

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
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Article IX: Special Purpose Districts Chapter 4: Special Sheepshead Bay District

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(10/4/73)

Article IX - Special Purpose Districts

Chapter 4

Special Sheepshead Bay District

(10/4/73)

94-00

GENERAL PURPOSES

The "Special Sheepshead Bay District," established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others the following specific purposes:

- (a) to promote and strengthen the unique character of the "Special Sheepshead Bay District" area as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants and related activities, which will complement and enhance the area as presently existing;
- (b) to encourage the provision of housing with appropriate amenities in areas suitable for residential development;
- (c) to improve vehicular and pedestrian circulation patterns by requiring limited curb cuts and uniform sidewalk widening, and encouraging the provision of public open space and other amenities as a related part of new development;
- (d) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the Comprehensive Plan of the City of New York; and
- (e) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenues.

(2/2/11)

94-01

Definitions

Development

For the purposes of this Chapter, a "development" includes #development#, as defined in Section 12-10, or an #enlargement#.

Development rights

For the purposes of this Chapter, the "development rights" of a #granting lot# shall consist of the unused bonus #floor area# allowed by Section 94-08 (Special Floor Area Bonus Provisions). Any unused bonus #floor area# transferred from a #granting lot# may be used on a #receiving lot# either for #residential# or #commercial uses# as set forth in Section 94-094 (Authorization provisions for transfer of development rights to receiving lots).

Granting lot

For the purposes of this Chapter, a "granting lot" is a #zoning lot#, with a minimum area of 20,000 square feet, which is located in Areas A, C, D or E, as indicated in Appendix A (District Map), and is #developed# pursuant to Sections 94-07 (Mandatory Provisions) and 94-08 (Special Floor Area Bonus Provisions).

Person

For the purposes of this Chapter, a "person" is an individual, corporation (whether incorporated for business, public benefit, or non-profit purposes or otherwise), partnership, trust, firm, organization, other association or any combination thereof.

Receiving lot

For the purposes of this Chapter, a "receiving lot" is a #zoning lot#, with a minimum area of 20,000 square feet, which is located in Areas A, C, E or F, as indicated in Appendix A (District Map), and on which #development rights# are transferred from a #granting lot# pursuant to Section 94-094.

(10/9/13)

94-02

General Provisions

In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in this Chapter. Except as modified by the express provisions of this Special District, the regulations of the underlying zoning districts remain in effect.

In the #waterfront area#, the provisions of the #Special Sheepshead Bay District# are modified in accordance with the provisions of Section 62-13 (Applicability of District Regulations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(10/4/73)

94-04

Requirements for Applications

An application to the City Planning Commission for the grant of a special permit or authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on both the #granting# and #receiving lots#; the location of all special amenities that are to be provided under the mandatory and bonus provisions; the location of all vehicular entrances and exits and off-street parking and loading spaces; and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit or authorization is warranted.

(10/4/73)

94-05

Relationship to Public Improvement Projects

In all cases, the City Planning Commission shall deny a special permit or authorization application whenever the #development# will interfere with a public improvement project (including

housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission or Site Selection Board, as determined from the calendar of each agency issued prior to the date of the public hearing on the application for a special permit or authorization.

(10/4/73)

94-06

Special Use Regulations

In order to preserve the character of the area and to encourage waterfront and related #uses#, special limitations are imposed on the location, size and kinds of #uses# permitted within the Special District as set forth in this Section.

(5/27/15)

94-061

Permitted residential, community facility and commercial uses

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, and those #uses# permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27, 2015, for a period of ten years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory#

office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

Antique stores

Art galleries, commercial

Artists' supply stores

Bicycle sales, rental or repair shops

Boat fuel sales, open or enclosed, restricted to location within 10 feet of a dock berth

Boat rentals, open or enclosed

Boat showrooms or sales

Boat storage, repair or painting, including the incidental sale of boats, boat parts or accessories, restricted to boats less than 100 feet in length, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary

Book stores

Candy or ice cream stores

Cigar or tobacco stores

Coin-operated ice vending machines, including those

machines that are self-contained dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

Docks for pleasure boats less than 100 feet in length

Eating or drinking places, including those which provide outdoor table service or incidental musical entertainment

