, five-digit NAICS industry or six-digit U.S. detail code is referenced. However, where such four-digit, five-digit or six-digit categories are not referenced after a #use#, the specified #use#









	All other glass and glass product manufacturing (in 3272)	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
	All other nonmetallic mineral product manufacturing (in 327)	–	–	–	–	–	–	–	–	D1
<b>Primary Metal Manufacturing and Fabricated Metal Product Manufacturing (331 - 332)</b>										
	Primary metal manufacturing (331)	–	–	–	–	–	–	–	–	D1
Fabricated metal product manufacturing (332)	Cutlery and Handtool manufacturing (3322)	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
	All other fabricated metal product manufacturing (in 332)	–	● S P	–	● S P	● S P	● S P	● S P	● P	D1
<b>Machinery Manufacturing (333)</b>										
	Agriculture, construction, and mining machinery manufacturing (3331)	–	–	–	–	–	–	–	–	D1
	All other machinery manufacturing (in 333)	–	● S P	–	● S P	● S P	● S P	● S P	● P	D1
<b>Computer and Electronic Product Manufacturing (334)</b>										
	Computer and peripheral equipment manufacturing (334)	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
<b>Electrical Equipment, Appliance, and Component Manufacturing (335)</b>										

Electric lighting equipment manufacturing (3351)		● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
Household appliance manufacturing (3352)	Small electrical appliance manufacturing (33521)	● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
	Major household appliance manufacturing (33522)	–	–	–	–	–	–	–	–	D1
All other electrical equipment and component manufacturing (in 335)		–	–	–	–	–	–	–	–	D1
<b>Transportation Equipment Manufacturing (336)</b>										
Transportation equipment manufacturing (336)		–	–	–	–	–	–	–	–	D1
<b>Furniture and Related Product Manufacturing (337)</b>										
Furniture and related product manufacturing (337)		● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
<b>Miscellaneous Manufacturing (339)</b>										
Medical equipment and supplies manufacturing (3391)		● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1
Other miscellaneous manufacturing (3399)		● S P	● S P	–	● S P	● S P	● S P	● S P	● P	D1

## 32-202 - Use Group X - uses subject to size limitations

LAST AMENDED

6/6/2024

For #uses# denoted with a “S” in Section [32-201](#) (Use Group X – general use allowances), the specific size limitations shall be as follows:



- (a) All permitted #uses# in C1 Districts that are #select commercial overlays# shall not exceed 3,000 square feet of #floor area# per establishment.
- (b) All permitted #uses# in C1 Districts that are not #select commercial overlays# or C2 Districts shall not exceed 5,000 square feet of #floor area# per establishment.
- (c) All permitted #uses# in C4 through C7 Districts shall not exceed 10,000 square feet of #floor area# per establishment on the ground floor and without limitation on overall #floor area# above the ground floor.

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### **32-203 - Use Group X - additional conditions**

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LAST AMENDED  
6/6/2024

For #uses# denoted with a “P” in Section [32-201](#) (Use Group X – general use allowances), the limitations in this Section shall apply.

- (a) Permitted #uses# in all #Commercial Districts# shall conform to the performance standards for M1 Districts as set forth in Section [42-40](#) (PERFORMANCE STANDARDS) through [42-48](#) (Performance Standards Regulating Humidity, Heat or Glare), inclusive. However, beverage manufacturing establishments shall not be subject to the provisions of Section [42-47](#) (Performance Standards Regulating Fire and Explosive Hazards).
- (b) In addition to the requirements of paragraph (a) of this Section, in C1 or C2 Districts, or C4 through C7 Districts, all permitted #uses# shall meet the following requirements:
  - (1) Such #use# does not have a New York City or New York State environmental rating of “A”, “B” or “C” under Section [24-153](#) of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
  - (2) Such #use# is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

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### **32-204 - Use Group X – additional provisions for parking requirement category**

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LAST AMENDED  
6/6/2024

In C1 or C2 Districts, or C4 through C8 Districts, all permitted #uses# are classified in parking requirement category B except that #uses# located above the ground floor shall be classified in parking requirement category C.

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### **32-30 - STREETSCAPE REGULATIONS**

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LAST AMENDED  
6/6/2024

The provisions of Section [32-30](#), inclusive, set forth streetscape regulations on designated #street# frontages. Such provisions shall apply as follows:

- (a) The provisions of Sections [32-31](#), [32-32](#) and [32-33](#), inclusive, apply to #developments# or #ground floor level#

#enlargements# of #buildings# along #Tier A#, #Tier B# and #Tier C street frontages#, respectively.

- (b) The provisions of Section [32-34](#) apply to changes of #use# to existing #buildings# along #Tier A#, #Tier B# and #Tier C street frontages#.
- (c) The provisions of Section [32-35](#) set forth special streetscape rules for certain areas.

For #zoning lots# with multiple #street# frontages, each frontage shall be considered separately as a #Tier A#, #Tier B# or #Tier C# frontage, as applicable.

Special Purpose Districts or other provisions of this Resolution may modify or supplement the provisions of this Section, inclusive.

The Board of Standards and Appeals may permit modifications to the provisions of this Section, inclusive, pursuant to Section [73-32](#).

For #ground floor levels# of #buildings# that are designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission the Chairperson of the City Planning Commission shall modify the provisions of this Section, by certification, to the extent necessary to facilitate the #ground floor level# design of a #building# that has received a Certificate of Appropriateness from the Landmarks Preservation Commission.

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## **32-301 - Definitions**

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LAST AMENDED  
12/5/2024

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section [12-10](#) (DEFINITIONS), except where explicitly stated otherwise in individual provisions in this Chapter.

### Blank wall

A “blank wall” shall be a #street wall#, or portions thereof, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level#.

### Ground floor level

The “ground floor level” shall refer to a #building’s# lowest #story# where the level of the finished floor is located within five feet of the adjoining sidewalk.

### Minimum qualifying depth

The “minimum qualifying depth” shall refer to the minimum depth to which #ground floor level# #use# or parking wrap regulations apply. Such restrictions shall apply to a minimum depth of 30 feet, as measured perpendicular to the #ground floor level# #street wall# facing the applicable #street# frontage. However, within such depth, vertical circulation cores and associated egress paths, as well as structural or other building infrastructure elements associated with upper #stories# of the #building#, shall be permitted obstructions.

### Tier A street frontage

A “Tier A street frontage” shall be any portion of the #ground floor level# #street# frontage of a #zoning lot# in C1 or C2 Districts, C4 through C7 Districts, or M1 Districts paired with a #Residence District#, that is not a #Tier B# or #Tier C street frontage#.

### Tier B street frontage

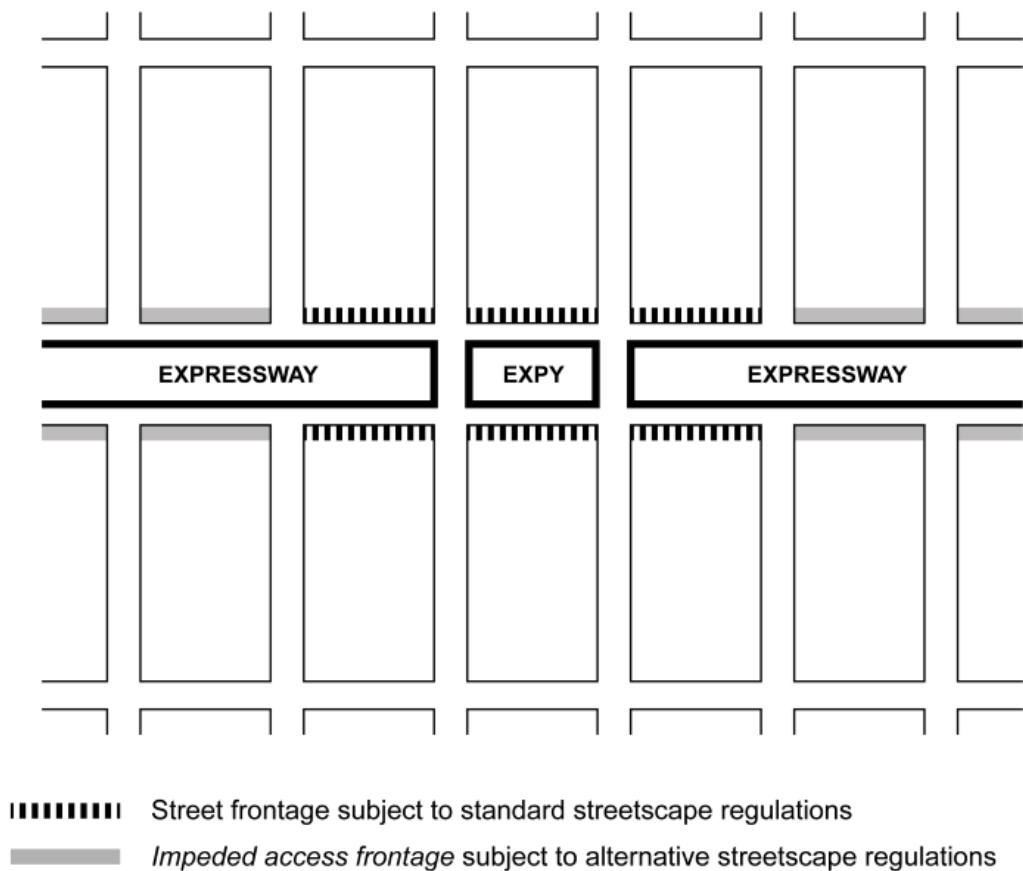
A “Tier B street frontage” shall be any portion of the #ground floor level# #street# frontage of a #zoning lot# in the #special streetscape area# that is located within C1 or C2 Districts, C4 through C7 Districts, or M1 Districts paired with a #Residence District#.

### Tier C street frontage

A “Tier C street frontage” shall be that portion of the #ground floor level# #street# frontage of a #zoning lot# along a #street# specifically designated as such in a Special Purpose District or other streetscape provision of this Resolution.

### Impeded access frontage

An “impeded access frontage” shall refer to #zoning lot# frontages along a #transportation-infrastructure-adjacent frontage# where direct vehicular or pedestrian access to areas beyond such infrastructure is inaccessible from all #streets# bounding the #block# containing the subject #zoning lot#.



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## 32-302 - Exceptions

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LAST AMENDED  
12/5/2024

The provisions of Section [32-30](#), inclusive, shall not apply to:

- (a) #zoning lot# frontages along the same #street# frontage as a ramp accessing a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to adjoining land, provided that:
  - (1) a portion of such #zoning lot# frontage is within 1,000 feet of such ramp, as measured along the #street#; and
  - (2) there are no entrances to a #mass transit station#, as defined in Section [66-11](#), within such 1,000-foot measurement; or
- (b) #zoning lots# with a #lot area# greater than five acres and located entirely outside the #special streetscape area#.

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## 32-303 - Applicability for zoning lots with multiple buildings

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LAST AMENDED  
6/6/2024

For #zoning lots# with existing #buildings# to remain:

- (a) only the portion of the #zoning lot# containing a #development# or #ground floor level# #enlargement# shall be considered for the purposes of applying the regulations of Sections [32-31](#), [32-32](#) and [32-33](#), inclusive; and
- (b) only the portion of the #zoning lot# frontage associated with the #building# containing the alteration or change of #use# shall be considered for the purposes of determining the applicable regulations of Section [32-34](#).

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## 32-31 - Regulations for Tier A Street Frontages

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LAST AMENDED  
6/6/2024

The provisions of this Section, inclusive, shall apply to the #ground floor level# #street# frontage of a #building# along a #Tier A street frontage#. Such provisions include #ground floor level#:

- (a) #blank wall# restrictions, as set forth in Section [32-311](#); and
- (b) parking restrictions, as set forth in Section [32-312](#).

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## 32-311 - Blank wall provisions

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LAST AMENDED  
6/6/2024

Along the #Tier A street frontage# of a #ground floor level#, for any #blank walls#, at least 70 percent of the surface area of such

#blank wall# shall be mitigated with wall treatment, in the form of permitted #signs#, subject to the provisions of Section [32-60](#), murals or other visual artwork, or living plant material. Any portion of a mural or other artwork that incorporates addresses, text or logos related to the #building# or tenants therein, shall be considered a #sign#.

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## 32-312 - Ground floor level parking restrictions

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LAST AMENDED

6/6/2024

Along the #Tier A street frontage# of a #ground floor level#, the following shall apply:

(a) Parking wrap or screening provisions

Portions of a #ground floor level# allocated to #accessory# off-street parking facilities or #public parking garages#, except for permitted entrances and exits, shall be either wrapped by #floor area# that is allocated to non-parking #uses#, to the #minimum qualifying depth#, or shall be screened such that:

- (1) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
- (2) opaque materials shall be located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted #signs#, subject to the provisions of Section [32-60](#), murals or other visual artwork, decorative screening or latticework, or living plant material. Any portion of a murals or other artwork that incorporates addresses, text or logos related to the #building# or tenants therein, shall be considered a #sign#.

(b) Limitations on open parking

No open parking associated with #accessory# off-street parking facilities or #public parking lots# shall be permitted between the #street line# and the #street wall# of the #building# or its prolongations.

Open parking beyond the prolongation of a #street wall# shall be screened from any #Tier A street frontage# by a strip at least four feet wide, densely planted with vegetation which may be expected to form a year-round screen at least three feet high within three years. For #zoning lots# with multiple #Tier A street frontages#, these provisions need only apply along one frontage.

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## 32-32 - Regulations for Tier B Street Frontages

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LAST AMENDED

6/6/2024

The provisions of this Section, inclusive, shall apply to the #ground floor level# #street# frontage of a #building# along a #Tier B street frontage#. Such provisions include #ground floor level#:

- (a) #use# and transparency requirements, as set forth in Section [32-321](#);
- (b) alternative regulations, for certain #block# frontages, as set forth in Section [32-322](#); and

- (c) curb cut restrictions for all frontages, as set forth in Section 32-323.

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## 32-321 - Ground floor level use and transparency requirements

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LAST AMENDED

6/6/2024

Along the #Tier B street frontage# of a #ground floor level#, #use# modifications are set forth in paragraph (a) of this Section and transparency requirements are set forth in paragraph (b).

- (a) #Ground floor level# #uses#

On the portion of a #ground floor level# facing a #Tier B street frontage#, within the #minimum qualifying depth#, the underlying #use# regulations are modified as follows:

- (1) #dwelling units# shall not be permitted;
- (2) #uses# listed under Use Group III(A) shall not be permitted;
- (3) #uses# listed under Use Group IV shall be limited to those listed under Public Service Buildings, and Renewable Energy and Green Infrastructure;
- (4) guest rooms or suites associated with Transient Accommodations listed under Use Group V shall not be permitted;
- (5) #uses# listed under Use Group VII shall be limited in size to 5,000 square feet per establishment;
- (6) the maximum #street wall# width of ancillary #residential uses# or lobbies accessing #uses# not permitted on the #ground floor level# shall be limited to 50 percent of the #ground floor level# #street# frontages, or 50 feet, whichever is greater;
- (7) off-street parking spaces or loading berths, shall not be permitted, except that:
  - (i) entrances and exits to parking and loading facilities located beyond the #minimum qualifying depth# shall be permitted, subject to any applicable curb cut regulations of this Section, inclusive, or this Resolution;
  - (ii) for #buildings# along a #Tier B street frontage#, and no frontage along another #street# where a loading berth is permitted, loading berths with a maximum #street wall# width of 50 feet shall be permitted; and
  - (iii) for #buildings# with a #street wall# width in excess of 100 feet and with no frontage along another #street# where parking spaces are permitted within a #minimum qualifying depth#, parking spaces shall be permitted in the #street wall# portion in excess of 100 feet, provided that:
    - (a) the maximum #street wall# width of such parking spaces does not exceed 50 feet;
    - (b) the frontage allocated to such parking spaces shall be included in the maximum percentage permitted for ancillary #residential uses# or lobbies; and
    - (c) such parking spaces shall be screened in accordance with the provisions for #Tier A street frontages# set forth in paragraph (a) of Section 32-312.
- (8) entrances and exits to #mass transit stations#, as defined in Section [66-11](#), shall be permitted without restriction.

(b) Transparency requirements

Along the #Tier B street frontage# of a #ground floor level#, #street walls# shall be glazed with transparent materials, which may include #show windows#, transom windows, or glazed portions of doors.

Such transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level# #street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet.

However, such transparency requirements shall not apply to portions of the #ground floor level# occupied by entrances or exits to parking or loading facilities, to doors accessing emergency egress stairwells and passageways, or to #community facility buildings#.

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## 32-322 - Alternate ground floor level regulations for certain frontages

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■  
LAST AMENDED  
6/6/2024

Along the #Tier B street frontage# of a #ground floor level#, as an alternative to the provisions of Section [32-321](#), the provisions of paragraph (b) of this Section may be applied where the qualifying criteria set forth in paragraph (a) is met.

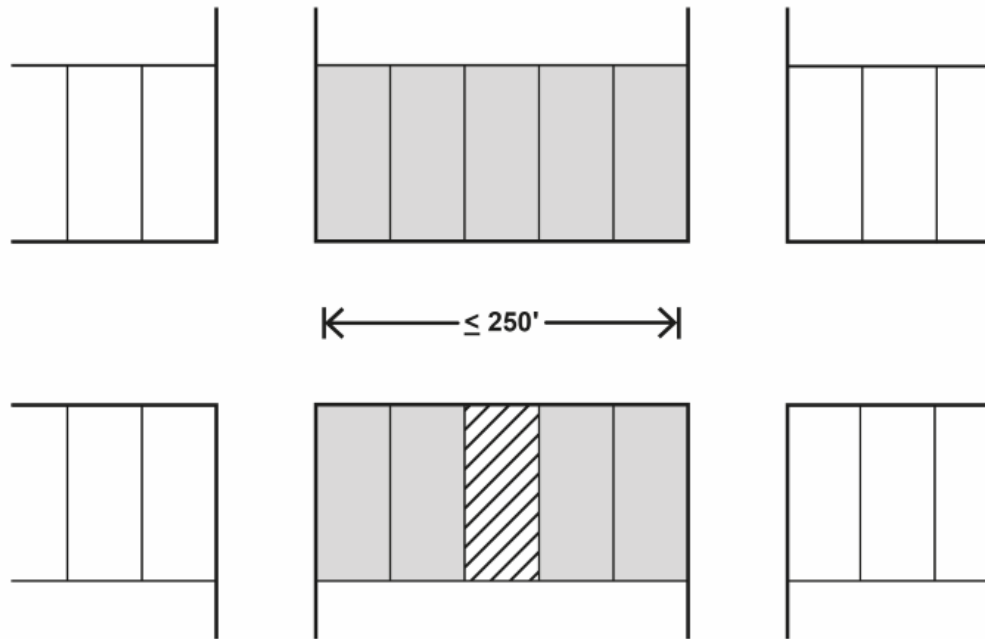
(a) Qualifying criteria

The provisions of this Section may be applied along a #Tier B street frontage# where one of the following criteria are met:

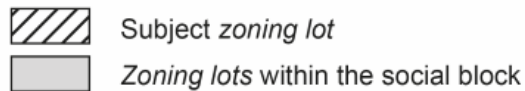
- (1) the #zoning lot# frontage is an #impeded access frontage#;
- (2) there is a #Residence District#, #Manufacturing District# or C3 or C8 District mapped along the same #street# frontage as the #zoning lot# frontage either on the same #block#, or along a portion of the #block# across the #street# from the #zoning lot#;
- (3) the #zoning lot# has multiple #street# frontages, and for #zoning lots# with two #street# frontages, at least one frontage, and for #zoning lots# with three or more #street# frontages, at least two #street# frontages, will meet either the standard requirements for #Tier B street frontages# in Section [32-321](#) or the applicable regulations for #Tier C street frontages#; or
- (4) where, at the time of application for a permit for a #development# or #ground floor level# #enlargement#, less than 75 percent of the #street line# width of #zoning lots# on the 'social block' surrounding the subject #zoning lot# are allocated to #zoning lots# with #commercial buildings# or #mixed buildings#.

For the purposes of this Section, the 'social block' shall be the portion of the #block# containing the subject #zoning lot# that abuts the #Tier B street frontage#, as well as the portion of the #blocks# immediately across the

#Tier B street frontage# from such #block#. Such calculation shall contain all the #zoning lots# along such #block# frontage except that where the width of any such #block# frontage exceeds 250 feet, the calculation need only extend 100 feet from the outermost extents of the subject #zoning lot#, as measured along the #street line#.



Applies if a *block* is less than 250 feet wide



#### EXAMPLE OF 'SOCIAL BLOCK'

(b) Alternative provisions

Where the qualifying criteria is met, along the #Tier B street frontage# of the #ground floor level#, the following shall apply:

(1) Parking wrap and location

(i) Along #wide streets#

For #ground floor level# frontages along #wide streets#, portions of a #ground floor level# allocated to #accessory# off-street parking facilities or #public parking garages#, except for permitted entrances and exits, shall be located behind #floor area# that is allocated to non-parking #uses#, to a #minimum qualifying depth#, so that no portion of such facility is visible from adjacent public sidewalks. However, for #buildings# with a #street wall# width in excess of 100 feet and with no frontage along another #street# where parking spaces are permitted within a #minimum qualifying depth#, the provisions of paragraph (a)(7)(iii) of Section [32-321](#) may be applied.



- (ii) Along other #street# frontages

For #ground floor level# frontages along other frontages, portions of a #ground floor level# allocated to #accessory# off-street parking facilities or #public parking garages#, may be wrapped by #floor area#, or screened, in accordance with the provisions for #Tier A street frontages# set forth in paragraph (a) of Section 32-312. No open parking shall be visible from adjacent public sidewalks.

- (2) Blank walls

Along the #Tier B street frontage# of a #ground floor level#, for any #blank walls#, at least 70 percent of the surface area of such #blank wall# shall be mitigated with wall treatment, in the form of permitted #signs#, subject to the provisions of Section [32-60](#), murals or other visual artwork, or living plant material. Any portion of a murals or other artwork that incorporates addresses, text or logos related to the #building# or tenants therein, shall be considered a #sign#.

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## 32-323 - Ground floor level curb cut restrictions

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LAST AMENDED

6/6/2024

Along the #Tier B street frontage# of a #ground floor level#, the following curb cut restrictions shall apply:

For #zoning lots# with frontage along a #Tier B street frontage# and frontage along another #street# that is neither a #Tier B# nor a #Tier C street frontage#, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along such #Tier B street frontage#. Furthermore, for #zoning lots# with frontage along a #Tier B street frontage# subject to the standard provisions of Section [32-321](#) and frontage along a #Tier B street frontage# subject to the alternative provisions of Section [32-322](#), no curb cut accessing off-street parking spaces or loading spaces shall be permitted along the frontage subject to the standard provisions of Section [32-321](#).

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## 32-33 - Regulations for Tier C Street Frontages

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LAST AMENDED

6/6/2024

The provisions of this Section, inclusive, shall apply to the #ground floor level# #street# frontage of a #building# along a #Tier C street frontage#.

The provisions for #Tier B street frontages#, as set forth in Section [32-32](#), inclusive, shall apply, except that the regulations of Section [32-322](#) shall not be permitted as an alternative to those of Section [32-321](#), and the #ground floor level# #use# limitations set forth in paragraph (a) of Section [32-321](#) shall be modified as follows:

- (a) in addition to #dwelling units#, ancillary #residential uses#, other than lobbies and associated amenities, shall not be permitted on the #ground floor level# within the #minimum qualifying depth#;
- (b) the maximum length of lobbies accessing #uses# not permitted on the #ground floor level#, shall be limited to a maximum #street wall# length, in total, of 25 percent of the #street wall# width of the #building# along the #Tier C street frontage#, or 25 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of

such lobbies need not be less than 10 feet.

However, in C4 through C7 Districts where the #floor area ratio# for #commercial uses# is greater than or equal to 10.0, the maximum lobby length shall be modified such that the maximum #street wall# length, in total, shall not exceed 25 percent of the #street wall# width of the #building# along the #Tier C street frontage#, or 50 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 20 feet;

- (c) no parking spaces or loading berths shall be permitted within the #minimum qualifying depth#; and
- (d) in C4 through C7 Districts where the #floor area ratio# for #commercial uses# is greater than or equal to 10.0, for #buildings# with a #street wall# width greater than 50 feet, within the portion of the #ground floor level# #street# frontage that is required to be allocated to non-#residential uses# to the #minimum qualifying depth#, at least 50 percent of such frontage shall be allocated to #uses# in Use Groups VI or VIII.

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## 32-34 - Regulations for Existing Buildings

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LAST AMENDED

6/6/2024

The provisions of this Section shall apply to the #ground floor level# of existing #buildings# along #Tier A#, #Tier B#, or #Tier C street frontages#.

- (a) Along #Tier A# frontages#

Along the #Tier A street frontage# of a #ground floor level#, as applicable, no alteration associated with the continuation of an existing #use# or change of #use# shall increase the extent of a pre-existing #blank wall#, modify the location of parking spaces, or add curb cuts along a #street# frontage in a manner that would create a new #non-conformity# or increase an existing #non-conformity# by more than 10 percent with regards to the applicable regulations for a #development# or #ground floor level# #enlargement#.

- (b) Along #Tier B# or #Tier C street frontages#

Along the #Tier B# or #Tier C street frontage# of a #ground floor level#, as applicable, no alteration associated with the continuation of an existing #use# or change of #use# shall introduce a #use#, reduce a #minimum qualifying depth#, increase the #street wall# width of restricted #uses#, reduce transparency, increase the extent of a pre-existing #blank wall#, modify the location of parking spaces, or add curb cuts along a #street# frontage in a manner that would create a new #non-conformity# or increase an existing #non-conformity# by more than 10 percent with regards to the applicable regulations for a #development# or #ground floor level# #enlargement#.

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## 32-35 - Special Rules for Certain Areas

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LAST AMENDED

6/6/2024

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### 32-351 - Ground floor use requirements in high-density areas

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LAST AMENDED

6/6/2024

For all #Commercial Districts# mapped within, or with a residential equivalent of, an R9 or R10 District, or #Commercial

Districts# where the #floor area ratio# for #commercial uses# is greater than 10.0, the applicable #ground floor level# streetscape provisions of this Chapter shall apply, except that for #ground floor level# #street# frontages on #wide streets#, the alternative provisions for #Tier B street frontages# set forth in Section [32-322](#) shall not apply. However, the provisions of this Section shall not apply within any Special Purpose District.

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## **32-352 - Ground floor use requirements in the Borough of Staten Island**

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LAST AMENDED

6/6/2024

For all C1, C2 or C4 Districts in the Borough of Staten Island, the applicable #ground floor level# streetscape provisions of this Chapter shall apply, except that #ground floor level# #street# frontages on #wide streets#, or along #narrow streets# where such a C1, C2 or C4 District is mapped along the entire #block# frontage, shall be considered #Tier C street frontages#.

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## **32-40 - SUPPLEMENTARY USE REGULATIONS**

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LAST AMENDED

12/15/1961

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## **32-41 - Enclosure Within Buildings**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections [36-11](#) (General Provisions) and [36-61](#) (Permitted Accessory Off-street Loading Berths), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

#Accessory# #uses# may be open or enclosed, notwithstanding any limitations on the principal #use#, provided that any open #accessory# #uses# are customarily found in connection with such principal #use#.

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## **32-411 - In C1, C5, C6-5 or C6-7 Districts**

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LAST AMENDED

2/24/2022

C1 C5 C6-5 C6-7

In the districts indicated, all such #uses# shall be located within #completely enclosed# #buildings# except for store fronts or store windows, associated with eating and drinking establishments, which may be opened to serve customers outside the #building# upon the adoption of initial rules governing the Permanent Open Restaurants program by an authorized agency following authorizing legislation by the City Council.

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## **32-412 - In other Commercial Districts**

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LAST AMENDED

12/5/2024

C2 C3 C4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7 C8

In the districts indicated, all such #uses# shall be located within #completely enclosed# #buildings# or within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

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### **32-413 - Drive-through facilities**

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LAST AMENDED

6/6/2024

In C1 through C7 Districts, #accessory# drive-through facilities for any #use# listed in Use Group VI, as set forth in Section [32-16](#) (Use Group VI – Retail and Services), may be permitted by special permit of the Board of Standards and Appeals, in accordance with Section [73-311](#) (Drive-through facilities).

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### **32-42 - Location Within Buildings**

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LAST AMENDED

12/15/1961

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### **32-421 - Limitation on floors occupied by commercial uses**

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LAST AMENDED

6/6/2024

C1 C2 C3

In the districts indicated, in any #building#, or portion of a #building#, not more than two #stories# may be occupied by #commercial# #uses# listed in Use Groups VI through X.

However, for #buildings# containing #residences#:

- (a) no #conversion# shall be permitted from #dwelling units# to such #commercial uses# on a second #story#:
  - (1) in a #building# constructed before September 17, 1970 and located in C1 or C2 Districts mapped within, or with an equivalent of, an R9 or R10 District; or
  - (2) in a #building# constructed before June 6, 2024, in all other districts;
- (b) the environmental requirements set forth in Section [32-423](#) shall be met, where applicable;
- (c) such #commercial uses# may be permitted on the same #story# as #residences#, provided that no access exists between such #uses# at any level containing #dwelling units#;
- (d) no #commercial uses# shall be located above any #story# containing #dwelling units#; and
- (e) in C1 or C2 Districts that are #select commercial overlays# the following #commercial uses# shall not be permitted on the second #story# where such #story# also contains #dwelling units#:

From Use Group VIII

All #uses# listed under Amusement and Recreation Facilities

#Accessory# mechanical equipment serving #commercial# #uses# listed in such use groups shall not be subject to the location restrictions of this Section.

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## 32-422 - Location of floors occupied by commercial uses

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LAST AMENDED

6/6/2024

C4 C5 C6

In the districts indicated, in any #building# containing #residences#, #commercial# #uses# may be permitted on the same #story# as a #residential use#, or on a #story# higher than that occupied by #residential uses#, provided that:

- (a) no #conversion# shall be permitted from #dwelling units# to such #commercial# #uses# in a #building# constructed before June 6, 2024;
- (b) the environmental requirements set forth in Section [32-423](#) shall be met, where applicable;
- (c) no access exists between such #uses# at any level containing #dwelling units#; and
- (d) the following #commercial# #uses# shall not be permitted on a #story# above #dwelling units#:

From Use Group VI:

Eating or drinking establishments, in locations outside of the Borough of Manhattan;

From Use Group VIII

All #uses# listed under Amusement and Recreation Facilities.

#Accessory# mechanical equipment serving #commercial uses# listed in such Use Groups shall not be subject to the location restrictions of this Section.

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## 32-423 - Additional environmental standards for certain uses

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LAST AMENDED

6/6/2024

Where #commercial uses# are located either on the same #story# as #dwelling units#, or on a higher #story#, pursuant to the applicable provisions of Section [32-421](#) and [32-422](#), the provisions of this Section shall apply to #uses# listed in Use Group VI, as set forth in Section [32-16](#) (Use Group VI – Retail and Services), inclusive, #uses# listed in Use Group VIII, as set forth in Section [32-18](#) (Use Group VIII – Recreation, Entertainment and Assembly Spaces), inclusive, #uses# listed in Use Group IX, as set forth in Section [32-19](#) (Use Group IX - Storage) and #uses# listed in Use Group X, as set forth in Section [32-20](#) (Use Group X – Production Uses).

(a) Air quality

Where a #use# listed in Use Group X is required to install an emission stack by Federal, State or Local law, such stack shall exhaust above the height of #building# containing such #use#, or above the height of the immediately adjacent #buildings#, whichever is higher.

(b) Noise

Above the level of the first #story#, where the applicable #commercial# #uses# are located on the same #story# as a #dwelling unit# or a #story# higher than a #dwelling unit#, such #uses# shall either:

- (1) be separated from #dwelling units# by a horizontal or vertical distance of at least 15 feet and includes at least two wall or ceiling partitions, as applicable; or
- (2) provide attenuation that will result in a sound level below 42 dBA for daytime and 35 dBA for nighttime, as measured from the interior of the closest #dwelling units#. Such measurement shall be verified by an acoustical engineer prior to the issuance of a certificate of occupancy by the Department of Buildings.

(c) Vibration

Above the level of the first #story#, where the applicable #commercial# #uses# are located on the same #story# as a #dwelling unit# or a #story# higher than a #dwelling unit#, such #uses# shall be subject to the provisions of Section [42-22](#) (Performance Standards Regulating Vibration) for an M1 District, except that the measurements for maximum vibration displacements shall be measured within the #building# instead of at the #lot line#. Such measurement shall be verified by a vibration or acoustical engineer prior to the issuance of a certificate of occupancy by the Department of Buildings.

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## 32-43 - Limitations on Business Entrances, Show Windows or Signs

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the location of primary business entrances, #show windows# or #signs# shall be subject to the provisions of this Section.

For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a #corner lot# shall include the entire #zoning lot# notwithstanding the 100-foot limitation in the definition of #corner lots# in Section [12-10](#) (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.

The provisions of this Section shall not apply to:

- (a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;
- (b) service entrances, or other entrances less than 3 feet, 6 inches in width;

- (c) windows other than #show windows#; or
- (d) ventilators, fire escapes or other appurtenances required by law.

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### **32-431 - For zoning lots with single frontage**

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #zoning lots# with single frontage, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage within a distance of 20 feet from frontage on the same side of the #street# in a #Residence District#.

However, where the #street# frontage of such #zoning lot# or portion thereof within the #Commercial District# is less than 30 feet in length, the minimum distance shall be reduced to 10 feet. For #zoning lots# with a frontage of more than 30 feet, an application may be made to the Board of Standards and Appeals to reduce such minimum distance to 10 feet, as provided in Section [73-50](#) (Special Provisions Applying Along District Boundaries).

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### **32-432 - For corner lots**

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no primary business entrance, #show window#, or #sign# shall be located on that portion of the #street# frontage of a #corner lot# within 75 feet of frontage on the same side of the #street# in a #Residence District#.

However, primary business entrances, #show windows# or #signs# may be located on frontage less than 75 feet, but not less than 20 feet, from a #Residence District# boundary:

- (a) if the total length of the #block# face containing such frontage is less than 220 feet;
- (b) if such frontage adjoins frontage on a #corner lot# in a #Residence District#; or
- (c) if such frontage is separated from frontage in the #Residence District# by one or more #zoning lots# with single frontage.

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### **32-433 - Exceptions for integrated developments divided by district boundaries**

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Commercial District#, if the Commissioner of Buildings finds that the #zoning lot# on which the business entrance, #show window# or #sign# is to be located:

- (a) is divided by a boundary between the #Commercial District# and a #Residence District#; or

- (b) is currently in the same ownership as adjoining property located in a #Residence District# and no #building# in the #Residence District# exists, or will in the future be erected, within a distance of 75 feet from the #Commercial District#, as evidenced by deed restrictions filed in an office of record binding the owner and the owner's heirs and assigns.

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## 32-60 - SIGN REGULATIONS

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LAST AMENDED  
12/15/1961

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## 32-61 - Definitions

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LAST AMENDED  
11/19/1987

Words in italics are defined in Section [12-10](#) or, if applicable exclusively to this Chapter, in this Section.

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## 32-62 - Permitted Signs

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LAST AMENDED  
2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #signs# other than #advertising signs# are permitted subject to the provisions of the following Sections:

Section [32-64](#) (Surface Area and Illumination Provisions)

Section [32-65](#) (Permitted Projection or Height of Signs)

Section [32-66](#) (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section [32-67](#) (Special Provisions Applying along District Boundaries)

Section [32-68](#) (Permitted Signs on Residential or Mixed Buildings)

Section [32-69](#) (Additional Sign Regulations for Adult Establishments)

However, notwithstanding any provision of this Section, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility# #uses# of a civic, philanthropic, educational or religious nature, are permitted in all districts, as indicated, without limitation.

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## 32-63 - Permitted Advertising Signs

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LAST AMENDED  
6/6/2024

C6-5 C6-7 C8

In the districts indicated, #advertising signs# are permitted subject to the applicable provisions of the following Sections:



Section [32-64](#) (Surface Area and Illumination Provisions)

Section [32-65](#) (Permitted Projection or Height of Signs)

Section [32-66](#) (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section [32-67](#) (Special Provisions Applying along District Boundaries)

Section [32-68](#) (Permitted Signs on Residential or Mixed Buildings).

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## **32-64 - Surface Area and Illumination Provisions**

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LAST AMENDED

2/27/2001

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# shall be subject to the restrictions on #surface area# and illumination as set forth in this Section, provided that the following #signs# shall be exempted from such restrictions on #surface area#:

#Illuminated# non-#flashing signs# other than #advertising signs# located in a window within a #building#, with a total #surface area# not exceeding eight square feet on any #zoning lot# and limited to not more than three such #signs# in any window.

For the purpose of determining permitted #surface area# of #signs# for #zoning lots# occupied by more than one establishment, any portion of such #zoning lot# occupied by a #building# or part of a #building# accommodating one or more establishments on the ground floor may be considered as a separate #zoning lot#.

No #illuminated sign# shall have a degree or method of illumination which exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences#, #loft dwellings# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences#, #loft dwellings# or #joint living-work quarters for artists#.

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### **32-641 - Total surface area of signs**

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LAST AMENDED

12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the total #surface area# of all permitted #signs#, including non-#illuminated# or #illuminated signs#, shall not exceed the limitation established for non-#illuminated signs#, as set forth in Section 32-642.

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### **32-642 - Non-illuminated signs**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, non-illuminated signs with total surface areas not exceeding those shown in the following table are permitted:

District	Maximum Surface Area
C3	50 square feet
C1 C2	Three times the street frontage of the zoning lot (in feet), but in no event more than 150 sq. ft. for interior or through lots or 150 sq. ft. on each frontage for corner lots.
C5-1 C5-2 C5-3 C5-5	Three times the street frontage of the zoning lot (in feet), but in no event more than 200 sq. ft. for interior or through lots or 200 sq. ft. on each frontage for corner lots.
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7	Five times the street frontage of the zoning lot (in feet), but in no event more than 500 sq. ft. for interior or through lots or 500 sq. ft. on each frontage for corner lots.
C8	Six times the street frontage of the zoning lot (in feet), but in no event more than 750 sq. ft. for each sign.
C6-5 C6-7	No restrictions as to size

### 32-643 - Illuminated non-flashing signs

LAST AMENDED  
12/15/1961

C1 C2

In the districts indicated, illuminated non-flashing signs are permitted with a total surface area (in square feet) not exceeding three times the street frontage of the zoning lot in feet, but in no event shall the total surface area exceed 50 square feet for interior or through lots or 50 square feet on each frontage for corner lots.

### 32-644 - Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts

LAST AMENDED

12/5/2024

C4 C5-4 C6 C7

In the districts indicated, #illuminated# or #flashing signs# with total #surface areas# not exceeding those shown in the following table are permitted:

District	Maximum Surface Area (in square feet)
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7	Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 square feet for #interior# or #through lots# or 500 square feet on each frontage for #corner lots#.
C6-5 C6-7	No restrictions as to size

However, in a C6-1A District, #flashing signs# are not permitted.

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### **32-645 - Illuminated or flashing signs in C8 Districts**

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LAST AMENDED

4/8/1998

C8

In the district indicated, #illuminated# or #flashing signs#, other than #advertising signs#, and #advertising signs# with indirect illumination, are permitted, provided that the total #surface area# of all such #signs# (in square feet) shall not exceed five times the #street# frontage of the #zoning lot# (in feet) and that the #surface area# of each #sign# shall not exceed 500 square feet.

