

*STATEN ISLAND/BRONX SPECIAL DISTRICTS UPDATE*

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10, 105-01 or 143-01;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 1  
Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

**11-12  
Establishment of Districts**

\* \* \*

**11-122  
Districts Established**

\* \* \*

Special Purpose Districts

\* \* \*

Establishment of the Special Forest Hills District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 6, the #Special Forest Hills District# is hereby established.

Establishment of the Special Fort Totten Natural Area District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Fort Totten Natural Area District# is hereby established.

Establishment of the Special Garment Center District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 1, the #Special Garment Center District# is hereby established.

\* \* \*

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

~~Establishment of the Special Hillside Preservation District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 9, the #Special Hillside Preservation District# is hereby established.~~

Establishment of the Special Hudson River Park District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 9, the #Special Hudson River Park District# is hereby established.

\* \* \*

Establishment of the Special Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 3, the #Special Mixed Use District# is hereby established.

~~Establishment of the Special Natural Area District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Natural Area District# is hereby established.~~

Establishment of the Special Natural Resources District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 3, the #Special Natural Resources District# is hereby established.

Establishment of the Special Ocean Parkway District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 3, the #Special Ocean Parkway District# is hereby established.

\* \* \*

#### Establishment of the Special Sheepshead Bay District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 4, the #Special Sheepshead Bay District# is hereby established.

#### ~~Establishment of the Special South Richmond Development District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.~~

#### Establishment of the Special Southern Hunters Point District

In order to carry out the special purposes of this Resolution, as set forth in Article XII, Chapter 5, the #Special Southern Hunters Point District# is hereby established.

\* \* \*

### **11-40**

#### **EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS**

\* \* \*

### **11-45**

#### **Authorizations or Permits in Lower Density Growth Management Areas**

The provisions of this Section shall apply within #lower density growth management areas#.

\* \* \*

- (b) Notwithstanding the provisions of N040414ZRY, the following provisions shall apply to certain #developments# within the ~~#Special South Richmond Development District#~~ South Richmond Subdistrict of the #Special Natural Resources District#:
  - (1) #Developments#, including minor modifications thereto, within the ~~#Special South Richmond Development District#~~ South Richmond Subdistrict of the #Special Natural Resources District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

- (2) ~~#Developments#~~ within the ~~#Special South Richmond Development District#~~ South Richmond Subdistrict of the #Special Natural Resources District# accessed, in part, by ~~#private roads#~~ and consisting, in part, of construction within ~~#streets#~~ that are unimproved, and for which a conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, or its successor, and an application for an authorization for such ~~#development#~~ has been filed pursuant to paragraph (a) of Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets) prior to May 1, 2004, may be ~~#developed#~~ in accordance with the regulations in effect prior to August 12, 2004.

\* \* \*

## **12-10 DEFINITIONS**

\* \* \*

### **Special Forest Hills District**

The "Special Forest Hills District" is a Special Purpose District designated by the letters "FH" in which special regulations set forth in Article VIII, Chapter 6, apply.

### **Special Fort Totten Natural Area District**

The "Special Fort Totten Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply.

### **Special Garment Center District**

The "Special Garment Center District" is a Special Purpose District designated by the letters "GC" in which special regulations set forth in Article XII, Chapter 1, apply.

\* \* \*

### **~~Special Hillside Preservation District~~**

~~The "Special Hillside Preservation District" is a Special Purpose District mapped in Staten Island designated by the letters "HS" in which special regulations set forth in Article XI, Chapter 9, apply.~~

\* \* \*

~~Special Natural Area District~~

~~The "Special Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply. The #Special Natural Area District# includes any district whose designation begins with the letters "NA".~~

Special Natural Resources District

The "Special Natural Resources District" is a Special Purpose District designated by the letters "NR" in which special regulations set forth in Article XIV, Chapter 3, apply.

Special Ocean Parkway District

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply.

\* \* \*

~~Special South Richmond Development District~~

~~The "Special South Richmond Development District" is a Special Purpose District designated by the letters "SRD" in which special regulations set forth in Article X, Chapter 7, apply.~~

\* \* \*

**14-40  
AREA ELIGIBILITY FOR SIDEWALK CAFES**

\* \* \*

**14-44  
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

\* \* \*

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Staten Island		

<del>South Richmond Development District</del>	<del>Yes</del>	<del>Yes</del>
<u>Natural Resources District</u>	<u>No</u>	<u>Yes</u>
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

\* \* \*

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

**Chapter 3  
Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-00  
APPLICABILITY AND GENERAL PURPOSES**

\* \* \*

**23-03  
Street Tree Planting in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:
  - #Special Bay Ridge District#;
  - #Special Clinton District#;
  - #Special Downtown Brooklyn District#;
  - #Special Downtown Jamaica District#;

- #Special Grand Concourse District#;
- ~~#Special Hillside Preservation District#;~~
- #Special Long Island City Mixed Use District#;
- #Special Natural Resources District#;
- #Special Ocean Parkway District#;
- ~~#Special South Richmond Development District#;~~

\* \* \*

**23-04  
Planting Strips in Residence Districts**

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraph (b) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

- #Special Bay Ridge District#;
- #Special Downtown Jamaica District#;
- ~~#Special Hillside Preservation District#;~~
- #Special Natural Resources District#;
- #Special Ocean Parkway District#;
- ~~#Special South Richmond Development District#;~~

\* \* \*

**23-30  
LOT AREA AND LOT WIDTH REGULATIONS**

**Definitions and General Provisions**

\* \* \*

**23-32**

**Minimum Lot Area or Lot Width for Residences**

\* \* \*

However, in #lower density growth management areas# in the Borough of Staten Island, the following rules shall apply:

\* \* \*

- (b) The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that the applicable #lot width#, in feet, set forth in the table in this Section shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between ~~opposing a #side lot lines#~~ and any opposing #lot line# that is parallel to, or within 45 degrees of being parallel to, such #side lot line#, where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.
- (c) For the purposes of determining the #lot area# of a #zoning lot#, #lot area# shall exclude the area of a #private road# from the area of the #zoning lot#. For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

\* \* \*

**Chapter 6  
Special Urban Design Regulations**

\* \* \*

**26-20**

**SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS**

\* \* \*

**26-26**

**Modification and Waiver Provisions**

~~(a)~~The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, provided that:

- ~~(1)~~(a) such modifications or waivers will enhance the design quality of the #zoning lot#;



- (2)(b) any decrease in the required width of the paved road bed is in conjunction with a superior parking plan that would not be feasible with a wider road bed; and
- (3)(c) any decrease in the required width of the paved road bed will result in the preservation of existing natural features or a superior landscaping plan that would not be feasible with a wider road bed.

No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet, except as permitted in the #Special Natural Resources District# pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive.

(b) ~~The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, for #zoning lots# within the #Special South Richmond Development District#, that:~~

- (1) ~~contain #designated open space# and a portion of the #waterfront esplanade#, where such #zoning lots#:~~
  - (i) ~~have been granted an authorization pursuant to Section 107-65 (Modifications of Existing Topography) within one year prior to February 6, 2002; or~~
  - (ii) ~~are conditioned upon a restrictive declaration that has received a minor modification by the City Planning Commission; or~~
- (2) ~~are located wholly or partially within Area M and have filed an application for an authorization pursuant to Section 107-69 (Residential Uses in Area M) within one year prior to February 6, 2002; or~~
- (3) ~~have been granted authorizations pursuant to Section 107-64 (Removal of Trees) and 107-65 and are located on a #zoning lot# where a change in the City Map has been approved within three years prior to February 6, 2002, and where certified copies of the alteration map for such change in the City Map have not yet been filed in accordance with Section 198, subsection (c), of the New York City Charter, as of February 6, 2002.~~

~~In order to authorize such modifications or waivers pursuant to this paragraph, (b), the Commission shall find that such #zoning lots# will be #developed# pursuant to a good site plan, and that adequate access to all #dwelling units#, adequate parking spaces located outside of the roadbed of the #private road#, adequate spacing of all curb cuts and adequate landscaping will be provided.~~

## Waiver of Bulk Regulations Within Unimproved Streets

\* \* \*

- (b) #zoning lots# with #private roads# that access fewer than 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law and where such #zoning lot# has received an authorization pursuant to ~~paragraph (a) of~~ Section 26-26;

\* \* \*

## ARTICLE III COMMERCIAL DISTRICT REGULATIONS

\* \* \*

### Chapter 2 Use Regulations

#### 32-11 Use Groups 1 and 2

C1 C2 C3 C4 C5 C6

Use Groups 1 and 2, as set forth in Sections 22-11 and 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single#- or #two-family detached# or #zero lot line residences#.

In #lower density growth management areas# in the Borough of Staten Island, ~~except C3A Districts, Use Groups 1 and 2 shall be permitted only within #mixed buildings#.~~ However, no #residences# shall be allowed on the following #zoning lots#, except by special permit pursuant to Section 74-49 (Residential Use in C4-1 Districts in Staten Island):

- (a) any #zoning lot# in a C4-1 District, where such district occupies at least four acres within a #block#; or
- (b) any other #zoning lot# in a C4-1 District, where such #zoning lot# had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.

\* \* \*

### Chapter 3

## Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

\* \* \*

### 33-00

#### APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

\* \* \*

### 33-03

#### Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:
  - #Special Bay Ridge District#;
  - #Special Clinton District#;
  - #Special Downtown Brooklyn District#;
  - #Special Downtown Jamaica District#;
  - #Special Grand Concourse District#;
  - ~~#Special Hillside Preservation District#;~~
  - #Special Hudson Yards District#;
  - #Special Little Italy District#;
  - #Special Long Island City Mixed Use District#;
  - #Special Natural Resources District#;

#Special Ocean Parkway District#;

#Special South Richmond Development District#;

\* \* \*

## **Chapter 6 Accessory Off-street Parking and Loading Regulations**

\* \* \*

### **36-50 ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF- STREET PARKING SPACES**

\* \* \*

### **36-59 Cross Access Connections in the Borough of Staten Island**

C4-1 C8

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on ~~the same or separate~~ #zoning lots# that provide #accessory# off-street parking spaces for customers shall be required to provide ~~vehicular~~ passageways for vehicles, pedestrians, or both between such open parking lots. Such ~~vehicular~~ passageways are hereinafter referred to as “cross access connections” and shall be provided in accordance with the requirements of this Section, inclusive.

### **36-591 Applicability**

(a) Cross access connections shall be required for:

- (1)(a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area;
- (2)(b) #enlargements# on a #zoning lot# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area, and such parking spaces are #accessory# to #commercial# or #community facility uses#; or
- (3)(e) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility uses# is increased and such increase results in at least 36 parking spaces or more than 12,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall ~~locate~~ provide cross access connections in accordance with the requirements of Sections 36-592 and 36-593 and 36-594.

- (b) Cross access connections shall not be required between one or more #abutting zoning lots#, where the following conditions exist between such #abutting zoning lots#:
- (1) the open parking lot to be connected on the subject #zoning lot# or the #abutting zoning lot# provides #accessory# off-street parking spaces exclusively for any combination of the #uses# listed in the following Use Groups: 1, 2, 3, 6B, 7, 9, 11, 13, 14, 15 or 16;
  - (2) the Commissioner of Buildings certifies that that a fence is necessary along the perimeter of the boundary of the open parking lot because the open parking lot is #accessory# to a #use# that is not retail and is not open to the general public;
  - (3) #abutting zoning lots# share a common #lot line# that is contiguous for less than 60 feet. For the purposes of this Section, “contiguous” shall include the sum of all continuous segments of a #lot line#;
  - (4) there is a recorded cross access easement on an #abutting zoning lot# as required pursuant to Section 36-594, and existing #buildings or other structures# to remain on the subject #zoning lot# are within 50 feet of the #lot line# and would block vehicular cross access connections;
  - (5) except for #zoning lots# that are one acre or greater in area in the #Special Natural Resources District#, where the subject #zoning lot# contains an open parking lot that is less than 150,000 square feet in area, and where:
    - (i) off-street accessory parking spaces are located more than 60 feet from a shared #lot line# between two #abutting zoning lots#;
    - (ii) the subject #zoning lot# is 68 feet or greater in width, measured perpendicular to the #abutting lot line# through the open parking lot, and the elevation difference between the nearest vehicular travel paths of the adjacent open parking lots is greater than three feet; or
    - (iii) the subject #zoning lot# is less than 68 feet in width, measured perpendicular to the #abutting lot line# through the open parking lot, and the elevation difference between the nearest vehicular travel paths of the adjacent open parking lots is greater than one and a half feet;
  - (6) between two #abutting zoning lots# that do not front on the same #street#, and where:
    - (i) existing or proposed #buildings or other structures# would block

pedestrian cross access connections;

(ii) no open parking areas are proposed on the subject #zoning lot# within 60 feet of the #lot line# where pedestrian cross access would be required; or

(iii) the #aggregate width of street walls# exceed 90 percent of the length of the #street line# of the subject #zoning lot#;

(7) wetlands regulated by the New York State Department of Environmental Conservation or by the United States Army Corps of Engineers, or pursuant to Section 143-16 (Aquatic Resource Protections), are located between the open parking areas or their access driveways along the entire length of #abutting lot lines#, except where blocked by existing #buildings# on the subject #zoning lot#, provided the Commissioner of Buildings shall determine that there is no way to locate a cross access connection that protects such wetlands. The Commissioner may request reports from licensed engineers or landscape architects in considering such waivers.

### **36-592**

#### **Certification of cross access connections**

~~No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the requirements of Section 36-59, inclusive, have been met.~~

### **36-593 592**

#### **Site planning criteria for cross access connections**

Every potential cross access connection meeting the criteria of this Section shall be shown on the site plan required pursuant to Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations).

~~(a) The connection shall be a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#.~~

~~(b) The connection shall be an extension of a travel lane of the subject open parking lot and align to the maximum extent practicable with a travel lane on any adjacent open parking lot.~~

~~(c) The connection shall have a grade not greater than 15 percent.~~

~~(d) The connection shall be placed in an area that is not blocked by an existing #building or~~

~~other structure# that is within 50 feet of the #lot line# or other lot line boundary of the subject property.~~

- ~~(e) The connection shall be placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same or adjacent #zoning lots#.~~
- (a) All connections shall be located at least 23 feet from any #street line#, except where connecting to a driveway that does not have #abutting# parking spaces and that provides access to an open parking lot, in which case the connection shall be at least 60 feet from any #street line#.
- (b) All cross access connections between two #abutting zoning lots# that front on the same #street# shall provide vehicular access as follows:
  - (1) Each connection shall be, to the extent practicable, an extension of a travel lane or connect to a driveway accessing an open parking lot.
  - (2) Each connection shall be a minimum of 22 feet in width as measured along a #lot line#. Where the connection is within 60 feet of a pedestrian walkway on the subject #zoning lot#, the connection shall also include a pedestrian pathway with a minimum width of six feet, for a total minimum width of 28 feet. The sides of the pedestrian pathway shall be separated from adjacent vehicle travel paths by a curb, bollard, or vegetation maintained at a maximum height of three feet.
  - (3) All connections shall have a proposed slope not greater than 15 percent.
  - (4) All connections shall be placed in an area that is not blocked by an existing #building or other structure# on the #abutting zoning lot# that is within 50 feet of the #lot line# of the subject #zoning lot# unless the only cross access location that would otherwise comply with all cross access rules is blocked by such #building or other structure# on the #abutting zoning lot#.
- (c) A cross access connection between two #abutting zoning lots# that do not front on the same #street# shall only be required to provide pedestrian access as follows:
  - (1) the pedestrian access connection easement shall be a minimum of nine feet in width as measured along a #lot line#;
  - (2) the pedestrian access connection pathway shall have a proposed slope not greater than 1:12 for a paved walkway not less than three feet wide, or as otherwise required to meet standards for access determined by the Americans with Disabilities Act; and
  - (3) the sides of the pedestrian pathway shall be separated from adjacent vehicle travel paths or parking spaces by a curb, bollards or vegetation maintained at a

maximum height of three feet.

No screening or landscaping along a #lot line# shall be required in the connection area, except as required for pedestrian pathways pursuant to this Section.

### **36-594-593**

#### **Establishment of location of required cross access connection**

~~One cross access connection shall be provided on the subject property at each #zoning lot line# or other boundary on the same #zoning lot#, where the properties divided by such #lot line# or boundary are contiguous by at least 60 feet, and where the adjacent properties are located in C4-1, C8 or Manufacturing Districts. At least one cross access connection shall be provided on the subject #zoning lot# to each #abutting zoning lot# located in C4-1, C8 or Manufacturing Districts.~~

The location of required cross access connections shall be established as follows:

- (a) ~~where an easement has not been previously recorded against any adjacent property an #abutting zoning lot# in accordance with Section 36-595 36-594 (Recordation and notice requirements), an easement shall be recorded against the subject property documenting the locations of all potential cross access connections identified~~ all potential cross access connections shall be located pursuant to Section 36-593 36-592 (Site planning criteria for cross access connections) and the locations shall be selected to facilitate compliance with the criteria set forth in Section 36-592 on the #abutting zoning lot#. The easement shall provide for at least one future cross access connection to each adjacent property, at any of the locations; or
- (b) ~~where an easement has been previously recorded against an adjacent property# abutting zoning lot# in accordance with Section 36-595 36-594 (Recordation and notice requirements), an easement providing for at least one a cross access connection to such #abutting zoning lot# shall be located to align with the one of locations identified in the previously recorded easement. meeting the criteria set forth in Section 36-593 shall be recorded against the subject property. Such cross access connection shall also align with one of the locations identified in the previously recorded easement against an adjacent property. If the previously recorded easement has identified more than one location for a cross access connection along such #lot line# or other boundary, the owner of the subject property #zoning lot# shall select one of these locations for the construction of a cross access connection. The location selected on the subject #zoning lot# shall comply with the criteria set forth in Section 36-592.~~

Each property owner shall construct their portion of the cross access connection in accordance with the requirements of Sections ~~36-593 36-592~~ and ~~36-595 36-594~~ after easements are required to be recorded on both #abutting zoning lots#.

If such cross access connection has been established in a location that contained parking spaces upon the effective date of the easement, as set forth in Section ~~36-595 36-594~~, such connection



shall be counted as four required parking spaces and shall be separated from any adjacent parking spaces by ~~a~~ an island that shall not be subject to the landscaping provisions of Section 37-922 (Interior landscaping). The island shall be either a planting island at least four feet wide and densely planted with shrubs maintained at a maximum height of three feet or, if providing a cross access connection at least 28 feet wide, shall include one paved pedestrian walkway at least six feet wide that provides pedestrian access to the #abutting zoning lot#.

Relocation of a previously recorded cross access connection, where a new location is acceptable to the owners of both #zoning lots# and such cross access connection complies with all requirements of Section 36-59, inclusive, shall be permitted as-of-right, provided the terms of the prior easement are modified accordingly to reflect the new easement.

### **36-595594**

#### **Recordation and notice requirements**

An easement through all required cross access connections for vehicular or pedestrian passage between and among adjacent parking lots, in a form acceptable to the Department of ~~City Planning Buildings~~, shall be recorded in the Office of the Richmond County Clerk. The easement shall be recorded prior to the issuance of any permit by the Department of Buildings. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an ~~adjacent property #abutting zoning lot#, whether on the same or adjacent #zoning lot#,~~ pursuant to this Section. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non-customers.

If an easement pursuant to this Section has previously been recorded against any ~~adjacent property #abutting zoning lot#,~~ the owner of the subject ~~property #zoning lot#~~ shall notify the owner of the ~~adjacent property #abutting zoning lot#~~ of the easement location selected by sending such owner a copy of the recorded easement. ~~Proof of notification shall be a condition of certification under this Section.~~ Prior to issuance of a temporary certificate of occupancy or permit sign-off, as applicable, the subject ~~property #zoning lot#~~ owner shall further notify the ~~adjacent property #abutting zoning lot#~~ owner that the cross access connection must be constructed on the ~~adjacent property #abutting zoning lot#~~ within six months of the date of such notice. No temporary certificate of occupancy for any #development#, #enlargement# or increase in the number of parking spaces on the subject ~~property# zoning lot#,~~ or permit sign-off, if applicable, shall be issued until the applicant has demonstrated to the Department of Buildings that such owner of the ~~adjacent property# abutting zoning lot#~~ has been duly notified.

Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for ~~vehicular~~ passage between and among the adjacent parking lots within six months of the date of the notice shall constitute a violation of this Zoning Resolution by the adjacent property owner. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular or pedestrian passage between and among the adjacent parking lots at the time of the aforementioned temporary certificate of occupancy or permit sign-off, if applicable, shall constitute a violation of this Zoning Resolution by the owner of the subject ~~property #zoning lot#~~.

### **36-596**

#### **Certification that no connection is required, relocation of previously certified connections and voluntary connections**

(a) ~~Certification that no connection is required~~

~~The Chairperson shall certify to the Department of Buildings that no cross access connection is required along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of the following conditions, and provided that no alternate location along such #lot line# or other boundary between properties exists:~~

- ~~(1) grade changes greater than 15 percent;~~
- ~~(2) existing #buildings or other structures# to remain that are located within 50 feet of the subject #zoning lot# or property; or~~
- ~~(3) wetlands or trees with a caliper of six inches or more.~~

(b) ~~Relocation of previously certified connection~~

~~The Chairperson may relocate a previously certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.~~

(c) ~~Certification for voluntary connection~~

~~The Chairperson may certify a non-required cross access connection provided such connection complies with all requirements of Section 36-59, inclusive.~~

### **36-595**

#### **Certification for modifications of cross access connections**

The Chairperson of the City Planning Commission may certify a cross access connection that does not meet the requirements of Section 36-59, inclusive, provided the Chairperson certifies that, due to existing #buildings or other structures# that are located within 50 feet of a #lot line#, it is not possible to design a complying parking lot with a complying cross access connection.

Turning diagrams and ground clearance diagrams shall be provided to indicate that vehicles can maneuver safely between the parking lots, and such cross access connections are adequately located so as not to impair adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

The Chairperson may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

**36-597596**

**Authorizations for waivers or modifications of cross access connections**

The City Planning Commission may authorize modifications or waivers of the requirements of Section 36-59, inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# ~~or boundaries between properties on the same #zoning lot#~~, it is not possible to design a complying parking lot with a complying cross access connection or the proposed site plan with a connection that does not follow the provisions of Section 36-592 (Site planning criteria for cross access connections) is the only one that is feasible; or
- (b) for open parking lots that are 150,000 square feet in area or greater, site planning constraints necessitate the placement of a new or #enlarged building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

The Commission may also approve an alternative cross access connection not meeting the requirements of Section 36-59, inclusive, provided that turning diagrams and ground clearance diagrams indicate that vehicles can maneuver safely between the parking lots, and such cross access connections are adequately located so as not to impair adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

\* \* \*

**Chapter 7  
Special Regulations**

\* \* \*

**37-20  
SPECIAL REGULATIONS ~~FOR LOWER DENSITY GROWTH MANAGEMENT~~  
~~AREAS IN THE BOROUGH OF STATEN ISLAND~~**

**37-21  
Special Screening Requirements between Residential and Non-Residential Uses**

In all C1, C2, ~~and C4-1~~ and C8 Districts in the Borough of Staten Island, all ~~#developments#~~ or ~~horizontal #enlargements#~~ containing non-~~#residential uses#~~ ~~shall be screened from adjoining adjacent to #zoning lots#~~ containing only ~~#residential uses#~~ shall be screened by a planting strip, ~~at least five feet wide~~. Such #zoning lots# containing non-#residential uses# shall be referred to as the ‘subject #zoning lot#’ and shall comply with the following provisions:

(a) Along a #front lot line#

Where the adjacent #zoning lot# containing only #residential uses# is located in a #Residence District#, is located across a #street# from the subject #zoning lot# and is within 100 feet of the subject #zoning lot#, the subject #zoning lot# shall provide the following:

- (1) a #building# located within 15 feet of the #front lot line# with glazing that meets the standards of Section 37-34 (Minimum Transparency Requirements); or
- (2) for any portion of the #front lot line# that does not meet the standards of paragraph (a)(1) of this Section, screening shall be provided by a planting strip at least four feet wide with shrubs with a maximum height of three feet, except as may be interrupted by normal entrances or exits;

(b) Along a #side lot line#

Where the #abutting zoning lot# containing only #residential uses# is located across a #side lot line# from the subject #zoning lot#, the subject #zoning lot# shall provide along such #side lot line# a planting strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting. No chain link fences shall be permitted along such #side lot line#.

(c) Along a #rear lot line#

Where the #abutting zoning lot# containing only #residential uses# is located across a #rear lot line# from the subject #zoning lot#, and where there is no existing or proposed #building# within 10 feet of such #rear lot line# or portion thereof, the subject #zoning lot# shall provide along the #rear lot line# a planting strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting.

~~along the common #side lot line#, densely planted with evergreen shrubs at least four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted.~~

However, no such screening shall be required where both such ~~#buildings-zoning lots#~~ front upon a #street line# that forms the boundary of a #block# front mapped entirely as a #Commercial District#.

\* \* \*

**ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 4  
Special Regulations Applying in Flood Hazard Areas**

\* \* \*

**64-90  
SPECIAL APPROVALS**

**64-91  
Modification of Certain Certification Requirements in the ~~Special South Richmond Development District~~ Special Natural Resources District**

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability to Developments in the Waterfront Area).

In the ~~#Special South Richmond Development District#~~ #Special Natural Resources District#, Sections ~~107-22~~ 143-51 (Designated Open Space), inclusive, and ~~107-23~~ 143-52 (Waterfront Esplanade) shall not apply to the reconstruction or repair of #buildings# that were damaged due to the effects of #Hurricane Sandy#, provided that:

- (a) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012; and
- (b) there is no increase in impervious surfaces on the #zoning lot#.

In addition, the provisions of Section ~~107-22~~ 143-51, inclusive, shall not apply to a #site alteration# that is not a #development# or #enlargement# where the Commissioner of Buildings determines it is the minimum necessary to enable the reconstruction of a #building#. The Commissioner may request reports from licensed engineers or landscape architects in considering such determination.

\* \* \*

**Appendix A  
Special Regulations for Neighborhood Recovery**

\* \* \*

**64-A30  
SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS**

**EXISTING ON OCTOBER 28, 2012**

\* \* \*

**64-A352**

**Special provisions for narrow lots**

R1 R2 R3 R4 R5 R6

\* \* \*

- (b) In the ~~#Special South Richmond Development District#~~ #Special Natural Resources District#, the provisions of Sections ~~107-42 (Minimum Lot Area and Lot Width for Residences) and 107-462 (Side yards)~~ 143-343 (Minimum lot area and lot width in the South Richmond Subdistrict) and 143-352 (Side yards in South Richmond) shall not apply. In lieu thereof, the regulations of the applicable underlying ~~#Residence District#~~ shall apply pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences) and Section 23-46 (Minimum Required Side Yards) and may be modified, as applicable, by the regulations of this Appendix.

\* \* \*

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 5  
Special Fort Totten Natural Area District**

**105-00  
GENERAL PURPOSES**

The "Special Fort Totten Natural Area District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas;
- (b) to preserve land having qualities of exceptional recreational or educational value to the public;
- (c) to protect aquatic, biologic, botanic, geologic, topographic and other natural features having ecological and conservation values and functions;

- (d) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (e) to preserve hillsides having unique aesthetic value to the public; ~~and~~
- (f) to preserve, protect and enhance the combination of historically significant buildings and other structures, public open spaces, outstanding scenic views and pedestrian and vehicular circulation system which by their siting create a unique balance between buildings and open spaces and which, together with the harmonious scale of development and landscaping, add to the quality of life in the area;
- (g) to improve the quality of new development in the area by fostering the provision of specified public amenities and recreational facilities in appropriate locations and by making these facilities directly accessible to the public; and
- (h) to promote the most desirable use of land and the direction of building development in accordance with a well-considered plan, to promote stability of residential development, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and thereby protect the City's tax revenues.

\* \* \*

**105-01  
Definitions**

\* \* \*

**Critical root zone**

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Designated open space

The "designated open space" is an #open space# as shown on the District Plan.

**Hillside**

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section 105-10 (NATURAL FEATURES) and existing within ~~a~~the #Special Fort Totten Natural Area District#.

\* \* \*

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Street

For the purpose of this Section, a "street" is a way existing within the #Special Fort Totten Natural Area District# as shown on the District Plan (Appendix A) complying with the definition of #street# in Section 12-10, except that the #street# width shall be limited to existing dimensions. No modification of existing dimensions shall be permitted without prior certification of the City Planning Commission.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

\* \* \*

**105-02  
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Fort Totten Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

- (a) any #development#, #enlargement# or #site alteration#;
- (b) any subdivision of a #zoning lot# existing on the effective date of the Special District



designation into two or more #zoning lots#; and

- (c) any public improvement projects located within the #Special Fort Totten Natural Area District#, which shall be subject to the provisions of Sections 105-92 (Special Provisions for City-owned Land) and 105-93 (Inter-agency Coordination), except for any such projects which were approved by the Board of Estimate prior to the effective date of the Special District designation.

Prior to issuance by the Department of Buildings or other City or State agencies, of a permit for any #development#, #enlargement# or #site alteration# within ~~a~~the #Special Fort Totten Natural Area District#, or for any #site alteration# for which no permit is required by the Department of Buildings or other City or State agencies, an application shall be submitted to the City Planning Commission for review and approval pursuant to Section 105-40 (SPECIAL REVIEW PROVISIONS), except those #developments#, #enlargements# and #site alterations# that are not subject to the provisions of Section 105-40, as specified in Section 105-021 (Actions not requiring special review).

\* \* \*

#### **105-022**

##### **Requirements for application**

An application to the City Planning Commission for certification, authorization or special permit and to the Department of Buildings respecting any #development#, #enlargement# or #site alteration#, to be made within ~~any~~the #Special Fort Totten Natural Area District#, shall include the following:

\* \* \*

- (b) photographs showing the location and condition of such #natural features# for verification with pre-existing aerial survey and/or other photographs for ~~each~~ the #Special Fort Totten Natural Area District#;

\* \* \*

- (g) any other information necessary to evaluate the request; ~~and~~
- (h) for #developments#, #enlargements# and #site alterations# on #Tier II sites#, the application shall also include:
  - (1) an alignment and paving plan for any #private road# with a typical cross-section; and
  - (2) a construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees,

understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site; and if the #critical root zone# is proposed to be modified, a #tree protection plan# for any tree proposed for preservation; and

- (i) In addition, an application for #development# within Area B, as shown on the map in Appendix A of this Chapter, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The application shall include a landscaping plan, #building# sections and elevation and an appropriate model of the planned community.

The Commission shall require, where relevant, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

For a #site alteration#, #enlargement# or #development# within ~~any the~~ #Special Fort Totten Natural Area District#, the Commission may modify one or more requirements set forth in paragraphs (a) through ~~(h)~~ (i) of this Section, when such modification is requested by the applicant in writing and when the Commission determines that the requirements are unnecessary for evaluation purposes.

Appendix B of this Chapter should be used as a guide to assist in identifying the #natural features# on the survey required in this Section.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a permit is required for a #development#, #enlargement# or #site alteration# within ~~a the~~ #Special Fort Totten Natural Area District# from any City or State agency, an application for such permit shall be filed simultaneously with such agency and the Commission.

\* \* \*

### **105-03 District Plan**

The regulations of this Chapter are designed to implement the #Special Fort Totten Natural Area District# Plan. The District Plan includes the following:

Appendix A - Special Fort Totten Natural Area District Plan Maps

\* \* \*

**105-20**  
**PROTECTION OF NATURAL FEATURES**

All #natural features# within a the #Special Fort Totten Natural Area District# shall be protected by the regulations of this Chapter in accordance with the provisions set forth in Sections 105-02 (General Provisions), 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES).