Fish stores, retail

Fishing tackle or equipment, rental or sales

Florist shops

Gift shops

Gymnasiums, used exclusively for basketball, handball, squash and tennis

Hardware stores, limited to marine supplies

#Hotels, transient#

Jewelry or art metal craft shops

#Motels# or #boatels#

Newsstands, open or enclosed

Non-commercial clubs, without restrictions on activities or facilities

Pet shops

Photographic equipment or supply stores

Picture framing shops

Sailmaking establishments

Sale or rental of sporting goods or equipment, including instructions in skiing, sailing or skin diving

Stamp or coin stores

Studios, art, music, dance or theatrical

Taxidermist shops

C. #Accessory uses#

(2/2/11)

94-062

Use Group SB

In Areas A, B, C, D and E, except as stated in this Section, all #commercial uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (*) shall not be located on the ground floor of a #building#.

A. Convenience retail or service establishments

Bakeries, limited to 750 square feet of #floor area# for production

Eating or drinking places, with no restriction on #floor area# or frontage per establishment, including those which provide outdoor table service or incidental musical entertainment

Hardware stores, limited to marine supplies

Stationery stores

Tailor or dressmaking shops, custom

B. Offices

* Offices, business, professional or governmental

C. Retail or service establishments

Antique stores

Art galleries

Artists' supply stores

Bicycle, rental or sales

Boat showrooms, with no repair or preparation or boats for delivery, #floor area# limited to 5,000 square feet

Book stores

Candy or ice cream stores

Cigar or tobacco stores

Clothing stores or clothing accessory stores

Dry goods stores (fabrics)

Fishing tackle and equipment

Florists

Gift shop

* Gymnasiums, used exclusively for basketball, handball, squash and tennis

Jewelry or art metal shops

Leather goods stores

* Meeting halls, having a rated capacity of not more than 75 people

Millinery shops

Music stores or repair shops

Newsstands, open or enclosed

Off-track betting establishments

Pet shops

Photographic equipment or supply stores

** #Physical culture or health establishments#, other than #adult physical culture establishments#, including gymnasiums, having a rated capacity of not more than 50 people

Picture framing shops

Record stores

Shoe stores

Sporting or athletic goods stores

Stamp or coin stores

* Studios, music, dance or theatrical, with no restriction on #floor area#

Taxidermist shops

Toy stores

Travel bureaus

Watch or clock stores or repair shops

D. Clubs

* Clubs, non-commercial, without restrictions on activities or facilities

E. #Accessory uses#

** #Uses# listed in Use Group SB, marked with a double asterisk, are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36

(2/2/11)

94-063

Uses permitted by special permit

The City Planning Commission, by special permit, may allow the #uses# listed in Tables 1 and 2 in Areas A, B, C, D and E and the #uses# listed in Table 2 only in Area H, provided that the following findings are made:

- (a) the #use# is so located as not to impair the character of the surrounding area or its future development or cause any environmental hazards;
- (b) the principal vehicular access for such #use# is not located on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue or

Bedford Avenue, except where no access is available from another #street#, and that such #use# will not cause undue congestion in local #streets#;

- (c) the #uses# listed under #manufacturing# establishments in Table 1 are #accessory# to the retail sales on the same #zoning lot# and such #uses# occupy not more than 50 percent of the #floor area# of the establishment and that such #uses# do not create objectionable noise, vibration, smoke, dust or odor; and
- (d) any public parking facilities provide adequate reservoir space at vehicular entrances, and that sufficient vehicular entrances and exits are provided to prevent traffic congestion.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.

Table 1

A. #Manufacturing# Establishments

Art needlework, hand weaving, tapestries

Books, hand binding, tooling

Ceramics, custom

Jewelry manufacture, custom

Musical instruments (except pianos)

Printing, custom

Watchmaking

B. Amusements

Billiard parlors or pool halls, limited to 10 tables

Golf recreation centers, indoor, limited to 5,000 square feet

Skating rinks or ice skating rinks, outdoor or indoor, limited to one rink

Theaters, having a rated capacity of 500 people or less

Table 2

A. Automotive Service Establishments

#Parking garages#, #public#, or #parking lots#, #public#, with any capacity

B. Amusements

Historical exhibits, provided such #use# is contained mainly within a structure

Skating rinks or ice skating rinks, outdoor, may be enclosed in winter, limited to one rink

Tennis courts, outdoor, may be enclosed in winter, limited to four courts in Areas A, B, C, D and E and to eight courts in Area H

Swimming pools, commercial, limited to Area H

C. Service Establishments

Eating or drinking places, without restrictions on entertainment or dancing

(3/22/16)

94-064

Supplementary use regulations

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District, except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.