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### **32-65 - Permitted Projection or Height of Signs**

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LAST AMENDED

12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section.

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### **32-651 - Permitted projection in C6-5 or C6-7 Districts**

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LAST AMENDED

6/6/2024

C6-5 C6-7

In the districts indicated, except as otherwise provided in Section [32-653](#) (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than eight feet.

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## 32-652 - Permitted projection in all other Commercial Districts

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7 C8

In the districts indicated, except as otherwise provided in Section [32-653](#) (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#.

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## 32-653 - Additional regulations for projecting signs

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, permitted #signs# other than #advertising signs# may be displayed as follows:

- (a) Non-#illuminated signs# may be displayed on awnings or canopies permitted by the Administrative Code, with a #surface area# not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such #signs# shall be limited to identification of the name or address of the #building# or an establishment contained therein.
- (b) #Signs# may be displayed on marquees permitted by the Administrative Code, provided that no such #sign# in a district other than a C6-5 or C6-7 District shall project more than 48 inches above nor more than 12 inches below such marquee.

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## 32-654 - Height of signs in C8 Districts

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LAST AMENDED  
12/15/1961

C8

In the district indicated, permitted #signs# shall not extend to a height greater than 40 feet above #curb level#, provided that non-#illuminated signs# or #signs with indirect illumination# may extend to a maximum height of 58 feet.

---

## 32-655 - Height of signs in all other Commercial Districts

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7

In the districts indicated, no permitted #sign# shall extend above #curb level# at a height greater than the following:

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Districts	Maximum Height (in feet)
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C1 C2 C3 C5-1 C5-2 C5-3 C5-5	25
C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7	40
C6-5 C6-7	No restriction as to height

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### **32-656 - Height of signs above roof**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7

In the districts indicated, no #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, except that a vertical #sign#, the horizontal width of which, parallel to the wall, does not exceed 28 inches, may extend no higher than 15 feet above the roof level.

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### **32-657 - Roof signs**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C6-11 C6-12 C7

In the districts indicated, no #signs# shall be permitted on the roof of any #building#.

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### **32-66 - Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways**

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LAST AMENDED  
2/27/2001

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

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### **32-661 - Additional regulations for signs other than advertising signs**

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LAST AMENDED  
6/6/2024

C6-5 C6-7 C8

In the districts indicated, and within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, no permitted #sign# that is within view of such arterial highway or #public park# shall exceed 500 square feet of #surface area#.

Beyond 200 feet from such arterial highway or #public park#, the surface area of such #signs# may be increased one square foot for each linear foot such #sign# is located from the arterial highway or #public park#.

Upon application, these requirements shall be waived, provided that the Chairperson of the City Planning Commission certifies that:

- (a) such waiver is limited to a single, non-#flashing sign# that is located on a #zoning lot# not less than one and one-half acres; and
- (b) all other permitted #signs# located on such #zoning lot# that are subject to the provisions of this Section conform with all the #sign# regulations applicable in C1 Districts.

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## **32-662 - Additional regulations for advertising signs**

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LAST AMENDED  
6/6/2024

C6-5 C6-7 C8

In all districts, as indicated, no #advertising sign# shall be located, nor shall an existing #advertising sign# be structurally altered, relocated or reconstructed within 200 feet of an arterial highway or of a #public park# with an area of one half acre or more, if such #advertising sign# is within view of such arterial highway or #public park#. For the purposes of this Section, arterial highways shall include all highways which are shown on the Master Plan of Arterial Highways and Major Streets, as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply. Beyond 200 feet from such arterial highway or #public park#, an #advertising sign# shall be located at a distance of at least as many linear feet therefrom as there are square feet of #surface area# on the face of such #sign#. However, in all districts as indicated, the more restrictive of the following shall apply:

- (1) Any #advertising sign# erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, shall have legal #non-conforming use# status pursuant to Section [52-83](#), to the extent of its size existing on May 31, 1968.
- (2) Any #advertising sign# erected, structurally altered, relocated or reconstructed between June 1, 1968 and November 1, 1979, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in #surface area# on its face, 30 feet in height, and 60 feet in length, shall have legal #non-conforming use# status pursuant to Section [52-83](#), to the extent of its size existing on November 1, 1979. All #advertising signs# not in conformance with the standards set forth herein shall terminate.

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## **32-663 - Advertising signs on waterways**

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LAST AMENDED  
2/27/2001

No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Commercial Districts# and within view from an arterial highway. For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section, #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

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## 32-67 - Special Provisions for Certain Areas

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LAST AMENDED

6/6/2024

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## 32-671 - Special provisions applying along district boundaries

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LAST AMENDED

6/6/2024

C2 C3 C4 C5 C6 C7 C8

In the districts indicated, and within 100 feet of the #street line# of any #street# or portion thereof in which the boundary of an adjoining #Residence District# is located, or which adjoins a #public park# of one-half acre or more, no #advertising sign# that faces at an angle of less than 165 degrees away from such #Residence District# or park boundary shall be permitted and all other #signs# facing at less than such an angle shall conform with all the #sign# regulations applicable in C1 Districts as set forth in Sections [32-62](#) through [32-68](#), inclusive, relating to Sign Regulations.

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## 32-672 - Special provisions for high density areas

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LAST AMENDED

6/6/2024

In addition to the applicable district regulations in C1-8, C1-9, C2-7, C2-8 and C4-6 Districts and C1 or C2 Districts mapped within R9 or R10 Districts, all #signs#, other than #advertising signs# and window #signs#, shall be located in a horizontal band not higher than three feet, the base of which is located not higher than 17 feet above #curb level#. Where there is a grade change of at least 1.5 feet in 100 along the portion of the #street# upon which the #development# fronts, such signage band may be staggered along such #street#.

When a #building# on a #contiguous lot# or #contiguous block# contains #accessory# business #signs# within a coordinated horizontal band along its #street# frontage, the signage strip along the #development# shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above #curb level#. Where coordinated horizontal bands exist on two #contiguous lots# or #contiguous blocks# on both sides of the #development#, the signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this Section, the elevation is measured from the #curb level# to the base of the signage strip.

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## 32-68 - Permitted Signs on Residential or Mixed Buildings

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, any #use# listed in Use Group II shall conform to the #sign# regulations for #Residence Districts# set

forth in Sections [22-52](#) through [22-54](#). In #residential# or #mixed buildings#, #residential sign# regulations shall apply to the #residential# portion.

Where non-#residential# #uses# are permitted to occupy two floors of the #building#, all #signs# #accessory# to non-#residential# #uses# located on the second floor shall be non-#illuminated signs#, and shall be located below the level of the finished floor of the third #story#.

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## **32-69 - Additional Sign Regulations for Adult Establishments**

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LAST AMENDED

4/8/1998

C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C7 C8

#Signs#, other than #advertising signs#, for #adult establishments# are permitted only as set forth in this Section and are limited to locations in the districts indicated.

All permitted #signs#, other than #advertising signs#, for #adult establishments# shall conform with all the #sign# regulations applicable in C1 Districts as set forth in this Chapter, except that the provisions of Section [32-64](#) (Surface Area and Illumination Provisions) shall not apply. In lieu thereof, the maximum #surface area# of all #signs#, other than #advertising signs#, for #adult establishments# shall not exceed, in the aggregate, three times the #street# frontage of the #zoning lot#, but in no event more than 150 square feet per establishment, of which no more than 50 square feet may be #illuminated# non-#flashing signs#.





## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 3 - Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

File generated by <https://zr.planning.nyc.gov> on 3/25/2025

# Chapter 3 - Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

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## 33-00 - APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

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LAST AMENDED  
12/15/1961

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### 33-01 - Applicability of This Chapter

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LAST AMENDED  
12/5/2024

The #bulk# regulations of this Chapter apply to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use#, on any #zoning lot# or portion of a #zoning lot# located in any #Commercial District#, including all #developments# or #enlargements#. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building# or a #mixed building#, the #bulk# regulations for which are set forth in Article III, Chapter 4, and Article III, Chapter 5, respectively. In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

For the purposes of this Chapter, the regulations applicable to C1 or C2 Districts mapped within an R7-2 District shall apply to C1 or C2 Districts mapped within R7-3 Districts, unless otherwise specified.

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### 33-02 - Applicability in Special Situations

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LAST AMENDED  
12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section [74-74](#).

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section [75-41](#). In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad

right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to [74-61](#).

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

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### **33-03 - Applicability of Article II, Chapter 3 Regulations**

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LAST AMENDED

12/5/2024

For #commercial# #buildings#, #community facility# #buildings# or #buildings# used partly for #commercial# #use# and partly for #community facility# #use#, the following regulations shall apply with regard to the applicability of certain #bulk# regulations from Article II, Chapter 3.

(a) Height and setback

- (1) In #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District with a letter suffix, the height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section [35-60](#) (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.
- (2) In all other #Commercial Districts#, the #residential# height and setback regulations may be applied as follows:
  - (i) The height and setback regulations of Section [23-42](#) (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through R5 District, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section [35-60](#), inclusive.
  - (ii) The height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District without a letter suffix, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section [35-60](#), inclusive.

(b) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential bulk# regulations may also be applied to the entire #building#:

- (1) the #rear yard#, #rear yard equivalent# and open area along #side lot line# requirements of Section [23-30](#), inclusive, applicable to a #multiple dwelling residence#; and
- (2) for #community facility# #uses# with sleeping accommodations:
  - (i) the special #floor area# allowances of Section [23-23](#) (Special Floor Area Provisions for Multi-family Buildings), inclusive;
  - (ii) the #court# regulations of Section [23-35](#) (Court Regulations), inclusive; and
  - (iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section [23-37](#) (Other Open Area Regulations).

Any obstructions permitted within a specific open area pursuant to Section [23-30](#) (YARDS, COURTS AND OTHER OPEN AREA REGULATIONS), inclusive, shall also be permitted.

Where a particular #bulk# regulation of Article II, Chapter 3 is applied, it shall supersede the applicable regulations of Article III, Chapter 3.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include “dwelling units” and “rooming units”, as set forth in the Housing Maintenance Code.

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### **33-04 - Street Tree Planting in Commercial Districts**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section [26-41](#) (Street Tree Planting).

In C8 Districts, the #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving:

From Use Group VI

Automotive repair and maintenance

#Automotive service stations#

Industrial drycleaning and laundry services

From Use Group IX

All #uses# listed under Use Group IX(A) and IX(C).

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### **33-05 - Outdoor Table Service Areas**

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LAST AMENDED 2/24/2022

Notwithstanding any other provisions of this Resolution, outdoor table service areas, associated with eating and drinking establishments, meeting all requirements set forth in legislation by the City Council and any subsequent rulemaking by an authorized agency shall be permitted within any required sidewalk widening areas.

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### **33-06 - Special Provisions for C7 Districts Mapped Prior to June 6, 2024**

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LAST AMENDED  
6/6/2024

For the purpose of applying the #bulk# regulations of this Chapter, C7 Districts mapped prior to June 6, 2024, shall be considered C7-1 Districts.

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## 33-10 - FLOOR AREA REGULATIONS

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LAST AMENDED  
12/15/1961

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## 33-11 - Definitions

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LAST AMENDED  
11/19/1987

Words in italics are defined in Section [12-10](#) or, if applicable exclusively to this Section, in this Section.

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## 33-12 - Maximum Floor Area Ratio

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in this Section, except as otherwise provided in the following Sections:

Section [33-13](#) (Floor Area Bonus for a Public Plaza)

Section [33-14](#) (Floor Area Bonus for Arcades)

Section [33-15](#) (Floor Area Bonus for Front Yards)

Section [33-16](#) (Special Provisions for Zoning Lots Divided by District Boundaries)

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

Except where authorized by express provisions of this Resolution, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 20 percent.

In addition, the following limitations on maximum permitted #floor area# shall apply:

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C4-11A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A

(a) In contextual Commercial Districts

In the districts indicated, and in C1 and C2 Districts mapped within R9A, R9D, R9X, R10A, R10X or R11A Districts, no #floor area# bonuses are permitted.

(b) In Community Board 7, Borough of Manhattan

Within the boundaries of Community Board 7 in Manhattan, in R10 equivalent #Commercial Districts# without a letter suffix, the maximum #floor area ratio# shall not exceed 10.0.

(c) In C6-1A Districts

In C6-1A Districts, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 50 percent.

(d) In C6-4X Districts

In C6-4X Districts, a #floor area# bonus shall only be permitted for a #public plaza# pursuant to Section [33-13](#).

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### 33-121 - In districts with bulk governed by Residence District bulk regulations

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LAST AMENDED

12/5/2024

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for a #zoning lot# containing a #commercial# or #community facility# #use#, the maximum #floor area ratio# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

#### MAXIMUM FLOOR AREA RATIO

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District	Column A	Column B	Column C
	For #Zoning Lots# Containing only #Commercial# #use#	For #Zoning Lots# Containing only #Community facility# #use#	For #Zoning Lots# Containing both #Commercial# and #Community facility# #uses#
R1 R2	1.00	0.50	1.00
R3-1 R3A R3X	1.00	1.00	1.00
R3-2	1.60	1.60	1.60
R4 R5	2.00	2.00	2.00
R5D R6B	2.00	2.00	2.00
R6D R6-2	2.00	2.50	2.50
R6A R7B	2.00	3.00	3.00

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R7A R8B	2.00	4.00*	4.00
R7D	2.00	4.20	4.20
R6 R6-1 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R7-3 R8 R8A	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9 R9-1	2.00	10.00	10.00
R9A	2.00	7.50	7.50
R9D	2.00	9.00	9.00
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00
R11	2.00	12.00	12.00
R12	2.00	15.00	15.00

\* In R8B Districts, within the boundaries of Community District 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility# #use# exclusively shall not exceed 5.10

In addition, the following provisions shall apply:

- (a) For #zoning lots# containing both #commercial# #uses# and #community facility# #uses#, the total #floor area# used for #commercial# #uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial# #uses# set forth in Column A.
- (b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility# #uses# on a #zoning lot# containing both #commercial# #uses# and #community facility# #uses# is 0.50 unless it is

increased pursuant to the special permit provisions of Section [74-902](#) (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts.)

- (c) In C1 and C2 Districts mapped within R1, R2, R3-1, R3A and R3X Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, the maximum #floor area ratio# for any #zoning lot# containing a #building# used for ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), or child care services listed under the definition of #school# in Section [12-10](#) (DEFINITIONS) shall be 1.2.
  
- (d) In C1 and C2 Districts mapped within R3, R4, R5, R6, R7, R8 and R9 Districts, for any #zoning lot# containing philanthropic or non-profit institutions with sleeping accommodations, or in C1 and C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, for any #zoning lot# containing #long-term care facilities#, the total #floor area# for all such #community facility# #uses# shall not exceed the amount as set forth in paragraphs (b) or (c) of Section [24-111](#) (Maximum floor area ratio for certain community facility uses) unless modified pursuant to Section [74-903](#) (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).
  
- (e) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial# #uses# and partly for #long-term care facilities# in C1 and C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A, R5B and R5D Districts, or philanthropic or non-profit institutions with sleeping accommodations in C1 or C2 Districts mapped within R3 through R9 Districts, shall not exceed the amount permitted for a #zoning lot# containing #commercial# #uses# as set forth for the applicable #Residence District# within which such #Commercial District# is mapped in Column A. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraphs (b) or (c) of Section [24-111](#) exceeds the amount permitted for a #zoning lot# containing #commercial# #uses#, as set forth in Column A, the provisions of paragraphs (b) or (c) of Section [24-111](#), as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section [74-903](#).

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### **33-122 - Commercial buildings in all other Commercial Districts**

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LAST AMENDED  
12/5/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing only #commercial# #uses# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	0.50
C4-1 C8-1	1.00



C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C7-1 C8-2 C8-3	2.00
C4-2A C4-3A C7-2	3.00
C4-2 C4-2F C4-3 C4-4 C4-4D C4-5 C4-6 C4- 8 C4-9 C4-11 C4-12	3.40
C4-4A C4-4L C4-5A C4-5X C5-1 C7-3	4.00
C4-5D	4.20
C7-4 C8-4	5.00
C6-1 C6-2 C6-3	6.00
C7-5	6.50
C7-6	8.00
C6-3D	9.00
C4-7 C5-2 C5-4 C6-4 C6-5 C6-8 C7-7	10.00
C6-11 C7-8	12.00
C5-3 C5-5 C6-6 C6-7 C6-9 C6-12 C7-9	15.00

### 33-123 - Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

LAST AMENDED  
12/5/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing #community facility# #uses#, or for a #zoning lot# containing both #commercial# and #community facility# #uses#, shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
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C3	1.00
C4-1 C7-1	2.00
C8-1	2.40
C4-2A C4-3A C7-2	3.00
C1-6A C2-6A C4-4A C4-4L C4-5A C7-3	4.00
C4-5D	4.20
C4-2 C4-3 C8-2	4.80
C4-5X C7-4	5.00
C6-1A	6.00
C1-6 C1-7 C2-6 C4-2F C4-4 C4-4D C4-5 C4-8 C6-1 C6-2 C7-5 C8-3 C8-4	6.50
C1-8A C2-7A C6-3A	7.50
C7-6	8.00
C1-8X C2-7X C6-3D C6-3X	9.00
C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-9 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8 C7-7	10.00
C4-11 C6-11 C7-8	12.00
C4-12 C5-3 C5-5 C6-6 C6-7 C6-9 C6-12 C7-9	15.00

For #zoning lots# containing both #commercial# #uses# and #community facility# #uses#, the total #floor area# used for #commercial# #uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial# #uses# in Section 33-122.

In addition, the following provisions shall apply:

- (a) In C1 through C6 Districts, except districts with a #residential equivalent# of R10, R11 or R12 Districts, for any

#zoning lot# containing philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# used for such #community facility# #use# shall not exceed the amount as set forth in paragraphs (b) or (c) of Section [24-111](#) (Maximum floor area ratio for certain community facility uses) applying the equivalent #Residence District# as specified in Section [34-112](#) (Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) for the #Commercial District# in which such #use# is located, unless modified pursuant to Section [74-903](#) (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

- (b) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial# #use# and partly for philanthropic or non-profit institutions with sleeping accommodations in C1 through C6 Districts, except districts with a #residential equivalent# of R10, R11 or R12 Districts, shall not exceed the amount permitted for a #zoning lot# containing #commercial# #uses# by the applicable district regulations. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraphs (b) or (c) of Section [24-111](#) exceeds the amount permitted for a #zoning lot# containing #commercial# #uses#, the provisions of paragraph (b) or (c) of Section [24-111](#), as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section [74-903](#).

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### **33-124 - Existing public amenities for which floor area bonuses have been received**

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LAST AMENDED  
10/17/2007

- (a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

- (b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section [37-73](#) (Kiosks and Open Air Cafes).

- (c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section [37-727](#) (Hours of access).

- (d) Elimination or reduction in size of existing public amenities

In all #Commercial Districts#, no existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section [74-761](#) (Elimination or reduction in size of bonused public amenities).

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### **33-13 - Floor Area Bonus for a Public Plaza**

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LAST AMENDED

C1-8 C1-9 C2-7 C2-8

(a) #Zoning lots# containing #community facility# #uses#

In the districts indicated, and in other C1 or C2 Districts when mapped within R9 through R12 Districts, for #zoning lots# containing #community facility# #uses#, for each square foot of #public plaza# provided in accordance with Section [37-70](#) (PUBLIC PLAZAS), inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section [33-12](#) (Maximum Floor Area Ratio) for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, may be increased by six square feet.

C4-7 C5-2 C5-3 C5-4 C5-5 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-5 C7-6 C7-7 C7-8 C7-9

(b) #Zoning lots# containing only #commercial# #uses#

In the districts indicated, for #zoning lots# containing only #commercial# #uses#, for each square foot of #public plaza# provided in accordance with Section [37-70](#), inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section [33-12](#) for a #commercial# #use# may be increased as set forth in the following table:

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Public Plaza#
C5-3 C5-5	10 square feet
C6-6 C6-7 C6-9 C6-12	
C7-9	
C4-7 C5-2 C5-4	6 square feet
C6-1A C6-4 C6-5 C6-8 C6-11	
C7-7 C7-8	
C6-1 C6-2 C6-3	4 square feet
C7-5 C7-6	

C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5-1 C5-2 C5-3 C5-4 C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12 C7-5 C7-6 C7-7 C7-8 C7-9

(c) #Zoning lots# containing #community facility# #uses# or both #commercial# and #community facility# #uses#

In the districts indicated, for #zoning lots# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, for each square foot of #public plaza# provided in accordance with Section [37-70](#),

inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section [33-12](#) may be increased as set forth in the following table:

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Public Plaza#
C5-3 C5-5	10 square feet
C6-6 C6-7 C6-9 C6-12	
C7-9	
C4-6 C4-7 C4-9 C4-11 C4-12	6 square feet
C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8 C6-11	
C7-7 C7-8	
C4-8	4 square feet
C6-1 C6-2	
C7-5 C7-6	

### 33-14 - Floor Area Bonus for Arcades

LAST AMENDED  
12/5/2024

C4-7 C5-2 C5-3 C5-4 C5-5 C6 C7-5 C7-6 C7-7 C7-8 C7-9

- (a) In the districts indicated, for #zoning lots# containing #commercial# #uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section [37-80](#) (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section [33-12](#) (Maximum Floor Area Ratio) for a #zoning lot# containing only #commercial# #uses# may be increased as set forth in the following table:

#### FLOOR AREA BONUS

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade#
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C4-7 C5-2 C5-3 C5-4 C5-5 C6-1A 3 square feet  
C6-4 C6-5 C6-6

C6-7 C6-8 C6-9 C6-11 C6-12

C7-7 C7-8 C7-9

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C6-1 C6-2 C6-3 2 square feet

C7-5 C7-6

---

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C7-5 C7-6 C7-7 C7-8 C7-9

- (b) In the districts indicated, and in C1 or C2 Districts when mapped within R9 through R12 Districts, for #zoning lots# containing #community facility# #uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section [37-80](#), the total #floor area# permitted on that #zoning lot# under the provisions of Section [33-12](#) for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses# may be increased as set forth in the following table:

#### FLOOR AREA BONUS

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #Arcade#
C1 or C2 when mapped within R9 through R12	3 square feet
C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-9 C4-11 C4-12 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12	
C7-7 C7-8 C7-9	
C4-8	2 square feet
C6-1 C6-2	
C7-5 C7-6	

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#### 33-15 - Floor Area Bonus for Front Yards

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### 33-151 - In districts with bulk governed by Residence District bulk regulations

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LAST AMENDED  
2/2/2011

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, when mapped within an R1, R2, R3, R4 or R5 District, except R5D Districts, on any #zoning lot# on which there are provided #yards# as set forth in this Section, the maximum #floor area ratio# set forth in Section [33-12](#) (Maximum Floor Area Ratio) for a #zoning lot# containing only #community facility# #uses# or both #commercial# and #community facility# #uses#, may be increased to the #floor area ratio# set forth in the following table provided that:

- (a) on #interior lots#, a #front yard# not less than 30 feet in depth is provided;
- (b) on #corner lots#, two #front yards#, each not less than 20 feet in depth, are provided; or
- (c) on #through lots#, a #front yard# not less than 30 feet in depth is provided along each #front lot line#.

#### MAXIMUM FLOOR AREA RATIO

Districts	Maximum #Floor Area Ratio#
Within R1, R2, R3-1, R3A or R3X Districts	1.60
Within R4 or R5 Districts	2.40

### 33-152 - In certain other Commercial Districts

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LAST AMENDED  
10/17/2007

C3 C4-1

In the districts indicated, the provisions set forth in Section [33-151](#) shall also apply as set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	1.60
C4-1	2.40

### 33-16 - Special Provisions for Zoning Lots Divided by District Boundaries

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LAST AMENDED  
10/17/2007

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different maximum #floor area ratios# on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

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### **33-20 - YARD REGULATIONS**

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LAST AMENDED  
12/15/1961

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### **33-21 - Definitions**

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LAST AMENDED  
11/19/1987

Words in italics are defined in Section [12-10](#) or, if applicable exclusively to this Section, in this Section.

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### **33-22 - Level of Yards**

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LAST AMENDED  
12/15/1961

In all #Commercial Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#. However, this Section shall not be construed to require that natural grade level be disturbed in order to comply with this requirement.

No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent# except as otherwise provided in Section [33-23](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

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### **33-23 - Permitted Obstructions in Required Yards or Rear Yard Equivalents**

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LAST AMENDED  
12/5/2024

In all #Commercial Districts#, the obstructions set forth in Sections [23-311](#) (Permitted obstructions in all yards, courts and open areas) and [23-341](#) (Permitted obstructions in required rear yards or rear yard equivalents), as well as the following obstructions, shall be permitted when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:
- (1) Fences;
  - (2) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
  - (3) Energy infrastructure equipment# and #accessory# mechanical equipment, provided that:
    - (i) all equipment shall be subject to the applicable provisions of Section [37-20](#) (SPECIAL SCREENING AND ENCLOSURE PROVISIONS); and



- (ii) the height of all equipment shall not exceed a height of 23 feet above #curb level#;
  - (4) Steps;
  - (5) Walls, not exceeding eight feet in height and not roofed or part of a #building#.
- (b) In any #rear yard# or #rear yard equivalent#:
- (1) Balconies, unenclosed, subject to the provisions of Section [24-166](#);
  - (2) Any #building# or portion of a #building# used for any permitted #use# other than #residences#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. However, in C7 Districts, the height of such obstruction shall be modified so that such #building# shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#. In addition, in all districts, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section [33-42](#) (Permitted Obstructions), shall be permitted above such a #building#, or portion thereof;
  - (3) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory# #building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section [33-42](#), shall be permitted above such an #accessory# #building#, or portion thereof; or
  - (4) Solar energy systems affixed to solar canopies and located over parking spaces associated with #public parking lots#, automobile rental establishments, or commercial or public utility vehicle parking facilities, as permitted, provided that the height shall not exceed 15 feet above the level of the adjoining grade.

However, no portion of a #rear yard equivalent# that is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

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### **33-24 - Measurement of Yard Width or Depth**

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LAST AMENDED  
12/15/1961

In all #Commercial Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

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### **33-25 - Minimum Required Side Yards**

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LAST AMENDED  
12/6/2023

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #side yards# are required. However, if an open area extending along a #side lot line# is provided at any level, it shall be either:

- (a) at least eight feet wide at every point; or

- (b) at least five feet wide at every point, with an average width of eight feet, such average being the mean of the width of the open area at its narrowest point and its width at its widest point, provided that:
- (1) such widest point shall be on a #street line#;
  - (2) no portion of a #building# shall project beyond a straight line connecting such two points; and
  - (3) in the case of a #zoning lot# bounded by a #side lot line# extending from #street# to #street#, such average shall be computed and such open area shall be provided as though each half of such #side lot line# bounded a separate #zoning lot#.

The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Section [33-23](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

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### **33-26 - Minimum Required Rear Yards**

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, other than C7 Districts, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections [33-27](#) (Special Provisions for Shallow Interior Lots), [33-28](#) (Special Provisions for Through Lots) or [33-30](#) (OTHER SPECIAL PROVISIONS FOR REAR YARDS). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section [33-261](#) (Beyond one hundred feet of a street line).

For C7 Districts, the provisions of Section [33-262](#) shall apply. However, such provisions shall be modified by the provisions of [33-27](#), [33-28](#) or [33-30](#).

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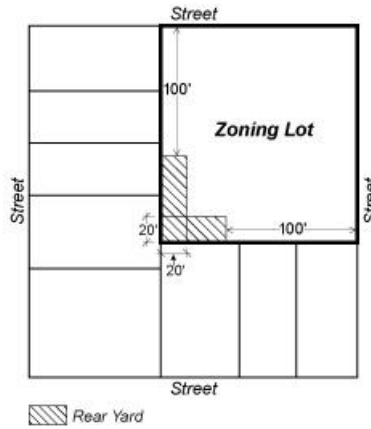
### **33-261 - Beyond one hundred feet of a street line**

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LAST AMENDED  
4/30/2008

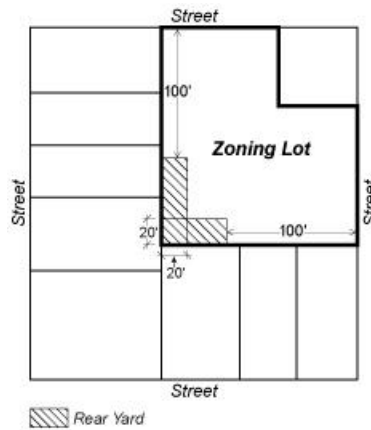
C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# or #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



## CORNER LOT

(33-261.1, 43-261.1)



## ZONING LOT BOUNDED BY TWO OR MORE STREETS (NEITHER A CORNER LOT NOR A THROUGH LOT)

(33-261.2, 43-261.1)

### 33-262 - Minimum rear yards for C7 Districts

LAST AMENDED

6/6/2024

In C7 Districts, a #rear yard# shall be provided at the minimum depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

#### REQUIRED DEPTH OF REAR YARD

Height above #base plane#	Required depth
Below 65 feet	10 feet
Above 65 feet	15 feet
Above 125 feet	20 feet

In addition, where a portion of a #side lot line# beyond 100 feet of the #street line# coincides with a #rear lot line# of an adjoining #zoning lot#, such #side lot line# shall be considered a #rear lot line# and a #rear yard# shall be required with a

minimum depth in accordance with the provisions of this Section.

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### **33-27 - Special Provisions for Shallow Interior Lots**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

(a) For districts other than C7 Districts In all districts, other than C7 Districts, if an #interior lot# consists entirely of a tract of land:

- (1) which was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and
- (2) which is less than 70 feet deep;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each two feet by which the maximum depth of such #interior lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of 50 feet or less.

(b) For C Districts

For C7 Districts, if an #interior lot#, or portion thereof, has a depth of less than 95 feet at any point, and such shallow condition was in existence on December 15, 1961, the depth of a required #rear yard#, or portion thereof, may be reduced by six inches for each foot by which the depth of such #zoning lot# is less than 95 feet. No #rear yard# is required on any such #interior lot#, or portion thereof, with a maximum depth of less than 50 feet.

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### **33-28 - Special Provisions for Through Lots**

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LAST AMENDED

4/30/2008

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

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### **33-281 - Excepted districts**

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LAST AMENDED

12/5/2024

C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C7 C8-4

In the districts indicated, no #rear yard# regulations shall apply to any #through lot#, except as otherwise provided in Section [33-303](#) (For zoning lots with multiple rear lot lines).

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### **33-282 - Excepted through lots**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4-1 C8-1 C8-2 C8-3

In the districts indicated, no #rear yard# regulations shall apply to any #through lots# which extend less than 110 feet in maximum depth from #street# to #street#.

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### **33-283 - Required rear yard equivalents**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4-1 C8-1 C8-2 C8-3

In the districts indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

- (a) an open area with a minimum depth of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts. In C1 and C2 Districts mapped within, or with a #residential equivalent# of, R6 through R12 Districts with a letter suffix, a #rear yard equivalent# shall be provided only as set forth in this paragraph. Such limitation shall also apply to C1 or C2 Districts mapped within R5D Districts; or
- (b) two open areas, each adjoining and extending along the full length of the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; except that in C1 or C2 Districts the depth of such required open area along one #street line# may be decreased provided that a corresponding increase of the depth of the open area along the other #street line# is made; or
- (c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section [33-23](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

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### **33-29 - Special Provisions Applying Along District Boundaries**

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LAST AMENDED

2/8/1962

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries of #Residence Districts# except where such district boundaries are also the boundaries of railroad rights-of-way or cemeteries.

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### **33-291 - Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District**

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LAST AMENDED

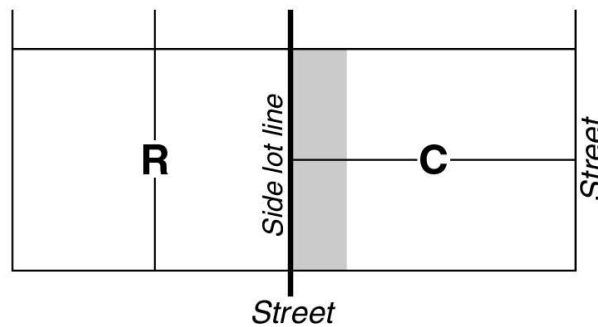
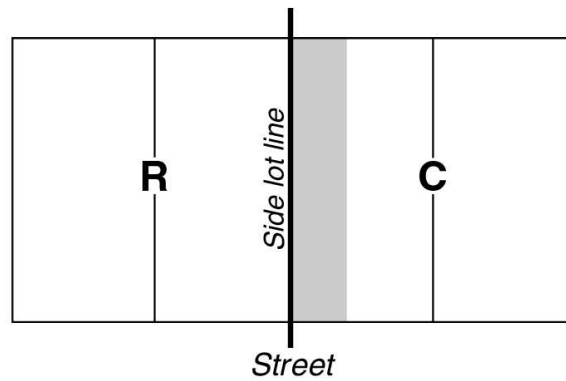
12/15/1961



C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line#

of a #zoning lot# in an R1, R2, R3, R4 or R5 District an open area not higher than #curb level# shall be provided within the #Commercial District# with at least the width or depth set forth in the following table. Such an open area shall not be used for #accessory# off-street loading, or for storage or processing of any kind.

Districts	Required Width or Depth of #Yard# (in feet)
C1 C2 C3 C4 C5 C6 C7	8
C8	15



 Required Open Area  
 8' or 15' width or depth  
 District Boundary

**REQUIRED YARD ALONG DISTRICT BOUNDARY COINCIDENT WITH SIDE LOT LINES**  
 (33 - 291)

**33-292 - Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots**

LAST AMENDED  
 6/6/2024

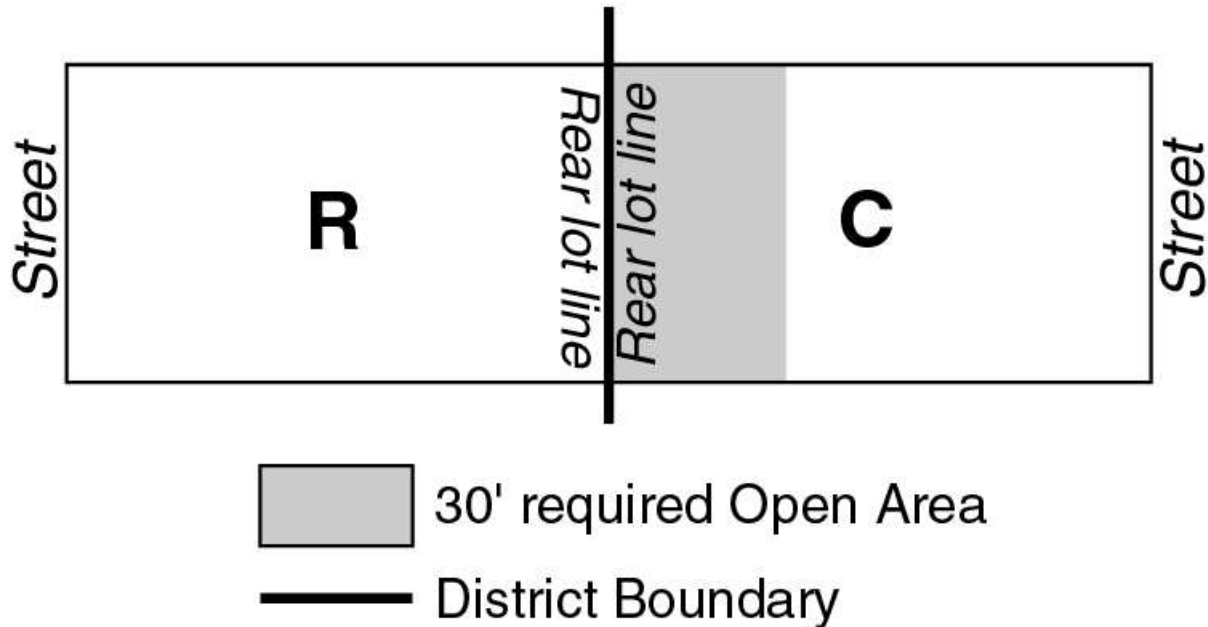
C1 C2 C3 C4 C5 C6 C7 C8

(a) For districts other than C7 Districts

In all districts, other than C7 Districts, along such portion of the #rear lot line# of a #zoning lot# in a #Commercial District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at a level not higher than indicated in the following table, shall be provided along such boundary and within the #Commercial District#. Such an open area shall not be used for storage or processing of any kind.

REQUIRED DEPTH OF YARD

Districts	Maximum Level of #Yard#	Depth (in feet)
C1 C2 C3 C4 C5 C6	23 feet above #curb level#	30
C8	#Curb level#	30



REQUIRED YARD ALONG DISTRICT BOUNDARIES COINCIDENT WITH REAR LOT LINES

(33 - 292)

(b) For C7 Districts

For C7 Districts, where the portion of a #rear lot line# of a #zoning lot# coincides with the #rear lot line# of an adjoining #Residence District#, an open area not higher than 30 feet above #curb level# and at least 20 feet in depth shall be provided.

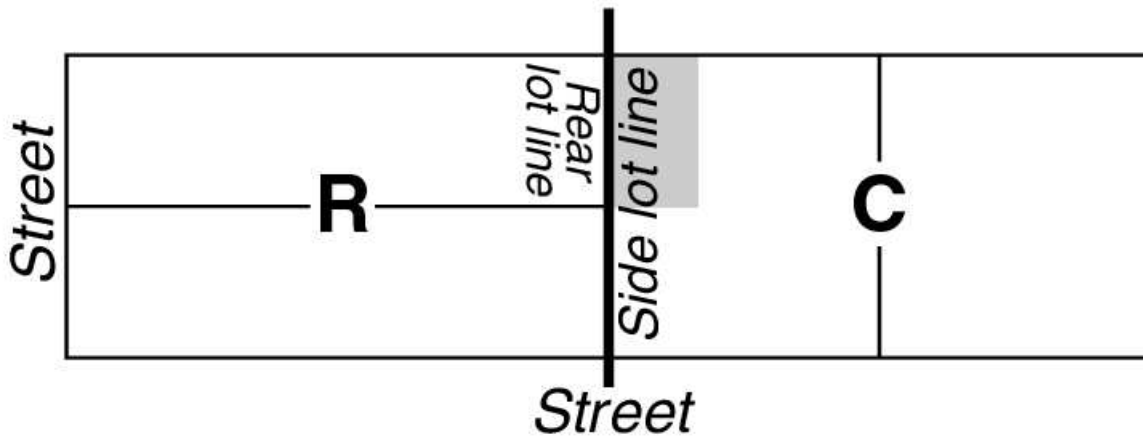
**in a Commercial District**

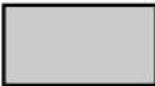

LAST AMENDED  
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of a #side lot line# of a #zoning lot# in a #Commercial District# that coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at #curb level# of at least the width set forth in the following table shall be provided along such boundary within the #Commercial District#. Such an open area shall not be used for #accessory# off-street loading, or for storage or processing of any kind.

Districts	Required Width of #Yard# (in feet)
C1 C2 C3 C4 C5 C6 C7	8
C8	15



-  Required Open Area  
8' or 15' width
-  District Boundary

REQUIRED YARD ALONG DISTRICT BOUNDARIES  
(33 - 293)

**33-30 - OTHER SPECIAL PROVISIONS FOR REAR YARDS**

LAST AMENDED  
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the #rear yard# requirements set forth in Section [33-26](#) (Minimum Required Rear Yards) shall be



modified as set forth in this Section.

