**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# Chapter 4 - Special Sheepshead Bay District (SB)

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# Chapter 4 - Special Sheepshead Bay District (SB)

## 94-00 - GENERAL PURPOSES

LAST AMENDED
5/12/2021

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;

(e) to facilitate flood-resilient construction and open space design to reduce the potential for property damage and disruption from regular flood events; and

(f) 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.

## 94-01 - Definitions

LAST AMENDED
2/2/2011

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.

## 94-02 - General Provisions

LAST AMENDED
12/5/2024

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 #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 Zones), the provisions of Article VI, Chapter 4, shall control.

## 94-04 - Requirements for Applications

LAST AMENDED
10/4/1973

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 Commission for its determination as to whether or not a special permit or authorization is warranted.

## 94-05 - Relationship to Public Improvement Projects

LAST AMENDED
10/4/1973

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.

## 94-06 - Special Use Regulations

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.

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

LAST AMENDED
6/6/2024

A. #Residential# and #community facility# #uses#

#Residential# and #community facility# #uses# 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 all Areas, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, the underlying C2 District regulations shall apply to #commercial# #uses#.

## 94-062 - Streetscape regulations

LAST AMENDED
6/6/2024

The underlying #ground floor level# streetscape provisions of Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that:

(a) #ground floor level# #street# frontages in Areas A, B, C and D as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter along Emmons Avenue shall be considered #Tier C street frontages#;

(b) #ground floor level# #street# frontages in Areas A, B, C, E and F, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, along Sheepshead Bay Road, Ocean Avenue, Bedford Avenue, Nostrand Avenue, as well as, in Areas E and F, frontages along Emmons Avenue, shall be considered #Tier B street frontages#; and

(c) in Areas A, B, C and D, the size of #ground floor level# #commercial uses# shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at the #ground floor level# of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue, except that:

(1) such size limitation shall not apply to eating or drinking establishments listed under Use Group VI; and

(2) in Area B, grocery and convenience retailers listed under Use Group VI may exceed such size limitations if the following criteria are met:

(i) such establishment shall be on a #zoning lot# existing on May 27, 2015;

(ii) only one such establishment shall be permitted on a #zoning lot#; and

(iii) the size of such establishment 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.

## 94-063 - Additional sign regulations

LAST AMENDED
6/6/2024

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.

## 94-07 - Mandatory Provisions

LAST AMENDED
10/4/1973

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.

## 94-071 - Sidewalk extension area

LAST AMENDED
5/12/2021

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.

No sidewalk extension area shall be required along any portion of a #street line# where a plaza is provided in accordance with the provisions of Sections 94-072 (Special plaza provisions) or 94-081 (Plaza bonus).

## 94-072 - Special plaza provisions

LAST AMENDED
5/12/2021

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 a plaza.

(c) The size of the plaza shall be at least 4,000 square feet in one location with a minimum dimension of 35 feet, and shall comply with the provisions of Section 94-20 (DESIGN REQUIREMENTS FOR PLAZAS).

## 94-08 - Special Floor Area Bonus Provisions

LAST AMENDED
2/2/2011

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.

## 94-081 - Plaza bonus

LAST AMENDED
5/12/2021

In Areas A, C, D, E and F, any #development# on a #zoning lot# which provides and maintains a plaza for public use shall be eligible for a #floor area# bonus, in accordance with the following provisions:

(a) the #development# shall contain a minimum area of 20,000 square feet;

(b) the plaza shall comply with the following minimum area requirements:

(1) in Areas A, C, D and E, the plaza shall be at least 4,000 square feet in one location, with a minimum dimension of 35 feet;

(2) in Area F, the plaza shall be at least 5,000 square feet in one location, with a minimum dimension of 50 feet;

(c) the plaza shall not be located within 30 feet of the Leif Ericson Drive service road;

(d) the plaza shall comply with the provisions of Section 94-20 (DESIGN REQUIREMENTS FOR PLAZAS); and

(e) the #development# shall be eligible for a #floor area# bonus as follows:

(1) in Areas A, C, D, and E, the #floor area# bonus shall be at a rate of 3.5 square feet of #floor area# for every square foot of plaza area;

(2) in Area F, the #floor area# bonus shall be at a rate of one square foot of #floor area# for every two square feet of plaza area.

## 94-082 - Special parking bonus

LAST AMENDED
5/12/2021

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.

## 94-09 - Special Bulk Regulations

LAST AMENDED
10/4/1973

## 94-091 - Basic floor area ratio

LAST AMENDED
12/5/2024

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.

## 94-092 - Maximum floor area ratio

LAST AMENDED
12/5/2024

The permitted basic #floor area ratio# for #community facility# #use# is 1.25. The underlying district #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 94-095 (Special permit for floor area, location within buildings, building height and related parking modifications within Area G).

## 94-093 - Transfer of development rights from granting lots

LAST AMENDED
10/4/1973

#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.

## 94-094 - Authorization provisions for transfer of development rights to receiving lots

LAST AMENDED
2/2/2011

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

## 94-095 - Special permit for floor area, location within buildings, building height and related parking modifications within Area G

LAST AMENDED
12/5/2024

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 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.