\* \* \*

**105-30**  
**PRESERVATION OF NATURAL FEATURES**

The provisions of this Section are applicable to all #developments#, #enlargements# and #site alterations# within the #Special Fort Totten Natural Area District#, pursuant to Section 105-02 (General Provisions). When pursuant to Sections 105-41 (Certification) or 105-021 (Actions not requiring special review), it is not necessary for an applicant for a #development#, #enlargement# or a #site alteration# to apply for an authorization or special permit, such #development#, #enlargement# or #site alteration# shall nonetheless comply with the #natural feature# preservation requirements of this Section, inclusive.

\* \* \*

**105-32**  
**Botanic Environment and Tree Planting Requirements**

Any vegetation that cannot be saved as a result of #site alteration#, #enlargement# or #development# shall be replaced with alternative vegetation to be approved by the City Planning Commission. All #developments#, #enlargements# and #site alterations# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#.

The replanting of elements of vegetation that are parts of an association or community shall be such as to reestablish, as rapidly as is reasonable, the vigor and character of the association. When necessary to establish ecological balance, the Commission may also require additional vegetation to be planted.

(a) Tree planting

For the purposes of this Section, the following minimum standard shall apply for tree planting:

- (1) For any #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District#, trees of at least three-inch #caliper#, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area# or portion thereof or shall equal a

total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

\* \* \*

**105-33  
Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422**

The maximum permitted percentage of #lot coverage# for #residences# on a #zoning lot# shall be 22.5 percent where the average percent of slope is between 10 and 14.9 percent, 20 percent where the average percent of slope is between 20 and 24.9 percent, and 17.5 percent where the average percent of slope is between 10 and 14.9 percent. ~~determined by Table I or Table II of this Section, as applicable.~~

**TABLE I  
PERMITTED PERCENTAGE OF LOT COVERAGE ON A TIER II ZONING LOT BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE**

#Average Percent of Slope#	#Residence District#*						
	R1	R2	R3	R4	R5	R6	
						1-2 Family	Other
10-14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15-19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20-24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

\* \_\_\_\_\_ or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 105-422, the maximum permitted percentage of #lot coverage# for such #zoning lot# shall not exceed 12.5 percent. ~~the maximum set forth in Table II of this Section.~~

**TABLE II  
PERMITTED PERCENTAGE OF LOT COVERAGE ON ANY ZONING LOT OR PORTION OF ANY ZONING LOT WITH A STEEP SLOPE GRANTED AN AUTHORIZATION PURSUANT TO SECTION 105-422**

#Residence District#*						
					R6	
R1	R2	R3	R4	R5	1-2 Family	Other
12.5	12.5	12.5	20.0	25.0	27.0	18.0

\* ~~\_\_\_\_\_ or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#~~

**105-34  
Grading Controls for Tier II Sites**

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

- (a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
- (b) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Fort Totten Natural Area District#.

\* \* \*

**105-36  
Controls During Construction**

The following requirements must be met during construction and identified on the construction plan:

- (a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15-foot limit infeasible or impractical.
- (b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the

construction site shall have hay bales placed adjacent to them.

- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Fort Totten Natural Area District#.

\* \* \*

**105-40**  
**SPECIAL REVIEW PROVISIONS**

The provisions of this Section shall apply to all #developments#, #enlargements# or #site alterations# located within a the #Special Fort Totten Natural Area District#.

Prior to the issuance by the Department of Buildings of any permit for a #development#, #enlargement# or #site alteration# within a the #Special Fort Totten Natural Area District#, the City Planning Commission shall certify to the Department of Buildings that the #development#, #enlargement# or #site alteration# is approved pursuant to Sections 105-41, 105-42, 105-43 or 105-44, inclusive.

\* \* \*

**105-42**  
**Authorizations to Alter Natural Features**

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

\* \* \*

- (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 Fort Totten Natural Area District#.

\* \* \*

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

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

\* \* \*

**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**

\* \* \*

The #lot coverage# regulations of ~~Table II~~ of Section 105-33 (Residential Lot Coverage Regulations on Tier II Sites or 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.

**105-423**

**Relocation of erratic boulders**

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~~the #Special Fort Totten 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 Fort Totten 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 Fort Totten Natural Area District#. The Commission may prescribe appropriate conditions to enhance the setting of the relocated boulder.

\* \* \*

**105-425**

**Modification of botanic environment and tree preservation and planting requirements**

\* \* \*

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 Fort Totten 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.

\* \* \*

### **105-43**

#### **Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations**

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

\* \* \*

### **105-434**

#### **Modification of requirements for private roads and driveways**

For any #development#, #enlargement# or #site alteration#:

(a) — the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 105-35 (Tier II Site Requirements for Driveways and Private Roads), as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts) provided that:

- (1)(a) the #development# or #enlargement# 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;
- (2)(b) such modification is the least modification required to achieve the purpose for which it is granted;
- (3)(c) the modification will not disturb the drainage pattern and soil conditions of the area;
- (4)(d) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
- (5)(e) such modification will enhance the quality of the design of the #development#, #enlargement# or #site alteration#; ~~or~~



- (b) ~~located on a #zoning lot# containing historic buildings designated by the Landmarks Preservation Commission within the New York City Farm Colony Seaview Hospital Historic District, as shown on Map 2 in Appendix A of this Chapter, the City Planning Commission may authorize modifications or waivers of the requirements for #private roads# as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS) through Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets), inclusive, and Section 26-30 (SPECIAL REQUIREMENTS FOR LOTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) through 26-35 (Screening), inclusive, provided that such modification or waiver:~~
- (1) ~~results in greater environmental conservation or preservation of existing natural features;~~
  - (2) ~~results in a superior site and landscape plan that will not unduly disturb the drainage pattern and soil conditions of the area;~~
  - (3) ~~results in greater preservation of historic #buildings# or other architectural elements of the Historic District designated by the Landmarks Preservation Commission;~~
  - (4) ~~enhances vehicular and pedestrian connections between #buildings# on the site and the surrounding neighborhood;~~
  - (5) ~~will not impair the essential character of the Historic District and the surrounding area;~~
  - (6) ~~is the least required to achieve the purpose for which it is granted; and~~
  - (7) ~~will not reduce the required minimum width of the #private road# to a width less than 34 feet unless the Fire Department has approved such reduction and determined that emergency vehicles can adequately access and move within the site.~~

\* \* \*

#### **105-44 Special Permits**

For any #development#, #enlargement# or #site alteration# within the #Special Fort Totten Natural Area District#, the City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Sections 105-441 and 105-442.

\* \* \*

## 105-441

### Modification of use regulations

In addition to any #use# modifications which may be granted under the provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may permit #semi-detached# or #attached single-family residences# in R2 Districts and #attached single-# or #two-family residences# in R3-1 Districts.

Furthermore, ~~except in the #Special Natural Area District# 1 (NA-1),~~ the Commission may permit #semi-detached# or #attached single-family residences# in R1-2 Districts provided that the #development# or #enlargement# is on a tract of land of at least four acres, and provided the Commission finds that:

\* \* \*

## 105-50

### REGULATIONS FOR PROTECTION OF NATURAL FEATURES

The provisions of this Section establish regulations for City Planning Commission review of #development#, #enlargement# or #site alteration# plans from the standpoint of the adequacy of protection for #natural features# within ~~a~~the #Special Fort Totten Natural Area District#. Plans that are deficient in this regard may be rejected or required to be modified, even though they comply with all other applicable regulations of this Chapter.

- (l) For a #steep slope#, these additional requirements apply:
  - (1) In all #Residence Districts#, for #residential developments# on individual #zoning lots# substantially within a #steep slope# area, the #lot area per dwelling unit# requirement shall not be less than 12,500 square feet. ~~Except in R1 Districts located in #Special Natural Area District# 1 (NA-1),~~ The Commission may, for a tract of land of at least four acres substantially within the #steep slope# area, modify, by authorization, the #lot area per dwelling unit# requirement set forth in this paragraph, (l)(1), for the #steep slope# area, and may allow #development# to be concentrated in clusters to preserve the #steep slope# areas in their natural state, provided that such clusters are located to the extent feasible in areas of comparatively flat topography and will not require unnecessary grading on adjacent slopes or the creation of new #steep slopes#.

\* \* \*

## 105-60

### MAINTENANCE OF NATURAL FEATURES

For any #development#, #enlargement# or #site alteration# on a tract of land within ~~a~~the

~~#Special Fort Totten Natural Area District#, the City Planning Commission may require a maintenance plan for a #natural feature#. Where a maintenance plan is required, approval of the development plan and the granting of any certification, authorization or special permit shall be conditioned upon the Commission's approval of the maintenance plan.~~

~~\* \* \*~~

## **105-701**

### **Applicability of large-scale residential development regulations**

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), shall apply except as modified by the provisions of this Section.

Any #zoning lots developed#, used predominantly for #residential uses#, may be treated as a #large-scale residential development# and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein or in Section 105-80 (JOINT APPLICATIONS), regardless of whether such #zoning lot# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential development#, as set forth in Section 12-10 (DEFINITIONS).

~~However, in R1 Districts located in the #Special Natural Area District#-1 (NA-1), no modification of minimum required #lot area# as set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) shall be allowed for any #development# pursuant to paragraph (c) of Section 78-311 (Authorizations by the City Planning Commission) or Section 78-32 (Bonus for Good Site Plan) but modifications of required #front# or #rear yards# and height and setback regulations on the periphery of such #zoning lot#, pursuant to paragraphs (c) and (d) of Section 78-312 (Special permits by the City Planning Commission), shall apply. Modification of #side yards# of all #zoning lots#, including #zoning lots# in R1 Districts, shall be subject to the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations).~~

Bonuses which may be granted for #large-scale residential developments#, pursuant to Section 78-32 through Section 78-35 (Special Bonus Provisions), may not be granted for #zoning lots# which have less than 10 acres and less than the number of #buildings# or number of #dwelling units# required by the definitions of a #large-scale residential development#.

~~\* \* \*~~

## **105-702**

### **Applicability of lower density growth management area regulations**

The regulations for #developments# or #enlargements# within #lower density growth management areas# are modified as follows:

(a) — Parking location regulations

~~#Accessory# parking spaces shall be permitted within a #front yard#.~~

~~(b) Private road regulations~~

~~The provisions of paragraph (b) of Section 105-35 (Tier II Requirements for Driveways and Private Roads) shall apply to #Tier II sites# accessed by #private roads#.~~

**105-90  
FUTURE SUBDIVISION**

Within ~~a~~the #Special Fort Totten Natural Area District#, any #zoning lot# existing on the effective date of the Special District designation may be subdivided into two or more #zoning lots#, provided that #natural features# are preserved to the greatest extent possible under future development options.

\* \* \*

**105-91  
Special District Designation on Public Parks**

When ~~a~~the #Special Fort Totten Natural Area District# is designated on a #public park# or portion thereof, any #natural features# existing on December 19, 1974, within such area shall not be removed, destroyed or altered unless authorized by the City Planning Commission. As a condition for granting such authorization, the Commission shall find that any alteration of #natural features# is the least alteration required to achieve the purpose intended and such authorization is consistent with the intent of the #Special Fort Totten Natural Area District#.

\* \* \*

**105-93  
Inter-agency Coordination**

Where an authorization or permit is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Departments of Transportation or Buildings for land contour work, by the Department of Environmental Protection for storm water drainage systems for #buildings# or adjacent areas or where construction of a public improvement project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development#, #enlargement# or #site alteration# within ~~a~~the #Special Fort Totten Natural Area District# will best meet the purposes of the Special District. Applications for any required permit or authorizations shall be filed simultaneously with each agency requiring a permit.

## **105-94**

### **Special Natural Area Districts Specified Special Regulations**

#### **105-941**

##### **Special Natural Area District-1:**

##### **Emerson Hill, Dongan Hills, Todt Hill, Lighthouse Hill and the Central Wetlands Area of Staten Island**

The central, serpentine, hilly spine of Staten Island is composed of Emerson Hill, Dongan Hills, Todt Hill and Lighthouse Hill. These hills are richly endowed with steep slopes, rock outcrops, erratic boulders and ponds, lakes, swamps, creeks and many trees of the glaciated Oak-Chestnut association.

To the south and west of the serpentine hills are tidal wetlands, a habitat for marine life and water fowl. The wetlands include parts of Latourette Park, Fresh Kills Park and New Springville Park. The high and low wetlands of Latourette Park and New Springville Park and most of the low wetlands of Fresh Kills Park remain in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

#### **105-942**

##### **Special Natural Area District-2:**

##### **Riverdale, Spuyten Duyvil and Fieldston, The Bronx**

The Riverdale Ridge of The Bronx is composed of part of Riverdale, Spuyten Duyvil and Fieldston. This ridge contains steep slopes, rock outcrops, ponds, brooks, swampy areas and mature trees.

The western foot of the ridge contains marshes, feeding areas for water fowl. The shore line of the Hudson River estuary contains the aquatic food web necessary to sustain marine life.

The marshes and most of the Hudson River shore line are included in Riverdale Park. Much of the Riverdale Ridge and Riverdale Park are in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

#### **105-943**

##### **Special Natural Area District-3:**

##### **Shore Acres Area of Staten Island**

The Shore Acres area of Staten Island owes its unique character to Shore Acres Pond, which is fed predominantly by springs percolating from an underground aquifer through Pleistocene strata of sand and gravel.

The Pond is a resting place for migratory and local fowl as well as a watering hole for opossums which are abundant along the wooded cliffs of the Narrows. The Pond has shaped its built environment, including the street layout, landscaping and orientation of neighboring homes. The surrounding area is distinguished by rolling topography with orientation of the northeastern edge toward Lower New York Bay and the Narrows.

The natural drainage area is in need of protection to ensure survival and maintenance of the Pond which in turn is essential to the preservation of this special area.

## **105-944**

### **Special Fort Totten Natural Area District-4**

#### **(a) — General purposes**

The "Special Fort Totten Natural Area District" 4 (hereinafter referred to as the Special 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 general purposes:

- (1) — to preserve, protect and enhance the combination of historically significant buildings and other structures, public open spaces, outstanding scenic views and pedestrian and vehicular circulation system which by their siting create a unique balance between buildings and open spaces and which, together with the harmonious scale of development and landscaping, add to the quality of life in the area;
- (2) — to protect aquatic, biologic, geologic, topographic and other natural features having ecological and conservation values and functions;
- (3) — to improve the quality of new development in the area by fostering the provision of specified public amenities and recreational facilities in appropriate locations and by making these facilities directly accessible to the public; and
- (4) — to promote the desirable use of land improvements in accordance with the District Plan and in conformance with the character of the Fort Totten area and thus conserve the value of land and buildings and thereby protect the City's tax revenue.

#### **(b) — Definitions**

(1) — Designated open space

The "designated open space" is an #open space# as shown on the District Plan.

(2) — Street

For the purpose of this Section, a "street" is a way existing within the #Special Fort Totten Natural Area District# 4 as shown on the District Plan (Appendix A) complying with the definition of #street# in Section 12-10, except that the #street# width shall be limited to existing dimensions. No modification of existing dimensions shall be permitted without prior certification of the City Planning Commission.

(c) — General requirements

(1) — Requirements for applications

An application to the Commission for any #development# within the Special District shall be subject to the requirements of Section 105-021 (Actions not requiring special review). In addition, an application for #development# within Area B shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, #building# sections and elevation and an appropriate model of the planned community.

The Commission shall require, where relevant, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

(a)(2) Pier #development#

The City Planning Commission may permit, by special permit, pier #development#, only upon finding that the proposed #development# shall have no significant adverse impact on the Special District or surrounding environment. The Commission may prescribe appropriate conditions and safeguards to minimize possible adverse effects on the surrounding area.

(d) — Special regulations

(b)(4) Demolition

Except in Area E, no demolition permit or alteration permit for alterations which may

affect the character or design of the facade of a #building or other structure# shall be issued by the Department of Buildings, except as permitted by the Commission, unless it is an unsafe #building or other structure# and demolition or alteration is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code. An applicant for any such permit shall notify the Landmarks Preservation Commission of the application.

The City Planning Commission, by special permit, may allow:

- (i)(1) the alteration of such #building or other structure#, provided that such alteration treatment of the facade relates harmoniously to the character and materials of the original facade and to the adjoining #buildings or other structures#; or
- (ii)(2) the demolition of such #buildings or other structures#, other than those deemed unsafe as defined by the Department of Buildings, provided that the Commission finds that the existing #building or other structures# are not suitable for rehabilitation.

Where a #building or other structure# has been demolished pursuant to this Section, the Commission may, by special permit, allow the replacement of the demolished structure provided that the design of the new structure in terms of scale, #lot coverage#, #building# height and exterior treatment of the facade shall replicate as nearly as possible the design and site plan of the original #building#.

(c)(2) Special height regulations

In order to preserve the unique character of the Special District and to protect the views of and to the water within the Special District, Section 23-631 (General provisions) shall apply except that the maximum height for any #development# or #enlargement# shall be 32 feet or three #stories#, whichever is less.

(d)(3) Location of zoning district boundaries at the shore line

Zoning district boundary lines shall coincide with the shore line lawfully existing on April 28, 1983, or any natural or lawful alteration thereof.

A zoning district boundary line which intersects the shore line lawfully existing on April 28, 1983 shall be prolonged, in a straight line, to such naturally or lawfully altered shore line. Lawfully approved piers or other lawfully approved structural extensions of the shore line, as may be so altered, shall not generate development rights.

(e)(4) Designated open space

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan, shall require certification by the Commission that such #designated open space# shall not be reduced in size or altered in shape and



shall be preserved in its natural state by the owner of the #zoning lot#.

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

#Designated open space# may be used for active recreational facilities provided that the Commission certifies that such #uses# have minimal impact on tree removal, topographic alteration or drainage conditions.

All #designated open spaces# shall be directly accessible to the public from public rights-of-way between dawn and dusk. A prominent plaque or other permanent #sign# shall be displayed on all #designated open spaces# in a prominent location, designated by the Commission, visible from the adjacent public right-of-way. Such plaque or permanent #sign# shall have a #surface area# of not less than three nor more than six square feet, and shall contain the following statement:

"This area is open to the public between sunrise and sunset."

(f)(5) District plan

The District Map for the #Special Fort Totten Natural Area District#-4 identifies specific areas comprising the District Plan in which special zoning regulations carry out the general purposes of the #Special Fort Totten Natural Area District#-4. The District Plan is set forth in Appendix A and is made an integral part hereof. These areas and the specific paragraphs of this Section which contain regulations pertaining thereto are as follows:

Area A - Historic Fort Area, paragraph ~~(d)(6)~~(g)

Area B - Planned Community Area, paragraph ~~(d)(7)~~(h)

Area C – Water Related Area, paragraph ~~(d)(8)~~(i)

Area D - Bay Area, paragraph ~~(d)(9)~~(j)

Area E - Development Area, paragraph ~~(d)(10)~~(k)

(g)(6) Historic Fort Area (Area A)

Within Area A (Fort Area) there shall be no #development# nor #enlargement# of existing #buildings or other structures# except that the Commission may authorize necessary renovation to protect existing structures. In all cases the Commission shall refer all applications to the Landmarks Preservation Commission and Department of Parks and Recreation or other City agencies with primary responsibilities in the

conservation area, for its report thereon.

(h)(7) Planned Community Area (Area B)

In order to protect the unique scale, character and design relationships between the existing #buildings# and public #open spaces# and parade grounds, no #development#, #enlargement# nor alteration of landscaping or topography shall be permitted, except as set forth herein and as provided by paragraph ~~(d)(1)~~ (b) of this Section.

(1)(i) Special permit

For any #development#, #enlargement# or alteration of landscaping or topography, the Commission may, by special permit, allow:

- (i)(a) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning lot lines#;
- (ii)(b) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lot# within the development to be distributed without regard for #zoning lot lines#;
- (iii)(e) minor variations in the #yard# and #court# regulations required by the applicable district regulations;
- (iv)(d) minor variations in the height and setback regulations required by the applicable district regulations;
- (v)(e) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot);
- (vi)(f) permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard to #zoning lot lines#, or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to findings of Section 78-41 (Location of Accessory Parking Spaces), or where such requirement substantially injures the functioning of the existing area, authorize waiver of all or part of the required parking.

(vii)(ii) Findings

As a condition precedent to the granting of a special permit under the provisions of paragraph ~~(d)(7)(i)~~ (h)(1) of this Section, the Commission shall make the following findings:

- (a) that the #development#, #enlargement# or said alteration is related to the existing #buildings# or other structures# in the Planned Community Area (Area B) in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the area;
- (b) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #buildings# and the landscaping surrounding the new landscaping arrangement and conditions of the community;
- (c) that the #development# or #enlargement# is sited such that it will not require at the same time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community;
- (d) that minimal landscaping is to be removed during construction and such areas will be fully restored upon completion of construction.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions, and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community.

~~(2)(iii)~~ Parade ground

Unless ownership is retained in a governmental agency, the parade ground #designated open space# shall be commonly owned with a #zoning lot# within Area B or Area E and the maintenance of the parade ground shall be the collective responsibility of said owner or owners. The parade ground shall be used for open recreational #uses# and may contain minor #accessory# structures to said #use#. The parade ground shall be directly accessible from the adjoining #streets# along its entire perimeter. There shall be no fences nor walls around or within the parade ground.

~~(i)(8)~~ Water Related Area (Area C)

In order to protect the unique aquatic and botanic characteristics of the area, there shall be no #development# in Area C except as provided by paragraph ~~(d)(1)(b)~~ of this Section.

~~(j)(9)~~ Bay Area (Area D)

In order to promote waterfront related activities, only the following #uses# of the C3 District shall be permitted in Area D:

- (i) #residential uses#, which #uses# are permitted only above the ground floor of those #buildings# existing prior to April 28, 1983;
- (ii) all #uses# of Use Group 14, except for boat showrooms or sales, and the storage, repair, or painting of boats other than crew sculls used for intercollegiate competition;
- (iii) all retail or service establishment #uses# of Use Group 6, except automobile supply stores.

(k)(10) Development Area (Area E)

Any #zoning lot developed# predominantly for #residential uses# may be considered a #large-scale residential development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, except that the #accessory uses# of Section 78-22 (Accessory Uses in Large-Scale Residential Developments) shall not apply.

Any #zoning lot developed# predominantly for #community facility uses# may be treated as a #large-scale community facility development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 9.

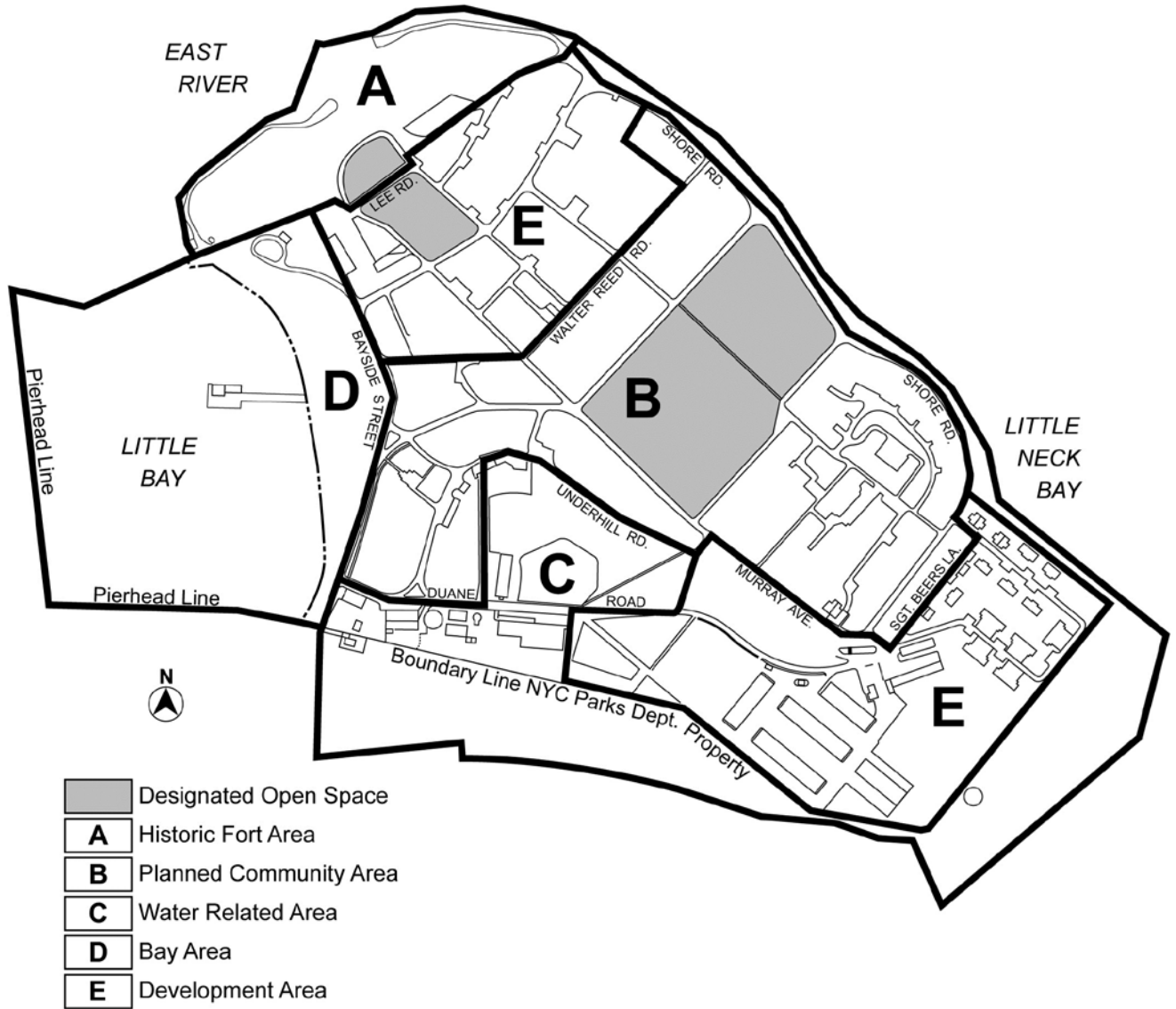
In Area E, the Commission may authorize clustering of #single-family# and #two-family residences# and a modification of housing types in order to maximize the preservation of existing #natural features# in the area, and to provide adequate view protection, and to relate these new structures with the existing structures in the general vicinity. Clustering shall be limited to a maximum #street wall# of 100 feet.

Any and all bonuses permitted in Sections 78-32 through 78-353, inclusive, shall not apply to #development# in Area E.

**Appendix A**

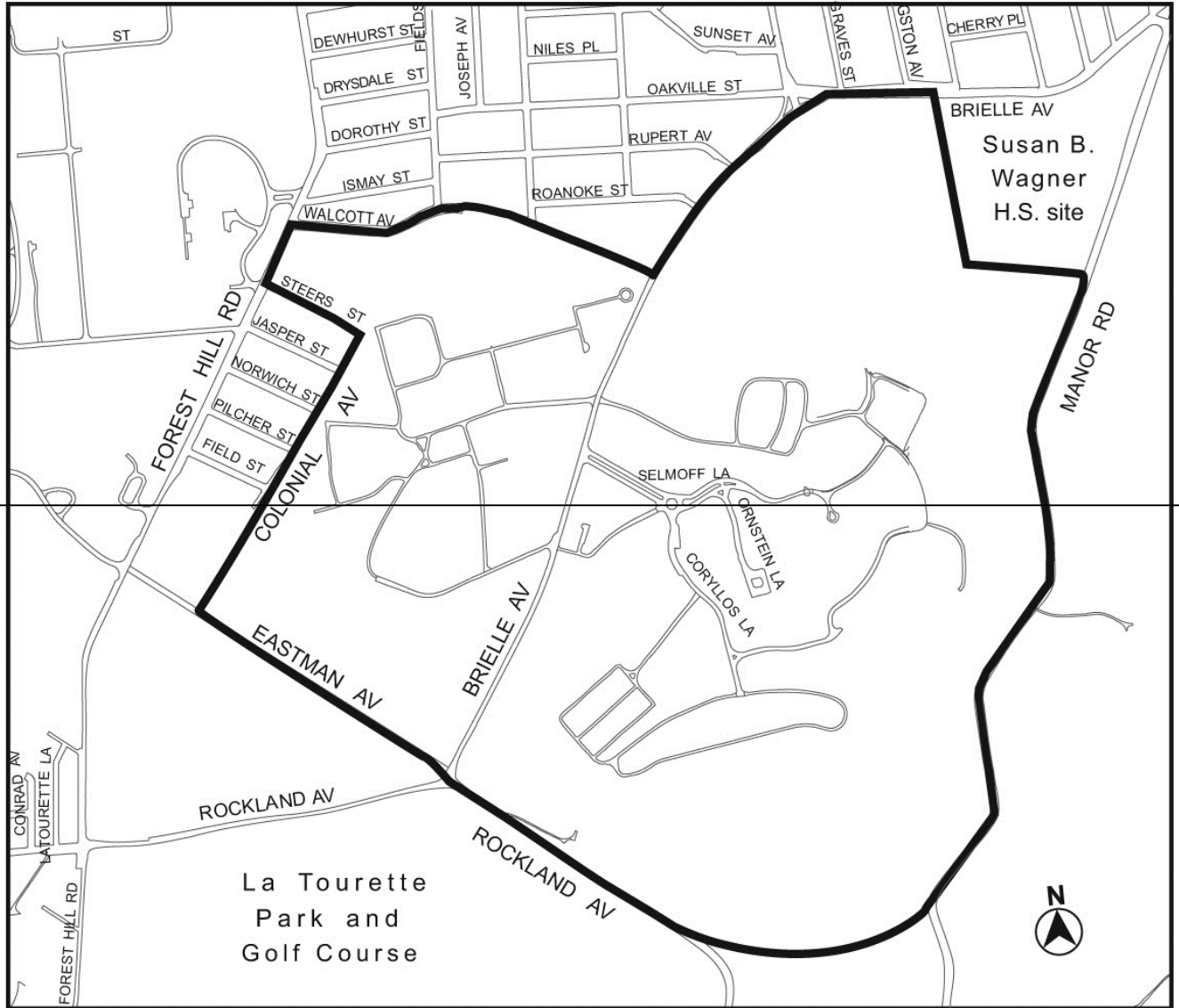
**Special Natural Area District Plan Maps Special Fort Totten Natural Area Plan Map**

Map 1. ~~Special Fort Totten Natural Area District 4 Plan Map,~~  
Borough of Queens



Map 2. New York City Farm Colony Seaview Hospital Historic District, Borough of Staten Island

[TO BE DELETED]



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**Chapter 7  
Special South Richmond Development District**

[ENTIRE CHAPTER TO BE DELETED]

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**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 9**

**~~Special Hillside Preservation District~~**

[ENTIRE CHAPTER TO BE DELETED]

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**ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 3  
Special Natural Resources District**

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**143-00**

**GENERAL PURPOSES**

The “Special Natural Resources District” (hereinafter also referred to as the “Special District”), established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) guide development in order to preserve, maintain and enhance aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;
- (b) protect and enhance ecological communities existing within parklands through planting regulations and limits on the extent of paved areas and other unvegetated areas that are based on the proximity of properties to such natural areas;
- (c) preserve land having qualities of recreational or educational value to the public;
- (d) reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (e) preserve natural features having unique aesthetic value to the public;
- (f) promote and preserve the character of the neighborhoods within the district;
- (g) promote balanced land use and the development of future land uses and housing in the South Richmond Subdistrict, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan, and to ensure the availability of essential public services and facilities for new development in an efficient and economic manner;
- (h) provide clear standards balancing ecology and development for small properties;
- (i) ensure a basic standard of ecological protection for larger properties identified as

containing significant natural features, while also ensuring a predictable development outcome; and

- (j) promote the most desirable use of land, guiding future development in accordance with a well-considered plan, and to conserve the value of land and buildings and thereby protect the City's tax revenues.

## **143-01** **Definitions**

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS). Maps referenced in this Section (Definitions) are located in Appendix A through D of this Chapter.

### Area adjacent to aquatic resources

An “area adjacent to aquatic resources” is an area of land within 100 feet of #designated aquatic resources#, except that land separated from a #designated aquatic resource# by a #street# which is open and in use by the general public, or is separated by a #private road#, shall be exempt from this definition. In addition, for a #designated aquatic resource# that is not regulated by the New York State Department of Environmental Conservation, only land within 100 feet of such #designated aquatic resource# that is within a #plan review site# that is one acre in size or greater shall be included in this definition.

