Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

63-20 - SPECIAL BULK AND PARKING REGULATIONS

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63-20 - SPECIAL BULK AND PARKING REGULATIONS

LAST AMENDED
12/9/2009

63-21 - Special Floor Area Regulations

LAST AMENDED
12/5/2024

Where a #FRESH food store# is provided on a #zoning lot#, the maximum #residential floor area# permitted on the #zoning lot# shall be increased by one square foot for each square foot of #FRESH food store floor area# provided, up to 20,000 square feet.

However, for #zoning lots# with #sky exposure plane buildings#, where any non-#residential use# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #floor area ratio# of the #zoning lot# shall not exceed the maximum permitted #floor area ratio# for such non-#residential use#.

For #height factor# and #open space ratio# calculations, where applicable, the increased #residential# #floor area# generated pursuant to this Section shall be exempt from such calculations.

For #developments# or #enlargements# with #qualifying affordable housing#, the requirements for #MIH developments# or #UAP developments# shall not apply to the increased #residential# #floor area# generated pursuant to this Section.

63-22 - Authorization to Modify Maximum Building Height

LAST AMENDED
12/5/2024

For #zoning lots# containing a #FRESH food store# and #residences# in #Commercial Districts# mapped within, or with a #residential equivalent# of R6 through R12 Districts, the City Planning Commission may authorize modifications to Section 35-632 (Maximum height of buildings and setback regulations), or to the height and setback regulations of any Special Purpose District where maximum height limits apply to allow the applicable maximum #building# height to be increased by up to 15 feet and by up to one #story#, provided that the portion of the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is at least 14 feet above the #base plane# or #curb level#, as applicable.

In order to grant such authorizations, the Commission shall find that:

(a) such modifications are necessary to accommodate a first #story# utilized as a #FRESH food store#;

(b) the proposed modifications shall not adversely affect the essential scale and character of the adjacent #buildings# and any adjacent historic resources; and

(c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

63-23 - Special Transparency Requirements

LAST AMENDED
12/5/2024

For all #developments# containing #FRESH food stores#, or #ground floor level enlargements# containing #FRESH food stores#, the following provisions shall apply. For the portion of the #building# containing a #FRESH food store#, the ground floor level of the #street wall# fronting upon a #primary frontage# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

Furthermore, for #FRESH food stores# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #building# is a recipient of #public funding#. For the purposes of this Section, defined terms shall include those in Sections 12-10, 27-111 and 37-311.

63-24 - Required Accessory Off-street Parking Spaces in Certain Districts

LAST AMENDED
12/9/2009

For #FRESH food stores# provided as part of a #development# or #enlargement#, for any portion of such #FRESH food store# subsequently changed to any other #use# pursuant to Section 63-40 (CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE) or Section 63-50 (AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS), if such change of #use# occurs less than 25 years after the initial issuance of a certificate of occupancy for such #FRESH food store#, #accessory# off-street parking regulations shall apply to such changed #use# as if the #use# is at that time occurring as part of a #development# or #enlargement#. Application may be made for an authorization pursuant to Section 63-50.

(a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R6 through R12 Districts and in C4-2 and C4-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 (Waiver of Requirements for Spaces Below Minimum Number) shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 40,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.

(b) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 Districts mapped within R3, R4 and R5 Districts and in C4-1 Districts, a #FRESH food store# shall provide one parking space per 400 square feet of #floor area# or #cellar# space utilized for retailing. The provisions of Section 36-23 shall not apply to #FRESH food stores#. In lieu thereof, no #accessory# off-street parking spaces shall be required for the #FRESH food store# if the #floor area# of such #use# is less than 10,000 square feet. In cases where there is more than one #commercial use# or #community facility use# on the #zoning lot#, the total number of #accessory# off-street parking spaces required pursuant to the provisions of Section 36-23 shall not include off-street parking spaces #accessory# to #FRESH food stores#.

(c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.

(d) The provisions of this Section shall not apply:

(1) in the Borough of Brooklyn, to M1 Districts in portions of Community Districts 5, 16 and 17, as shown on Maps 1 and 2 in Appendix B of this Chapter; and

(2) in the Borough of Queens, to the #Special Downtown Jamaica District#.