



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **44-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES**

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## 44-20 - REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

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LAST AMENDED  
12/15/1961

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### 44-21 - General Provisions

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LAST AMENDED  
12/6/2023

M1 M2 M3

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 #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility# #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

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 which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

- (a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section [44-23](#) (Waiver of Requirements for Spaces Below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section [44-24](#) (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 [44-43](#) (Location of Access to the Street);
- (c) for houses of worship, in accordance with the provisions of Section [44-25](#) (Waiver for Locally Oriented Houses of Worship).

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

Type of #Use#	Parking Spaces Required, in Relation to Specified Unit of Measurement	Districts
FOR MANUFACTURING OR COMMERCIAL USES		
#Manufacturing# or semi-industrial #uses#. #Uses# in Use Group 17B, 17D or 18A, or in PRC-F in Use Group 11 or 16, and with a minimum of either 7,500 square feet of #floor area# or 15 employees.	None required  1 per 1,000 square feet of #floor area# <sup>1</sup> , or 1 per 3 employees, whichever will require a larger number of spaces	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2  M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Storage or miscellaneous #uses#. #Uses# in:  (a) PRC-G in Use Group 10 or 16;  (b) Use Group 17A, 17D, 18B, or 18C; or  (c) Use Group 17C, except for agricultural #uses#, such exception including greenhouses, nurseries, or truck gardens;  with a minimum of either 10,000 square feet of #floor area# or 15 employees.	None required  1 per 2,000 square feet of #floor area# <sup>2</sup> , or 1 per 3 employees, whichever will require a lesser number of spaces	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2  M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Food stores with 2,000 or more square feet of #floor area# per establishment. #Uses# in PRC-A in Use Group 6	None required  1 per 200 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2  M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

<p>General retail or service #uses#.</p> <p>Food stores with less than 2,000 square feet of #floor area#; #uses# in PRC-B in Use Group 6, 8, 9 or 10;</p> <p>or</p> <p>#uses# in PRC-B1 in Use Group 6, 7, 8, 9, 10, 11, 13, 14, or 16, or when permitted by special permit</p>	<p>None required</p> <p>1 per 300 square feet of #floor area#<sup>3</sup></p>	<p>M1-4 M1-5 M1-6 M2-3 M2- 4 M3-2</p> <p>M1-1 M1-2 M1-3 M2-1 M2- 2 M3-1</p>
<p>Low traffic-generating #uses#.</p> <p>#Uses# in PRC-C in Use Group 6, 7, 9, 13, 14 or 16</p>	<p>None required</p> <p>1 per 600 square feet of #floor area#</p>	<p>M1-4 M1-5 M1-6 M2-3 M2- 4 M3-2</p> <p>M1-1 M1-2 M1-3 M2-1 M2- 2 M3-1</p>
<p>Places of Assembly.</p> <p>#Uses# in PRC-D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit</p>	<p>None required</p> <p>1 per 8 persons rated capacity</p>	<p>M1-4 M1-5 M1-6 M2-3 M2- 4 M3-2</p> <p>M1-1 M1-2 M1-3 M2-1 M2- 2 M3-1</p>
<p>Open commercial amusements.</p> <p>#Uses# in PRC-E in Use Group 13, or when permitted by special permit<sup>5</sup></p>	<p>None required</p> <p>1 per 500 square feet of #lot area#<sup>4</sup></p>	<p>M1-4 M1-5 M1-6 M2-3 M2- 4 M3-2</p> <p>M1-1 M1-2 M1-3 M2-1 M2- 2 M3-1</p>
<p>Other #commercial# #uses#.</p> <p>#Uses# in PRC-H in Use Group 5, 6, 7, 12, 13 or 14, or when permitted by special permit:</p>		
<p>#Boatels#</p>	<p>1 per 2 guest rooms or suites</p>	<p>M1</p>

Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees	1 per 2,000 square feet of #lot area# or 1 per 3 employees, whichever will require a lesser number of spaces	M1 M2 M3
Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; passenger ocean vessels; or vessels not otherwise listed	See Section <a href="#">62-43</a> for parking requirement	
Hotels	None required	M1-4 M1-5 M1-6
(a) For the #floor area# used for sleeping accommodations	1 per 8 guest rooms or suites	M1-1 M1-2 M1-3
(b) For that #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios	None required  1 per 8 persons rated capacity	M1-4 M1-5 M1-6  M1-1 M1-2 M1-3
#Motels# or #tourist cabins#	1 per guest room or suite	M1
Post offices	None required  1 per 1,200 square feet of #floor area#	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2  M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Prisons	None required  1 per 10 beds rated capacity	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2  M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
Refreshment stands, drive-ins	1 per 50 square feet of #floor area#  1 per 100 square feet of #floor area#	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1  M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