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### 33-301 - Within one hundred feet of corners

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LAST AMENDED

12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

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### 33-302 - Along short dimension of block

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #front lot line# of a #zoning lot# coincides with the #street line# of the #short dimension of a block#, no #rear yard# shall be required within 100 feet of such #front lot line#.

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### 33-303 - For zoning lots with multiple rear lot lines

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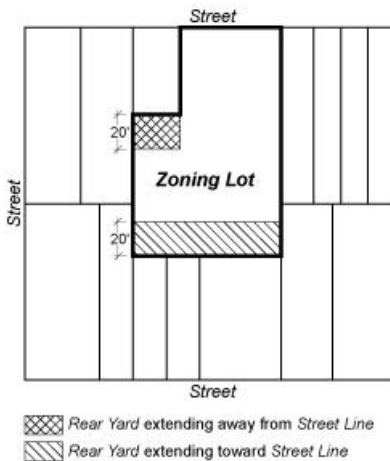
LAST AMENDED

4/30/2008

C1 C2 C3 C4 C5 C6 C7 C8

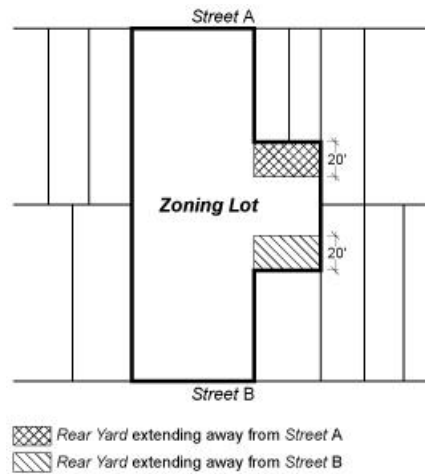
In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply:

- (a) A #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



(33-303a)

- (b) No #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.
- (c) For portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(33-303c)

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### 33-31 - Special Provisions for Zoning Lots Divided by District Boundaries

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LAST AMENDED  
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different #yard# regulations, the provisions set forth in Article VII, Chapter 7 shall apply.

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### 33-32 - Modification of Yard Regulations

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LAST AMENDED  
12/5/2024

C5-5 C6-8 C6-9 C6-11 C6-12

- (a) In the districts indicated, the regulations set forth in Sections [33-26](#) (Minimum Required Rear Yards) through [33-30](#) (OTHER SPECIAL PROVISIONS FOR REAR YARDS), inclusive, relating to #rear yard# regulations, may be modified in accordance with the provisions of Section [73-68](#) (Height and Setback and Yard Modifications).

C1 C2 C3 C4 C5 C6 C7 C8

- (b) In all districts, the regulations set forth in Section [33-303](#) (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section [73-69](#) (Rear Yard Modifications).

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## 33-40 - HEIGHT AND SETBACK REGULATIONS

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LAST AMENDED

12/5/2024

All #buildings# in #Commercial Districts# shall comply with the height and setback regulations set forth in this Section, inclusive. However, the height and setback regulations of this Section, inclusive, shall not apply in #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District with a letter suffix, the height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, pursuant to Section [33-03](#) (Applicability of Article II, Chapter 3 Regulations).

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## 33-41 - Definitions

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LAST AMENDED

11/19/1987

Words in italics are defined in Section [12-10](#) or, if applicable exclusively to this Section, in this Section.

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## 33-42 - Permitted Obstructions

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LAST AMENDED

12/5/2024

In all #Commercial Districts#, the obstructions set forth in Section [23-411](#) (General permitted obstructions), as well as the following obstructions shall be permitted and may thus penetrate a maximum height limit or #sky exposure planes#, as set forth in Sections [33-43](#) (Maximum Height of Walls and Required Setbacks), [33-44](#) (Alternate Front Setbacks), [33-46](#) (Height and Setback Provisions for C7 Districts) or [33-491](#) (Limited Height Districts):

- (a) Balconies, unenclosed, subject to the provisions of Section [24-164](#) (Balconies);
- (b) Elevator or stair bulkheads (including shafts; and vestibules, roof water tanks, #energy infrastructure equipment#, and #accessory# mechanical equipment (including enclosures and screening), other than solar or wind energy systems (whether #accessory# or as part of #energy infrastructure equipment#), provided that:
- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow# #street line# or more than 20 feet from a #wide# #street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, does not exceed 30 percent of the #street wall# width of the #building# facing such frontage;
  - (2) the aggregate area of such obstructions, including any screening, does not exceed 50 percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed 15 feet above the maximum permitted height, except where otherwise permitted by paragraph (3) of this Section;
  - (3) the aggregate area of such obstructions, including any screening, does not to exceed 30 percent of the #lot coverage# of the #building#, and the height of such obstructions shall not exceed:

- (i) where the maximum permitted height of a #building# is 120 feet or lower, a height of 35 feet above the maximum permitted height;
  - (ii) where the maximum permitted height of a #building# is greater than 120 feet, a height of 55 feet above the maximum permitted height; and
- (4) all equipment shall be subject to the applicable provisions of Section [37-20](#) (SPECIAL SCREENING AND ENCLOSURE PROVISIONS);
- (c) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
  - (d) #Qualifying rooftop greenhouses#, up to 25 feet in height, provided that such obstruction shall be located not less than six feet from the #street wall# of the #building#;
  - (e) Spires or belfries;
  - (f) Wind energy systems, #accessory# or as part of #energy infrastructure equipment#, on portions of #buildings# with a height of 100 feet or greater, provided that:
    - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
    - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
    - (3) in districts where new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet.

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### **33-43 - Maximum Height of Walls and Required Setbacks**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in this Section. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in this Section. The regulations of this Section shall apply except as otherwise provided in Sections [33-42](#) (Permitted Obstructions), [33-44](#) (Alternate Front Setbacks), [33-45](#) (Tower Regulations), or [33-49](#) (Special Height Limitations), inclusive.

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### **33-431 - In C1 or C2 Districts with bulk governed by surrounding Residence District**

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LAST AMENDED  
12/5/2024

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#	#Sky Exposure Plane# Height above the #Street Line# (in feet)	#Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance	
Within R1, R2, R3, R4, R5, R5A or R5B Districts							
20	15	30 feet or two #stories#, whichever is less	30	1	to 1	1	to 1
Within R6 or R7 Districts							
20	15	60 feet or four #stories#, whichever is less	60	2.7	to 1	5.6	to 1
Within R8, R9, R10, R11 or R12 Districts							
20	15	85 feet or six #stories#, whichever is less	85	2.7	to 1	5.6	to 1

However, in accordance with the provisions of Section [32-42](#) (Location Within Buildings), no #commercial building# or portion thereof occupied by non-#residential uses# listed under Use Groups VI through X shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, when mapped within R4, R5, R5A or R5B Districts, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above #street line# shall be 35 feet and, when mapped within R7-2 Districts, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

In C1 or C2 Districts mapped within R1, R2 or R3 Districts in the Borough of Staten Island or in Community District 10 in the Bronx, for #buildings# containing ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), the maximum height of a front wall or other portion of a #building# within the #initial setback distance# shall be 35 feet, or three #stories#, whichever is less. However, such increased height shall only be permitted beyond 20 feet of a #Residence District# boundary or beyond 20 feet of any portion of a #building# containing a #residential use# located in a #Commercial District#.

### 33-432 - In other Commercial Districts

LAST AMENDED  
12/5/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the maximum height of a front wall and the required front setback of a #building or other structure#, except as otherwise set forth in this Section, shall be as set forth in the following table:

#### MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#	#Sky Exposure Plane#				
On #Narrow Street#	On #Wide Street#		Height above the #Street Line# (in feet)	Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
		Vertical Distance		Horizontal Distance	Vertical Distance	Horizontal Distance	
Within C3 C4-1 C8-1 Districts							
20	15	30 feet or two #stories#, whichever is less	30	1	to 1	1	to 1
Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C8-2 C8-3 Districts							

20	15	60 feet or four #stories#, whichever is less	60	2.7	to 1	5.6	to 1
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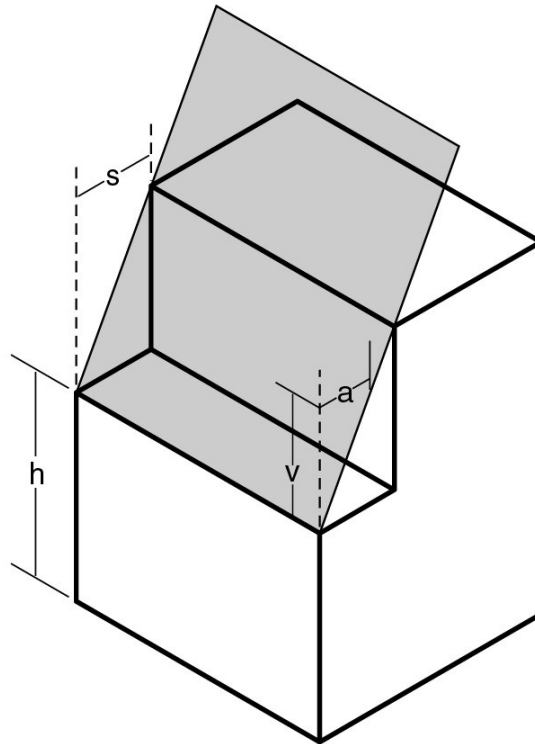
Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 Districts

20	15	85 feet or six #stories#, whichever is less	85	2.7	to 1	5.6	to 1
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However, in accordance with the provisions of Section [32-42](#) (Location within Buildings), in C1, C2 or C3 Districts, no #commercial building#, or portion thereof, occupied by non-#residential uses# listed under Use Groups VI through X shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility# and #commercial# #use#, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above #street line# shall be 35 feet.

In C1-6, C2-6, C4-4 or C4-5 Districts, for #community facility buildings# or #buildings# used for both #community facility# and #commercial# #use#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.



a - Horizontal distance                      s - Initial setback distance  
h - Height of sky exposure plane above street line      v - Vertical distance

 Sky Exposure Plane

SKY EXPOSURE PLANE IN OTHER COMMERCIAL DISTRICTS  
(23 - 632, 24 - 522, 33 - 432, 43 - 43)

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**33-433 - Special height and setback regulations**

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LAST AMENDED  
12/5/2024

- (a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in #Commercial Districts# with a #residential equivalent# of an R10 District without a letter suffix shall comply with the requirements of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts).
- (b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to paragraph (a)(1) of Section [23-442](#) (Special provisions for certain community districts).
- (c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the applicable height and setback requirements of Section [23-42](#) (Height and Setback Requirements in R1 Through R5 Districts), inclusive.

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**33-44 - Alternate Front Setbacks**

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LAST AMENDED  
12/5/2024



C1 C2 C3 C4 C5 C6 C8

In the districts indicated, for #buildings# other than #Quality Housing buildings#, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 33-42 (Permitted Obstructions), or 33-45 (Tower Regulations), inclusive, no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in this Section, and the #sky exposure plane# shall be measured from a point above the #street line#.

If the open area provided under the terms of this Section is a #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 33-13 (Floor Area Bonus for a Public Plaza).

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### 33-441 - In C1 or C2 Districts with bulk governed by surrounding Residence District

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LAST AMENDED  
12/5/2024

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be determined by the #Residence District# in which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

#### ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Alternate #Sky Exposure Plane#			
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)		
On #Narrow Street#	On #Wide Street#		On #Narrow Street#	On #Wide Street#	
Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance		
Within R1, R2, R3, R4, R5, R5A or R5B Districts					
15	10	30	1.4 to 1	1.4 to 1	
Within R6 or R7 Districts					
15	10	60	3.7 to 1	7.6 to 1	

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Within R8, R9, R10, R11 or R12 Districts

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15          10          85          3.7          to 1          7.6          to 1

---

However, in accordance with the provisions of Section [32-42](#) (Location within Buildings), no #commercial building#, or portion thereof, occupied by non-#residential uses# listed under Use Groups VI through X shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, when mapped within R4, R5, R5A or R5B Districts, the height above #street line# shall be 35 feet.

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### 33-442 - In other Commercial Districts

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LAST AMENDED  
12/5/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be as set forth in the following table:

#### ALTERNATE REQUIRED FRONT SETBACKS

---

Depth of Optional Front Open Area (in feet)	Alternate #Sky Exposure Plane#					
	#Street Line# (in feet)	#Narrow Street#	Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
On #Narrow Street#	On #Wide Street#					

---

Within C3 C4-1 C8-1 Districts

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15          10          30          1.4          to 1          1.4          to 1

---

Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C8-2 C8-3 Districts

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15          10          60          3.7          to 1          7.6          to 1

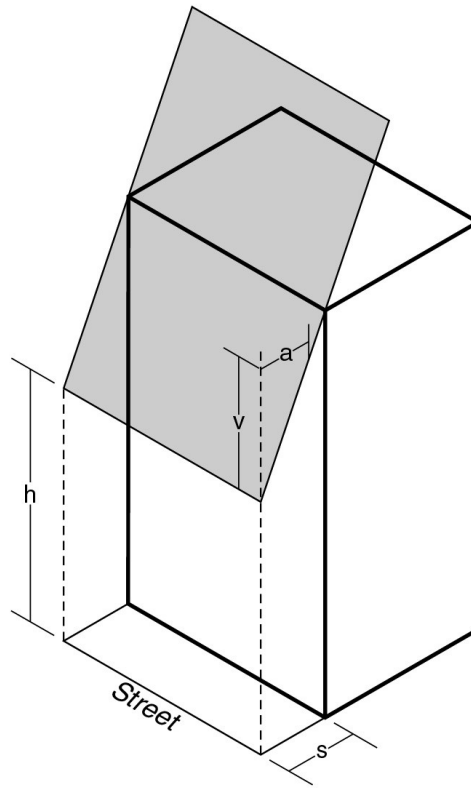
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Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 Districts


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However, in accordance with the provisions of Section [32-42](#) (Location Within Buildings), in C1, C2 or C3 Districts, no #commercial building# or portion thereof occupied by #uses# listed under Use Groups VI through X shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility# #use# and #commercial# #use#, the maximum height above #street line# shall be 35 feet or three #stories#, whichever is less.



a - Horizontal distance                      s - Depth of the optional front open area  
h - Height of sky exposure plane above street line                      v - Vertical distance

 Sky Exposure Plane

### ALTERNATE SKY EXPOSURE PLANE

([23-64](#), [24-53](#), [33-442](#), [43-44](#))

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## 33-45 - Tower Regulations

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LAST AMENDED  
12/15/1961

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### 33-451 - In certain specified Commercial Districts

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LAST AMENDED  
12/5/2024

C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12

In the districts indicated, any #buildings# or portions thereof which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section [33-454](#) (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, except where the provisions set forth in Section [33-455](#) (Alternate regulations for towers on lots bounded by two or more streets) or [33-456](#) (Alternate setback regulations on lots bounded by two or more streets) or [33-457](#) (Tower setbacks on narrow blocks) are applicable and where the option is taken to be governed by such provisions, such tower may occupy any portion of the #zoning lot# not located less than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600 square feet.

If all of the #buildings# on a #zoning lot# containing such tower do not occupy at any level more than the maximum percent of the #lot area# set forth in this Section or Section [33-454](#) for towers, the tower may occupy any portion of the #zoning lot# located 20 feet or more from the #street line# of a #narrow street# or 15 feet or more from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 2,000 square feet.

Unenclosed balconies, subject to the provisions of Section [24-166](#) (Balconies), are permitted to project into or over open areas not occupied by towers.

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### **33-452 - Community facility buildings in C1 or C2 Districts when mapped within R7-2 through R12 Districts**

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LAST AMENDED

12/5/2024

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, when mapped within an R7-2, R7-3, R8, R9, R10, R11 or R12 District, the provisions set forth in Section [33-451](#) (In certain specified Commercial Districts) shall apply to any #community facility building#. If a #building# is used for both #community facility# and #commercial# #uses#, no portion of such #building# occupied by #commercial# #use# shall penetrate the #sky exposure plane# as set forth in Sections [33-43](#) (Maximum Height of Walls and Required Setbacks) or [33-44](#) (Alternate Front Setbacks).

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### **33-453 - Community facility buildings in certain specified Commercial Districts**

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LAST AMENDED

12/5/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-8 C4-9 C4-11 C4-12 C5-1 C6-1 C6-2 C6-3 C8-3 C8-4

In the districts indicated, the provisions set forth in Section [33-451](#) (In certain specified Commercial Districts) shall apply to any #community facility building#. If a #building# is used for both #community facility# and #commercial# #uses#, no portion of such #building# occupied by #commercial# #use# shall penetrate the #sky exposure plane# as set forth in Section [33-43](#) (Maximum Height of Walls and Required Setbacks) or [33-44](#) (Alternate Front Setbacks).

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### **33-454 - Towers on small lots**

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LAST AMENDED

12/5/2024

C1 C2 C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C-4-12 C5 C6 C8-3 C8-4

In the districts indicated, a tower permitted under the provisions of Sections [33-451](#) (In certain specified Commercial Districts), [33-452](#) (Community facility buildings in C1 or C2 Districts when mapped within R7-2 through R12 Districts) or [33-453](#) (Community facility buildings in certain specified Commercial Districts) may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

**33-455 - Alternate regulations for towers on lots bounded by two or more streets**

LAST AMENDED  
12/5/2024

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

In the districts indicated, if a #zoning lot# is bounded by at least two #street lines#, a tower may occupy the percent of the #lot area# of a #zoning lot# set forth in this Section, provided that, except as otherwise set forth in Section [33-457](#) (Tower setbacks on narrow blocks), all portions of any #building# or #buildings# on such #zoning lot#, including such tower, are set back from #street lines# as required in this Section.

- (a) The maximum percent of #lot area# that may be occupied by such tower, shall be the sum of 40 percent plus one-half of one percent for every .10 by which the #floor area ratio# of such #zoning lot# is less than the #floor area ratio# permitted under the provisions of Sections [33-12](#) (Maximum Floor Area Ratio), [33-13](#) (Floor Area Bonus for a Public Plaza) or [33-14](#) (Floor Area Bonus for Arcades). The maximum #lot coverage# for any tower built under the provisions of this Section or for any #building# or #buildings# on any #zoning lot# occupied by such tower shall be 55 percent of the #lot area# of such #zoning lot#.
- (b) At all levels, including ground level, such #building# shall be set back from the #street line# as follows:
- (1) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0667 for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Sections [33-12](#), [33-13](#) or [33-14](#), provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.
  - (2) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .10 for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Sections [33-12](#), [33-13](#) or [33-14](#), provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.
- (c) If a #zoning lot# occupies an entire #block#, the maximum setback, set forth in paragraph (b) of this Section, of 45 feet on each #narrow street# bounding the #zoning lot# may be reduced by one foot for every six feet of setback provided on a #wide street# bounding the #zoning lot# in addition to the setbacks otherwise required for #wide streets# as set forth in such paragraph, provided that no setback on a #narrow street# resulting from such reduction shall be less than 35 feet or one-tenth the #aggregate width of street walls# of the tower, whichever shall require the greater setback.
- (d) The additional setbacks on #wide streets# set forth in paragraph (c) of this Section may be provided entirely on one #wide street# or divided in any proportion among any two #wide streets# bounding the #zoning lot#.
- (e) Notwithstanding any other provision set forth in this Section, no #building# or portion of a #building# built under the provisions of this Section shall be set back less than 25 feet from the #street line# on #narrow streets# or less than 15 feet from the #street line# on #wide streets#.

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### **33-456 - Alternate setback regulations on lots bounded by two or more streets**

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LAST AMENDED  
12/5/2024

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

In the districts indicated, except as otherwise set forth in Section [33-457](#) (Tower setbacks on narrow blocks), if a #zoning lot# is bounded by at least two #street lines#, a tower occupying not more than the percent of #lot area# set forth in Section [33-451](#) (In certain specified Commercial Districts) or [33-454](#) (Towers on small lots), may be set back from a #street line# as follows:

- (a) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0333 for each .10 by which the #floor area ratio# of the #zoning lot# is less than the #floor area ratio# permitted under the provisions of Section [33-12](#), [33-13](#) or [33-14](#), provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.

- (b) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .05 for each .10 by which the #floor area ratio# of the #zoning lot# is less than the #floor area ratio# permitted under the provisions of Sections [33-12](#) (Maximum Floor Area Ratio), [33-13](#) (Floor Area Bonus for a Public Plaza) or [33-14](#) (Floor Area Bonus for Arcades), provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.
- (c) Notwithstanding any other provisions set forth in this Section, no tower built under the provisions of this Section shall be set back less than 25 feet from the #street line# on #narrow streets# or less than 15 feet from the #street line# on #wide streets#.

### 33-457 - Tower setbacks on narrow blocks

LAST AMENDED  
12/5/2024

C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12

In the districts indicated, if a #zoning lot# is bounded by at least three #street lines#, and any two of the #street lines# are opposite to each other and parallel or within 45 degrees of being parallel to each other, and their average distance apart is 150 feet or less, the minimum distance a tower is required to be set back from such opposite #street lines# under the provisions of Section [33-455](#) (Alternate regulations for towers on lots bounded by two or more streets) or Section [33-456](#) (Alternate setback regulations on lots bounded by two or more streets), is reduced in accordance with the following table:

#### TOWER SETBACKS ON NARROW BLOCKS

	Reduction of Required Tower Setback	Minimum Setback for Tower Built under Provisions of this Section
On #narrow street#	30 percent or 10 feet, whichever is less	15 feet
On #wide street#	40 percent or 10 feet, whichever is less	10 feet

### 33-46 - Height and Setback Provisions for C7 Districts

LAST AMENDED  
6/6/2024

For C7 Districts, a #building or other structure# shall not exceed the maximum base heights or maximum #building# height set forth in paragraph (a) of this Section. A setback is required for all portions or #buildings or other structures# that exceed the maximum base height specified in paragraph (a) and shall be provided in accordance with paragraph (b). In districts without a maximum height limit, the tower provisions set forth in paragraph (c) shall apply.

- (a) Maximum base heights and maximum #building# heights

The table below sets forth the maximum base heights and maximum #building or other structure# heights.

**MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT**

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)
C7-1	45	65
C7-2	65	95
C7-3	95	125
C7-4	125	155
C7-5	155	205
C7-6	155	245
C7-7	155	325
C7-8 <del>C7-9</del>		N/A

In addition, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum building heights established in such table by 25 percent.

(b) Any portion of a #building# above the maximum base height shall provide a setback with a depth of at least 10 feet from any #street wall# fronting on a #wide street# and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, such setback requirement may be modified as follows:

- (1) the depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately;
- (2) the depth of such required setbacks may include the depth of recesses in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, does not exceed 30 percent of the #aggregate width of #street wall# at any level;
- (3) these setback provisions are optional for any #building# that either is located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#; and
- (4) dormers may penetrate a required setback area, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height#. Such dormers need not decrease in width as the height above the maximum base height increases.

(c) Towers



For #buildings# in C7-8 and C7-9 Districts, no maximum height limit shall apply. However, any portion of a #building# above a height of 350 feet shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#.

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### **33-47 - Modification of Height and Setback Regulations**

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LAST AMENDED

12/15/1961

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### **33-471 - Commercial and community facility uses**

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LAST AMENDED

12/5/2024

C5-5 C6-8 C6-9 C6-11 C6-12 C8

In the districts indicated, for #commercial# or #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections [33-41](#) (Definitions) to [33-45](#) (Tower Regulations), inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section [73-68](#) (Height and Setback and Yard Modifications).

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### **33-472 - Community facility uses**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections [33-40](#) through [33-45](#), inclusive, relating to Height and Setback Regulations in accordance with the provisions of Section [73-64](#) (Modifications for community facility uses).

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### **33-473 - Special provisions for zoning lots directly adjoining public parks**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the front height and setback regulations specified in Section [33-43](#) (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, this Section shall not apply to a #public park# more than 75 percent of which is paved.

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### **33-48 - Special Provisions for Zoning Lots Divided by District Boundaries**

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LAST AMENDED

8/14/1987

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts, or is subject to other regulations resulting in different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section [33-45](#) (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

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### **33-49 - Special Height and Setback Limitations**

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LAST AMENDED  
12/5/2024

The provisions of this Section, inclusive, shall apply to #buildings# utilizing the #sky exposure plane# provisions of this Chapter. In no event shall such provisions apply to #buildings# that utilize the #residential# height and setback regulations of Section [23-40](#) (HEIGHT AND SETBACK REGULATIONS), inclusive, as modified by the provisions of Section [35-60](#) (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS).

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### **33-491 - Limited Height Districts**

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LAST AMENDED  
6/29/1994

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height Above #Curb Level# or #Base Plane#, as Applicable
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

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### **33-492 - Height limitations for narrow buildings or enlargements**

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LAST AMENDED  
12/5/2024

In C1 or C2 Districts mapped within, or with a #residential equivalent# of, R7-2, R8, R9 or R10 Districts, the provisions of Section [23-738](#) (Height limitations for narrow buildings) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

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### **33-50 - COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR**

## LOT LINES

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LAST AMENDED  
12/15/1961

Basic Regulations

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### **33-51 - Minimum Dimensions of Courts for Community Facility Buildings**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the regulations set forth in the following Sections shall apply to all #buildings# containing #community facility# #uses#:

Section [24-61](#) (General Provisions and Applicability)

Section [24-62](#) (Minimum Dimensions of Courts)

Section [24-63](#) (Outer Court Regulations)

Section [24-64](#) (Inner Court Regulations)

Section [24-65](#) (Minimum Distance Between Required Windows and Walls or Lot Lines)

Section [24-66](#) (Modifications of Court Regulations or Distance Requirements)

Section [24-67](#) (Permitted Obstructions in Courts).



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts**

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# Chapter 4 - Bulk Regulations for Residential Buildings in Commercial Districts

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## 34-00 - APPLICABILITY AND DEFINITIONS

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LAST AMENDED

7/26/2001

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## 34-01 - Applicability of This Chapter

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LAST AMENDED

12/5/2024

The #bulk# regulations of this Chapter apply to any #zoning lot# containing only #residential buildings# in any #Commercial District# in which such #buildings# are permitted. Where a #residential building# and one or more #buildings# containing non-#residential uses# are on a single #zoning lot#, the #bulk# regulations of Article III, Chapter 5, shall apply. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

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## 34-02 - Applicability in Special Situations

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LAST AMENDED

12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying# #buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alteration would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section [74-74](#).

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section [75-41](#). In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to [74-61](#).

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

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## **34-03 - Applicability to Specific Districts**

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LAST AMENDED  
12/5/2024

In C3A Districts, the #bulk# regulations of this Chapter shall not apply. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply.

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## **34-10 - APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS**

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LAST AMENDED  
12/15/1961

## **34-11 - General Provisions**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations of Article II, Chapter 3, shall apply to all #residential buildings# in accordance with the provisions of this Section, except as modified by the provisions of Sections [34-21](#) through [34-24](#), relating to exceptions to applicability of #Residence District# controls.

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## **34-111 - Residential bulk regulations in C1 or C2 Districts whose bulk is governed by surrounding Residence District**

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LAST AMENDED  
12/5/2024

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence District# within which such #Commercial Districts# are mapped apply, except that:

- (a) where such districts are mapped within R1 through R5 districts within the #Greater Transit Zone#, the #bulk# regulations for R5 Districts on #qualifying residential sites# shall apply; and
- (b) outside the #Greater Transit Zone#, where such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts on #qualifying residential sites# shall apply.

Such district modifications shall apply for the purposes of applying the provisions of Article II, Chapter 3, and the remaining provisions of this Chapter, unless otherwise specified.

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## **34-112 - Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts**

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LAST AMENDED  
12/5/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #residential equivalent# of the #Commercial District# as set forth in the following table:

Districts	Applicable #residential equivalent#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7-2
C1-6A C2-6A C4-4A C4-4L C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F C4-8 C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C4-9 C6-3	R9
C1-8A C2-7A C6-3A	R9A
C6-3D	R9D
C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10

C1-9A C2-8A C4-6A C4-7A	R10A
C5-1A C5-2A C6-4A	
C6-4X	R10X
C4-11 C6-11	R11
C4-11A	R11A
C4-12 C6-12	R12

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### **34-113 - Existing public amenities for which floor area bonuses have been received**

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LAST AMENDED  
10/17/2007

- (a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which no #floor area# bonus has been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

- (b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received, by certification pursuant to Section [37-73](#) (Kiosks and Open Air Cafes).

- (c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section [37-727](#) (Hours of access).

- (d) Elimination or reduction in size of existing public open areas

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section [74-761](#) (Elimination or reduction in size of bonused public amenities).

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### **34-20 - EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS**

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LAST AMENDED  
12/15/1961



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## 34-21 - General Provisions

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations applicable to #residential buildings# as set forth in Section [34-11](#) (General Provisions) are modified by the provisions of Sections [34-22](#) (Modification of Floor Area Regulations), [34-23](#) (Modification of Yard Regulations) and [34-24](#) (Modification of Height and Setback Regulations). The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

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## 34-22 - Modification of Floor Area Regulations

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the #floor area# and #open space# regulations as set forth in Section [23-20](#) (FLOOR AREA REGULATIONS), inclusive, and made applicable to such districts in Section [34-11](#) (General Provisions), are modified as set forth in this Section.

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## 34-221 - Maximum floor area ratio

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# on a #zoning lot# shall be the applicable maximum #floor area ratio# permitted pursuant to the provisions of Article II, Chapter 3, except as provided for in the following Sections:

Section [34-223](#) (Floor area bonus for a public plaza)

Section [34-224](#) (Floor area bonus for an arcade)

However, for #Commercial Districts# with a #residential equivalent# of an R10 or R11 District with a letter suffix, no #floor area# bonuses for #public plazas# or #arcades# shall be permitted.

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## 34-222 - Change of use

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6

A non-#residential use# occupying a #building#, or portion thereof, that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations pertaining to maximum #floor area ratio# shall not apply to such change of

#use#.

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### **34-223 - Floor area bonus for a public plaza**

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LAST AMENDED

12/5/2024

C4-6 C4-7 C4-11 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12

In the districts indicated, for each square foot of #public plaza# provided in accordance with the provisions of Section [37-70](#), inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section [23-22](#) (Floor Area Regulations for R6 Through R12 Districts) may be increased by six square feet.

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### **34-224 - Floor area bonus for an arcade**

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LAST AMENDED

12/5/2024

C4-6 C4-7 C4-11 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11 C6-12

In the districts indicated, for each square foot of #arcade# provided in accordance with the provisions of Section [37-80](#) (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section [23-22](#) (Floor Area Regulations for R6 Through R12 Districts) may be increased by three square feet.

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### **34-23 - Modification of Yard and Open Area Regulations**

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LAST AMENDED

12/5/2024

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#### **34-231 - Modification of front yard requirements**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required for any #residential building#.

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#### **34-232 - Modification of side yard requirements**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section [34-233](#) (Special provisions applying along district boundaries), no #side yard# shall be required for any #residential building#. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Sections [23-311](#) and [23-312](#) shall be permitted in such open areas.

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## 34-233 - Change of use

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

A non-#residential use# occupying a #building#, or portion thereof, that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations pertaining to minimum required #open space ratio# shall not apply to such change of #use#.

## 34-24 - Modification of Height and Setback Regulations

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section [34-11](#) (General Provisions), are modified as set forth in this Section.

(a) In Commercial Districts with R1 through R5 equivalency

In #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through R5 District, the modifications to #residential# height and setback regulations set forth in Section [35-62](#) shall be applied.

(b) In Commercial Districts with R6 through R12 equivalency

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 Districts:

- (1) the modifications to #residential# height and setback regulations set forth in Section [35-63](#), inclusive, shall be applied;
- (2) the special height and setback provisions for certain areas set forth in Section [36-64](#) shall be applied; and
- (3) where the optional #bulk# regulations for #sky exposure plane buildings# are utilized, the provisions set forth in Section [35-71](#), inclusive, shall be applied. Where any of such optional provisions are utilized, all the other associated #bulk# provisions shall apply.



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts**

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# Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

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## 35-00 - APPLICABILITY AND DEFINITIONS

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LAST AMENDED  
12/15/1961

### 35-01 - Applicability of This Chapter

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LAST AMENDED  
12/5/2024

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. The #bulk# regulations of this Chapter shall also apply in any #Commercial District# where there are multiple #buildings# on a single #zoning lot# and such #zoning lot# contains a #residential use# and either a #commercial# #use# or a #community facility# #use#. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

### 35-02 - Applicability in Special Situations

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LAST AMENDED  
12/5/2024

The conversion of non-#residential# #floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential# #developments# of Article II (Residence District Regulations).

Existing #buildings or other structures# that are #non-complying buildings or other structures# or existing #buildings# where an #enlargement#, #conversion#, #extension#, change of #use# or other alternation would create a #non-compliance# with the applicable #bulk# regulations are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying in certain areas are set forth in Article VI, inclusive.

Special permits that may be granted by the Board of Standards and Appeals are set forth in Article VII, Chapter 3. Special permits and authorizations that may be granted by the City Planning Commission are set forth in Article VII, Chapters 4 and 5, respectively.

Special regulations applying to #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapters 8 or 9, respectively. Special regulations applying to #large-scale general developments# are set forth in Section [74-74](#).

Any #development# or #enlargement# that occurs on or over a #railroad right-of-way#, or the inclusion of a #railroad right-of-way# in the #lot area# of a #zoning lot# less than one and a half acres, and that is not #accessory# to such #railroad right-of-way#, shall be certified by the Chairperson of the City Planning Commission pursuant to Section [75-41](#). In addition, the #development# or #enlargement# of a #building# on a #zoning lot# greater than one and a half acres that includes a #railroad right-of-way# or #former railroad right-of-way#, where such #building# is not #accessory# to a #railroad right-of-way#, may be permitted by the Commission pursuant to Section [74-61](#).

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

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## **35-03 - Applicability to Specific Districts**

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LAST AMENDED  
12/5/2024

In C3A Districts, the #bulk# regulations of this Chapter shall not apply. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts), shall apply.

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## **35-04 - Applicability of Certain Bulk Regulations**

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LAST AMENDED  
12/5/2024

Special rules governing optional #bulk regulations# affecting one or more #bulk# parameters are set forth in Section [35-70](#) (ALTERNATIVE BULK REGULATIONS FOR CERTAIN AREAS), inclusive.

These optional #bulk# provisions include alternative rules for #sky exposure plane buildings#, as set forth in Section [35-71](#), inclusive. Where any of such optional provisions are utilized, all the other associated #bulk# provisions shall apply.

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## **35-10 - GENERAL PROVISIONS**

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LAST AMENDED  
2/2/2011

Except as otherwise provided in this Chapter, the portions of a #building# used for #residential use# are subject to the #bulk# regulations set forth in Article II, Chapter 3, and the portions of a #building# used for #commercial# or #community facility# #use# are subject to the #bulk# regulations set forth in Article III, Chapter 3.

Special provisions applying to #mixed buildings# or #zoning lots# with multiple #buildings# subject to the provisions of this Chapter are set forth in Sections [35-20](#) (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), inclusive, [35-30](#) (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive, [35-40](#) (APPLICABILITY OF DENSITY REGULATIONS), inclusive, [35-50](#) (MODIFICATION OF YARD REGULATIONS) and [35-60](#) (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS),inclusive.

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## **35-20 - APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS**

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LAST AMENDED  
2/2/2011

## **35-21 - General Provisions**

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LAST AMENDED  
2/2/2011

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations set forth in Article II, Chapter 3 shall apply to all #residential# portions of #buildings# in accordance with the provisions and modifications set forth in the remaining Sections of this Chapter. The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

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## **35-22 - Residential Bulk Regulations in C1 or C2 Districts Whose Bulk Is Governed by Surrounding Residence District**

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LAST AMENDED  
12/5/2024

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence Districts# within which such #Commercial Districts# are mapped apply to #residential# portions of #buildings#, except that:

- (a) where such districts are mapped within R1 through R5 Districts within the #Greater Transit Zone#, the #bulk# regulations for R5 Districts on #qualifying residential sites# shall apply; and
- (b) outside the #Greater Transit Zone#, where such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts on #qualifying residential sites# shall apply.

Such district modifications shall apply for the purposes of applying the provisions of Article II, Chapter 3, and the remaining provisions of this Chapter, unless otherwise specified.

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## **35-23 - Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts**

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LAST AMENDED  
12/5/2024

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #residential equivalent# of the #Commercial District# set forth in Section 34-112.

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## **35-24 - Applicability of Residential Bulk Rules to Non-residential Portions of Mixed Buildings**

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LAST AMENDED  
12/5/2024

For the non-#residential# portion of #mixed buildings# or for #commercial# or #community facility# #buildings# on the same #zoning lot# as #residences#, the following regulations shall apply with regard to the applicability of certain #bulk# regulations from Article II, Chapter 3.

- (a) Height and setback
  - (1) In #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R12 District with a letter suffix, the height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied to all #buildings# in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section [35-60](#) (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.
  - (2) In all other #Commercial Districts#, the #residential# height and setback regulations may be applied as follows:

- (i) the height and setback regulations of Section [23-42](#) (Height and Setback Requirements in R1 Through R5 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of, an R1 through R5 District, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section [35-60](#), inclusive; or
- (ii) the height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, may be applied to #Commercial Districts# mapped within, or with a #residential equivalent# of, an R6 through R12 District without a letter suffix, in accordance with the applicable #Residence District# regulations, as modified by the provisions of Section [35-60](#), inclusive.

(b) Other #bulk# regulations

Where the height and setback regulations of Article II, Chapter 3 are applied, the following #residential# #bulk# regulations may also be applied to the entire #building#:

- (1) the #rear yard#, #rear yard equivalent# and open area along #side lot line# requirements of Section [23-30](#), inclusive, applicable to a #multiple dwelling residence#; and
- (2) for #community facility# #uses# with sleeping accommodations:
  - (i) the special #floor area# allowances of Section [23-23](#), inclusive;
  - (ii) the #court# regulations of Section [23-35](#), inclusive; and
  - (iii) the distance between #buildings# and distance between #legally required windows# and #lot lines# regulations of Section [23-37](#).

Any obstructions permitted within a specific open area pursuant to Section [23-30](#), inclusive, shall also be permitted.

Where a particular #bulk# regulation of Article II, Chapter 3 is applied, it shall supersede the applicable regulations of Article III, Chapter 5.

For the purposes of applying such #bulk# provisions, #uses# shall be considered #residential#, and the term #dwelling unit# shall include “dwelling units” and “rooming units”, as set forth in the Housing Maintenance Code.

## 35-30 - APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

LAST AMENDED  
2/2/2011

## 35-31 - Maximum Floor Area Ratio

LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility# #use# shall be as set forth in Article III,



Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, except as set forth in Section [35-30](#) (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive. The total of all such #floor area ratios# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#, except where explicitly stated otherwise. Special rules for certain areas are set forth in Section [35-36](#) (Special Floor Area Ratio and Related Bulk Provisions for Certain Areas).

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

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### **35-32 - Maximum Floor Area for Mixed Buildings on Qualifying Residential Sites**

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LAST AMENDED  
12/5/2024

On #qualifying residential sites#, subject to the individual maximum #floor area ratios# for #commercial#, #community facility# and #residential uses#, the maximum #floor area ratio# for a #zoning lot# with #buildings# containing #residential# and non-#residential uses#, shall be as set forth in this Section.

