

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
Michael R. Bloomberg, Mayor

CITY PLANNING COMMISSION  
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### Article IV: Manufacturing District Regulations Chapter 4 - Accessory Off-Street Parking and Loading Regulations Off-Street Parking Regulations

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12/15/61

**Chapter 4**  
**Accessory Off-Street Parking and Loading Regulations**

12/15/61

**44-00**  
**GENERAL PURPOSES AND DEFINITIONS**

Off-street Parking Regulations

12/15/61

**44-01**  
**General Purposes**

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide parking spaces off the streets for the increasing number of people driving to work in areas outside the high density central areas, to relieve congestion on streets in industrial districts, to help prevent all-day parking in residential and commercial areas adjacent to manufacturing areas, and to provide for better and more efficient access to and from industrial establishments within the City, and thus to promote and protect public health, safety, and general welfare.

10/25/93

**44-02**  
**Applicability**

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces apply to #manufacturing#, #commercial# or #community facility uses#, as set forth in the provisions of the various Sections.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

6/27/63

**44-021**

**Applicability of regulations to non-profit hospital staff dwellings**

Except as modified in Section 44-211 (Parking requirements applicable to non-profit hospital staff dwellings), the regulations of Article III, Chapter 6, applicable to #residences# in C4-2 Districts shall apply to #non-profit hospital staff dwellings# in M1 Districts, and the regulations of this Chapter applicable to #community facility uses# shall not apply to such #use#.

10/25/95

**44-022**

**Applicability of regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens**

Special regulations governing permitted or required #accessory# off-street parking are set forth in Article I, Chapter 3.

9/9/04

**44-023**

**Applicability of regulations in M1-D Districts**

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility uses#, and the regulations of Section 44-28 (Parking Regulations for Residential Uses in M1-D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-D Districts).

9/10/07

**44-024**

**Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens**

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #accessory# off-street parking regulations of an M1 District shall apply, except that the #accessory# off-street parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to #residential uses#.

6/27/63

#### **44-03**

##### **Definitions**

Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Chapter, in this Section.

12/15/61

#### **44-10**

##### **PERMITTED ACCESSORY OFF-STREET PARKING SPACES**

6/23/66

#### **44-11**

##### **General Provisions**

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 44-12 (Maximum Size of Accessory Group Parking Facilities).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Section 73-49 (Roof Parking), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

6/23/66

#### **44-12**

## **Maximum Size of Accessory Group Parking Facilities**

M1 M2 M3

In all districts, as indicated, no #accessory group parking facility# shall contain more than 150 off-street parking spaces, except as provided in Section 44-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

6/23/66

### **44-13**

#### **Modification of Maximum Size of Accessory Group Parking Facilities**

M1 M2 M3

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 44-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:

- (a) has separate vehicular entrances and exits thereto, located not less than 25 feet apart;
- (b) is located on a street not less than 60 feet in width; and
- (c) if #accessory# to a #commercial# or #manufacturing use#, has adequate reservoir space at the entrances to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

6/23/66

**44-14**

**Exceptions to Maximum Size of Accessory Group Parking Facilities**

M1 M2 M3

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces, in accordance with the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

12/15/61

**44-20**

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

9/9/04

**44-21**

**General Provisions**

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 new #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#.

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#.

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.

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

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FOR MANUFACTURING OR COMMERCIAL USES

#Manufacturing# or semi-industrial #uses#. #Uses# in Use Group 17B, 17D, 18A or 18C, or in parking requirement category 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 - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 1,000 square feet of #floor area#\*, or 1 per 3 employees, whichever will require a larger number of spaces - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Storage or miscellaneous #uses#. #Uses# in:

- (a) Parking requirement category 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 - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 2,000 square feet of #floor area#\*\*, or 1 per 3 employees, whichever will require a lesser number of spaces - 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 parking requirement category A in Use Group 6

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 200 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

General retail or service #uses#. Food stores with less than 2,000 square feet of #floor area#; #uses# in parking requirement category B in Use Group 6, 8, 9 or 10; or #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 13, 14, or 16, or when permitted by special permit.