### Area of existing slope

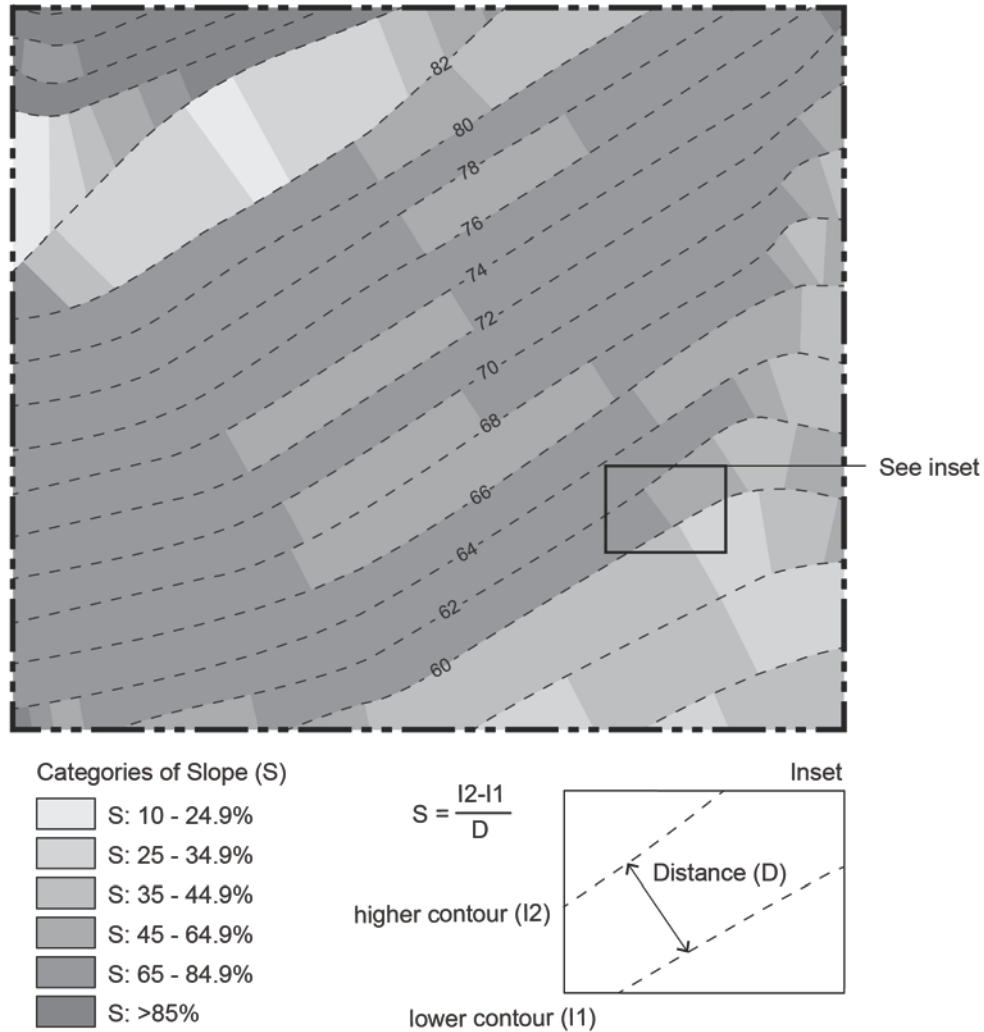
An “area of existing slope” is an area of land with a slope, as measured at the time of application, categorized as follows (S): 10 through 24.9 percent; 25 through 34.9 percent; 35 through 44.9 percent; 45 through 64.9 percent; 65 through 84.9 percent; and 85 percent or greater. Such slope category percentages shall be established in plan view based on contour intervals (I) of two feet or less by considering the distance (D) between two contour lines.

$$S = \frac{I^2 - I^1}{D}$$

Such slopes may be verified using contours on 2017 New York City LiDAR (Light Detection and Ranging) data or a survey conducted less than two years before the date of the application, or as or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable.

Slopes of less than 10 percent shall be excluded from an #area of existing slope#. #Areas of existing slope# are used for the purposes of determining the maximum #lot coverage# and #hard surface area# on certain #zoning lots# as set forth in Sections 143-32 (Maximum Lot Coverage)

and 143-33 (Hard Surface Area) of this Chapter.



AREA OF EXISTING SLOPE

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that must be protected from any type of disturbance, including: site alteration, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, or construction of hard surface areas. Areas of no disturbance shall include:

- (a) within the Escarpment Area, an area of existing slope of 25 percent or greater when

- located more than 20 feet from a #building# except as provided in Section 143-121 (Grading standards);
- (b) #rock outcrops# except as provided in Section 143-123 (Rock outcrops and erratic boulders);
  - (c) the #critical root zone# of each tree proposed for preservation, except as provided in Section 143-133 (Planting standards for tree credits);
  - (d) all vegetation proposed to be preserved as #landscape elements# pursuant to Section 143-143 (Planting standards for landscape elements)
  - (e) #designated aquatic resources# and #buffer areas# except as modified pursuant to Section 143-16 (Aquatic Resource Protections); and
  - (f) for #plan review sites#, any area of trees, slopes, or other natural feature deemed significant and feasible to preserve by the City Planning Commission.

#### Arterial

An “arterial” is any portion of #street# listed herein and located within the South Richmond Subdistrict.

Amboy Road  
Arthur Kill Road  
Huguenot Avenue  
Hylan Boulevard  
Page Avenue  
Richmond Avenue  
Richmond Parkway – frontage roads  
West Shore Expressway – service roads  
Woodrow Road

In accordance with the primary function of an #arterial# to accommodate vehicular through traffic, access is restricted to #arterials# pursuant to Section 143-355 (Special provisions for arterials in South Richmond). In addition, along portions of arterials as indicated on Map 2 in the Appendix D to this Chapter, Section 143-355 (Special provisions for arterials in South Richmond) applies.

Designation of an #arterial# pursuant to this definition shall not modify underlying regulations pertaining to Sections 32-66 and 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and APPENDIX H (Designation of Arterial Highways) of the Zoning Resolution.

### Biodiversity point

A “biodiversity point” is a value given to a #landscape element# for the purposes of determining compliance with minimum areas of vegetation required, as set forth in Section 143-14 (Biodiversity Requirement).

### Buffer area

A “buffer area” is an area within 60 feet of a #designated aquatic resource# regulated by the New York State Department of Environmental Conservation. For #plan review sites# of one acre or more, a #buffer area# also includes areas within 30 feet of all other #designated aquatic resources#; such 30-foot #buffer area# shall only be applicable within such #plan review sites#.

### Caliper (of a tree)

“Caliper” of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

### Designated aquatic resources

A “designated aquatic resource” is a freshwater wetland regulated by the New York State Department of Environmental Conservation and, within #plan review sites# with an area of one acre or more, a #designated aquatic resource# also includes other freshwater wetland or water features including, but not limited to, streams, intermittent streams, vernal pools, ponds and lakes identified by the Department of City Planning as serving an ecological function.

The delineation of #designated aquatic resources# regulated by the New York State Department of Environmental Conservation shall be determined by such agency. All other #designated aquatic resources# shall be delineated by an #environmental professional# using the standards specified by the Department of City Planning and subject to review and approval by the Department.

### Designated open space

“Designated open space” is a portion of the #open space network# located on a #zoning lot# as shown on Map 1 in Appendix D of this Chapter, and is to be preserved in its natural state in accordance with the provisions of Section 143-50 (SPECIAL SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK).

### Environmental professional

An “environmental professional” is an individual who has expert knowledge of the natural environment and is capable of performing a site assessment pursuant to pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning. #Environmental professionals# shall be limited to:

American Society for Horticultural Science (A.S.H.S.) Certified Professional Horticulturist

Ecological Societies of America (E.S.A.) Certified Ecologist

New York Botanical Garden Certified Urban Naturalist

Registered Landscape Architect

Society for Ecological Restoration (S.E.R.) Certified Ecological Restoration Professional

Society of Wetland Scientists (S.W.S.) Professional Wetland Scientist

Wildlife Society Certified Wildlife Biologist

### Erratic boulder

An #erratic boulder# is a solid mass of rock deposited during glacial retreat that is above natural grade, and measures more than six feet in any dimension.

### Ground layer

The “ground layer” is the layer of vegetation closest to the ground, with a height of up to three feet, and is composed of non-woody herbaceous plants including, but not limited to, ferns, flowering plants and grasses.

### Habitat area

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. #Habitat area# includes #designated aquatic resources# and may occur in some cases within #designated open space#. Zones of potential #habitat area# are shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning. For #plan review sites# that are over one acre in size and are located within such zones shown on the map, #habitat area# shall be identified pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

### Habitat preservation area

A “habitat preservation area” is an area identified as #habitat area# to be preserved in perpetuity

pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

#### Hard surface area

“Hard surface areas” are areas that include, but are not limited to, driveways, #private roads#, walkways, patios, decks, swimming pools, retaining walls, any other paved surfaces, and any areas that, when viewed directly from above, would be covered by a #building# or any part of a #building#. #Hard surface areas# do not include #rock outcrops# or other such naturally occurring surfaces.

#### Invasive species

“Invasive species” or “invasive” plants are species that are listed in the New York State Invasive Plant list, at 6 NYCRR 575.3 and 575.4, or as amended. Species categorized as regulated or as prohibited by 6 NYCRR 575.3 and 575.4 may not be planted or counted as preserved vegetation within the #Special Natural Resources District#.

In addition, plants listed as Problematic Species in the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation pursuant to Local Law 11 of 2013) shall be #invasive species#. Plants listed therein may not be planted or counted as preserved vegetation within the #Special Natural Resources District#.

#### Landscape element

A “landscape element” is an arrangement of #ground layer# or #shrub layer# vegetation intended to provide ecosystem services, including, but not limited to, wildlife habitat, food for wildlife, soil erosion protection, pollination, stormwater infiltration, or the facilitation of plant, water, nutrient or soil cycles. #Landscape elements# are described and assigned a #biodiversity point# value in Section 143-142 (Landscape elements).

#### Open space network

The “open space network” is a planned system of open spaces within the South Richmond Subdistrict as shown on Map 1 in Appendix D of this Chapter, and includes #public parks#, #designated open space# and the #waterfront esplanade#.

#### Plan review site

A “plan review site” shall include any site existing on [date of certification], or on the date of application for a permit from the Department of Buildings, that:



- (a) contains one or more acres, where there is a proposed #development#, #enlargement#, #site alteration# or subdivision of such #zoning lot# into two or more #zoning lots#;
- (b) is located in a Resource Adjacent Area, an Escarpment Area, or an #area adjacent to aquatic resources# and is proposed to contain the following, which did not exist on [date of certification]:
  - (1) four or more #buildings#, not including #accessory buildings#;
  - (2) eight or more #dwelling units#; or
  - (3) subdivisions that result in four or more #zoning lots#;
- (c) is in a Historic District or contains a Historic Landmark designated by the Landmarks Preservation Commission and, in either case, is proposed to contain a #development# or is proposed to be subdivided into two or more #zoning lots#; or
- (d) includes the proposed construction, widening or extension of a #private road#.

The area of a #plan review site# shall include all contiguous tracts of land under single fee ownership or control, including #abutting zoning lots# under the same ownership or control, and with respect to which each party having any interest therein is a party in interest, and such tract of land is declared to be treated as one #plan review site# for the purposes of this Chapter. However, such #abutting zoning lots# that are contiguous for less than 10 linear feet shall not be considered part of a single #plan review site#. In addition, at the option of an applicant, tracts of land which would be contiguous except for their separation by a #street# may be considered by the Commission to be part of a single #plan review site#.

Any #plan review site# for which an application is made, in accordance with the provisions of this Chapter, for an authorization, special permit or modification thereto shall be on a tract of land that at the time of application is under the control of the applicants as the owners or holders of a written option to purchase. No authorization, special permit or modification to such #plan review site# shall be granted unless the applicants acquired actual ownership (single fee ownership or alternate ownership arrangements according to the definition of #zoning lot# in Section 12-10 for all #zoning lots# comprising the #plan review site#) of, or executed a binding sales contract for, all of the property comprising such tract. However, a tract of land which is the subject of an application for an authorization or special permit under the provisions of this Chapter may include adjacent property, provided that the application is filed jointly by the owners, or holders of a written option to purchase, of all properties involved.

The provisions of Section 143-60, (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), inclusive, shall apply to any #plan review site#.

### Qualifying lot

A “qualifying lot” is a #zoning lot# where the maximum permitted #lot coverage# has been limited to 20 percent or less, and where special provisions protecting natural features apply.

### Rock outcrop

A “rock outcrop” is the portion of a bedrock formation that appears above natural grade and measures more than three feet in any horizontal dimension.

### Root zone, critical

The “critical root zone” of a tree is the area containing the roots of a tree that must be considered and protected to ensure the tree’s survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of two radial feet, measured from the center of the tree trunk. The #critical root zone# encompasses and extends beyond the #structural root zone#.

### Root zone, structural

The “structural root zone” of a tree is the area around the base of the tree that must be fully protected from compaction or excavation to ensure its survival. The area of the #structural root zone# is measured as five radial inches for every #caliper# inch of the tree, with a required minimum of two radial feet, measured from the center of the tree trunk.

### Shrub layer

The “shrub layer” is the layer of vegetation above the #ground layer# and below the tree canopy, and is composed of woody plants that typically have multiple stems at or near the base and have a mature height range from three feet to 15 feet.

### Site alteration

A “site alteration” is an alteration of any tract of land, including an alteration in unimproved portions of privately owned mapped #streets#, that consists of newly constructed or relocated #hard surface area#, removal of trees with a #caliper# of six inches or more, modification of #designated aquatic resources#, modification of #rock outcrops#, relocation or modification of #erratic boulders# or change in the ground elevation of land that is greater than two feet of cut or fill.

The use of heavy machinery for excavation or similar purpose shall be considered a #site

alteration# except that soil borings or test pits shall not be considered a #site alteration# where #areas of no disturbance# are protected pursuant to the provisions of Section 143-11 (Controls During Construction).

### Target species

A “target species” is a species listed under ‘trees’ in the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation pursuant to Local Law 11 of 2013). Any trees not listed under such guide, and not #invasive species#, shall be considered non-#target# species.

### Tree credit

A “tree credit” is a value given to a tree for the purposes of calculating its relative value pursuant to vegetation requirements. #Tree credits# are based on the #caliper# of a tree and whether or not the tree is a #target species#. #Tree credits# are described in Sections 143-13 (Tree Regulations) and 143-131 (Tree credits) of this Chapter.

### Tree protection plan

A “tree protection plan” is a plan for preserved trees provided in accordance with Section 143-133 (Planting standards for tree credits). #Tree protection plans# shall be prepared by a registered landscape architect or a certified arborist (Registered Consulting Arborist, as certified by the American Society of Consulting Arborists (A.S.C.A.), or Certified Arborist/Certified Master Arborist as certified by the International Society of Arboriculture (I.S.A.), and shall include:

- (a) relevant portions of the proposed site plan and locations of #areas of no disturbance#;
- (b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (c) where construction staging is proposed to be located within a #critical root zone#, or where heavy machinery is proposed to pass through a #critical root zone#; soil compaction is mitigated by the installation of root protection measures and pneumatic decompaction with appropriate soil amendments;
- (d) specification that all excavation within the #critical root zone# shall be done by hand or by pneumatic excavation, and shall be monitored on site by a certified arborist;
- (e) a drawing specifying the #structural root zone# of the preserved tree. No excavation or other disturbance shall be permitted within the #structural root zone#, except to permit

the planting of new #ground layer# vegetation in containers no larger than one-quarter gallon in size;

- (f) clearance pruning and root pruning as necessary, which shall be done only under the supervision of a certified arborist;
- (g) a schedule for site monitoring during construction;
- (h) a procedure to communicate protection measures to contractors and workers; and
- (i) post-construction treatment.

### Waterfront esplanade

The “waterfront esplanade” is a pedestrian way to be provided for public use within the #open space network# along the Raritan Bay waterfront within the South Richmond Subdistrict, as shown on Map 1 in Appendix D of this Chapter. Provisions for #waterfront esplanades# are set forth in Section 143-52 (Waterfront Esplanade).

## **143-02** **General Provisions**

The provisions of this Chapter shall apply within the #Special Natural Resources District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, 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 Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

A #development#, #enlargement#, #site alteration# or subdivision of either a #zoning lot# or a #plan review site# shall require a certification, authorization or special permit from the City Planning Commission, as provided in the following Sections:

<u>Section 143-211</u>	<u>Affordable independent residences for seniors in Subarea SH</u>
<u>Section 143-50</u>	<u>SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK</u>
<u>Section 143-60</u>	<u>SPECIAL REGULATIONS FOR PLAN REVIEW SITES</u>
<u>Section 143-70</u>	<u>CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE SOUTH RICHMOND SUBDISTRICT</u>

However, property within the jurisdiction and control of the Department of Environmental

Protection shall be exempt from the provisions of this Chapter where such property is an existing or planned portion of the Staten Island Bluebelt.

### **143-021**

#### **Zoning lots subject to different zoning requirements**

Whenever a portion of a #zoning lot# is located partially within the #Special Natural Resources District# and partially outside of such Special District, it shall be regulated in its entirety by the provisions of this Chapter, except that any subdivision of such portion located outside of such Special District shall not be subject to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES).

Whenever a #zoning lot# is located in two or more of the Ecological Areas described in Section 143-04 (Ecological Areas and Subdistricts), it shall be regulated by the provisions of this Section.

The provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply to #zoning lots# divided by zoning district boundaries between two underlying zoning districts with different #use#, #bulk# or parking regulations. Where the provisions of this Section are in conflict with the provisions of Article VII, Chapter 7, the provisions of this Section shall control.

Except as otherwise provided in this Section or Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), each portion of a #zoning lot# or #plan review site# shall be regulated by the provisions applicable to the Ecological Area in which such portion is located.

The requirements of Section 143-14 (Biodiversity Requirement) shall apply as follows: #biodiversity point# requirements for the entire #zoning lot# shall be the weighted average achieved by multiplying the percentage of the #zoning lot# in which different requirements apply based on the #biodiversity points# required, and totaling the sum of such products. Such requirements may be satisfied by plants meeting the applicable provisions anywhere on the #zoning lot#.

#Floor area# may be distributed on a single #zoning lot# without regard to boundaries between Resource Adjacent Areas, Escarpment Areas and Base Protection Areas.

#Lot coverage# shall be calculated separately for each portion of the #zoning lot#. However, an adjusted average shall be calculated pursuant to the provisions of Section 77-24 (Lot Coverage) for the purposes of determining the applicability of regulations relating to #qualifying lots#.

The provisions of Section 143-36 (Modified Yard Regulations for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided any portion of the #zoning lot# is within a Resource Adjacent Area, an Escarpment Area, or an #area adjacent to aquatic resources#.

The regulations of Section 143-371 (Modified height and setback for the protection of natural features) shall apply only to those portions of a #zoning lot# located within Resource Adjacent Areas or within an #area adjacent to aquatic resources#, except if the #zoning lot# is a #qualifying lot#, in which case the entire #zoning lot# shall be subject to the regulations of Section 143-371.

The provisions of Section 143-42 (Parking Modifications for the Protection of Natural Features) shall apply to all portions of a #zoning lot#, provided that 50 percent or more of the #lot area# is located within a Resource Adjacent Area or an #area adjacent to aquatic resources#.

### **143-022**

#### **Applications to the City Planning Commission prior to [date of adoption]**

- (a) Applications for authorization or special permit referred, certified or granted prior to [date of adoption]
  - (1) Applications for authorization or special permit which were referred out or certified as complete prior to [date of adoption] may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified, and the City Planning Commission may grant or deny such application in accordance with the regulations in effect on the date that such application was certified or referred out for public review.
  - (2) Applications for authorization or special permit granted by the Commission prior to [date of adoption] may be continued, in accordance with the terms thereof or as such terms may be subsequently modified, pursuant to the regulations in effect on the date that such authorization or special permit was granted.

Continuance of such application shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

- (b) Applications for certification filed prior to [date of certification]

Any application for a certification of future subdivision, or certification that no authorization is required, which was filed by an applicant prior to [date of certification] may be continued pursuant to the terms of such certification, and the Commission may grant or deny such application in accordance with the regulations in effect at the time such application was filed.

### **143-023**

#### **Permits issued prior to [date of adoption]**

For “other construction” as specified in Section 11-332 (Extension of period to complete construction), such construction having permits issued prior to [date of adoption] may be continued under regulations existing at the time of issuance of such permits, provided that such construction is completed prior to [three years from date of adoption].

**143-03**  
**District Plan and Maps**

The regulations of this Chapter implement the #Special Natural Resources District# Plan.

The District Plan includes the following maps in the Appendices to this Chapter:

Appendix A. Special Natural Resources District and Subdistricts

Map 1: Staten Island Subdistricts  
Map 2: The Bronx: Riverdale-Fieldston Subdistrict

Appendix B. Resource Adjacent Areas in The Bronx

Appendix C. Staten Island Ecological Areas

Map 1: Escarpment Areas (Maps 1.1 through 1.7)  
Map 2: Resource Adjacent Areas (Maps 2.1 through 2.31)

Appendix D. South Richmond Subdistrict

Map 1: Open Space Network in South Richmond Subdistrict (Maps 3.1 to 3.6)  
Map 2: Arterial Setback Plan in South Richmond Subdistrict  
Map 3: Special Areas LL, M and SH South Richmond Subdistrict

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

**143-04**  
**Subdistricts and Ecological Areas**

In order to carry out the purposes and provisions of this Chapter, four subdistricts are designated, with three Ecological Areas superimposed on such subdistricts. In each of these Subdistricts, certain regulations apply that do not apply in the remainder of the #Special Natural Resources District#.

(a) Subdistricts are established within the #Special Natural Resources District#. The

Subdistricts are as follows:

South Richmond Subdistrict, Staten Island  
Hillsides Subdistrict, Staten Island  
Shore Acres Subdistrict, Staten Island  
Riverdale-Fieldston Subdistrict, The Bronx

The subdistricts are shown on Maps 1 and 2 in Appendix A (Special Natural Resources District and Subdistricts) of this Chapter.

The South Richmond Subdistrict additionally includes three subareas, shown on Map 3 in Appendix D, in which special regulations apply. These Subareas, together with the Sections of this Chapter specially applying to each, are as follows:

<u>Subareas within the South Richmond Subdistrict</u>	<u>Sections having special application</u>
<u>Subarea LL</u>	<u>143-343, 143-35</u>
<u>Subarea M</u>	<u>143-212, 143-311, 143-712</u>
<u>Subarea SH</u>	<u>143-211, 143-711</u>

- (b) Ecological Areas are established within the #Special Natural Resources District#. The regulations of the Ecological Areas supplement and modify the regulations of the Subdistricts. In each of these Ecological Areas, certain special regulations apply that do not apply in the rest of the #Special Natural Resources District#. The Ecological Areas consist of:
- (1) Resource Adjacent Areas are designated on those portions of land within 100 feet of and adjacent to #habitat areas# on public lands. Resource Adjacent Area boundaries are shown along the boundaries of public lands on Maps 1 and 2 of Appendix B (The Bronx) and Maps 2.1 through 2.31 of Appendix C (Staten Island) of this Chapter. Resource Adjacent Areas shall be measured perpendicular to the Resource Adjacent Area boundaries shown on such maps.
  - (2) Escarpment Areas are designated on land that contains steep slopes located through the serpentine hills of the central and northern portions of Staten Island. These areas are shown on Maps 1.1 through 1.7 of Appendix C.
  - (3) Base Protection Areas are all other areas within the #Special Natural Resources District# that do not fall within Resource Adjacent Areas or Escarpment Areas. Base Protection Areas do not include #areas adjacent to aquatic resources#.

### **143-05** **Application Requirements**

An application to the Department of Buildings for any #development# or #enlargement# shall



include the materials set forth in paragraphs (a) or (b) of this Section, as applicable, in addition to any materials otherwise required by the Department of Buildings. An application to the Department of Buildings for any #site alteration# shall include the materials set forth in paragraph (c). An application to the Chairperson of the City Planning Commission for certification, or to the Commission for authorization or special permit, shall include the application materials set forth in paragraph (d) of this Section.

Surveys submitted to the Department of Buildings or the Commission shall be prepared by a licensed surveyor. Site plans shall be prepared by a registered architect or professional engineer. Drainage plans and soil reports shall be prepared by a professional engineer.

Landscape plans, including those that satisfy the requirements set forth in paragraph (a)(6) of this Section, may be prepared and submitted to the Department of Buildings by a registered architect or registered landscape architect. However, such plans submitted to the Commission shall be prepared by a registered landscape architect.

- (a) Applications for #developments#, #enlargements# that increase #lot coverage# by 400 square feet or more, or #enlargements# that result in an increase in #floor area# of 20 percent or greater that increase the #lot coverage# by any amount, shall include the following materials:
- (1) A site context map that shows the location of the #zoning lot#, zoning district boundaries, boundaries between Resource Adjacent Areas, Escarpment Areas and Base Protection Areas, #designated aquatic resources#, #areas adjacent to aquatic resources#, #buffer areas# and #designated open space#, as applicable, within 100 feet of the #zoning lot#.
  - (2) A survey, dated no more than two years from the date of application, or as otherwise determined by the Commissioner of Buildings or the Department of City Planning, as applicable, that establishes existing conditions related to topography at two-foot contours, the location of trees that are of six inch #caliper# or greater, #rock outcrops# and #erratic boulders#, #designated aquatic resources#, #buffer areas#, #buildings or other structures# and all other #hard surface areas#.
  - (3) A compliance report that compares the survey described in paragraph (a)(2) of this Section with the most recent plans approved by the City Planning Commission or the Department of Buildings, as applicable.
  - (4) Photographs, representing current conditions at the time of the application, showing the location and condition of trees proposed to be preserved and any #rock outcrops# or #erratic boulders# within or adjacent to the subject area within which construction or disturbance is proposed.
  - (5) A set of architectural drawings, including:

- (i) a site plan representing changes in topography at two-foot contours, when applicable, location of new #buildings or other structures# or #enlargements#, and modified locations of #hard surface areas#, with detailed zoning calculations as per Section 143-30 (SPECIAL BULK REGULATIONS); and
  - (ii) plans, elevations and section drawings detailing all new and modified #buildings or other structures# and #hard surface areas#;
- (6) A set of landscape drawings for the entire #zoning lot# or subject area with a key plan showing:
- (i) the location and details of newly proposed or modified #hard surface areas#;
  - (ii) the location, #critical root zone#, #caliper# and species of all trees, newly planted or preserved, to be counted as #tree credits# with tree schedule pursuant to Section 143-13 (Tree Requirement), inclusive;
  - (iii) the location of all newly planted vegetation to be counted as part of a #landscape element# for #biodiversity points#, or otherwise required pursuant to Section 143-14 (Biodiversity Requirement), inclusive;
  - (iv) the boundaries and square footage of all existing vegetation to be preserved and counted as part of a #landscape element# for #biodiversity points# or otherwise required pursuant to Section 143-14, inclusive;
  - (v) for sites with #areas of existing slope#, a grading plan, showing all existing and proposed contours at two-foot intervals, all categories of slope affected by areas of encroachment, pursuant to Section 143-32 (Lot Coverage), critical spot elevations, and at least one longitudinal and one latitudinal cross-section located within areas of modified topography at the greatest areas of topographical change, showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;
  - (vi) where applicable, #designated aquatic resources# and #buffer areas# pursuant to Section 143-16 (Aquatic resource protections);
- (7) a drainage plan and soil report, as applicable, showing direction of water flow over land, and locations of stormwater collection or infiltration; and
- (8) A set of construction plans detailing erosion controls, #area of no disturbance#, location of temporary fence, staging area, trenching for utilities and foundations, areas used by construction equipment and other provisions pursuant to Section 143-11 (Controls During Construction).

- (b) Applications for #enlargements# that result in an increase of #lot coverage# of less than 400 square feet and that result in an increase in #floor area# of less than 20 percent shall include materials described in paragraphs (a)(1), (a)(5), (a)(6)(i) and (a)(6)(ii) of this Section. Applications for #enlargements# that do not result in an increase in #lot coverage# shall include materials described in paragraphs (a)(1) and (a)(5) of this Section.
- (c) Applications for #site alterations# that modify the location or size of #hard surface area# totaling:
- (1) an area 400 square feet or greater, or that remove more than 12 #tree credits#, shall include the materials set forth in paragraphs (a)(1), (a)(2), (a)(4) and (a)(6) of this Section, as applicable; or
  - (2) an area of less than 400 square feet shall include the materials set forth in paragraphs (a)(6)(i) and (a)(6)(ii) of this Section.
- (d) In addition to materials required pursuant to Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), all applications to the Commission:
- (1) shall include the materials set forth in paragraph (a) of this Section;
  - (2) shall include an area map and an aerial photograph illustrating the #plan review site# and any #designated resource area# or #designated open space# partially or wholly within 600 feet of such #zoning lot#;
  - (3) for any subdivision, #zoning lot# merger or other change to #lot lines#, the site plan shall include the proposed layout of individual #zoning lots# and all proposed improvements thereupon, in addition to all the other requirements of this Section;
  - (4) may also be required by the Commission to include:
    - (i) a schedule for carrying out the proposed construction;
    - (ii) a maintenance plan for any common areas, including #private roads# and any #habitat preservation areas# to be commonly held; and
    - (iii) any other information necessary to evaluate the request.

The Chairperson of the City Planning Commission may modify one or more requirements set forth in paragraph (d) of this Section, when such modification is requested by the applicant in writing and when the Chairperson determines that the requirements are unnecessary for evaluation purposes.

The applicant's submission shall also include a statement admitting authorized

Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

Where a wetland permit from the New York State Department of Environmental Conservation is required for a #development#, #enlargement# or #site alteration#, a copy of an approved wetland delineation shall be submitted.

## **143-10**

### **NATURAL RESOURCES**

The provisions of this Section, inclusive, apply to all tracts of land, including #site alterations# in unimproved portions of privately owned mapped #streets#.

For #plan review sites# subject to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), the regulations relating to tree and biodiversity requirements set forth in Sections 143-13 and 143-14, inclusive, shall be modified in accordance with the provisions of Section 143-613 (Planting regulations for plan review sites).

No permanent certificate of occupancy or final sign-off, as applicable, shall be issued by the Department of Buildings unless an inspection report is filed with the Department of Buildings, stating that the planting requirements of the following provisions, as applicable, have been satisfied based on a field inspection:

Section 143-13 (Tree Requirement)

Section 143-14 (Biodiversity Requirement)

Section 143-15 (Special South Richmond Landscaping and Buffering Provisions) and paragraph (d) of Section 143-122 (Retaining wall standards)

For #zoning lots# with #developments# or #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that involve an increase in #lot coverage#, the certificate of occupancy shall specify that the #zoning lot# is subject to the provisions of Sections 143-13 and 143-14.

## **143-11**

### **Natural Resource Protection Requirements**

#### **143-111**

##### **Controls during construction**

[Note: provisions relocated from Sections 105-36, 119-113, 119-217 and modified]

The provisions of this Section shall apply to all tracts of land with proposed #development#, #enlargement# or #site alteration#, except that a #site alteration# consisting only of the removal

of trees totaling 12 #tree credits# or fewer shall not be required to comply with the provisions of this Section.

