



# STATEN ISLAND & BRONX SPECIAL DISTRICTS UPDATE

City Planning Commission

Review Session

May 6, 2019



- Project Summary, Process & Principles
- Background & Context
- Proposed Planning Framework and Zoning Rules
- Review Process
- CAPA Rules and Environmental Review
- Questions and Discussion



## Issues with the Current Rules:

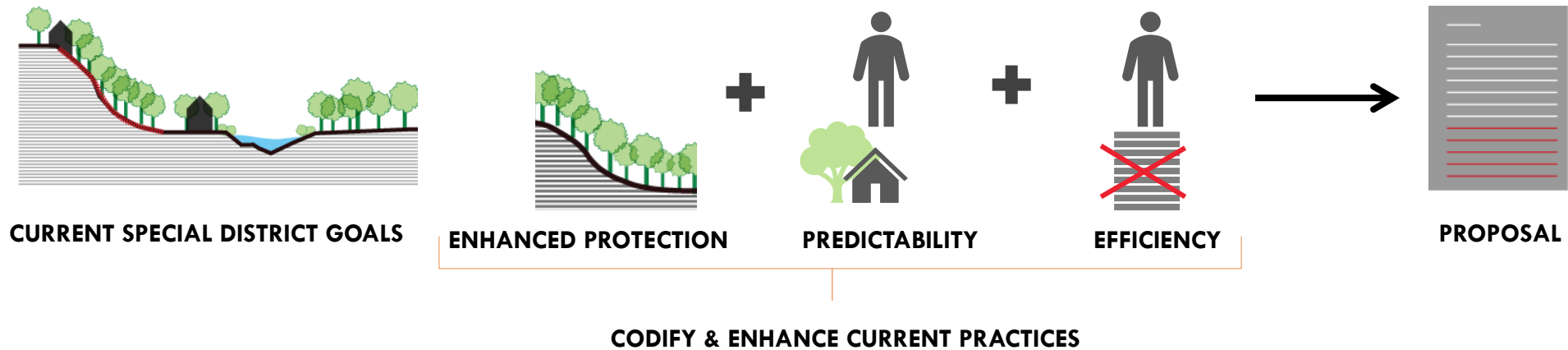
- 1 Lack a clear, consistent and holistic approach to natural resource protection
- 2 **One size fits all** - small or large property treated the same
- 3 Lacks oversight on large natural resources
- 4 Based on **outdated ecological science**
- 5 **Burdensome** for small property owners
- 6 Result in **unpredictable** outcomes



## Why now?

With over 40 years of experience working with the Special Districts rules, DCP has established best practices

Technology improvements allow accurate mapping of natural features





## To create the proposal, DCP worked with stakeholders and conducted significant research since 2015

### Staten Island Working Group Members (15 meetings):

- SI Community Board 1
- SI Community Board 2
- SI Community Board 3
- Serpentine Art and Nature Commons Inc.
- SI Taxpayers Association
- SI Borough President's Office
- SI Chapter- American Institute of Architects
- SI Building Industry Association
- NYC Parks – Natural Resources Group
- Protectors of Pine Oak Woods
- Westervelt Civic Association
- Department of Buildings
- Professional Landscape Architects and Planners

### Bronx Working Group Members (9 meetings):

- Riverdale Nature Preservancy
- College of Mount Saint Vincent
- Architect; LPC Commissioner
- Riverdale Sanitation Corporation
- Fieldston Property Owners Association
- Riverdale Country School
- Architect, FAIA; former LPC Commissioner
- Land Use Attorney
- Bronx Department of Buildings
- Bronx Borough President's Office
- Councilperson Cohen's Office
- Riverdale Community Coalition; Architect

### Community Board 8 Working Group (6 meetings)



Ongoing interagency coordination: DOB, DPR, DEP, NAC, NYSDEC, DOT, FDNY

Ongoing Community Board Outreach

Open Houses and Civic Group Meetings

DCP and Working Groups developed the following principles to guide the proposal:

- Strengthen and rationalize natural resource preservation
- Strengthen and clarify regulations so that review by the City Planning Commission (CPC) focuses on sites that have a greater impact on natural resources and the public realm
- Protect and enhance the natural resources and neighborhood character of the districts, with greater predictability of development outcomes
- Create a homeowner-friendly regulatory environment with robust as-of-right rules for the development of homes on small lots that protect significant natural features
- Ensure consistency of regulations amongst all three Special Districts



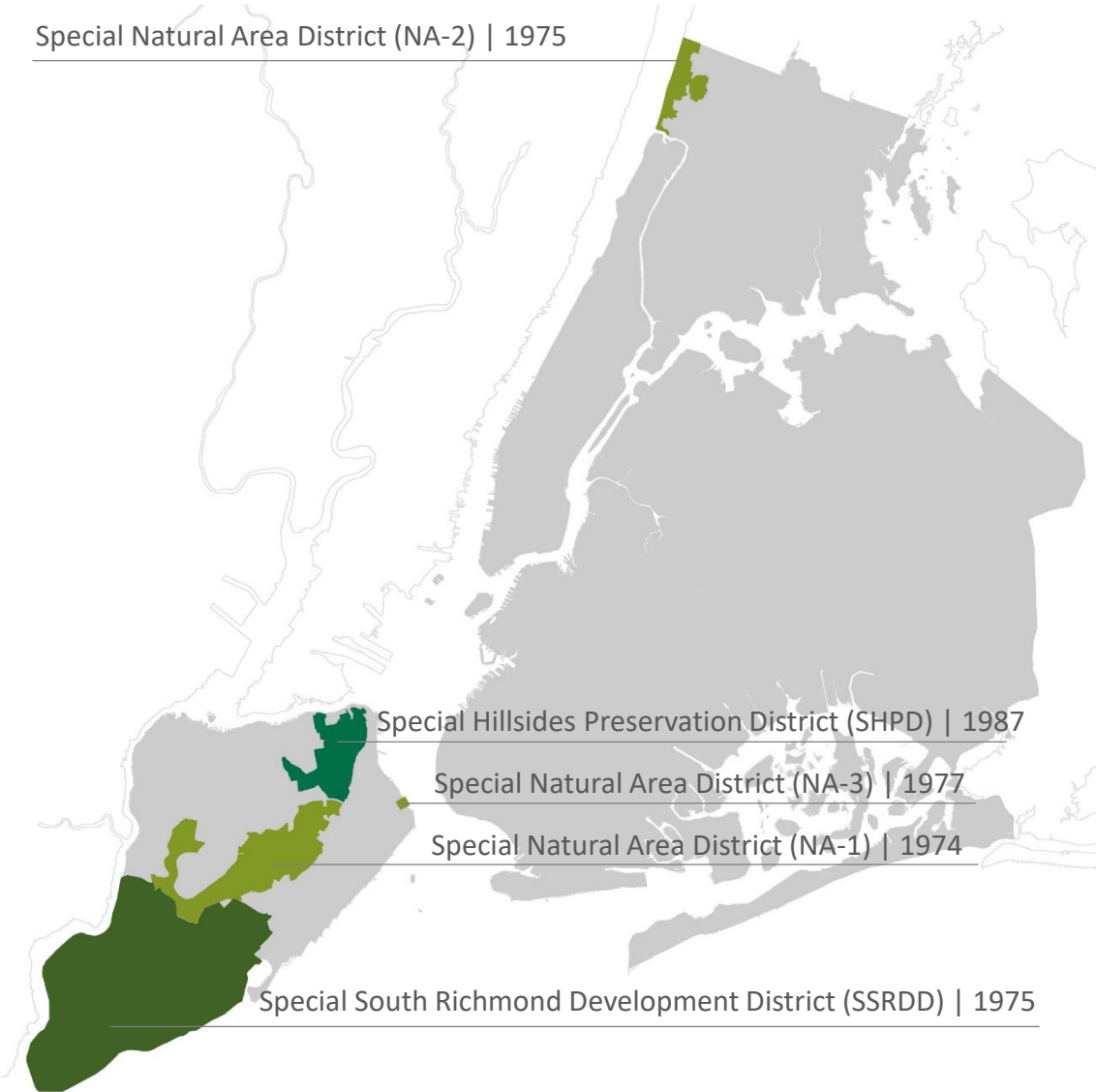
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# Background: Existing Special Districts

## PROJECT AREA

Special Natural Area District (NA-2) | 1975



Special Hillsides Preservation District (SHPD) | 1987

Special Natural Area District (NA-3) | 1977

Special Natural Area District (NA-1) | 1974

Special South Richmond Development District (SSRDD) | 1975

## SNAD

In the **BX** and **SI** - Guide development to preserve natural features (aquatic, botanic, topographic & geologic)

- Updated in 2005

## SHPD

In **SI** - Protect steep slopes, reduce hillside erosion, landslides and excessive runoff by preserving hillsides, trees and vegetation

## SSRDD

In **SI** - Coordinate development and infrastructure while protecting natural features (trees, topography, irreplaceable resources)

*\*The regulations currently applicable to Fort Totten, Queens (NA-4) are independent from the rest of the Special Natural Area District and will remain unchanged in the proposal.*