Within the #Greater Transit Zone#, the maximum #floor area ratio# shall be 2.50.

Outside the #Greater Transit Zone#, the maximum #floor area ratio# shall be as set forth for the applicable #Residence District# the #Commercial District# is mapped within, or the #residential equivalent# of such #Commercial District#.

#### MAXIMUM FLOOR AREA RATIO FOR MIXED BUILDINGS OUTSIDE THE GREATER TRANSIT ZONE

District	Maximum #floor area ratio# for #zoning lot#
R1 R2 R3-1 R3A R3X	1.50
R3-2	1.60
R4	2.00
R5	2.50

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### **35-33 - Maximum Floor Area and Special Provisions for Mixed Buildings or Zoning Lots With Multiple Buildings Containing Community Facility Use in Certain Districts**

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LAST AMENDED  
12/5/2024

C1 C2

In C1 and C2 Districts mapped within R6 Districts without a letter suffix, and in R7-1 Districts, the provisions of this Section shall apply to any #zoning lot# where #residential# and #community facility# #uses# are located within the same #building#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations.

(a) For #buildings# containing #residential# and #community facility# #uses#, where such #buildings# have a ratio of #floor

area# in such #building# to #lot area# greater than set forth in Column A in the following table, the maximum such ratio for the #community facility# portions of such #buildings# shall be as set forth in Column B in the table, and the maximum such ratio for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

	COLUMN A	COLUMN B
District	Maximum Ratio of #Floor Area# in #Building# to #Lot Area#	Maximum Ratio of #Floor Area# in #community facility# #use# to #Lot Area#
C1 or C2 mapped in R6	2.5	1.0
C1 or C2 mapped in R7-1	3.5	1.0

- (b) For #buildings# containing #residential# and #community facility# #uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# that do not exceed the applicable ratio set forth in Column A in the table in paragraph (a) of this Section, the maximum #floor area ratio# for the #community facility# portion of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.
- (c) For #zoning lots# containing multiple #buildings#, the provisions of this paragraph, (c), shall apply to any #building# that does not contain both #community facility# and #residential uses#. The maximum #floor area ratio# permitted for the #commercial# or #community facility# portions of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d).
- (d) The total #floor area ratio# permitted for #commercial# or #community facility# #use# on the #zoning lot# shall be as set forth in Article III, Chapter 3, and the total #floor area ratio# permitted for #residential use# on the #zoning lot# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

For the purposes of this Section, a #building segment# may be considered to be a #building#.

### 35-34 - Existing Public Amenities for Which Floor Area Bonuses Have Been Received

LAST AMENDED  
12/5/2024

- (a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus

was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section [37-73](#) (Kiosks and Open Air Cafes).

(c) Nighttime closing of existing public open area

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section [37-727](#) (Hours of access).

(d) Elimination or reduction in size of existing public amenity

In all #Commercial Districts#, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section [74-761](#) (Elimination or reduction in size of bonused public amenities).

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## 35-35 - Floor Area Bonus for a Public Plaza or Arcade

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LAST AMENDED

12/5/2024

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C4-11 C4-12 C5 C6

In the districts indicated, and in C1 and C2 Districts mapped within R9 through R12 Districts, #floor area# bonus provisions for #public plazas# and #arcades# shall apply as set forth in this Section. Any #floor area# bonus for a #public plaza# or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #building# may be applied, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C4-11A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A

(a) Prohibition of #public plaza# and #arcade# bonuses

In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A, R10X or R11A Districts, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.

C1-8 C1-9 C2-7 C2-8

(b) In the districts indicated, and in other C1 or C2 Districts when mapped within R9 through R12 Districts, the bonus provisions of Section [33-13](#) shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11

- (c) In the districts indicated, except C6-4X Districts, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #public plaza# provided in accordance with Section [37-70](#), inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section [23-22](#) (Floor Area Regulations for R6 Through R12 Districts) may be increased by six square feet.

C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8 C6-11

- (d) In the districts indicated, if 50 percent or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Sections [33-13](#) and [33-14](#) shall apply.

C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9 C6-12

- (e) In the districts indicated, the provisions of Sections [33-13](#) and [33-14](#) shall apply.

C6-4X

- (f) In the district indicated, if all #dwelling units# in the #building# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section [33-13](#) shall apply.

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## **35-351 - Arcades**

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LAST AMENDED

12/5/2024

C1-8 C1-9 C2-7 C2-8

- (a) In the districts indicated, or in C1 or C2 Districts mapped within R9 through R12 Districts, the provisions of Section [33-14](#) shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C4-11 C4-12 C5 C6

- (b) In the districts indicated, the provisions of Section [33-14](#) (Floor Area Bonus for Arcades) shall apply.

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## **35-36 - Special Floor Area Ratio and Related Bulk Provisions for Certain Areas**

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LAST AMENDED

12/5/2024

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## **35-361 - Special tower provisions**

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LAST AMENDED

12/5/2024

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of paragraph (c) of Section [35-632](#), the provisions of Section [23-241](#) (Special tower provisions) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

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## **35-362 - Special provisions for certain Community Districts**

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LAST AMENDED  
12/5/2024

Borough of the Bronx

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#, the #floor area ratio# shall be that for an R9-1 District set forth in Section [23-22](#) (Floor Area Regulations for R6 Through R12 Districts).

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## **35-40 - APPLICABILITY OF DENSITY REGULATIONS**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# on a #zoning lot# shall equal the maximum #residential# #floor area# permitted for the #zoning lot# determined in accordance with the provisions set forth in Section [35-30](#) (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS) divided by the applicable factor in Section [23-50](#) (DENSITY REGULATIONS), inclusive. For the purposes of such calculation, the maximum #residential# #floor area# permitted on the #zoning lot# shall equal the applicable total #floor area# permitted on the #zoning lot#, minus the amount of non-#residential# #floor area# and #floor area# allocated to #qualifying senior housing#.

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## **35-50 - MODIFICATION OF YARD REGULATIONS**

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LAST AMENDED  
3/22/2016

In #mixed buildings# with differing #yard# or #rear yard equivalent# requirements for different #uses#, the applicable #residential# #yard# and #rear yard equivalent# regulations shall apply at the lowest #story# containing #dwelling units# with windows facing onto such #residential# #yard# or #rear yard equivalent#, as applicable.

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## **35-51 - Modification of Front Yard Requirements**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required.

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## 35-52 - Modification of Side Yard Requirements

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, no #side yard# shall be required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of five feet, measured perpendicular to the #side lot line#. The allowances for permitted obstructions in any #yard# or #rear yard equivalent# set forth in Sections [23-311](#) and [23-312](#) shall be permitted in such open areas.

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## 35-53 - Modification of Rear Yard Requirements

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential# #rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#. If the level of such #yard# is at or higher than the first #story#, decks, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, shall be permitted, pursuant to Section [23-41](#) (Permitted Obstructions), inclusive.

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## 35-60 - MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

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LAST AMENDED

12/5/2024

Height and setback regulations are set forth in Section [35-62](#) for #Commercial Districts# mapped within, or with a #residential equivalent# of, an R1 through R5 District and Section [35-63](#) inclusive, for #Commercial Districts# mapped within or with a R6 through R12 District. Special regulations governing certain areas are set forth in Section [35-64](#), inclusive. Permitted obstructions to maximum heights are set forth in Section [35-61](#).

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## 35-61 - Permitted Obstructions

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LAST AMENDED

12/5/2024

In all #Commercial Districts#, the provisions of Section [33-42](#) (Permitted Obstructions) shall apply to any #building or other structure#. In addition, a dormer shall be allowed as a permitted obstruction pursuant to paragraph (b) of Section [23-413](#) (Permitted obstructions in certain districts).

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## 35-62 - Height and Setback Requirements in Commercial Districts With R1 Through R5 Equivalency

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LAST AMENDED

12/5/2024

In #Commercial Districts# mapped within, or with a #residential equivalent# of an R1 through R5 District, for the purposes of applying the provisions of Section [23-42](#) (Height and Setback Requirements in R1 Through R5 Districts), inclusive, to #qualifying residential sites#, the applicable #Residence District# regulations shall apply, including as modified by the provisions of Section [35-22](#).

However, for the purposes of applying the provisions of Section [23-423](#) (Standard setback regulations), for #building# #street walls# fronting a #street# where a #Commercial District# is mapped along the entire #block# frontage, for the portion of such #street wall# that exceeds the maximum base height, a setback shall be provided at a height not lower than a minimum base height of 20 feet and not higher than the maximum base height set forth in Section [23-424](#) (Height and setback requirements for qualifying residential sites).

Additional height and setback provisions are set forth in Section [35-64](#), inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#.

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## **35-63 - Height and Setback Requirements in Commercial Districts with R6 Through R12 Equivalency**

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LAST AMENDED  
12/5/2024

C1 C2 C4 C5 C6

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 Districts, the #street wall# location of a #building# shall be as set forth in Section [35-631](#), and the height and setback provisions shall be as set forth in Section [35-632](#). Additional height and setback provisions are set forth in Section [35-633](#) and Section [35-64](#), inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#. For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#.

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### **35-631 - Street wall location**

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LAST AMENDED  
12/5/2024

C1 C2 C4 C5 C6

In the districts indicated, the applicable #street wall# location provisions of this Section shall apply. Such provisions shall apply to the portion of a #street wall# located below the maximum base height and before the required setback as set forth in Section [23-432](#) (Height and setback requirements).

(a) Line-up rules

For #Commercial Districts# mapped within, or with a #residential equivalent# of, R8 through R12 Districts, when located within the #Manhattan Core#, the following #street wall# location provisions shall apply along #wide streets#:

- (1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section [23-432](#), or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection or, for #corner lots# with an angle of 75 degrees or less, at points 30 feet from their intersection.
- (2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is lower, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (a)(1) of this Section.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section [23-431](#) may be applied.

(b) Percentage-based rules

For all #buildings# that are not subject to the provisions of paragraph (a) of this Section the following shall apply:

At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Sections [23-432](#), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

However, where the #street walls# surrounding the subject #building# are located on a #block# with a #prevailing street wall frontage# that is located further from the #street line# than the applicable provisions of this paragraph, the line-up provisions of paragraph (a) of Section [23-431](#) may be applied.

(c) Modifications for large #zoning lots#

Notwithstanding the provisions of paragraphs (a) or (b) of this Section, for #street walls# on #buildings# on a #zoning lot# that has a #lot area# of at least 40,000 square feet or occupies an entire #block#, at least 70 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line# and extend to at least the minimum base height specified in Section [23-432](#), or the height of the #building#, whichever is less.

(d) Articulation allowances

In all districts, and along all frontages, #street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of 12 inches. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular to the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.



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## 35-632 - Maximum height of buildings and setback regulations

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LAST AMENDED

12/5/2024

C1 C2 C4 C5 C6

In the districts indicated, where mapped within, or with a #residential equivalent# of an R6 through R12 district, the height and setback regulations of Section [23-43](#) (Height and Setback Requirements in R6 Through R12 Districts), inclusive, shall be applied in accordance with the provisions set forth in this Section.

(a) Height and setback requirements

The minimum base height, maximum base height and maximum #building# height shall be as set forth in the table in Section [23-432](#) for the applicable #Residence District#. Separate maximum base heights and maximum #building# heights are set forth for #zoning lots# containing standard #residences# and #zoning lots# containing #qualifying affordable housing# or #qualifying senior housing#. For portions of a #building# #street wall# that exceed the maximum base height, a setback shall be provided at a height not lower than the minimum base height or higher than the maximum base height, in accordance with Section [23-433](#).

(b) Height and setback modifications on eligible sites

In #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 without a letter suffix, for #zoning lots# meeting the criteria of paragraph (a) of Section [23-434](#), the maximum #building# heights may be increased in accordance with the table in Section [23-434](#) for the applicable #Residence District#.

(c) Tower regulations

In #Commercial Districts# mapped within, or with a #residential equivalent# of R9 through R12 Districts, other than R9A, R9X, R10A or R11A Districts, as an alternative to the maximum #building# heights set forth in Sections [23-432](#), towers shall be permitted pursuant to the provisions of Section [23-435](#).

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## 35-633 - Additional height and setback provisions

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LAST AMENDED

12/5/2024

The additional height and setback regulations set forth in Section [23-436](#) shall apply, except as follows:

- (a) for the purposes of applying such provisions, references to the #street wall# location provisions of Section [23-431](#) shall be superseded by those of Section [35-631](#); and
- (b) for the purposes of applying the #street wall# modifications on #corner lots#, where a #zoning lot# is bounded by only one #street line# along a #street# frontage where a #Commercial District# is mapped along the entire #block# frontage, the #street wall# shall be applied along such frontage.

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## 35-64 - Special Provisions for Certain Areas

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LAST AMENDED

12/5/2024

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## 35-641 - Special tower provisions

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LAST AMENDED

12/5/2024

C1 C2 C4 C5 C6

The tower provisions of Section [23-435](#) shall be modified in certain areas, as follows:

- (a) In #Commercial Districts# mapped within, or with a #residential equivalent# of, an R9D or R10X District, the provisions of paragraph (a) of Section [23-441](#) shall apply.
- (b) In C1 or C2 Districts mapped within R9 or R10 Districts without a letter suffix, or in C1-8, C1-9, C2-7 or C2-8 Districts, for #mixed buildings# that meet the criteria of paragraph (b) of Section [23-441](#), the tower-on-a-base provisions of such paragraph shall apply.

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## 35-642 - Special Height and Setback Provisions for Certain Areas

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LAST AMENDED

12/5/2024

- (a) Borough of Manhattan

- (1) Community District 6

In Community District 6 in the Borough of Manhattan, for #buildings# #developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provisions of paragraph (b) of Section [35-641](#) (Special tower provisions) shall be modified to require that the additional tower regulations of paragraph (b) of Section [23-441](#) apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. Such provisions shall be modified in accordance with the provisions of paragraph (a)(2) of Section [23-442](#) (Special provisions for certain community districts).

- (b) Borough of Brooklyn

- (1) Community Districts 8 and 9

For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections [35-631](#) and [35-632](#), respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

- (2) Community Districts 3, 5, and 16

For C4-4L Districts mapped within Community Districts 3, 5, and 16 in the Borough of Brooklyn with frontage along an elevated rail line, a sidewalk widening of 5 feet shall be provided.

- (c) Borough of the Bronx

- (1) Community District 1

In C6-3 Districts without a letter suffix in Mandatory Inclusionary Housing Program Area 4, as of February 14, 2018, in Community District 1, in the Borough of the Bronx, for an #MIH development# that is also an #MIH site# or for a #development# containing no #residences# other than #affordable independent residences for seniors#, the applicable #residential equivalent# for the purposes of applying the height and setback provisions of Section [23-43](#), inclusive, shall be the eligible site provisions applicable to an R9-1 District.

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## 35-643 - Special provisions in other geographies

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LAST AMENDED  
12/5/2024

- (a) Special provisions for #zoning lots# with #transportation-infrastructure-adjacent frontage#

For #zoning lots# or portions thereof within 100 feet of a #street line# along a #transportation-infrastructure-adjacent frontage#, the following shall apply:

- (1) the #street wall# location provisions of paragraph (b) of Section [35-631](#) shall apply except that such #street wall# need not extend to the minimum base height set forth in Section [35-632](#). In lieu thereof, the #street wall# shall extend to a minimum base height of one #story# or 15 feet, whichever is lower; and
- (2) for #buildings# containing #multiple dwelling residences# that are not otherwise eligible for additional height pursuant to paragraph (c) of Section [35-632](#), the applicable maximum #building# heights may be increased by 10 feet in #Commercial Districts# mapped within, or with a #residential equivalent# of, R1 through R6 Districts, and by 20 feet in #Commercial Districts# mapped within, or with a #residential equivalent#, of R7 through R12 Districts.

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## 35-70 - ALTERNATIVE BULK REGULATIONS FOR CERTAIN AREAS

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LAST AMENDED  
12/5/2024

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## 35-71 - Special Provisions for Sky Exposure Plane Buildings

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LAST AMENDED  
12/5/2024

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### 35-711 - Applicability

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LAST AMENDED  
12/5/2024

The optional provisions for #sky exposure plane buildings# set forth in Section [23-73](#), inclusive, may be applied to #zoning lots# in #Commercial Districts# mapped within, or with a #residential equivalent# of, R6 through R10 Districts without a letter suffix, except that such alternative provisions shall not apply to #zoning lots#:

- (a) in #Commercial Districts# mapped within, or with a #residential equivalent# of, R6-1, R6-2, R7-3 and R9-1 Districts;
- (b) in #Commercial Districts# mapped within, or with a #residential equivalent# of, R8 Districts without a letter suffix in the portion of Community District 9 in the Borough of Manhattan located north of West 125th Street;

- (c) located in the #Limited Height Districts#; or
- (d) in C4-2 Districts in the Borough of Staten Island.

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## 35-712 - Floor area and open space ratios

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LAST AMENDED  
12/5/2024

For #sky exposure plane buildings# in #Commercial Districts# mapped within, or with a #residential equivalent# of an R6 through R9 District without a letter suffix, the applicable #floor area ratio# and #open space ratio# provisions of Section [23-732](#) (Floor Area and Open Space Ratios in R6 through R9 Districts) shall be modified by the provisions of this Section.

- (a) #Open space ratio# for #residential# portions of #buildings#

For #zoning lots# containing a #residential building# or for the #residential# portion of a #mixed building#, a minimum #open space ratio# shall be provided in accordance with Section [23-732](#). For the purposes of applying such regulations:

- (1) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;
- (2) the #lot coverage# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and
- (3) the applicable #height factor#, if the maximum permitted #residential# #floor area ratio# is less than the total #floor area ratio# permitted for such #building#, shall be the #height factor# of the #residential# portion of the #building#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on minimum required #open space ratio# shall not apply to such change of #use#.

- (a) Location of #open space#

The #open space# required for a #residential building# or for the #residential# portion of a #mixed building# under the provisions of paragraph (a) of this Section may be provided at ground floor level or upon the roof of #building#. #Open space# on a roof may be located at a level higher than 23 feet above #curb level# on:

- (1) the non-#residential# portion of a #mixed building#;
- (2) a #commercial building#; or
- (3) a #community facility building# that #abuts# such #residential building# or #residential# portion of a #mixed building#;

provided that the level of any #open space# may not be higher than 2 feet, 6 inches below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of a #mixed building#. However, #open space# located on the roof of a #community facility# #building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#.

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## 35-713 - Special height and setback regulations

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LAST AMENDED  
12/5/2024

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section [35-715](#), the #floor area# provisions of Section [35-362](#) (Special tower provisions) shall apply.

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## 35-714 - Special height and setback regulations

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LAST AMENDED  
12/5/2024

In #Commercial Districts# that are mapped within, or have a #residential equivalent# of an R6 through R10 District without a letter suffix, for #sky exposure plane buildings#, the height and setback regulations set forth in Section [23-736](#) shall be modified as follows:

- (a) the #sky exposure plane# may be measured from a point above the #street line# instead of the #front yard line#. The maximum height of a front wall within the #initial setback distance# shall be the maximum height for front walls permitted in the applicable district for a #residential#, #commercial#, or #community facility building#, whichever permits the greatest maximum height;
- (b) in C1-8, C1-9, C2-7 or C2-8 Districts or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of paragraph (b) of Section [23-736](#) (Special height and setback regulations for sky exposure plane buildings) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#;
- (c) in #Commercial Districts# mapped within, or with a #residential equivalent# of, an R9 or R10 District, towers may penetrate a #sky exposure plane# pursuant to Section [35-715](#) (Tower regulations).
- (d) Notwithstanding the foregoing, in C1 or C2 Districts mapped within, or with a #residential equivalent# of an R7-2, R8, R9 or R10 Districts, the provisions of Section [23-738](#) (Height limitations for narrow buildings or enlargements) shall apply to #buildings# with #street walls# less than 45 feet in width. However, the #street wall# location provisions of paragraph (e)(4) of such Section need not apply.

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## 35-715 - Tower regulations

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LAST AMENDED  
12/5/2024

In C1-8, C1-9, C2-7 or C2-8 Districts or in C1 or C2 Districts mapped within R9 or R10 Districts, for #buildings# that do not meet the criteria set forth in paragraphs (b)(1) and (b)(2) of Section [23-441](#) (Special tower provisions), and in other #Commercial Districts# mapped within, or with a #residential equivalent# of R9 or R10 Districts, when a #mixed building# is subject to tower regulations, the following shall apply:

- (a) where not more than two #stories# of a #mixed building# are occupied by non-#residential uses#, the tower regulations of Section [23-737](#) shall apply; and
- (b) for other #mixed buildings#, the tower regulations of Section [33-45](#) shall apply.



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 6 - Accessory Off-Street Parking and Loading Regulations**

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# Chapter 6 - Accessory Off-Street Parking and Loading Regulations

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## 36-00 - GENERAL PURPOSES AND DEFINITIONS

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LAST AMENDED  
12/15/1961

## 36-01 - General Purposes

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LAST AMENDED  
4/22/2009

The following regulations on permitted and required accessory off-street parking spaces and accessory bicycle parking spaces are adopted in order to provide parking spaces off the streets sufficient to give necessary access to developing centers of commerce outside the high density central areas, to reduce traffic congestion caused by parking on the streets, to prevent substantial amounts of traffic from circulating in and parking on residential streets surrounding commercial centers, to provide for a higher standard of commercial development within the City and thus to promote and protect public health, safety and general welfare.

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## 36-02 - Applicability of District Regulations

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LAST AMENDED  
4/22/2009

Except as otherwise provided in this Section, the regulations of this Chapter on permitted and required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#, #community facility# #uses# or #commercial# #uses#, as set forth in the provisions of the various Sections. In addition, the regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

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## 36-021 - Applicability of regulations of C6-1A Districts

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LAST AMENDED  
12/5/2024

In C6-1A Districts, the parking requirements of C4-4 Districts as set forth in Section [36-20](#) (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) shall apply to #commercial# or #community facility# #uses#. However, for all office #uses# listed in Use Group 6B of Section [32-15](#) (Use Group 6), there shall be one parking space per 4,000 square feet of #floor area#.

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## 36-022 - Applicability of regulations in C4-1 Districts

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LAST AMENDED  
12/5/2024

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of four acres, all #group parking facilities# that are #accessory# to #commercial developments# or #enlargements# shall be subject to authorization by the City Planning Commission to assure that the layout of such parking spaces is arranged and located in relation to the #use# or #uses# to which such spaces are #accessory#, so as to provide adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

For such #zoning lots#, the Commission may also authorize a reduction of the parking requirement of Section [36-21](#) (General

Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #use# proposed.

Furthermore, notwithstanding the applicability requirements of Sections [36-58](#) (Parking Lot Maneuverability and Curb Cut Regulations), paragraph (a), and [37-91](#), the Commission shall find that such #group parking facilities# of any size comply with the maneuverability and landscaping provisions of Sections [36-58](#) and [37-90](#) (PARKING LOTS), inclusive. For #group parking facilities accessory# to #enlargements#, the Commission may authorize modifications or waivers of such provisions, provided the Commission finds that:

- (a) maneuverability and curb cut regulations have been complied with to the maximum extent practicable;
- (b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable;
- (c) the amount of interior planting islands and their distribution throughout the parking lot have been provided to the maximum extent practicable; and
- (d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscape architects in considering such modifications.

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### **36-023 - Applicability of regulations in the Manhattan Core and the Long Island City area**

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LAST AMENDED

12/5/2024

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section [16-02](#) (Definitions), are set forth in Article I, Chapter 6.

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### **36-024 - Applicability of regulations in R7-3 Districts**

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LAST AMENDED

12/5/2024

In #Commercial Districts# where #residential uses# are governed by the #bulk# regulations of R7-3 Districts, the #accessory# off-street parking regulations of R7-2 Districts shall apply to #residential uses#.

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### **36-025 - Applicability of regulations in flood zones**

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LAST AMENDED

12/5/2024



Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

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## **36-026 - Applicability of regulations to public parking garages and public parking lots**

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LAST AMENDED

12/5/2024

The following provisions of this Chapter shall apply to #public parking garages# and #public parking lots# in addition to #accessory# off-street parking facilities:

Section [36-462](#) (Restrictions on the use of parking spaces in public parking garages and public parking lots)

Section [36-524](#) (Calculating floor area in parking facilities with lift systems, or in automated parking facilities)

Section [36-53](#) (Width of Curb Cuts and Location of Access to the Street)

Section [36-54](#) (Surfacing)

Section [36-55](#) (Screening)

Section [36-57](#) (Parking Lot Maneuverability and Curb Cut Regulations)

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## **36-027 - Applicability of regulations to non-profit hospital staff dwellings**

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LAST AMENDED

12/5/2024

In all districts, the regulations of this Chapter applicable to #community facility# #uses# shall not apply to #non-profit hospital staff dwellings#. In lieu thereof, the regulations applicable to #residences# shall apply as follows:

- (a) the regulations of a C4-1 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R1, R2 and R3 Districts, and to C3 Districts;
  - (b) the regulations of a C4-2 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R4 and R5 Districts, and to C4-1 and C8-1 Districts; and
  - (c) the regulations of a C4-7 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R6 through R10 Districts, and to C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4-5, C4-6, C4-7, C5, C6, C8-2, C8-3 and C8-4 Districts.
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## **36-03 - Definitions**

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LAST AMENDED

11/19/1987

Words in italics are defined in Section [12-10](#) or, if applicable exclusively to this Chapter, in this Section.

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## **36-10 - PERMITTED ACCESSORY OFF-STREET PARKING SPACES**

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LAST AMENDED

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## 36-11 - General Provisions

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except as otherwise provided in Section [85-03](#) (Modifications of Use Regulations), #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section [36-12](#) (Maximum Size of Accessory Group Parking Facilities). Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Sections [73-48](#) (Roof Parking) or [74-531](#) (Additional parking spaces or roof parking for accessory group parking facilities), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

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## 36-12 - Maximum Size of Accessory Group Parking Facilities

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LAST AMENDED

4/14/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #accessory# #group parking facility# shall contain more than 150 off-street parking spaces or, in the case of a #Quality Housing building#, more than 200 spaces, except as provided in Section [36-13](#) (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section [36-57](#) (Accessory Off-street Parking Spaces in Public Garages).

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## 36-13 - Modification of Maximum Size of Accessory Group Parking Facilities

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LAST AMENDED

6/23/1966

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section [36-12](#) (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:

- (a) has separate vehicular entrances and exits thereto, located not less than 25 feet apart;
- (b) if #accessory# to a #commercial# or #community facility# #use#, is located on a #street# not less than 60 feet in width; and
- (c) if #accessory# to a #commercial use#, has adequate reservoir space at the entrance to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section [36-57](#) (Accessory Off- street Parking Spaces in Public Garages).

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## **36-14 - Exceptions to Maximum Size of Accessory Group Parking Facilities**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory# #group parking facilities# with more than 150 spaces, in accordance with the provisions of Section [73-47](#) (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section [36-57](#) (Accessory Off- street Parking Spaces in Public Garages).

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## **36-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES**

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LAST AMENDED

12/15/1961

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## **36-21 - General Provisions**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #developments# after December 15, 1961, for the #commercial# or #community facility# #uses# listed in the table. If an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development# or #enlargement#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed#, under single ownership or control, shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons that may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations

- (a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section [36-23](#) (Waiver of Requirements for Spaces Below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section [36-24](#) (Waiver of

Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section [36-53](#) (Width of Curb Cuts and Location of Access to the Street); and

- (c) for certain #zoning lots#, #developments# or #enlargements# below minimum thresholds pursuant to Section [36-25](#) (Waiver for Certain Small Zoning Lots or Establishments).

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

**Parking Requirement Category    Type of Requirement**

---

PRC – A	square feet of #floor area#
PRC – B	person-rated capacity
PRC – C	square feet of #lot area#
PRC – D	square feet of #floor area#, or number of employees
PRC – E	number of beds
PRC – F	guest rooms or suites
PRC – G	other

**REQUIRED OFF-STREET PARKING SPACES FOR  
COMMERCIAL OR COMMUNITY FACILITY USES**

Parking Requirement Category	PRC - A				PRC - B			PRC - C
	A1	A2	A3	A4	B1	B2	B3	
Unit of measurement	per square feet of #floor area# <sup>1</sup>				per persons-rated capacity			per square feet of # lot area# <sup>4</sup>

C1-1 C2-1 C3 C4-1	1 per 100	1 per 150	1 per 150 2, 3	1 per 400	1 per 4	1 per 8	1 per 10	1 per 500
C1-2 C2-2 C4-2 C8-1	1 per 200	1 per 300	1 per 300 2, 3	1 per 600	1 per 8			
C1-3 C2-3 C4-2A C4-3 C8-2	1 per 300	1 per 400	1 per 400 2	1 per 800	1 per 12	1 per 16	1 per 20	1 per 2,000
C1-4 C2-4 C4-4 C4-5D C8-3 C7 outside the #Greater Transit Zone#	1 per 1,000	1 per 1,000	1 per 1,000	1 per 1,000	1 per 25	None required	None required	None required
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4 C7 within the #Greater Transit Zone#	None required	None required	None required	None required	None required	None required	None required	None required

1 For ambulatory diagnostic or treatment facilities listed under Use Group III(B), #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements.

2 Parking requirements for #uses# in PRC-A3 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section [73-44](#).

3 In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R3-2 Districts, the parking requirements for ambulatory diagnostic or treatment health care facilities shall be 1 per 400 square feet of #floor area# when located above the first #story# ceiling.

4 In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

Parking Requirement Category	PRC - D		PRC - E			PRC - F	
	D1	D2	E1	E2	E3 <sup>7</sup>	F1	F2
Unit of measurement	per square feet of #floor area# or per employees <sup>5</sup>		per bed			per guest room or suites	
C1-1 C2-1 C3 C4-1	1 per 1,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 2,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 5 <sup>6</sup>	1 per 6	1 per 10	1 per 1	1 per 4
C1-2 C2-2 C4-2 C8-1							1 per 8
C1-3 C2-3 C4-2A C4-3 C8-2			1 per 12	1 per 20	1 per 12		
C1-4 C2-4 C4-4 C4-5D C8-3  C7 outside the #Greater Transit Zone#			1 per 8 <sup>6</sup>	None required			None required
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4  C7 within the #Greater Transit Zone#	None required	None required	1 per 10 <sup>6</sup>	None required	None required	None required	

<sup>5</sup> For predominantly open storage of miscellaneous #uses# in PRC-D2, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.

<sup>6</sup> Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

<sup>7</sup> Independent living #dwelling units# within a continuing care retirement community shall be subject to the #accessory# off-street parking requirements of Section [36-30](#). For the purposes of applying such requirements, #dwelling units# shall be as defined in Section [12-10](#).

Parking Requirement Category	PRC - G					
	Agricultural #uses#	Outdoor racket courts	Outdoor skating rinks	Colleges, universities or seminaries	#Schools#	Libraries, museums or non-commercial art galleries
Unit of measurement	per square feet of #lot area# used for selling purposes	per court	per square feet of #lot area#	per square feet of #floor area# used for classrooms, laboratories, student centers or offices	per square feet of #floor area#	per square feet of #floor area# <sup>8</sup>
C1-1 C2-1 C3 C4-1	1 per 1,000	1 per 2	1 per 800	1 per 800	None required	1 per 800
C1-2 C2-2 C4-2 C8-1						1 per 800
C1-3 C2-3 C4-2A C4-3 C8-2	1 per 2,500	1 per 5	1 per 2,000	1 per 2,000		1 per 2,000
C1-4 C2-4 C4-4 C4-5D C8-3 C7 outside the #Greater Transit Zone#	None required	None required	None required	None required		None required
					None required	

C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4  C7 within the #Greater Transit Zone#	None required	None required	None required	None required	None required
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8 Parking requirements for houses of worship shall be applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room.

Parking Requirement Category	PRC - G (continued)							
	Court houses	Fire or Police stations	Prisons	Docks	Camps, overnight and day	Post Offices	Funeral Establishments	Riding academies or stables
Unit of measurement	per square feet of #floor area#	per square feet of #floor area#	per beds-rated capacity	see Section <a href="#">62-43</a>	per square feet of #lot area# or per employees	per square feet of #floor area#	per square feet of #floor area#	per square feet of #floor area#
C1-1 C2-1 C3 C4-1	1 per 500		1 per 10			1 per 800	1 per 200	
C1-2 C2-2 C4-2 C8-1	1 per 800					1 per 1,200	1 per 400	
C1-3 C2-3 C4-2A C4-3 C8-2	1 per 1,000		1 per 20			1 per 1,500	1 per 600	



C1-4 C2-4 C4-4 C4-5D C8-3 C7 outside the #Greater Transit Zone#	1 per 2,000	None required	None required	see Section <a href="#">62-43</a>	1 per 2,000 or 1 per 3	1 per 2,000	None required
C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6 C8-4  C7 within the #Greater Transit Zone#	None required		None required			None required	None required

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### 36-211 - Special provisions in certain areas

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LAST AMENDED  
6/6/2024

In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts, and C4-1 and C4-2 Districts, in the Borough of Staten Island and Community District 10 in the Borough of the Bronx, the following parking requirements shall apply to certain #uses#:

- (a) the parking requirements for child care services, as listed under the definition of #school# in Section [12-10](#) (DEFINITIONS), in #lower density growth management areas# shall be 1 per 1,000 square feet when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses#; and
- (b) the parking requirements for #ambulatory diagnostic or treatment health care facilities# shall be 1 per 400 square feet of #floor area# and #cellar# space, except #cellar# space used for storage, when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses#.

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### 36-22 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section [36-21](#) (General Provisions)

Section [36-31](#) (General Provisions).

However, the number of spaces required for houses of worship or for #uses# in parking requirement category B1, when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Sections [73-431](#) (Reduction of parking spaces for houses of worship) or [73-432](#) (Reduction of parking spaces for places of assembly).

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### **36-23 - Waiver of Requirements for Spaces Below Minimum Number**

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LAST AMENDED

12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements for #accessory# off-street parking spaces shall be subject to the waiver provisions of this Section.

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### **36-231 - In districts with high, medium or low parking requirements**

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LAST AMENDED

6/6/2024

C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3 C7 C8-1 C8-2

In the districts indicated, except for the #uses# listed in Section [36-233](#) (Exceptions to application of waiver provisions), and except as otherwise provided in Section [36-27](#) (Waiver for Certain Small Zoning Lots or Establishments), the parking requirements set forth in Sections [36-21](#) (General Provisions) or [36-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to #commercial# #uses# or to #community facility# #uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the# zoning lot# is less than the number of spaces set forth in the following table:

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Districts	Number of Spaces
C1-1 C2-1 C3 C4-1	10
C1-2 C2-2 C4-2 C8-1	15

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### 36-232 - In districts with very low parking requirements

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LAST AMENDED

6/6/2024

C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C7 C8-3 C8-4

In all districts indicated, except for the #uses# listed in Section [36-233](#) (Exceptions to application of waiver provisions), the parking requirements set forth in Section [36-21](#) (General Provisions) or Section [36-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to:

- (a) #commercial# #uses# in parking requirement category A1 or A2, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than 40, or 100 in the case of C6-1A Districts; or
- (b) #commercial# #uses# in any one of parking requirement categories A3, A4, B1, C or F, or a permitted #community facility# #use#, if the number of #accessory# off-street parking spaces required for the #uses# in each such category or for each such #community facility# #use# is less than 40.

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### 36-233 - Exceptions to application of waiver provisions

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the waiver provisions of Section [36-23](#) (Waiver of Requirements for Spaces below Minimum Number) shall not apply to the following types of #uses#:

- (a) #Uses# within parking requirement category (PRC) D.
- (b) The following #commercial# #uses# in PRC -F or G:

Camps, overnight or day

#Motels# or #tourist cabins

- (c) The following #community facility# #uses# in PRC-G:

Agricultural #uses#, including greenhouses, nurseries, or truck gardens

Outdoor racket courts.

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### 36-24 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

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LAST AMENDED

4/14/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements set forth in Sections [36-21](#) (General Provisions) or [36-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section [36-53](#) (Width of Curb Cuts and Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base the determination on such report.

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## 36-25 - Waiver for Certain Small Zoning Lots or Establishments

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the parking requirements of Section [36-21](#) (General Provisions) for certain #uses# shall be waived in accordance with this Section:

- (a) For #uses# in parking requirement category (PRC) D1, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 7,500 square feet or the number of employees is fewer than 15;
- (b) For #uses# in PRC-D2, no #accessory# off-street parking requirements shall apply where either the #floor area# allocated to such #use# is less than 10,000 square feet or the number of employees is fewer than 15;
- (c) For camps, overnight or day, no #accessory# off-street parking requirements shall apply where either the #lot area# is less than 10,000 square feet or the number of employees is fewer than 10; and
- (d) In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts and in C4-1 and C4-2 Districts, in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, for #zoning lots# with a #lot area# of 4,000 square feet or less with #buildings# containing either ambulatory diagnostic or treatment health care facilities listed under Use Group III(B) or child care services listed under the definition of #school# in Section [12-10](#) (DEFINITIONS), no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on January 18, 2011, and on the date of application for a building permit.

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## 36-26 - Waiver for Mixed-use Developments

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■  
LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the non-residential parking requirements of Section [36-20](#) shall be waived for #uses# located within #buildings# containing #residences# on any #zoning lot#:

- (a) within the #special mixed use parking area#;
- (b) with a #lot area# of 10,000 square feet or less that is located within the remaining portion of the #Outer Transit Zone#;

or

(c) with a #lot area# of 5,000 square feet or less that is located outside the #Greater Transit Zone#.

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## **36-30 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS**

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LAST AMENDED

12/15/1961

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### **36-31 - General Provisions**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, #accessory# off-street parking spaces shall be required for #residences# in accordance with the regulations of the #Residence District# such #Commercial District# is mapped within, or has a #residential equivalent# of, in accordance with the provisions of Section [25-20](#), inclusive. Separate requirements are set forth for #zoning lots# in the #Inner Transit Zone# pursuant to Section [25-21](#), inclusive, the #Outer Transit Zone#, pursuant to Section [25-22](#), inclusive, and beyond the #Greater Transit Zone#, pursuant to Section [25-23](#), inclusive. However, for #Commercial Districts# in the #Greater Transit Zone#, no parking shall be required for #qualifying residential sites#.

For the purpose of determining the number of required #accessory# off-street parking spaces for such #residences# in C1-6, C2-6, C4-4, C4-5 and C6-1 Districts, the regulations of an R7-2 District shall apply. For C1 or C2 Districts mapped within R5A and R5B Districts, the number of required #accessory# off-street parking spaces for such #residences# shall be in accordance with an R5 District without a letter suffix. In all other districts, the #residential equivalent# shall be as determined in accordance with Section 34-112.

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### **36-32 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section [36-21](#) (General Provisions)

Section [36-31](#) (General Provisions)

However, the number of spaces required for #uses# in parking requirement category B1 when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section [73-43](#) (Reduction of Parking Spaces for House of Worship or Places of Assembly).

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## **36-33 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6

In the districts indicated, the requirements set forth in Section [36-31](#) (General Provisions) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section [36-53](#) (Width of Curb Cuts and Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base his determination on such report.