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 300\*\*\* - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Low traffic-generating #uses#. #Uses# in parking requirement category C in Use Group 6, 7, 9, 13, 14 or 16

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 600 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Places of Assembly. #Uses# in parking requirement category D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit

Rated Capacity:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 8 persons - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Open commercial amusements. #Uses# in parking requirement category E in Use Group 13 or when permitted by special permit\*\*\*\*\*

Square feet of #lot area#\*\*\*\*\*:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 500 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Other #commercial uses#. #Uses# in parking requirement category H in Use Group 5, 6, 7, 12, 13 or 14, or when permitted by special permit

#Boatels#

1 per 2 guest rooms or suites - M1

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 (for parking requirement - see Section 62-53)

## Hotels

(a) For the #floor area# used for sleeping accommodations

Guest rooms or suites:

None required - M1-4 M1-5 M1-6

1 per 8 - 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

Rated capacity:

None required - M1-4 M1-5 M1-6

1 per 8 persons - M1-1 M1-2 M1-3

#Motels# or #tourist cabins#

1 per guest room or suite - M1

## Post offices

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 1,200 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

## Prisons

Rated capacity:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 10 beds - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Refreshment stands, drive-in

Square feet of #floor area#:

1 per 50 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

1 per 100 - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

Funeral establishments

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 400 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

FOR COMMUNITY FACILITY USES

Agricultural #uses#, including greenhouses, nurseries, or truck gardens

Square feet of #lot area# used for selling purposes:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 1,000 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

None required - M1-4 M1-5 M1-6

1 per 300\*\*\* sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - M1-1 M1-2 M1-3

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

None required - M1-4 M1-5 M1-6

1 per 10 persons-rated capacity - M1-1 M1-2 M1-3

Hospitals and related facilities\*\*\*\*\*

1 per 5 beds - M1-1 M1-2 M1-3

1 per 10 beds - M1-4 M1-5 M1-6

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 - M1-4 M1-5 M1-6

1 per 15 persons-rated capacity - M1-1 M1-2 M1-3

#### Seminaries

- (a) For that #floor area# used for classrooms, laboratories, student centers, or offices

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6

1 per 1,000 sq. ft. of #lot area# - M1-1 M1-2 M1-3

- (b) For that #floor area# used for theaters, auditoriums, gymnasiums, or stadiums

None required - M1-4 M1-5 M1-6

1 per 8 persons-rated capacity - M1-1 M1-2 M1-3

#### Outdoor skating rinks

Square feet of #lot area#:

None required - M1-4 M1-5 M1-6

1 per 800 - M1-1 M1-2 M1-3

#### Outdoor tennis courts

Number of courts:

None required - M1-4 M1-5 M1-6

1 per 2 courts - M1-1 M1-2 M1-3

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- \* For predominantly open #manufacturing uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements
- \*\* For predominantly open storage of miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements
- \*\*\* The parking requirements for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and #uses# in parking requirement category 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)
- \*\*\*\* In the case of golf driving ranges, requirements in this table apply only to that portion of the range used for tees
- \*\*\*\*\* 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
- \*\*\*\*\* Requirements are in addition to area utilized for ambulance parking

6/27/63

#### **44-211**

#### **Parking requirements applicable to non-profit hospital staff dwellings**

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.

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

9/9/04

#### **44-22**

#### **Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements**

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 73-43 (Reduction of Parking Spaces for Houses of Worship or Places of Assembly).

12/15/61

#### **44-23**

#### **Waiver of Requirements for Spaces Below Minimum Number**

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:

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

12/15/61

**44-231**

**Exceptions to application of waiver provisions**

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.

12/15/61

**44-24**

**Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden**

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.

9/9/04

**44-25**

**Waiver for Locally-Oriented Houses of Worship**

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 residence 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.

9/9/04

**44-26**

**Special Provisions for Zoning Lots Divided by District Boundaries**

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.

9/9/04

#### **44-27**

#### **Special Provisions for Expansion of Existing Manufacturing Buildings**

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.

9/9/04

#### **44-28**

#### **Parking Regulations for Residential Uses in M1-D Districts**

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-D Districts).

- (a) In M1-1D Districts, for any new #residential building# 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 #development#.

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 ten foot maximum setback requirement of paragraph (e) of Section 43-61 (Bulk Regulations for Residential Uses in M1-D 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#.