Funeral establishments	<p>None required</p> <p>1 per 400 square feet of #floor area#</p>	<p>M1-4 M1-5 M1-6 M2-3 M2-4 M3-2</p> <p>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1</p>
FOR COMMUNITY FACILITY USES		
Agricultural #uses#, including greenhouses, nurseries, or truck gardens	<p>None required</p> <p>1 per 1,000 square feet of #lot area# used for selling purposes</p>	<p>M1-4 M1-5 M1-6 M2-3 M2-4 M3-2</p> <p>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1</p>
Ambulatory diagnostic or treatment health care facilities listed in Use Group 4	<p>None required</p> <p>1 per 300 sq. ft. of #floor area# and #cellar# space<sup>3</sup>, except #cellar# space used for storage</p>	<p>M1-4 M1-5 M1-6</p> <p>M1-1 M1-2 M1-3</p>
Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations, except ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; non-commercial recreation centers; or welfare centers	<p>None required</p> <p>1 per 10 persons-rated capacity</p>	<p>M1-4 M1-5 M1-6</p> <p>M1-1 M1-2 M1-3</p>
Hospitals and related facilities <sup>6</sup>	<p>1 per 5 beds</p> <p>1 per 10 beds</p>	<p>M1-1 M1-2 M1-3</p> <p>M1-4 M1-5 M1-6</p>

Houses of worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room	None required  1 per 15 persons-rated capacity	M1-4 M1-5 M1-6  M1-1 M1-2 M1-3
Seminaries  (a) For that #floor area# used for classrooms, laboratories, student centers or offices	None required  1 per 1,000 sq. ft. of #floor area#	M1-4 M1-5 M1-6  M1-1 M1-2 M1-3
(b) For that #floor area# used for theaters, auditoriums, gymnasiums or stadiums	None required  1 per 8 persons-rated capacity	M1-4 M1-5 M1-6  M1-1 M1-2 M1-3
Outdoor skating rinks	None required  1 per 800 square feet of #lot area#	M1-4 M1-5 M1-6  M1-1 M1-2 M1-3
Outdoor tennis courts	None required  1 per 2 courts	M1-4 M1-5 M1-6  M1-1 M1-2 M1-3

NOTE: PRC = Parking Requirement Category

- <sup>1</sup> For predominantly open #manufacturing# #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements
- <sup>2</sup> For predominantly open storage or miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements
- <sup>3</sup> The parking requirements for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and #uses# in PRC-B1, may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section [73-44](#) (Reduction of Spaces for Ambulatory Diagnostic or Treatment Health Care Facilities listed in Use Group 4 and Uses in Parking Requirement Category B1)
- <sup>4</sup> In the case of golf driving ranges, requirements in this table apply only to that portion of the range used for tees
- <sup>5</sup> In the case of outdoor skateboard parks, in M3-1 Districts, the requirements of this table apply only to that portion used as skating runs and #accessory# #buildings#. The #floor area# of #accessory# #buildings# shall be considered #lot area# for the purpose of these requirements

6 Requirements are in addition to area utilized for ambulance parking

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## 44-211 - Parking requirements applicable to non-profit hospital staff dwellings

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LAST AMENDED  
6/27/1963

M1

In the district indicated, the provisions of Sections [36-31](#) to [36-39](#), inclusive, relating to Required Accessory Off-street Parking Spaces for Residences When Permitted in Commercial Districts, shall apply as set forth in this Section to #non-profit hospital staff dwellings#. The district regulations of Sections [36-31](#) to [36-39](#), inclusive, applicable to #non-profit hospital staff dwellings# are determined in accordance with the following table, and are the same as the regulations applicable to #residences# in the districts indicated in the table.

District	#Commercial District# whose Regulations are Applicable
M1-1 M1-2 M1-3	C4-2
M1-4 M1-5 M1-6	C4-7

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## 44-22 - Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements

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LAST AMENDED  
9/9/2004

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section [44-21](#) (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

However, the number of spaces required for houses of worship or for #uses# in parking requirement category D (Places of Assembly), 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 [73-431](#) (Reduction of parking spaces for houses of worship) or [73-432](#) (Reduction of parking spaces for places of assembly).