## STATEN ISLAND (% of Lots)

### Hillside Preservation

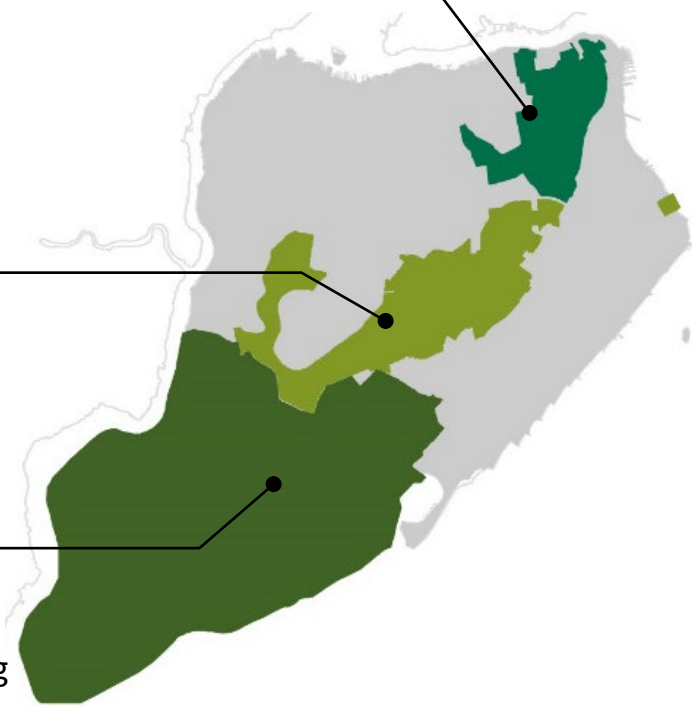
- ~82% One/Two Family
- ~10% Multifamily
- ~2.5% Institutions

### Natural Area

- ~90% One/Two Family
- ~1% Multifamily
- ~4.4% Institutions

### South Richmond

- ~91% One/Two Family
- <1% Multifamily
- ~1.5% Commercial & Manufacturing
- ~1% Institutions



Staten Island has a larger number of one- and two-family homes, as well as **large commercial and manufacturing sites**

## BRONX (% of Lots)

### Natural Area

- ~83% One/Two Family
- ~5% Multifamily
- ~12% Institutions



Bronx has a **larger concentration of institutions** (schools, retirement communities) within its SNAD district, representing the most significant projects



# Background: best practices from current rules

Protect and enhance important natural habitats and recreational assets by better guiding development in consideration of natural features



**Aquatic**

Buffers around aquatic resources



**Geologic**

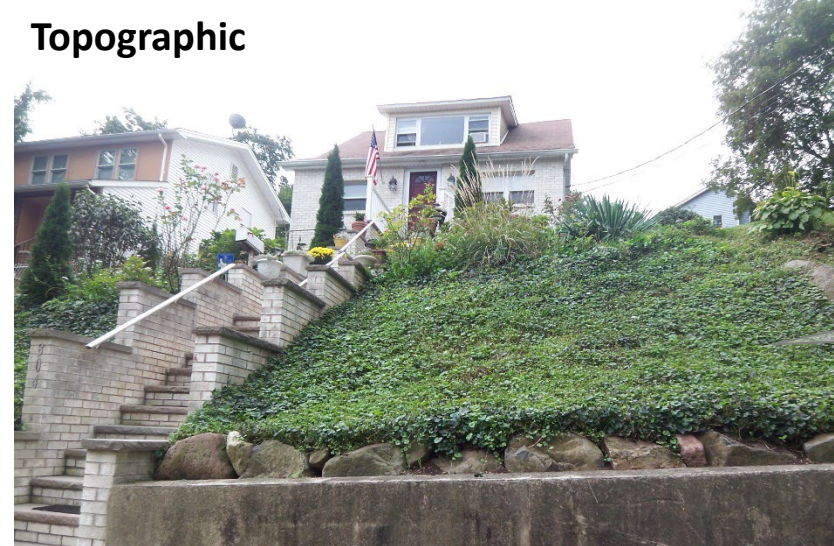
Preservation of rock outcrops visible to the public realm



**Botanic**

Diversity of planting

Low retaining walls



**Topographic**

Preservation of steep slopes



# Background: best practices from current rules

## Enhance and protect the neighborhood character of the districts



Low retaining walls



Preserve old growth trees

Tree-lined neighborhood



Low retaining walls

Minimal hard surfaces

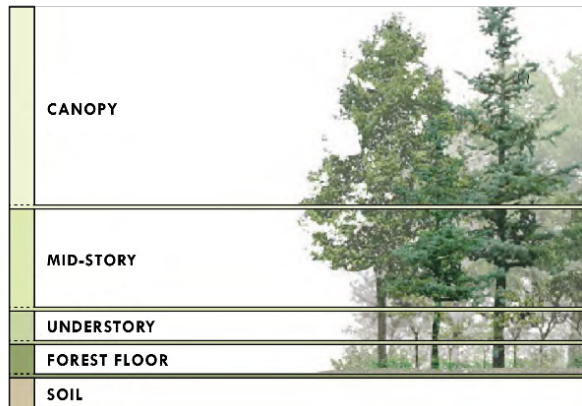


Preserve aquatic resources



# Background: Interconnected components of nature

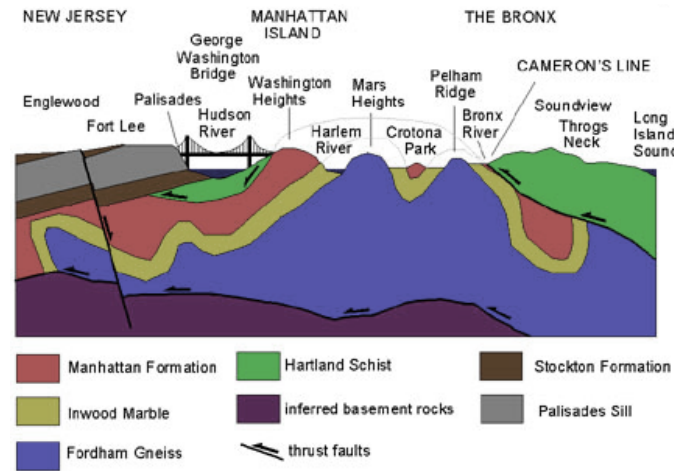
Updated understanding of ecological science focuses on three lenses: **botanic, topographic and geologic, and aquatic features**. Each component plays an important role on its own, while being inter-connected and inter-dependent for their health and wellbeing.



Botanic Features:  
Canopy and Understory



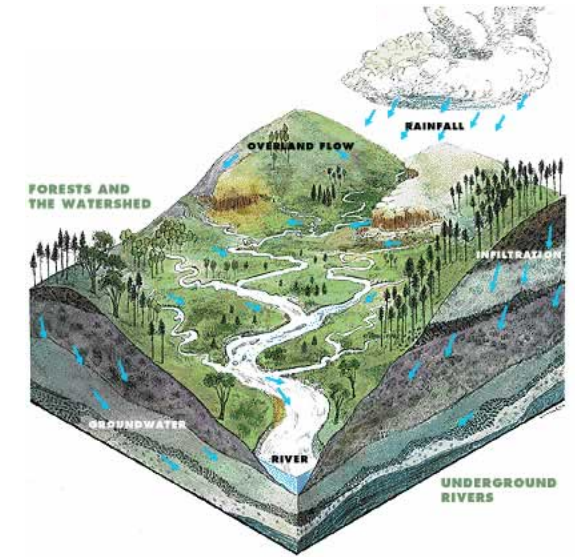
NATURAL COMMUNITIES



Topographic and Geologic Features:  
Serpentine, Rock Outcrops and Erratic Boulders



SOIL & TOPOGRAPHY



Aquatic Features:  
Wetlands, Ponds and Streams



WATERSHEDS & DRAINAGE



# Background: Natural Capital

Both boroughs have a rich diversity of protected natural areas, creating a connected habitat for local wildlife and migrating species