(10/4/73)

94-065

Restriction on ground-floor use

In Areas A, B, C and D, the ground floor of a #building# shall not be used for #residences# except for #single#- or #two-family residences# or #accessory# lobbies.

(4/8/98)

94-066

Additional sign regulations

Where #illuminated signs# are permitted by the underlying district regulations, such #signs# shall have only indirect illumination. Where #signs#, other than #advertising signs#, are permitted by the underlying district regulations, such #signs# shall not extend above the roof level of any #building or other structure# in the Special District.

(10/4/73)

94-07

Mandatory Provisions

All #developments# within the Special District shall comply with the mandatory provisions made applicable by this Section and such mandatory improvements, when developed for a #floor area# bonus pursuant to Section 94-08 (Special floor area bonus provisions), shall require certification by the City Planning Commission, pursuant to Section 94-13.

(2/2/11)

94-071

Sidewalk extension area

All #developments# which are located on a #zoning lot# with frontage along Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue shall contain a sidewalk extension area, which complies with the following requirements:

- (a) has a minimum depth of five feet, measured perpendicular to such #street lines#;
- (b) extends the full length of the #zoning lot# along such #street lines#, except for existing #buildings# within five feet of the #street line#;
- (c) is open and unobstructed from its lowest level to the sky;

- (d) maintains continuity with the established sidewalk, to which it shall be immediately adjacent throughout its entire length;
- (e) is available for public use at all times; and
- (f) has a paved surface which complies with standards as established by the New York City Department of Transportation.

(4/30/12)

94-072

Special plaza provisions

In Areas A, C and E, all #developments# that are located on a #zoning lot# with frontage along Emmons Avenue, except for a #zoning lot# of less than 8,000 square feet that was in existence as of November 1, 1972, shall provide and maintain a plaza for public use which complies with the following requirements:

- (a) The plaza shall #abut# the Emmons Avenue #street line# along the full length of such #lot line# or for a distance of at least 50 feet, whichever is less.
- (b) The plaza shall be directly accessible to the public at all times from Emmons Avenue or an #arcade# or a plaza.
- (c) The size of the plaza shall be at least 4,000 square feet in one location and shall not at any point be more than two feet below or five feet above #street# level, with a minimum dimension of 35 feet. At least 15 percent of the plaza area shall be landscaped and planted with trees, except, when a #zoning lot abutting# both Dooley Street and Emmons Avenue is #developed#, such landscaping shall be at least 75 percent of the total plaza area provided with such #development#.
- (d) The plaza shall contain lighting, pedestrian walks and sitting areas.
- (e) No portion of a plaza area shall be used for parking or driveways.
- (f) A plaza may include as permitted obstructions, sculptures, kiosks, or open cafes occupying in the aggregate not more than 30 percent of the total plaza area. Ice skating rinks are also allowed as permitted obstructions within such

plazas only for the months from October through March, provided the minimum area of such plaza is 7,500 square feet. Exterior wall thickness, awnings and other sun control devices, pursuant to Section 37-726, shall also be allowed as permitted obstructions.

(2/2/11)

94-08

Special Floor Area Bonus Provisions

In Areas A, C, D, E and F, any #development# on a #zoning lot# with an area of at least 20,000 square feet within the Special District shall be eligible for a #floor area# bonus as set forth in this Section.

In areas A and E, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used either for #residential use# on the same #zoning lot# or may be transferred to a #receiving lot# within the Special District, pursuant to Section 94-093 (Transfer of development rights from granting lots).

In Area C, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used either for #commercial use# on the same #zoning lot# or may be transferred to a #receiving lot# within the Special District, pursuant to Section 94-093.

In Area D, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used only for the purposes of transfer to a #receiving lot# within the Special District, pursuant to Section 94-093.

In Area F, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used only for #residential use# on the same #zoning lot#.

In no event shall the aggregate bonus #floor area#, permitted under the provisions of this Section, exceed the basic #floor area ratio# permitted for #residential use# by Section 94-09 (Special Bulk Regulations), by more than 60 percent in Areas A, C, D or E, or by more than 20 percent in Area F.

