

<b>Topic:</b>	Healthy Communities; Food Deserts
<b>Resource Type:</b>	Zoning Code
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	New York
<b>Year (adopted, written, etc.):</b>	2009
<b>Community Type – applicable to:</b>	Urban
<b>Title:</b>	Establishing Land Use Protections for Community Gardens
<b>Document Last Updated in Database:</b>	December 31, 2017

### ***Abstract***

New York City passed a zoning resolution defining “FRESH” food stores as a store with at least 6,000 sq. ft. of space utilized for selling grocery products intended for home preparation and consumption. At least 50% of the space must be used for non-perishable items, and at least 30% must be used for the sale of perishable goods. At least 500 ft. of the perishable food section must be dedicated to fresh produce. The city has offered to modify density and parking requirements to encourage establishment of “FRESH” food stores.

Dedicating these types of stores as “FRESH” food stores will help attract people to them who are interested in increasing their own health, and will help them to reach that goal. Additionally, this may increase competition for fast food restaurants, helping even residents who are not specifically worried about their health to make better food choices.

### ***Resource***

New York City Zoning Resolution: Article VI: Special Regulations Applicable to Certain Areas, Chapter 3 – Special Regulations Applying to FRESH Food Stores

#### **63-00 GENERAL PURPOSES**

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;
- (b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;
- (c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents

[Type text]

### 63-01 Definitions

FRESH food store A “FRESH food store” is a food store #use# as listed in Section 32-15 (Use Group 6), where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and nonfood grocery products shall be distributed as follows:

- (a) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and
- (b) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

The full text of the zoning resolution can be found here: <https://www1.nyc.gov/assets/planning/download/pdf/zoning/zoning-text/art06c03.pdf?r=032216>.