Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

94-10 - SPECIAL REQUIREMENTS FOR BUILDING HEIGHT AND SETBACKS

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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.