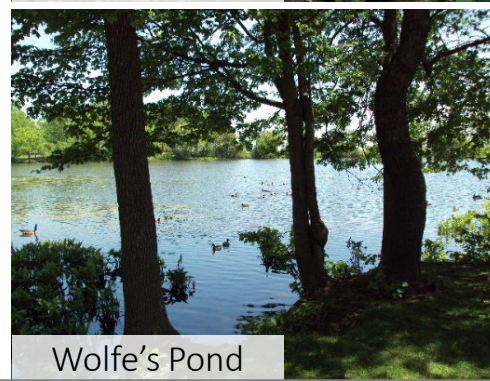
## STATEN ISLAND



Blood Root Valley

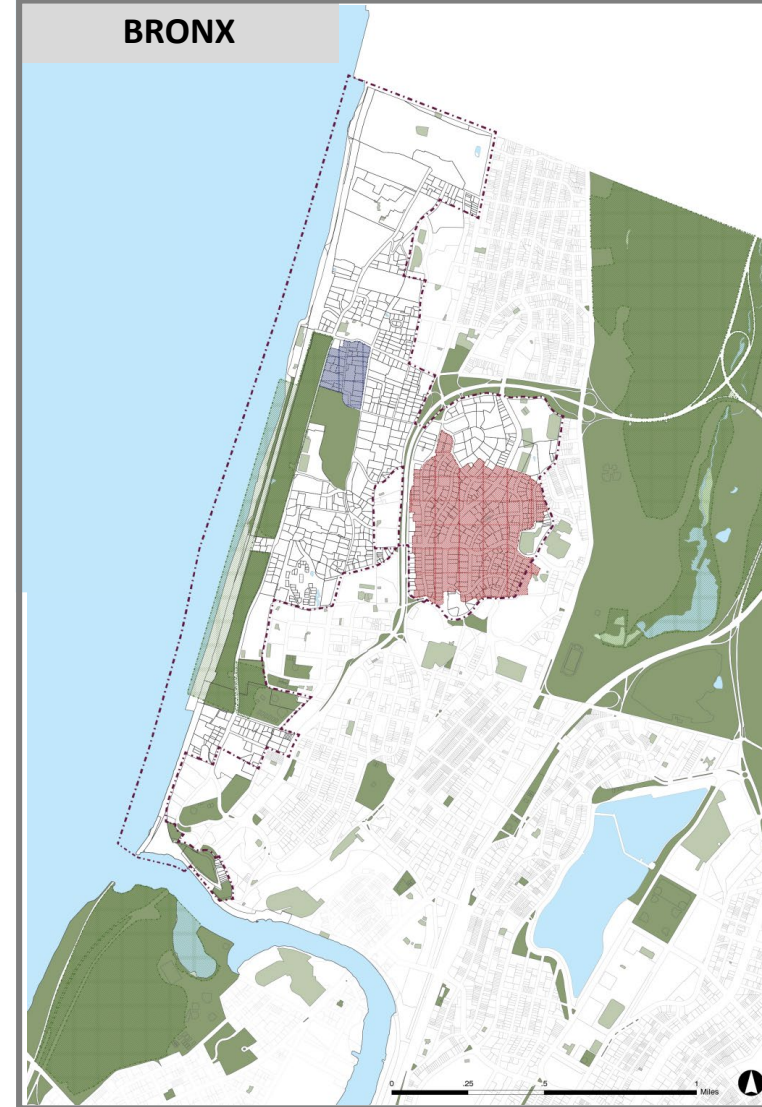


Greenbelt



Wolfe's Pond

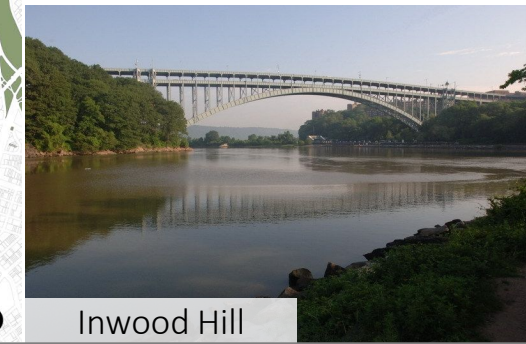
## BRONX



Riverdale



Van Cortland

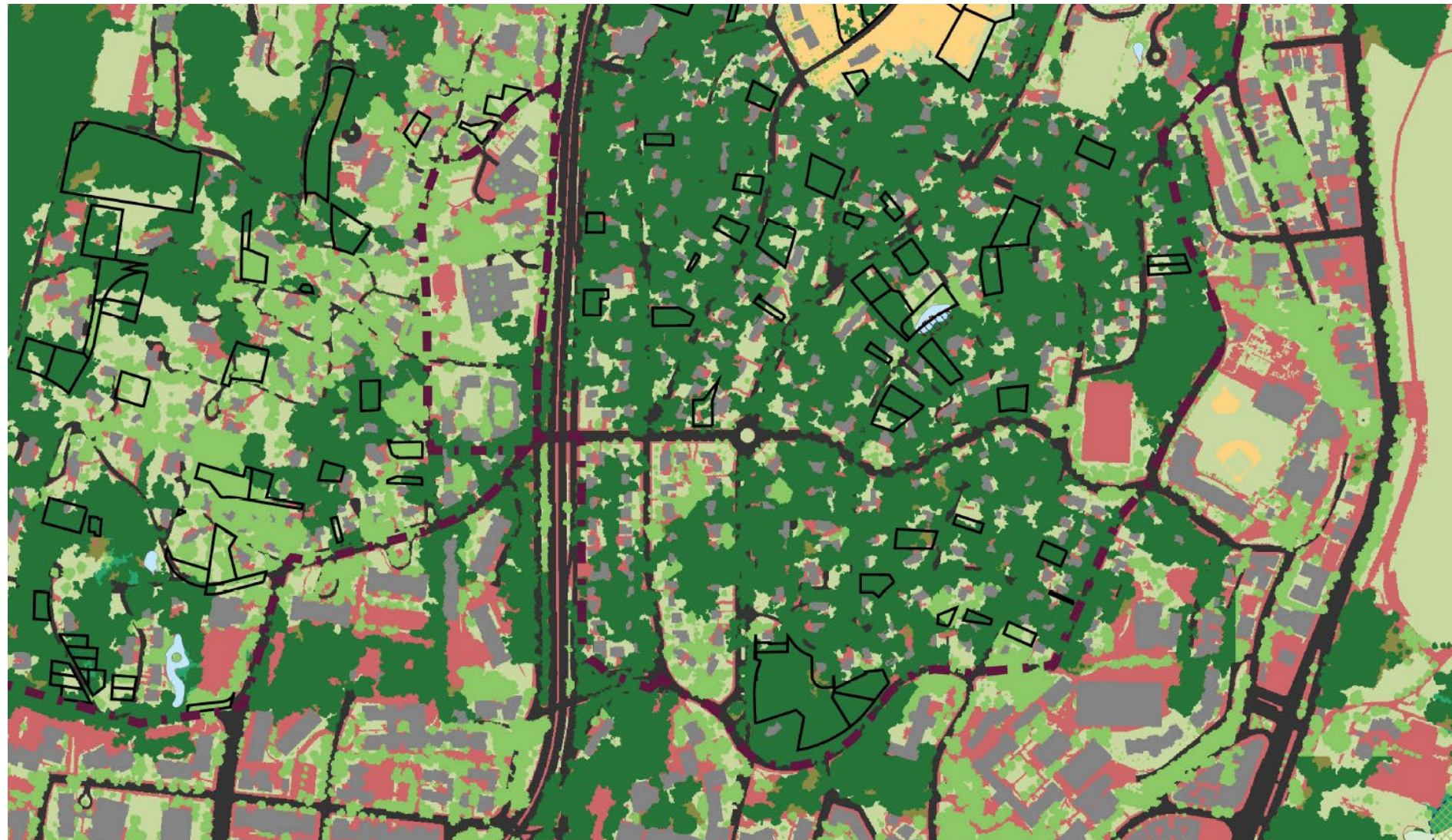
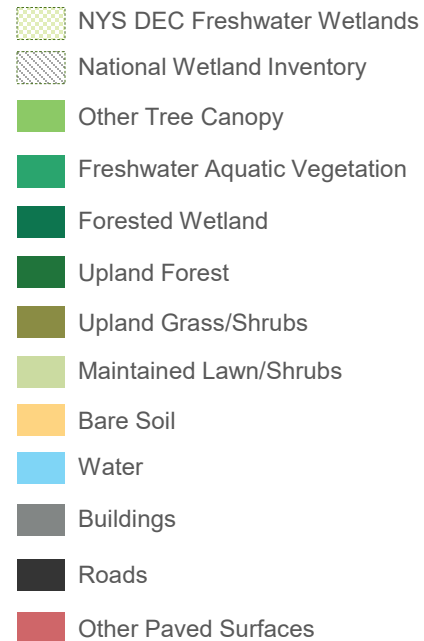


Inwood Hill



# Background: Mapping ecological assets

Leverage current mapping technology for enhanced understanding of ecological connectivity, and prioritize preservation of important features



## Data sources:

- Ecological Coverture from the Natural Area Conservancy (2010 LiDAR)
- Hudson Raritan Estuary Comprehensive restoration Plan
- New York State Heritage Program
- USFWS National Wetlands Inventory
- DEC Freshwater Wetlands
- NYC Parks Forever Wild Program
- Hydrography data from aerial imagery

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# Proposed Planning Framework and Zoning Rules

## Designated Natural Resource

*(Public protected lands)*

## Ecological areas

### Base Protection Area

*(Consistent requirements for preservation and development)*

### Escarpment Area

*(Protects geologic and topographic features)*

### Resource Adjacent Area

*(Protects the designated natural resources)*



## *Natural Resources:*

- *Aquatic*
- *Rock Outcrops*
- *Steep Slopes*
- *Erratic Boulders*
- *Botanic*

## *Zoning controls to manage natural features:*

- *Lot Coverage*
- *Hard Surface Area*
- *Yards and open space*
- *Tree requirements*
- *Planting areas (gardens)*
- *Building height*



BASE PROTECTION AREA



ESCARPMENT AREA



RESOURCE ADJACENT AREA



# Zoning to facilitate the project – Zoning map & Zoning text amendments

## EXISTING

Special Natural Area District (NA-2) | 1975

Special Hillside Preservation District (SHPD) | 1987

Special Natural Area District (NA-3) | 1977

Special Natural Area District (NA-1) | 1974

Special South Richmond Development District (SSRDD) | 1975

## PROPOSED

## ZONING MAP AND ZONING TEXT AMENDMENT

Special Natural Resources District

4 SUBDISTRICTS

1 Riverdale-Fieldston Subdistrict

2 Shore Acres Subdistrict

3 Hillside Subdistrict

4 South Richmond Subdistrict

*\*The regulations currently applicable to Fort Totten, Queens (NA-4) are independent from the rest of the Special Natural Area District and will remain unchanged in the proposal.*

## Overarching principles for regulations

- 1 Robust rules with embedded **design flexibility** to respond to varied site conditions
- 2 Requirements produce a **predictable outcome**
- 3 Rules outline **hierarchy of protection** of natural resources, as needed





# Balance preservation and development: Trees

## EXISTING

Tree Requirements: 1 tree per 1,000 sf **OR**  
51% of existing tree credits (whichever is greater)