The following requirements shall be met during construction and clearly identified on the construction plan as set forth in Section 143-05 (Application Requirements):

- (a) Equipment access roads, loading and unloading areas, concrete washout locations, fueling locations, utility trenching locations with soil stockpiling and staging areas;
- (b) The staging area shall be as close to the construction area as practical, or within the nearest #hard surface area# of sufficient size for such purpose;
- (c) Deep mulch blankets or other methods to avoid soil compaction shall be provided in all locations used for equipment access, staging or storage, except where such uses are located on # hard surface areas#;
- (d) Construction fences shall be erected so as to be located between all areas of construction activity and all #areas of no disturbance#;
- (e) Excavating for the purpose of producing fill shall be prohibited; and
- (f) Any exposed earth area, other than areas excavated for #buildings#, shall have straw, jute matting or geotextiles placed on it and be seeded with annual rye grass within two days of exposure. All areas downhill of areas of disturbance shall have temporary structural measures for erosion and sediment controls in accordance with New York State Standards and Specifications for Erosion and Sediment Control.

A compliance report, verifying that the requirements of this Section have been met, shall be maintained on site and shall be available for review by the Department of Buildings. Such compliance report shall be based on a review of the property during each calendar week that heavy construction equipment is present on site.

### **143-112** **Invasive species**

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land in the #Special Natural Resources District# and in no case shall any existing #invasive species# be counted towards fulfillment of the requirements of Section 143-13 (Tree Regulations), inclusive, or be included as preserved vegetation within a #landscape element# or counted as #biodiversity points# pursuant to Section 143-14 (Biodiversity Requirement), inclusive.

### **143-12** **Modifications of Certain Natural Features**

**143-121**  
**Grading standards**

[Note: provisions relocated from Sections 105-34 and 119-213 and modified]

- (a) In the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, the following grading requirements shall apply to all tracts of land with #areas of existing slope#:
- (1) cut slopes shall be no steeper than one horizontal to one vertical, and subsurface drainage shall be provided as necessary for stability;
  - (2) fill slopes shall be no steeper than three horizontal to one vertical; and
  - (3) tops and toes of cut slope or fill slopes shall be set back from #lot lines# and #buildings or other structures# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.
- (b) Within the Escarpment Area, for tracts of land with #areas of existing slope# with a slope category of 25 percent or greater and that are more than 150 square feet in area, no topographical changes shall be permitted beyond 20 feet of a #building#, excluding #accessory buildings#, except that driveways with a maximum width of 10 feet may be permitted beyond 20 feet of such #building#.

**143-122**  
**Retaining wall standards**

For the purposes of applying the provisions of this Section, retaining walls shall not include walls that are part of a #building#.

(a) Maximum height

Within 10 feet of a #street line#, individual retaining walls shall not exceed an average height of four feet, as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of six feet.

Beyond 10 feet of a #street line#, retaining walls shall not exceed an average height of six feet as measured from the level of the lower adjoining final grade, and no individual portion of such wall shall exceed a height of eight feet.

(b) Minimum distance between retaining walls

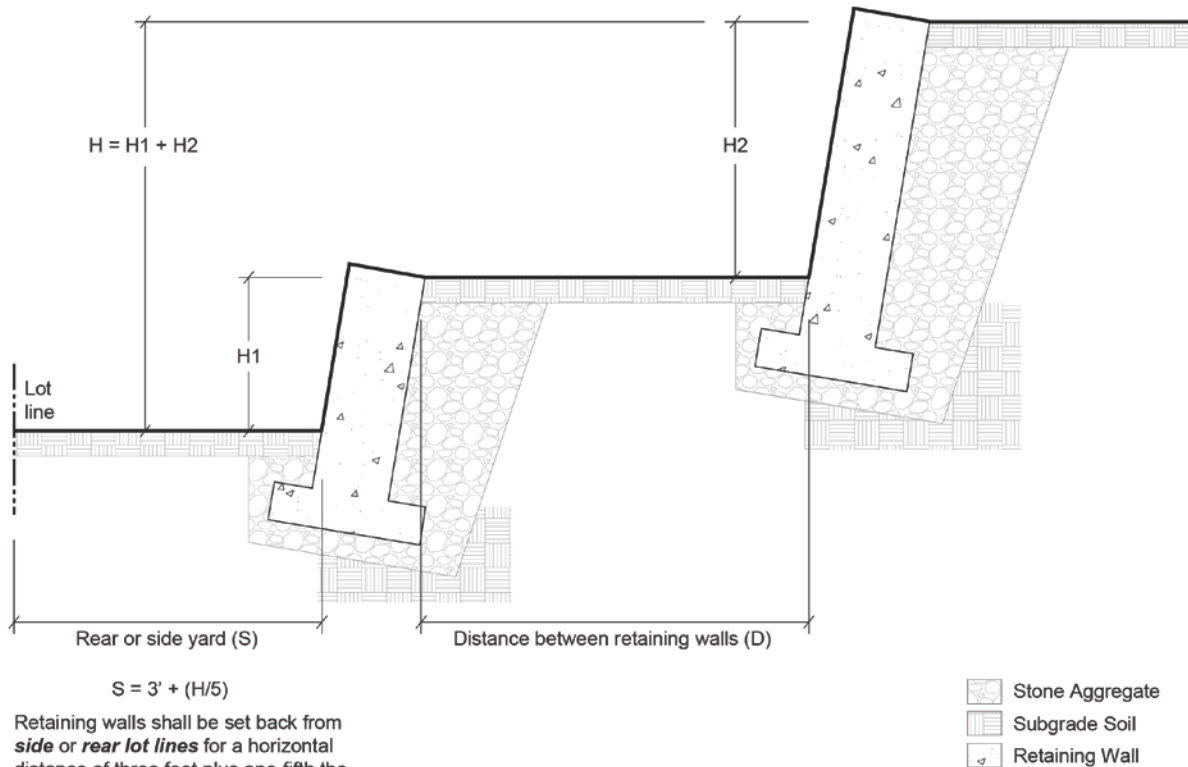
Where the aggregate height of any two adjacent retaining walls exceeds a height of three feet, as measured in elevation, a minimum average distance shall be provided between

such retaining walls, in accordance with the following:

<u>Aggregate height of any two walls (in feet)</u>	<u>Minimum average distance between walls (in feet)</u>
<u>3-5</u>	<u>3</u>
<u>5-10</u>	<u>5</u>
<u>10 or more</u>	<u>10</u>

(c) Minimum distance between retaining walls and #side# or #rear lot lines#

Retaining walls shall be set back from #side# or #rear lot lines# for a horizontal distance of three feet plus one-fifth the height of the retaining wall but need not exceed a horizontal distance of 10 feet. However, #lot lines# created by the subdivision of a #zoning lot# after [date of adoption] shall be exempt from this requirement.



$S = 3' + (H/5)$   
 Retaining walls shall be set back from **side or rear lot lines** for a horizontal distance of three feet plus one-fifth the height of the retaining wall but need not exceed a horizontal distance of 10 feet.

RETAINING WALL STANDARDS

(d) Planting requirements

Where the aggregate height of any two retaining walls exceeds a height of 10 feet, as measured in elevation, and such retaining walls are located within 10 feet of each other, planting shall be provided between such walls consisting of at least 75 percent of the linear footage of such retaining walls, through any combination of perennials, annuals, decorative grasses or shrubs. The height of planted material shall be at least three feet at the time of planting.

**143-123**

**Rock outcrops and erratic boulders**

The provisions of this Section shall apply in all #Residence Districts#. To the greatest extent possible, #rock outcrops# and #erratic boulders# shall be maintained in their existing state and location, and shall be disturbed only as set forth in this Section.

Disturbance of more than 400 square feet of #rock outcrop# area, measured both in plan and in elevation, shall not be permitted within a single #zoning lot#, except that an application may be made to the City Planning Commission for an authorization to permit disturbance in excess of 400 square feet. Such application shall be subject to the conditions and findings of Section 143-62 (Authorization for Plan Review Sites).

- (a) No #rock outcrop# shall be removed or disturbed in any way within a #front yard#, except as set forth in paragraph (c).
- (b) Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within 50 feet of the #front lot line# in R1 Districts, or within 30 feet of the #front lot line# in all other Residence Districts, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation.
- (c) Nothing in paragraphs (a) or (b) shall preclude the construction of a single driveway no more than 10 feet in width and a single walkway or staircase no more than five feet in width in the area between the #street wall# and its extensions and the #street line#. For driveways providing access to more than one dwelling unit, the maximum width shall be 20 feet, or where the driveways are separated by a distance of 60 feet, two driveways with a maximum width of 10 feet each.
- (d) No #rock outcrop# shall be removed or disturbed in any way within a #rear yard#, except as set forth in this paragraph (d). Where #rock outcrops#, in the aggregate, occupy 10 square feet or more of #lot area# within a #rear yard#, no more than 50 percent of such aggregate area of #rock outcrops# existing on [date of adoption] shall be removed or disturbed in any way, measured both in plan and in elevation. Elevation view shall be



based on the view of the #rear yard# from the #rear yard line#.

- (e) No #erratic boulder# shall be removed or destroyed in any way, except that they may be relocated from their existing location to anywhere within 50 feet of the #front lot line# in an R1 District or within 30 feet of the #front lot line# in all other Districts.

### **143-13**

#### **Tree Regulations**

All #developments# and #enlargements# that involve an increase in #lot coverage#, and #site alterations# shall comply with the tree requirements set forth in this Section, inclusive.

Trees with #tree credits# or trees that are of six inch #caliper# or greater may only be removed in compliance with the provisions of this Section, inclusive. However, for the removal of unsafe trees determined by the Department of Buildings or the Department of Parks and Recreation to constitute a hazardous condition, and for trees that are destroyed by natural causes, compliance with the provisions of this Section and Section 143-14 (Biodiversity Requirement), as applicable, shall be required only after one year has passed since such event.

Trees required under previous Special District regulations shall be maintained in good health except as provided in this Section, inclusive.

Trees that are required pursuant to other Sections of this Resolution and that meet the standards of this Section, inclusive, may be used towards fulfillment of the requirements of Section 143-131, except that street trees required pursuant to the following Sections shall not be counted towards the fulfillment of such requirements: 23-03 (Street Tree Planting in Residence Districts), 26-23 (Requirements for Planting Strips and Trees), 33-03 (Street Tree Planting in Commercial Districts) and 43-02 (Street Tree Planting in Manufacturing Districts).

### **143-131**

#### **Tree credits**

In order to satisfy the tree requirements set forth in Section 143-132 (Determining tree requirements), trees shall be assigned #tree credits# in accordance with this Section. Such trees shall be newly planted or preserved in accordance with the provisions set forth in Section 143-133 (Planting standards for tree credits).

INDIVIDUAL TREE CREDIT VALUES

<u>Individual Tree Designation</u>	<u>Description</u>	<u>#Tree Credits#: #Target species#</u>	<u>#Tree Credits#: Non-#target species#</u>
<u>Old tree</u>	<u>A preserved tree of 50 inch #caliper# or greater, or at least 144 years of age*</u>	<u>36</u>	<u>18</u>
<u>Mature tree</u>	<u>A preserved tree of 34 inch #caliper# or greater, or at least 98 years of age*</u>	<u>18</u>	<u>12</u>
<u>Large tree</u>	<u>A preserved tree of 22 inch #caliper# or greater, or at least 62 years of age*</u>	<u>6</u>	<u>4</u>
<u>Medium tree</u>	<u>A preserved tree of 14 inch #caliper# or greater, or at least 38 years of age*</u>	<u>4</u>	<u>3</u>
<u>Standard tree</u>	<u>A preserved tree of six inch #caliper# or greater, or at least 24 years of age*</u>	<u>3</u>	<u>2</u>
<u>Young tree</u>	<u>A newly planted tree of two inch #caliper# or greater</u>	<u>2</u>	<u>1</u>
<u>Sapling</u>	<u>A newly planted tree of between one and two inch #caliper#</u>	<u>1</u>	<u>n/a</u>

\* In cases where #tree credits# are determined by the age of a tree, such determination shall be made by a professional arborist. Age may be determined by a core sample, and may be extrapolated to other trees of the same species and similar size on the same #zoning lot#.

Where there is a cluster of four or more trees, of which at least one tree is within 15 feet of three other trees measured on center, and such cluster consists of preserved trees that are six inch #caliper# or greater, or newly planted trees that are one inch #caliper# or greater, for each tree comprising the tree cluster, #tree credits# shall be 1.5 times the #tree credit# value of each preserved #target# tree or 1.25 times the #tree credit# value of each preserved non-#target# tree or newly planted tree.

For the purposes of applying the provisions of this Section, trees classified as “newly planted” may retain such classification provided they appear on an approved site plan after [date of adoption] filed with the Department of Buildings, remain in good health and continue to comply with the standards set forth in Section 143-133 (Planting standards for tree credits), until such trees meet the requirements to be classified as a standard tree.

**143-132**  
**Determining tree requirements**

In order to satisfy the tree requirements set forth in this Section, trees shall be assigned #tree credits# in accordance with Section 143-131 (Tree credits).

(a) #Zoning lots# containing #residential uses# in #Residence Districts#

#Tree credits# shall be determined as follows for #zoning lots# in #Residence Districts# that contain #residential use#:

- (1) the minimum number of #tree credits# on a #zoning lot# shall be three #tree credits# per 750 square feet of #lot area# in R1, R2 and R3 Districts, or two #tree credits# per 750 square feet of #lot area# in R4, R5 and R6 Districts;
- (2) the minimum number of trees that are one inch #caliper# or greater shall be one tree per 1,000 square feet of #lot area#; and
- (3) for #zoning lots# with a #lot width# greater than 40 feet, the total number of #tree credits# located in the area between all #street walls# of a #building# and their prolongations and the #street line# shall be greater than or equal to the #lot width# divided by 10 and rounded to the nearest whole number, except that such #tree credits# need not exceed 16.

(b) All other #zoning lots#

For #zoning lots# in #Residence Districts# without #residential uses#, and for #zoning lots# in all #Commercial# or #Manufacturing Districts# the minimum number of #tree credits# on a #zoning lot# shall be:

- (1) 1.5 per 750 square feet of #lot area#; and
- (2) the minimum number of trees that are one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

(c) Trees within unimproved portions of mapped #streets#

For the purposes of this Section, trees located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-13 (Tree Regulations), where:

- (1) the unimproved portion of the privately owned mapped #street# is not required for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for a #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

Where #tree credits# or numbers of trees required for a #zoning lot# result in a fraction, the

requirements of Section 143-13 (Tree Regulations), inclusive, shall be satisfied by providing a whole number of #tree credits# or trees in excess of such fractional amount.

### **143-133**

#### **Planting standards for tree credits**

#Tree credits# shall only be assigned to trees planted or preserved in accordance with the provisions set forth in this Section. #Invasive species# are prohibited from being planted on a #zoning lot# or tract of land and in no case shall they be counted towards fulfillment of the requirements of Section 143-132 (Determining tree requirements).

#### **(a) Newly planted trees**

Newly planted trees shall be eligible for #tree credits# provided that each tree shall be no smaller than the applicable #caliper# specified in the table in Section 143-131 (Tree credits), and shall be planted no closer to nearby trees than:

- (1) five feet between saplings; or
- (2) 7 feet, 6 inches between young trees, saplings and preserved trees.

Such distances shall be measured on center. If two trees of different size designations are planted next to each other, the greater distance shall control.

In addition, newly planted trees shall have no #hard surface area# within their #critical root zone#.

#### **(b) Preserved trees**

#Tree credits# shall only be assigned to preserved trees, provided no area shall be disturbed within their #structural root zones#, and provided no more than 10 percent of the #critical root zone# is disturbed by any combination of the following:

- (1) proposed #hard surface area#; or
- (2) modifications to topography, including any excavation or fill, except for newly planted vegetation within a container that is sized one quarter-gallon or smaller.

However, preserved trees with more than 10 percent and no more than 30 percent of their #critical root zones# disturbed by proposed #hard surface area#, topographic modification, construction staging, use of heavy machinery or newly planted vegetation as set forth in this paragraph may be counted towards the assigned #tree credit# value set forth in Section 143-131 (Tree credits) only if such trees have a #tree protection plan#.

For the purposes of this paragraph (b), a deck or porch that is elevated above natural grade shall not be considered as disturbance within a #critical root zone# or #structural root zone#, except for the area of excavation required for the structural support of such #hard surface area#.

Removal of #hard surface area# from the #critical root zone# of a tree, when conducted pursuant to a #tree protection plan# shall not be considered disturbance.

For the purposes of assigning #tree credits#, preserved trees that are less than six inches in #caliper# may be treated as a newly planted “young tree” or “sapling,” as applicable, for #zoning lots# where the total #tree credit# of all trees existing prior to any proposed #development#, #enlargement# or #site alteration# is less than the amount required pursuant to Section 143-132 (Determining tree requirements). A survey of existing site conditions showing the location of all existing trees that are six inches in #caliper# or greater shall be provided.

#### **143-134**

##### **Tree preservation requirement**

In all #Residence Districts#, removal of live trees that are six inch #caliper# or greater, where the trunks of such trees are located within 15 feet of a #rear lot line#, shall be permitted only under the following circumstances:

- (a) where such trees are located in areas to be occupied by #buildings#, or within a distance of eight feet of an existing or proposed #building#, provided that it is not possible to avoid such removal by adjustments in the location of such #buildings#;
- (b) for #zoning lots# no greater than 3,800 square feet of #lot area#, where such trees are located in areas to be occupied by swimming pools, or within a distance of eight feet of an existing or proposed swimming pool, provided that it is not possible to avoid such removal by adjustments in the location of such swimming pools;
- (c) where such trees are located in an area to be occupied by a driveway or area required for #accessory# parking, provided that it is not possible to avoid such removal by adjustments in the location of such driveway or parking area;
- (d) where a total of over 30 percent of the #critical root zone# of such trees would be impacted by proposed disturbances, provided that it is not possible to avoid such impacts by adjustments in the location of proposed #buildings#, swimming pools, driveways, #private roads# or parking areas;
- (e) where a defect exists in such tree with a rating of “Moderate,” “High,” or “Extreme,” as described in the Best Management Practices for Tree Risk Assessment published by the International Society of Arboriculture (ISA) and as determined by a professional arborist possessing a current Tree Risk Assessment qualification issued by the ISA; and where it

is not possible or practical to mitigate such defect by any means other than removal of the tree; or

- (f) where any portion of a #rear lot line# of a #zoning lot# is located within 70 feet of the #front lot line# of such #zoning lot#.

Notwithstanding the removal of any trees permitted pursuant to paragraphs (a) through (f) of this Section, such #zoning lot# shall comply with all other requirements of Section 143-13 (Tree Regulations), inclusive.

### **143-14** **Biodiversity Requirement**

The biodiversity planting requirements of this Section shall apply within the #Special Natural Resources District#.

(a) **Applicability of biodiversity requirement to #developments#, #enlargements# and certain #site alterations#**

The planting requirements set forth in this Section, inclusive, shall apply on #zoning lots# or other tracts of land, to:

- (1) #developments#;
- (2) #enlargements# that in the aggregate involve an increase in #floor area# of 20 percent or greater and that result in an increase in #lot coverage#;
- (3) the removal of more than 12 #tree credits#;
- (4) newly constructed or relocated #hard surface area# with an area of 400 square feet or more; or
- (5) for #zoning lots# previously subject to paragraphs (a)(1), (a)(2), (a)(3) or (a)(4) of this Section, the establishment of a new category of #landscape element# where such newly planted vegetation counts toward #biodiversity points# previously satisfied by another type of #landscape element#.

The minimum biodiversity requirement on a #zoning lot# shall be as set forth in Section 143-141 (Determining biodiversity requirements). Required vegetation shall be grouped within #landscape elements# and assigned #biodiversity points# in accordance with Section 143-142 (Landscape elements). Vegetation within #landscape elements# shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements). #Buffer areas# shall be planted pursuant to the provisions set forth in Section 143-144 (Planting requirements for buffer area

adjacent to designated aquatic resources).

For #zoning lots# that have planted or preserved #landscape elements# pursuant to the provisions of this Section, inclusive, such vegetation may be subsequently altered, provided that the required area of vegetation is not reduced below the area required for such #landscape element#.

However, where Section 37-90 (PARKING LOTS) applies, and the open parking area covers at least 40 percent of the #zoning lot# or #plan review site#, as applicable, the provisions of Sections 143-141, 143-142 and 143-143 shall be deemed satisfied by the provision of landscaping pursuant to Section 37-90.

**(b) Requirements for maintaining vegetation on all other lots**

For #zoning lots# with #buildings# constructed prior to [date of adoption] that are not subject to the biodiversity requirements of paragraph (a) of this Section, the provisions of Sections 143-141 (Determining biodiversity requirements), 143-142 (Landscape elements) and 143-143 (Planting standards for landscape elements) shall not apply. However, such #zoning lots# shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of paragraph (b) of this Section, as follows.

Existing square footage of vegetation that is not lawn or trees shall not be reduced to less than:

- (1) 15 percent of the #lot area# in Resource Adjacent Areas and in #areas adjacent to aquatic resources#;
- (2) 10 percent of the #lot area# in Escarpment Areas; or
- (3) five percent of the #lot area# in Base Protection Areas.

**143-141**  
**Determining biodiversity requirements**

In order to satisfy the biodiversity requirements set forth in Section 143-14 (Biodiversity Requirements), inclusive, vegetation shall be assigned #biodiversity points#. All #zoning lots# shall have #biodiversity points# greater than or equal to the point requirement set forth in of this Section, as applicable:

- (a) six #biodiversity points# in Resource Adjacent Areas and #areas adjacent to aquatic resources#;
- (b) four #biodiversity points# in Escarpment Areas;

- (c) four #biodiversity points# for #zoning lots# that contain #residential uses# in R1, R2 and R3 Districts in Base Protection Areas;
- (d) two #biodiversity points# for #zoning lots# that do not contain #residential uses# in R1, R2 and R3 Districts in Base Protection Areas; and
- (e) two #biodiversity points# in Base Protection Areas containing R4, R5, R6 Districts and Commercial and Manufacturing Districts.

In the event of a conflict between the provisions of one paragraph of this Section and another paragraph, the more restrictive shall control.

**143-142**  
**Landscape elements**

In order to satisfy the #biodiversity point# requirements set forth in Section 143-141 (Determining biodiversity requirements), vegetation shall be categorized into one of the #landscape elements# set forth in the table in this Section. All vegetation shall be planted or preserved in accordance with the provisions set forth in Section 143-143 (Planting standards for landscape elements).

**BIODIVERSITY POINT VALUE PER REQUIRED AREA**

<b><u>#Landscape element#</u></b>	<b><u>#Biodiversity points#</u></b>	<b><u>Design requirements</u></b>
Basic Garden	<u>1</u>	<u>2.5 percent of #lot area#</u>
Wildlife Garden	<u>1</u>	<u>2 percent of #lot area#</u>
Green Roof—Intensive	<u>1</u>	<u>12.5 percent of the #lot coverage#</u>
Green Roof—Extensive	<u>1</u>	<u>15 percent of the #lot coverage#</u>

The total area of a #landscape element# shall not be less than as set forth in the Table in this Section. In addition, the following design requirements shall apply:

**(a) Basic gardens, wildlife gardens and green roofs**

The minimum horizontal dimension of each basic garden, wildlife garden or green roof shall be eight feet, except that, for #zoning lots# with a #lot area# less than 3,800 square feet, each wildlife garden or green roof shall have a minimum horizontal dimension of four feet.

**(b) Wildlife garden buffers**

For #developments# on #zoning lots# located in a Resource Adjacent Area, wildlife



gardens shall be located within buffers as specified in this paragraph (b), and special planting standards shall apply to such gardens pursuant to Section 143-143 (Planting standards for landscape elements). To fulfill #biodiversity point# requirements, wildlife garden buffers shall be located along #side# and #rear lot lines#, or portions thereof, adjacent to a Resource Adjacent Area boundary line, as shown on the Map in Appendix B of this Chapter and Map 2 of Appendix C of this Chapter. For wildlife garden buffers along #side lot lines#, or portions thereof, the minimum width shall be eight feet. For wildlife garden buffers along #rear lot lines#, or portions thereof, the minimum depth shall be 10 feet. The width or depth of wildlife garden buffers shall be measured perpendicular to such #side# or #rear lot lines#, respectively.

However, where #buildings# or other #hard surface area# lawfully existing as of [date of adoption] are located so as to be in conflict with the requirements of this paragraph (a), such areas that are in conflict may be exempt from such requirements.

**(c) #Landscape elements# within unimproved portions of mapped #streets#**

For the purposes of this Section, #landscape elements# located within the unimproved portion of a privately owned #street# shown on the City Map may contribute towards the satisfaction of the requirements of Section 143-14 (Biodiversity Requirement), where:

- (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter from the New York City Department of Transportation dated no earlier than thirty days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

**143-143**

**Planting standards for landscape elements**

Vegetation planted or preserved within #landscape elements# shall be in good health and shall comply with the provisions set forth in this Section. Trees shall not count toward the vegetation coverage requirements of #landscape elements#; coverage requirements shall only be satisfied through #ground# and #shrub layer# plantings. Vegetation required pursuant to other Sections of this Resolution that meet the standards of this Section may be used towards fulfillment of the requirements of Section 143-141 (Determining biodiversity requirements).

#Invasive species# are prohibited from being planted on a #zoning lot# or other tract of land and in no case shall existing #invasive species# be included as preserved vegetation within a #landscape element# or counted as #biodiversity points#.

(a) **Basic gardens**

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied.

(b) **Wildlife gardens**

The minimum required coverage of vegetation for both the #ground# and #shrub layers# shall each be at least 15 percent of the total square footage of each #landscape element#. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#.

(c) **Wildlife garden buffers**

In Resource Adjacent Areas, the #shrub layer# shall occupy at least 20 percent of the wildlife garden buffer and the #ground layer# shall occupy at least 40 percent of such buffer. Where the #ground layer# overlaps with the #shrub layer#, the coverage requirements of only one layer type shall be satisfied. A minimum of four different species shall be provided for each #shrub layer# and #ground layer#. Such wildlife garden buffer area shall also have three #tree credits# per 750 square feet of area within such wildlife garden buffer area.

Trees required within wildlife garden buffers shall be planted or preserved in accordance with Section 143-133 (Planting standards for tree credits). Such trees shall contribute toward satisfying the requirements of Section 143-13 (Tree Regulations).

(d) **Green roofs**

The minimum depth of planting medium for “intensive green roofs” shall be eight inches, and the minimum depth of planting medium for “extensive green roofs” shall be three inches. A minimum of six different species shall be provided for “intensive green roofs” and a minimum of four different species shall be provided for “extensive green roofs.”

Illustrative Example

The following example, while not part of the Zoning Resolution, is included to demonstrate how biodiversity planting requirements are calculated.

**Example of calculations for a “basic garden” on a 5,000 square-foot lot**

Basic gardens are assigned one #biodiversity point# for each 2.5 percent of the #lot area# they occupy, as

set forth in the table in Section 143-142 (Landscape elements). For a #zoning lot# with a #lot area# of 5,000 square feet, a basic garden of 500 square feet, or 10 percent, would achieve the required four #biodiversity points#. In this example, because of design considerations, two areas are established for basic gardens: one along a side lot line, eight feet wide by 20 feet deep (providing 1.28 #biodiversity points#), and another across the front of the lot, 40 feet wide by 8 feet 6 inches deep (providing 2.72 #biodiversity points#).

Paragraph (b) of Section 143-143 (Planting standards for landscape elements) specifies that both the #ground layer# and #shrub layer# each need to be at least 15 percent of the square footage of each #landscape element#. That means that both the #ground layer# and #shrub layer# each need to have a coverage of at least 24 square feet in the side garden, and at least 51 square feet in the front garden. Additional vegetation required for the remaining 70 percent coverage may be either in the #ground layer# or #shrub layer#.

### **143-144**

#### **Planting requirements for buffer area adjacent to designated aquatic resources**

Vegetation shall be planted or preserved in #buffer areas# adjacent to #designated aquatic resources# in accordance with this Section. For #designated aquatic resources# regulated by the New York State Department of Environmental Conservation (DEC), vegetation other than lawn shall be located in a #buffer area# and shall be planted or preserved in a manner determined by DEC.

For #plan review sites# containing #designated aquatic resources# not regulated by DEC, vegetation other than lawn shall be planted in a #buffer area# that extends for 30 feet measured from the edge of the #designated aquatic resource#. Vegetation shall be planted or preserved as directed by the City Planning Commission pursuant to Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES). Such #buffer area# boundary shall be demarcated by a split rail fence or a similar boundary marker, with a gate permitted for maintenance purposes.

For #zoning lots# that are not #plan review sites# or a portion thereof, the planting required pursuant to this Section shall be waived in the following instances:

- (a) For all #uses# lawfully existing on [date of adoption], planting shall not be required within portions of #buffer areas# that contain #buildings# and other #hard surface areas#, to the extent that such #buildings# and other #hard surface areas# lawfully existed in those locations on [date of adoption]. In addition, planting shall not be required within portions of #buffer areas# within five feet of any #building# lawfully existing on [date of adoption]; and
- (b) For a #residential building# lawfully existing on [date of adoption], and for a #development# or #enlargement# of a #residential building# on a #zoning lot# existing both on [date of certification] and on the date of application for a building permit, planting shall not be required within portions of #buffer areas# that:
  - (1) are open areas where disturbance is permitted pursuant to Section 143-161

(Permitted encroachment area); and

(2) are within a #front yard#.

Vegetation planted or preserved pursuant to the provisions of this Section may be counted towards satisfying the requirements of Section 143-13 (Tree Regulations), inclusive, and the biodiversity requirements of Sections 143-141, 143-142 and 143-143.

### **143-15**

#### **Special South Richmond Landscaping and Buffering Provisions**

The provisions of this Section, inclusive, requiring landscape screening along #Residence District# boundaries, between #residences# and #commercial# or #manufacturing uses# and along open parking areas, shall apply within the South Richmond Subdistrict.

### **143-151**

#### **Landscaped buffer along Residence District boundaries**

[Note: provisions relocated from Section 107-481 and modified]

For any #commercial# or #manufacturing development# on a #zoning lot# adjoining a #Residence District# boundary, there shall be within the open area required by the provisions of Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) along the #lot line# adjoining the #Residence District#, a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting, or evergreen trees and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

However, this requirement shall not apply along a #rear lot line# or portion of a #rear lot line# where there is an existing or proposed #building# within 10 feet of such #rear lot line# or portion thereof.

### **143-152**

#### **Landscaped buffer for commercial or manufacturing development adjacent to residences**

[Note: provisions relocated from Section 107-482 and modified]

Where an existing #residential use# is located adjacent to a #development# containing a #commercial# or #manufacturing use#, the #side# or #rear lot line# adjacent to such #residential use# shall be planted with a strip at least four feet wide consisting of densely planted evergreen shrubs at least four feet high at the time of planting, or evergreen trees and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

However, this requirement shall not apply along a #rear lot line# or portion of a #rear lot line# where there is an existing or proposed #building# within 10 feet of such #rear lot line# or portion thereof.

### **143-153**

#### **Landscaped buffer for open parking areas**

[Note: provisions relocated from Section 107-483(b) and modified]

Any #development# with open #accessory# off-street parking areas consisting of 10 or more spaces shall provide a landscaped buffer in accordance with the provisions of this Section. Where the provisions of 37-90 (PARKING LOTS) apply, those provisions shall instead control.

The parking area shall be screened from all adjoining #zoning lots# by a landscaped area at least four feet in width, densely planted with shrubs maintained at a maximum height of four feet. Such parking area shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area. All screening shall be maintained in good condition at all times.

### **143-154**

#### **Waiver of landscaped buffer**

[Note: provisions relocated from Section 107-483(c) and modified]

The landscaped buffer requirements of Section 143-15 (Special South Richmond Landscaping and Buffering Provisions), inclusive, may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (a) unique geological conditions, such as excessive subsurface rock conditions or high water table;
- (b) underground municipal infrastructure; or
- (c) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer, architect or landscape architect that such conditions exist.

## **143-16**

### **Aquatic Resource Protections**

For #zoning lots# containing #designated aquatic resources# or #buffer areas#, the provisions of this Section, inclusive, shall apply.

No removal of trees or other vegetation, no disturbance of topography, no #development#, no horizontal #enlargement# and no increase in #hard surface area# shall be permitted within a #designated aquatic resource# or #buffer area#, except as provided in this Section, inclusive, or as otherwise approved by the New York State Department of Environmental Conservation. However, removal of #invasive species# and the construction of unpaved trails using hand tools shall be permitted within a #designated aquatic resource# or #buffer area# where permitted by the New York State Department of Environmental Conservation or the City Planning Commission, as applicable.