12/15/61

#### **44-30**

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

9/9/04

#### **44-31**

#### **General Provisions**

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to any permitted #use# 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 44-32 (Off-Site Spaces for All Permitted Uses)

Section 44-33 (Joint and Shared Facilities)

Section 44-34 (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 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

12/15/61

**44-32**

**Off-Site Spaces for All Permitted Uses**

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to any permitted #use# may be provided on a #zoning lot# other than the same #zoning lot# as such #use# but within the same district or an adjoining C8 or #Manufacturing District#. However, all required spaces shall be not more than 600 feet from the nearest boundary of the #zoning lot# on which such #use# is located.

9/9/04

**44-33**

**Joint and Shared Facilities**

9/9/04

**44-331**

**Joint facilities**

M1 M2 M3

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 #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 44-21 (General Provisions)

Section 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements).

- (b) all such spaces conform to the provisions of Section 44-32 (Off-Site Spaces for All Permitted Uses); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

9/9/04

#### **44-332**

#### **Shared facilities for houses of worship**

M1-1 M1-2 M1-3

In the districts indicated, 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.

9/9/04

**44-34**

**Additional Regulations for Required Spaces When Provided Off-Site**

M1 M2 M3

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 44-32 (Off-Site Spaces for All Permitted Uses) or 44-33 (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#.
- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

12/15/61

**44-35**

**Restriction on Use of Accessory Off-Street Parking Spaces**

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or visitors of the #use# or #uses# to which such spaces are #accessory#.

6/23/66

**44-36**

## **Restrictions on Automotive Repairs and Sale of Motor Fuel**

M1 M2 M3

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#, 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#.

12/15/61

### **44-40**

#### **ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES**

12/15/61

### **44-41**

#### **General Provisions**

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of the following Sections:

Section 44-42 (Size of Spaces)

Section 44-43 (Location of Access to the Street)

Section 44-44 (Surfacing)

Section 44-45 (Screening)

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

12/15/61

**44-42**

**Size of Spaces**

M1 M2 M3

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and eight feet, six inches wide.

6/21/73

**44-43**

**Location of Access to the Street**

M1 M2 M3

In all districts, as indicated, the entrances and exits of all permitted or required #accessory group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings or, in the case of #public parking lots# or #public parking garages# permitted in accordance with the provisions of Article VII, Chapter 4, the City Planning

Commission certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings or the City Planning Commission may refer such matter to the Department of Traffic for report and may base his or its determination on such report.

The waiver provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

11/28/07

**44-44**  
**Surfacing**

M1 M2 M3

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced, and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory group parking facility# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

11/28/05

**44-45**  
**Screening**

M1 M2 M3

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts# (including such #zoning lots# situated across a #street#) by either:
- (1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
  - (2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open;
- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances or exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

Paragraph (a) shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

6/23/66

#### **44-46**

#### **Accessory Off-Street Parking Spaces in Public Parking Garages**

M1 M2 M3

In all districts, as indicated, permitted or required #accessory# off-street parking spaces may be provided in a permitted #public parking garage#, but only on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory# and subject to all the other applicable regulations of this Chapter.

Such #accessory# off-street parking spaces shall be included with all other spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number of spaces in such #public parking garage#.

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set

forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections 73-67 (Additional Floor Space for Public Parking Garages), 74-511 (In C1 Districts), 74-512 (In other Districts) or 74-52 (Public Parking Garages or Public Parking Lots in High Density Central Areas).

11/28/07

#### **44-47**

#### **Parking Lot Maneuverability and Curb Cut Regulations**

M1 M2 M3

In all districts, as indicated, the provisions of this Section shall apply to all #developments# and #enlargements# that provide an open parking area #accessory# to #commercial# or #community facility uses#. All such #developments# and #enlargements# shall submit a site plan to the Department of Buildings showing the location of all parking spaces, curb cuts, and compliance with the maneuverability standards shown in paragraphs (b) and (c) of Section 36-58.

For the purposes of this Section, #developments# and #enlargements# shall be defined as follows:

- (a) #developments# shall include only those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#; and
- (b) #enlargements# shall include only those that result in:
  - (1) a total number of parking spaces #accessory# to #commercial# or #community facility use# 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#.

The provisions of this Section 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 automotive #uses# listed in Use Groups 9 or 16.

For the purposes of this Section, 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 required landscaped areas within and adjacent to the open parking area.

11/28/07

#### **44-48**

##### **Parking Lot Landscaping**

M1 M2 M3

In all districts, as indicated, all #developments# and #enlargements# containing #commercial# or #community facility uses# shall comply with the provisions of Section 37-90 (PARKING LOTS), inclusive.