- Each tree is regulated regardless of ecological importance, size or age
- Tree rules create burden for small improvements and do not provide incentive to protect old growth trees
- Trees may be removed within 15 feet (in SNAD/HS) or 8 feet (in SSRDD) of buildings and within required parking or driveways. Trees removal beyond these areas requires CPC authorization



## PROPOSED

Tree Requirements: 1 tree per 1,000 sf **AND**  
3 tree credits for every 750 sf  
Lower requirements for commercial uses and large sites

- Incentivize native 'old growth' trees and tree groupings to create micro habitats
- Preserve trees in rear 15 feet to create connective corridors Plant trees in the front yard to enhance tree-lined neighborhoods
- Simplify process for tree removal



*Improved outcomes: Give greater value to existing (preserved) trees, support native species and trees planted in groups, require more trees to achieve clearer and more consistent outcomes across all Special Districts*



# Balance preservation and development: Ground-cover planting

## EXISTING

No clear requirements in SNAD and SHPD  
No requirements in SSRDD

- Inconsistent rules among Special Districts
- Every square foot of removed vegetation to be replaced in SNAD
- No vegetation can be removed except within 15' of building and to allow driveways, private roads or required parking. Very strict requirement that can be modified by CPC with no parameters



## PROPOSED

Biodiversity requirements: 6 points for Resource Adjacent Area (RAA),  
4 points for all others in R-district and 2 points for all other uses

- Consistent approach to groundcover planting that prioritizes sensitive areas with more planting – ‘biodiversity points’
- Provide options :
  - Landscape Buffer – *RAA requires 10' at rear and 8' on side for new developments*
  - Wildlife Garden – *diverse species of shrubs and groundcover*
  - Basic Garden
  - Green Roof



Biodiversity  
requirement (grasses,  
shrubs, etc.)

*Improved outcomes: Clear planting requirements that will enhance the biodiversity and ecological health of the community.*

# Balance preservation and development: Rock outcrops and erratic boulders

## EXISTING

No parameters on amount of disturbance

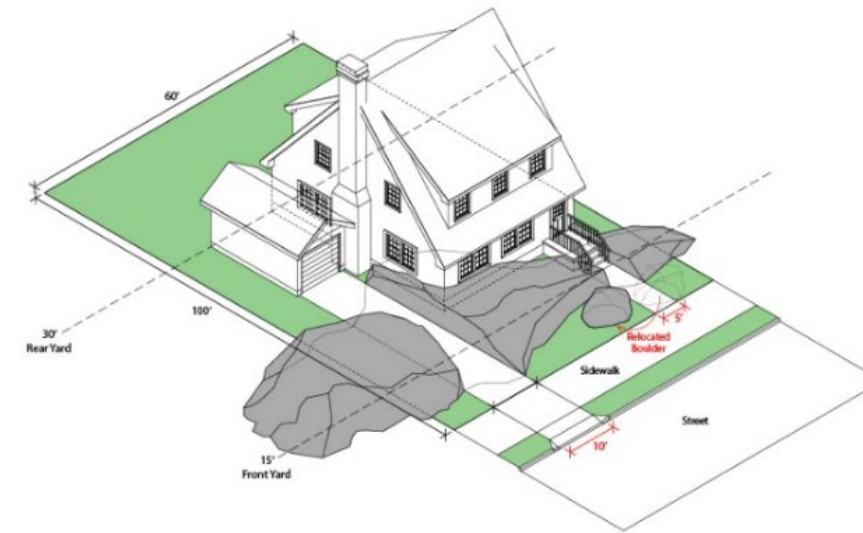
- Rock outcrops help create neighborhood character in the BX SNAD
- Existing regulations prohibit disturbance of rock outcrops, but allow disturbance through CPC authorization, however, there is no limit on the amount of encroachment



## PROPOSED

No disturbance of rock outcrop in front yard  
Limit rock outcrop disturbance to 50% in front and rear portions of lot  
Allow erratic boulders to be moved to the front

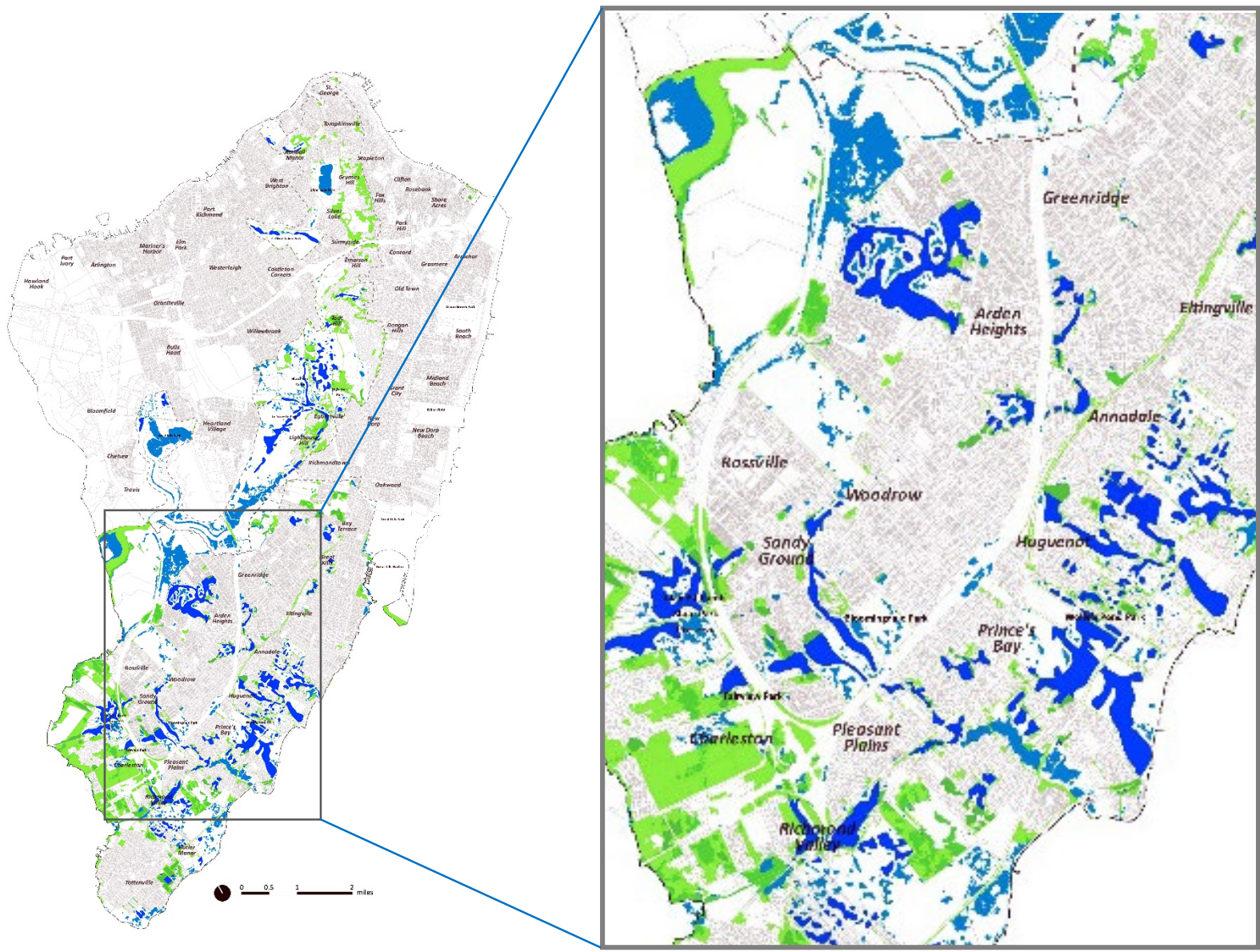
- Stipulate the maximum extent of disturbance for predictability
- Any disturbance greater than 400 SF will require CPC authorization



*Improved outcomes: Less disturbance of visible outcrops; preservation of neighborhood character*



# Balance preservation and development: Aquatic resources



Subject to proposed rules

NYS DEC Wetlands on all Lots

~ 1300 acres  
Protects wetlands  $\geq 12.4$  acres and smaller wetlands of unusual importance

Non-DEC Wetlands on Lots  $\geq 1$  acre

~ 360 acres

- Natural Resources on Privately Owned Land
- DEC Wetlands
- Non-DEC Wetlands
- Special District Boundary

Sources:  
 U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service  
 NYS Department of Environmental Conservation  
 NYC Department of Parks  
 NYC Department of City Planning  
 Natural Area Conservancy



## EXISTING

Only aquatic resources in SNAD are directly regulated, but all districts have goals to protect these resources