Any #floor area# bonus received according to the provisions of this Section shall require certification by the City Planning Commission, pursuant to Section 94-13.

(10/4/73)

94-081

Plaza bonus

In Areas A, C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet which complies with the mandatory provisions of Section 94-07 (Mandatory Provisions) shall be eligible for a #floor area# bonus at the rate of 3.5 square feet of #floor area# for every square foot of plaza area.

(10/4/73)

94-082

Arcade bonus

In Areas A, C, D or E, any #development# located on a #zoning lot# with a #lot line# which coincides with any of the following #street lines#: Sheepshead Bay Road, Ocean Avenue or Emmons Avenue, shall be eligible for a #floor area# bonus at the rate of three square feet of #floor area# for every square foot of #arcade# space, as defined in Section 12-10, except that:

- (a) #arcades# shall be allowed only along the #street lines# described above and plazas;
- (b) the #arcade# may project or set back from the facade of a #building#;
- (c) the #arcade# shall not be less than 10 feet or more than 15 feet in depth;
- (d) the #arcade# shall be suitably heated for the months from October through March; and
- (e) no #signs# may be affixed to any part of the #arcade# or #building# columns, except on a parallel to the #building# wall projecting no more than 12 inches therefrom.

(2/2/11)

94-083

Special parking bonus

In Areas C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every square foot of #accessory commercial# parking space above the minimum amount required by the underlying district regulations and made available for daily long-term parking.

To be eligible for a #floor area# bonus under the provisions of this Section, there shall be at least five additional parking spaces provided and the size of each parking space shall be at least 300 square feet. In no event shall the dimension of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

(10/4/73)

94-084

Usable open space bonus

In Area F, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every two square feet of usable open space. The minimum size of such usable open space on a #zoning lot# shall be 5,000 square feet with a minimum dimension of 50 feet. The usable open space shall be suitably maintained and shall contain landscaping, planting, lighting, sitting areas and, where appropriate, play areas for children. Such usable space shall be located no more than two feet below or five feet above the #curb level#. No portion of the usable open space shall be provided within 30 feet of the Leif Ericson Drive service road, and no portion of the usable open space shall be used for parking or driveways.

(10/4/73)

94-09

Special Bulk Regulations

(2/2/11)

94-091

Basic floor area ratio

For the purposes of this Chapter, the #floor area ratio# of a

#zoning lot# within the Special District shall not exceed the #floor area ratio# permitted by the underlying district regulations, except as set forth in Section 94-092 (Maximum floor area ratio).

(3/22/16)

94-092

Maximum floor area ratio

The permitted basic #floor area ratio# for #residential# or #community facility use# is 1.25 and for #commercial use# is 1.00. The permitted basic #floor area ratio# may be increased on any #zoning lot# by the amount set forth in Section 94-08 (Special Floor Area Bonus Provisions) or through transfer provisions pursuant to Section 94-094 (Authorization provisions for transfer of development rights to receiving lots) or by special permit pursuant to Section 94-096 (Special permit for floor area, location within buildings, building height and related parking modifications within Area G).

In Areas A, E and F, the maximum #floor area ratio# for any #residential# or #community facility use# on a #zoning lot# shall in no event be more than 2.00 and for #commercial use# be no more than 1.00.

In Area C, the maximum #floor area ratio# for any #residential# or #community facility use# on a #zoning lot# shall in no event be more than 1.25 and for #commercial use# be more than 1.50. The maximum #floor area# in a #mixed building# within the Special District shall be the maximum #floor area# permitted for either the #residential# portion, the #community facility# portion or the #commercial# portion of such a #building#, whichever permits the greatest amount of #floor area#.

(10/4/73)

94-093

Transfer of development rights from granting lots

#Development rights# from a #granting lot# may be conveyed, or otherwise disposed of:

- (a) directly to a #receiving lot#; or
- (b) to a #person# for subsequent disposition to a #receiving

lot# all in accordance with the provisions of this Special District. Any #person# may convey interest in all or any portion of such #development rights# to another #person#, but such #development rights# may only be used for a #development# on a #receiving lot#.