##### **Off-street Loading Regulations**

12/15/61

#### **44-50**

##### **GENERAL PURPOSES**

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in manufacturing and industrial areas within the City, and thus to promote and protect public health, safety, and general welfare.

12/15/61

#### **44-51**

##### **Permitted Accessory Off-Street Loading Berths**

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading

berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections 44-582 (Location of access to the street), 44-583 (Restrictions on location of berths near Residence Districts), 44-584 (Surfacing) and 44-585 (Screening).

3/11/71

#### **44-52**

#### **Required Accessory Off-Street Loading Berths**

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all new #development# after December 15, 1961, for the #community facility#, #commercial#, or #manufacturing uses# listed in the table, except as otherwise provided in Sections 44-53 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements) or 44-54 (Wholesale, Manufacturing or Storage Uses Combined with Other Uses), as a condition precedent to the #use# of such #development#.

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#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

After December 15, 1961, if the #use# of any #building or other structure# or #zoning lot# is changed or #enlarged#, the requirements set forth in the table shall apply to the #floor area# of the changed or #enlarged# portion of such #building# or of the #lot area# used for such #use#.

#### REQUIRED OFF-STREET LOADING BERTHS FOR NEW CONSTRUCTION, ENLARGEMENTS OR CHANGES OF USE

Districts  
Type of #Use#

#Floor Area# - Required Berths

---

M1 M2 M3

Hospitals and related facilities\* or prisons

First 10,000 square feet of floor area - 1 required berth

Next 290,000 square feet of floor area - None

Each additional 300,000 square feet of floor area or fraction thereof - 1 required berth

M1 M2 M3

Funeral establishments

First 10,000 square feet of floor area - 1 required berth

Next 20,000 square feet of floor area - 1 required berth

Any additional amount - 1 required berth

M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2

Hotels, offices, or court houses

First 25,000 square feet of floor area - None

Next 75,000 square feet of floor area - 1 required berth

Next 200,000 square feet of floor area - 1 required berth

Each additional 300,000 square feet of floor area or fraction thereof - 1 required berth

M1-3 M1-5 M1-6 M2-2 M2-4

Hotels, offices, or court houses

First 100,000 square feet of floor area - None

Next 200,000 square feet of floor area - 1 required berth

Each additional 300,000 square feet of floor area or fraction thereof - 1 required berth

M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2

#Commercial uses#. All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 14A or 16A. All amusement #uses# listed in Use Group 8A or 12A. All automotive service #uses# listed in Use Group 7D.

First 8,000 square feet of floor area - None

Next 17,000 square feet of floor area - 1 required berth

Next 15,000 square feet of floor area - 1 required berth

Next 20,000 square feet of floor area - 1 required berth

Next 40,000 square feet of floor area - 1 required berth

Each additional 150,000 square feet of floor area or fraction thereof - 1 required berth

M1-3 M1-5 M1-6 M2-2 M2-4

#Commercial uses#. All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 14A or 16A. All amusement #uses# listed in Use Group 8A or 12A. All automotive service #uses# listed in Use Group 7D.

First 25,000 square feet of floor area - None  
Next 15,000 square feet of floor area - 1 required berth  
Next 60,000 square feet of floor area - 1 required berth  
Each additional 150,000 square feet of floor area or fraction thereof - 1 required berth

M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2

Services, wholesale, #manufacturing# or storage #uses#. All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B. All #manufacturing uses# listed in Use Group 11A, 17B or 18A.

First 8,000 square feet of floor area - None  
Next 17,000 square feet of floor area - 1 required berth  
Next 15,000 square feet of floor area - 1 required berth  
Next 20,000 square feet of floor area - 1 required berth  
Each additional 80,000 square feet of floor area or fraction thereof - 1 required berth

M1-3 M1-5 M1-6 M2-2 M2-4

Services, wholesale, #manufacturing# or storage #uses#. All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B. All #manufacturing uses# listed in Use Group 11A, 17B or 18A.

First 15,000 square feet of floor area - None  
Next 25,000 square feet of floor area - 1 required berth  
Next 40,000 square feet of floor area - 1 required berth  
Each additional 80,000 square feet of floor area or fraction thereof - 1 required berth

\* Requirements in this table are in addition to area utilized for ambulance parking.