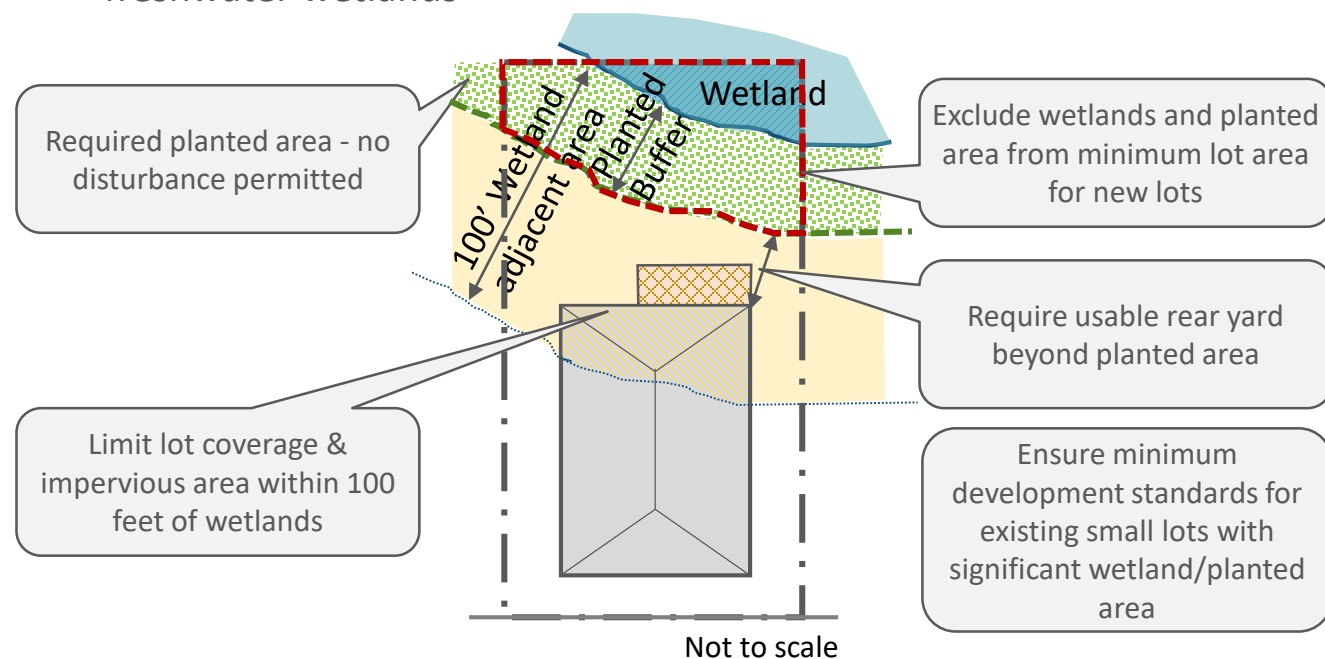
- No consistent wetland regulatory protections among Special District zoning rules, NY State Department of Environmental Conservation (DEC) permits and the Army Corps wetland regulations

## PROPOSED

Specific lot coverage, hard surface and planted buffer rules within 100' Exclude wetland and planted buffer from minimum lot area

- Establish consistent regulations across all three Special Districts based on DCP/DEC best practices
- Allow flexibility in site planning to ensure a minimum buffer between sensitive wetland areas and proposed development, and encourage clustering to maintain development potential of the site
- Large sites (greater than 1 acre) would require protection of non-DEC freshwater wetlands

*Improved outcomes: Clear and consistent wetland protections, greater site planning flexibility, and greater preservation of wetland features with adequate space for both planted areas and proposed development.*



# Balance preservation and development: Steep slopes & escarpment

## EXISTING

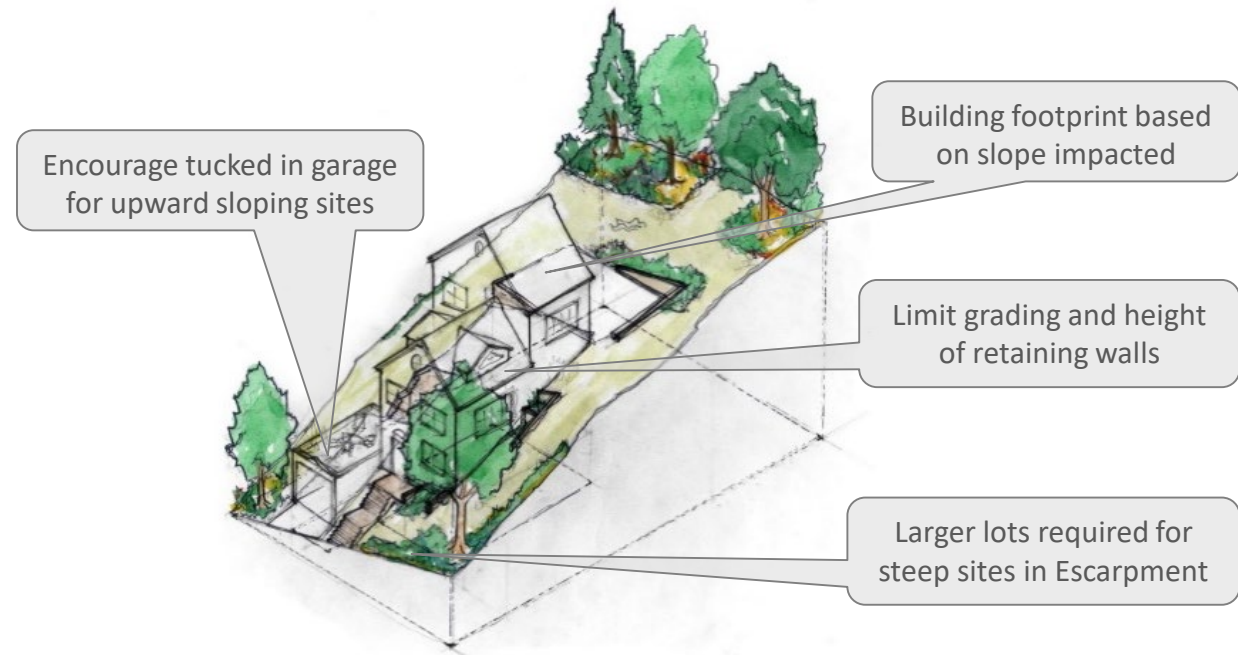
In SNAD and HS: Average percent of slope excludes steep slopes > 25%. Grading rules only apply to Tier II sites.  
No retaining wall height limits

- No lot coverage rules for sites with less than 10% slope
- For steep sites, 12.5% lot coverage for steep slope
- No standards to limit steep slope disturbance or the maximum lot coverage by CPC modification

## PROPOSED

All slope categories considered to determine lot coverage. Grading rules apply to all sites. Retaining wall maximum heights established.

- Comprehensive rules to reduce hillside erosion, and steep slope encroachment, and improve storm water management



*Improved outcomes: Updated rules will ensure consistent and predictable outcomes, prioritizing the preservation of steep slopes and ensuring development in the Escarpment Area is appropriate and compatible with these important resources*





# Balance preservation and development: Lot coverage

**Lot coverage** is the area of the site covered by a building.

*It affects the amount of site disturbance and natural features, including slopes, plantings, and open space.*

## EXISTING

SNAD and SHPD: Maximum lot coverage regulated by average percent of slope.

SRD: regulated by open space ratio or yards

- Lot coverage is too uniform, doesn't consider context (*e.g., is this site part of larger steep slope? How steep is the slope?*)
- No clear guidelines for CPC on appropriate lot coverage when modification is sought by applicants, which results in unpredictable outcomes
- No lot coverage regulations for institutions or community facility (CF) uses

## PROPOSED

R1, R2 & R3 districts: lot coverage based on ecological area & slope (ranging from 12.5% to 35%)

25% lot coverage for large institutions and CF uses

- Provide clear parameters on lot coverage for predictable outcomes on sites with topographic features and botanic environments
  - codify best practices
  - maximum lot coverage for CF
- Incentivize preservation of steep slopes by providing flexible lot coverage if building is located on flatter portion of site
- Include accessory buildings towards lot coverage

*Improved outcomes: Allows for greater site planning flexibility to preserve natural features and guarantees adequate space for planted areas.*

# Balance preservation and development: Hard surface area

**Hard surface areas** are all areas of the site covered by a building and any hard surfaces. It affects the amount of site disturbance and runoff, and affects natural features, including slopes and plantings.

## EXISTING

No rules for regulating hard surface area

- In SNAD and SHPD, hard surface area is decided by CPC review and best practices
- No regulations apply in SSRDD where many natural resources exist

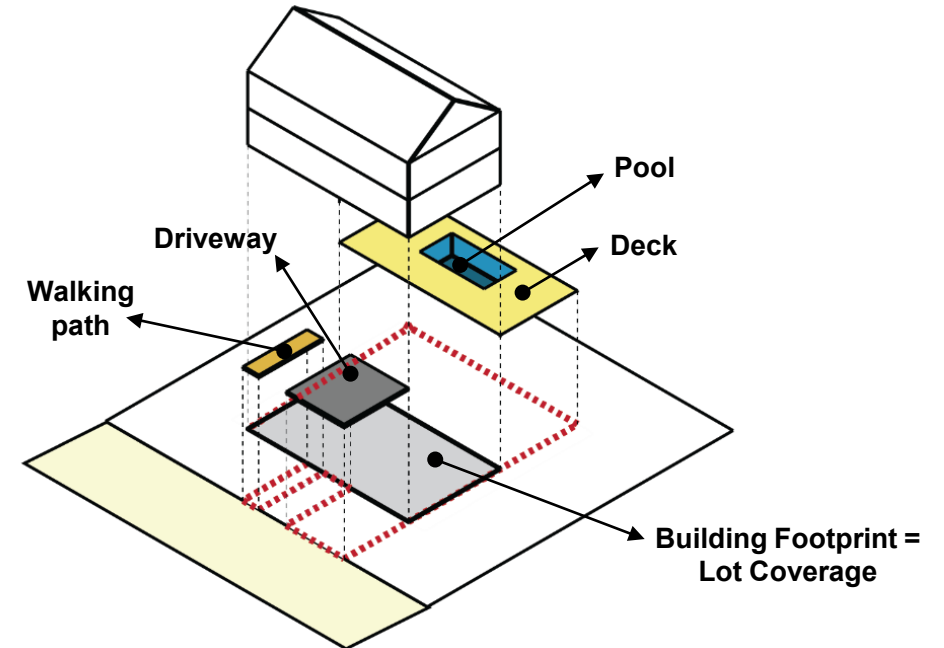


**Improved outcomes:** Provides additional site controls beyond the building footprint, creates open space, supports better storm-water management, and guarantees adequate space for planted areas.