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## **36-40 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES**

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LAST AMENDED

12/15/1961

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### **36-41 - General Provisions**

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LAST AMENDED

9/9/2004

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off- street parking spaces, open or enclosed, #accessory# to #residences# or to #commercial# or #community facility# #uses# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section [36-42](#) (Off-site Spaces for Residences)

Section [36-43](#) (Off-site Spaces for Commercial or Community Facility Uses)

Section [36-44](#) (Joint and Shared Facilities)

Section [36-45](#) (Additional Regulations for Required Spaces When Provided Off Site)

Section [73-45](#) (Modification of Off-site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section [36-57](#) (Accessory Off-street Parking Spaces in Public Garages).

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### **36-42 - Off-site Spaces for Residences**

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LAST AMENDED

7/6/1972

C1 C2 C3 C4 C5 C6

In the districts indicated, all permitted or required off-street parking spaces #accessory# to #residences# may be provided on a

#zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that in such instances all such spaces are:

- (a) located in a district other than a #Residence District#, or provided in a joint facility located in a district other than an R1 or R2 District on the same #zoning lot# as one of the #buildings# to which it is #accessory#, and conforming to the provisions of Section [36-44](#) (Joint and Shared Facilities); and
- (b) not further than the maximum distance from the #zoning lot# specified in this Section.

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### 36-421 - Maximum distance from zoning lot

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LAST AMENDED  
3/22/2016

C1 C2 C3 C4 C5 C6

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

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District	Maximum Distance from the #Zoning Lot#
C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3	600 feet
C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6	1,000 feet

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### 36-43 - Off-site Spaces for Commercial or Community Facility Uses

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LAST AMENDED  
12/15/1961

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off- street parking spaces #accessory# to #commercial# or #community facility# #uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses# but within the same district or an adjoining #Commercial District# or #Manufacturing District#. However, all required spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# on which such #uses# are located.

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### 36-44 - Joint and Shared Facilities

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LAST AMENDED  
9/9/2004

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### 36-441 - Joint facilities

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LAST AMENDED

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:
  - Section [36-21](#) (General Provisions)
  - Section [36-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements)
  - Section [36-31](#) (General Provisions);
- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Sections [36-42](#) (Off-Site Spaces for Residences), [36-43](#) (Off-Site Spaces for Commercial or Community Facility Uses) or [73-45](#) (Modification of Off-site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

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### **36-45 - Additional Regulations for Required Spaces When Provided Off Site**

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LAST AMENDED

9/9/2004

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, when required #accessory# off- street parking spaces are provided off the site in accordance with the provisions of Sections [36-42](#) (Off-site Spaces for Residences), [36-43](#) (Off-site Spaces for Commercial or Community Facility Uses) or [36-44](#) (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section [12-10](#)) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#; and
- (b) such spaces shall conform to all applicable regulations of the district in which they are located.

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### **36-46 - Restrictions on Use of Accessory Parking Spaces and Spaces in Public Parking Garages**

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LAST AMENDED

12/6/2023

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### **36-461 - Restrictions on the use of accessory off-street parking spaces**

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LAST AMENDED

12/5/2024



C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces, open or enclosed, shall be used primarily for the owners, occupants, employees, customers, residents or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

- (a) Any off-street parking spaces #accessory# to #residences# which are not needed by the occupants of such #residences#, may be rented to persons who are not occupants of such #residences# for the accommodation of private passenger motor vehicles used by such persons. However, in C3 Districts, such spaces shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.
- (b) In C1 or C2 Districts mapped within, or with an equivalent of, R3-2 through R10 Districts, other than R4-1, R4A, R4B and R5A Districts, and in C3 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to
  - (1) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section [36-48](#), including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed;
  - (2) #car sharing vehicles#; or
  - (3) vehicles stored by automobile rental establishments.
- (c) In C4, C5, C6, C7 and C8 Districts, up to five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater, may be allocated to:
  - (1) publicly available electric vehicle charging facilities not otherwise permitted pursuant to Section [36-48](#), including #accessory# equipment and electric vehicle parking spaces. #Accessory# off-street parking spaces shall be restored when such charging facilities are removed;
  - (2) #car sharing vehicles#;
  - (3) vehicles stored by automobile rental establishments; or
  - (4) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

Any spaces #accessory# to #residences# shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

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## **36-462 - Restrictions on the use of parking spaces in public parking garages and public parking lots**

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LAST AMENDED  
12/6/2023

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, off-street parking spaces in #public parking garages# and #public parking lots# may be made available for electric charging, or allocated to #car sharing vehicles#, vehicles stored by automobile rental establishments, or commercial or public utility vehicle parking, only as follows:

- (a) In all districts, all spaces within a #public parking garage# or #public parking lot# may be allocated to publicly available

electric vehicle charging facilities.

- (b) In C1 or C2 Districts mapped within, or with an equivalent of R3-2 through R10 Districts, other than R4-1, R4A, R4B and R5A Districts, and in C3 Districts, up to 50 percent of the parking spaces within a #public parking garage# or #public parking lot# may be allocated to #car sharing vehicles#, or vehicles stored by automobile rental establishments.
- (c) In C4, C5, C6, C7 and C8 Districts, up to 50 percent of the parking spaces within a #public parking garage# or #public parking lot# may be allocated to:
  - (1) #car sharing vehicles#;
  - (2) vehicles stored by automobile rental establishments; or
  - (3) commercial or public utility vehicle parking for motor vehicles not exceeding a length of 20 feet.

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### **36-47 - Restrictions on Automotive Repairs and Sale of Motor Fuel**

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LAST AMENDED  
12/6/2023

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces. However, where such parking spaces are provided in a #building or other structure#, unattached to the #building# containing #residences#, minor automotive repairs (not including body work) are permitted. The provisions of this Section are not applicable to #accessory# off-street parking spaces provided in #public parking garages#.

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### **36-48 - Electric Vehicle Charging**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, electric vehicle charging facilities shall be permitted at all #accessory# off-street parking spaces. Such charging shall be for the owners, occupants, employees, customers, residents or visitors using such #accessory# parking spaces.

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### **36-50 - ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES**

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LAST AMENDED  
12/15/1961

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### **36-51 - General Provisions**

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LAST AMENDED  
9/29/2010

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of Section [36-50](#), inclusive.

Special regulations applying to #large-scale community facility developments# or #large-scale residential developments# are set forth in Article VII, Chapter 9 or 8, respectively.

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## **36-52 - Size, Location and Identification of Spaces**

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LAST AMENDED

9/29/2010

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, all #accessory# off-street parking spaces shall comply with the size and location provisions of this Section.

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### **36-521 - Size of spaces**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

(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 Buildings, or where the developer or 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 developer'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 street 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 #automated parking facilities# 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#.

(4) #Single-# and #two-family residences#

For #accessory# off-street parking spaces serving #single-# or #two-family# #residences#, an area of less than 300 square feet may be considered as one space.

(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.

(d) Special rules for certain areas

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, for #commercial# or #community facility# #uses#, each required parking space not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section [36-58](#) (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section [37-90](#) (PARKING LOTS) shall also apply.

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## 36-522 - Location of parking spaces on zoning lots containing residences

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #zoning lots# with #buildings# containing #residences#, all #accessory# off-street parking spaces shall be located only within such #buildings# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of such #buildings# and their prolongations.

However, on #through lots#, such limitation shall only apply along one #street# frontage.

In addition, such limitation shall not apply on #zoning lots# occupying an entire #block# or to #large sites#.

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## 36-523 - Identification of car sharing vehicles

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LAST AMENDED  
9/29/2010

C1 C2 C3 C4 C5 C6 C7 C8

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed within 20 feet of either the entrance to the parking facility or the attendant's station, 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;
- (b) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility; and
- (c) where such parking facility contains #accessory# #residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord".

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### **36-524 - Calculating floor area in parking facilities with lift systems, or in automated parking facilities**

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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.

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### **36-53 - Width of Curb Cuts and Location of Access to the Street**

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LAST AMENDED  
4/14/2010

C1 C2 C3 C4 C5 C6 C7 C8

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 Sections [36-24](#) or [36-38](#) (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.

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### **36-531 - Location of curb cuts in C1 or C2 Districts mapped within R5D Districts**

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LAST AMENDED  
6/29/2006

In C1 or C2 Districts mapped within R5D Districts, a minimum distance of 34 feet of uninterrupted curb space shall be

provided between all curb cuts constructed after June 29, 2006.

Furthermore, no curb cuts shall be permitted on the ## frontage of any #zoning lot# existing on June 29, 2006, with access to a #narrow street#.

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### **36-532 - Location and width of curb cuts accessing residential parking spaces in certain districts**

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LAST AMENDED

2/2/2011

The provisions of this Section shall apply to all curb cuts accessing off-street parking spaces #accessory# to #residences# in C1 and C2 Districts mapped within R1 through R8 Districts, and in all other #Commercial Districts# where, as set forth in the tables in Section [34-112](#) or [35-23](#), as applicable, the applicable #Residential District# is R3, R4, R5, R6, R7 or R8.

- (a) All such curb cuts shall comply with the provisions of Section [25-631](#) (Location and width of curb cuts in certain districts), as set forth for the applicable #building#, #building segment# and #Residence District#. All #buildings# containing #residences# in C1 and C2 Districts mapped within R1, R2, R3-1, R3A, R3X, R4-1, R4A and R5A Districts shall comply with the provisions set forth in Section [25-631](#) for an R3-2 District;
- (b) All such curb cuts shall be prohibited on the #wide street# frontage of any #zoning lot# existing on April 14, 2010, with access to a #narrow street#; and
- (c) Where a #Commercial District# with only #narrow street# frontage is mapped along the short end of a #block#, and a #zoning lot# existing on April 14, 2010, has access to both the short and long ends of such #block#, all such curb cuts shall be prohibited along the #street line# of the short end of such #block#.

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### **36-54 - Surfacing**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

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.

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### **36-55 - Screening**

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LAST AMENDED

12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

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 Sections [32-62](#) (Permitted Signs) or [32-63](#) (Permitted Advertising Signs).

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

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## **36-56 - Accessory Off-Street Parking Spaces in Public Garages**

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LAST AMENDED  
12/5/2024

C1 C2 C4 C5 C6 C7 C8

In the districts 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).

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## **36-57 - Parking Lot Maneuverability and Curb Cut Regulations**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

(a) Applicability

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

- (1) #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#; and

- (2) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in an increase in:
  - (i) the 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
  - (ii) 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
- (3) 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.

In addition, all #public parking lots# shall comply with the curb cut requirements of paragraph (c) of this Section.

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 this Section.

(b) Parking Lot Maneuverability

All open parking areas shall comply with the maneuverability standards set forth in the following table.

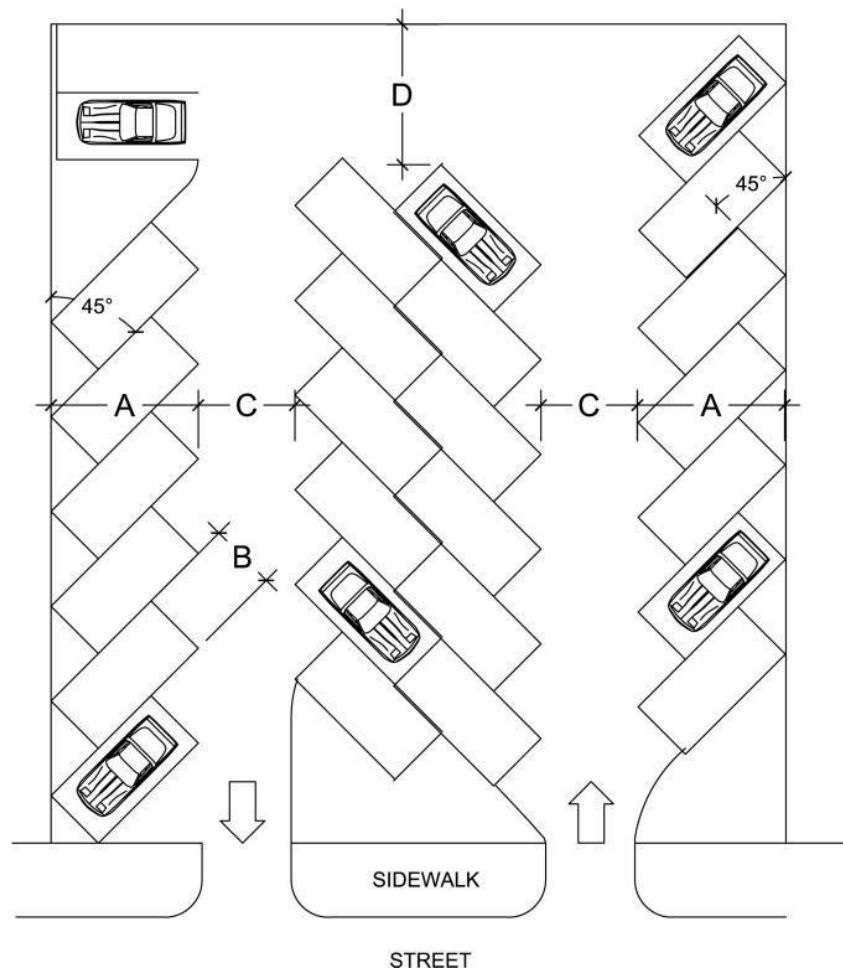
	A	B	C	D
	AngleMinimum of length Park	Minimum Width	Minimum Travel Lane	Minimum Turnaround
0*	8'-6"	20'-0"	13'-2"	N/A
0**	8'-6"	20'-0"	23'-3"	N/A
45	17'-1"	8'-6"	12'-10"	18'-0"



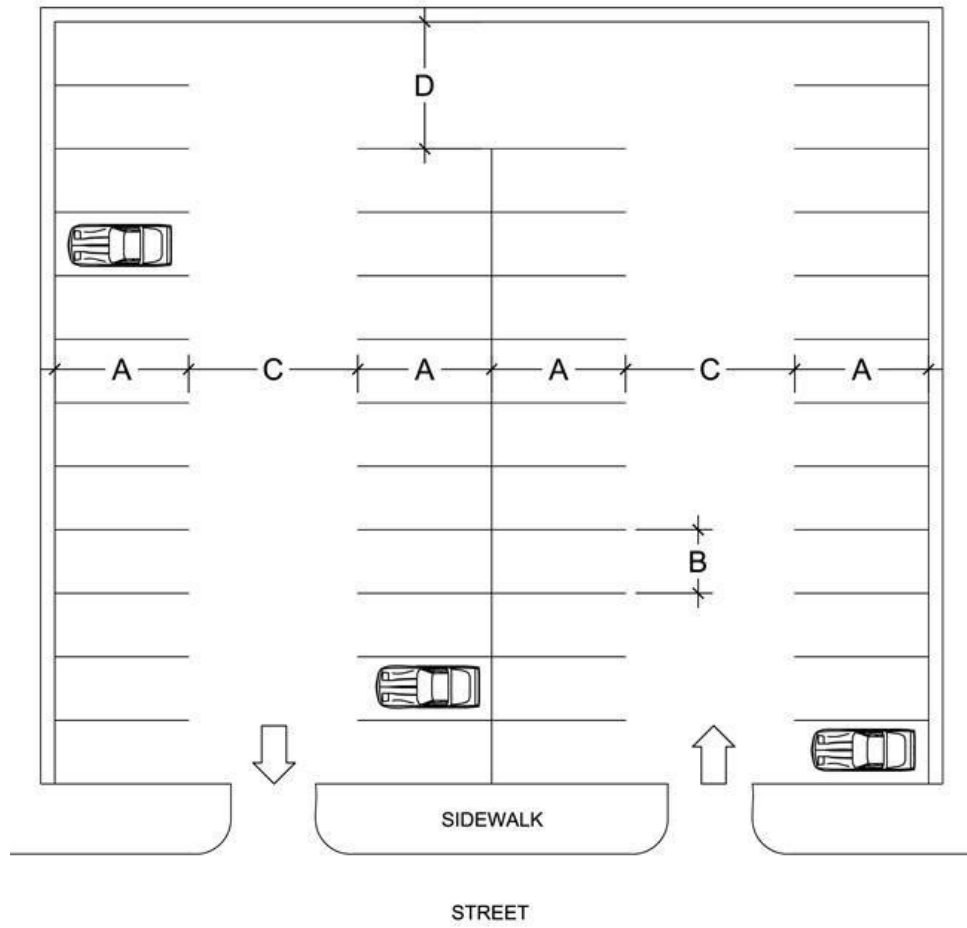
50	17'-8"	8'-6"	13'-2"	17'-6"
55	18'-1"	8'-6"	13'-7"	17'-3"
60	18'-5"	8'-6"	14'-6"	17'-0"
65	18'-7"	8'-6"	15'-4"	17'-3"
70	18'-8"	8'-6"	16'-5"	17'-6"
75	18'-7"	8'-6"	17'-10"	18'-0"
90	18'-0"	8'-6"	22'-0"	22'-0"

\* Figures given are for one-way traffic

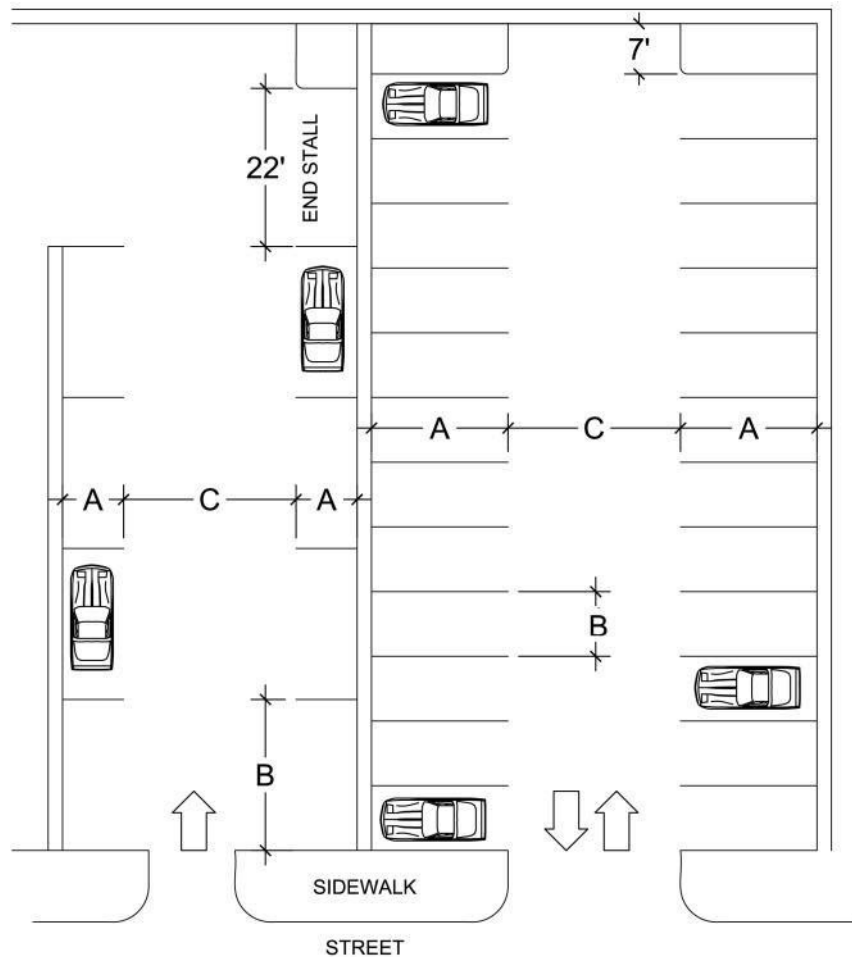
\*\* Figures given are for two-way traffic



45 DEGREE PARKING LAYOUT (36-58b.1)



90 DEGREE PARKING LAYOUT (36-58b.2)



**PARALLEL PARKING/DEAD-END PARKING (36-58b.3)**

**(c) Curb Cuts**

Curb cuts serving one travel lane shall have a maximum width of 12 feet, excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet, excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet, excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street# frontage, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage, one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed, prior to November 28, 2007, on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

**36-571 - Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx**

- (a) In C1, C2 and C4 Districts in the Borough of Staten Island or in Community District 10 in the Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:
- (1) ambulatory diagnostic or treatment health care facilities listed under Use Group III(B), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; or
  - (2) child care services as listed under the definition of #school# in Section [12-10](#) (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility# #use# on the #zoning lot#.
- (b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the following provisions:
- (1) Notwithstanding the applicability provisions of paragraph (a) of Section [36-58](#) (Parking Lot Maneuverability and Curb Cut Regulations), the maneuverability provisions of paragraph (b) and the curb cut provisions of paragraph (c) of such Section shall apply to all #group parking facilities#, open or enclosed. No tandem parking or attended parking shall be permitted.
  - (2) In addition to the screening requirements for open parking areas in Section [36-56](#), any parking area covered by a roof shall be screened from adjoining #zoning lots# in #Residence Districts# and from adjacent #streets# in accordance with the following provisions:
    - (i) Screening shall consist of a wall or barrier or uniformly painted fence of fire resistant material at least six feet high above finished grade and may be interrupted by normal entrances or exits;
    - (ii) Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the surface is open. No chain link fencing shall be permitted. Such screening shall be maintained in good condition at all times;
    - (iii) Where the exterior wall of a parking facility facing a #street# has an opaque area with a width greater than 40 feet and a height greater than six feet, such area shall be treated with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be applied to a minimum height of 15 feet above adjoining grade or the height of the wall, whichever is less;
    - (iv) For parking areas covered by a roof, where at least half of the surface area of such roof serves as children’s play space for #buildings# containing child care services as listed under the definition of #school# in Section [12-10](#) (DEFINITIONS), such covered parking area shall not be considered an “open parking area” for the purposes of Section [37-90](#) (PARKING LOTS), inclusive, and shall therefore not require perimeter or interior landscaping pursuant to such Section. In lieu thereof, such covered parking area shall be screened in accordance with paragraph (b)(2) of this Section.

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## **36-58 - Cross Access Connections in the Borough of Staten Island**

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LAST AMENDED  
12/5/2024

C4-1 C8

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. Such vehicular passageways are hereinafter referred to as “cross access connections” and shall be provided in accordance with the requirements of this Section, inclusive.

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### **36-581 - Applicability**

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LAST AMENDED

12/5/2024

Cross access connections shall be required for:

- (a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility# #use# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area;
- (b) #enlargements# on a #zoning lot# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area; or
- (c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility# #uses# is increased and such increase results in at least 36 parking spaces or more than 12,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall locate cross access connections in accordance with the requirements of Sections [36-593](#) and 36-594.

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### **36-582 - Certification of cross access connections**

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LAST AMENDED

12/5/2024

No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the requirements of Section [36-59](#), inclusive, have been met.

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### **36-583 - Site planning criteria for cross access connections**

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LAST AMENDED

12/5/2024

Every potential cross access connection meeting the criteria of this Section shall be shown on the site plan required pursuant to Section [36-58](#) (Parking Lot Maneuverability and Curb Cut Regulations).

- (a) The connection shall be a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#.
- (b) The connection shall be an extension of a travel lane of the subject open parking lot and align to the maximum extent practicable with a travel lane on any adjacent open parking lot.
- (c) The connection shall have a grade not greater than 15 percent.

- (d) The connection shall be placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other boundary of the subject property.
- (e) The connection shall be placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same or adjacent #zoning lots#.

No screening or landscaping along a #lot line# shall be required in the connection area.

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### **36-584 - Establishment of location of required cross access connection**

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LAST AMENDED  
12/5/2024

One cross access connection shall be provided on the subject property at each #zoning lot line# or other boundary on the same #zoning lot#, where the properties divided by such #lot line# or boundary are contiguous by at least 60 feet, and where the adjacent properties are located in C4-1, C8 or Manufacturing Districts. The location of the required cross access connection shall be established as follows:

- (a) where an easement has not been previously recorded against any adjacent property in accordance with Section [36-595](#), an easement shall be recorded against the subject property documenting the locations of all potential cross access connections identified pursuant to Section [36-593](#). The easement shall provide for at least one future cross access connection to each adjacent property, at any of the locations identified; or
- (b) where an easement has been previously recorded against an adjacent property in accordance with Section [36-595](#), an easement providing for at least one cross access connection meeting the criteria set forth in Section [36-593](#) shall be recorded against the subject property. Such cross access connection shall also align with one of the locations identified in the previously recorded easement against an adjacent property. If the previously recorded easement has identified more than one location for a cross access connection along such #lot line# or other boundary, the owner of the subject property shall select one of these locations for the cross access connection.

Each property owner shall construct their portion of the cross access connection in accordance with the requirements of Sections [36-593](#) and [36-595](#).

If such cross access connection has been established in a location that contained parking spaces upon the effective date of the easement, as set forth in Section [36-595](#), such connection shall be counted as four required parking spaces and shall be separated from any adjacent parking spaces by a planting island at least four feet wide and densely planted with shrubs maintained at a maximum height of three feet. Such planting islands shall not be subject to the landscaping provisions of Section [37-922](#) (Interior landscaping).

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### **36-585 - Recordation and notice requirements**

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LAST AMENDED  
12/5/2024

An easement through all required cross access connections for vehicular passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning, shall be recorded in the Office of the Richmond County Clerk. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property, whether on the same or adjacent #zoning lot#, pursuant to this Section. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non- customers.

If an easement pursuant to this Section has previously been recorded against any adjacent property, the owner of the subject

property shall notify the owner of the adjacent property of the easement location selected by sending such owner a copy of the recorded easement. Proof of notification shall be a condition of certification under this Section. Prior to issuance of a temporary certificate of occupancy or permit sign-off, as applicable, the subject property owner shall further notify the adjacent property owner that the cross access connection must be constructed on the adjacent property within six months of the date of such notice. No temporary certificate of occupancy for any #development#, #enlargement# or increase in the number of parking spaces on the subject property, or permit sign-off, if applicable, shall be issued until the applicant has demonstrated to the Department of Buildings that such owner of the adjacent property has been duly notified. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots within six months of the date of the notice shall constitute a violation of this Zoning Resolution by the adjacent property owner. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots at the time of the aforementioned temporary certificate of occupancy or permit sign-off, if applicable, shall constitute a violation of this Zoning Resolution by the owner of the subject property.

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### **36-586 - Certification that no connection is required, relocation of previously certified connections and voluntary connections**

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LAST AMENDED  
12/5/2024

(a) Certification that no connection is required

The Chairperson shall certify to the Department of Buildings that no cross access connection is required along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of the following conditions, and provided that no alternate location along such #lot line# or other boundary between properties exists:

- (1) grade changes greater than 15 percent;
- (2) existing #buildings or other structures# to remain that are located within 50 feet of the subject #zoning lot# or property; or
- (3) wetlands or trees with a caliper of six inches or more.

(b) Relocation of previously certified connection

The Chairperson may relocate a previously-certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.

(c) Certification for voluntary connection

The Chairperson may certify a non-required cross access connection provided such connection complies with all requirements of Section [36-59](#), inclusive.

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### **36-587 - Authorizations for waivers or modifications of cross access connections**

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LAST AMENDED  
12/5/2024

The City Planning Commission may authorize modifications or waivers of the requirements of Section [36-58](#) (Cross Access

Connections in the Borough of Staten Island), inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection; or
- (b) site planning constraints necessitate the placement of a new or #enlarged building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

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## **36-60 - OFF-STREET LOADING REGULATIONS**

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LAST AMENDED  
12/15/1961

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in commercial areas within the City, and thus to promote and protect public health, safety and general welfare.

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### **36-61 - Permitted Accessory Off-street Loading Berths**

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections [36-662](#) (Location of access to the street), [36-663](#) (Restrictions on location of berths near Residence Districts), [36-664](#) (Surfacing) and [36-665](#) (Screening).

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### **36-62 - Required Accessory Off-street Loading Berths**

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LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #developments# or #enlargements# after December 15, 1961, for the #uses# listed in the table, as a condition precedent to the #use# of such #development# or #enlargement#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall



apply to the #lot area# used for such #use#.

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Loading Requirement Categories (LRC).

Loading Requirement Category	#Use# or Use Group
LRC – A	All #uses# listed under Use Groups IX(A), IX(B) and X
LRC – B	All #uses# listed under Use Group VI, except automotive equipment rental and leasing, automotive repair and maintenance, or gasoline stations; all #uses# listed under Use Group VIII
LRC – C	All #uses# listed under Use Groups V and VII; court houses listed under Use Group IV(A)
LRC – D	Hospitals and related facilities listed under Use Group III(B); prisons listed under Use Group IV(A)
LRC – E	Funeral establishments listed under Use Group VI

**REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS OR ENLARGEMENTS**

Loading Requirement Category	Districts	
	<p>C1<sup>2</sup> C2<sup>2</sup> C3</p> <p>C4-1 C4-2 C4-3</p> <p>C8-1 C8-2</p> <p>C7 outside the #Greater Transit Zone#</p>	<p>C1<sup>3</sup> C1-6 C1-7 C1-8 C1-9 C2<sup>3</sup> C2-6 C2-7 C2-8</p> <p>C4-4 C4-5 C4-6 C4-7 C4-8 C4-9 C4-11 C4-12 C5 C6</p> <p>C8-3 C8-4</p> <p>C7 within the #Greater Transit Zone#</p>

<b>LRC-A</b>	First 8,000 sq. ft.: None Next 17,000 sq. ft.: 1 Next 15,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Each additional 80,000 sq. ft.: 1	First 15,000 sq. ft.: None Next 25,000 sq. ft.: 1 Next 40,000 sq. ft.: 1 Each additional 80,000 sq. ft.: 1
<b>LRC-B</b>	First 8,000 sq. ft.: None Next 17,000 sq. ft.: 1 Next 15,000 sq. ft.: 1 Next 20,000 sq. ft.: 1 Next 40,000 sq. ft.: 1 Each additional 150,000 sq. ft.: 1	First 25,000 sq. ft.: None Next 15,000 sq. ft.: 1 Next 60,000 sq. ft.: 1 Each additional 150,000 sq. ft.: 1
<b>LRC-C</b>	First 25,000 sq. ft.: None Next 75,000 sq. ft.: 1 Next 200,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1	First 100,000 sq. ft.: None Next 200,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1
<b>LRC-D <sup>1</sup></b>	First 10,000 sq. ft.: None Next 290,000 sq. ft.: 1 Each additional 300,000 sq. ft.: 1	
<b>LRC E</b>	First 10,000 sq. ft.: None Next 20,000 sq. ft.: 1 Any additional amount : 1	

<sup>1</sup> Requirements in this table are in addition to area utilized for ambulance parking.

<sup>2</sup> Mapped within R1, R2, R3, R4, R5, R6.

<sup>3</sup> Mapped within R7, R8, R9, R10, R11 R12.

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## **36-63 - Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements set forth in Section [36-62](#) (Required Accessory Off-street Loading Berths) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section [36-662](#) (Location of access to the street).

The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

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## **36-64 - Special Provisions for Zoning Lots Divided by District Boundaries**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7, shall apply.

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## **36-65 - Joint Loading Berths Serving Two or More Buildings**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining #buildings# or #zoning lots# within a single #block#, provided that:

- (a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Section [36-62](#) (Required Accessory Off-street Loading Berths);
- (b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

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## **36-66 - Additional Regulations for Permitted or Required Berths**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street loading berths shall conform to the provisions set forth in this Section, inclusive.

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## **36-661 - Size of required berths**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all required #accessory# off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways or entrances to or exits from such off-street berths. Loading requirement categories (LRC) shall be as set forth in Section [36-62](#)

(Required Accessory Off-street Loading Berths).

MINIMUM DIMENSIONS FOR REQUIRED  
ACCESSORY OFF-STREET LOADING BERTHS (in feet)

		Length	Width	Vertical Clearance
LRC-A	with less than 10,000 sq. ft. of #floor area#	37	12	14
	with 10,000 sq. ft. or more of #floor area#	50	12	14
LRC-B		37	12	14
LRC-C		37	12	12
LRC-D		37	12	12
LRC-E		25	10	8

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### 36-662 - Location of access to the street

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LAST AMENDED  
6/6/2024

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

The waiver provisions of Section [36-63](#) (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 berths with access to the #street# to conform to the provisions of this Section.

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### 36-663 - Restrictions on location of berths near Residence Districts

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LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, where #accessory# off-street loading berths are located within 60 feet of a #Residence District# boundary, such berths shall be enclosed within a #building#, and no entrance to or exit from the berths onto the #street# shall be less than 30 feet from the district boundary.

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### **36-664 - Surfacing**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

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### **36-665 - Screening**

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LAST AMENDED

6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required open off-street loading berths that are located on #zoning lots# adjacent to the boundary of a #Residence District#:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:
    - (1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that 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 but not more than eight feet above finished grade. 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 and exits; and
  - (d) shall have no #signs# hung or attached thereto other than those permitted in Sections [32-62](#) (Permitted Signs) or [32-63](#) (Permitted Advertising Signs).
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### **36-70 - BICYCLE PARKING**

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LAST AMENDED

2/2/2011

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of this Section, inclusive, relating to bicycle parking spaces shall apply to:

- (a) #developments#;

- (b) #enlargements# that increase the #floor area# within a #building# by 50 percent or more;
- (c) #dwelling units# created by #conversions# of non-#residential# #floor area#;
- (d) new #dwelling units# in #buildings# or #building segments# constructed after April 22, 2009;
- (e) new enclosed #accessory# #group parking facilities# with 35 or more automobile parking spaces; and
- (f) open parking areas #accessory# to #commercial# or #community facility# #uses# that contain 18 or more automobile parking spaces or are greater than 6,000 sq. ft. in area.

In addition, the provisions of Section [36-75](#) (Floor Area Exemption) shall apply to all #buildings# as set forth therein.

Bicycle parking spaces shall be provided in accordance with the requirements set forth in this Section, inclusive, as a condition precedent to the #use# of such #development#, #enlargement#, #conversion#, #group parking facility# or open parking area.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

## 36-71 - Required Bicycle Parking Spaces

LAST AMENDED  
4/22/2009

## 36-711 - Enclosed bicycle parking spaces

LAST AMENDED  
12/5/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

For the purposes of applying such provisions to #rooming units#, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory# #group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR

RESIDENTIAL, COMMUNITY FACILITY OR COMMERCIAL USES

Type of #Use#	Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement
<b>FOR RESIDENTIAL USES</b>	
#Single-family# #detached# #residences# listed under Use Group II	None required
All other types of #residences# listed under Use Group II, except #affordable independent residences for seniors#	1 per 2 #dwelling units#
#Affordable independent residences for seniors# listed under Use Group II	1 per 10,000 square feet of #floor area#
<b>FOR COMMUNITY FACILITY USES<sup>1</sup></b>	
College or #school# student dormitories or fraternity and sorority student houses listed under Use Group III(A)	1 per 2,000 square of #floor area#
Colleges, universities or seminaries listed under Use Group III(B) <sup>2</sup>	
(a) Classrooms, laboratories, student centers or offices	1 per 5,000 square feet of #floor area#
(b) Theaters, auditoriums, gymnasiums or stadiums	1 per 20,000 square feet of #floor area#
Libraries, museums or non-commercial art galleries listed under Use Group III(B)	1 per 20,000 square feet of #floor area#
Monasteries, convents or novitiates listed under Use Group III(A); houses of worship listed under Use Group III(B); rectories or parish houses listed under Use Group III(A) or III(B); all #uses# listed under Use Group I	None required

All other #uses# listed under Use Group III not otherwise listed in this table	1 per 10,000 square feet of #floor area#
<b>FOR COMMERCIAL USES</b>	
All #uses# listed under Use Group VII	1 per 7,500 square feet of #floor area#
All #uses# listed under Use Groups V and VI;  All #uses# listed under Use Group VIII, except #amusement or recreation facilities# or #uses# listed under Entertainment and Sporting Venues	1 per 10,000 square feet of #floor area#
#Amusement or recreation facilities# or #uses# listed under Entertainment Sporting Venues except drive-in theaters	1 per 20,000 square feet of #floor area#
#Public parking garages#	1 per 10 automobile parking spaces
Use Groups not specified above, and all other #commercial# #uses# not otherwise listed	None required

1 #Non-profit hospital staff dwellings# shall be subject to the requirements for Use Group II #residential uses#.

2 Up to half of required spaces may be provided as unenclosed bicycle parking spaces, pursuant to the requirements of Section [36-73](#).

However, the bicycle parking requirements set forth in the table shall be waived for bicycle parking spaces that are accessory to:

- (a) #buildings# containing 10 #dwelling units# or less;
- (b) colleges, universities or seminaries where the number of required enclosed bicycle parking spaces is six or less;
- (c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or
- (d) all other #community facility# or #commercial# #uses# not otherwise listed in the table where the number of required bicycle parking spaces is three or less.

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## **36-712 - Unenclosed bicycle parking spaces**

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LAST AMENDED  
4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8



In all districts, as indicated, for open parking areas #accessory# to #commercial# or #community facility# #uses# that contain 18 or more spaces or are greater than 6,000 square feet in area, which meet the applicability standards of Section [37-91](#), unenclosed bicycle parking spaces shall be provided as follows:

- (a) One bicycle parking space shall be provided for every 10 automobile parking spaces, up to 200 automobile parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle space.

Each bicycle rack shall allow for the bicycle frame and at least one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

- (b) Bicycle racks shall be provided within 50 feet of a main entrance of a #building# and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from the main entrance of a #building#. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement, provided such racks meet the standards of this paragraph(c).

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## **36-72 - Authorization for Reduction of Spaces**

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LAST AMENDED

4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the City Planning Commission may authorize a reduction in the number of required bicycle parking spaces set forth in Section [36-711](#) (Enclosed bicycle parking spaces) or a waiver of all such spaces, upon finding there are subsurface conditions, below-ground infrastructure or other site planning constraints that would make accommodating such bicycle parking spaces on or below the first #story# of the #building# infeasible. The Commission may request reports from licensed engineers or registered architects in considering such reduction.

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## **36-73 - Restrictions on Operation, Size and Location of Bicycle Parking Spaces**

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LAST AMENDED

12/6/2023

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section [36-74](#) (Off-site Bicycle Parking Spaces).

All enclosed #accessory# bicycle parking spaces shall be surrounded on all sides by a solid enclosure, except where a parking garage is open at the sides, and covered by a roof for weather protection. Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Bicycle parking spaces shall be located in an area secured by a lock or similar means, or adjoin a securely anchored rack to which the bicycle frame and at least one wheel can be locked. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Commissioner of Buildings certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.

A plaque shall be placed at the exterior of the entry to the bicycle parking area, outside any locked door, with lettering at least

three-quarter inches in height stating “Bicycle Parking.”

All required bicycle parking spaces that are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces that are #accessory# to a #commercial# or #community facility# #use# shall be made available for the storage and independent access of bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities must be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to #community facilities# with sleeping accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock, or similar means, provided that access is through a commonly accessible area and access is made available to eligible users on an equal basis. Rooms containing required bicycle parking spaces may also contain non-required #accessory# bicycle spaces, as well as non-#accessory# bicycle spaces permitted by the underlying district regulations.

- (a) For colleges, universities or seminaries, one-half of required #accessory# bicycle parking spaces may be provided as open unenclosed spaces, provided that such spaces meet the standards of paragraph (b) of Section [36-712](#) (Unenclosed bicycle parking spaces).
- (b) For #public parking garages#, the required information plaque shall be provided at each point of bicycle entry to the #public parking garage#, mounted with its center between four and six feet above the ground, directly visible and unobstructed from the #street#. The entry plaque shall contain a bicycle symbol which is 12 inches square in dimension with a highly contrasting background, as shown in this paragraph, (b). The symbol shall match exactly the symbol provided in the [Required Signage Symbols](#) file at the Department of City Planning website.