## 94-10 - SPECIAL REQUIREMENTS FOR BUILDING HEIGHT AND SETBACKS

LAST AMENDED
12/5/2024

The height and setback regulations set forth in Section 23-42 (Height and Setback Requirements in R1 Through R5 Districts), 34-24 (Modification of Height and Setback Regulations) and 35-62 (Commercial Districts With an R1 Through R5 Residential Equivalent), shall apply to #buildings# in the #Special Sheepshead Bay District#.

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#. Such minimum setback may be modified in accordance with the provisions of Section 23-423. Beyond the #initial setback distance#, the #building# shall not exceed the maximum height as set forth in this Section.

Beyond the #initial setback distances# in Area A, the #building# shall not exceed seven #stories# or 85 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.

## 94-11 - Special Parking Provisions

LAST AMENDED
10/4/1973

## 94-111 - Curb cuts

LAST AMENDED
2/2/2011

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.

## 94-112 - Treatment of parking areas

LAST AMENDED
6/6/2024

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# or plaza.

## 94-114 - Exceptions to application of waiver provisions

LAST AMENDED
3/22/2016

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.

## 94-115 - Location of commercial parking spaces

LAST AMENDED
5/12/2021

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 plaza in the commercially zoned area to which the parking is #accessory#.

## 94-12 - Recordation

LAST AMENDED
10/4/1973

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.

## 94-13 - Certification

LAST AMENDED
10/4/1973

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

## 94-20 - DESIGN REQUIREMENTS FOR PLAZAS

LAST AMENDED
5/12/2021

Where a plaza within the #Special Sheepshead Bay District# is provided in accordance with the provisions of this Chapter, such plaza shall comply with the applicable minimum design standards set forth in this Section.

(a) Design criteria

(1) Basic design criteria

Plazas shall comply with the standards set forth in paragraphs (a) and (b) of Sections 37-715 (Requirements for major portions of public plazas), 37-716 (Requirements for minor portions of public plazas), and 37-718 (Paving).

(2) Access and circulation

Plazas shall meet the requirements set forth in Section 37-721 (Sidewalk frontage), and Sections 37-723 (Circulation paths) through 37-726 (Permitted obstructions), inclusive. Hours of access shall be governed by Section 37-727 (Hours of access). Accessibility for persons with disabilities shall be provided in compliance with Section 37-728 (Standards of accessibility for persons with disabilities).

Plazas shall be located no lower than #curb level#.

(3) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements as set forth in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes), as applicable. In addition, kiosks may be placed on plazas upon certification by the Chairperson of the City Planning Commission as set forth in paragraph (c) of Section 37-73.

(4) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating).

(5) Planting and trees

Plazas shall provide planting areas in compliance with Section 37-742 (Planting and trees). All planted areas shall consist of salt-tolerant species recommended by the Department of Parks and Recreation.

(6) Lighting and electrical power

All plazas shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743 (Lighting and electrical power).

(7) Litter receptacles

All plazas shall provide litter receptacles pursuant to the standards set forth in Section 37-744 (Litter receptacles).

(8) Bicycle parking

All plazas shall provide bicycle parking pursuant to the standards set forth in Section 37-745 (Bicycle parking).

(9) Drinking fountains

A minimum of one drinking fountain shall be provided in all plazas.

(10) Signs

All plazas shall provide entry and information plaques that contain the words "Open to the public" and information regarding the hours of access. Prohibition and accessory signage may be provided pursuant to the standards set forth in Sections 37-752 (Prohibition signs) and 37-753 (Accessory signs).

(b) Maintenance

The owner shall be responsible for the maintenance of all plazas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot#.

(c) Compliance

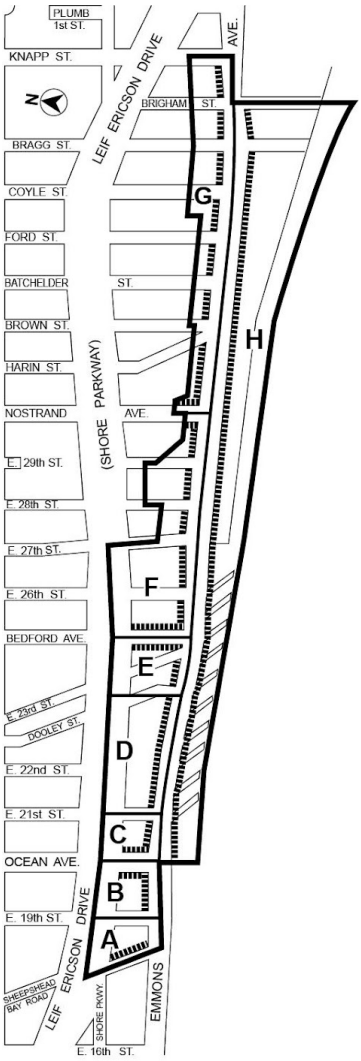
Plazas shall be governed by the compliance requirements of Section 94-13 (Certification).

# Appendix A - Special Sheepshead Bay District Map

LAST AMENDED

5/12/2021

# (94A)




*Special Sheepshead Bay District*

Area Boundary

**MANDATORY PROVISIONS**

Sidewalk Extension Area

Special Plaza Provisions – Areas A, C and E