## PROPOSED

Hard surface area max → lot coverage and intensity of use  
R1-R3 max varies from 40% to 65%; other uses max ranges 75%-90%

- Establish limits to hard surface area as a percent of lot area to facilitate permeability that contributes to the ecosystem health
- Hard surface areas would include building footprints, driveways and other paved areas such as a patio, deck or pool





## EXISTING

Minimum lot area excludes private road in SHPD  
Goals consider balance of future development and preservation

- Inconsistent rules for minimum lot area for sites with steep slopes in current SNAD and SHPD
- Existing framework requires all zoning lot subdivisions to be certified by the CPC and does not provide sufficient oversight for sites with sensitive features such as wetlands or habitat

## PROPOSED

Increase minimum lot area for steep slope sites  
Minimum lot area excludes wetland + buffer  
Minimum lot area excludes private road in SI LDGMA

- Zoning lot subdivisions will be as-of-right on small sites and governed by clear rules for minimum lot area and protection of natural features
- Subdivisions for the following “*plan review sites*” will require discretionary review that results in appropriate lot layout to protect natural features and have well-designed roads. Proposed findings would have clear guidelines for CPC
  - Sites larger than 1 acre
  - Sites that create 4 or more lots in Resource Adjacent and Escarpment areas
  - Sites in a Historic District
  - Sites with private roads

*Improved outcomes: Minimum lot area requirements for sites with steep slopes and aquatic features provide clear expectations for appropriate development on sensitive sites and avoids the creation of unbuildable lots.*

Large and sensitive sites involve more choices to be made for preservation and contribute in a more significant way to the neighborhood character

**Focusing public review on Plan Review Sites**



## Designated Natural Resource

*(Public protected lands)*

## Ecological areas

Base Protection Area

Resource Adjacent Area

*(Protects the designated natural resources)*

Escarpment Area

*(Protects geologic and topographic features)*



**SITE ASSESSMENT**

Wetland habitat on Private Lots  
*(Connects/enhances the core habitat)*

Habitat on Private Lots  
*(Connects/enhances the core habitat)*

## Focusing public review on Plan Review Sites

- Sites larger than 1 acre
- Sites that create 4 or more lots or 8 or more dwelling units in Resource Adjacent and Escarpment areas
- Sites in a Historic District
- Sites with Private Roads

# Balance preservation and development: Habitat preservation

A **“habitat area”** is an area that includes forests, wetlands, grasslands, shrublands or other natural cover that provides shelter, resources and opportunities for reproduction for wildlife

## EXISTING

No preservation required. No thresholds for CPC modification.

- Inconsistent preservation outcomes that are based on site by site negotiations through CPC review

### **Applicability of proposed habitat preservation area requirements (lots > 1 acre)**

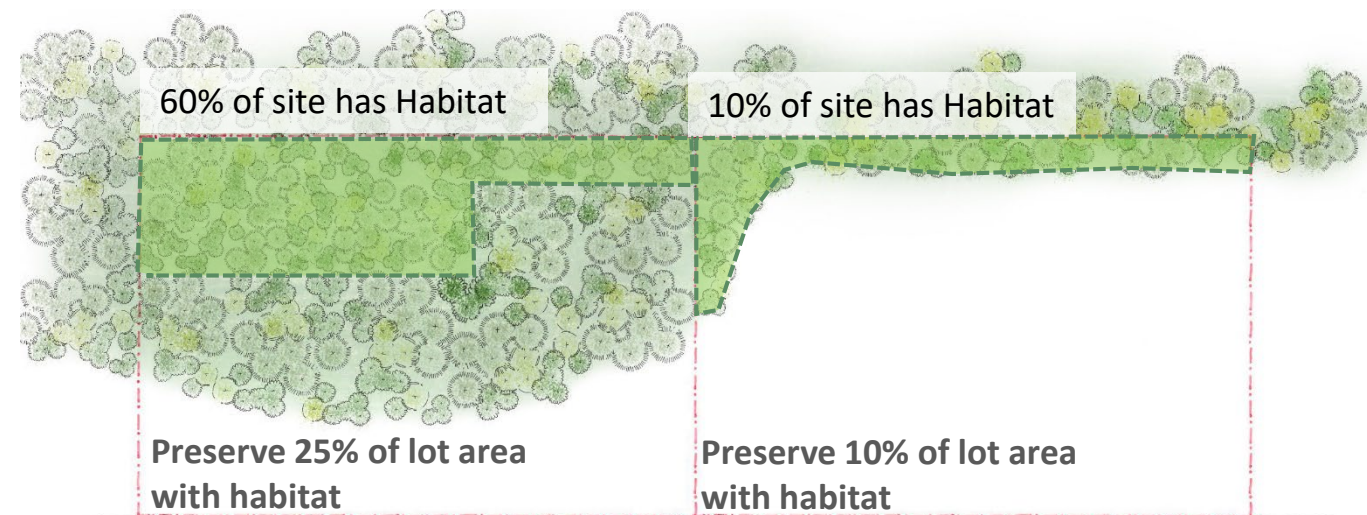
BRONX ~80 lots

STATEN ISLAND ~250 lots

## PROPOSED

Require habitat preservation on sites  $\geq 1$  acre with existing habitat: up to 25% of a residential & commercial site or 35% of CF site

- Habitat areas of  $\frac{1}{4}$  acre or more will be pre-identified and would require a site assessment
- Creates ecological connectivity with large protected areas and create shared recreation opportunities for generations to come





# Balance preservation and development: Habitat preservation

## PROPOSED

Require habitat preservation on sites  $\geq 1$  acre with existing habitat:  
up to 25% of a residential & commercial site or 35% of CF site

Clustering of development allows to maintain development potential

### Community Facility

Additional 15% open area required for recreation



35% Natural Habitat

15% Open Space

### Residential



25% Natural habitat (consolidated preservation area & includes old growth trees)

### Commercial





# Balance preservation and development: Long-term planning on large sites

## PROPOSED

- Encourage long-term planning to create a holistic development plan
- Require CPC review for properties that have greater opportunities for natural resource preservation and impact the public realm

Establishment of a Development Plan "Campus Plan"-  
**Authorization**

Designated Development Areas – 'Conceptual Plan Site'  
**Authorization**

Proposed Minimum Requirements  
Example: Community Facility  
■ Preservation Area: 35%  
■ Open Space: 15%



Limited enlargement of exiting buildings (within 15')  
**As-of-Right**

Designated Development Areas – 'Preliminary Plan Site'  
**Certification**



*Improved outcomes: Strengthen and clarify the process for development on large sites. Encourage long-term/streamlined campus planning to get upfront community input, and a holistic single environmental review for the institution*



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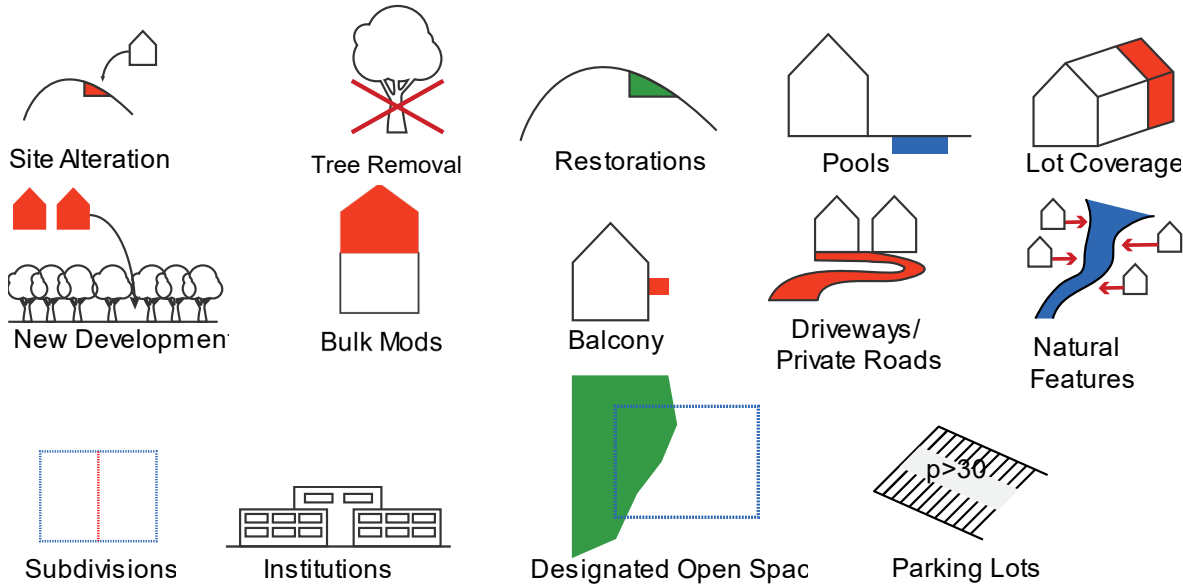
## EXISTING

CPC review is **site by site** and feature by feature

**Lack of consistent rules** for extent of modification

Same **level of review** for small and large sites

**Lack of oversight** for large sites in South Richmond



### 54 SPECIAL DISTRICTS ZONING ACTIONS

■ \* May require EAS



**STATEN ISLAND:** 85 percent of applications in past five years were one or two family homes

	SHPD	SNAD	SSRDD
<b>1-2 Family</b>	64% (54)	82% (150)	17% (24)
<b>&gt;2 Family Non-Residential</b>	36% (31)	18(33)	83% (119)