(36-73)

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## 36-74 - Off-site Bicycle Parking Spaces

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LAST AMENDED  
12/6/2023

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# bicycle parking spaces required pursuant to Section [36-711](#) (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that such bicycle parking spaces are located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#, or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#.

A plaque shall be placed within 30 feet of an entrance of the #building#, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the certificate of occupancy for both the #building# in which the off-site bicycle parking spaces are located, and the #building# containing the #use# to which such bicycle parking spaces are #accessory#.

### 36-75 - Floor Area Exemption

LAST AMENDED  
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this Section shall be excluded from the calculation of #floor area#, provided that:

- (a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces or, if spaces are waived pursuant to paragraphs (a), (b), (c) or (d) of Section [36-711](#) (Enclosed bicycle parking spaces), the number that would have been required but for the waiver or, if spaces are not required because the #building# was constructed prior to April 22, 2009, the number that would be required if such #building# were newly constructed; and
- (b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section [36-73](#) (Restrictions on Operation, Size and Location of Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this Section, for the #uses# listed in the table, the amount of space that may be excluded from the calculation of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table.

#### MAXIMUM BICYCLE PARKING SPACES EXCLUDED FROM FLOOR AREA

Type of #Use#	Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement
<b>FOR RESIDENTIAL USES</b>	
#Affordable independent residences for seniors# listed under Use Group II	1 per 2,000 square feet of #floor area#

FOR COMMUNITY FACILITY USES	
Philanthropic or non-profit institutions with sleeping accommodations listed under Use Group III(A)	1 per 2,000 square feet of #floor area#
Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals, listed under Use Group III(B)	1 per 5,000 square feet of #floor area#

However, in no event shall this Section apply to #single-# or #two-family residences#; and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site, pursuant to Section [36-74](#) (Certification for Off-site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory# #group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory# #group parking facility# does not count as #floor area#.

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### **36-76 - Waiver or Reduction of Spaces for Subsidized Housing**

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LAST AMENDED  
4/22/2009

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except in the #Special Willets Point District# and the #Special St. George District#, the number of required bicycle parking spaces set forth in Section [36-711](#) (Enclosed bicycle parking spaces) may be reduced or waived by the Commissioner of Buildings, provided that the Commissioner of the Department of Housing Preservation and Development has submitted a letter certifying that:

- (a) at least 50 percent of the #dwelling units# in the #building# or #building segment# will be income-restricted pursuant to the provisions of Section [23-90](#) (INCLUSIONARY HOUSING), inclusive, or pursuant to the terms of a grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. An exemption or abatement of real property taxes shall not qualify as a grant, loan or subsidy for the purposes of this paragraph, (a);
- (b) there is insufficient space within the #building# to accommodate the required number of bicycle parking spaces on or below the first #story# of the #building#, including within an enclosed #accessory# #group parking facility#;
- (c) if permitted automobile parking spaces are provided, the required bicycle parking spaces cannot be accommodated within an enclosed #group parking facility# by reconfiguring automobile parking spaces or removing three or fewer permitted automobile parking spaces;
- (d) additional space cannot reasonably be constructed based on the amount of subsidy available to the project; and
- (e) the number of required bicycle parking spaces is being reduced by the minimum amount necessary to address these limitations.



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# Chapter 7 - Special Urban Design Regulations

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# Chapter 7 - Special Urban Design Regulations

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## 37-00 - GENERAL PURPOSES

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LAST AMENDED

6/6/2024

Special urban design regulations are set forth in this Chapter to improve the quality of the streetscape and to promote a lively and engaging pedestrian experience along commercial streets in various neighborhoods.

The provisions of this Chapter shall apply as follows:

- (a) Section [37-10](#) sets forth applicability of Article II, Chapter 6 to zoning lots accessed by private roads and sets forth special regulations for lower density growth management areas in the Borough of Staten Island;
- (b) Section [37-20](#), inclusive, sets forth special regulations for all energy infrastructure equipment and accessory mechanical equipment not located within a completely enclosed building;
- (c) Section [37-30](#), inclusive, sets forth special urban design provisions for building frontages in certain areas that apply in conjunction with provisions specified in the supplemental use provisions of Article III, Chapter 2, special provisions for certain areas in Article VI, or in Special Purpose Districts in Articles VIII through XIV;
- (d) Section [37-40](#), inclusive, sets forth provisions for relocating or renovating subway stairs in certain areas;
- (e) Section [37-50](#), inclusive, sets forth requirements for pedestrian circulation spaces that apply in conjunction with provisions specified in certain Special Purpose Districts;
- (f) Section [37-60](#), inclusive, sets forth provisions for publicly accessible open areas such as plazas, residential plazas and urban plazas created prior to October 17, 2007;
- (g) Section [37-70](#), inclusive, sets forth provisions for public plazas;
- (h) Section [37-80](#) sets forth provisions for arcades; and
- (i) Section [37-90](#), inclusive, sets forth provisions for certain open parking areas, including landscaping.

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## 37-10 - SPECIAL REGULATIONS FOR PRIVATE ROADS AND LOWER DENSITY GROWTH MANAGEMENT AREAS

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LAST AMENDED

12/6/2023

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### 37-11 - Applicability of Article II, Chapter 6, to Lots with Private Roads

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LAST AMENDED

12/5/2024

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section [26-20](#) (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) shall apply to any #zoning lot# with #buildings# accessed by #private roads#, except where such #zoning lot# contains #private roads# constructed prior to February 6, 2002. However, for #buildings# containing #commercial uses#, the #front yard# and #side yard# requirements of Section [26-23](#) (Yards) and the #front yard# planting requirements of Section [26-22](#) (Requirements for Sidewalks, Street Trees and Planting) need not apply.

Additionally, in C3A Districts located within #lower density growth management areas#, the provisions of [26-30](#) (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

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## 37-12 - Special Screening for Lower Density Growth Management Areas in Staten Island

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LAST AMENDED

12/6/2023

In all C1, C2 and C4-1 Districts in the Borough of Staten Island, all *developments* or *enlargements* containing non-*residential uses* shall be screened from adjoining *zoning lots* containing only *residential uses* by a planting strip at least five feet wide along the common *side lot line*, densely planted with evergreen shrubs at least four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted. However, no such screening shall be required where both such *buildings* front upon a *street line* that forms the boundary of a *block* front mapped entirely as a *Commercial District*.

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## 37-20 - SPECIAL SCREENING AND ENCLOSURE PROVISIONS

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LAST AMENDED

12/6/2023

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## 37-21 - Special at-grade Screening and Enclosure Regulations

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LAST AMENDED

12/5/2024

In all districts, other than C8 Districts, all #energy infrastructure equipment# and #accessory# mechanical equipment shall be subject to the following provisions when not located on a #building# rooftop or within a #completely enclosed building#, whether or not such equipment is located within a required #open space#, #yard#, or #court#:

- (a) all generators and cogeneration equipment utilizing fossil fuels which are #accessory# to #buildings# other than #single-# or #two-family# #residences# shall be completely enclosed within a #building or other structure#, except as necessary for mechanical ventilation;
- (b) all other types of equipment, including generators and cogeneration equipment serving #single-# or #two-family# #residences#, may be unenclosed, provided that such equipment is located at least five feet from any #side# or #rear lot line# and where located between a #street wall#, or prolongation thereof, and the #street line#, such equipment is within three feet of a #street wall#; and
- (c) where the area bounding all such equipment, as drawn by a rectangle from its outermost perimeter in plan view, exceeds 25 square feet, such equipment shall be screened in its entirety on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.
- (d) However, no screening shall be required for:
  - (1) equipment with a depth limited to 18 inches from an exterior wall;
  - (2) solar energy systems; and

- (3) wind energy systems.

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## 37-22 - Special Rooftop Screening and Enclosure Regulations

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LAST AMENDED

12/5/2024

In all districts, all #energy infrastructure equipment# and #accessory# mechanical equipment located on roofs, other than solar energy systems, shall be subject to the following provisions when not located within a #completely enclosed building#, whether or not such equipment is penetrating a maximum height limit or a #sky exposure plane#.

However, no screening shall be required for:

- (a) equipment with a depth limited to 18 inches from an exterior wall;
- (b) solar energy systems;
- (c) wind energy systems; and
- (d) #accessory# mechanical equipment installed on the rooftop of a #building# existing on December 5, 2024, where the height of the equipment does not exceed the height of the rooftop parapet, or a height of 6 feet as measured from the roof level.

All such equipment shall be screened on all sides. Such screening may be opaque or perforated, provided that where perforated materials are provided, not more than 50 percent of the face is open.

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## 37-30 - SPECIAL GROUND FLOOR LEVEL URBAN DESIGN PROVISIONS FOR CERTAIN AREAS

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LAST AMENDED

6/6/2024

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### 37-31 - Applicability

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LAST AMENDED

6/6/2024

The provisions of Section [37-30](#), inclusive, specify #ground floor level# requirements for #building# frontages in certain areas that are not otherwise governed by the provisions of Section [32-30](#) (STREETSCAPE REGULATIONS). Such provisions apply reference standards for certain streetscape elements that apply in conjunction with specific requirements in certain areas by underlying district regulations, special geographies, or in accordance with a Special Purpose District.

However, the ground floor depth requirements for certain #uses# and minimum transparency requirements of Sections [37-32](#) and [37-34](#), respectively, shall not apply to:

- (a) #zoning lots# in #Commercial Districts# with a #lot width# of less than 20 feet, as measured along the #street line#, provided such #zoning lots# existed on March 22, 2016, and on the date of application for a building permit; or
- (b) any #community facility building# used exclusively for either a #school#, or a house of worship, listed under Use Group III(B).

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### 37-311 - Definitions



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LAST AMENDED

6/6/2024

The following definitions shall apply throughout Section [37-30](#) (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), inclusive. Additional defined terms in this Section include those in Section [12-10](#) and Section 32-301.

#### Designated frontage

For the purposes of Section [37-30](#), inclusive, a “designated frontage” shall be the portion of the #ground floor level# #street# frontage along a #street#, public access area, or other frontage specifically designated by a Special Purpose District or other provision of this Resolution. Where a #designated frontage# is not a #street#, references to #street walls# shall apply to the #building# wall facing the #designated frontage#.

#Designated frontages# include #primary frontages# or #secondary frontages#.

#### Primary frontage

For the purposes of Section [37-30](#), inclusive, a “primary frontage” shall be the portion of the #ground floor level# #designated frontage# along any of the following:

- (a) a #wide street#;
- (b) a #narrow #street# where a #Commercial District# is mapped along an entire #block# frontage; or
- (c) another frontage specifically designated as a #primary frontage# in a Special Purpose District or other streetscape provision of this Resolution.

#### Secondary frontage

For the purposes of Section [37-30](#), inclusive, a “secondary frontage” shall be the portion of a #ground floor level# #designated frontage#, subject to the provisions of Section [37-30](#), inclusive, that is not a #primary frontage#.

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### **37-32 - Ground Floor Depth Requirements for Certain Uses**

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LAST AMENDED

6/6/2024

The minimum depth for required ground floor non-#residential uses#, as applicable, shall be as set forth in this Section, except as set forth in Section [37-31](#) (Applicability).

Required #ground floor level# non-#residential uses# along a #designated frontage# shall extend to the #minimum qualifying depth#.

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### **37-33 - Maximum Width of Certain Uses**

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LAST AMENDED

6/6/2024

The maximum width of lobbies, entrances and exits to off-street parking facilities, and entryways to #mass transit stations#, are set forth in this Section.

(a) Ground floor lobbies

The maximum length of lobbies accessing #uses# not permitted on the #ground floor level#, shall be limited to a maximum #street wall# length, in total, of 25 percent of the #street wall# width of the #building# along the #designated frontage#, or 25 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 10 feet.

However, C4 through C7 Districts where the #floor area ratio# for #commercial uses# is greater than or equal to 10.0, the maximum lobby length shall be modified such that the maximum #street wall# length, in total, shall not exceed 25 percent of the #street wall# width of the #building# along the #designated frontage#, or 50 linear feet of #street wall# along such #street# frontage, whichever is less. The minimum width of such lobbies need not be less than 20 feet.

(b) Entrances and exits to parking facilities

Entrances and exits to off-street parking facilities, where permitted on the #ground floor level#, or portion thereof, shall be permitted subject to any applicable curb cut regulations of this Resolution.

(c) Entryways to #mass transit stations#

Entrances and exits to #mass transit stations#, as defined in Section [66-11](#), may be provided on the #ground floor level# of a #building# without restriction in #street wall# width.

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## 37-34 - Minimum Transparency Requirements

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LAST AMENDED

6/6/2024

The #ground floor level# #street wall# along a #primary frontage# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors, except as set forth in Section [37-31](#) (Applicability).

Such transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level# #street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet. The maximum width of a portion of the #ground floor level# #street wall# without transparency shall not exceed 10 feet.

However, such transparency requirements shall not apply to portions of the #ground floor level# occupied by entrances or exits to #accessory# off-street parking facilities and #public parking garages#, where permitted, entryways to required loading berths, where permitted, entryways to subway stations, as applicable, or doors accessing emergency egress stairwells and passageways.

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## 37-35 - Parking Wrap and Screening Requirements

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LAST AMENDED

6/6/2024

All #accessory# off-street parking spaces on the #ground floor level# of a #building# shall be wrapped by #floor area# in

accordance with paragraph (a) or, where applicable, screened in accordance with applicable provisions of paragraph (b) of this Section.

(a) Along #primary frontages#

For #ground floor levels#, or portions thereof, fronting along a #primary frontage#, any portion of an #accessory# off-street parking facility that is located above #curb level#, except for permitted entrances and exits, shall be located behind permitted #commercial#, #community facility# or #residential# #floor area# so that no portion of such facility is visible from adjacent public sidewalks or publicly accessible areas. Such #floor area# shall extend to the #minimum qualifying depth#.

(b) Along #secondary frontages#

For #ground floor levels#, or portions thereof, fronting along a #secondary frontage#, off-street parking facilities, or portions thereof, may either be wrapped by #floor area# in accordance with paragraph (a) of this Section, or shall be subject to the following design requirements:

- (1) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
- (2) opaque materials shall be located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted #signs#, subject to the provisions of Section [32-60](#) (SIGN REGULATIONS), murals or other visual artwork, decorative screening or latticework, or living plant material.

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## 37-36 - Special Requirements for Blank Walls

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LAST AMENDED  
5/12/2021

Where visual mitigation elements are required on a blank wall along the #ground floor level# #street wall# in accordance with other streetscape provisions in this Resolution, such blank wall shall be covered by one or more of the following mitigation elements set forth in this Section.

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### 37-361 - Blank wall thresholds

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LAST AMENDED  
5/12/2021

The height and width of blank walls and the applicable percent coverage of mitigation elements are set forth in this Section. Blank wall surfaces shall be calculated on the #ground floor level# #street wall# except in the #flood zone#, blank wall surfaces shall be calculated between the level of the adjoining sidewalk and the level of the #first story above the flood elevation# as defined in Section [64-11](#) (Definitions).

The different types of blank walls are established below and the type of blank wall that applies is determined by the provisions of each applicable Section.

(a) Type 1

Where Type 1 blank wall provisions apply, a “blank wall” shall be a #street wall#, or portions thereof, where no transparent materials or entrances or exits are provided below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 50 feet.

For such blank walls, at least 70 percent of the surface or linear footage of the blank wall, as applicable, shall be covered by one or more of the options described in Section [37-362](#) (Mitigation elements).

The maximum width of a portion of such blank wall without visual mitigation elements shall not exceed 10 feet. In addition, where such blank wall exceeds a #street wall# width of 50 feet, such rules shall be applied separately for each 50-foot interval.

(b) Type 2

Where Type 2 blank wall provisions apply, a “blank wall” shall be a #street wall#, or portions thereof, where no transparent materials or entrances or exits are provided below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 25 feet.

For such blank walls, at least 70 percent of the surface or linear footage of the blank wall, as applicable, shall be covered by one or more of the options described in Section [37-362](#). In addition, where such blank wall exceeds a #street wall# width of 50 feet, such rules shall be applied separately for each 50-foot interval.

(c) Type 3 or Type 4

Where Type 3 or Type 4 blank wall provisions apply, a “blank wall” shall be a #street wall#, or portions thereof, where no transparent materials or entrances or exits are provided below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 15 feet for Type 3 or for a continuous width of at least five feet for Type 4.

For such blank walls, at least 70 percent of the surface or linear footage of the blank wall, as applicable, shall be covered by one or more of the options described in Section [37-362](#). In addition, where such blank wall exceeds a #street wall# width of 25 feet, such rules shall be applied separately for each 25-foot interval.

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## **37-362 - Mitigation elements**

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LAST AMENDED  
5/12/2021

The following mitigation elements shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations.

(a) Surface treatment

Where utilized as a visual mitigation element the following shall apply:

(1) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, decorative screening or latticework, or living plant material shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of the mitigation requirement.

(2) Surface texture

Surface texture that recesses or projects a minimum of one inch from the remaining surface of the #street wall# shall be provided. The height or width of any individual area that recesses or projects shall not be greater than 18 inches. Each linear foot of wall treatment shall constitute one linear foot of the mitigation requirement.

(b) Linear treatment

Where utilized as a visual mitigation element the following shall apply:

(1) Planting

Planting, in the form of any combination of perennials, annual flowers, decorative grasses or shrubs, shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of the mitigation requirement. Such planting bed, or planter boxes shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area, including planters spaced not more than one foot apart, shall have a width of at least five feet.

(2) Benches

Fixed benches, with or without backs, shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of the mitigation requirement. Any individual bench shall have a width of at least five feet and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(3) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall# as follows. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

- (i) Where bicycle racks are oriented so that the bicycles are placed parallel to the #street wall#, each bicycle rack so provided shall satisfy five linear feet of the mitigation requirement.
- (ii) Where bicycle racks are oriented so that bicycles are placed perpendicular or diagonal to the #street wall#, each bicycle rack so provided shall satisfy the width of such rack, as measured parallel to the #street wall#, of the mitigation requirement.

(4) Tables and chairs

In #Commercial Districts# and M1 Districts, fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of the mitigation requirement.

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## 37-40 - OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

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LAST AMENDED  
10/7/2021

Where a #development# or an #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section [81-46](#), the #Special Lower Manhattan District# as listed in Section [91-43](#), the #Special Downtown Brooklyn District# as listed in Section [101-43](#), the #Special Long Island City Mixed Use District# as described in

Section [117-44](#), the #Special Union Square District# as listed in Section [118-50](#), the #Special East Harlem Corridors District# as described in Section [138-33](#), and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances\* shall be provided in accordance with the provisions of this Section.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section [37-50](#) (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section [37-50](#). In addition, for #developments# or #enlargements# on such #zoning lots# where a relocated or renovated subway stair has been provided in accordance with the provisions of this Section, the special #use#, #bulk#, parking, and streetscape modifications set forth in Sections [66-22](#) (Special Use Regulations) through [66-25](#) (Special Streetscape Regulations) may be applied.

STATION	LINE
The Bronx	
161st Street**	Grand Concourse
Manhattan	
8th Street	Broadway-60th Street
23rd Street	Broadway-60th Street
23rd Street	Lexington Avenue
28th Street	Lexington Avenue
33rd Street	Lexington Avenue
34th Street-Penn Station	8th Avenue
59th Street/Lexington Avenue-60th St.	Lexington Avenue and Broadway-60th Street

\* Provision of a new subway entrance or entrances pursuant to the requirements of this Section may also require satisfaction of additional obligations under the Americans with Disabilities Act of 1990 (ADA), including the ADA Accessibility Guidelines. The New York City Transit Authority should be consulted with regard to any such obligations

\*\* Access stairways to elevated portions of a station complex are exempt from this requirement

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## 37-41 - Standards for Location, Design and Hours of Public Accessibility

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LAST AMENDED

10/17/2007

In addition to the standards set forth in the current station planning guidelines as issued by New York City Transit, the following standards shall also apply:

(a) Location

The relocated or renovated entrance shall be immediately adjacent to, and accessible without any obstruction from, a public sidewalk or pedestrian circulation space as defined in Section [37-50](#). Any such pedestrian circulation space shall have a minimum horizontal dimension equal to the width of the relocated stairs or the minimum width of the pedestrian circulation space, whichever is greater.

The relocated or renovated entrance may be provided within a #building# but shall not be enclosed by any doors. The area occupied by a relocated or renovated entrance within a #building# shall not be counted toward the #floor area# of the #enlargement# or #development#.

(b) Design standards

The relocated or renovated entrance shall have a stair width of at least eight feet for each run.

Where two or more existing stairway entrances are being relocated or renovated as part of the same #development# or #enlargement#, the new entrance or entrances shall have total stair widths equal to or greater than the sum of the stair widths of those existing stairway entrances, but in no case may any stair be less than eight feet in width.

The relocated entrance may be relocated within a #public plaza#, provided that the minimum width of each stair is 10 feet and the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a sidewalk widening. A relocated entrance within a #public plaza# is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a #public plaza#.

For a relocated entrance only, the entrance shall have a queuing space at the top and bottom of the stairs that is at least eight feet wide and 15 feet long. Such queuing space may overlap with a #public plaza# or an #arcade# in accordance with the provisions of Sections [37-53](#) (Design Standards for Pedestrian Circulation Spaces) or [37-80](#) (ARCADES).

No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of five feet.

Throughout the entire stairway entrance, including passageways, the minimum clear, unobstructed height shall be at least 7 feet, 6 inches from finished floor to finished ceiling, including all lighting fixtures and #signs#.

The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.

The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.

The below-grade portion of a relocated entrance may be constructed within the #street#.

(c) Hours of public accessibility

The relocated or renovated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by New York City Transit.

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### **37-42 - Administrative Procedure for a Subway Stair Relocation or Renovation**

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LAST AMENDED

2/2/2011

For any #development# or #enlargement# that is subject to the requirements for the relocation of a subway stair entrance or counts a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section [37-50](#) (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued, unless the following criteria are met:

- (a) for a relocated entrance, such plan includes a stair relocation plan and related documents that require:
- (1) construction of the new stair entrance in accordance with such plan;
  - (2) demolition of above-ground elements of the existing entrance;
  - (3) sealing of the existing entrance at the sidewalk level; and
  - (4) maintenance of the work performed on the relocated or renovated entrance; or
- (b) for a renovated entrance, such plan includes a renovation plan and related documents that require:
- (1) renovation of the entrance in accordance with such plan; and
  - (2) maintenance of the work performed on the renovated entrance; and
- (c) such plan and related documents bear New York City Transit's approval; and
- (d) such plan is accompanied by a certified copy of an agreement, as recorded between New York City Transit and the owner for an easement on the #zoning lot# for subway-related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the #zoning lot# in the Office of the Register of the City of New York and is accompanied by the Register's receipt of recordation; and
- (e) no permanent certificate of occupancy shall be issued for the #building# either altered or #developed#, as set forth in Section [37-40](#), or #enlarged#, that is subject to the subway stair relocation requirement or is counting a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section [37-50](#), inclusive, unless and until all of the work required under paragraph (a) or (b) of this Section has been completed and New York City Transit has so certified in writing to the Department of Buildings.

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### **37-43 - Modification of Requirements for a Relocated or Renovated Subway Stair**

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LAST AMENDED

6/6/2024

The Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of Sections [32-351](#) (Ground floor use in high-density areas) and [37-41](#) (Standards for Location, Design and Hours of Public Accessibility) or [37-70](#) (PUBLIC PLAZAS) if the relocated subway stair cannot be accommodated without



modification to these provisions.

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## 37-44 - Waiver of Requirements

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LAST AMENDED

10/17/2007

The provisions of Section [37-40](#) (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR) may be waived by joint certification of New York City Transit and the Chairperson of the City Planning Commission that major construction problems or operating design considerations render the stair relocation infeasible. In such event, the stair relocation requirement may be satisfied by retention of the existing stair and the provision on the #zoning lot# of an open area, qualifying under the provisions of Section [37-50](#) (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), that accommodates pedestrian traffic passing the existing stair entrance.

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## 37-50 - REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE

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LAST AMENDED

10/17/2007

All pedestrian circulation space required pursuant to the provisions of any special purpose district shall comply with the provisions of this Section, as such may be modified by the terms of the special district.

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## 37-51 - Amount of Pedestrian Circulation Space

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LAST AMENDED

2/2/2011

The minimum amount of pedestrian circulation space to be provided for #developments# or #enlargements# shall be determined by the following table:

### MINIMUM PEDESTRIAN CIRCULATION SPACE REQUIREMENTS

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Size of #zoning lot#	Required area of pedestrian circulation space
5,000 to 20,000 sq. ft.	1 sq. ft. per 350 sq. ft. of new #floor area#
Above 20,000 sq. ft.	1 sq. ft. per 300 sq. ft. of new #floor area#

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## 37-52 - Types of Pedestrian Circulation Space

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LAST AMENDED

10/7/2021

The pedestrian circulation space provided shall be of one or more of the following types: an arcade, #building# entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, #transit volumes#

and improvements to #mass transit stations#, through #block# connection or #public plaza#. For the purposes of this Section, defined terms additionally include those in Section [66-11](#) (Definitions).

Each #zoning lot# shall be categorized as either a #corner lot#, #through lot# or #interior lot#, and pedestrian circulation space shall be provided on each #zoning lot# in at least one of the applicable types, or combinations of types, specified in the following table:

**PROVISION OF PEDESTRIAN CIRCULATION SPACE ON CERTAIN TYPES OF LOTS**

Type of Pedestrian Circulation Space	#Corner lot#	#Through lot#	#Interior lot#
Arcade	x	x	x
#Building# entrance recess area	x	x	x
Corner arcade	x		
Corner circulation space	x		
Relocation or renovation of subway stair	x	x	x
Sidewalk widening	x	x	x
#Transit volumes# and improvements to #mass transit stations#	x	x	x
Through #block# connection	x	x	
#Public plaza#	x	x	x

Minimum design standards for each type of pedestrian circulation space and, where applicable, the maximum amount of each type of pedestrian circulation space that may be counted toward meeting the requirements of Section [37-51](#) (Amount of Pedestrian Circulation Space) are set forth in Section [37-53](#) (Design Standards for Pedestrian Circulation Spaces).

**37-53 - Design Standards for Pedestrian Circulation Spaces**

LAST AMENDED  
12/6/2023

(a) Arcade

Arcades shall not be subject to the provisions of Sections [12-10](#) (DEFINITIONS) and [37-80](#) (ARCADES). In lieu thereof, the provisions of this Section shall apply.

An arcade is a continuous covered space that adjoins and extends along a #front lot line#, is at the same elevation as the adjoining sidewalk, is open for its entire length to the sidewalk except for columns and is accessible to the public at all times. An arcade shall be provided on the #wide street# frontage of a #zoning lot# of a #development# or #enlargement# where the #zoning lot# lies directly adjacent to an existing arcade on a #wide street#, except where an existing #building# without an arcade extends along a portion of the #wide street front lot line# of the #zoning lot# containing the #development# or #enlargement#. Where an arcade abuts another arcade, there shall be a clear, unobstructed passage between both arcades.

An arcade shall meet the following requirements:

(1) Dimensions

An arcade with columns shall have a minimum clear width of 10 feet, exclusive of all columns, and a maximum width of 15 feet, inclusive of columns. No column width shall be greater than five feet. Columns shall be spaced along the #street# with a minimum clear width between columns of 15 feet. An arcade shall have a clear height of not less than 12 feet and not more than 30 feet.

- (i) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade without columns is permitted only if:
  - (a) it has a continuous, unobstructed minimum length of 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the frontage of the #development#, whichever is greater; and
  - (b) the entire #front lot line# shall be unobstructed for the same depth of the arcade, except for that portion of the #front lot line# occupied by an existing #building#.
- (ii) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade with columns is permitted only if it connects directly to an existing arcade on an adjacent #zoning lot#, matching it in width and alignment, and has a continuous, unobstructed minimum length beyond the existing adjacent arcade of at least 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the frontage of the #development#, whichever is greater.
- (iii) On a #corner lot# fronting on a #narrow street#, an arcade is permitted only if it extends for the full length of the #street# frontage, with the exception of a driveway for a required loading berth located at the #side lot line# of the #zoning lot#, or if the arcade provides unobstructed pedestrian flow along such entire frontage in combination with one or more of the following other spaces with which it connects at one or both ends: a corner arcade, a #publicly accessible open area#, an off-street rail mass transit access improvement, an intersecting sidewalk widening, an intersecting #street#, a relocated or renovated subway entrance, a through #block# connection or a through #block# Galleria.
- (iv) On a #wide street#, an arcade shall be permitted, provided that:
  - (a) the arcade extends along the full length of the #street line# between intersecting #streets#; or
  - (b) in the case of an arcade that occupies less than the entire #street# frontage between intersecting

#streets#, on a full #block# front #zoning lot#, unobstructed pedestrian flow along the entire frontage is provided on the #zoning lot# by the arcade in combination with one or more of the following #open spaces# with which the arcade connects at one or both ends: a corner circulation space, a #publicly accessible open area# or an intersecting sidewalk widening; or

- (c) in the case of an arcade whose #zoning lot# occupies less than the entire #street# frontage between intersecting #streets#, the arcade connects with an existing arcade of matching width and alignment, a #publicly accessible open area# on an adjacent #zoning lot#, so that unobstructed pedestrian flow along the entire #block# front is provided by the arcade in combination with such existing spaces.

(2) Full #block# front arcade

When a #zoning lot# occupies a full #block# front, both ends of the arcade on that #street# frontage shall be open and accessible directly from the sidewalk of the intersecting #street# or any other qualifying pedestrian circulation space.

(3) Permitted obstructions

Except for #building# columns, and #qualifying exterior wall thickness# pursuant to Section [33-23](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), an arcade shall be free from obstructions of any kind.

(4) Specific prohibitions

No vehicular driveways, except as permitted under paragraph (a)(1) (Dimensions) of this Section, parking spaces, passenger drop-offs, loading berths or trash storage facilities are permitted within an arcade, nor shall such facilities be permitted immediately adjacent to an arcade.

(5) Illumination

All existing and new arcades shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise.

(b) #Building# entrance recess area

A #building# entrance recess area is a space that adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the #building's# lobby entrance or to the entrance to a ground floor #use#.

A #building# entrance recess area shall meet the following requirements:

(1) Dimensions

A #building# entrance recess area shall have a minimum length of 15 feet and a maximum length of 50 feet measured parallel to the #street line# at a #building's# lobby entrance and a maximum length of 30 feet parallel to the #street line# at a ground floor #use# entrance. It shall have a maximum depth of 15 feet measured from the #street line# and shall have a minimum depth of 10 feet measured from the #street line#.

(2) Permitted obstructions

Any portion of a #building# entrance recess area under an overhanging portion of the #building# shall have a

minimum clear height of 15 feet. It shall be free of obstructions except for #qualifying exterior wall thickness# pursuant to Section [33-23](#), and #building# columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the #street line#. Between a #building# column and a wall of the #building#, there shall be a clear path at least five feet in width.

(3) Permitted overlap

A #building# entrance recess area may overlap with an arcade, a corner arcade, a corner circulation space or a sidewalk widening, and may adjoin or overlap and connect directly without obstruction to another #building# entrance recess area except that, on any one #street# frontage, each lobby or ground floor #use# shall connect to only one #building# entrance recess area.

(c) Corner arcade

A corner arcade shall not be subject to the provisions of Sections [12-10](#) (DEFINITIONS) and [37-80](#) (ARCADES). In lieu thereof, a corner arcade shall be a small covered space adjoining the intersection of two #streets# at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

A corner arcade shall meet the following requirements:

(1) Dimensions

- (i) a corner arcade shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting #street lines#, and shall extend along both #street lines# for at least 15 feet but not more than 40 feet from the intersection of the two #street lines#; and
- (ii) the height of a corner arcade shall be not less than 12 feet and a clear path at least 12 feet wide shall be provided from one #street line# to another #street line#.

(2) Permitted obstructions

Except for #building# columns, and #qualifying exterior wall thickness# pursuant to Section [33-23](#), a corner arcade shall be free from obstructions of any kind.

(3) Specific prohibitions

The specific prohibitions pertaining to an arcade as described in paragraph (a)(4) of this Section shall also be applicable to a corner arcade.

(4) Permitted overlap

A corner arcade may overlap with an arcade; however, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

(d) Corner circulation space

A corner circulation space is a small #open space# on a #zoning lot#, adjoining the intersection of two #streets#, at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

A corner circulation space shall meet the following requirements:

(1) Dimensions

A corner circulation space shall have the same minimum dimensions as a corner arcade, as described in paragraph (c)(1) of this Section.

(2) Permitted obstructions

A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements does not exceed 20 percent of the area of the corner circulation space and that such elements and any attachments thereto are at least eight feet above #curb level#. A corner circulation space shall be clear of all other obstructions including, without limitation, door swings, #building# columns, #street# trees, planters, vehicle storage, parking or trash storage. However, #qualifying exterior wall thickness# may be added pursuant to Section [33-23](#). No gratings, except for drainage, shall be permitted.

(3) #Building# entrances

Entrances to ground level #uses# are permitted from a corner circulation space.

An entrance to a #building# lobby is permitted from a corner circulation space, provided that the entrance is at no point within 20 feet of the intersection of the two #street lines# that bound the corner circulation space.

(4) Permitted overlap

A corner circulation space may overlap with a sidewalk widening.

(e) Relocation or renovation of a subway stair

When a #development# or #enlargement# is constructed on a #zoning lot# containing a relocated stairway entrance or entrances to a subway, or an existing stairway entrance or entrances to a subway, and such entrance or entrances are relocated or renovated in accordance with the provisions of Section [37-40](#) (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), inclusive, one and one-half times the area, measured at #street# level, of such entrance or entrances may count toward meeting the pedestrian circulation space requirement.

(f) Sidewalk widening

A sidewalk widening is a continuous, paved, open area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. A sidewalk widening shall be provided on the #wide street# frontage of a #zoning lot# of a #development# or #enlargement# where all existing #buildings# on the same #block# frontage, whether on the same or another #zoning lot#, provide sidewalk widenings.

A sidewalk widening shall meet the following requirements:

(1) Dimensions

A sidewalk widening shall have a width of no less than five feet nor more than 10 feet measured perpendicular to the #street line#, and shall be contiguous along its entire length to a sidewalk.

A sidewalk widening shall extend along the full length of the #front lot line# except for the portion of the #front lot line# interrupted by an existing #building# which is located at a #side lot line# or, in the case of a full

#block# frontage, located at the intersection of two #streets#.

A required sidewalk widening on a #wide street# shall connect directly to any existing adjoining sidewalk widening and shall extend the entire length of the #front lot line#.

The width of such a required sidewalk widening shall equal that of the existing adjoining sidewalk widening. If there is more than one such existing sidewalk widening, the width of such a required sidewalk widening shall equal that of the existing sidewalk widening that is longest.

A sidewalk widening is permitted on a #wide street# when not adjacent to an existing sidewalk widening only if either the sidewalk widening extends along the #street line# of the #wide street# for the full length of the #block# front, or the #zoning lot# is a #corner lot# and the sidewalk widening extends along the full length of the #street line# of the #wide street# to its intersection with the #street line# of the other #street# on which the #zoning lot# fronts.

Except for the permitted interruptions, as set forth in paragraph (f)(2) of this Section, a sidewalk widening is permitted on a #narrow street# only if it has a length of at least 100 feet.

(2) Permitted interruptions

Interruptions of the continuity of a qualifying sidewalk widening shall be permitted only under the following conditions:

- (i) by an arcade that has a width equal to or greater than the width of the sidewalk widening and which is directly connected to the sidewalk widening;
- (ii) if overlapped by a corner circulation space or a #building# entrance recess area that permits uninterrupted pedestrian flow;
- (iii) if overlapped by a #public plaza#, provided that the overlapping portion of such #public plaza# conforms to the design standard of a sidewalk widening;
- (iv) by an off-street subway entrance, provided such an entrance is located at a #side lot line# or is located at the intersection of two #street lines#;
- (v) if overlapped by the queuing space of a relocated or renovated subway entrance, provided that the queuing space for the entrance leaves at least a five foot uninterrupted width of sidewalk widening along the entire length of the queuing space; or
- (vi) by a driveway that is located at a #side lot line#; however, where the #zoning lot# has a through #block# connection, a through #block# galleria or a #through block public plaza# at such a #side lot line#, the location of its driveway is not restricted. The area occupied by the driveway, up to the width of the sidewalk widening, may be counted toward meeting the pedestrian circulation space requirement, provided that there shall be no change of grade within the area of the sidewalk widening.

(3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for those obstructions permitted under paragraph (f)(2) of this Section, for #qualifying exterior wall thickness# pursuant to Section [33-23](#), and for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements, measured on the plan, does not exceed 20 percent of the sidewalk widening area, and that such

elements and any attachments thereto are at least eight feet above #curb level#.

(4) Specific prohibitions

No #street# trees are permitted on a sidewalk widening. No vehicle storage, parking or storage of trash is permitted on a sidewalk widening. Gratings may not occupy more than 50 percent of the sidewalk widening area nor be wider than one half the width of the sidewalk widening.

(5) Special design treatment

When one end of the sidewalk widening abuts an existing #building# on the #zoning lot# or an existing #building# on the #side lot line# of the adjacent #zoning lot#, design treatment of the termination of the sidewalk widening is required to smooth pedestrian flow. The portion of the sidewalk widening subject to design treatment, hereinafter called the transition area, shall not extend more than 10 feet nor less than five feet along the sidewalk widening from its termination.

The transition area shall receive special design treatment which may include, but is not limited to, landscaping, sculpture or #building# transparency. The transition area shall be designed to effect a gradual change of the sidewalk widening width to match the #street wall# line of the existing #building# at the sidewalk widening's termination. This may be accomplished by a curved or diagonal edge of paving along a landscaped bed, the use of stepped edges of the #building# or other architectural treatment of the #building# or paving which avoids an abrupt visual termination of the sidewalk widening. Such special design treatment may be considered a permitted obstruction.

(g) #Transit volumes# and improvements to #mass transit stations#

Where #transit volumes# or improvements to #mass transit stations# are provided pursuant to the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), each square foot of mass transit access may constitute one square foot of required pedestrian circulation space, not to exceed 3,000 square feet. For the purposes of this paragraph, defined terms include those in Section [66-11](#) (Definitions).

(h) Through #block# connection

A through #block# connection is a paved, open or enclosed space providing unobstructed access to the #building's# main lobby and connecting, in a straight, continuous, unobstructed path, two parallel or nearly parallel #streets#.

Up to a maximum of 3,000 square feet of a through #block# connection may count toward the minimum pedestrian circulation space requirement.

A through #block# connection shall meet the following requirements:

(1) Location

- (i) A through #block# connection shall be located at least 150 feet from the intersection of two #streets#.
- (ii) Where the #zoning lot# or a portion thereof is directly across a #street# from, and opposite to, an existing through #block# connection on an adjacent #block# and the existing connection is at least 150 feet from the intersection of two #streets#, the alignment of the new through #block# connection shall overlap with that of the existing connection. Such existing connection may also be a through #block# Galleria, #through block public plaza# or any through #block# circulation area with a minimum width of 12 feet,



which is located within a #building#.

