Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

37-90 - PARKING LOTS

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37-90 - PARKING LOTS

LAST AMENDED
11/28/2007

37-91 - Applicability

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

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

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

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

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

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

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

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

The provisions of Section 37-90, inclusive, shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automobile dealers, automotive repair and maintenance, or #automotive service stations# listed under Use Group VI.

For the purposes of Section 37-90, inclusive, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all landscaped areas required pursuant to this Section within and adjacent to the open parking area.

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

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

necessary to demonstrate compliance with the provisions of this Section.

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

37-92 - Landscaping

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).

37-921 - Perimeter landscaping

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#.

37-922 - Interior landscaping

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.

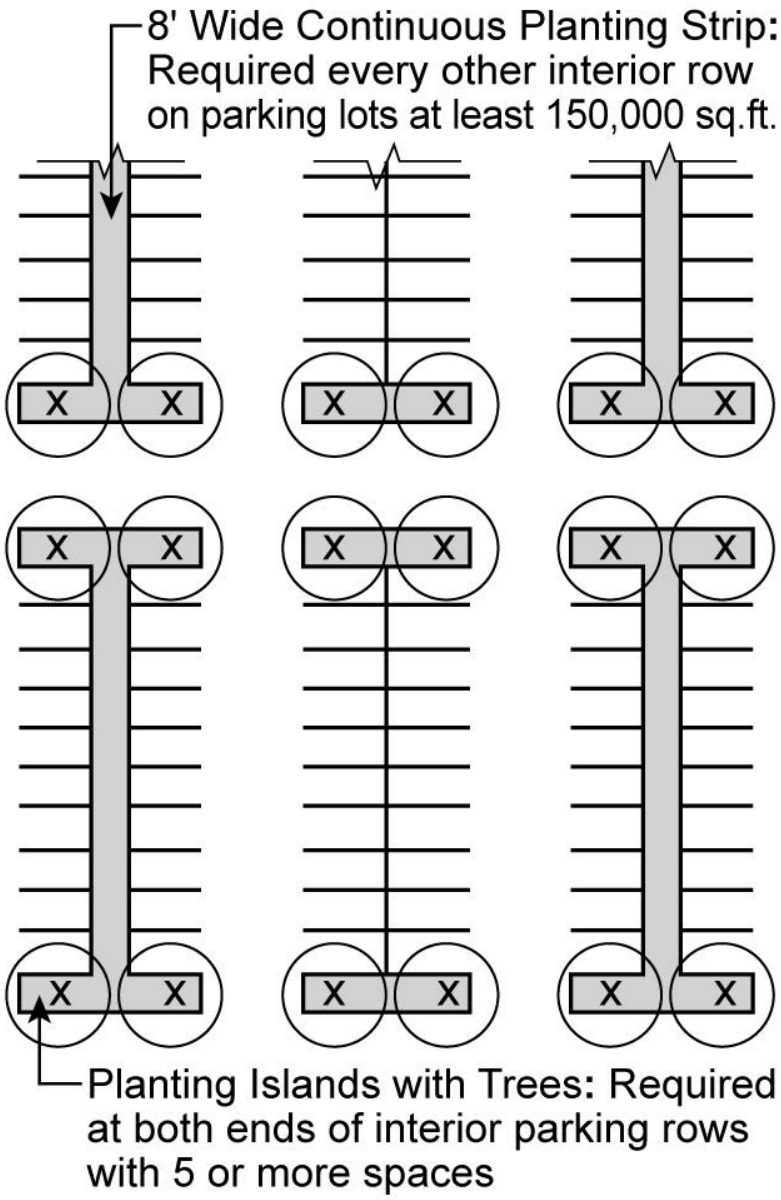
(a) Distribution

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;

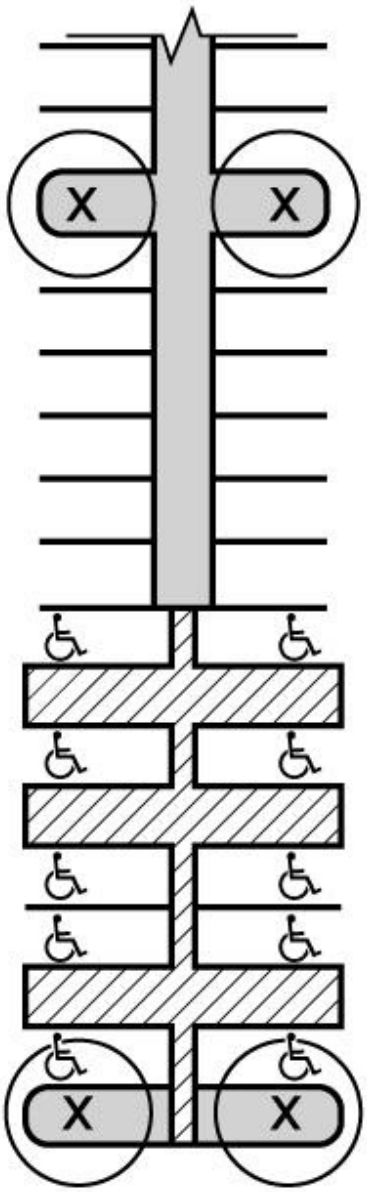
(2) No more than 15 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area; and

(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.

37-923 - Alternative compliance for solar canopies

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.

