Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

105-42 - Authorizations to Alter Natural Features

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105-42 - Authorizations to Alter Natural Features

LAST AMENDED
2/2/2005

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

(a) modification of topographic features including existing natural topography and #topsoil# pursuant to Section 105-421 (Modification of topographic features on Tier I sites) and modification of #steep slopes# pursuant to Section 105-422 (Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer);

(b) modification of geologic features including the relocation of erratic boulders, and the alteration of rock outcrops pursuant to Sections 105-423 and 105-424;

(c) modification of botanic environment, pursuant to Section 105-425;

(d) alteration of aquatic features, pursuant to Section 105-426 in NA-1, NA-2 and NA-3 Districts.

The Commission may prescribe appropriate additional conditions and safeguards to protect the character of the #Special Natural Area District#.

105-421 - Modification of topographic features on Tier I sites

LAST AMENDED
2/2/2005

The topographic features, including natural topography and #topsoil#, existing at the time of designation of a #Special Natural Area District# may be modified by the City Planning Commission, provided that the Commission finds that:

(a) #development#, #enlargement# and #site alteration# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification, including any removal of #topsoil#, will not disturb the drainage pattern and soil conditions in the area;

(c) such modification of topography has minimal impact on the existing topographic features of the surrounding area and blends harmoniously with it;

(d) such modification is the least modification required to achieve the purpose for which it is granted; and

(e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Where permits are required from a City agency, the Commission shall request a report from such agency, and the provisions of Section 105-93 (Inter-agency Coordination) shall apply.

105-422 - Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer

LAST AMENDED
12/5/2024

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #Tier II site# or on portions of a #zoning lot# having a #steep slope# or #steep slope buffer#.

In order to grant such authorizations, the Commission shall find that:

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

(d) the modification will not disturb the drainage patterns and soil conditions of the area; and

(e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

The #lot coverage# regulations of Section 105-33 (Residential Lot Coverage Regulations on Sites Granted an Authorization Pursuant to Section 105-422) shall apply to any #residential# #development#, #enlargement# or #site alteration# granted an authorization pursuant to this Section.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of this Chapter for which an authorization or special permit has not been obtained.

105-423 - Relocation of erratic boulders

LAST AMENDED

No erratic boulder with a diameter at any point of six feet or more may be moved from its location at the time of designation of a #Special Natural Area District# to another location within the Special District during #development#, #enlargement# or #site alteration# except in compliance with the provisions of this Section.

Prior to the moving of an erratic boulder from its present location to a location elsewhere within the #Special Natural Area District#, an application shall be filed with the City Planning Commission showing the present location and the proposed location. Moving of an erratic boulder will be permitted only by authorization of the Commission under the following circumstances:

(a) where such a boulder is located in an area to be occupied by #buildings#, driveways, parking areas or recreation areas and it is not possible to avoid such location by minor adjustments in the arrangement of such #buildings#, driveways, parking areas or recreation areas on the site;

(b) where the boulder's continued existence in its present location would create hazards or dangers; or

(c) where authorizations granted by the Commission under the provisions of this Chapter require or clearly contemplate the boulder's relocation from its present position.

In issuing an authorization under this Section, the Commission shall require an appropriate relocation site, visible, if possible, from a public #street#, park, or public place, preferably on the #zoning lot# or elsewhere within the #Special Natural Area District#. The Commission may prescribe appropriate conditions to enhance the setting of the relocated boulder.

105-424 - Alteration of rock outcrops

LAST AMENDED
2/2/2005

The City Planning Commission may authorize the alteration of a rock outcrop, provided that:

(a) the #development# or #enlargement# is not feasible without such alteration, or that the requested alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or

(b) such alteration is necessary to protect the health and safety of the site occupants; and

(c) such #development# or #enlargement#, as authorized, will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

105-425 - Modification of botanic environment and tree preservation and planting requirements

LAST AMENDED
2/2/2005

The City Planning Commission may authorize modifications to the provisions of Sections 105-31 (Botanic Environment and Tree Preservation Requirements), 105-32 (Botanic Environment and Tree Planting Requirements) and paragraph (b)(8) of Section 105-35 (Tier II Requirements for Driveways and Private Roads).

In order to grant such authorizations, the Commission shall find that:

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modification will permit a #development#,

#enlargement# or #site alteration# that satisfies the purposes of this Chapter;

(b) such modification is the least modification required to achieve the purpose for which it is granted;

(c) the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the botanic preservation or planting requirements being modified; and

(d) in order to modify requirements relating to tree preservation, planting or removal, the Commission shall also find that:

(1) such tree is located in areas which require excessive cut or fill of land deemed inimical to plant survival; or

(2) the continued presence of such tree would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning.

Where on-site replanting of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Natural Area District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

105-426 - Alteration of aquatic features

LAST AMENDED

No portion of an aquatic feature shall be altered or land operations affecting aquatic features undertaken by or on behalf of present or future applicants for permits except in compliance with the provisions of this Section. The City Planning Commission may permit the alteration of aquatic features, provided that:

(a) the #development# or #enlargement# is not feasible without such alteration or where such alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or

(b) such alteration is necessary to protect the health and safety of the site occupants; and

(c) such #development# or #enlargement#, as authorized, will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district; and

(d) such modification shall not disturb the drainage patterns in the area.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

Where permits are required from a City agency for any work affecting #natural features#, the Commission shall request a report from such agency and the provisions of Section 105-93 (Inter-agency Coordination) shall apply.

In the event alteration of an aquatic feature is found inappropriate, the Commission may treat an application under this Section as an application for modification of #yard# and height and setback regulations under Section 105-432.