- (iii) Where there are already two through #block# connections located on the same #block#, a new through #block# connection shall not count toward meeting the pedestrian circulation space requirement.
- (iv) No through #block# connection shall be permitted on any portion of a #zoning lot# occupied by a landmark or interior landmark so designated by the Landmarks Preservation Commission, or occupied by a #building# whose designation as a landmark or interior landmark has been calendared for public hearing and is pending before the Landmarks Preservation Commission.

(2) Design standards for a through #block# connection

- (i) A through #block# connection shall provide a straight, continuous, unobstructed path at least 15 feet wide. If covered, the clear, unobstructed height of a through #block# connection shall not be less than 15 feet. #Qualifying exterior wall thickness#, as set forth in Section [33-23](#), shall be a permitted obstruction to such path.
- (ii) At no point shall the level of a through #block# connection be more than five feet above or below #curb level#. In all cases, the through #block# connection must provide a clear path, accessible to people with disabilities, through its entire length.
- (iii) A through #block# connection may be located inside or outside of a #building#. The area of a through #block# connection located within a #building# shall be counted as #floor area#.
- (iv) A through #block# connection located partially or wholly within a #building# shall adjoin and connect directly to the #building's# main lobby via unobstructed openings with an aggregate width exceeding that of any other entrances to the lobby.
- (v) A through #block# connection located wholly or partially outside a #building# shall provide unobstructed access directly to the #building's# main lobby through the major entrance. For the purposes of this Section, the major entrance shall be that entrance to the main lobby which has the greatest aggregate width of clear openings for access.
- (vi) Any portion of a through #block# connection located outside a #building# shall be illuminated throughout with a minimum level of illumination of not less than five horizontal foot candles (lumens per candle). Such illumination shall be maintained throughout the hours of darkness.
- (vii) A through #block# connection shall at a minimum be accessible to the public from 8:00 a.m. to 7:00 p.m. on the days the #building# is open for business and shall have posted, in prominent, visible locations at its entrances, #signs# meeting the standards set forth in paragraph (h)(2)(viii) of this Section.
- (viii) A through #block# connection shall provide the following information for public access at each public entry to the through #block# connection:
  - (a) For an unenclosed through #block# connection, the public access information shall be an entry plaque located at the entrance to the through #block# connection at each #street# frontage. The entry plaque shall contain:
    - (1) a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the [Required Signage Symbols](#) page on the Department of City Planning website. Such symbol and

required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York; and

- (2) an international Symbol of Access for people with disabilities that is at least three inches square.

The entry plaque shall be mounted with its center five feet above the elevation of the nearest walkable pavement on a wall or a permanent freestanding post. It shall be placed so that the entire entry plaque is obvious and directly visible without any obstruction, along every line of sight from all paths of pedestrian access to the through #block# connection, in a position that clearly identifies the entry to the connection.

- (b) For an enclosed through #block# connection or a portion thereof:

- (1) a public space symbol and required text as described in paragraph (h)(2)(viii)(a) of this Section, shall be mounted with its center five feet above the elevation of the nearest walkable pavement;
- (2) lettering stating "PUBLIC ACCESS TO \_\_\_\_ STREET," indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol and required text; and
- (3) lettering not more than two inches or less than one and a half inches in height stating "Open" with the hours and days of operation of the through #block# connection. This lettering shall be located not more than three inches from the public space symbol and required text.

The above required information shall be permanently affixed on the glass panel of the entry doors of the through #block# connection clearly facing the direction of pedestrian flow. The information shall be located not higher than six feet or lower than three feet above the level of the pedestrian path at the entry.

- (i) #Public plaza#

A maximum of 30 percent of the area of a #public plaza# that faces a #street# intersection, or provides access to a major #building# entrance, may be counted toward meeting the pedestrian circulation space requirement.

A maximum of 3,000 square feet of a #through block public plaza# may be counted toward meeting the pedestrian circulation space requirement.

For all other #public plazas#, the first 10 feet of depth from the #street line# may be counted toward meeting the pedestrian circulation space requirement, provided that the #public plaza# conforms to the design standards of a sidewalk widening as set forth in paragraph (f) of this Section.

All #public plazas# shall comply with Section [37-70](#) (PUBLIC PLAZAS), inclusive.

Any area of permitted overlap between pedestrian circulation spaces or other amenities shall be counted only once toward meeting the required amount of pedestrian circulation space. Unobstructed access shall be provided between

overlapping spaces.

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## **37-54 - Modification of Design Standards of Pedestrian Circulation Spaces Within Existing Buildings**

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LAST AMENDED

10/17/2007

The City Planning Commission may authorize a modification of any required minimum amount of pedestrian circulation space to be provided on #wide street# frontages and design standards, as indicated, for the following required pedestrian circulation spaces, to be provided within or under an existing #building# to remain on a #zoning lot#:

- (a) Arcade: minimum width, minimum height, obstructions, minimum clear width between obstructions, minimum length, column sizes
- (b) #Building# entrance recess area: minimum length, minimum depth from #street line#, minimum height, obstructions, clear space between obstructions and clear space between obstructions and #building# wall
- (c) Corner arcade or corner circulation space: minimum depth, minimum width of clear path, minimum height, obstructions
- (d) Through #block# connection: minimum width of unobstructed path, minimum height, through #block# level.

The Commission may authorize a modification of design standards for pedestrian circulation spaces when the following findings are met:

- (1) a modification is needed because of the inherent constraints of the existing #building#;
- (2) the modification is limited to the minimum needed because of the inherent constraints of the existing #building#; and
- (3) the pedestrian circulation space as modified shall be equal in area, and substantially equivalent, to the required space in terms of quality, effectiveness and suitability for public use.

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## **37-60 - PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17, 2007**

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LAST AMENDED

10/17/2007

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## **37-61 - Design Standards**

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LAST AMENDED

12/19/2019

Design standards for #plazas#, #residential plazas# and #urban plazas developed# prior to October 17, 2007, are located in APPENDIX E of this Resolution.

Notwithstanding the foregoing, the applicable provisions of APPENDIX E shall be superseded as follows:

- (a) all #plazas#, #residential plazas# and #urban plazas# shall provide an information plaque that contains a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the [Required Signage Symbols](#) page on the Department of City Planning website. Such symbol and required text shall include the phrase "Open To Public" and shall be provided with a highly contrasting

background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York;

- (b) the introduction of moveable tables and chairs pursuant to Section [37-626](#) (Moveable tables and chairs) shall be permitted within #plazas#, and shall not constitute a design change pursuant to Section [37-625](#) (Design changes).

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## **37-62 - Changes to Existing Publicly Accessible Open Areas**

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LAST AMENDED  
10/17/2007

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### **37-621 - Elimination or reduction in size of non-bonused open area**

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LAST AMENDED  
10/17/2007

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza#, #residential plaza# or #urban plaza#, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

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### **37-622 - Elimination or reduction in size of bonused open area**

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LAST AMENDED  
10/17/2007

No existing #plaza#, #residential plaza# or #urban plaza# shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section [74-761](#) (Elimination or reduction in size of bonused public amenities).

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### **37-623 - Nighttime closings**

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LAST AMENDED  
10/17/2007

The City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #residential plaza# or #urban plaza# for which a #floor area# bonus has been received, pursuant to Section [37-727](#) (Hours of access).

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### **37-624 - Kiosks and open air cafes**

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LAST AMENDED  
10/17/2007

Kiosks and open air cafes may be placed within an existing #plaza#, #residential plaza# or #urban plaza# upon certification by the Chairperson of the City Planning Commission, pursuant to Section [37-73](#) (Kiosks and Open Air Cafes).

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### **37-625 - Design changes**

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LAST AMENDED

Except as otherwise provided in Sections [74-41](#) (Arenas, Auditoriums, Stadiums or Trade Expositions), [91-83](#) (Retail Uses Within Existing Arcades) and [91-841](#) (Authorization for retail uses within existing arcades), design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section [37-70](#) (PUBLIC PLAZAS), inclusive. The provisions of Section [37-78](#) (Compliance), other than paragraph (e) (Special regulations for an urban plaza in the Special Lower Manhattan District), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

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## **37-626 - Moveable tables and chairs**

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LAST AMENDED  
12/19/2019

Publicly accessible tables and chairs shall be considered permitted obstructions within #plazas# that have not received a certification by the Chairperson of the City Planning Commission pursuant to Section [37-625](#) (Design changes), provided that such obstructions comply with the provisions of this Section.

The following provisions shall apply to all tables and chairs permitted by this Section.

(a) General requirements

Tables and chairs provided pursuant to this Section may be used by the public without restriction. All furnishings shall be moveable and made of high quality and durable materials. Tables and chairs shall not be chained, fixed, or otherwise secured between the hours of 7:00 a.m. and 9:00 p.m., and may be stored or secured between the hours of 9:00 p.m. and 7:00 a.m.

(b) Circulation requirements for tables and chairs

No furnishings, including storage of furnishings, shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths. For #plazas# with a depth of 10 feet or less, as measured perpendicular from the #street line#, an unobstructed path of not less than three feet wide shall be provided, and for those with a depth greater than 10 feet, the width of such unobstructed path shall be increased to at least six feet.

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## **37-70 - PUBLIC PLAZAS**

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LAST AMENDED  
10/17/2007

#Public plazas# are open areas on a #zoning lot# intended for public use and enjoyment. The standards contained within Sections [37-70](#) through [37-78](#), inclusive, are intended to serve the following specific purposes:

- (a) to serve a variety of users of the #public plaza# area;
- (b) to provide spaces for solitary users while at the same time providing opportunities for social interaction for small groups; and
- (c) to provide safe spaces, with maximum visibility from the #street# and adjacent #buildings# and with multiple avenues for ingress and egress.

All #public plazas# shall comply with the provisions of Section [37-70](#) through [37-78](#), inclusive. These provisions may be

modified pursuant to Section [74-91](#) (Modification of Public Plazas).

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## **37-71 - Basic Design Criteria**

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LAST AMENDED

10/17/2007

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### **37-711 - Definitions**

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LAST AMENDED

10/17/2007

Corner public plaza

A “corner public plaza” is a #public plaza# that is located on an intersection of two or more #streets#.

Through block public plaza

A “through block public plaza” is a #public plaza# or portion of a #public plaza# that is not a #corner public plaza# and that connects two #streets# that are parallel or within 45 degrees of being parallel to each other.

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### **37-712 - Area dimensions**

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LAST AMENDED

6/10/2009

A #public plaza# shall contain an area of not less than 2,000 square feet. In no case shall spaces between existing #buildings# remaining on the #zoning lot# qualify as #public plazas#. In addition, in order to preserve the provisions relating to the boundaries, proportions and obstructions of #public plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #public plazas#, or between a #public plaza# and a #building# wall or #arcade#.

Any non-bonused open area located adjacent to a #public plaza#, other than an open area bounding a #street line# used for pedestrian access, must either:

- (a) be separated from the #public plaza# by a buffer, such as a wall, decorative fence, or opaque plantings at least six feet in height; or
  - (b) meet all requirements for minor portions of #public plazas# related to size, configuration, orientation, as specified in Section 37-716.
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### **37-713 - Locational restrictions**

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LAST AMENDED

7/20/2017

No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park# as measured along the #street line# on which the existing amenity fronts if the #public plaza# is to be located on the same side of the #street#, or as measured along the directly opposite #street line# if the #public plaza# is to be located on the other side of the #street#. Such distance shall include the width of any #street# that intersects the #street# on which the amenity fronts. However, such location restriction may be waived if the #public plaza# is located directly across the #street# from the existing

#publicly accessible open area# or #public park# and if the Chairperson of the City Planning Commission finds that the location of the #public plaza# at such location would create or contribute to a pedestrian circulation network connecting the two or more open areas.

Additional provisions regarding the location of a #public plaza# are set forth in the #Special Midtown District#, the #Special Lower Manhattan District# and the #Special Downtown Brooklyn District#.

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### **37-714 - Restrictions on orientation**

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LAST AMENDED

10/17/2007

For purposes of the orientation requirements, a "north-facing," "south-facing," "east-facing" or "west-facing" #street line# means a #street line# facing within 45 degrees of the direction indicated. To front on a #street# means to be contiguous to the #street line# or to a sidewalk widening along the #street line#.

- (a) Where the major portion of a #public plaza# fronts on only one #street line#, such major portion is not permitted to front on a north-facing #street line# of a #zoning lot#.
- (b) No major portion of a #public plaza# shall only front on a west-facing #street line# or an east-facing #street line# if the #zoning lot# also has frontage that is 40 feet or more in length on a south-facing #street line#.
- (c) A #corner public plaza# must have its major portion, as defined in paragraph (b) of Section [37-715](#), front on the south-facing #street line#. In the case of a #zoning lot# having frontage on a south-facing #street line# of less than 40 feet, or having its frontage at the intersection of a north-facing #street line# with either an east- or west-facing #street line#, the major portion must front on the east- or west-facing #street line#.

However, the orientation restrictions may be modified if the Chairperson of the City Planning Commission finds that the orientation regulations would conflict with mandatory #street wall# regulations or that the modifications would result in better access to light and air for the #public plaza#.

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### **37-715 - Requirements for major portions of public plazas**

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LAST AMENDED

10/17/2007

The major portion of a #public plaza# is the largest area of the #public plaza# and the area of primary use. Major portions shall be generally regular in shape, easily and directly accessible from adjoining #buildings# and public spaces, and continuously visible from within all portions of the #public plaza# and from adjoining public spaces. Major portions shall occupy no less than 75 percent of the total #public plaza# area.

- (a) All contiguous #public plaza# areas on a #zoning lot# shall be considered as one #public plaza#.
- (b) The shape and dimensions of a #public plaza# shall be such that all points within the major portion shall be visible when viewed perpendicular from each adjacent #street#. #Corner public plazas# that front on two #streets# that do not meet at a 90 degree angle must be fully visible when viewed perpendicular from one adjoining #street# and at least 50 percent of the #public plaza# must be visible when viewed perpendicular to the other adjoining #street#. For the purposes of this regulation, points that when viewed in plan may be joined by a straight line shall be considered visible one from the other; visibility between points shall not be affected by permitted obstructions or by changes of grade. Points within #public plazas# that front on three intersecting streets shall be treated as two #corner public plazas#.

The major portion of a #public plaza# shall be at least 75 percent of the #public plaza's# total area, except that in the case of a #through block public plaza#, pursuant to Section [37-717](#), a line drawn within 25 feet of the midblock line shall divide the #through block public plaza# into two areas that must separately meet all requirements of the #public plaza# regulations. The major portion of the #public plaza# shall be subject to the proportional requirements set forth in paragraphs (c) and (d) of this Section.

- (c) The major portion of a #public plaza# shall have a minimum average width and depth of 40 feet. For #public plazas# that front on only one #street#, no more than 20 percent of the #public plaza# area may have a width of less than 40 feet. Dimensions shall be measured parallel and perpendicular to the #street line# on which the #public plaza# fronts.
- (d) For major portions of #public plazas#, the maximum width measured parallel to any one #street# shall not be greater than three times the average depth of the #public plaza# measured perpendicular to the #street line# or the average width measured parallel to any one #street# shall not be greater than three times the maximum depth of the #public plaza# measured perpendicular to the #street line#.

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### **37-716 - Requirements for minor portions of public plazas**

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LAST AMENDED  
10/17/2007

Minor portions of #public plazas# are secondary areas that allow for additional flexibility in the shape and configuration of a #public plaza#. Minor portions shall not occupy more than 25 percent of the total area of the #public plaza#. The width of a minor portion shall be measured parallel to the line separating the major and minor portions. The depth of a minor portion shall be measured perpendicular to the line separating the major and minor portions. The provisions of Section [37-715](#) (Requirements for major portions of public plazas) shall not apply to such minor portions and the following regulations shall apply:

- (a) The minor portion shall have a minimum average width and depth of 15 feet.
- (b) The minor portion must be directly adjacent to the major portion.
- (c) All points within the minor portion must be visible from within the major portion when viewed perpendicular to the line separating the major and minor portions.
- (d) The minor portion must front directly on a #street# adjoining the major portion, unless the minor portion has:
  - (1) a width to depth ratio of at least 3:1; and
  - (2) its longest dimension contiguous with the major portion.

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### **37-717 - Regulations for through block public plazas**

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LAST AMENDED  
10/17/2007

#Through block public plazas# shall be treated as two #public plazas# separated at a line drawn within 25 feet of the midblock line.

Where any #building# wall or walls adjoin a #through block public plaza# or through #block# portion of a #public plaza# and where such wall or walls exceed 120 feet aggregate length, a minimum 10 foot setback at a height between 60 and 90 feet is required for the full length of the #building# wall.



#Through block public plazas# shall contain a circulation path at least 10 feet in width, connecting the two #streets# on which the #public plaza# fronts, as specified in Section 37-723.

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## **37-718 - Paving**

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LAST AMENDED

10/17/2007

The paving of the #public plaza# shall be of non-skid durable materials that are decorative and compatible in color and pattern with other design features of the #public plaza#.

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## **37-72 - Access and Circulation**

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LAST AMENDED

10/17/2007

## **37-721 - Sidewalk frontage**

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LAST AMENDED

12/6/2023

To facilitate pedestrian access to a #public plaza#, the following rules shall apply to the area of the #public plaza# located within 15 feet of a #street line# or sidewalk widening line:

- (a) At least 50 percent of such area shall be free of obstructions and comply with the following provisions:
  - (1) at least 50 percent of the #public plaza# frontage along each #street line# or sidewalk widening line shall be free of obstructions; and
  - (2) such unobstructed access area shall extend to a depth of 15 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.
- (b) In the remaining 50 percent of such area, only those obstructions listed in Section [37-726](#) (Permitted obstructions) shall be allowed, provided such obstructions are not higher than two feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, #qualifying exterior wall thickness# pursuant to Section [33-23](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents), trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

For #corner public plazas#, the requirements of this Section shall apply separately to each #street# frontage, and the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions.

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## **37-722 - Level of plaza**

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LAST AMENDED

10/17/2007

The level of a #public plaza#, inclusive of major and minor portions, shall not at any point be less than the average elevation of #curb level# of the nearest adjoining #street# nor more than two feet above the average #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#. However, a #public plaza# with an area of 10,000 square feet or more may additionally have a maximum of 20 percent of its area at an elevation more than two feet above, but not more than four feet above #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#, provided that such higher portion may not be located within 25 feet of any #street line#. #Public plazas# that front on #streets# with slopes greater than 2.5 percent along the frontage of the #public plaza# may not at any point be more than one foot below the #curb level# of the adjoining #street#.

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### **37-723 - Circulation paths**

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LAST AMENDED

10/17/2007

Circulation paths within #public plazas# shall provide for unobstructed pedestrian circulation throughout the minor and major portions of the #public plaza# and shall, at a minimum, connect all #streets# on which the #public plaza# fronts and all major elements of the #public plaza#, including seating areas, #building# entrances, approved open air cafes and kiosks, and significant design features of the #public plaza#. A minimum of one such circulation path shall be provided of at least eight feet clear width. Circulation paths shall extend to at least 80 percent of the depth of the major portion of the #public plaza#, measured perpendicular from each #street line#. #Through block public plazas# shall provide at least one circulation path with a minimum width of 10 feet connecting each #street# on which the #public plaza# fronts. Trees planted flush to grade, light stanchions, trash receptacles, and public space signage shall be considered permitted obstructions within circulation paths; however, all trees located within circulation paths must comply with the regulations for flush-to-grade trees in Section 37-742.

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### **37-724 - Subway entrances**

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LAST AMENDED

6/10/2009

Where an entry to a subway station exists in the sidewalk area of a #street# on which a #public plaza# fronts and such entry is not replaced within the #public plaza# itself, the #public plaza# shall be at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #public plaza# area around a subway entry shall be free of all obstructions and may count towards the required clear area requirements as specified in Section [37-721](#) (Sidewalk frontage).

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### **37-725 - Steps**

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LAST AMENDED

10/17/2007

Any steps provided within the #public plaza# must have a minimum height of four inches and a maximum height of six inches. Steps must have a minimum tread of 17 inches; steps with a height of five inches, however, may have a minimum tread of 15 inches.

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### **37-726 - Permitted obstructions**

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LAST AMENDED

12/6/2023

- (a) #Public plazas# shall be open to the sky and unobstructed except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: water features, including fountains, reflecting pools and waterfalls; sculptures and other works of art; seating, including benches, seats and moveable chairs; trees, planters, planting beds, lawns and other landscape features; arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights and lighting stanchions; public telephones; public restrooms; permitted temporary exhibitions; permitted awnings, canopies or marquees; permitted freestanding #signs#; play equipment; #qualifying exterior wall thickness# added pursuant to Section [33-23](#) (Permitted Obstructions in Required Yards or Rear Yard Equivalents); permitted kiosks and open-air cafes; stages; subway station entrances, which may include escalators; and drinking fountains.

However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (b) of this Section. In addition, certain of the obstructions listed in this paragraph, (a), shall not be permitted within the sidewalk frontage of a #public plaza#, as described in Section [37-721](#) (Sidewalk frontage).

- (b) Permitted obstructions may occupy a maximum percentage of the area of a #public plaza#, as follows:

For #public plazas# less than 10,000 square feet in area: 40 percent

For #public plazas# less than 10,000 square feet in area with a permitted open air cafe: 50 percent

For #public plazas# 10,000 square feet or more in area: 50 percent

For #public plazas# 10,000 square feet or more in area with a permitted open air cafe: 60 percent.

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or moveable, such as moveable chairs, open air cafes, or temporary exhibitions shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.

Trees planted flush-to-grade in accordance with the provisions of Section [37-742](#) (Planting and trees) and tree canopies do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions, except that lawn, turf or grass areas intended for public access and seating shall not count as obstructions, provided such lawns do not differ in elevation from the adjoining #public plaza# elevation by more than six inches. #Qualifying exterior wall thickness# added pursuant to Section [33-23](#) in any #publicly accessible open area# or #public plaza# shall not count as obstructions for the purpose of calculating total area occupied by permitted obstructions.

- (c) Canopies, awnings, marquees and sun control devices

- (1) Entrances to #buildings# located within a #public plaza# may have a maximum of one canopy, awning or marquee, provided that such canopy, awning or marquee:

- (i) has a maximum area of 250 square feet;
- (ii) does not project into the #public plaza# more than 15 feet when measured perpendicular to the #building# facade;
- (iii) is located a minimum of 15 feet above the level of the #public plaza# adjacent to the #building# entrance; and
- (iv) does not contain vertical supports.

Such canopies, awnings, and marquees shall be designed to provide maximum visibility into the #public plaza# from adjoining #streets# and the adjacent #building#. However, canopies, awnings and marquees associated with entrances to #buildings# containing #residences# located within a #public plaza# may project more than 15 feet into the #public plaza# and contain vertical supports if they are located entirely within 10 feet of the edge of the #public plaza#.

(2) Sun control devices may be located within a #public plaza#, provided that all such devices:

- (i) shall be located above the level of the first #story# ceiling;
- (ii) shall be limited to a maximum projection of 2 feet, 6 inches;
- (iii) shall have solid surfaces that, in aggregate, cover an area no more than 20 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
- (iv) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail, pursuant to Section [33-42](#) (Permitted Obstructions);

(d) Prohibition of garage entrances, driveways, parking spaces, loading berths, exhaust vents, mechanical equipment and #building# trash storage facilities

No garage entrances, driveways, parking spaces, passenger drop offs or loading berths shall be permitted within a #public plaza#. No #building# trash storage facilities are permitted within a #public plaza#, nor shall any #building# trash storage facility be accessed or serviced through the #public plaza#. If garage entrances, parking spaces, passenger drop offs, driveways, loading berths or #building# trash storage facilities are located near or adjoin a #public plaza#, they shall be separated from it by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #public plaza#.

No exhaust vents or mechanical equipment are permitted on any #public plaza# or on any #building# wall fronting upon the #public plaza#, unless such exhaust vents are more than 15 feet above the level of the adjacent #public plaza#. All exhaust vents and mechanical equipment located adjacent to a #public plaza# shall be separated from it by a barrier sufficient to substantially, visually and audibly, conceal their presence and operation. Air intake vents or shafts shall be permitted within a #public plaza#, provided that such vents are concealed from public view by planting or other design features and that such vents do not impair visibility within the #public plaza# area.

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## **37-727 - Hours of access**

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LAST AMENDED  
10/17/2007

All #public plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing, pursuant to the provisions of this Section.

In all districts, the City Planning Commission may authorize the closing during certain nighttime hours of an existing or new #publicly accessible open area#, if the Commission finds that:

- (a) such existing #publicly accessible open area# has been open to the public a minimum of one year or there are significant operational or safety issues documented, or for new #public plazas# significant safety issues have been documented and provided as part of the application for authorization of nighttime closing;
- (b) such closing is necessary for public safety within the #publicly accessible open area# and maintenance of the public open

areas as documented by the applicant;

- (c) the layout and design of the #publicly accessible open area# will promote public use and free and easy pedestrian circulation throughout the space;
- (d) any approved design element that limits public access, as specified in paragraph (e) of this Section, shall not impede public circulation, visual or physical access within the #publicly accessible open area# or between the #publicly accessible open area# and other public areas during hours of public operation;
- (e) a design element that limits public access shall:
  - (1) be of a design that is integrated with the design of the #publicly accessible open area# in a manner that would promote the attractiveness of the space for public use and enjoyment;
  - (2) not exceed five feet in height;
  - (3) be fully removed from the #publicly accessible open area# during the hours of public access; however, barriers not to exceed 3 feet, 6 inches in height may have posts or supports that remain during the hours of public access provided that such posts or supports do not exceed six inches in width;
  - (4) not involve stanchions or cabinets for barrier storage located with the #publicly accessible open area#, except for stanchions or cabinets located at the edges of the #publicly accessible open area#;
  - (5) not inhibit or diminish access to the #publicly accessible open area# nor impede pedestrian circulation into, through, or along the frontage of the #publicly accessible open area#, and not obstruct access during the hours of public access; and
  - (6) be substantially transparent;
- (f) public access to the #publicly accessible open area# between the hours of 7:00 a.m. and 10:00 p.m. from April 15 to October 31 and from 7:00 a.m. to 8:00 p.m. from November 1 to April 14, or a schedule specified by the Commission, is assured by appropriate legal documents and that an hours of access plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the #publicly accessible open area#, as specified in Section [37-751](#), paragraph (c). However, if an open air cafe or kiosk is located within the #publicly accessible open area#, such #publicly accessible open area# shall remain open to the public during the hours of operation of the open air cafe or kiosk;
- (g) plans have been submitted that demonstrate that, where appropriate, the #publicly accessible open area# will be improved, to the maximum extent feasible, in accordance with the standards set forth for #public plazas#;
- (h) a program for continuing maintenance of the #publicly accessible open area# has been established in accordance with Section [37-77](#).

In order to promote increased public use of the public open areas, the Commission may require, or the applicant may request, additional improvements to the existing #publicly accessible open area#, including, where appropriate, amenities such as kiosks or open air cafes as described in Section [37-73](#). In no event shall any #publicly accessible open area# be reduced in size.

All applications for nighttime closings of #publicly accessible open areas# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including but not limited to materials, dimensions, and configuration or any design element that limits public access, the storage location for the design element that limits public access during the hours of public operation of the #public plaza#, and the hours of the #publicly accessible open area's# accessibility to the public. All such plans for #publicly accessible open areas#, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing

notice of the authorization pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Commission, and the filing and recording of such instrument shall be a precondition for the nighttime closing of any #publicly accessible open area#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot#, issued after the recording date.

The land use application for an authorization under this Section shall be sent to the applicable Community Board, local Council Member and Borough President. If the Community Board, local Council Member or Borough President elects to comment on such application, it must be done within 45 days of receipt of such application.

The Commission shall file any such authorization with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve or disapprove such authorization. If, within the time periods provided for in this Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

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### **37-728 - Standards of accessibility for persons with disabilities**

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LAST AMENDED  
6/10/2009

All #public plazas# shall conform with applicable laws pertaining to access for persons with disabilities regardless of whether the #building# associated with the #public plaza# is existing or new.

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### **37-73 - Kiosks and Open Air Cafes**

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LAST AMENDED  
6/21/2016

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible open areas# or front on #publicly accessible open areas#.

(a) Kiosks

Where a kiosk is provided, it shall be a one-story temporary or permanent structure that is substantially open and transparent as approved by the Department of Buildings in conformance with the Building Code. Kiosks, including roofed areas, shall not occupy an area in excess of 100 square feet per kiosk. One kiosk is permitted for every 5,000 square feet of #publicly accessible open area#, exclusive of areas occupied by other approved kiosks or open air cafes. Kiosk placement shall not impede or be located within any pedestrian circulation path. Any area occupied by a kiosk shall be excluded from the calculation of #floor area#. Kiosks may be occupied only by #uses# permitted by the applicable district regulations such as news, book or magazine stands, food or drink service, flower stands, information booths, or other activities that promote the public use and enjoyment of the #publicly accessible open area#. Any kitchen equipment shall be stored entirely within the kiosk.

Kiosks must be in operation and provide service a minimum of 225 days per year. However, kiosks may operate for fewer days in accordance with conditions set forth in paragraph (c) of this Section.

Notwithstanding the provisions of Section [32-41](#) (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in a #publicly accessible open area# through open windows.

(b) Open air cafes

Where an open air cafe is provided, it shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have umbrellas, temporary fabric roofs with no vertical supports in conformance with the Building Code, and removable heating lamps. Open air cafes shall occupy an aggregate area not more than 20 percent of the total area of the #publicly accessible open area#. #Publicly accessible open areas# less than 10 feet in width that are located between separate sections of the same open air cafe or between sections of an open air cafe and a kiosk that provides service for such cafe must be included in the calculation of the maximum aggregate area of the open air cafe. Open air cafes shall be located along the edge of the #publicly accessible open area#, except for open air cafes located within #publicly accessible open areas# greater than 30,000 square feet in area. Open air cafes may not occupy more than one third of any #street# frontage of the #publicly accessible open area# and may not contain any required circulation paths. An open air cafe must be accessible from all sides where there is a boundary with the remainder of the #publicly accessible open area#, except where there are planters or walls approved pursuant to a prior certification for an open air cafe. Subject to the foregoing exception, fences, planters, walls, fabric dividers or other barriers that separate open air cafe areas from the #publicly accessible open area# or sidewalk are prohibited. All furnishings of an open air cafe, including tables, chairs, bussing stations, and heating lamps, shall be completely removed from the #publicly accessible open area# when the open air cafe is not in active use, except that tables and chairs may remain in the #publicly accessible open area# if they are unsecured and may be used by the public without restriction. No kitchen equipment shall be installed within an open air cafe; kitchen equipment, however, may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

The exterior corners of the border of the space to be occupied by an open air cafe shall be marked on the ground by a line painted with white latex traffic or zone marking paint. The line shall be one inch wide and three inches in length on each side of the cafe border from the point where the borders intersect at an angled corner. In addition, a line one inch wide and three inches long shall be marked on the ground at intervals of no more than five feet starting from the end point of the line marking the cafe corners.

Open air cafes must be in operation and provide service a minimum of 225 days per year.

Open air cafes shall be located at the same elevation as an adjoining #public plaza# and sidewalk area, except for platforms that shall not exceed six inches in height.

(c) Certification

Kiosks and open air cafes may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

- (1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;
- (2) such #use# complements desirable #uses# in the surrounding area;
- (3) the owner of such #use# or the #building# owner shall be responsible for the maintenance of such kiosk or open air cafe, which shall be located within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted;
- (4) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;
- (5) such #use#, when located within a #public plaza#, is provided in accordance with all the requirements set forth in

this Section;

- (6) for kiosks and open air cafes located within an existing #publicly accessible open area#, such #use# is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;
- (7) a #sign# shall be provided in public view within the cafe area indicating the days and hours of operation of such cafe; and
- (8) for kiosks that are in operation less than 225 days per year, an off-season plan has been submitted to the Chairperson showing that such kiosks will be completely removed from the #publicly accessible open area# when not in operation, that the area previously occupied by the kiosk is returned to public use and such area is in compliance with the applicable #publicly accessible open area# design standards.

(d) Process

An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

Such certification shall be effective for a period of three years.

All applications for the placement of kiosks or open air cafes shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including the layout and number of tables, chairs, restaurant equipment and heating lamps, as well as the storage location for periods when the kiosk or open air cafe is closed. Where a kiosk or open air cafe is to be located within an existing #publicly accessible open area#, each kiosk or open air cafe application must be accompanied by a compliance report in accordance with the requirements of Section [37-78](#), paragraph (c).

Where design changes to #publicly accessible open areas# are necessary in order to accommodate such kiosk or open air cafe, or to comply with paragraph (c)(6) of this Section, a certification pursuant to Section [37-625](#) (Design changes) shall be required, except that within the #Special Lower Manhattan District#, design changes to a #publicly accessible open area# pursuant to the provisions of Section [91-832](#) (Plaza improvements) as part of a certification pursuant to Section [91-83](#) (Retail Uses Within Existing Arcades), an authorization pursuant to Section [91-841](#) (Authorization for retail uses within existing arcades) or a certification pursuant to Section [91-837](#) (Subsequent design changes) may satisfy the requirements in paragraph (c)(6) of this Section.

All such plans for kiosks or open air cafes, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk or open air cafe, pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson, and the filing and recording of such instrument shall be a precondition for the placement of the kiosk or open air cafe within the #publicly accessible open area#.

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## 37-74 - Amenities

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LAST AMENDED  
10/17/2007

All #public plazas# shall provide amenities, as listed in Sections [37-741](#) through [37-748](#), inclusive. All required amenities shall be considered permitted obstructions within the #public plaza#.

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### 37-741 - Seating

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LAST AMENDED  
6/10/2009

Standards for seating within #public plazas# are intended to facilitate the provision of abundant, comfortable and accessible seating throughout the #public plaza#, including, more specifically, as follows:

- (a) to provide a broad variety of seating types and configurations;
- (b) to accommodate individual users engaged in solitary activities as well as groups engaged in social activities;
- (c) to provide a comfortable and safe seating surface by providing smooth, even and level surfaces with rounded edges;
- (d) to incorporate, to the maximum extent possible, a combination of fixed benches, moveable chairs, seating with backs, seat walls and ledges, and seating steps;
- (e) to provide ample opportunity for social seating as a basic seating type that consists of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction.

There shall be a minimum of one linear foot of seating for each 30 square feet of #public plaza# area.

A minimum of one linear foot of the required seating for every two linear feet of #street# frontage must be located within 15 feet of the #street line#. At least 50 percent of this seating shall have backs and at least 50 percent of the seats with backs shall face the #street#.

Seating requirements may be satisfied by the following seating types: moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps. All #public plazas# shall provide at least two different types of seating. #Public plazas# greater than 5,000 square feet in area shall provide at least three different types of seating. #Public plazas# greater than 10,000 square feet in area must provide moveable seating as one of the required seating types.

Not more than 50 percent of the linear seating capacity may be in moveable seats that may be stored between the hours of sunset and sunrise, where the City Planning Commission has authorized a limitation on the hours of access pursuant to Section 37-727.

Devices or forms affixed or incorporated into planter ledges, steps, sills or other horizontal surfaces that would otherwise be suitable for seating that are intended to prevent or inhibit seating (such as spikes, metal bars, or pointed, excessively rough, or deliberately uncomfortable materials or forms) shall be prohibited.

Deterrents to skateboards, rollerblades and other wheeled devices are permitted on seating surfaces if they do not inhibit seating, maintain a minimum distance of five feet between deterrents, and are integrated into the seating surface at the time of manufacture or construction or should be constructed of materials that are consistent with the materials and finish quality of the seating surface.

The following standards shall be met for all required seating:

- (1) Seating shall have a minimum depth of 18 inches. Seating with 36 inches or more in depth may count towards two seats, provided there is access to both sides. When required seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.
- (2) Seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (5) of this Section, seating steps may have a height not to exceed 30 inches and seating walls may have a height not to exceed 24 inches.
- (3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high and a maximum seat depth of 20 inches. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.
- (4) Moveable seating or chairs, excluding seating for open air cafes, may be credited as 24 inches of linear seating per chair. Moveable seating provided as a required amenity shall be provided in the amount of one chair per 200 square feet of #public plaza# area. One table shall be provided for every four such moveable chairs.

All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed or otherwise secured while the #public plaza# is open to the public; moveable chairs, however, may be removed during the nighttime hours of 9:00 p.m. to 7:00 a.m.

- (5) Seating steps and seating walls may be used for required seating if such seating does not, in aggregate, represent more than 15 percent of the linear feet of required seating in the #public plaza#. Seating steps shall not include any steps intended for circulation and must have a height not less than six inches nor greater than 30 inches and a depth not less than 18 inches. Seating walls shall have a height not greater than 18 inches; such seating walls, however, may have a height not to exceed 24 inches if they are located within 10 feet of an edge of the #public plaza#.
- (6) Seating in open air cafes shall not count towards meeting the seating requirement of this Section.
- (7) Seats that face walls must be a minimum of six feet from such wall.

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## **37-742 - Planting and trees**

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LAST AMENDED  
6/10/2009

The provisions of this Section are intended to facilitate a combination of landscaping elements in order to provide comfort, shade and textural variety.

At least 20 percent of the area of a #public plaza# shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls.

All #public plazas# shall provide a minimum of four trees. For a #public plaza# greater than 6,000 square feet in area, an additional four caliper inches in additional trees or multi-stemmed equivalents must be provided for each additional 1,000 square feet of #public plaza# area, rounded to the nearest 1,000 square feet.

For all #public plazas#, at least 50 percent of required trees shall be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings. Trees planted flush-to-grade shall be surrounded by a porous surface (such as grating or open-joint paving) that allows water to penetrate into the soil for a minimum radius of 2 feet, 6 inches. Such porous surface shall be of sufficient strength and density to accommodate pedestrian circulation, including all requirements related to accessibility for the disabled, and shall be of a design that allows for tree growth. Installed fixtures such as lighting stanchions, electrical

outlets or conduits shall not be located within the required porous area of any tree planted flush-to-grade.

Where trees are planted within a #public plaza#, they shall measure at least four inches in caliper at the time of planting, unless alternative, multi-stemmed equivalents are specified in the approved planting plans. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches.

Planting beds shall have a soil depth of at least 18 inches for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees. No planters or planting beds shall have bounding walls that exceed 18 inches in height above an adjacent walking surface or the highest adjacent surface where the bounding wall adjoins two or more walking surfaces with different elevations. Any planting bed containing required trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls. Furthermore, each tree located within a planting bed shall be surrounded by a continuous permeable surface measuring at least five feet square. Any lawns or turf grass planting beds shall not exceed six inches above any adjacent walking surfaces.

All planted areas shall either be automatically irrigated or shall consist of species that do not require regular watering.

All planted areas located above subsurface structures such as #cellars# or garages shall have drainage systems to prevent collection and pooling of water within planted areas.

#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #public plazas# in accordance with Section [26-41](#) (Street Tree Planting). The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. If the Department of Parks and Recreation determines that the tree planting requirements of this paragraph are infeasible, the number of required #street# trees that cannot be planted shall be planted in accordance with the off-site tree provisions set forth in Section [26-41](#) or within the #public plaza#.

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## **37-743 - Lighting and electrical power**

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LAST AMENDED

2/2/2011

#Public plazas# shall be illuminated to provide for safe use and enjoyment of all areas of the #public plaza#. Special attention should be provided in lighting steps and other changes in elevation and areas under tree canopies and permitted canopies within the #public plaza#.

