



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# 94-06 - Special Use Regulations

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## 94-06 - Special Use Regulations

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LAST AMENDED

10/4/1973

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.

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### 94-061 - Permitted residential, community facility and commercial uses

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LAST AMENDED

5/27/2015

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, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels), 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 10 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, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels), 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial# #uses# listed in Use Groups 6, 7, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels), 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

#Health and fitness establishments#

Hardware stores, limited to marine supplies

#Hotels, transient#, #motels# or #boatels#, where permitted pursuant to Section [32-02](#) (Special Provisions for Hotels)

Jewelry or art metal craft shops

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#

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## **94-062 - Use Group SB**

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LAST AMENDED

2/2/2011

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

#Health and fitness establishments#

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

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#

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## 94-063 - Uses permitted by special permit

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LAST AMENDED

2/2/2011

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

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## 94-064 - Supplementary use regulations

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LAST AMENDED

3/22/2016

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.

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## 94-065 - Restriction on ground-floor use

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LAST AMENDED

10/4/1973

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.

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## 94-066 - Additional sign regulations

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LAST AMENDED

4/8/1998

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.