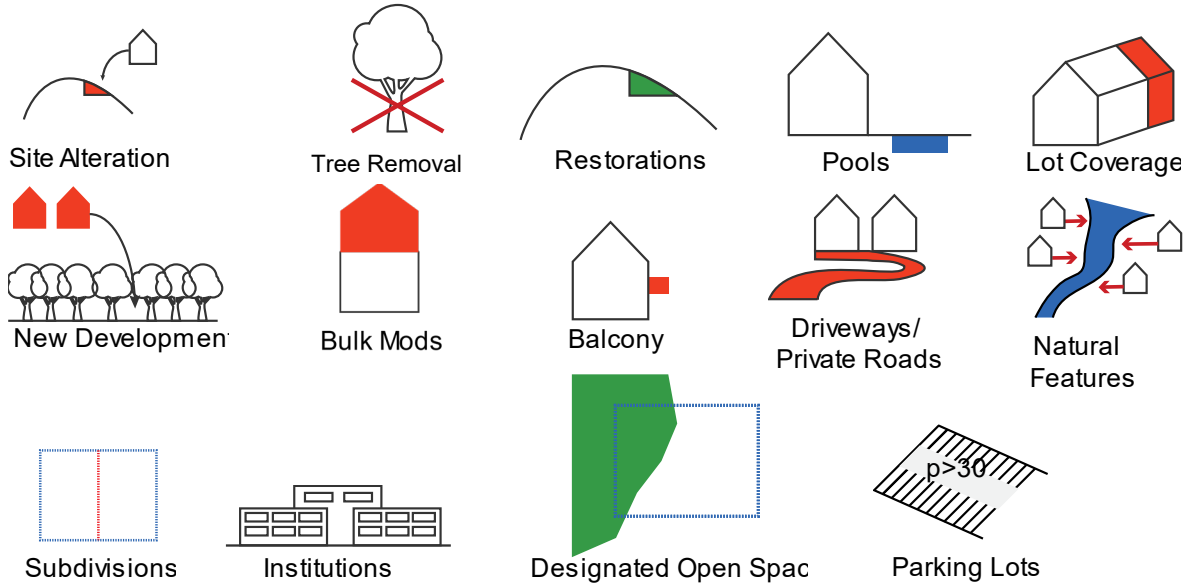
**BRONX:** 70 percent of applications (5 out of 7 yearly) were one or two family homes

	SNAD
<b>1-2 Family</b>	69% (24)
<b>&gt;2 Family Non-Residential</b>	31% (11)



## EXISTING

CPC review is **site by site** and feature by feature  
**Lack of consistent rules** for extent of modification  
 Same **level of review** for small and large sites  
**Lack of oversight** for large sites in South Richmond



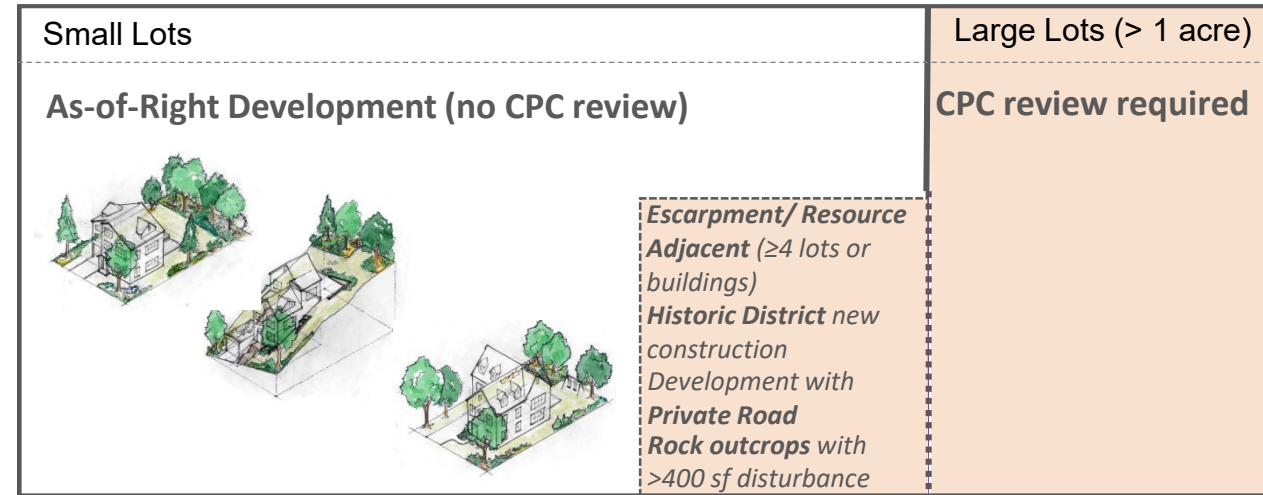
## 54 SPECIAL DISTRICTS ZONING ACTIONS

■ \* May require EAS



## PROPOSED

**Holistic:** Broader ecological strategy  
**Comprehensive:** Prioritize review of large & sensitive sites  
**Clear consistent rules:** As-of-right regulations for small sites & and streamlined CPC review



## PLAN REVIEW SITES

**Improved outcomes:** Homeowner friendly regulations for most small properties that provide clear standards to preserve natural features. Large/sensitive sites will require CPC review.

# How would a typical single-family home be affected?

Example: Enlargement in R1-2 District



# Example: How would a typical single-family home be affected?



## Enlargement in R1-2, Base Protection Area, SNAD

### ASSESS EXISTING CONDITIONS

- Zoning Lot Area: 11,000 sf
- FAR: 0.18 (0.5 Max)
- Lot Coverage: 998 sf - 9%
- Garage = 400 sf (will be counted toward lot coverage)

*Existing: Would require a CPC discretionary review for enlargement*

*Proposed:*

- Over 1 acre? *No*
- Private Road? *No*
- New Building in Historic District? *No*

*Site meets criteria for As-of-Right development*

*You can submit drawings directly to DOB as part of its application requirements rather, than filing through DCP and then DOB*





Base Protection Area

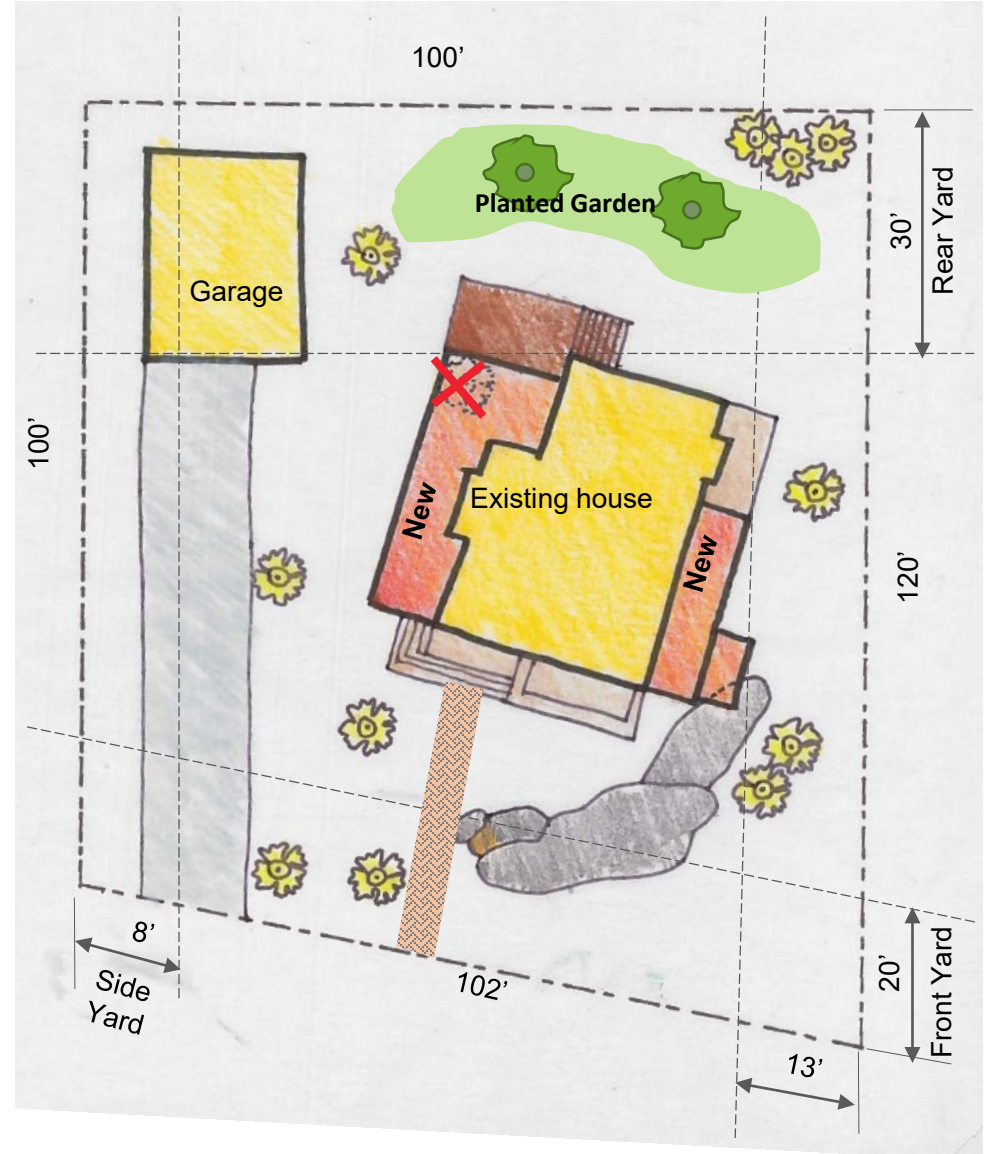
# Example: How would a typical single-family home be affected?