For #designated aquatic resources# and adjacent areas that are regulated by the New York State Department of Environmental Conservation, nothing in the regulations of this Chapter shall modify state regulations requiring application to such agency for proposed #development# or other state-regulated activity.

Section 143-161 (Permitted encroachment area) establishes the size and shape of a permitted encroachment area. Section 143-162 (Location of permitted encroachment) establishes the #zoning lots# that are eligible to encroach upon #designated aquatic resources# and #buffer areas# and rules to minimize such encroachment. Section 143-39 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space) establishes rules to allow clustering of #buildings# outside of #designated aquatic resources# and #buffer areas# in order to minimize encroachment.

## **143-161**

### **Permitted encroachment area**

For the purposes of this Section and Section 143-162 (Location of permitted encroachment), the “permitted encroachment area” shall be as described in paragraph (a) in #Residence Districts# and as described in paragraph (b) in #Commercial# or #Manufacturing Districts#. The permitted encroachment area is the largest area allowed to be disturbed within a #designated aquatic resource# or #buffer area#.

(a) Permitted encroachment area in #Residence Districts#

In all #Residence Districts#, the permitted encroachment area shall be a combination of permitted #lot coverage# and an area adjacent to a #building#.

(1) Permitted #lot coverage#

The maximum permitted #lot coverage# on a #zoning lot# shall be determined by

the applicable Zoning District as indicated in the following table:

<u>Zoning District</u>	<u>#Lot coverage# (in square feet)</u>
<u>R1-1</u>	<u>1200</u>
<u>R1-2</u>	<u>800</u>
<u>R2 or R3 Districts with #single-# or #two-family detached residences#</u>	<u>700</u>
<u>All other #zoning lots#</u>	<u>600</u>

A #building# shall be located on a #zoning lot# so that its #lot coverage# shall avoid or minimize disturbance of #designated aquatic resources# and #buffer areas#, except that the minimum width of a #building# need not be less than 15 feet, and the shape, in plan view, of the outermost walls of such #building# need not be other than a rectangle.

(2) Permitted encroachment adjacent to a #building#

An area with a depth of five feet, as measured perpendicular to the #building# wall, shall be exempt from the planting requirements of Section 143-144, and shall be permitted around a single #building# that contains the primary #use# on the #zoning lot#, except the depth of such area shall be 20 feet adjacent to a rear #building# wall that is opposite a #street# or #private road#. For #zoning lots# with multiple #street# frontages, such depth of 20 feet may be utilized only once. Within this area, an encroachment of fill for lawn, #hard surface area# or other similar encroachment shall be permitted within a #buffer area# or #designated aquatic resource#.

The provisions of Section 143-36 (Modified Yard Regulations for the Protection of Natural Features) shall be used, as applicable, to facilitate a #building# location that, combined with the permitted encroachment adjacent to such #building#, minimizes the area of encroachment on a #designated aquatic resource# or #buffer area#, as applicable.

(b) Permitted encroachment area in #Commercial# or Manufacturing Districts#

In #Commercial Districts# or #Manufacturing Districts#, the permitted encroachment area shall not exceed a #hard surface area# of 4,500 square feet. Such #hard surface area# shall be arranged to avoid or minimize encroachment upon #designated aquatic resources# and #buffer areas#, except that the minimum width of the #hard surface area# need not be less than 40 feet and the shape of the outermost boundaries, in plan view, of such #hard surface area# need not be other than a rectangle.

**143-162**

**Location of permitted encroachment**

On a #zoning lot#, existing both on [date of certification], and on the date of application for a

building permit, encroachment on a #designated aquatic resource# or #buffer area# shall only be permitted as follows:

- (a) Where the permitted encroachment area is located utilizing the applicable modified #yards#, but cannot be located fully outside of a #designated aquatic resource# or #buffer area#:
  - (1) the permitted encroachment area may encroach into a #buffer area# to the minimum extent necessary to accommodate such permitted encroachment area;
  - (2) where encroachment into a #buffer area# pursuant to paragraph (a)(1) of this Section does not accommodate the entire permitted encroachment area, only then shall encroachment into a #designated aquatic resource# be permitted, to the minimum extent necessary to accommodate such permitted encroachment area.
- (b) A single driveway with a width of 10 feet, or greater where required by the New York City Fire Department, shall be permitted to access a permitted encroachment area, and may encroach into a #buffer area# or #designated aquatic resource# to the minimum extent necessary.
- (c) the provisions of Section 143-42 (Parking Modifications for the Protection of Natural Features) shall be used, as applicable, to facilitate the location of required off-street parking that minimizes the area of encroachment on a #designated aquatic resource# and #buffer area#. Required #accessory# off-street parking spaces need not be located within a #building# in order to minimize the area of encroachment;
- (d) in #Residence Districts#, if it is necessary to locate proposed #accessory# off-street parking spaces within a #designated aquatic resource# or #buffer area#, no more than one #dwelling unit# shall be permitted.

## **143-20** **SPECIAL USE REGULATIONS**

### **143-21** **Residential Uses in South Richmond Subdistrict**

In the South Richmond Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the underlying #Residence District use# regulations shall be modified to prohibit #zero lot line buildings#.

Within Subareas SH and M of the South Richmond Subdistrict, additional special #use# regulations are set forth in the following Sections.



### **143-211**

#### **Affordable independent residences for seniors in Subarea SH**

[Note: provisions relocated from Section 107-411 and modified]

In Subarea SH, as shown on Map 3 in Appendix D of this Chapter, any #development# or #enlargement# containing #affordable independent residences for seniors# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

- (a) such #development# or #enlargement# will contain no more than 250 #dwelling units# of #affordable independent residences for seniors#, individually or in combination with other #developments# or #enlargements# within Subarea SH that have received prior certification pursuant to this Section;
- (b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and
- (c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts). The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #affordable independent residences for seniors# in Subarea SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section 143-721 (Affordable independent residences for seniors in Subarea SH).

### **143-212**

#### **Special use regulations in Subarea M**

[Note: provisions relocated from Section 107-491 and modified]

In Subarea M, as shown on Map 3 in Appendix D of this Chapter, the regulations of the underlying districts and the Special District are supplemented or modified as follows:

- (a) #Residential uses# existing prior to August 17, 1995, shall be considered conforming and when an existing #building# containing such #uses# is damaged or destroyed by any means, it may be reconstructed within two years of such event to its #bulk# prior to such damage or destruction or to R3X District #bulk# requirements, whichever is greater.
- (b) #Residential extensions# shall be subject to R3X District regulations as modified by the applicable Special District regulations except that an existing #detached building# may

contain non-residential uses in addition to not more than two dwelling units.

- (c) Non-residential uses shall be located below the lowest story occupied in whole or in part by residential uses.
- (d) Floor area in a building originally designed for residential use that has been continuously vacant for two or more years prior to the date of filing an alteration application, may be re-occupied for residential use.
- (e) Residential developments, and residential enlargements that result in an increase in lot coverage shall be subject to the provisions of Section 143-722 (Residential Uses in Subarea M).

### **143-30 SPECIAL BULK REGULATIONS**

The special bulk regulations of this Section, inclusive, shall apply throughout the Special Natural Resources District.

#### **143-301**

#### **Special bulk regulations for certain community facility uses in lower density growth management areas**

[Note: provisions relocated from Section 107-412 and modified]

The bulk regulations of this Chapter applicable to residential buildings shall also apply to all zoning lots in lower density growth management areas that contain buildings used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such zoning lot contains buildings used for hospitals, as defined in the New York State Hospital Code, or long-term care facilities; or
- (b) child care services as listed under the definition of school in Section 12-10 (DEFINITIONS), except where:
  - (1) such zoning lot contains buildings used for houses of worship; or
  - (2) for zoning lots that do not contain buildings used for houses of worship, where the amount of floor area used for child care services is equal to 25 percent or less of the amount of floor area permitted for community facility use on the zoning lot.

**143-31**  
**Floor Area and Density Regulations**

**143-311**  
**Floor area regulations in the South Richmond Subdistrict**

[Note: provisions relocated from Sections 107-44, 107-491(e), 107-492 and modified]

The following provisions shall apply within the South Richmond Subdistrict and shall modify the underlying district regulations:

- (a) The provisions of Sections 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and 33-15 (Floor Area Bonus for Front Yards) shall not apply to any #community facility use#; and
- (b) In Subarea M, as shown on Map 3 in Appendix D of this Chapter, the following provisions shall apply:
  - (1) The maximum #floor area ratio# for two or more #uses# on a #zoning lot# shall be determined by the #use# that is permitted the greatest #floor area ratio#, provided that the #floor area# occupied by each #use# does not exceed the amount permitted by the #floor area ratio# for that #use#; and
  - (2) #Residential enlargements#, not to exceed 500 square feet of #floor area#, shall be permitted subject to R3X District regulations as modified by the applicable Special District regulations, provided that there is no increase in the number of #dwelling units# and that such #enlargements# do not result in an increase in #lot coverage#.

**143-312**  
**Maximum number of dwelling units in R3 and R4 Districts within the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-42 and modified]

In R3 and R4 Districts within the South Richmond Subdistrict, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #single-# and #two-family semi-detached residences# in R3-1 and R3-2 Districts.

**143-32**  
**Lot Coverage**

R1 R2 R3

In the districts indicated, for #zoning lots# containing predominantly #residential uses#, the #lot coverage# and #open space# regulations of the underlying districts shall not apply. In lieu thereof, the provisions set forth in this Section shall apply. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential uses# shall be defined as a #zoning lot# containing predominantly #residential uses#.

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include #accessory buildings# permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). Such #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

The maximum permitted #lot coverage# shall be as set forth in paragraph (a) of this Section. However, in the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, the provisions of paragraph (b) modify the maximum #lot coverage# of a #zoning lot# in cases of encroachment of #areas of existing slope#. In no case shall the #lot coverage# resulting from paragraphs (a) or (b) be required to be less than the #lot coverage# set forth in paragraph (c) of this Section. Paragraph (d) sets forth an exemption from #lot coverage# for a #building# or portion of a #building# containing required off-street #accessory# parking spaces in certain instances.

(a) Basic maximum #lot coverage#

TABLE I

BASIC MAXIMUM LOT COVERAGE

<u>Area</u>	<u>Maximum permitted #lot coverage# (in percent)</u>
<u>Base Protection Area: R1 District</u>	<u>25</u>
<u>Base Protection Area: R2 and R3 Districts</u>	<u>30</u>
<u>Escarpment Area</u>	<u>25</u>
<u>Resource Adjacent Area and #areas adjacent to aquatic resources#</u>	<u>15</u>

(b) #Lot coverage# determined by slope encroachment

In the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, where an area of encroachment is proposed in an #area of existing slope# that is greater than 150 square feet in cumulative area, the maximum #lot coverage# shall be determined by the steepest slope category encroached upon that has an area greater than 150 square feet cumulatively, as set forth in Table II of this Section. Where there is no encroachment upon a slope category with an area greater than 150 square feet cumulatively, the

maximum #lot coverage# shall be determined by the slope category with the largest area encroached upon. When the maximum permitted #lot coverage# indicated in Table II exceeds the maximum permitted #lot coverage# set forth in Table I, the more restrictive shall apply.

For the purposes of this Section “encroachment” shall be the area of proposed changes in ground elevation by more than two feet of cut or fill, including areas proposed for excavation to such depth for #buildings#, #hard surface areas#, structural elements for decks and for any other #site alteration# related to such grade change of more than two feet.

**TABLE II**

**MAXIMUM LOT COVERAGE FOR ENCROACHMENT WITHIN AREAS OF EXISTING SLOPE**

<b><u>Slope category (in percent) #area of existing slope#</u></b>	<b><u>Maximum permitted #lot coverage# (in percent)</u></b>
<u>85 or greater</u>	<u>12.5</u>
<u>65–84.9</u>	<u>15</u>
<u>45–64.9</u>	<u>17.5</u>
<u>35–44.9</u>	<u>20</u>
<u>25–34.9</u>	<u>22.5</u>
<u>10.0–24.9</u>	<u>25</u>

- (c) Notwithstanding any other provisions of this Section, in no case shall the resulting maximum #lot coverage#, in square feet, be required to be less than the permitted #lot coverage# set forth in Table III.

**TABLE III**

**PERMITTED LOT COVERAGE**

<b><u>Zoning District</u></b>	<b><u>Permitted #lot coverage# (in square feet)</u></b>
<u>R1-1</u>	<u>1,200</u>
<u>R1-2</u>	<u>800</u>
<u>R2 or R3 Districts with #single-# or #two-family detached residences#</u>	<u>700</u>
<u>All other #zoning lots#</u>	<u>600</u>

- (d) Exemption from #lot coverage# for enclosed #accessory# parking spaces

For #qualifying lots#, an #accessory building# enclosing required off-street #accessory# parking spaces, or a portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces, shall be exempt from #lot coverage# requirements if such #accessory building# or portion of a #building#:

- (1) is located on a slope that rises above the adjacent #street# or #private road#;
- (2) is no more than 10 feet in height above #curb level#;
- (3) is located entirely within 25 feet of a #street# or #private road#; and such #building# or portion either:
  - (i) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or
  - (ii) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

Such #accessory building# or portion of a #building# shall not be exempt from #hard surface area# limitations.

**143-33**  
**Hard Surface Area**

The maximum permitted #hard surface area# for a #zoning lot# is set forth in this Section. For the purposes of applying the provisions of this Section, a #zoning lot# with 75 percent or more of its #floor area# allocated to #residential use# shall be defined as a #zoning lot# containing predominantly #residential use#.

R1 R2 R3

- (a) In the districts indicated, for #zoning lots# containing predominantly #residential use#, the maximum permitted #lot coverage# set forth in paragraphs (a) or (b) of Section 143-32 (Lot Coverage) shall determine the maximum permitted #hard surface area# in accordance with Table I of this Section. The maximum permitted #hard surface area# on a #zoning lot# shall not exceed the percent of #lot area# set forth in Table I.

TABLE I

PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ZONING LOTS CONTAINING PREDOMINANTLY RESIDENTIAL USE IN R1 THROUGH R3 DISTRICTS

<u>Maximum permitted #lot coverage# (in percent)</u>	<u>Maximum permitted #hard surface area# (in percent)</u>
<u>12.5</u>	<u>40</u>
<u>15</u>	<u>45</u>
<u>17.5</u>	<u>45</u>
<u>20</u>	<u>50</u>
<u>22.5</u>	<u>50</u>
<u>25</u>	<u>50</u>
<u>30</u>	<u>65</u>

R1 R2 R3 R4 R5 R6 C1 C2 C3 C4 C8 M1 M2 M3

(b) In the districts indicated, the maximum permitted #hard surface area# for all #zoning lots# not subject to paragraph (a) of this Section, shall be as set forth in Table II for the applicable zoning district.

TABLE II

PERMITTED PERCENTAGE OF HARD SURFACE AREA FOR ALL OTHER ZONING LOTS

<u>Zoning district</u>	<u>Maximum permitted #hard surface area# (in percent)</u>
<u>R1 R2 R3 R4 R5 R6</u>	<u>75</u>
<u>C1 C2 in Escarpment Area, Resource Adjacent Area, or in #areas adjacent to aquatic resources#</u>	<u>85</u>
<u>C1 C2 in Base Protection Area</u>	<u>90</u>
<u>C3</u>	<u>75</u>
<u>C4 C8 M1 M2 M3</u>	<u>85</u>

**143-34**

**Lot Area and Lot Width**

The minimum #lot area# and #lot width# regulations set forth in Article II, Chapters 3 and 4, as applicable, shall be modified as set forth in this Section, inclusive.

**143-341**

**Minimum lot area for zoning lots containing designated aquatic resources**

Where the sum of all areas containing #designated aquatic resources# and #buffer areas# on the #zoning lot# constitutes more than 10 percent of the #lot area#, such area shall be excluded for the purposes of calculating #lot area# necessary to meet minimum #lot area# requirements of Section 23-32 (Minimum Lot Area or Lot Width for Residences), Section 143-342 (Minimum lot area within Escarpment Areas) or Section 143-343 (Minimum lot area and lot width in the South Richmond Subdistrict), as applicable.

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, and was

not in common control with such other adjoining tracts, both on [date of certification] and on the date of application for a building permit.

## **143-342**

### **Minimum lot area within Escarpment Areas**

R1 R2 R3

In the districts indicated, within Escarpment Areas, Section 23-32 (Minimum Lot Area or Lot Width for Residences) shall be modified as follows:

- (a) In R1 Districts, the minimum required #lot area# per #single-family residence# shall be 12,500 square feet;
- (b) In R2 Districts, and for #detached single- or two-family residences# in R3 Districts, the minimum required #lot area# for each #single-# or #two-family residence#, where permitted, shall be 6,250 square feet;
- (c) In R3 Districts, for #attached# or #semi-detached single- or two-family residences#, the minimum required #lot area# for each #attached# or #semi-detached single-# or #two-family residence# shall be 4,000 square feet;
- (d) In R3 Districts, for all other #residences#, the minimum required #lot area# for each #dwelling unit# shall be 2,650 square feet; and
- (e) In R1, R2, and R3 Districts, the following provisions shall also apply:
  - (1) Where at least 50 percent of the area of a #zoning lot# has slopes of less than 25 percent, the provisions of Section 23-32 shall apply without modification;
  - (2) For #zoning lots# subject to the provisions of paragraphs (a), (b) or (c) of this Section, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:
    - (i) has less than the minimum #lot area# required pursuant to this Section; and
    - (ii) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts both on [date of certification] and on the date of application for a building permit.



### 143-343

#### Minimum lot area and lot width in the South Richmond Subdistrict

[Note: provisions relocated from Section 107-421 and modified]

The following provisions shall apply within the South Richmond Subdistrict and modify the underlying #residence district# regulations:

(a) Minimum #lot area# and #lot width# for #residences#

For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements adjusted by #building# height#, shall apply as set forth in the table in this paragraph (a). Where two or more #buildings# that are #single-# or #two-family detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.

The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10 (DEFINITIONS), provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between a #side lot line# and any opposing #lot line# that is parallel to, or within 45 degrees of being parallel to, such #side lot line#, where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum #lot width#, in feet, set forth in the table.

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (1) has less than the minimum #lot area# or #lot width# required pursuant to this Section; and
- (2) was owned separately and individually from all other adjoining tracts of land, and was not in common control with such other adjoining tracts, both on December 8, 2005 and on the date of application for a building permit.

<u>District</u>	<u>Type of #Residence#</u>	<u>Height (in stories)</u>	<u>Minimum #Lot Area# (in sq. ft.)</u>	<u>Minimum #Lot Width# (in feet)</u>
<u>R1-1</u>	<u>#detached#</u>	<u>1-4</u>	<u>9,500</u>	<u>100</u>
<u>R1-2</u>	<u>#detached#</u>	<u>1-2</u>	<u>5,700</u>	<u>40</u>
		<u>3</u>	<u>5,700</u>	<u>50</u>
		<u>4</u>	<u>5,700</u>	<u>60</u>
<u>R2</u>	<u>#detached#</u>	<u>1-4</u>	<u>3,800</u>	<u>40</u>
<u>R3-1</u>	<u>#detached#</u>	<u>1-2</u>	<u>3,800</u>	<u>40</u>
		<u>3-4</u>	<u>3,800</u>	<u>45</u>
<u>R3-1 R3-2</u>	<u>#semi-detached#</u>	<u>1-2</u>	<u>2,375<sup>3</sup></u>	<u>24<sup>3</sup></u>
		<u>3-4</u>	<u>3,800</u>	<u>40</u>
<u>R3-2</u>	<u>#detached#</u>	<u>1-2</u>	<u>3,800</u>	<u>40</u>
		<u>3-4</u>	<u>4,275</u>	<u>45</u>
	<u>#attached#</u>	<u>1-2</u>	<u>1,700</u>	<u>18</u>
		<u>1-2</u>	<u>2,375<sup>1</sup></u>	<u>24<sup>1</sup></u>
		<u>3-4</u>	<u>2,280</u>	<u>24</u>
		<u>3-4</u>	<u>3,800<sup>1</sup></u>	<u>40<sup>1</sup></u>
<u>R3A</u>	<u>#detached#</u>	<u>1-3</u>	<u>3,325</u>	<u>35</u>
<u>R3X<sup>2</sup></u>	<u>#detached#</u>	<u>1-2</u>	<u>3,800</u>	<u>40</u>
		<u>3</u>	<u>4,750</u>	<u>50</u>
		<u>4</u>	<u>5,700</u>	<u>60</u>
<u>R4A</u>	<u>#detached#</u>	<u>1-3</u>	<u>3,325</u>	<u>35</u>
<u>R4-1</u>	<u>#semi-detached#</u>	<u>1-3</u>	<u>2,375<sup>3</sup></u>	<u>24<sup>3</sup></u>
	<u>#detached#</u>	<u>1-3</u>	<u>3,325</u>	<u>35</u>

<sup>1</sup> For #attached buildings# that #abut# an #attached building# on a separate #zoning lot# on one side and on the other side are bounded by #yards# or open area.

<sup>2</sup> In Area LL as shown on the District Plan (Map 3 in Appendix D) of this Chapter, all #residences# shall have a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 50 feet.

<sup>3</sup> For #two-family semi-detached residences# with a height of one or two #stories# in R3-1 and R3-2 Districts and for all #two-family semi-detached residences# in R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be

33 feet.

- (b) Minimum #lot area# and #lot width# for #zoning lots# containing certain #community facility uses#

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts, the provisions of this paragraph (b) shall apply to #zoning lots# containing #buildings# used for:

- (1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals, as defined in the New York State Hospital Code, or #long-term care facilities#; and
- (2) child care service as listed under the definition of #school# in Section 12-10, except where:
  - (i) such #zoning lot# contains #buildings# used for houses of worship; or
  - (ii) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where these #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between a #side lot line# and any opposing #lot line# that is parallel to, or within 45 degrees of being parallel to, such #side lot line#, where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care services or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

### **143-35** **Yard Regulations in the South Richmond Subdistrict**

In the South Richmond Subdistrict, required #yards# shall be provided in accordance with the provision of this Section, inclusive. However, for certain #zoning lots#, the provisions set forth

in this Section may be modified in accordance with the provisions set forth in Section 143-36 (Modified Yard Regulations for the Protection of Natural Features).

**143-351**  
**Front yards in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-461 and modified]

In all #Residence Districts#, the #front yard# requirements of the underlying districts set forth in Section 23-45 shall apply, except that in R2 Districts without a letter suffix, R3-1, R3-2, R4 Districts without a letter suffix and R5 Districts without a letter suffix, #front yards# shall be at least 18 feet in depth. On #corner lots#, one #front yard# may have a depth less than 18 feet as permitted by the underlying district regulations. These provisions may be modified, where applicable, by the provisions of 143-362 (Front yard reductions).

**143-352**  
**Side yards in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-462 and modified]

In all districts, except R1 Districts, for all #single-# or #two-family detached# and #semi-detached residences#, #side yards# shall be provided pursuant to the #residence district#, type of #residence# and number of #stories# of the #building# as set forth in the following table:

**REQUIRED SIDE YARDS**

<u>District</u>	<u>Type of #residence#</u>	<u>Number of stories</u>	<u>Number of #side yards# required</u>	<u>Required total width</u>	<u>Minimum width of any #side yard#</u>
<u>R2 R3-1 R3-2</u>	<u>#detached#</u>	<u>1-2</u>	<u>2</u>	<u>15</u>	<u>5</u>
		<u>3-4</u>	<u>2</u>	<u>20</u>	<u>5</u>
	<u>#semi-detached#</u>	<u>1-2</u>	<u>1</u>	<u>9</u>	<u>9</u>
		<u>3-4</u>	<u>1</u>	<u>15</u>	<u>15</u>
<u>R3A R4A</u>	<u>#detached#</u>	<u>1-4</u>	<u>2</u>	<u>15</u>	<u>5</u>
<u>R3X*</u>	<u>#detached#</u>	<u>1-2</u>	<u>2</u>	<u>15</u>	<u>5</u>
		<u>3</u>	<u>2</u>	<u>20</u>	<u>8</u>
		<u>4</u>	<u>2</u>	<u>25</u>	<u>10</u>
<u>R4-1</u>	<u>#detached#</u>	<u>1-4</u>	<u>2</u>	<u>15</u>	<u>5</u>
	<u>#semi-detached#</u>	<u>1-4</u>	<u>1</u>	<u>9</u>	<u>9</u>

\* In Subarea LL, as shown on Map 3 in Appendix D of this Chapter, two #side yards# with a total width of at least 16 feet shall be required for all #residences#, and each #side yard# shall have a minimum width of eight feet.

In R1 Districts, the #side yard# regulations of Section 23-46 shall apply, except that on a #corner lot#, one #side yard# shall be at least 20 feet in width.

In R2, R3, R4A and R4-1 Districts, the #side yard# regulations set forth in the Table in this Section shall apply, except that on a #corner lot#, one #side yard# shall be at least 20 feet in width.

### **143-353**

#### **Side yard regulations for other residential buildings in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-463 and modified]

For all #residential buildings# other than #single-# or #two-family detached# or #semi-detached residences#, the provisions of Section 23-462 (Side yards for all other buildings containing residences) shall apply, except that no #side yard# shall have a width less than 10 feet.

Furthermore, for #attached residences# that #abut# an #attached building# on a separate #zoning lot# on one side and are bounded by open area on the other side, one #side yard# with a minimum width of nine feet shall be required for such one or two #story residences#, and one #side yard# with a minimum width of 15 feet shall be required for such three or four #story residences#.

### **143-354**

#### **Side yards for permitted non-residential use in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-464 and modified]

For #community facility buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section 24-35 (Minimum Required Side Yards) shall apply to such #community facility buildings# or the provisions of Section 23-464 (Side yards for buildings used for permitted non-residential uses) shall apply to such other #non-residential buildings#, except that no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three #stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

Where greater widths of #side yards# are required by the provisions of Sections 23-464 or 24-35 than by the provisions of this Section, such requirement of greater width shall apply.

### **143-355**

#### **Special provisions for arterials in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-251(b) and modified]

In all districts, along portions of #arterials#, as indicated on Maps 2.1 through 2.4 in Appendix D of this Chapter, #buildings# shall be set back 20 feet from the #front lot line# for the full length of the #front lot line abutting# such #arterial#. Such setback area shall be unobstructed from its lowest level to the sky except that, where a setback area is at least 35 feet in depth, such setback area may be used for required #accessory# off-street parking or loading facilities, provided such facilities are not enclosed. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, #buildings# shall be set back 30 feet from the #front lot line# and required off-street parking and loading facilities shall be permitted within such setback area.

Within all required setback areas, one tree of two inch #caliper# or greater, pre-existing or newly planted, shall be provided for each 400 square feet of such setback area.

However, in #Commercial# or #Manufacturing Districts#, along all #arterials# except the service roads of the West Shore Expressway, #buildings# may be located within 20 feet of the #front lot line#, provided that:

- (a) the #street wall# of the building shall be located within 15 feet of the #street line# for a minimum of 50 percent of the frontage of the #zoning lot#;
- (b) the #street wall# of the building facing the #arterial# shall comply with the standards set forth in Section 37-34 (Minimum Transparency Requirements);
- (c) the area of the #building# within 30 feet of the #street wall# facing the #arterial# does not contain Use Groups 16, 17 or 18;
- (d) the sidewalk fronting the #arterial# shall have a minimum width of 10 feet; and
- (e) the area of the #zoning lot# between the sidewalk and all #street walls# of the #building# shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such planting shall not be required for those portions of the #zoning lot# between the sidewalk and #buildings#, or portions thereof, containing Use Group 6 #uses#, and except that such plantings shall not be required at the entrances to and exits from the #building#, or within driveways accessing off-street parking spaces located within such #building#.

### **143-356**

#### **Building setbacks along railroad rights-of-way in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-253 and modified]

#Buildings# on #zoning lots# immediately adjacent to or directly opposite the Staten Island

Rapid Transit right-of-way, shall be set back 20 feet from the #lot line# adjacent to or directly opposite the right-of-way of such railroad. Such setback area shall be measured perpendicular to such #lot line#. Such setback area shall be unobstructed from its lowest level to the sky, except that such setback area may be used for #accessory# off-street parking or loading facilities, and for obstructions permitted in a #rear yard# pursuant to Sections 23-44, 24-33, 33-23 or 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), as applicable. Such setback area may be used for #public parking garages# or #public parking lots#, where permitted pursuant to underlying regulations.

Within such #building# setback area, there shall be provided one tree of two inch #caliper# or greater, pre-existing or newly planted, for each 400 square feet of such open area.

### **143-36**

#### **Special Yard Regulations for the Protection of Natural Features**

In order to facilitate the protection of natural features, the provisions of this Section, inclusive, shall modify the #yard# regulations of the underlying districts as applicable in the #Special Natural Resources District# and the regulations of 143-35 (Yard Regulations in South Richmond). However, in no case shall the provisions of both Sections 143-362 (Front yard reductions) and 143-363 (Rear yard reductions) be applied to the same #zoning lot#.

### **143-361**

#### **Permitted obstructions in yards**

For #residential buildings# on #qualifying lots#, the provisions of Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 25-622 (Location of parking spaces in lower density growth management areas) shall be modified to allow required off-street parking spaces, open or enclosed, as permitted obstructions within a #front yard#, provided the height of any #building# enclosing such off-street parking spaces does not exceed 10 feet above #curb level#.

A portion of a #building# used primarily for enclosing required off-street #accessory# parking spaces on such #qualifying lots#, shall be considered a permitted obstruction in a #front yard# if such portion of a #building#:

- (a) is located on a slope that rises above the adjacent #street# or #private road#;
- (b) is no more than 10 feet in height above #curb level#;
- (c) is located entirely within 25 feet of a #street# or #private road#; and such portion of a #building# either:
  - (1) encroaches more than 150 square feet into an #area of existing slope# with a slope category of 25 percent or greater; or

- (2) is at least six feet below the natural adjoining grade at any point within 25 feet of a #street# or #private road#.

In addition, for #zoning lots# subject to the provisions of Section 143-373 (Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources), the provisions of Section 23-44 shall be modified to allow portions of #buildings# that project up to three feet into #yards# as permitted obstructions within such #yards#.

### **143-362**

#### **Front yard reductions**

The regulations for minimum #front yards# shall be modified in accordance with the provisions set forth in paragraphs (a) or (b) of this Section, as applicable, and required setback areas along arterials and railroad rights-of-way, as set forth in the Special South Richmond Subdistrict shall be modified as set forth in paragraph (c) of this Section:

(a) In R1, R2, R3, R4 and R5 Districts

- (1) In R1 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet;
- (2) In R2 and R3 Districts, for #qualifying lots#, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet; or
- (3) In R2 through R5 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet, provided that certain natural features are preserved within specified portions of the #zoning lot#, as follows:
- (i) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
- (ii) such natural features, including #critical root zones#, are, in whole or in part located beyond 30 feet of the #rear lot line# and are in the rear half of the #zoning lot#; and
- (iii) such natural features are located within an #area of no disturbance#.



- (b) In Resource Adjacent Areas, Escarpment Areas or #areas adjacent to aquatic resources#
  - (1) In R1 Districts, #front yards# shall have a minimum required depth of 15 feet, and for #corner lots#, one #front yard# shall have a minimum depth of 10 feet; and
  - (2) In R2 and R3 Districts, #front yards# shall have a minimum depth of 10 feet, and for #corner lots#, one #front yard# shall have a minimum depth of five feet.
- (c) Along #arterials# and railroad rights-of-way
  - (1) In all districts, for #zoning lots# subject to the provisions of Section 143-355 (Special provisions for arterials in the South Richmond Subdistrict), the required setback area shall be 15 feet provided that natural features are preserved as specified in paragraph (a)(3) of this Section.
  - (2) In all districts, for #zoning lots# subject to the provisions of Section 143-356 (Building setbacks along railroad rights-of-way in the South Richmond Subdistrict), the required setback area shall be 10 feet provided that natural features are preserved as specified in paragraph (a)(3) of this Section.