12/15/61

**44-53**

**Special Provisions for a Single Zoning Lot with Uses Subject to**

## **Different Loading Requirements**

M1 M2 M3

In all districts, as indicated, if any #building# or #zoning lot# contains two or more #uses# having different requirements for loading berths as set forth in Section 44-52 (Required Accessory Off-Street Loading Berths), and if:

- (a) the #floor area# of each separate #use# is less than the minimum #floor area# for which berths are required; and
- (b) the total #floor area# of all the #uses# for which berths are required is greater than the smallest amount of #floor area# for which berths are required for any of the #uses# individually, then

off-street loading berths shall be provided as if the total #floor area# of the #uses# for which berths are required were used for that #use# for which the most berths are required.

12/15/61

## **44-54**

### **Wholesale, Manufacturing or Storage Uses Combined with Other Uses**

M1 M2 M3

In all districts, as indicated, except as provided in Section 44-53 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements), if any #building# or #zoning lot# is used partly for wholesale, manufacturing or storage #uses# or any combination of such #uses#, and partly for any other #uses# set forth in the table in Section 44-52 (Required Accessory Off-Street Loading Berths), at least 50 percent of the #floor area# in the #building# shall be subject to the requirements set forth for wholesale, manufacturing or storage #uses#, and the remainder shall be subject to the other applicable requirements.

12/15/61

## **44-55**

### **Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden**

M1 M2 M3

In all districts, as indicated, the requirements set forth in the following Sections 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 berths with access to the #street# to conform to the provisions of Section 44-582 (Location of access to the street):

Section 44-52 (Required Accessory Off-Street Loading Berths)

Section 44-53 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements)

Section 44-54 (Wholesale, Manufacturing or Storage Uses Combined with Other Uses).

The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

12/15/61

#### **44-56**

#### **Special Provisions for Zoning Lots Divided by District Boundaries**

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 loading berths, the provisions set forth in Article VII, Chapter 7, shall apply.

12/15/61

#### **44-57**

#### **Joint Loading Berths Serving Two or More Buildings**

M1 M2 M3

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining #buildings# or #zoning lots# within a single #block#.

provided that:

- (a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Sections 44-52 (Required Accessory Off-Street Loading Berths), 44-53 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements) and 44-54 (Wholesale, Manufacturing or Storage Uses Combined with Other Uses);
- (b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

12/15/61

**44-58**

**Additional Regulations for Permitted or Required Berths**

M1 M2 M3

In all districts, as indicated, all permitted or required #accessory# off-street loading berths shall conform to the provisions set forth in this Section.

12/15/61

**44-581**

**Size of required loading berths**

M1 M2 M3

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways, or entrances to or exits from such off-street berths.

MINIMUM DIMENSIONS FOR  
REQUIRED ACCESSORY OFF-STREET LOADING BERTHS  
(in feet)

	Length	Width	Vertical Clearance	
Hospitals and related facilities or prisons	33	12	12	
Funeral establishments	25	10	8	
Hotels, offices or court houses	33	12	12	
#Commercial uses#*	33	12	14	
Wholesale, #manu- facturing# or storage #uses#:	with less than 10,000 square feet of #floor area#  with 10,000 square feet of #floor area# or more	33  50	12  12	14  14

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\* As set forth in the table in Section 44-52 (Required Accessory Off-Street Loading Berths).

12/15/61

**44-582**

**Location of access to the street**

M1 M2 M3

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

The waiver provisions of Section 44-55 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no

way to arrange the berths with access to the #street# to conform to the provisions of this Section.

12/15/61

**44-583**

**Restrictions on location of berths near Residence Districts**

M1 M2 M3

In all districts, as indicated, where #accessory# off-street loading berths are located within 60 feet of a #Residence District# boundary, such berths shall be enclosed within a #building#, and no entrance to or exit from the berths on to the #street# shall be less than 30 feet from the district boundary.

12/15/61

**44-584**

**Surfacing**

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

4/8/98

**44-585**

**Screening**

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths which are located on #zoning lots# adjacent to the boundary of a #Residence District# shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:

(a) a strip at least four feet wide, densely planted with scrubs

or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

- (b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening:

- (1) shall be maintained in good condition at all times;
- (2) may be interrupted by normal entrances or exits; and
- (3) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).