In transferring #development rights# from #granting lots#, such bonus #floor area# shall not exceed 40 percent of the basic #floor area ratio# in Areas A, C and E, and shall not exceed 60 percent of the basic #floor area ratio# in Area D, as permitted on such #granting lots# by Section 94-09 (Special Bulk Regulations), inclusive.

(2/2/11)

94-094

Authorization provisions for transfer of development rights to receiving lots

The City Planning Commission, on application after public notice and hearing, may authorize the addition of all or any portion of the #development rights# from a #granting lot# to the permitted #floor area# of a #receiving lot#, provided that:

- (a) the maximum #floor area# for any #development# on a #receiving lot# does not exceed the maximum #floor area# permitted by Section 94-092 (Maximum floor area ratio);
- (b) the #development# shall aid in achieving the general purposes and intent of this Chapter as set forth in Section 94-00 (General Purposes);
- (c) the design of the #development# shall not impair the character of the surrounding area or its future development;
- (d) the distribution of the #bulk# on the #receiving lot# permits adequate access of light and air to surrounding #streets# and properties;
- (e) the traffic created by the #development# will not create or contribute to serious traffic congestion and will make adequate provisions for unconstrained pedestrian circulation; and
- (f) the requirements set forth in Sections 94-093 (Transfer of development rights from granting lots), 94-12 (Recordation) and 94-13 (Certification) are satisfied.

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

(10/4/73)

94-095

Open space ratio

For the purposes of this Section, the minimum required #open space ratio# for a #building# on a #zoning lot# shall be 40.0. However, if a #zoning lot# is #developed# pursuant to Sections 94-08 (Special Floor Area Bonus Provisions) or 94-094 (Authorization provisions for transfer of development rights to receiving lots), then the minimum #open space ratio# may be modified as set forth in this Section. For every 0.10 increase in permitted #floor area ratio# on a #zoning lot#, the corresponding required #open space ratio# may be decreased by not more than 2.0. In no event shall the required #open space ratio# on a #zoning lot# be less than 25.0.

(3/22/16)

94-096

Special permit for floor area, location within buildings, building height and related parking modifications within Area G

For #enlargements# to #buildings# in Area G, on #zoning lots# with a #lot area# of at least 10,000 square feet and existing on March 22, 2016, the City Planning Commission may:

- (a) modify the provisions of Section 94-092 (Maximum floor area ratio) to increase the permitted #floor area ratio# for #commercial use# to 2.0 provided that such #enlargement#:
 - (1) is designed so as not to impair the character of the surrounding area or its future development; and
 - (2) will not cause undue congestion on local #streets# or impair pedestrian circulation;
- (b) modify the height provisions of paragraph (a) of Section 33-431 (In C1 or C2 Districts with bulk governed by surrounding Residence District) relating to the requirements in Section 32-42 for location of #uses# within #buildings#, to allow a #commercial building# or portion thereof to exceed 30 feet

in height or two #stories#, provided that such #building# shall not exceed a maximum height of 35 feet or three #stories#, whichever is less; and provided that the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and

- (c) waive or reduce the number of #accessory# off-street parking spaces required by Section 36-21 (General Provisions) for such #use#, provided that the applicant has demonstrated that the number of #accessory# off-street parking spaces supplied is sufficient to meet the parking needs of such #use#.

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

(3/22/16)

94-10

SPECIAL REQUIREMENTS FOR BUILDING HEIGHT AND SETBACKS

The height and setback regulations set forth in Sections 23-631 (General Provisions), 34-24 (Modification of Height and Setback Regulations) and 35-62 (Commercial Districts with an R1 through R5 Residential Equivalent), shall not apply to #buildings# in the #Special Sheepshead Bay District#. In lieu thereof, height and setback regulations set forth in this Section shall apply. For #buildings# in #Residence Districts#, #building# height is measured from the #base plane#. For #buildings# in #Commercial Districts#, #building# height is measured from #curb level#.

In Areas A, B, C, D, E and F, the #street wall# or any other portion of a #residential building# or the #residential# portion of a #mixed building#, except for a structure which encloses only #accessory# parking fronting on the Leif Ericson Drive service road #street line#, shall be set back a minimum distance of 10 feet from all #street lines#. Beyond the #initial setback distance#, the #building# shall not exceed the maximum height as set forth in this Section.