However, if an open #accessory# off-street parking space is located between the #street wall# of a #building# containing #residences# and the #street line#, there shall be an open area between such #street wall# and #street line# which is at least 8 feet 6 inches in width by 18 feet in depth to accommodate such parking space.

**143-363**  
**Rear yard reductions**

#Rear yards# shall have a minimum depth of 20 feet as set forth in paragraphs (a) or (b) of this Section:

- (a) In R2 and R3 Districts, for #qualifying lots#, and for #zoning lots# located in Resource Adjacent Areas, Escarpment Areas or #areas adjacent to aquatic resources#; and
- (b) In R1 through R6 Districts, provided that certain natural features are preserved as follows:
  - (1) such natural features include one or more of the following: #rock outcrops# greater than 150 square feet in area, an #area of existing slope# of 25 percent or greater within an area of more than 150 square feet, #designated aquatic resource#, #buffer area# or trees equal to or greater than 12 #tree credits#;
  - (2) such natural features, including #critical root zones#, are, in whole or in part located outside of the #front yard# and are in the front half of the #zoning lot#; and

- (3) such natural features are located within an #area of no disturbance#.

### **143-364**

#### **Measurement of yards in unimproved streets**

For #qualifying lots# in R2 and R3 Districts, or for #zoning lots# within Resource Adjacent Areas, Escarpment Areas, or #areas adjacent to aquatic resources#, the minimum required #front yard# depth shall be measured from a tax lot boundary within a #street# shown on the City Map, instead of from the #street line# in cases where:

- (a) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (b) the applicant submits a letter from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

### **143-365**

#### **Special rear yard equivalent regulations**

R1 R2 R3

In the districts indicated, in #lower density growth management areas#, Section 23-532 (Required rear yard equivalents) shall be modified for #zoning lots# with a single #detached residence# existing on August 12, 2004, to permit a #rear yard equivalent# to be provided as set forth in paragraphs (a), (b) or (c) of Section 23-532.

### **143-37**

#### **Height and Setback Regulations**

In the #Special Natural Resources District#, the special height and setback regulations of Sections 143-371 (Modified height and setback for the protection of natural features) and 143-372 (Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources) shall apply.

The special height and setback regulations of Section 143-373 (Height and setback in the South Richmond Subdistrict) shall apply within the South Richmond Subdistrict.

### **143-371**

#### **Modified height and setback for the protection of natural features**

In order to facilitate the protection of natural features, the maximum perimeter wall height and maximum #building# height of a #residential building#, or the #residential# portion of a #building# may be modified in accordance with the provisions of this Section.

Within Resource Adjacent Areas, #areas adjacent to aquatic resources#, and for #qualifying lots#, Section 23-60 (HEIGHT AND SETBACK REGULATIONS) shall be modified as follows:

- (a) In R1 and R2 non-contextual districts, paragraph (a) of Section 23-631 (General provisions) shall be modified so that the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# beginning at a height of 30 feet above the #front yard line#.
- (b) In R3 Districts, paragraph (b) of Section 23-631 shall be modified as follows:
  - (1) Perimeter walls shall be subject to setback regulations at a maximum height of 31 feet above the #base plane#.
  - (2) The provisions set forth in paragraphs (b)(1) through (b)(6)(i) of Section 23-631 shall be modified so that the sloping planes controlling the maximum #building# height shall meet at a ridge line of 40 feet above the #base plane#.

### **143-372**

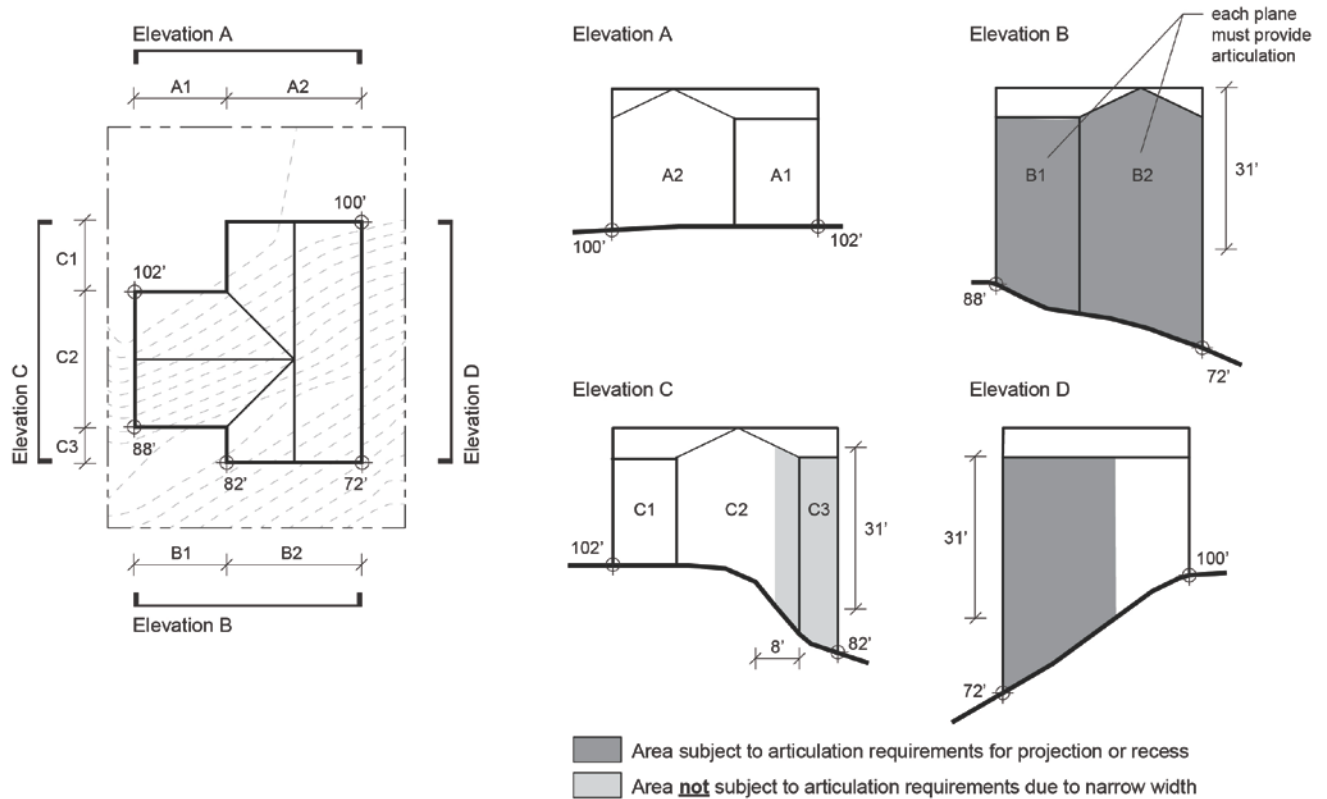
#### **Articulation requirements in Escarpment Areas, Resource Adjacent Areas and in areas adjacent to aquatic resources**

R1 R2 R3

In the districts indicated, the provisions of this Section shall apply to #residential buildings# in Escarpment Areas, Resource Adjacent Areas and #areas adjacent to aquatic resources#. The provisions of this Section shall not apply to #accessory buildings#.

For any portion of such #residential building# that is eight feet in width or greater and exceeds a vertical distance of 31 feet between the roof of the #building# and the final adjoining grade, an area equaling at least 25 percent of the surface area of such portion must project from or be recessed from an exterior wall covering at least 25 percent of the area in a continuous plane by at least 18 inches from the wall above or below.

Four elevation views shall be provided for each #building# in addition to application materials set forth in 143-05 (Application Requirements). Each such elevation view shall show that such #residential building# complies with the recess and projection requirements of this Section.



#### ARTICULATION REQUIREMENTS

### **143-373** **Height and setback in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-43 and modified]

In the South Richmond Subdistrict, in addition to the requirements for maximum height of walls and required setbacks in Sections 23-63, 24-52, 33-43 or 143-371, no #building# shall exceed a height of four #stories# and no structures other than #buildings# shall exceed a height of 50 feet, unless by special permit of the City Planning Commission, pursuant to Section 143-731 (Exceptions to height regulations in the South Richmond Subdistrict). In the event of a conflict between the provisions of this Section and the provisions of any other Section of this Resolution, the provisions of this Section shall control.

### **143-38** **Court and Open Area Regulations**

The open area regulations of this Section, inclusive, shall apply throughout the #Special Natural

Resources District#, and the special court regulations shall apply in the South Richmond Subdistrict.

### **143-381**

#### **Open area requirements for residences**

Open areas shall be provided between #residential buildings# and each of the following: #designated aquatic resources#, #buffer areas#, #designated open space#, or #habitat preservation area#, in accordance with the requirements of this Section.

- (a) An open area shall be provided adjacent to the rear wall of each #residential building# or #building segment#. For the purposes of this Section, the “rear wall” shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 20 feet when measured perpendicular to each rear wall.
- (b) An open area shall also be provided adjacent to the side walls of each #residential building# or #building segment#. For the purposes of this Section, a “side wall” shall be a wall that does not face a #street# or #private road#, and is not a rear wall. The depth of such open area shall be equal to the depth of each #building# or #building segment#, and the width of such open area shall be at least five feet when measured perpendicular to each side wall.
- (c) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and any remaining walls not facing a #street# or #private road# shall be designated side walls. The open area provisions of this Section shall apply to the areas adjacent to such rear wall and side walls.

Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted within such open areas.

### **143-382**

#### **Court regulations in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-466 and modified]

In the South Richmond Subdistrict, the special court regulations set forth in this Section shall apply.

For any #building# containing #residences# not more than one #story# in height, the area of an #inner court# shall not be less than 225 square feet and the minimum dimension of such #inner

court# shall not be less than 15 feet.

For any #building# containing #residences# more than one #story# in height, the area of an #inner court# shall not be less than 400 square feet and the minimum dimension of such #inner court# shall not be less than 20 feet.

No court regulations shall apply to #single-# and #two-family detached residences#.

### **143-39**

### **Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space**

[Note: provisions relocated from Section 107-225 and modified]

In the #Special Natural Resources District# in all #Residence Districts#, except R1-1 Districts, and except #plan review sites# of one acre or more, the special #bulk# regulations of this Section shall apply to any tract of land containing #designated aquatic resources#, #buffer area# or #designated open space#. Such tract of land may contain a single #zoning lot# or two or more #zoning lots# #developed# as a unit in single ownership or control which are contiguous for a distance of at least 10 feet or would be contiguous except for their separation by a #street#.

For all permitted #residential uses# on such tract of land, the total #floor area#, #lot coverage#, #hard surface area# or #dwelling units# generated by that portion of the #zoning lot# containing #designated aquatic resources#, #buffer area# or #designated open space# may be distributed without regard for #zoning lot lines#, provided that, within Resource Adjacent Areas and #areas adjacent to aquatic resources#, the maximum applicable #lot coverage# of 15 percent and #hard surface area# of 45 percent shall not be exceeded.

The provisions of Sections 23-40 (YARD REGULATIONS) and 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), shall not apply. In lieu thereof, the following regulations shall apply:

(a) #Yards#

- (1) #front yards# shall have a minimum required depth of 10 feet;
- (2) #side yards# shall have a minimum required width of four feet;
- (3) #rear yards# shall have a minimum required depth of 10 feet;

(b) Minimum distance between #buildings#

- (1) the minimum distance between #buildings# on the same or #abutting zoning lots# across a common #side lot line# shall not be less than eight feet;

- (2) the minimum distance between #buildings# on #abutting zoning lots# across a common #rear lot line# shall not be less than 40 feet.

The provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and the provisions of Section 143-381 (Open area requirements for residences) shall apply without modification.

The provisions of Section 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) relating to two #buildings# on a #zoning lot# where one building is a “front building” and another is a “rear building” as described in such Section, shall be modified to require an open area with a minimum width of 20 feet between any “rear building” and the #rear lot line# of an adjoining #zoning lot#. In addition, the provisions of Section 23-891 (In R1 through R5 Districts) shall be modified to require an open area adjacent to the rear wall of each #building# with a depth of at least 20 feet when measured perpendicular to each rear wall.

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Where such tract of land is subject to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES), modifications of #bulk# in accordance with this Section shall also comply with the provisions set forth in Sections 143-61 (General Provisions) and shall be subject to all findings and conditions set forth in 143-62 (Authorization for Plan Review Sites).

#### **143-40** **SPECIAL PARKING REGULATIONS**

Special parking regulations apply in the #Special Natural Resources District#.

#### **143-41** **Location of Parking Spaces in Lower Density Growth Management Areas**

In R1, R2, R3, R4-1 and R4A Districts, the provisions of Section 25-622 (Location of parking spaces in lower density growth management areas) shall be modified for all #zoning lots# with #buildings# containing #residences# to permit required #accessory# off-street parking spaces to be located on a #zoning lot# between the #street line# and the #street wall# of a #building# or prolongation thereof, provided that such required parking spaces shall not be permitted within a #front yard#, and, where such spaces are not enclosed, shall be at least 18 feet from the #street line#.

## 143-42

### Parking Modifications for the Protection of Natural Features

In the #Special Natural Resources District#, on #qualifying lots#, in order to facilitate the protection of natural features, the following provisions shall apply.

(a) Location of parking spaces

Sections 25-621 (Location of parking spaces in certain districts) and 143-41 (Location of Parking Spaces in Lower Density Growth Management Areas) shall not apply. The provisions of Section 25-622 (Location of parking spaces in lower density growth management areas) shall not apply, except that no more than two unenclosed required parking spaces may be located in tandem (one behind the other), and no tandem parking shall be permitted in any #group parking facility# with more than four spaces;

(b) Driveway and curb cut regulations

Section 25-632 (Driveway and curb cut regulations in lower density growth management areas) shall apply except as modified as follows:

- (1) where more than one off-street parking space is provided in a #front yard#, paragraph (a) of Section 25-632 shall be inapplicable, and paragraph (b) shall apply to all #zoning lots# of any width;
- (2) paragraph (c) of Section 25-632 shall be inapplicable, such that driveway and curb cut centerlines need not be coincident;
- (3) for #zoning lots# with less than 50 feet of frontage along a #street#, or for #zoning lots# with 50 feet or more of frontage where only one required #accessory# off-street parking space is provided on the #zoning lot#, one required off-street parking space may be permitted #abutting# the #street line# and parallel to the #street#, provided that:
  - (i) no sidewalk exists on the frontage of such lot, and the approved Builder's Pavement Plan has no sidewalks on the frontage of such lot;
  - (ii) the curb cut shall have a maximum width, including splays, of 22 feet;
  - (iii) the curb cut shall provide access to only one off-street parking space with a maximum paved area of 200 square feet; and
  - (iv) no driveway or off-street parking shall be permitted between the #street wall# of the #residence# and such parallel parking space for a distance equal to the depth of the required #front yard#.
- (4) for #zoning lots# with a minimum of 50 feet of frontage along a #street#, two off-



street parking spaces may be permitted adjacent to and parallel to the #street#, provided that:

- (i) no sidewalk exists on the frontage of such lot and the approved Builder's Pavement Plan has no sidewalks on the frontage of such lot;
- (ii) at least one of the two parking spaces is a required off-street parking space;
- (iii) the curb cut shall have a maximum width, including splays, of 42 feet;
- (iv) the curb cut shall provide access to only two off-street parking spaces with a maximum paved area of 400 square feet; and
- (v) no driveway or off-street parking shall be permitted between the #street wall# of the #residence# and such parallel parking space for a distance equal to the depth of the required #front yard#; and

(c) Parking spaces within an unimproved portion of a privately owned mapped #street#

#Accessory# off-street parking spaces may be permitted within an unimproved portion of a privately owned mapped #street# provided that:

- (1) the unimproved portion of the privately owned mapped #street# is not needed for access to satisfy Section 36(2) of the General City Law, and the New York City Department of Transportation has issued a waiver of curb alignment; and
- (2) the applicant submits a letter to the Department of Buildings from the New York City Department of Transportation dated no earlier than 30 days prior to the filing of an application for #development# or #enlargement# at the Department of Buildings, confirming that such portion of the privately owned mapped #street# is not part of a City capital improvement plan.

### **143-43**

#### **Parking Waiver Not Applicable in the South Richmond Subdistrict**

The waiver provisions set forth in Section 36-231 (In districts with high, medium or low parking requirements) shall not apply to any #development# or #enlargement# in the South Richmond Subdistrict.

### **143-44**

#### **Access Restrictions Along Arterial Streets in the South Richmond Subdistrict**

In the South Richmond Subdistrict, curb cuts are not permitted along an #arterial street# on

#zoning lots# with frontage on a non-#arterial street#. For #zoning lots# with frontage only on an #arterial street#, one curb cut is permitted along such #arterial street#. For purposes of this Section, adjoining #zoning lots# in the same ownership or control on [date of adoption], or on the date of application for a building permit, shall be treated as a single #zoning lot#. However, the access restrictions of this Section shall not apply to #schools#, hospitals and related facilities, police stations or fire stations.

For #zoning lots# with more than 100 feet of frontage on an #arterial street#, where such #zoning lot# has frontage only on a #arterial street#, the Commissioner of Buildings may approve additional curb cuts for access to such #arterial street# where the Commissioner of Transportation submits a letter certifying that such additional curb cut is necessary to avoid adverse effects on the traffic operations and safety of the #arterial#, or that such additional curb cut will not adversely affect traffic operations and safety on the #arterial# including but not limited to either the implementation of a traffic pattern serving right-turn only movements in the location of the additional curb cut, or the implementation of traffic signalization serving the curb cut location, or other reasons acceptable to the Commissioner of Transportation.

For #zoning lots# with more than 100 feet of frontage on an #arterial street#, where such #zoning lot# has frontage on both #arterial# and non-#arterial streets#, the Chairperson of the City Planning Commission may, by certification, approve additional curb cuts for access to such #arterial street# where the Commissioner of Transportation submits a letter certifying that such additional curb cut is necessary to avoid adverse effects on the traffic operations and safety of the #arterial#, or that such additional curb cut will not adversely affect traffic operations and safety on the #arterial# due to either the implementation of a traffic pattern serving right-turn only movements in the location of the additional curb cut, or the implementation of traffic signalization serving the curb cut location, other reasons acceptable to the Commissioner of Transportation and the Chairperson certifies that there are no practicable alternatives providing access only to non-#arterial streets#.

## **143-45**

### **Special Surfacing Regulations**

#### **R1 R2**

In the districts indicated, Section 25-65 (Surfacing) shall be modified to allow dustless gravel driveways that access one #single-family residence#, provided that all portions of such driveway located between the curb and the #front lot line# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick.

## **143-50**

### **SOUTH RICHMOND SUBDISTRICT OPEN SPACE NETWORK**

All tracts of land in the #open space network#, as shown on the District Plan (Map 1 in Appendix D of this Chapter), shall be subject to the open space provisions of this Section.

inclusive.

Regulations for #zoning lots# containing #designated open space# are set forth in Section 143-51 (Designated Open Space). Regulations for #zoning lots# containing a portion of the #waterfront esplanade# are set forth in Section 143-52 (Waterfront Esplanade).

The vertical #enlargement# of a #residential use# that does not involve the addition of one or more #dwelling units# and does not create a #site alteration# shall not be subject to the requirements of this Section, inclusive.

### **143-51** **Designated Open Space**

[Note: provisions relocated from Section 107-22 and modified]

#Designated open space# shall be preserved in its natural state except as otherwise specified by the provisions of this Section, inclusive. No removal of trees or alteration of topography shall be allowed within #designated open space# except to accommodate utility easements and as otherwise specified by the provisions of this Section, inclusive. No #accessory# off-street parking facilities shall be located within a #designated open space#.

A certification pursuant to Section 143-511 (Certification for public pedestrian ways) shall be required for #developments#, #enlargements# or #site alterations# on #plan review sites# containing #designated open space#.

Active recreational facilities may be permitted within #designated open space# subject to certification of the Chairperson of the City Planning Commission pursuant to Section 143-512 (Certification for active recreational facilities). Special bulk regulations for #zoning lots# containing #designated open space# are set forth in Section 143-39 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space).

The following obstructions shall be permitted in #designated open space#, provided no trees shall be removed, nor existing topography altered, nor shall pedestrian movement be obstructed within a public pedestrian way:

- (a) unpaved footpaths;
- (b) unpaved sitting areas, not exceeding 100 square feet;
- (c) awnings and other sun control devices, pursuant to Section 23-44 (Permitted Obstructions in Required Rear Yards or Rear Yard Equivalents);
- (d) balconies, unenclosed, subject to the provisions of Section 23-13 (Balconies);
- (e) eaves, gutters or downspouts projecting into such #designated open space# not more than

16 inches;

- (f) fences or walls, up to six feet in height;
- (g) exterior wall thickness, pursuant to Section 23-44; and
- (h) solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

### **143-511**

#### **Certification for public pedestrian ways**

[Note: provisions relocated from Section 107-222 and modified]

For #plan review sites#, no excavation or building permit shall be issued for any #development#, #enlargement#, or #site alteration# on a #zoning lot# containing #designated open space#, until the Chairperson of the City Planning Commission certifies to the Department of Buildings that:

- (a) such #designated open space# shall be preserved in its natural state, or modified as permitted by Section 143-512 (Active recreational facilities); and
- (b) where required by the Chairperson, that the applicant shall provide a public pedestrian way through such #designated open space#, in accordance with this Section.

When a public pedestrian way is required, it shall be built and maintained by the owner of the #zoning lot# and shall be accessible to the public at all times. For #developments#, no certificate of occupancy shall be issued until all required improvements are completed. The location and dimension of such pedestrian way shall be determined by the Chairperson.

The owner of a #zoning lot# containing a public pedestrian way may request that the City of New York acquire an easement on the property for providing public access to such #designated open space#. If the City acquires such an easement, the City's subsequent #use# of such easement or #development# upon such easement shall not be deemed to create a #non-compliance#.

### **143-512**

#### **Certification for active recreational facilities**

[Note: provisions relocated from Section 107-221 and modified]

#Designated open space# may be used for active recreational facilities provided that the Chairperson of the City Planning Commission certifies that such #use#:

- (a) is compatible with the purposes of the #open space network#;
- (b) will have minimal impact on tree removal, topographic alterations or drainage conditions; and
- (c) shall be accessible to the public, or at a minimum to the owners, occupants, employees, customers, residents or visitors of other #uses# on the #zoning lot#. In addition, for #zoning lots# or #plan review sites# with #residential uses# not open to the public, such facilities shall only be permitted in #designated open space# where they serve the residents of four or more #dwelling units#.

Such conditions, as applicable, shall be noted on the Certificate of Occupancy of all #buildings# on the #zoning lot#.

Active recreational facilities may include athletic fields, swimming pools, tennis courts or facilities and equipment normally found in playgrounds, and shall comply with the #use# regulations of the underlying district.

Active recreational facilities shall not be allowed within 60 feet of any #aquatic resource# unless the Chairperson certifies that a location closer to such #aquatic resource# will not adversely affect its natural character or drainage function. The Chairperson, where appropriate, shall be guided by reports from other City or state agencies.

## **143-52** **Waterfront Esplanade**

[Note: provisions relocated from Section 107-23 and modified]

No excavation or building permit shall be issued for any #development#, #enlargement#, or #site alteration# on a #zoning lot# containing a portion of the #waterfront esplanade#, until the Chairperson of the City Planning Commission certifies to the Department of Buildings that:

- (a) the location and design of the #waterfront esplanade# are satisfactory to the Chairperson; and
- (b) such #waterfront esplanade# shall conform to the guidelines and standards established by the Department of City Planning in consultation with the Department of Transportation and the Department of Parks and Recreation.

The #waterfront esplanade# shall be built and maintained by the owner of a #zoning lot# on which the esplanade is shown on Map 1 in Appendix D of this Chapter, except where such #zoning lot# has been #developed# prior to September 11, 1975. Where such #waterfront esplanade# is not accessible to the public, the Chairperson may require the owner of the #zoning lot# to provide public access to such a #waterfront esplanade# from a public right-of-way

through the #zoning lot#.

No certificate of occupancy or permit sign-off, as applicable, shall be issued until all required #waterfront esplanade# improvements are completed.

### **143-53**

#### **Boundary Adjustments of Designated Open Space**

In evaluating applications to the City Planning Commission for a zoning text amendment to #Designated Open Space# Maps 1.1 to 1.6 in Appendix D of this Chapter, to modify the boundaries of the #designated open space# shown on such map, the City Planning Commission shall consider establishing the following limitations to the greatest extent practicable:

- (a) that such adjustment will not place the new boundary closer than 60 feet to a watercourse;
- (b) that such adjustment will either:
  - (1) result in a substantial improvement in the quality and usefulness of the #designated open space#; or
  - (2) permit #development# which better satisfies the purposes of this Chapter and that the new features which will be added to the #designated open space# will be at least equal in quality to those which are displaced from it; and
- (c) that such adjustment will provide an equivalent area replacement for the area removed from the #designated open space#.

### **143-60**

#### **SPECIAL REGULATIONS FOR PLAN REVIEW SITES**

The provisions of this Section 143-60, inclusive, shall apply to all #plan review sites# in the #Special Natural Resources District#.

### **143-61**

#### **General Provisions**

For #plan review sites#, a #development#, #enlargement#, #site alteration# or #zoning lot# subdivision shall only be permitted by authorization of the City Planning Commission pursuant to Section 143-62 (Authorization for Plan Review Sites), except that such authorization shall not be required for:

- (a) minor #enlargements# or #site alterations# as set forth in Section 143-616 (Minor enlargements or site alterations on plan review sites);
- (b) #site alterations# that are not related to a proposed #development#, #enlargement# or subdivision of a #zoning lot# where such #site alterations#:
  - (1) in any given calendar year, consist of an area of less than 400 square feet and the removal of no more than two trees or 12 #tree credits#, whichever is greater; and
  - (2) are located both in Base Protection Areas and outside of areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning;
- (c) the removal of trees where the following conditions apply:
  - (1) on #plan review sites# in Resource Adjacent Areas, Escarpment Areas and #areas adjacent to aquatic resources#, that are located outside of areas shown on the #Special Natural Resource District# Habitat Map, where such trees to be removed are not located in #designated aquatic resources#, #buffer areas# or #areas of existing slope# of 25 percent or greater and that total less than 12 #tree credits# cumulatively; or
  - (2) on #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, which have received certification to remove trees pursuant to Section 143-67 (Certification to Permit Tree Removal).

The review of all #plan review sites# by the City Planning Commission pursuant to Section 143-62 is required, except as specifically excluded in paragraphs (a) through (c) of this Section.

All #plan review sites# are subject to all provisions of this Chapter except where specifically modified pursuant to the provisions of Section 143-60, inclusive. Additional requirements relating to habitat preservation, planting, open areas, private roads, minor #enlargements#, #site alterations# and site planning applicable to such sites, are set forth in Sections 143-611 through 143-617.

The applicant shall provide an assessment of the significant natural features of the site to the Commission pursuant to the provisions of paragraph (d)(1) of Section 143-62, and, for #plan review sites# with an area one acre or larger located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, the applicant shall provide an assessment of #habitat areas# pursuant to the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning.

At the option of an applicant, a long-term development plan may be proposed pursuant to the provisions of Section 143-631 (Establishment of a development plan). Approval of a development plan by the Commission allows for expedited review of future development

pursuant to Sections 143-632 (Certification for preliminary plan site) or 143-633 (Renewal authorization for conceptual plan site).

For #plan review sites# that are required to establish #habitat preservation areas# pursuant to Section 143-611 (Habitat preservation area standards), the Commission may modify the applicable standards and boundaries of the #habitat preservation area# pursuant to Sections 143-641 (Modification of habitat preservation area standards) and 143-642 (Special permit for modification of habitat preservation area). At the applicant's request, the #habitat preservation area# may be dedicated for public use, pursuant to Section 143-643, and the Commission may permit modification of #bulk# regulations as if such land remained within the #plan review site#. In addition, for all sites that are required to establish #habitat preservation areas# or that contain #designated open space#, in order to facilitate the preservation of natural resources and the clustering of development on the site, applications may be made to the Commission for the modification of #use# or #bulk# regulations pursuant to Sections 143-65 (Residential Sites), and 143-66 (Modification of Bulk Regulations for Certain Community Facilities).

Where Section 143-39 (Special Bulk Regulations for Lots Containing Designated Aquatic Resources or Designated Open Space) is applicable to #plan review sites# of less than one acre, modification of #bulk# regulations shall be as-of-right, provided that the resulting site plan shall be subject to all findings and conditions set forth in Section 143-62. For #plan review sites# located within areas shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where only tree removal is proposed, an authorization pursuant to Section 143-62 shall not be required if a certification is granted pursuant to Section 143-67.

For #plan review sites# subject to the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), only portions of #zoning lots# landward of the #shoreline# shall be used to calculate the required percentage of #habitat preservation area# and required planting pursuant to Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

For #plan review sites# containing #designated open space#, no #development#, #enlargement# or #site alteration# shall be permitted prior to certification required pursuant to Section 143-511 (Certification for public pedestrian ways).

The provisions of Section 74-74 (Large Scale General Development) and Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) shall not apply.

### **143-611** **Habitat preservation area standards**

The provisions of this Section shall apply to #plan review sites# existing on [date of certification] that contain one or more acres located in an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where:



- (a) such #plan review site# contains #habitat area# as determined through a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning; and
- (b) such #habitat area# occupies an uninterrupted continuous area of no less than 10,000 square feet, and no portion of such area measures less than 10 feet in width at any point. For the purposes of determining the width of irregular shapes, any area that cannot wholly contain a circle with a diameter of 10 feet shall be considered less than the required width.

Such #habitat area#, in whole or in part, shall be preserved as #habitat preservation area# pursuant to the provisions of this Section.

The minimum amount of #habitat preservation area# as a percentage of a #plan review site# is set forth in the Table in this Section. For sites that have at least 10,000 square feet of #habitat area#, as determined pursuant to this Section, but less than the minimum required #habitat preservation area# pursuant to the Table in this Section, the portion of the site containing #habitat area# shall not be reduced below the amount existing at the time of application except pursuant to Section 143-641 (Modification of habitat preservation area standards).

Table I of this Section shall apply according to the predominant proposed #use# of the entire #plan review site#. For the purposes of applying the provisions of Section 143-60, inclusive, the greatest proportion of #floor area# allocated to a #use# described in Table I shall be defined as predominantly containing such #use#.

### HABITAT PRESERVATION AREA REQUIREMENTS

	<u>Predominant proposed #use#</u>			
	<u>#Residential#</u>	<u>#Community Facility#</u>	<u>#Commercial# (but not including Use Group 16)</u>	<u>#Manufacturing# and Use Group 16</u>
<u>#Habitat preservation area# minimum percent of #plan review site#</u>	<u>25 percent</u>	<u>35 percent</u>	<u>25 percent</u>	<u>25 percent</u>
<u>Reduced #habitat preservation area# percent of #plan review site# when amenity is provided</u>	<u>20 percent: recreation</u>	<u>None</u>	<u>20 percent: public open area</u>	<u>20 percent: buffer and landscaping</u>

Where a site assessment provided in accordance with the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, determines

#designated aquatic resources# to be on such #plan review site#, the #habitat preservation area# shall be the greater of the requirement as set forth in the table, or the size of such #designated aquatic resource# and #buffer areas#, except as otherwise determined by the Commission.

For sites that are partially or wholly within #designated open space#, portions of such #designated open space# that contain #habitat area# may be included in the #habitat preservation area# requirements.

For #plan review sites# required to provide waterfront public access areas pursuant to the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), the minimum #habitat preservation area# shall be reduced to 20 percent and the provisions of Section 143-612 (Amenities allowed in connection with reduced habitat preservation area) shall not apply.