## Enlargement in R1-2, Base Protection Area, SNAD

### ASSESS PROPOSAL

- Lot Coverage permitted = 25% | Lot Coverage proposed = 17.3%
- Hard surface areas include pathway, driveway, decks, patio and building footprint = ~ 30%
- Rock outcrop – limited disturbance allowed for the enlargement
- Trees & Planting on site
  - 12 trees on site - 1 proposed to be removed | 41 tree credits on site (after tree removed)
  - 1 tree per 1,000 sf of lot area: 11,000 sf / 1,000 sf = **11 trees min.**
  - (NEW)** 3 tree credits per 750 sf of lot area: (11,000 sf / 750) x 3 = **44 tree credits min**
  - 41 tree credits on site < 44 tree credits required
  - Plant two new trees with enlargement** [Current rules would require no additional trees]
  - 4 biodiversity points will be required
  - Owners opts to expand existing garden to 1,100 square feet to achieve 4 biodiversity points** [Current rules would require no garden]

### PROPOSED



# How would a large commercial development be affected?

Example: New development in South Richmond



# Example: How would a large commercial development be affected?



## New Development, M1-1 District, Base Protection Area, SRD

Base Protection Area

### ASSESS EXISTING CONDITIONS

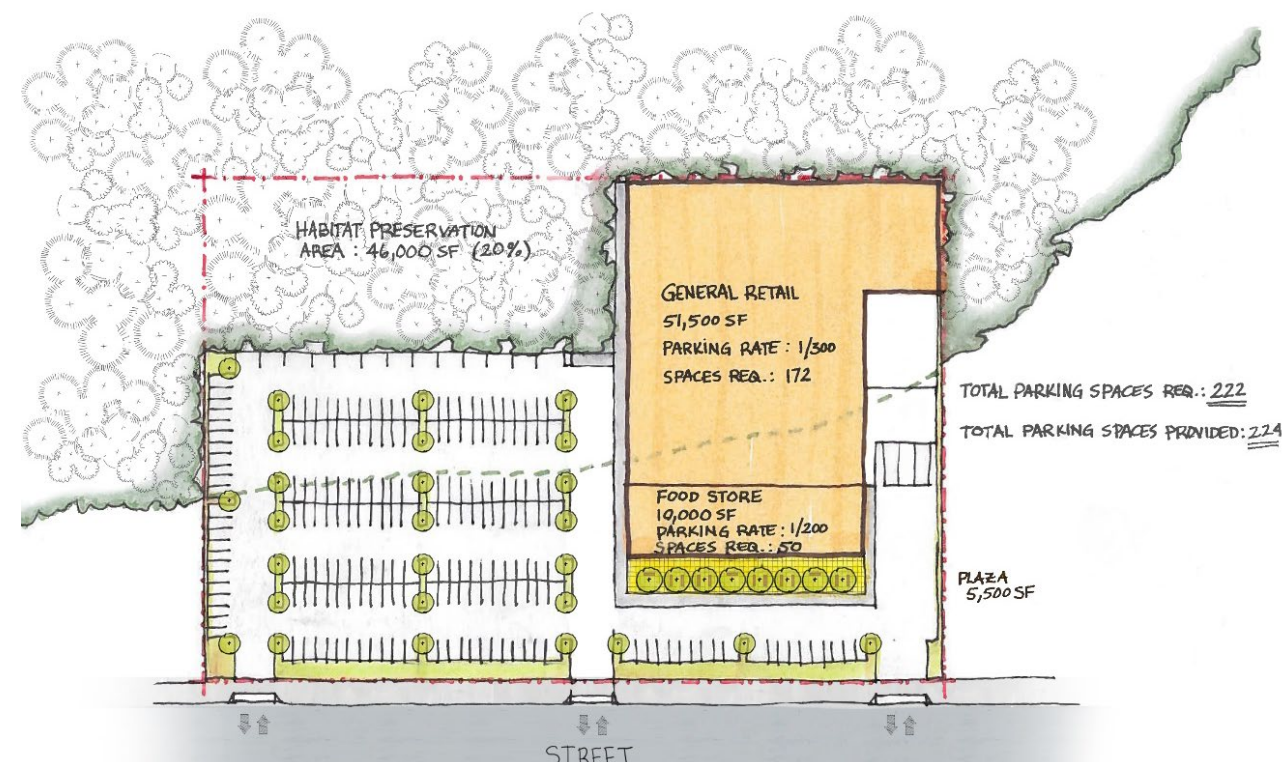
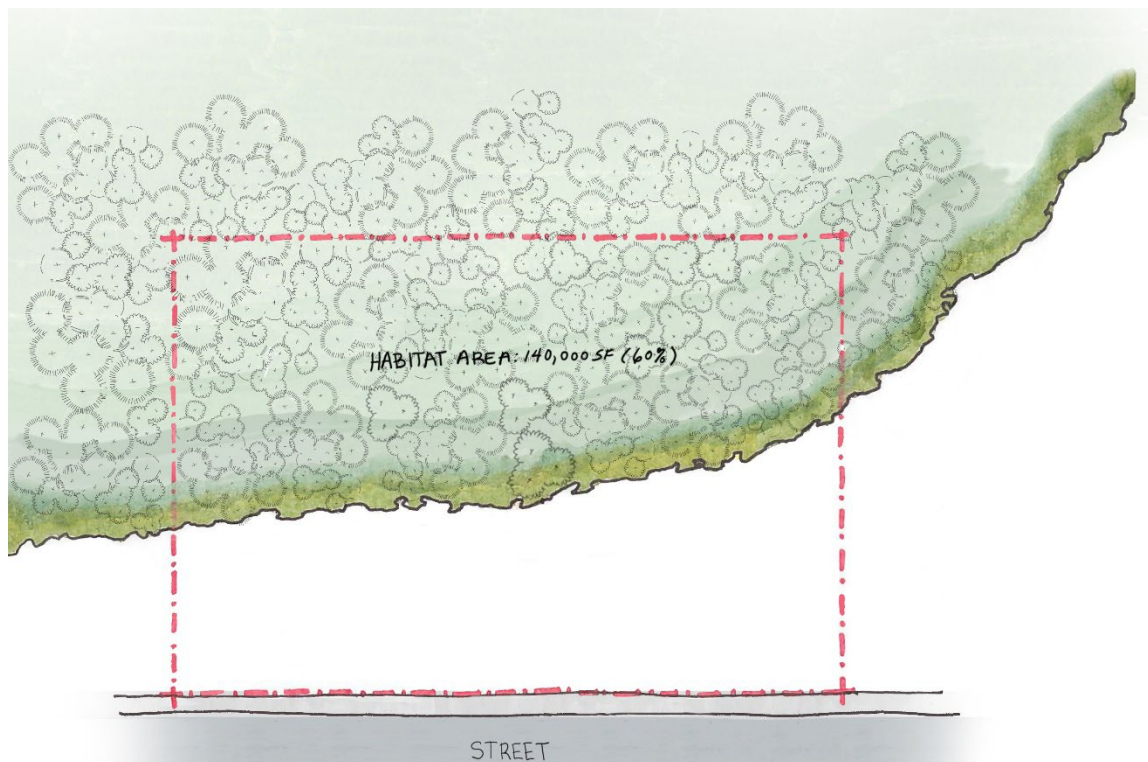
- Zoning Lot Area: 234,800 sf
- Vacant land
- Site covered with 60% Habitat

### PROCESS

- Existing rules: Would require a CPC review for commercial development for 'Parking over 30 spaces'
- Proposed: Would require a CPC review since the site is over an acre

### APPLICATION REVIEW

- ☑ *Online map flags this property to do site assessment*
- ☑ *Field Assessment required to evaluate habitat and set aside 25% preservation*
- ☑ *Parking lot landscaping count toward tree and planting*



- Project Summary, Process & Principles
- Background & Context
- Proposed Planning Framework and Zoning Rules
- Review Process
- CAPA Rules and Environmental Review
- Questions and Discussion



# City Administrative Procedure Act (CAPA) Rules to support the update

- Online map identifying potential locations of habitat areas
- Site Assessment Protocol (*includes non-DEC wetland delineation*)
- Environmental Professional fee for Site Assessment verification

HABITAT MAP EXAMPLE





- An EIS was conducted with DCP acting on behalf of the CPC as Lead Agency. The Notice of Completion for the DEIS was issued on May 3, 2019.
- The DEIS identifies potential significant adverse impacts with respect to:
  - Historic and Cultural Resources (archeological)
  - Hazardous Materials
- No other significant adverse impacts were identified.
- Mitigation measures are identified in the DEIS and will be explored further in the FEIS.

## Summary:

Proposed update to the Special Districts in Staten Island and the Bronx would result in a modernized and streamlined approach to balance natural resource preservation and neighborhood development.



## Requested Actions:

- Zoning Map Amendment to establish the Special Natural Resources District within the same boundaries of the SNAD, SHPD, and SSRDD in SI and the BX
- Zoning Text Amendment to establish a Special District with consistent approach to natural resource preservation, while retaining area-specific rules in subdistricts