



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

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

File generated by <https://zr.planning.nyc.gov> on 7/26/2024

---

## 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 Parking Spaces and Spaces in Public Parking Garages**

---

†

LAST AMENDED

12/6/2023

---

## 36-461 - Restrictions on the use of accessory off-street parking spaces

---

†

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 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;
  - (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;
  - (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.

---

## 36-462 - Restrictions on the use of parking spaces in public parking garages and public parking lots

---

†

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.

---

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

---

†

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#.

---

## 36-48 - Electric Vehicle Charging

---

LAST AMENDED

12/6/2023

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, except as otherwise permitted by the provisions of Section [36-461](#) (Restrictions on use of accessory off-street parking spaces).