The regulations allowing the reduction of #habitat preservation area# in connection with the provision of amenities are set forth in Section 143-612. Provision of such amenities shall allow the reduction of the required percentage of #habitat preservation area# to an amount no less than the percentage shown in the Table, and subject to the requirements and limitations of Section 143-612.

The #habitat preservation area# shall be shown on a proposed site plan. Such areas established on the site plan shall not be modified except by subsequent application of a special permit pursuant to Section 143-642 (Special permit for modification of habitat preservation area).

#Habitat preservation areas# on a #zoning lot# shall be considered #lot area# for the purposes of the applicable regulations on #floor area ratio#, #open space#, #lot coverage#, #hard surface area#, #lot area# or density, unless otherwise specified by the provisions of this Chapter.

#Habitat preservation areas# not fronting on a #street# shall be delineated from adjacent areas by a boundary marker acceptable to the City Planning Commission.

#Habitat preservation areas# may include the following permitted obstructions:

- (a) Unpaved footpaths
- (b) Unpaved sitting areas, not exceeding 100 square feet
- (c) Light fixtures
- (d) Boundary marker such as a split rail fence used to delineate the boundaries of the #habitat preservation area#

## **143-612**

### **Amenities allowed in connection with reduced habitat preservation area**

For #plan review sites# that are either predominantly #residential#, #commercial# or #manufacturing#, the required #habitat preservation area# may be reduced provided that a portion of the site is set aside and improved pursuant to the standards of this Section.

(a) For #plan review sites# that are predominantly #residential#, for each percent of the #plan review site# set aside for recreational purposes, the required #habitat preservation area# may be reduced by one percent, to no less than 20 percent of the #plan review site#, provided that:

(1) the recreational area shall be accessible to the public, or to the owners, occupants, employees, customers, residents or visitors of the #use# to which such space is #accessory#, except that such recreational area may be closed to the public where it serves the residents of four or more #dwelling units#. Such conditions, as applicable, shall be noted on the certificate of occupancy of all #buildings# on the #zoning lot#;

(2) the recreational area shall be open to the sky except for #accessory buildings# covering not more than 20 percent of the recreation area, and may include active recreation areas, such as swimming pools, ball fields or courts, or facilities and equipment normally found in playgrounds, or passive areas, such as picnic areas or other sitting areas, and shall comply with the #use# regulations of the underlying district;

(3) the recreational area shall consist of a minimum of 5,000 square feet;

(4) a minimum of 10,000 square feet of continuous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-61, inclusive;

(5) the recreational area is adjacent to the remaining #habitat preservation area#; and

(6) the recreational area is directly accessible from a #street# or #private road#.

(b) For #plan review sites# that are predominantly #commercial uses#, excluding Use Group 16, where a publicly accessible open space is provided pursuant to the standards of this Section, the required #habitat preservation area# may be reduced to 20 percent of the #plan review site#, provided that such reduction shall not exceed 36,000 square feet, and provided that a minimum of 10,000 square feet of contiguous #habitat preservation area# remains protected in a natural state pursuant to the standards of Section 143-61, inclusive. Such publicly accessible open spaces shall comply with the following standards:

(1) The minimum size of such publicly accessible open spaces shall be 2,000 square feet. Each such space shall be able to contain a 30-foot diameter circle. In addition, for #plan review sites# over five acres in size, the minimum total area of all such spaces shall be 4,000 square feet, and for #plan review sites# over 10

acres in size, the minimum total area shall be 6,000 square feet;

(2) Such publicly accessible open space shall be:

- (i) adjacent to a sidewalk located within a #street#, #private road#, or adjacent to another sidewalk located within the site;
- (ii) within 100 feet of a #primary entrance# to a #building#, excluding #accessory buildings#;
- (iii) adjacent to the #habitat preservation area# to be protected; or
- (iv) adjacent to a publicly accessible recreation facility, such as a #public park# or waterfront public access area;

(3) Seating

One linear foot of seating shall be provided for every 75 square feet of publicly accessible open space. Such seating may be located anywhere within such public access areas and shall comply with the standards of Section 37-741 (Seating). The requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply.

(4) Planting

Publicly accessible open spaces shall comply with the provisions of Section 37-742 (Planting and trees), except that in lieu of trees of four inch #caliper#, trees of three inch #caliper# shall be provided.

(5) Grade

The level of the publicly accessible open space shall not be less than two feet below the adjoining grade, nor more than two feet above adjoining grade.

(6) Open air cafe

Open air cafes, where provided, shall comply with the provisions of paragraph (b) of Section 37-73 (Kiosks and Open Air Cafes), and seating for open air cafes may count toward the seating requirement, provided that 50 percent of the linear seating capacity is provided through other seating types.

(7) Lighting

All publicly accessible open spaces shall provide lighting in accordance with the following requirements:

- (i) An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas; and
- (ii) a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas.

Such level of illumination shall be maintained from one-half hour before sunset to the closing time of the #commercial use#.

The average illumination to minimum foot candle uniformity ratio shall be no greater than 10:1.

Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak foot candle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with a color temperature range of 3000 K to 4100 K with a minimum color rendering index of 65.

All lenses and globes shall be polycarbonate or equivalent.

All lighting sources that illuminate a publicly accessible open space and are mounted on or located within #buildings# adjacent to the publicly accessible open space shall be shielded from direct view. In addition, all lighting within the publicly accessible open space shall be shielded to minimize any adverse effect on surrounding #buildings# containing #residences# and from #habitat preservation areas#.

- (c) For #plan review sites# that are predominantly #manufacturing uses# or Use Group 16, the required #habitat preservation area# may be reduced to no less than 20 percent of the #plan review site#, provided that an area of land equal to the reduced amount of land area within the #habitat preservation area# is established as landscaped areas or landscaped buffers, and provided that a minimum of 10,000 square feet of contiguous natural area remains protected in a natural state pursuant to the standards of Section 143-61, inclusive. Such landscaped areas or landscaped buffers need not be contiguous with other #habitat preservation areas# on the #plan review site#.

### **143-613**

#### **Planting regulations for plan review sites**

The planting requirements set forth in 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement) shall apply as modified by the provisions of this Section.

For the purposes of calculating #tree credits# and #biodiversity points#, #habitat preservation areas# shall be excluded from #lot area# computations.

(a) Tree requirement

For all #plan review sites#, paragraph (b) of Section 143-132 (Determining tree requirements) shall not apply. The remaining provisions of Section 143-132 shall apply as follows:

(1) For #plan review sites# with a #habitat preservation area#:

For #plan review sites# where a #habitat preservation area# is required, the provisions of this paragraph shall apply.

For #plan review sites# that contain a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply.

For a #plan review site# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# on a #plan review site# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

(2) For #plan review sites# without a #habitat preservation area#:

For #plan review sites# where a #habitat preservation area# is not required, the provisions of this paragraph shall apply.

(i) for a #plan review site# that contains a #residential# or #mixed building#, the provisions of paragraph (a) of Section 143-132 shall apply to such #plan review site#:

(ii) for a #plan review site# in a Escarpment Area, Resource Adjacent Area or #area adjacent to aquatic resources# that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be 1.5 #tree credits# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

(iii) for a #plan review site# in a Base Protection Area that does not contain a #residential# or #mixed building#, the minimum number of #tree credits# shall be one #tree credit# per 750 square feet of #lot area#, and the minimum number of trees of one inch #caliper# or greater shall be one per 2,000 square feet of #lot area#.

(b) Biodiversity requirement

The requirements set forth in Section 143-14, inclusive, shall apply, except as modified by the provisions of this paragraph.

For #plan review sites#, except #plan review sites# containing predominately #residential uses#, where a #habitat preservation area# is required, such required area may be counted as #biodiversity points# in accordance with this paragraph. For each 2.5 percent of #lot area# that such #habitat preservation area# occupies, one #biodiversity point# may be counted. Percentages of #lot area# in increments less than 2.5 percent shall not be counted. Where such #habitat preservation area# does not fully satisfy the #biodiversity point# requirement set forth in Section 143-141 (Determining biodiversity requirements), or where a #plan review site# has no required #habitat preservation area#, such remaining #biodiversity points# shall be satisfied through the provision of #landscape elements# in accordance with Section 143-14.

### **143-614**

#### **Open area and lot coverage requirements for community facilities**

For #plan review sites# containing predominantly #community facility uses#, the provisions of this Section shall apply.

(a) Required open areas

A minimum of 15 percent of the #plan review site# shall be open area. Such open area shall not include #habitat preservation area#, or any required planted area pursuant to the provisions of paragraph (b) of Section 143-613 (Planting regulations for plan review sites). Required open areas may not include #buildings#, parking areas, driveways or #private roads#, paved walkways or other # hard surface areas#. Open areas may include passive recreation areas or active recreation areas, except that active recreation areas that are #hard surface areas# shall not be counted towards the total required open area. However, such active recreation areas surfaced with artificial turf may be included in calculations of required open area, up to a maximum of 10 percent of the #plan review site#.

If, at the time of application, a #plan review site# has less than 15 percent open area, the percentage of the site containing open area shall not be reduced below the amount existing at the time of application.

Open areas provided pursuant to this Section shall be designated on a site plan. Such open areas shall not be modified except by subsequent authorization by the City Planning Commission pursuant to Section 143-62 (Authorization for Plan Review Sites).

However, #plan review sites# containing only the following #community facility uses# shall be exempt from the requirements of this paragraph:

Ambulatory diagnostic or treatment health care facilities

Houses of worship

Non-profit or voluntary hospitals and related facilities, except animal hospitals

Proprietary hospitals and related facilities, except animal hospitals

(b) #Lot coverage#

For the purposes of applying the provisions of this Section, the definition of #lot coverage# shall be modified to include portions of #buildings# or #accessory buildings# permitted pursuant to Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents). All #accessory buildings#, and #buildings or other structures# used for domestic or agricultural storage, shall be included in #lot coverage# calculations.

#Lot coverage# shall be limited to a maximum of 25 percent, except that sites that are in Base Protection Areas and that do not contain #habitat preservation areas# shall have a maximum #lot coverage# of 35 percent.

**143-615**

**Requirements for private roads**

In Escarpment Areas, Resource Adjacent Areas, and #areas adjacent to aquatic resources#, the provisions of this Section shall apply to #private roads# authorized by the City Planning Commission and that provide access to #buildings developed# after [date of adoption]. #Private roads# previously approved by the Commission or constructed as-of-right shall continue to be governed under the regulations applicable at the time of approval. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply, and the provisions of Sections 26-31 through 26-34 shall apply for #private roads# in #lower density growth management areas#. #Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including, but not limited to curbs and curb drops, street lighting, signage, and crosswalks. In addition to the Department of Transportation standards, the design of the #private road shall comply with the following requirements:

- (a) The maximum grade of a #private road# shall not exceed 10 percent;
- (b) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the outer edge of the sidewalk;
- (c) The paved width of a #private road# shall not exceed 34 feet, except the paved width of a #private road# shall not exceed 30 feet in Escarpment Areas where such #private road# provides access to #residences# with less than 20 #dwelling units#, and shall not exceed 30 feet in Resource Adjacent Areas and #areas adjacent to aquatic resources#;



- (d) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;
- (e) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;
- (f) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;
- (g) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;
- (h) Along the entire length of each side of a #private road#, trees of at least three inch #caliper# shall be provided and maintained at the rate of one tree for every 25 feet of #private road#;
- (i) Section 26-31 (Yards) shall apply, except that the curb of the #private road# shall be considered to be the #street line#; and
- (j) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (c) of this Section.

The Commission may, by authorization pursuant to paragraph (a) of Section 143-62 (Authorization for Plan Review Sites) allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

### **143-616**

#### **Minor enlargements or site alterations on plan review sites**

For #plan review sites# that are one acre or larger in size, the following provisions shall apply:

- (a) Minor #enlargements# of existing #buildings# and minor #site alterations# that meet the size thresholds of this paragraph (a) shall be permitted as-of-right by the Department of Buildings, provided that such #enlargement# or #site alteration# complies with all applicable provisions of this Resolution, including the #plan review site# provisions of Section 143-61, inclusive, and:
  - (1) such #enlargement# or #site alteration# is within 15 feet of the exterior of an existing #building#;

- (2) the total #floor area# of all such minor #enlargements# constructed after [date of adoption] on the #plan review site# shall not exceed 5,000 square feet; and
  - (3) the total area of all such minor #site alterations# constructed after [date of adoption] on the #plan review site# shall not exceed 10,000 square feet.
- (b) #Enlargements# or #site alterations# that meet the size thresholds of paragraph (a) of this Section are not subject to the provisions of Sections 143-13 (Tree Regulations) and 143-14 (Biodiversity Requirement).

**143-617**  
**Site planning requirements**

#Developments# and portions of #buildings# that are #enlarged# and result in an increase in #lot coverage# shall comply with the provisions of this Section. The City Planning Commission may modify the requirements of this Section pursuant to Section 143-62 (Authorization for Plan Review Sites)

- (a) At least 50 percent of the #street walls# of #buildings# containing Use Groups 6 and 10 shall be within 20 feet of the #street line#. The provisions of Section 37-34 (Minimum Transparency Requirements) shall apply to the portion of such #buildings# within 20 feet of the #street line#.
- (b) Loading areas shall not be located between the #street wall# of a #building# and its prolongations and the #street#.

For #zoning lots# with frontage on more than one #street#, the provisions of this Section shall apply along only one frontage.

**143-62**  
**Authorization for Plan Review Sites**

For #plan review sites#, the City Planning Commission may authorize a #development#, #enlargement#, #site alteration#, the subdivision of a #zoning lot#, or the construction, widening, or extension of a #private road# pursuant to the conditions and findings of this Section. The Commission may also authorize modifications to certain requirements set forth in Section 143-61 (General Provisions) as provided in paragraph (a) of this Section, and may authorize modifications to the provisions of Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA) as provided in paragraph (b).

- (a) Modifications

In order to facilitate the protection of natural features, the Commission may authorize modifications pursuant to the following provisions, provided that such modifications facilitate the goals of the #Special Natural Resources District# and facilitate a proposal that better achieves the findings of paragraph (d) of this Section:

(1) #Private roads# and driveways

The Commission may modify the requirements for #private roads# as set forth in Section 143-615 (Requirements for private roads) as well as Section 143-121 (Grading standards) to facilitate appropriate #private roads# or driveways. The Commission may also modify the requirements of Sections 143-42 (Parking Modifications for the Protection of Natural Features), 25-621 (Location of parking spaces in certain districts), 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), 25-631 (Location and width of curb cuts in certain districts) and 25-635 (Maximum driveway grade).

(2) Parking areas

The Commission may modify parking lot landscaping and maneuverability requirements, and the cross access requirements of Section 36-59 (Cross Access Connections in the Borough of Staten Island) provided such modifications preserve significant natural features or #habitat preservation areas# or, for existing parking lots, such modifications are proportionate to the enlarged or reconfigured portions of such parking lots.

(3) Site planning requirements

The Commission may modify the requirements of Section 143-617 (Site planning requirements), provided that the Commission shall find that the proposed configuration and design of #buildings#, including any associated structures and open areas, will result in a site plan in which such #buildings# and open areas will relate harmoniously with one another and with #buildings# and open areas on nearby #zoning lots#, the #street# and the surrounding area.

(4) Tree and planting requirements

The Commission may modify the requirements of Sections 143-13 (Tree Regulations), 143-14 (Biodiversity Requirement) and 143-613 (Planting regulations for plan review sites) for #plan review sites# occupied entirely by cemeteries or open industrial #uses#, provided that the Commission shall find that such modification is the minimum necessary to accommodate an existing #use#, and that any expansion of such #use# complies with the requirements of such Sections in relation to the portion of the #plan review site# into which the expansion is proposed.

In addition, for all #uses#, where only a portion of a #plan review site# is affected by a proposed #development#, #enlargement# or #site alteration#, the Commission may modify the requirements of Sections 143-13, 143-14 and 143-613 to apply planting requirements to portions of a #plan review site# in which #development#, #enlargement# or #site alteration# is proposed, provided that such portion is no less than one acre in size.

(5) #Designated aquatic resources# and #buffer areas#

The Commission may modify the provisions of Section 143-16 (Aquatic Resource Protections) and 143-144 (Planting requirements for buffer areas adjacent to designated aquatic resources), provided that, in addition to the findings of paragraph (d), the Commission shall find that the proposed site plan preserves #designated aquatic features# and #buffer areas# to the greatest extent feasible and, where applicable, such modification is consistent with standards and policies of the New York State Department of Environmental Conservation.

(6) Topography and retaining walls

The Commission may modify the provisions of Sections 143-121 (Grading standards) and 143-122 (Retaining wall standards), provided that such modifications are necessary to preserve significant natural features or #habitat preservation area# and that such modifications will not impair the character of the surrounding area.

(b) Modifications for waterfront lots subject to #habitat preservation area# requirements

In order to balance the protection of natural features with waterfront public access requirements, the Commission may modify the following provisions, provided that such modifications facilitate an application that better achieves the findings of paragraph (d) of this Section.

Defined terms in this Section shall include terms as defined in Section 62-11.

(1) #Shore public walkway#

Where the required #habitat preservation area# is located within or adjacent to a #shore public walkway#, the Commission may modify the following provisions:

(i) Section 62-53 (Requirements for Shore Public Walkways) may be modified so a #shore public walkway# is reduced to any width not less than 15 feet.

(ii) Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be modified so that a circulation path with a minimum clear width of eight feet shall be permitted.

(2) #Supplemental public access area#

Where the required #habitat preservation area# is located within or adjacent to a #supplemental public access area#, the Commission may modify the following provisions:

- (i) #Habitat preservation areas# may be provided in lieu of the planting requirements of paragraph (c) of Section 62-62.
- (ii) #Habitat preservation areas# may be used to satisfy the location and area requirements of Section 62-57 (Requirements for Supplemental Public Access Areas).

(3) #Upland connection#

#Habitat preservation areas# within or adjacent to an #upland connection# may be provided in lieu of the requirements of Sections 62-56 (Requirements for Upland Connections) and 62-64 (Design Requirements for Upland Connections), provided that:

- (i) for Type 1 #upland connections#, a minimum clear path of five feet to allow public access shall be required within an #upland connection# located within or adjacent to #habitat preservation areas#;
- (ii) for Type 2 #upland connections#, a minimum clear path of five feet to allow public access shall be required on one side of the roadbed with a continuous tree pit four feet in width within an #upland connection# located within or adjacent to #habitat preservation areas#; and
- (iii) at least six linear feet of seating shall be required for every 100 feet of #upland connection#.

(c) Conditions

The following conditions shall apply:

- (1) For #plan review sites# subject to Section 143-611 (Habitat preservation area standards), the Commission shall establish #habitat preservation areas# that satisfy the minimum area required by Section 143-611 or, where the #habitat area# does not cover the minimum required portion of the site, the Commission shall establish #habitat preservation areas# for all of the #habitat area# of the site that meets the dimensional requirements of Section 143-611.

The applicant shall provide a maintenance plan acceptable to the Commission for such #habitat preservation areas#, establishing maintenance for such areas in

perpetuity by the applicant and his or her successors. Such #habitat preservation areas# shall be shown on a site plan and referenced in a Restrictive Declaration. After construction on a #plan review site# has commenced and approved plans are vested, any future changes to the boundaries of the #habitat preservation area# may be permitted only by special permit of the Commission pursuant to Section 143-642 (Special permit for modification of habitat preservation area).

- (2) For #plan review sites# subject to previous approvals by the Commission pursuant to this Section, or pursuant to previous Special District regulations, the applicant shall document successful management and maintenance of #habitat preservation areas# or #areas of no disturbance#, where applicable, or other natural features indicated on the previously approved site plan.
- (3) For #plan review sites# with significant natural features to be preserved pursuant to paragraph (d)(1) of this Section, such areas shall be shown on a site plan as #areas of no disturbance# and referenced in a Notice of Restrictions or a Restrictive Declaration.
- (4) For #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, a Restrictive Declaration shall be executed, setting forth provisions for the construction, maintenance and operation of such #private roads# or other common access. Such declaration shall require that adequate security be provided to ensure that the #private roads# or other common access are properly maintained and operated in accordance with the declaration.
- (5) A Notice of Restrictions or a Restrictive Declaration, approved by the Commission, shall be recorded against the tax lots comprising the property subject to the provisions of this Section, in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lots are located. Such notice or declaration shall be binding on the owners, successors, and assigns. A certified copy of the recorded notice or declaration shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a precondition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the site. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy.

(d) In order to authorize the proposed action, the Commission shall find that:

- (1) the most significant natural features throughout the site have been identified and protected, where feasible, including the following, as applicable:
  - (i) Botanic features such as large specimen trees and rare plant communities;

- (ii) Topographic and geological features such as steep slopes and rock outcrops;
  - (iii) Aquatic features such as wetlands, streams, and natural drainage patterns;
- (2) the #habitat preservation area#, where required pursuant to Section 143-611:
- (i) is of high ecological value, or is proposed to be restored or improved through the removal of #invasive species# or the planting of native species to achieve a high ecological value;
  - (ii) is arranged to minimize edge habitat and maximize core habitat, including, where feasible, connecting to other contiguous or nearby habitat off-site and, if divided into portions, each portion is no less than 10,000 square feet;
  - (iii) where feasible, is located on the site where it is visible to the residents, occupants or visitors to the site, thereby enhancing the site and encouraging the enjoyment and maintenance of the preserved area;
  - (iv) where feasible, is located so that it includes some of the most significant natural features on the site referred to in paragraph (d)(1) of this Section within the boundaries of the #habitat preservation area#;
- (3) the optional amenity area, where provided pursuant to Section 143-612 (Amenities allowed in connection with reduced habitat preservation area), is well designed and appropriately located;
- (4) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads# and #accessory# off-street parking and loading areas:
- (i) is well designed;
  - (ii) minimizes disturbance of significant natural features;
  - (iii) minimizes curb cuts on #arterials# and other major #streets#;
  - (iv) is integrated wherever feasible with the network of surrounding #streets# and #private roads#;
  - (v) where Section 36-59 (Cross Access Connections in the Borough of Staten Island) applies, the site provides cross access connections to the maximum extent feasible both internally among different properties within the #plan review site#, as applicable, and to #abutting zoning lots#;

- (vi) for #plan review sites# with new, widened, or extended #private roads# or other common access shared by multiple property owners, such common access or #private roads# will be suitably maintained; and
  - (vii) the proposed #street# or #private road# system is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (5) the subdivision of the site, where applicable, will result in an appropriate layout of #zoning lots# and #blocks#, and the subdivision as a whole meets all of the other findings of this Section; and
- (6) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

For subdivisions resulting only in #single-# and #two-family residences#, the Commission shall establish the location of #lot lines# and, where applicable, the location of #habitat preservation area#, #areas of no disturbance# and #private roads#. For such subdivisions, the Commission may request additional information regarding proposed or feasible #building# locations, driveways, pathways and other #hard surface areas#, and the location of preserved or newly planted trees and #landscape elements#; all of which will be subject to Department of Buildings approval for such features at the time of #development#, #enlargement# or #site alteration# according to the provisions of this Chapter and the Zoning Resolution as a whole.

### **143-63** **Development Plan**

#### **143-631** **Establishment of a development plan**

The City Planning Commission may authorize the establishment of a long-term development plan, which provides for predictable development of a #plan review site# through phased construction over an extended period of time. The plan shall be reviewed pursuant to the conditions and findings of Section 143-62 (Authorization for Plan Review Sites). However, in addition to considering specific proposed #buildings# and other improvements, the Commission shall also consider proposed #developments#, #enlargements# or #site alterations# that would be implemented as part of a phased construction plan. Pursuant to the provisions of this Section, two types of areas may also be shown within the plan: preliminary plan sites and conceptual plan sites.

- (a) Preliminary plan sites shall have an area no larger than 1.5 times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each preliminary plan site, and shall fully include all areas of future #hard surface area# or



#site alteration#, and shall include the following information:

- (1) proposed #uses#, including proposed #floor area# for each #use#;
- (2) proposed #lot coverage#, including proposed #building# location and #primary entrance#;
- (3) proposed #building# height;
- (4) elevation of proposed #building# facades;
- (5) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;
- (6) landscaping, planting and walkways and other paved surfaces related to the proposed #development# or #enlargement#;

Preliminary plan sites shall be indicated on the plan as such, and may later be developed pursuant to the certification in Section 143-632 (Certification for preliminary plan site).

- (b) Conceptual plan sites shall have an area no larger than three times the area of the #lot coverage# of the sum of any future #buildings# or #enlargements# to occur within each conceptual plan site, and shall fully include all areas of future #hard surface area# or #site alteration#, and shall include the following information:

- (1) proposed #uses#, including proposed #floor area# for each #use#;
- (2) proposed #lot coverage#;
- (3) proposed #building# height;
- (4) proposed parking areas, including number of parking spaces, and proposed driveways, #private roads# and #streets#;

Conceptual plan sites shall be indicated on the plan as such, and may later be developed pursuant to the authorization renewal in Section 143-633 (Renewal authorization for conceptual plan site).

Preliminary plan sites and conceptual plan sites may be developed at any time in the future, including such cases where the boundary of #plan review site# is modified, and conceptual plan sites shall not be subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution), except after granted an authorization pursuant to Section 143-633.

Within areas of the #plan review site# not designated as proposed construction, preliminary plan sites or conceptual plan sites, no #development#, #enlargement# or #site alteration# shall be

permitted except by subsequent authorization pursuant to this Section, except as provided in Sections 143-616 (Minor enlargements or site alterations on plan review sites) or 143-62.

### **143-632**

#### **Certification for preliminary plan site**

For #plan review sites# that have received approval from the City Planning Commission pursuant to Section 143-631 (Establishment of a development plan), where such approval included preliminary plan sites within a specified area on the approved site plan, the Chairperson of the City Planning Commission shall certify to the Commissioner of Buildings that:

- (a) the proposed #use# is the same as shown in the high definition plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than in the plans contained in the application materials of the approved development plan;
- (b) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan, the location of the proposed #development# or #enlargement# is no more than 30 feet from the location shown on the plans contained in the application materials of the approved development plan, and the location of the #primary entrance# is similar to as shown in such materials and plan;
- (c) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (d) the elevation of the proposed #development# or #enlargement# is generally the same as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed parking areas, including number of parking spaces, are generally the same or have fewer parking areas than as shown on the plans contained in the application materials of the approved development plan, and proposed driveways, #private roads# and #streets# are generally the same as shown on the plans contained in the application materials of the approved development plan;
- (f) the landscaping, planting, and arrangement of paved walkways and other paved surfaces relating to the proposed #development# or #enlargement# is similar and the amount of landscaped area is not less than as shown in the plans contained in the application materials of the approved development plan; and
- (g) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

### **143-633**

#### **Renewal authorization for conceptual plan site**

For #plan review sites# that have received approval by the City Planning Commission pursuant to Section 143-631 (Establishment of a development plan), where such approval included designated conceptual plan sites within a specified area on the approved site plan, an authorization renewal must be obtained from the City Planning Commission prior to pursuing the #development#, #enlargement# or #site alteration# within such conceptual plan site, provided that the Commission shall find that:

- (a) the proposed configuration of #buildings#, including any associated structures and open areas, is consistent with the intent of the findings of Section 143-631;
- (b) the proposed #use# is the same or similar to that shown in the plans contained in the application materials of the approved development plan, and the proposed #floor area# for each #use# of the proposed #development# or #enlargement# is no greater than the plans contained in the application materials of the approved development plan;
- (c) the proposed #lot coverage# is no greater than the plans contained in the application materials of the approved development plan;
- (d) the proposed #building# height of the proposed #development# or #enlargement# is no greater than as shown in the plans contained in the application materials of the approved development plan;
- (e) the proposed circulation system, including both vehicular and pedestrian, and including but not limited to #private roads#, #accessory# off-street parking and loading areas, is consistent with the intent of the findings of Section 143-631, minimizes curb cuts on #arterials# and other major #streets#, and is integrated wherever feasible with the network of surrounding #streets# and #private roads#; and
- (f) the facts upon which the authorization for the development plan was granted have not substantially changed, including that the character of the surrounding area is substantially the same.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition the authorization renewal upon compliance with an approved landscaping plan.

### **143-64**

#### **Habitat Preservation Area**

## **143-641**

### **Modification of habitat preservation area standards**

The City Planning Commission, may, by authorization, modify the #habitat preservation area# standards of Section 143-611 (Habitat preservation area standards) as set forth in paragraph (a) of this Section, provided that the findings of paragraph (b) of this Section are met.

#### **(a) Modifications**

The Commission may modify the #habitat preservation area# standards of Section 143-611 as follows:

(1) The Commission may allow areas less than 10,000 square feet of contiguous #habitat area# to be included within the #habitat preservation area#, provided that at least one area within the #plan review site# has at least 10,000 square feet of contiguous #habitat area#, and provided that the total area included within the #habitat preservation area# meets the requirements of Section 143-611.

(2) Where the existing percentage of #habitat area# is less than the required #habitat preservation area# pursuant to Section 143-611, or when providing access to a #plan review site# would result in a reduction below such required percentage, the Commission may allow a reduction of the #habitat preservation area# below the required percentage in order to permit vehicular or pedestrian access, or to permit utility access, through such area to a portion of the site that does not include #habitat preservation area#, provided that there is no feasible alternative location for such access, and that an area of equivalent size, in square footage, is planted with native species that support existing adjacent undisturbed plant communities, as identified in the #Special Natural Resources District# Site Assessment Protocol, found on the website of the Department of City Planning, and such planted area is designated as a newly created #habitat preservation area# on the site plans.

#### **(b) In order to grant such authorization, the Commission shall find that the modification:**

(1) results in a #habitat preservation area# that includes some of the most significant natural features on the site, prioritizing areas of higher ecological value; and

(2) is the minimum required to achieve the intended purpose.

## **143-642**

### **Special permit for modification of habitat preservation area**

The City Planning Commission, may, by special permit, allow the modification of the boundaries

of a #habitat preservation area# previously established by authorization pursuant to Section 143-62 (Authorization for Plan Review Sites). In order to grant such special permit, the Commission shall find that:

- (a) unforeseen physical circumstances relating to the continued #use# and maintenance of the site require the modification of the boundaries of the #habitat preservation area#;
- (b) the boundary modification has been mitigated by the establishment of a replacement area of a size equal to the area removed from the #habitat preservation area#, consisting of native plants selected to support existing adjacent undisturbed plant communities as identified in the #Special Natural Resources District# site assessment protocol, found on the website of the Department of City Planning, which replacement area has been included within the #habitat preservation area# on a revised site plan, resulting in a total #habitat preservation area# that is not less than the area previously approved; or, where this mitigation is not feasible; the enhancement of the ecological value and performance of the remaining #habitat preservation area# in a manner that reserves the ecological function of the site within a regional context, including but not limited to planting native plants selected to support existing adjacent undisturbed plant communities or removal of #invasive species#; and
- (c) the boundary modification is the minimum required to achieve the intended purpose.

The Commission may also permit the modification or removal of natural features within a #habitat preservation area# previously established by authorization pursuant to Section 143-62 in order to facilitate a temporary disturbance within the #habitat preservation area# that will subsequently be restored to a natural state. For such modification, only findings (a) and (c) of this Section shall apply.

### **143-643**

#### **Natural area dedicated for public use**

Where an area containing significant natural features that are determined to have qualities of recreational, cultural or educational value to the public is dedicated to the City or its designee, without any cost to the City, the City Planning Commission may authorize, where appropriate, the dedicated area to be included within the #plan review site# for the purposes of #bulk# computation. The Commission, in order to grant such authorization, shall apply the findings of Section 143-62 (Authorization for Plan Review Sites). In addition, the Commission shall find that such area is directly accessible to the public from a public right-of-way and that such area shall be established for the use and enjoyment of the public.

The City Planning Commission may prescribe additional conditions and safeguards to ensure public access to the site and to minimize any adverse effects of #bulk# redistribution within the site on the surrounding area.

## **143-65**

### **Residential Sites**

The provisions of this Section, inclusive, shall apply only to #plan review sites# that:

- (a) are proposed for predominantly #residential use#, as provided in Section 143-611 (Habitat preservation area standards); and
- (b) contain either one, or both, of the following:
  - (1) at least 10,000 square feet of #habitat preservation area# on a #plan review site# of one or more acres; or
  - (2) #designated open space#.