In Area A, the maximum height of a #street wall# or other portion of a #building# within 25 feet of the Emmons Avenue or 15 feet of the Sheepshead Bay Road #street lines# shall not exceed two #stories# or 30 feet, whichever is fewer. Beyond the #initial setback distances# in Area A, the #building# shall not exceed seven #stories# or 85 feet, whichever is fewer.

In Area C, the maximum height of a #street wall# or other portion of a #building# within 25 feet of the Emmons Avenue or Ocean Avenue #street lines# shall not exceed two #stories# or 30 feet, whichever is fewer. Beyond the #initial setback distance# of 25 feet in Area C, the #building# shall not exceed four #stories# or 50 feet, whichever is fewer.

In Areas B and D, a #building# shall not exceed four #stories# or 50 feet, whichever is fewer.

In Areas E and F, within 75 feet of the Emmons Avenue #street line#, the maximum height of any portion of a #building# shall not be more than three #stories# or 35 feet, whichever is fewer. Beyond the #initial setback distance# of 75 feet in Areas E and F, the #building# shall not exceed six #stories# or 75 feet, whichever is fewer.

In Areas G and H, a #building# shall not exceed three #stories# or 35 feet, whichever is fewer. However, the City Planning Commission may, by a special permit, modify such height restrictions, provided that:

- (a) the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and
- (b) the height of such #building# does not exceed five #stories# or 50 feet, whichever is fewer.

The Commission may prescribe appropriate conditions and safeguards to protect the view of the Bay and to minimize the adverse effects on the character of the surrounding areas.

(10/4/73)

94-11 Special Parking Provisions

(2/2/11)

94-111 Curb cuts

No curb cuts shall be permitted on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue except that

where no access is available on a #zoning lot# from another #street#, one curb cut shall be permitted.

(10/4/73)

94-112

Restricted location

In Areas A, B, C, D, E and F, no open off-street parking shall be located within 30 feet of the #street lines# of Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue.

(10/4/73)

94-113

Treatment of parking areas

Any parking facilities in the Special District that are not completely enclosed shall be screened by shrubbery at least three feet high at the time of planting and expected to form a year-round dense screen at least five feet high within three years. When roof parking is provided, it shall be screened where it is visible from a #street#, plaza or public usable open space.

(3/22/16)

94-114

Exceptions to application of waiver provisions and applicability of special permits related to parking

In areas A, B, C, D, E and F, the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number) do not apply.

The provisions relating to modifications of parking requirements of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) in Sections 73-10 through 73-52, shall not apply in the Special District.

(10/4/73)

94-115**Location of commercial parking spaces**

In Area F, #accessory# off-street parking spaces for #commercial uses# may be located outside the commercially zoned area but within 600 feet of the #building# to which it is #accessory#, only if an area equal to the #lot area# occupied by the parking in the #residential# area is provided as a #public plaza# in the commercially zoned area to which the parking is #accessory#.

(10/4/73)

94-12**Recordation**

At the time of transfer of #development rights# from a #zoning lot#, there shall be recorded in the land records and indexed against such #granting lot# from which #floor area# is removed, an instrument removing such #floor area# and prohibiting construction on such lot from which the #floor area# is taken, of any #building or other structure# which would contain a #floor area# in excess of that still available to the #zoning lot# after deducting the #floor area# removed. Such prohibition shall be non-cancelable for 99 years and, at the time of the addition of #development rights# to a #receiving lot# as provided in Section 94-094 (Authorization provisions for transfer of development rights to receiving lots), there shall be recorded in the land records and indexed against such #zoning lot# to which #floor area# is added, an instrument transferring the #floor area# to the #receiving lot# benefited. A certified copy of such instruments shall be submitted to the City Planning Commission upon recordation thereof.

(10/4/73)

94-13**Certification**

An application for certification pursuant to Sections 94-07 (Mandatory Provisions) or 94-08 (Special Floor Area Bonus Provisions), by the City Planning Commission shall include:

- (a) written notice of intention to #develop# a #zoning lot# within the Special District;
- (b) plans for lot improvements, which shall be constructed on

both #granting# and #receiving lots#; and

- (c) consents, agreements, restrictive declarations or legal documents obligating the owner of the #zoning lot# or its designee to #develop# its property in accordance with the provisions of this Chapter.

The City Planning Commission may prescribe appropriate conditions and safeguards in connection with the issuance of such certification.

