



## Zoning Resolution

THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Marisa Lago, Chair

# **36-40 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES**

File generated by <https://zr.planning.nyc.gov> on 7/4/2020

---

## 36-40 - RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

---

LAST AMENDED  
12/15/1961

---

### 36-41 - General Provisions

---

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).

---

### 36-42 - Off-site Spaces for Residences

---

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.

---

### 36-421 - Maximum distance from zoning lot

---

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#.

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

---

### 36-43 - Off-site Spaces for Commercial or Community Facility Uses

---

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.

---

### 36-44 - Joint and Shared Facilities

---

LAST AMENDED  
9/9/2004

---

#### 36-441 - Joint facilities

---

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.

---

### **36-442 - Shared parking facilities for houses of worship**

---

LAST AMENDED

9/9/2004

In C1 or C2 Districts mapped within R1, R2, R3, R4 or R5 Districts and in C3, C4-1, C4-2 and C8-1 Districts, required

#accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

---

### **36-45 - Additional Regulations for Required Spaces When Provided Off Site**

---

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.

---

### **36-46 - Restrictions on Use of Accessory Off-street Parking Spaces**

---

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, 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 or may be occupied by #car sharing vehicles#, only as set forth in the following paragraphs:

(1) In C1 or C2 Districts mapped within #Residence Districts#

In C1 or C2 Districts mapped within R3, R4 or R5A Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all parking spaces in #group parking facilities# containing 20 or more spaces. In C1 or C2 Districts mapped within R5 Districts, except R5A Districts, and in R6, R7, R8, R9 or R10 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all parking spaces, whichever is greater.

(2) In C1 or C2 Districts not mapped within #Residence Districts#, or in C3, C4, C5, C6 Districts

In the districts indicated, except C3 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all parking spaces, whichever is greater. In C3 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all parking spaces in #group parking facilities# containing 20 or more spaces.

Such spaces provided pursuant to paragraph (a) of this Section 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.

(b) #Car sharing vehicles# may occupy off-street parking spaces #accessory# to a non-#residential use# in #group parking facilities# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facilities#.

In addition, the rental of such spaces to non-residents shall be subject to the restrictions applying to the specified districts as set forth in Sections 36-461 and 36-462, except that such restrictions shall not apply to spaces occupied by #car sharing vehicles#.

---

### **36-461 - Restrictions on rental of spaces accessory to residences in C1 or C5 Districts**

---

LAST AMENDED  
12/15/1961

C1 C5

In the districts indicated, off-street parking spaces #accessory# to #residences# 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#, provided, however that rental for shorter periods may be permitted by the Board of Standards and Appeals in accordance with the provisions of Section 73-47 (Rental of Accessory Off-street Parking Spaces to Non-Residents).

---

### **36-462 - Restrictions on rental of spaces accessory to residences in C3 Districts**

---

LAST AMENDED  
12/15/1961

C3

In the district indicated, off-street parking spaces #accessory# to #residences# 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#.

---

### **36-47 - Restrictions on Automotive Repairs and Sale of Motor Fuel**

---

LAST AMENDED

2/2/2011

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, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces. The provisions of this Section are not applicable to #accessory# off-street parking spaces provided in #public parking garages#.