37-93 - Maintenance

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.

37-94 - Refuse Storage

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.

37-95 - Modifications of Design Standards

LAST AMENDED
4/22/2009

37-951 - Modification of landscaping requirements

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.

37-952 - Modification of design requirements by authorization

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 36-57, 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.

37-96 - Landscaping Selection Lists

LAST AMENDED
4/22/2009

37-961 - Selection list for perimeter trees

LAST AMENDED
4/22/2009

BOTANICAL NAME	COMMON NAME
Acer campestre	Hedge Maple*
Acer ginnala	Amur Maple*
Acer negundo	Boxelder*
Acer truncatum	Shantung Maple*
Amelanchier arborea	Downy Serviceberry
Amelanchier canadensis	Shadblow Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Betula lenta	Sweet Birch*
Betula nigra “Heritage”	Heritage River Birch*
Carpinus caroliniana	American Hornbeam
Cedrus atlantica	Atlas Cedar
Cedrus deodara	Deodar Cedar

Crataegus laevigata	English Hawthorn
Crataegus viridis	Green Hawthorn
Cornus mas	Cornelian Cherry*
Cornus racemosa	Gray Dogwood*
Cercis canadensis	Redbud
Hamamelis vernalis	Vernal Witchhazel
Hamamelis virginiana	American Witchhazel
Koelreuteria paniculata	Goldenraintree
Larix laricina	Tamarack
Magnolia stella	Star Magnolia
Magnolia virginiana	Sweetbay Magnolia
Maackia amurensis	Amur Maackia
Pinus virginiana	Virginia Pine

Prunus cerasifera	Purpleleaf Plum
Prunus 'Okame'	Okame Cherry
Prunus padus	European Birdcherry
Prunus sargentii	Sargent Cherry
Prunus serrulata “Kwanzan”	Japanese Flowering Cherry
Prunus virginiana “Schubert”	Schubert Cherry
Prunus x yedoensis	Yoshino Cherry
Rhus copallina	Shinning Sumac
Salix discolor	True Pussy Willow
Sambucus nigra	Black Elderberry
Syringa reticulata	Japanese Tree Lilac

* Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

37-962 - Selection list for interior trees

LAST AMENDED

4/22/2009

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red Maple[1]
Acer saccharinum	Silver Maple[1]
Acer x freemanii	Freeman Maple[1]
Catalpa speciosa	Northern Catalpa
Celtis occidentalis	Hackberry
Celtis laevigata	Sugar Hackberry
Eucommia ulmoides	Hardy Rubber Tree
Fraxinus americana	American Ash[1]
Fraxinus excelsior	European Ash[1]
Fraxinus pennsylvanica	Green Ash[1]

Gleditsia triacanthos inermis	Honeylocust
Ginkgo biloba	Ginkgo
Gymnocladus dioicus	Kentucky Coffeetree
Juglans nigra	Black Walnut
Larix decidua	European Larch
Larix laricina	American Larch
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip Tree
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Tupelo
Platanus occidentalis	American Sycamore
Platanus x acerifolia	London Planetree
Pyrus calleryana	Callery Pear[3]

Quercus bicolor	Swamp White Oak
Quercus imbricaria	Shingle Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus rubra	Northern Red Oak
Taxodium distichum	Baldcypress
Ulmus americana	American Elm[1,2]
Ulmus carpinifolla	Smooth-leaf Elm[1,2]
Ulmus parvifolla	Lace Bark Elm[1,2]
Styphnolobium japonicum	Scholar Tree
Tilia americana	Basswood/American Linden
Zelkova serrata	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

37-963 - Selection list for ground covers and shrubs

LAST AMENDED

4/22/2009

GROUND COVERS	
BOTANICAL NAME	COMMON NAME
Asclepias tuberosum	Butterfly Weed
Calamagrostis stricta	Slimstem Reedgrass
Comptonia peregrina	Sweetfern
Cortaderia selloana “Pumilla”	Dwarf Pampas Grass
Euonymus coloratus	Euonymus
Festuca glauca	Blue Fescue Grass
Juniperus horizentalis	Creeping Juniper

Hibiscus moscheutos	Swamp Rose Mallow*
Iris pallida	Sweet Iris
Iris sibirica	Siberian Iris
Iris versicolor	Blue Flag Iris

SHRUBS	
BOTANICAL NAME	COMMON NAME
Abeliax 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
Daphne cneorum	Rose Daphne
Daphne caucasica	Caucasian Daphne
Ericacarnea	Spring Heath
Euonymus fortunei	Wintercreeper Euonymus

Eubotrys racemosa	Swamp Doghobble
Gaylussaciabrachycera	Box Huckleberry
Hydrangea quercifolia	Oakleaf Hydrangea
Ilex crenata	Japanese Holly
Ilex glabra	Inkberry
Ilex verticillata	Winterberry
Itea virginica“Henry’s Garnet”	Virginia Sweetspire
Juniperus procumbens	Japgarden Juniper
Juniperus sabina	Savin Juniper
Juniperus squamata	Singleseed Juniper
Kalmia angustifolia	Sheep Laurel
Ledum groenlandicum	Labrador Tea
Leiophyllum buxifolium	Box Sandmyrtle

Leucothoe racemosa	Sweetbells Leucothoe
Microbiota decussata	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