#Public plazas# shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas, including sidewalks directly adjacent to the #public plaza#, and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. All lighting sources used to satisfy this illumination requirement shall be located outdoors on the subject #zoning lot#. Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise, including #public plazas# that are authorized to close at night. A lighting schedule, including fixtures, wattage and their locations and designs together with a diagram of light level distribution, with light levels indicated at intervals of no more than every 20 square feet, shall be part of the required detailed design plans. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of a #public plaza#.

All lighting sources that illuminate the #public plaza# and are mounted on or located within #buildings# adjacent to the #public plaza# shall be shielded from direct view. In addition, all lighting within the #public plaza# area shall be shielded to minimize any adverse effect on surrounding #residences#.

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## **37-744 - Litter receptacles**

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LAST AMENDED  
10/17/2007

One litter receptacle shall be provided for every 1,500 square feet of #public plaza# area, up to a maximum of 6,000 square feet. Plazas greater than 6,000 square feet in area must provide an additional litter receptacle for every additional 2,000 square feet of #public plaza# area. #Public plazas# that contain open air cafes or kiosks providing food service shall provide one additional litter receptacle for each 1,500 square feet of #public plaza# area occupied by such outdoor eating area. All litter receptacles must have a volume capacity of at least 25 gallons and shall be located in visible and convenient locations. All top or side openings must have a minimum dimension of 12 inches. Litter receptacles shall be provided within 50 feet of required seating areas in the #public plaza#.

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## **37-745 - Bicycle parking**

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LAST AMENDED  
10/17/2007

All #public plazas# shall provide parking for at least two bicycles. #Public plazas# greater than 10,000 square feet in size must provide parking for at least four bicycles. Bike racks must be provided on the sidewalk directly adjacent to the #public plaza# in accordance with Department of Transportation standards, unless the Department of Transportation has determined that the sidewalk area adjacent to the #public plaza# cannot accommodate the required bicycle parking.

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## **37-746 - Drinking fountains**

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LAST AMENDED  
10/17/2007

A minimum of one drinking fountain shall be provided in all #public plazas#.

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## **37-747 - Public space signage**

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LAST AMENDED  
10/17/2007

Entry and information plaques shall be provided, as described in Section [37-751](#) (Public space signage systems).

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## **37-748 - Additional amenities**

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LAST AMENDED  
10/17/2007

#Public plazas# between 5,000 and 10,000 square feet in area must provide one of the following additional amenities and #public plazas# greater than 10,000 square feet in area must provide at least three of the following additional amenities. All additional amenities shall be considered permitted obstructions within the #public plaza#.

(a) Artwork

Artwork that is provided as an additional amenity must integrate with the design of the #public plaza#. Artwork shall not interfere with public access, circulation or visual openness within the #public plaza# or between the #public plaza# and adjoining public areas. Artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#;

- (b) Moveable tables and chairs, as described in paragraph (4) of Section [37-741](#);
- (c) Water features (such as fountains, reflecting pools, waterfalls);
- (d) Children’s play area;
- (e) Equipment provided as part of children’s play areas must be designed and constructed in accordance with applicable United States Consumer Products Safety Commission standards and best practices, including installation of protective surfaces and barriers. All barriers surrounding play areas shall be designed to allow for the adequate supervision of children at play and shall in all cases be substantially transparent and no more than 3 feet, 6 inches in height;
- (f) Game tables and associated seating; or
- (g) Food service, including:
  - (1) food service in a retail space directly accessible from the major portion of the #public plaza#; or
  - (2) an open air cafe or kiosk, as described in Section [37-73](#).

#Public plazas# greater than 10,000 square feet in area and associated with a #commercial building# must include a food service as one of the three additional required amenities.

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## **37-75 - Signs**

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LAST AMENDED  
10/17/2007

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### **37-751 - Public space signage systems**

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LAST AMENDED  
12/19/2019

The following public space signage systems shall be required for all #public plazas#:

- (a) Entry plaque

The entry plaque shall be located at each #street# frontage or point of pedestrian entry to the #public plaza#. On each #street# frontage occupied by the #public plaza#, a minimum of one entry plaque shall be provided for every 40 feet of linear #street# frontage occupied by the #public plaza#. The entry plaque shall contain:

- (1) a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the [Required Signage Symbols](#) page on the Department of City Planning website. Such symbol and required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York;
- (2) lettering at least one inch in height stating the words “Open 24 hours” or, if a nighttime closing has been authorized, pursuant to Section [37-727](#), shall contain the words “Open” followed by the approved hours of operation; and
- (3) an International Symbol of Access for persons with disabilities that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. It shall be in a position that clearly identifies the entry into the #public plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #public plaza#.

(b) Information plaque

An information plaque constructed from the same permanent materials as the entry plaque or combined with one or more of the required entry plaques shall be provided. Information plaques shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk and shall have all required lettering located three feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. The information plaque shall consist of:

- (1) a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the [Required Signage Symbols](#) page on the Department of City Planning website. Such symbol and required text shall include the phrase "Open To Public" and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York; and
- (2) the words, in lettering one-half inch in height, "Open 24 hours" or, if a nighttime closing has been authorized pursuant to Section [37-727](#), the words, in lettering one-half inch in height, "Open" followed by the approved hours of operation;
- (3) in lettering three-eighths of an inch in height, the words "This public plaza contains:" followed by the total linear feet of seating, the type and quantity of trees, the number of bike racks, the number of drinking fountains and the number of any additional required amenities, such as moveable seating;
- (4) in lettering three-eighths of an inch in height, the name of the current owner of the #building# and the name, address, phone number and email address of the person designated to maintain the #public plaza#;
- (5) in lettering three-eighths of an inch in height, the statement, "Complaints or Questions: Call 311 and reference the #public plaza# at [insert building address]"; and
- (6) the statement, "This public plaza is accessible to persons with disabilities."

(c) Hours of access plaque

On each #street# frontage occupied by the #public plaza# and where the City Planning Commission has authorized a limitation on the hours of access for a #public plaza#, pursuant to the provisions of Section [37-727](#), a minimum of one hours of access plaque shall be provided for every 40 linear feet of approved barrier that limits public access. The hours of access plaque shall be located on the barrier that limits public access to the #public plaza# and shall consist of:

- (1) a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the [Required Signage Symbols](#) page on the Department of City Planning website. Such symbol and required text shall include the phrase "Open To Public" and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York; and

- (2) the statement: “Open” followed by the approved hours of operation.

All required public space signage shall be fully opaque, non-reflective and constructed of permanent, highly durable materials such as steel or stone.

All lettering provided on required public space signage shall be in a clear, bold, sans-serif, non-narrow font such as Arial, Helvetica or Verdana, solid in color with a minimum height of three-quarters of an inch, unless otherwise specified above, and shall highly contrast with the background color of the #sign#.

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## **37-752 - Prohibition signs**

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LAST AMENDED

10/17/2007

To ensure a safe and comfortable environment for all #public plaza# users, a maximum of one prohibition or “Rule of Conduct” #sign# may be located within the #public plaza#. Such #sign# shall not exceed one foot square in dimension, may not be freestanding, and shall contain no lettering greater than three-quarters of an inch in height.

Such #sign# shall not prohibit behaviors that are consistent with the normal public use of the #public plaza# such as lingering, eating, drinking of non-alcoholic beverages or gathering in small groups. No behaviors, actions, or items may be listed on such #sign# that are otherwise illegal or prohibited by municipal, State or Federal laws.

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## **37-753 - Accessory signs**

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LAST AMENDED

6/10/2009

A #public plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by Section [37-751](#), are permitted only as #accessory# to #uses# permitted within the #public plaza# and #uses# adjoining the #public plaza#, and are otherwise regulated by the applicable district regulations set forth in Section [32-60](#) (SIGN REGULATIONS), except as provided below:

- (a) each establishment fronting on the #public plaza# shall be permitted to have not more than one #sign# affixed to the #building# wall fronting on the #public plaza#.
- (b) all #signs# shall be non-#illuminated#;
- (c) all #signs# shall contain only the #building# or establishment name and address;
- (d) all #signs# #accessory# to retail #uses# affixed to #building# walls may not exceed four square feet in size;
- (e) not more than three #accessory# #signs# may be located within the #public plaza#, of which one may be freestanding. All such #signs#, including structures to which they are affixed, shall not be higher than three feet above the level of the adjoining public access area. Such #signs# shall not exceed an area of two square feet. In addition, no portion of such #sign#, including structures to which they are affixed, shall exceed a width of 16 inches facing a #street#, and 24 inches when not facing a #street#. For #corner public plazas#, such limitations shall apply to only one #street# frontage. If such #sign# is associated with a #building# used for office #use#, such #sign# shall contain only the names of principal building tenants and shall also contain the public space symbol as described in Section [37-751](#) and the words “Open to Public” in lettering at least two inches in height; and
- (f) all #signs# located on permitted canopies or awnings within the #public plaza# shall contain only the #building# or

establishment name and shall not exceed a height of one foot.

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## 37-76 - Mandatory Allocation of Frontages for Permitted Uses

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LAST AMENDED

6/6/2024

(a) Ground floor level uses

The frontage of all new #building# walls fronting on a #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by #building# lobbies and frontage used for subway access, shall be subject to the following #use# provisions:

(1) The underlying #use# regulations shall be modified as follows:

- (i) #dwelling units# shall not be permitted;
- (ii) #uses# listed under Use Group III(A) shall not be permitted;
- (iii) #uses# listed under Use Group IV shall be limited to those listed under Public Service Buildings, and Renewable Energy and Green Infrastructure;
- (iv) guest rooms or suites associated with Transient Accommodations listed under Use Group V shall not be permitted; and
- (v) #uses# listed under Use Group VII shall be limited in size to 5,000 square feet per establishment;

(2) All #uses# occupying such frontage shall:

- (i) be directly accessible from the major portion of the #public plaza#, an adjoining #arcade#, or a #street# frontage shared by the establishment and the #public plaza#;
- (ii) have a minimum depth of 15 feet, measured perpendicular to the wall adjoining the #public plaza#; and
- (iii) occupy such frontage for the life of the increased #floor area# of the bonused #development#.

The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.

As an alternative, where retail or service establishments located in an existing #building# front upon a #public plaza# or an #arcade# adjoining a #public plaza#, at least 50 percent of the total frontage of all #building# walls fronting on the #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by #building# lobbies and frontage used for subway access, shall be allocated for occupancy at the ground floor level by #uses# permitted in accordance with paragraph (a)(1) subject to the provisions of paragraph (a)(2) of this Section, as permitted by the applicable district regulations.

(b) Public entrances

A public entrance to the principal use of the #building# associated with the #public plaza# shall be located within 10 feet of the major portion of the #public plaza#. Frontage on the #public plaza# that is occupied by a #building# entrance or lobby shall not exceed 60 feet or 40 percent of the total aggregate frontage of the new #building# walls on the major and



minor portions of the #public plaza#, whichever is less, but in no case shall #building# entrances or lobbies occupy less than 20 feet of frontage on the #public plaza#.

(c) Transparency

All new #building# walls fronting on the major and minor portions of the #public plaza# shall be treated with clear, untinted transparent material for 50 percent of the surface area below 14 feet above the #public plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower. Any non-transparent area of a new or existing #building# wall fronting on the major or minor portion of a #public plaza# shall be treated with a decorative element or material or shall be screened with planting to a minimum height of 15 feet above the #public plaza#.

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## 37-77 - Maintenance

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LAST AMENDED  
6/10/2009

The #building# owner shall be responsible for the maintenance of the #public plaza# including, but not limited to, the location of permitted obstructions pursuant to Section [37-726](#), litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot#.

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## 37-78 - Compliance

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LAST AMENDED  
2/2/2011

(a) Building permits

No foundation permit shall be issued by the Department of Buildings for any #development# or #enlargement# that includes a #public plaza#, nor shall any permit be issued by the Department of Buildings for any change to a #plaza#, #residential plaza# or #urban plaza# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of Sections [37-625](#) or [37-70](#), as applicable.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of the proposed #public plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans prepared by a registered landscape architect, including but not limited to a furnishing plan, a planting plan, a signage plan, a lighting/photometric plan and sections and elevations, as necessary to demonstrate compliance with the provisions of Sections [37-625](#) or [37-70](#), as applicable.

All plans for #public plazas# or other #publicly accessible open areas# that are the subject of a certification pursuant to Section [37-625](#) shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the #public plaza#, pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date. No temporary or final certificate of occupancy shall be issued for any bonus #floor area# generated by a #public plaza# unless and until the #public plaza# has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning and certified to the Department of Buildings.

Notwithstanding any of the provisions of Section [11-33](#) (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), any #residential plaza# or #urban plaza# for which a certification was granted pursuant to Article II, Chapter 3, or Article III, Chapter 7, between June 4, 2005 and June 4, 2007, and any #public plaza# for which a certification was granted prior to June 10, 2009, may be provided in accordance with the regulations in effect on the date of such certification.

(b) Periodic compliance reporting

No later than June 30 of the year, beginning in the third calendar year following the calendar year in which certification was made and at three-year intervals thereafter, the Director of the Department of City Planning and the affected Community Board shall be provided with a report regarding compliance of the #publicly accessible open area# with the regulations of Sections [37-625](#) or [37-70](#), as applicable, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed. Such report shall be provided by a registered architect, landscape architect or professional engineer, in a format acceptable to the Director and shall include, without limitation:

- (1) a copy of the original #public plaza# or design change certification letter and, if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;
- (2) a statement that the #publicly accessible open area# has been inspected by such registered architect, landscape architect or professional engineer and that such open area is in full compliance with the regulations under which it was approved as well as the approved plans pertaining to such open area and, if applicable, the requirements of any other authorization or certification pursuant to this Chapter, or non-compliance with such regulations and plans;
- (3) an inventory list of amenities required under the regulations under which the #publicly accessible open area# was approved and the approved plans pertaining to such open area and, if applicable, the requirements of any other authorization or certification pursuant to Section [37-70](#), together with an identification of any amenity on such inventory list for which inspection did not show compliance, including whether such amenities are in working order, and a description of the non-compliance;
- (4) photographs documenting the condition of the #publicly accessible open area# at the time of inspection, sufficient to indicate the presence or absence, either full or partial, of the amenities on the inventory list of amenities.

The report submitted to the Director of the Department of City Planning shall be accompanied by documentation demonstrating that such report has also been provided to the affected Community Board.

Compliance reporting pursuant to this paragraph, (b), shall be a condition of all certifications granted pursuant to Section [37-70](#).

(c) Compliance reports at time of application

Any application for a certification or authorization involving an existing #publicly accessible open area# shall include a compliance report in the format required under paragraph (b) of this Section, based upon an inspection of the #publicly accessible open area# by a registered architect, landscape architect or professional engineer conducted no more than 45 days prior to the filing of such application.

The following conditions may constitute grounds to disapprove the application for certification or authorization:

- (1) such report shows non-compliance with the regulations under which the #publicly accessible open area# was

approved, conditions or restrictions of a previously granted certification or authorization, or with the approved plans pertaining to such #publicly accessible open area#; or

- (2) the #publicly accessible open area# has been the subject of one or more enforcement proceedings for which there have been final adjudications of a violation with respect to any of the foregoing.

In the case of a certification, the Chairperson, or in the case of an authorization, the Commission, may, in lieu of disapproval, accept a compliance plan for the #publicly accessible open area#, which plan shall set forth the means by which future compliance will be ensured.

- (d) Failure to comply

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to Section [37-70](#) or with approved plans related thereto, or failure to submit a required compliance report, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation or such authorization or certification, and for all other applicable remedies.

- (e) Special regulations for an #urban plaza# in the #Special Lower Manhattan District#

In addition, the Chairperson of the City Planning Commission may certify any #urban plaza# that is the subject of application N070416ZCM, filed in conjunction with application C070415ZSM, and such #urban plaza# may be provided in accordance with the regulations of Section 37-04, inclusive, in effect on April 23, 2007, as modified by the special regulations for such #urban plaza# as set forth in Article IX, Chapter 1 (Special Lower Manhattan District) and in the following provisions:

- (1) #Floor area# bonus for an #urban plaza# in the #Special Lower Manhattan District#

A #floor area# bonus for such #urban plaza#, pursuant to Section [91-22](#), may be permitted for a #development# or #enlargement# located within 50 feet of the #street line# of a #street# subject to the regulations for #street wall# continuity Type 2B.

- (2) #Street wall# regulations for an #urban plaza# in the #Special Lower Manhattan District#

The #street wall# regulations for #street wall# continuity “Type 2” in the #Special Lower Manhattan District# shall be superseded by #street wall# continuity Types 2A and 2B as indicated on Map 2 in Appendix A of Article IX, Chapter 1.

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## **37-80 - ARCADES**

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LAST AMENDED  
12/19/2019

The provisions of this Section shall apply to all #developments# an #enlargements# containing an #arcade# that qualifies for a #floor area# bonus pursuant to Sections [24-15](#), [33-14](#) or [43-14](#).

- (a) General provisions

An #arcade# shall be #developed# as a continuous covered space extending along a #street line#, or #publicly accessible open area#. An #arcade# shall be open for its entire length to the #street line# or #publicly accessible open area#, except for #building# columns and tables and chairs provided pursuant to Section [37-81](#) (Moveable tables and Chairs). Such #arcade# shall be unobstructed to a height of not less than 12 feet, and either:

- (1) have a depth not less than 10 feet nor more than 30 feet measured perpendicular to the #street line# or boundary of the #publicly accessible open area# on which it fronts, and extend for at least 50 feet, or the full length of the #street line# or boundary of the #publicly accessible open area# on which it fronts, whichever is the lesser distance; or
- (2) on a #corner lot#, is bounded on two sides by the two intersecting #street lines#, and has an area of not less than 500 square feet and a minimum dimension of 10 feet.

(b) Permitted elevation

Such an #arcade# shall not at any point be above the level of the #street#, or #publicly accessible open area# that it adjoins, whichever is higher. Any portion of an #arcade# occupied by #building# columns shall be considered to be part of the area of the #arcade# for the purposes of computing a #floor area# bonus.

(c) Permitted parking, drop offs or loading berths

No off-street parking spaces, passenger drop offs, driveways or off-street loading berths are permitted anywhere within an #arcade# or within 10 feet of any bonusable portion thereof. By certification, the Commission may permit such activity in the immediate vicinity of an #arcade# provided such activity will not adversely affect the functioning of the #arcade#. In no event shall such vehicular areas be eligible for an #arcade# bonus.

(d) Hours of operation

#Arcades# shall be accessible to the public at all times.

(e) Signage

An information plaque shall be provided that contains a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the [Required Signage Symbols](#) page on the Department of City Planning website. Such symbol and required text shall include the phrase “Open To Public” and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York.

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## 37-81 - Moveable Tables and Chairs

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LAST AMENDED  
12/19/2019

Publicly accessible tables and chairs shall be considered permitted obstructions within an #arcade#, provided that such obstructions comply with the provisions of this Section.

The following provisions shall apply to all tables and chairs permitted by this Section.

(a) General requirements

Tables and chairs provided pursuant to this Section may be used by the public without restriction. All furnishings shall be moveable and made of high quality and durable materials. Tables and chairs shall not be chained, fixed, or otherwise secured between the hours of 7:00 a.m. and 9:00 p.m., and may be stored or secured between the hours of 9:00 p.m. and 7:00 a.m.

(b) Circulation requirements for tables and chairs

No furnishings, including storage of furnishings, shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths. For #arcades# with a depth of 10 feet or less, an unobstructed path of not less than three feet wide shall be provided, and for those with a depth greater than 10 feet, the width of such unobstructed path shall be increased to at least six feet. For the purpose of such calculation, the depth of an #arcade# shall be measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#.

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## 37-90 - PARKING LOTS

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LAST AMENDED  
11/28/2007

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### 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 [36-58](#), 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.

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## **37-92 - Landscaping**

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LAST AMENDED  
12/6/2023

The provisions of Section [37-921](#) (Perimeter landscaping) shall apply to open #accessory# off-street parking facilities and #public parking lots# with 18 or more spaces or at least 6,000 square feet in area that front upon a #street#.

The provisions of Section [37-922](#) (Interior landscaping) shall additionally apply to open #accessory# off-street parking facilities and #public parking lots# with 36 or more spaces or at least 12,000 square feet in area.

However, where more than 75 percent of the parking spaces in such #accessory# off-street parking facility or #public parking lot# will be covered by solar canopies, the requirements of such Sections may be modified by the provisions of Section [37-923](#) (Alternative compliance for solar canopies).

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## **37-921 - Perimeter landscaping**

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LAST AMENDED  
6/6/2024

All open parking areas subject to the provisions of this Section shall be screened at the #street line# by a perimeter landscaped area at least seven feet in width measured perpendicular to the #street line#. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Walkways may also traverse the perimeter landscaped area in order to provide a direct connection between the public sidewalk and a walkway within or adjacent to the open parking area. In the event a perimeter landscaped area is greater than seven feet in width, the first seven feet adjacent to the open parking area must comply with paragraphs (a) and (b) of this Section. The remainder of the landscaped perimeter area may comply with paragraphs (a) and (b) or be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material.

The perimeter landscaped area shall comply with the following requirements:

- (a) Grading, drainage and soil

The open parking area shall be graded to allow stormwater runoff to drain into all required perimeter landscaped areas and planting islands required pursuant to Section [37-922](#) (Interior landscaping). The perimeter landscaped area shall be comprised of soil with a depth of at least two feet, six inches, measured from the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through

underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. The perimeter landscaped area shall have an inverted slope to allow a minimum of six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. A raised curb shall edge the perimeter landscaped area, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the site the drainage provisions of this paragraph, (a), would be infeasible for a perimeter landscaped area, such drainage provisions may be waived. In lieu thereof, such perimeter landscaped area shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (b) of this Section shall apply to such perimeter landscaped areas, except that plantings need not be selected from the lists in Section [37-963](#).

(b) Plantings

(1) Parking lot frontage

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an #abutting# parking space. All required groundcover shall be selected from the list in Section [37-963](#)

(2) Sidewalk frontage

The remainder of the perimeter landscaped area shall be densely planted with shrubs at a distance of 24 inches on center and maintained at a maximum height of three feet above the surface of the adjoining public sidewalk. All required shrubs shall be selected from the list in Section [37-963](#).

(3) Trees

One two-inch caliper tree shall be provided for every 25 feet of open parking area #street# frontage. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such perimeter trees shall be staggered wherever possible with #street# trees, but in no event shall perimeter trees be planted closer than 15 feet on center or within three feet to a perimeter screening area curb. Furthermore, a radius distance of at least 20 feet shall be maintained between trunks of perimeter trees and #street# trees. If such distances cannot be maintained, the perimeter tree shall be waived in that location. However, if a #street# tree cannot be planted in the public sidewalk adjacent to the perimeter screening area because the Department of Parks and Recreation has determined that it is infeasible to plant a tree in such location, such tree shall be planted instead within the perimeter screening area adjacent to such portion of the public sidewalk and credited towards the amount of perimeter trees required pursuant to this paragraph. However, any perimeter tree within 15 feet of an elevated rail line or elevated highway shall be waived. All required perimeter trees shall be selected from the list in Section [37-961](#).

(c) Obstructions

Utilities and #signs# permitted in Sections [32-62](#), [32-63](#) or [42-62](#) may be located in the perimeter screening area. Ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open is permitted in the

perimeter screening area, provided such fencing does not exceed four feet in height and is located at least five feet from the #street line#.

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## **37-922 - Interior landscaping**

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LAST AMENDED

12/6/2023

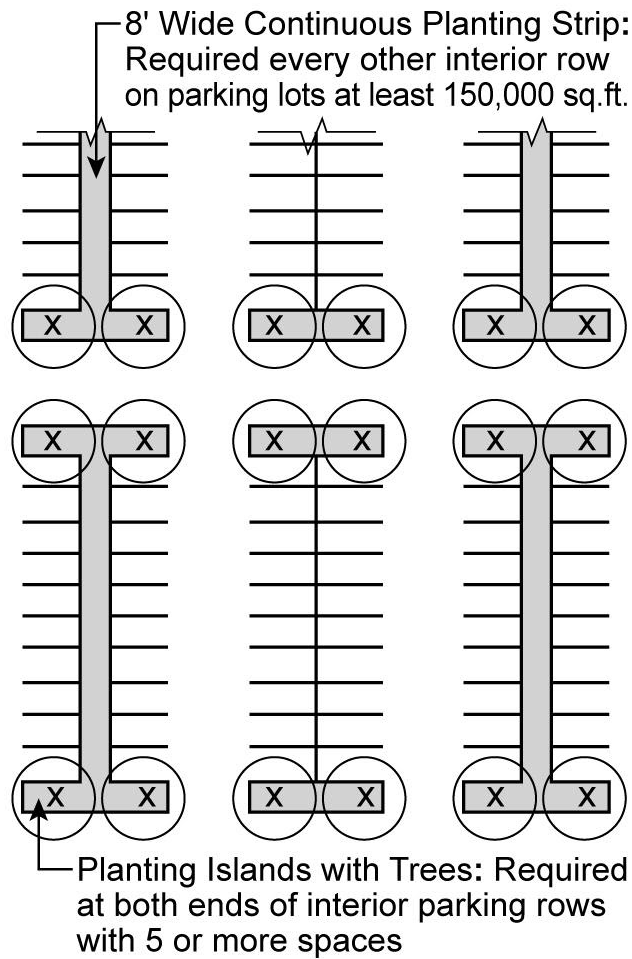
All open parking areas subject to the provisions of this Section shall provide at least one tree for every eight parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be in addition to the trees required in the perimeter screening area. Each such tree shall have a minimum caliper of three inches and be located in a planting island with a minimum area of 150 square feet of pervious surface.

(a) Distribution

The following distribution rules shall apply:

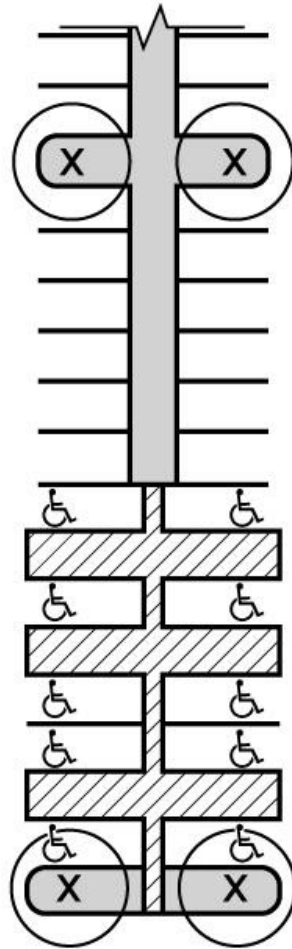
- (1) Each end space in a row of five or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of such end space;
- (2) No more than 15 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area; and
- (3) For open parking areas at least 150,000 square feet in area, in addition to the requirements set forth in paragraphs (a)(1) and (a)(2) of this Section, every other row of parking spaces in which each space does not fully abut a perimeter landscaped area shall abut a planting island. Such planting island shall have a minimum width of eight feet and extend along the entire length of such row of parking spaces. Such planting islands may be traversed by walkways no more than three feet wide and spaced at least 50 feet apart.





(37-922a3)

- (4) Planting islands required pursuant to paragraphs (a)(1) and (a)(3) may be discontinued where a pedestrian access lane is provided that serves no more than five parking spaces required by the Americans with Disabilities Act.



(37-922a4)

- (5) Compliance with paragraphs (a)(1) and (a)(2) may be waived where the Commissioner of Buildings determines that tree planting in such locations would conflict with loading operations. Such trees shall be planted elsewhere in the open parking area.

(b) Grading, drainage and soil

The open parking area shall be graded to allow stormwater runoff to drain into all planting islands required pursuant to this Section and perimeter landscaped areas required pursuant to Section 37-921. Planting islands shall have an inverted slope to allow a minimum six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. Planting islands shall be comprised of soil with a depth of at least two feet, six inches, measured from the surface of the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. A raised curb shall edge the planting island, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the site the drainage provisions of this paragraph, (b), would be infeasible for an interior planting island, such drainage provisions may be waived. In lieu thereof, such planting island shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (c) of this Section shall apply to such planting islands, except that plantings need not be selected from the lists in Section 37-963.

(c) Plantings

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an #abutting# parking space. The remaining area of the planting island shall be densely planted with shrubs, maintained at a maximum height of three feet, at a distance of 24 inches on center. Planting islands which are bisected by pedestrian access lanes serving Americans with Disabilities Act parking spaces (as shown in paragraph (a)(4) of this Section) shall provide groundcover in lieu of shrubs. Each required tree shall be centered in a planted area measuring at least eight feet by eight feet. Multiple trees are allowed in a single planting island provided they are spaced no closer than 25 feet on center and there is at least 150 square feet of pervious area for each tree. Any area with a dimension of less than two feet shall not contribute to such 150 square foot minimum area. Required trees shall be located first in planting islands at the ends of parking rows required pursuant to paragraph (a)(1) of this Section, and then in planting islands that break up parking rows with more than 15 spaces required pursuant to paragraph (a)(2) of this Section. Any remaining required trees may be located in the continuous planting island required pursuant to paragraph (a)(3) of this Section or located in other planting islands within the open parking area. All required trees, shrubs and groundcovers shall be selected from the lists in Sections [37-962](#) and 37-963.

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## 37-923 - Alternative compliance for solar canopies

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LAST AMENDED  
12/6/2023

For open parking areas where solar canopies will cover more than 75 percent of the parking spaces in an #accessory# off-street parking facility or #public parking lot#, or any portion thereof with more than 10 parking spaces, the provisions of Sections [37-921](#) or [37-922](#) may be modified as follows:

- (a) the tree planting requirements of paragraph (b)(3) of Section [37-921](#) (Perimeter landscaping) need not apply where a solar canopy is proposed within 10 feet of a portion of a perimeter landscaped area along a #street# frontage necessitating a tree; and
- (b) the interior landscaping requirements of Section [37-922](#) (Interior landscaping) need not apply to such portion covered by a solar canopy.

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## 37-93 - Maintenance

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LAST AMENDED  
11/28/2007

All on-site landscaping shall be maintained in good conditions at all times. Landscaped areas must be kept free of litter, and drainage components maintained in working order. In the event of the loss of any on-site landscaping, the owner of the #zoning lot# shall replace such landscaping by the next appropriate planting season. All landscaped areas must contain a built-in irrigation system or supply hose bibs within 100 feet of all planting islands.

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## 37-94 - Refuse Storage

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LAST AMENDED

11/28/2007

All site plans must show an area designated for refuse storage. Any container used for refuse storage must be enclosed and screened either within a #building# or an #accessory# #structure#. If refuse storage is located in a container or #accessory# #structure#, it must be located at least 50 feet from any #street line# and screened on all sides by a six foot high masonry wall, with one side consisting of an opaque, lockable gate.

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## 37-95 - Modifications of Design Standards

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LAST AMENDED

4/22/2009

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### 37-951 - Modification of landscaping requirements

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LAST AMENDED

4/22/2009

The requirements of Section [37-90](#) (PARKING LOTS), inclusive, may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, a high water table, or a City, State or Federal mandated brownfield remediation that requires the site to be capped. Where a high water table exists, the planting requirements of Section [37-90](#), inclusive, shall be complied with, except such planted areas need not be designed to absorb storm water runoff.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

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### 37-952 - Modification of design requirements by authorization

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LAST AMENDED

4/22/2009

For #enlargements#, the City Planning Commission may authorize modifications or waivers of the maneuverability and curb cut standards of Section [36-58](#), and the landscaping requirements of Section [37-90](#) (PARKING LOTS), inclusive, for portions of the #zoning lot# occupied by existing open parking areas, provided the Commission finds that:

- (a) maneuverability and curb cut regulations have been complied with to the maximum extent practicable;
- (b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable;
- (c) the amount of interior planting islands and their distribution throughout the existing open parking area have been provided to the maximum extent practicable; and
- (d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscaped architects in considering such modifications.

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## 37-96 - Landscaping Selection Lists

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### 37-961 - Selection list for perimeter trees

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BOTANICAL NAME	COMMON NAME
<i>Acer campestre</i>	Hedge Maple*
<i>Acer ginnala</i>	Amur Maple*
<i>Acer negundo</i>	Boxelder*
<i>Acer truncatum</i>	Shantung Maple*
<i>Amelanchier arborea</i>	Downy Serviceberry
<i>Amelanchier canadensis</i>	Shadblow Serviceberry
<i>Amelanchier laevis</i>	Allegheny Serviceberry
<i>Betula lenta</i>	Sweet Birch*
<i>Betula nigra</i> "Heritage"	Heritage River Birch*
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Cedrus atlantica</i>	Atlas Cedar
<i>Cedrus deodara</i>	Deodar Cedar
<i>Crataegus laevigata</i>	English Hawthorn
<i>Crataegus viridis</i>	Green Hawthorn
<i>Cornus mas</i>	Cornelian Cherry*
<i>Cornus racemosa</i>	Gray Dogwood*

<i>Cercis canadensis</i>	Redbud
<i>Hamamelis vernalis</i>	Vernal Witchhazel
<i>Hamamelis virginiana</i>	American Witchhazel
<i>Koelreuteria paniculata</i>	Goldenraintree
<i>Larix laricina</i>	Tamarack
<i>Magnolia stella</i>	Star Magnolia
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Maackia amurensis</i>	Amur Maackia
<i>Pinus virginiana</i>	Virginia Pine
<i>Prunus cerasifera</i>	Purpleleaf Plum
<i>Prunus 'Okame'</i>	Okame Cherry
<i>Prunus padus</i>	European Birdcherry
<i>Prunus sargentii</i>	Sargent Cherry
<i>Prunus serrulata</i> "Kwanzan"	Japanese Flowering Cherry
<i>Prunus virginiana</i> "Schubert"	Schubert Cherry
<i>Prunus x yedoensis</i>	Yoshino Cherry
<i>Rhus copallina</i>	Shinning Sumac
<i>Salix discolor</i>	True Pussy Willow
<i>Sambucus nigra</i>	Black Elderberry

Syringa reticulata	Japanese Tree Lilac
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\* Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

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### 37-962 - Selection list for interior trees

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LAST AMENDED  
4/22/2009

BOTANICAL NAME	COMMON NAME
<i>Acer rubrum</i>	Red Maple <sup>1</sup>
<i>Acer saccharinum</i>	Silver Maple <sup>1</sup>
<i>Acer x freemanii</i>	Freeman Maple <sup>1</sup>
<i>Catalpa speciosa</i>	Northern Catalpa
<i>Celtis occidentalis</i>	Hackberry
<i>Celtis laevigata</i>	Sugar Hackberry
<i>Eucommia ulmoides</i>	Hardy Rubber Tree
<i>Fraxinus americana</i>	American Ash <sup>1</sup>
<i>Fraxinus excelsior</i>	European Ash <sup>1</sup>
<i>Fraxinus pennsylvanica</i>	Green Ash <sup>1</sup>
<i>Gleditsia triacanthos inermis</i>	Honeylocust
<i>Ginkgo biloba</i>	Ginkgo
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree
<i>Juglans nigra</i>	Black Walnut

<i>Larix decidua</i>	European Larch
<i>Larix laricina</i>	American Larch
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Liriodendron tulipifera</i>	Tulip Tree
<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Nyssa sylvatica</i>	Tupelo
<i>Platanus occidentalis</i>	American Sycamore
<i>Platanus x acerifolia</i>	London Planetree
<i>Pyrus calleryana</i>	Callery Pear <sup>3</sup>
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Taxodium distichum</i>	Baldcypress
<i>Ulmus americana</i>	American Elm <sup>1,2</sup>
<i>Ulmus carpinifolia</i>	Smooth-leaf Elm <sup>1,2</sup>
<i>Ulmus parvifolia</i>	Lace Bark Elm <sup>1,2</sup>
<i>Styphnolobium japonicum</i>	Scholar Tree



<i>Tilia americana</i>	Basswood/American Linden
<i>Zelkova serrata</i>	Japanese Zelkova

- 1 Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island
- 2 Only cultivars of elms that have been bred for resistance to Dutch Elm Disease
- 3 Excluding "Bradford" cultivar

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### **37-963 - Selection list for ground covers and shrubs**

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LAST AMENDED  
4/22/2009

GROUND COVERS	
BOTANICAL NAME	COMMON NAME
<i>Asclepias tuberosum</i>	Butterfly Weed
<i>Calamagrostis stricta</i>	Slimstem Reedgrass
<i>Comptonia peregrina</i>	Sweetfern
<i>Cortaderia selloana</i> "Pumilla"	Dwarf Pampas Grass
<i>Euonymus coloratus</i>	Euonymus
<i>Festuca glauca</i>	Blue Fescue Grass
<i>Juniperus horizontalis</i>	Creeping Juniper
<i>Hibiscus moscheutos</i>	Swamp Rose Mallow*
<i>Iris pallida</i>	Sweet Iris
<i>Iris sibirica</i>	Siberian Iris

Iris versicolor	Blue Flag Iris
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SHRUBS	
BOTANICAL NAME	COMMON NAME
Abelia grandiflora	Glossy Abelia
Aesculus parviflora	Bottlebrush Buckeye
Andromeda polifolia	Bog-rosemary
Aronia arbutifolia	Red Chokeberry
Aronia melanocarpa	Black Chokeberry
Baccharis halimifolia	Eastern Baccharis
Betula nana	Dwarf Birch
Betula pumila	Bog Birch
Calluna vulgaris	Scotch Heather
Castanea pumila	Chinkapin
Cephalanthus occidentalis	Buttonbush
Chamaecyparis spp.	Chamaecyparis
Clethra alnifolia	Summersweet
Cornus sericea	Redtwig Dogwood
Cornus sericea "Flaviramea"	Yellowtwig Dogwood
Cotoneaster dammeri	Bearberry Cotoneaster

<i>Daphne cneorum</i>	Rose Daphne
<i>Daphne caucasica</i>	Caucasian Daphne
<i>Ericacarneae</i>	Spring Heath
<i>Euonymus fortunei</i>	Wintercreeper Euonymus
<i>Eubotrys racemosa</i>	Swamp Doghobble
<i>Gaylussaciabrachycera</i>	Box Huckleberry
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea
<i>Ilex crenata</i>	Japanese Holly
<i>Ilex glabra</i>	Inkberry
<i>Ilex verticillata</i>	Winterberry
<i>Itea virginica</i> "Henry's Garnet"	Virginia Sweetspire
<i>Juniperus procumbens</i>	Japgarden Juniper
<i>Juniperus sabina</i>	Savin Juniper
<i>Juniperus squamata</i>	Singleseed Juniper
<i>Kalmia angustifolia</i>	Sheep Laurel
<i>Ledum groenlandicum</i>	Labrador Tea
<i>Leiophyllum buxifolium</i>	Box Sandmyrtle
<i>Leucothoe racemosa</i>	Sweetbells Leucothoe
<i>Microbiota decussata</i>	Russian Arborvitae

Myrica gale	Sweetgale
Paxistima canbyi	Canby Paxistima
Pieris floribunda	Mountain Pieris
Rhododendron canadense	Rhodora
Rhododendron viscosum	Swamp Azalea
Rhododendron atlanticum	Coast Azalea
Rhus aromatica "Gro-Lo"	Gro-Lo Sumac
Rosa Palustris	Swamp Rose
Spirea x bumaldi "Anthony Waterer"	Goldflame Spirea
Vaccinium macrocarpon	American Cranberry
Zenobia pulverenta	Dusty Zenobia

\* Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island