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## 44-23 - Waiver of Requirements for Spaces Below Minimum Number

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LAST AMENDED  
12/15/1961

M1 M2 M3



In all districts, as indicated, subject to the provisions of Section [44-231](#) (Exceptions to application of waiver provisions), the parking requirements set forth in Sections [44-21](#) (General Provisions) or [44-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to #commercial# #uses# in parking requirement category A, B, B1, C, D, E or H, or to permitted #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:

District	Number of Spaces
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	15
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	40

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## 44-231 - Exceptions to application of waiver provisions

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LAST AMENDED  
12/15/1961

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section [44-23](#) shall not apply to the following types of #uses#:

- (a) #Manufacturing# or semi-industrial #uses# in Use Group 17B, 17D, 18A or 18C, or in parking requirement category F in Use Group 11 or 16.
- (b) Storage or miscellaneous #uses# in Use Group 17A, 17C, 17D, 18B or 18C, or in parking requirement category G in Use Group 16.
- (c) The following #commercial# #uses# in parking requirement category H in Use Group 7 or 13:

#Boatels#

Camps, overnight or day

#Motels# or #tourist cabins#

Refreshment stands, drive-in.

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## 44-24 - Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden

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LAST AMENDED  
12/15/1961

M1 M2 M3

In all districts, as indicated, the requirements set forth in Sections [44-21](#) (General Provisions) or [44-22](#) (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 [44-43](#) (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 a determination on such report.

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## **44-25 - Waiver for Locally-Oriented Houses of Worship**

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LAST AMENDED

9/9/2004

M1

In the district indicated, the requirements set forth in Sections [44-21](#) (General Provisions) and [44-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

- (a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;
- (b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section [44-23](#) (Waiver of Requirements for Spaces Below Minimum Number); and
- (c) such house of worship shall not include, as an #accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons-rated capacity of the largest room of assembly, shall be subtracted from the persons-rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residences of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

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## **44-26 - Special Provisions for Zoning Lots Divided by District Boundaries**

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M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

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## **44-27 - Special Provisions for Expansion of Existing Manufacturing Buildings**

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M1 M2 M3

In all districts, as indicated, whenever an existing #manufacturing# #building# is expanded pursuant to the provisions of Section [43-121](#) (Expansion of existing manufacturing buildings), the City Planning Commission may reduce, up to a maximum of 40 spaces, the parking requirements of Sections [44-21](#) (General Provisions) or [44-22](#) (Special Provisions for a Single Zoning Lot With Uses Subject to Different Parking Regulations), provided the Commission certifies:

- (a) that because of site limitations such a reduction is necessary for the proper design and operation of the #manufacturing #building#; and
- (b) that off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by the expansion.

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## **44-28 - Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts**

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In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the regulations of this Section shall apply to #residential uses# authorized pursuant to Section [42-47](#) (Residential Uses in M1-1D Through M1-5D Districts).

- (a) In M1-1D Districts, for any new #residence# authorized pursuant to Section [42-47](#), one #accessory# parking space shall be provided for each #dwelling unit#. The Commission may reduce this requirement if the Commission determines that there is sufficient on-street parking space available to meet the needs of the new #residence#.

Access to such required #accessory# parking shall be designed so as to minimize any adverse effect upon the availability of on-street parking and loading for conforming #manufacturing# and #commercial# #uses#. If necessary, in order to implement this requirement, the Commission may modify the 10 foot maximum setback requirement of paragraph (e) of Section [43-61](#) (Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts).

- (b) In M1-2D, M1-3D, M1-4D and M1-5D Districts, #accessory# parking shall not be permitted, except when authorized by the City Planning Commission.

The Commission may authorize #accessory# parking provided:

- (1) the #zoning lot# extends 40 feet or more along the #street line#;
- (2) the curb cut extends no more than 15 feet along the #street line# and provides access to a #group parking facility# of five or more #accessory# off-street parking spaces; and

- (3) the Commission determines that such curb cut will not adversely affect the availability of on-street parking and loading for conforming #manufacturing# and #commercial# #uses#.

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## **44-29 - Parking Regulations for Zoning Lots Containing Self-Service Storage Facilities in Designated Areas**

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LAST AMENDED

12/19/2017

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

In the Districts indicated, in designated areas within #Manufacturing Districts# in Subarea 1, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the provisions of Section [44-21](#) (General Provisions) are modified as set forth in this Section for all #uses# within the #industrial floor space#.

For any #zoning lot# containing a #self-service storage facility# that meets the requirements of paragraphs (a) or (b)(1) of Section [42-121](#) (Use Group 16D self-service storage facilities), #accessory# off-street parking spaces, open or enclosed, shall not be required for #uses# within #industrial floor space#, where all such #uses# occupy less than 10,000 square feet of #floor area# or have fewer than 15 employees. For #industrial floor space# on such #zoning lots# where such #uses#, in total, occupy at least 10,000 square feet of #floor area# or have 15 or more employees, #accessory# off-street parking spaces, open or enclosed, shall be required for all #uses# within the #industrial floor space# at the rate of one space per 2,000 square feet of #floor area#, or one space per three employees, whichever will require fewer spaces.