In no event shall the number of #dwelling units# permitted by the City Planning Commission pursuant to this Section, inclusive, exceed the number that would be permitted if the entire #plan review site#, including the #habitat preservation area# and #designated open space#, as applicable, were to be developed pursuant to the regulations of this Chapter without modification pursuant to this Section, inclusive. The applicant shall provide a site plan demonstrating the maximum number of #dwelling units# that would be permitted, without the requested modifications, for the purposes of determining compliance with this provision.

## **143-651**

### **Modification of permitted residential building types**

The City Planning Commission may authorize, in R2 Districts, #semi-detached single-family residences#, in R3A and R3X Districts, #single-# and #two-family semi-detached residences#, and in R3-1 Districts, #single-# and #two-family attached residences#. The Commission may also modify the provisions of Article II, Chapter 2 to authorize, in R2 Districts, a #two-family detached residence# designed to give the appearance of two #single-family semi-detached residences#, and in R3A and R3X Districts, #buildings# with up to four #dwelling units# designed to give the appearance of two #single- or two-family semi-detached residences#.

In addition, in R3-1 Districts, the Commission may authorize multiple-family #residences#, provided that for such #use# modification, the provisions of Section 143-652 (Modification of bulk regulations for residential sites) shall not apply.

As a condition for granting such authorization, the #aggregate width of street walls# of a #building# containing #residences#, or a number of such #buildings# separated by party walls, shall not exceed 100 feet for each such #building# or #abutting buildings#.

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

- (a) the modifications allow a more compact development pattern, which allows for greater preservation of significant natural features and #habitat preservation area# or #designated open space#, as applicable;
- (b) the change of housing type constitutes the most effective method of concentrating development and preserving the natural features of the site;
- (c) for such concentration of development, standards of privacy and usable open areas can be and are achieved under the proposed site plan that are equal to those found with housing types in the absence of these modifications;
- (d) the existing topography and vegetation, as well as the proposed planting, effectively screen all #attached residences# from the #street line# of the #zoning lot# existing at the time of application, or that such #attached residences# are located more than 100 feet from such #street line#;
- (e) such modification is the least modification required to achieve the purpose for which it is granted; and
- (f) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

## **143-652**

### **Modification of bulk regulations for residential sites**

The City Planning Commission may authorize the modification of the following #bulk# regulations in order to allow arrangements of #buildings#, driveways, #private roads# or required parking areas so as to preserve natural features on the site, provided that the findings of paragraph (c) of this Section are met.

- (a) The Commission may modify:
  - (1) minimum #lot area# and #lot width# required pursuant to Sections 23-30 (LOT AREA AND LOT WIDTH REGULATIONS) and 143-34 (Minimum Lot Area), except that such modification shall not be permitted within R1-1 Districts, or within R1-2 Districts in the Hillside, Shore Acres, or Riverdale-Fieldston Subdistricts; provided that:
    - (i) in the South Richmond Subdistrict, in R2 and R3 Districts, minimum #lot

area# and #lot width# may be modified to permit the underlying minimum #lot area# and #lot width# pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences);

- (ii) in the Hillside, Shore Acres, or Riverdale-Fieldston Subdistricts, except that, within the Escarpment Area, minimum #lot area# shall not be modified:
  - (a) in R2 Districts, minimum #lot area# may be modified to 3,325 square feet, and minimum #lot width# to 35 feet;
  - (b) in R3-1 and R3-2 Districts, for #detached residences#, minimum #lot area# may be modified to 3,325 square feet, and minimum #lot width# to 35 feet;
  - (c) in R3A Districts, for #semi-detached residences#, minimum #lot area# may be modified to 1,700 square feet, and minimum #lot width# to 18 feet;
  - (d) in R3X Districts, for #semi-detached residences#, minimum #lot area# may be modified to 2,375 square feet, and minimum #lot width# to 25 feet;
- (iii) for any individual #zoning lot# this modification shall not be combined with the modification of #front yards# pursuant to paragraph (a)(4) of this Section, or with the modification of height and setback requirements pursuant to paragraph (a)(6), and the modification of #lot area# shall not be combined with the modification of #lot area# pursuant to paragraph (a)(2);
- (2) minimum #lot area# required pursuant to paragraph (c) of Section 23-32 in order to permit #private roads#, encompassing the area of the paved roadbed plus a seven foot wide area adjacent to and along the entire length of the required curbs, to be included, wholly or partially, at the discretion of the Commission, within the area of the #zoning lot# for the purpose of determining minimum #lot area#, provided that for any individual #zoning lot# this modification shall not be combined with the modification of minimum #lot area# pursuant to paragraph (a)(1) of this Section, or with the modification of #front yard# requirements pursuant to paragraph (a)(4);
- (3) minimum #lot area# requirements pursuant to Section 143-342 (Minimum lot area within Escarpment Areas), provided that this modification shall only be applicable to a tract of land of at least four acres and that the Commission shall find that such modification allows for greater preservation of #areas of existing slope# in their natural state, that clusters of #development# are located to the extent feasible in areas of comparatively flat topography and will not require



unnecessary grading on adjacent slopes or the creation of new steep slopes, except that such modification shall not be permitted within R1 Districts;

- (4) #yard# regulations in the Hillside, Shore Acres and Riverdale-Fieldston Subdistricts, provided that:
- (i) #rear yard# or #side yard# modifications shall not be authorized on the periphery of the #plan review site# unless acceptable agreements are jointly submitted for development of two or more adjacent properties by the owners thereof, incorporating the proposed #yard# modifications along their common #lot lines#;
  - (ii) #front yards# may be reduced to a minimum of 10 feet, provided that such reductions shall not be combined with #rear yard# or #side yard# reductions, #lot area# or lot width# modifications pursuant to paragraphs (a)(1) and (a)(2) of this Section or height and setback modifications for the same #zoning lot#;
  - (iii) #side yards# may each be reduced to a minimum of four feet, and in addition:
    - (a) a minimum of eight feet shall be required between #buildings#; and
    - (b) #side yard# reductions shall not be combined on the same #zoning lot# with modifications by the Commission to #front yards# or to height and setback provisions; and
  - (iv) #rear yards# may be reduced to a minimum depth of 20 feet, provided that such reductions shall not be combined with #front yard# reductions for the same #zoning lot#.
- (5) #yard# regulations in the South Richmond Subdistrict, in R1-2, R2 and R3 Districts, may be modified to permit #yards# allowed by the underlying district regulations pursuant to Section 23-40 (Yard Regulations), as modified by Section 143-36 (Modified Yard Regulations for the Protection of Natural Features);
- (6) height and setback regulations, provided that:
- (i) such modifications shall not exceed five feet in height within 100 feet of any #street line# on the periphery of the #plan review site#;
  - (ii) in addition to the findings in paragraph (c) of this Section, the Commission shall find that by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of natural features will be achieved, and that such

preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and

(iii) such height and setback modifications shall not be combined on the same #zoning lot# with #lot area# or #lot width# modifications pursuant to paragraph (a)(1) of this Section, or #front# or #side yard# modifications pursuant to paragraph (a)(4);

(7) #court# regulations;

(8) required space between #buildings# on the same #zoning lot# pursuant to Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot), provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case less than eight feet between #buildings#, where each #building# faces the same #street# or #private road#;

(9) open areas pursuant to the provisions of Sections 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas) and 23-891 (In R1 through R5 Districts); and

(10) location of parking, driveways or curb cuts regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas), 25-631 (Location and width of curb cuts in certain districts) and 143-42 (Parking Modifications for the Protection of Natural Features).

The following chart summarizes which #bulk# modifications may not be combined with other #bulk# modifications pursuant to the provisions of this paragraph (a).

TABLE OF BULK MODIFICATIONS\*

	<u>Lot Area</u> <u>(para. 1)</u>	<u>Lot Width</u> <u>(para. 1)</u>	<u>Private Road Area</u> <u>(para. 2)</u>	<u>Front Yard</u> <u>(para. 4)</u>	<u>Rear Yard</u> <u>(para. 4)</u>	<u>Side Yard</u> <u>(para. 4)</u>	<u>Height</u> <u>(para. 6)</u>
<u>Lot Area</u> <u>(para. 1)</u>	==		X	X			X
<u>Lot Width</u> <u>(para. 1)</u>		==		X			X
<u>Private Road Area</u> <u>(para. 2)</u>	X		==	X			
<u>Front Yard</u> <u>(para. 4)</u>	X	X	X	==	X	X	X

Rear Yard (para. 4)				X	=		
Side Yard (para. 4)				X		=	X
Height (para. 6)	X	X		X		X	=

\* (X) represents where a specified #bulk# modification shall not be combined with another specified modification

(b) The Commission may also authorize the total #floor area#, #open space#, #lot coverage#, #hard surface area# or #dwelling units# permitted by the applicable district regulations to be distributed without regard for #zoning lot lines# among all #zoning lots# within a #plan review site#, provided that:

- (1) for portions of the #plan review site# that are within Resource Adjacent Areas or #areas adjacent to aquatic resources#, the #lot coverage# shall not exceed 15 percent, and the #hard surface area# shall not exceed 45 percent;
- (2) the maximum permitted #lot coverage# and #hard surface area# for each individual #zoning lot# shall not exceed:
  - (i) in R1 Districts, 35 percent and 70 percent respectively;
  - (ii) in R2 and R3 Districts, 45 percent and 75 percent respectively; and
  - (iii) in R1, R2 and R3 Districts, for individual #zoning lots# where disturbance of #area of existing slope# within such #zoning lot# results in a maximum #lot coverage# of 20 percent or less and a corresponding maximum #hard surface area# of 50 percent or less pursuant to the provisions of Sections 143-32 (Lot Coverage) and 143-33 (Hard Surface Area), the distribution of #lot coverage# and #hard surface area# within the #plan review site# shall not exceed the more restrictive standard within such #zoning lot#.

(c) Findings

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

- (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of significant natural features and #habitat preservation area# or #designated open space#, as applicable;
- (2) for such concentration of development, standards of privacy and usable open areas are achieved under the proposed site plan that are equal to that found with housing developments absent these modifications;
- (3) the siting of #buildings# will not adversely affect adjacent properties or #residences# within the #plan review site# by impairing privacy or access of light

and air;

- (4) such modification is the least modification required to achieve the purpose for which it is granted;
- (5) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

### **143-66**

#### **Modification of Bulk Regulations for Certain Community Facilities**

The provisions of this Section shall be applicable to #plan review sites# proposed for predominantly #community facility use#.

- (a) For such sites, the City Planning Commission may authorize the distribution of #floor area#, #hard surface area# and #lot coverage# permitted by the applicable regulations for all #zoning lots# within the #plan review site# to be distributed without regard for #zoning lot lines#. In addition, the Commission may authorize:
  - (1) modification of the maximum #lot coverage# provided by Section 143-614 (Open area and lot coverage requirements for community facilities);
  - (2) modification of the minimum open area required pursuant to Section 143-614;  
and
  - (3) where applicable, modification of the minimum #habitat preservation area# required from 35 percent to a minimum of 25 percent.
- (b) In order to grant such authorization, the Commission shall find that:
  - (1) the modifications allow a more compact clustered development pattern, which allows for greater preservation of natural features;
  - (2) the siting of #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air;
  - (3) such modification is the least modification required to achieve the purpose for which it is granted; and
  - (4) the proposal as a whole will result in good overall design, will not impair the character of the surrounding area, and satisfies the purposes of this Chapter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

### **143-67**

#### **Certification to Permit Tree Removal**

For #plan review sites# located within an area shown on the #Special Natural Resource District# Habitat Map, available on the website of the Department of City Planning, where no #development#, #enlargement# or modification of the location of #hard surface area# is proposed, the Chairperson of the City Planning Commission may permit the removal of trees of six inch #caliper# or greater and may waive the requirement to apply for an authorization pursuant to Section 143-62 (Authorization for Plan Review Sites), provided that the Chairperson shall certify that all trees that are of six inch #caliper# or greater that are proposed to be removed are located in an area that would not qualify as a #habitat area# and are not located within a #designated aquatic resource# or applicable #buffer area# including, but not limited to, the following examples:

- (a) the tree is located in an area such as a parking lot, surrounded by #hard surface area#; or
- (b) the tree is located in an area surrounded by maintained lawn.

The Chairperson may request reports from an #environmental professional# in considering such waiver.

All provisions of Section 143-13 (Tree Regulations) shall apply to such #plan review site#.

### **143-70**

#### **CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE SOUTH RICHMOND SUBDISTRICT**

### **143-71**

#### **Public schools in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-121 and modified]

In the South Richmond Subdistrict, for any #development# or #enlargement# containing new #dwelling units#, the Department of Buildings shall be in receipt of a certification from the Chairperson of the City Planning Commission which certifies that sufficient #school# capacity exists to accommodate the anticipated primary and intermediate public school children of the

new #dwelling units#. All applications for certification pursuant to this Section shall be referred by the Chairperson to the School Construction Authority.

- (a) The School Construction Authority shall issue a report concerning the availability of #school# capacity within 60 days after receipt of the application. The Chairperson of the Commission shall respond within 90 days after receipt of the application. The report shall specify the following:
  - (1) whether #school# space is available;
  - (2) if #school# space is not available, the report shall include:
    - (i) the number of seats required;
    - (ii) the grade organization;
    - (iii) the proposed location of the #school#;
    - (iv) size of the proposed #school# (square feet per pupil); and
    - (v) the proposed financing mechanism.
- (b) For the purposes of this Section, sufficient #school# capacity shall be deemed to exist if:
  - (1) such capacity is available in existing #schools#; or
  - (2) construction funds have been authorized in the Capital Budget to accommodate anticipated primary and intermediate public school children from the proposed new #dwelling units# upon their completion or within three years from the date of the Chairperson's certification; or
  - (3) sufficient #school# space is to be provided by the applicant under a plan jointly approved by the Chairperson and the School Construction Authority.
- (c) After approval by the Chairperson and School Construction Authority of the applicant's plan to provide the #school building#, the certification may be granted either upon approval of a financial agreement by the City Council or such guarantee of construction with provision for future #school# occupancy as may be accepted by the School Construction Authority and the Chairperson.
- (d) However, the Chairperson may grant such certification if capacity is not currently available and the School Construction Authority, after consulting with the Department of Education, determines that the impact from the proposed new construction will have a minimal effect on the #schools# concerned and includes such statement in its report.
- (e) A certification by the Chairperson that sufficient capacity will be available in the public

#schools#, as set forth in the above circumstances, shall automatically lapse if substantial construction of the foundations of the #development# or #enlargement# in accordance with approved plans has not been completed within one year from the date of such certification.

- (f) No certification concerning the availability of #school# capacity shall be required for any #development# or #enlargement# located:
- (1) within a predominantly built up area; or
  - (2) on a #zoning lot# which was owned separately and individually from all other adjoining #zoning lots# existing prior to January 2, 1975, and is proposed to be #developed# with one #single-# or #two-family detached residence#.

For the purposes of this Section, a “predominantly built up area” is a #block# having a maximum of four acres which is #developed# with #buildings# on #zoning lots# comprising 75 percent or more of the area of the #block#. All such #buildings# shall have a certificate of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit.

## **143-72**

### **Authorizations Applicable Within the South Richmond Subdistrict**

The authorizations in this Section, inclusive, shall apply to certain #zoning lots# pursuant to the provisions of Sections 143-211 (Affordable independent residences for seniors in Subarea SH) and 143-212 (Special use regulations in Subarea M). Where such #zoning lots# are also #plan review sites#, review and approval pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES) shall also be required.

## **143-721**

### **Affordable independent residences for seniors in Subarea SH**

[Note: provisions relocated from Section 107-672 and modified]

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# in Subarea SH, as shown on Map 3 in Appendix D to this Chapter, provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio# shall be as set forth for R3-2 Districts in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (Affordable independent residences for seniors) shall not apply.

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

- (a) such #developments# are part of a superior site plan;
- (b) such #residences# are compatible with the character of the surrounding area; and
- (c) the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

### **143-722**

#### **Residential uses in Subarea M**

[Note: provisions relocated from Section 107-49 and modified]

Within Subarea M, as shown on Map 3 in Appendix D to this Chapter, the following provisions shall apply.

- (a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500 square feet, or in any case where there would be a #site alteration#, for the following:
  - (1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or
  - (2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.
- (b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District regulations;
- (c) In authorizing new #residential uses# and #residential enlargements#, the Commission shall find that:
  - (1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;
  - (2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
  - (3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and



- (4) the authorization shall not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **143-73**

#### **Special Permits Applicable Within the South Richmond Subdistrict**

The City Planning Commission may grant special permits for modifications of specified regulations of this Chapter in accordance with the provisions of this Section, inclusive. For any #zoning lots# receiving such special permit that is also a #plan review site#, review and approval pursuant to the provisions of Section 143-60 (SPECIAL REGULATIONS FOR PLAN REVIEW SITES) shall also be required.

### **143-731**

#### **Exceptions to height regulations in the South Richmond Subdistrict**

[Note: provisions relocated from Section 107-73 and modified]

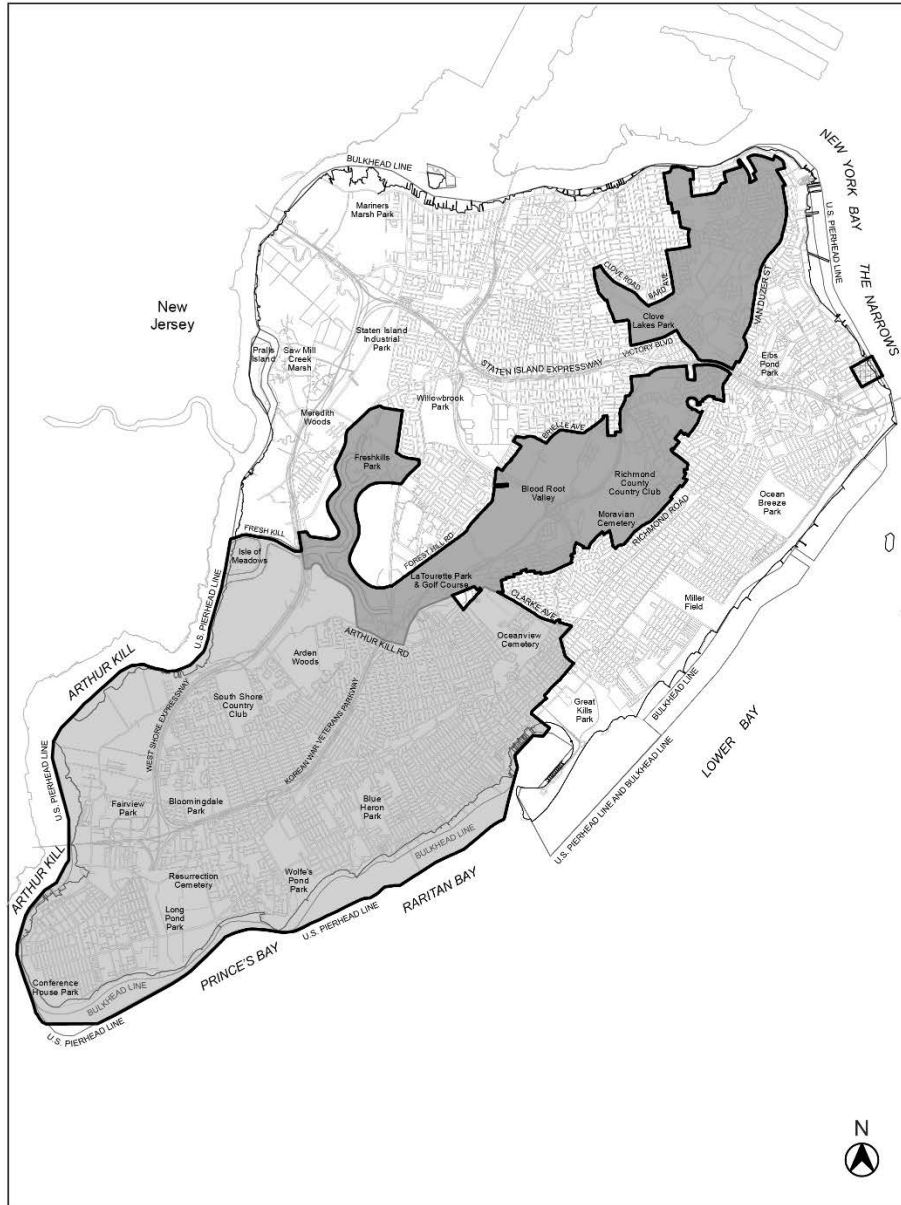
For any #development#, the City Planning Commission may grant a special permit to modify the height regulations as set forth in Section 23-631, paragraphs (b), (c) and (d) and Section 143-371 (Height and setback in the South Richmond Subdistrict), provided that the Commission finds that:

- (a) such #development# is so located as not to impair the essential character of the surrounding area;
- (b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography, #designated open space# or the protection of an outstanding view from a public space will be assured, and that such preservation would not be possible by the careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
- (c) that the #development's# design proposals take full advantage of all special characteristics of the site.

\* \* \*

Appendix A. Special Natural Resources District (date of adoption)

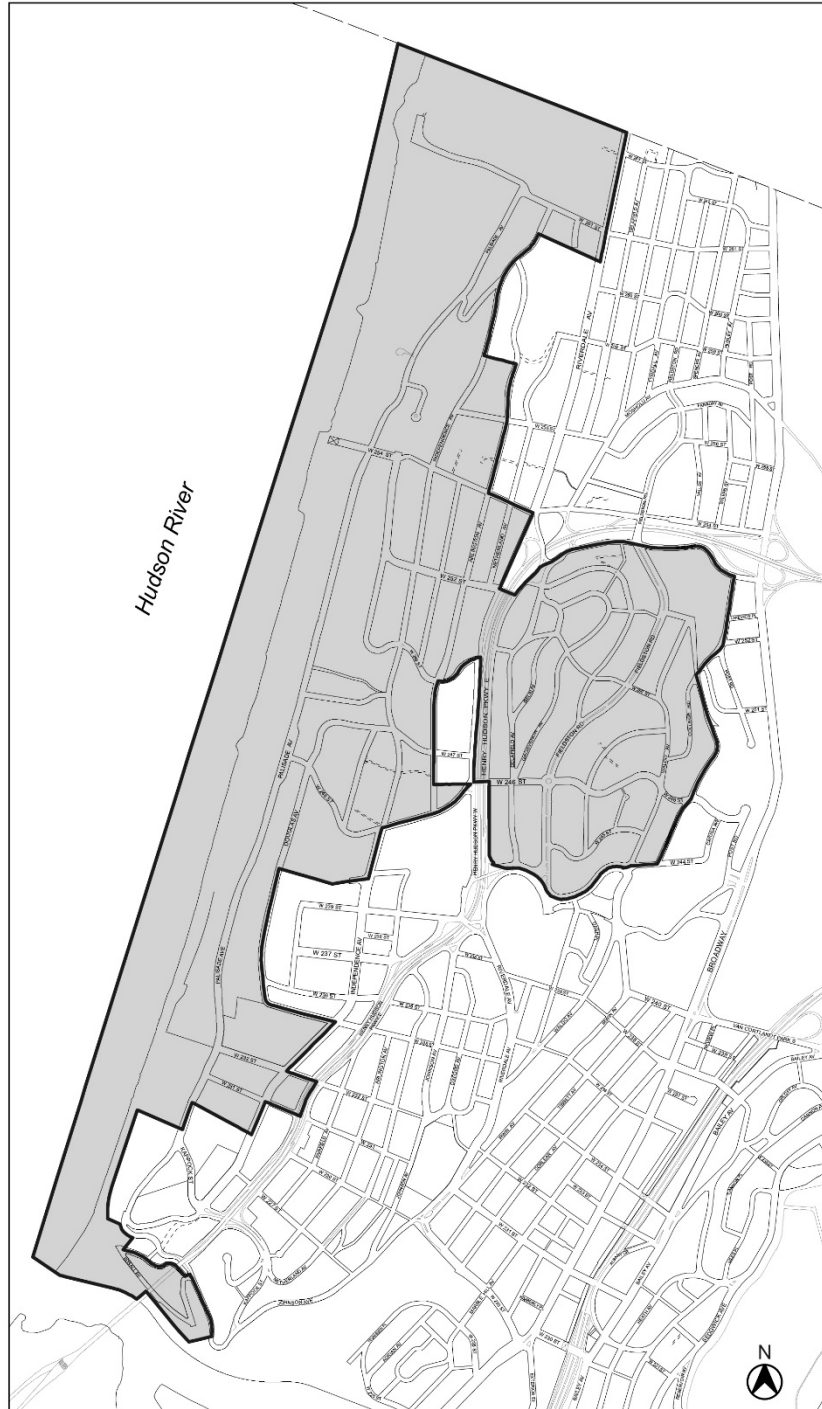
Map 1. Staten Island Subdistricts




- Special Natural Resources District
- Hillside Subdistrict
- Shore Acres Subdistrict
- South Richmond Subdistrict

# Appendix A

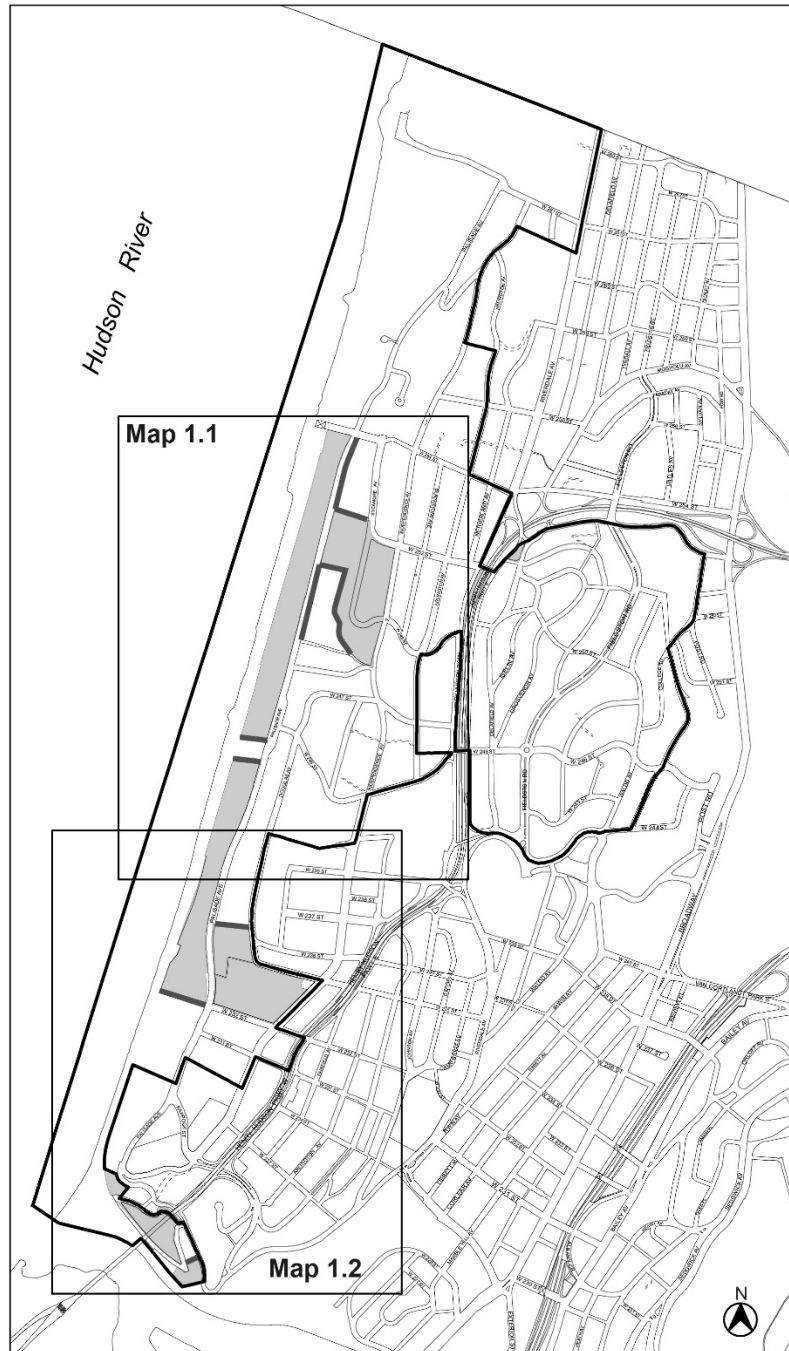
Map 2. Riverdale-Fieldston Subdistrict, The Bronx (date of adoption)






 Riverdale-Fieldston Subdistrict within the *Special Natural Resources District*

# Appendix B.

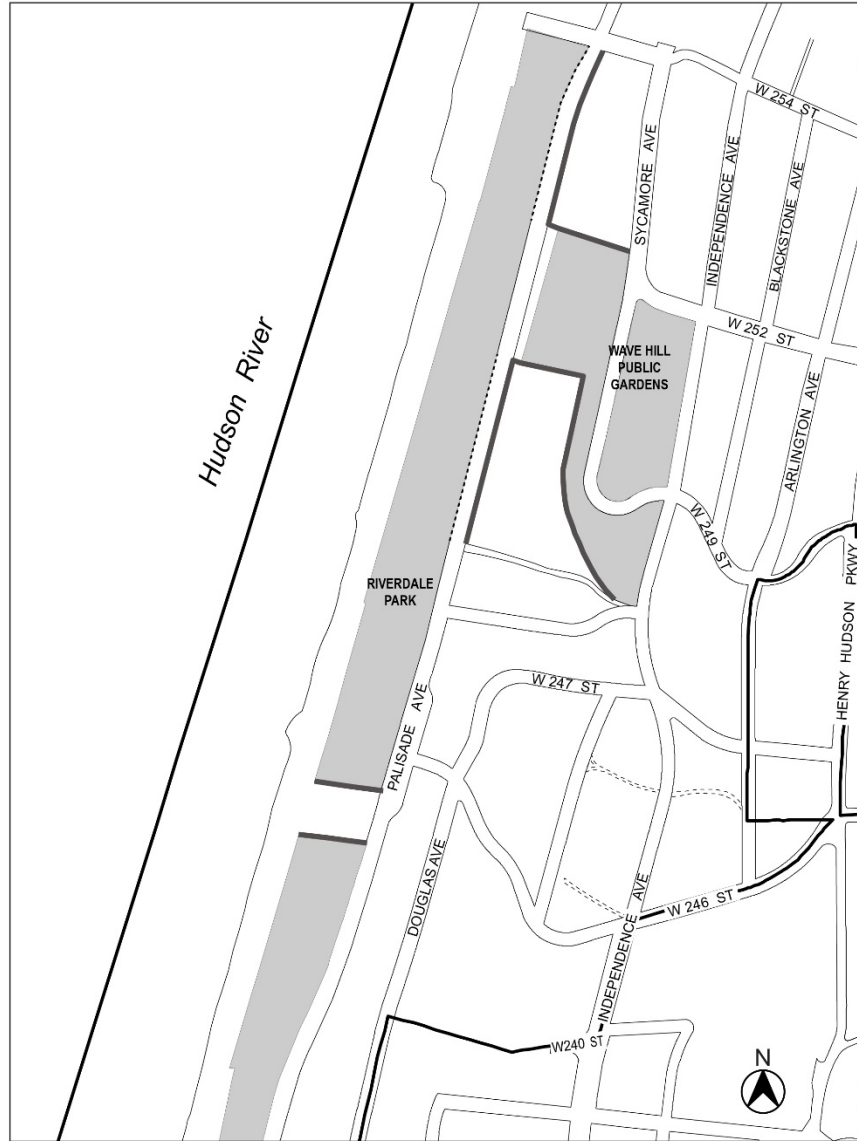
Map 1. Resource Adjacent Areas in The Bronx (date of adoption)







-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary  
(For further reference regarding the boundaries shown on the text maps in this Appendix, go to <http://arcg.is/1LPGAL>.)

Appendix B.

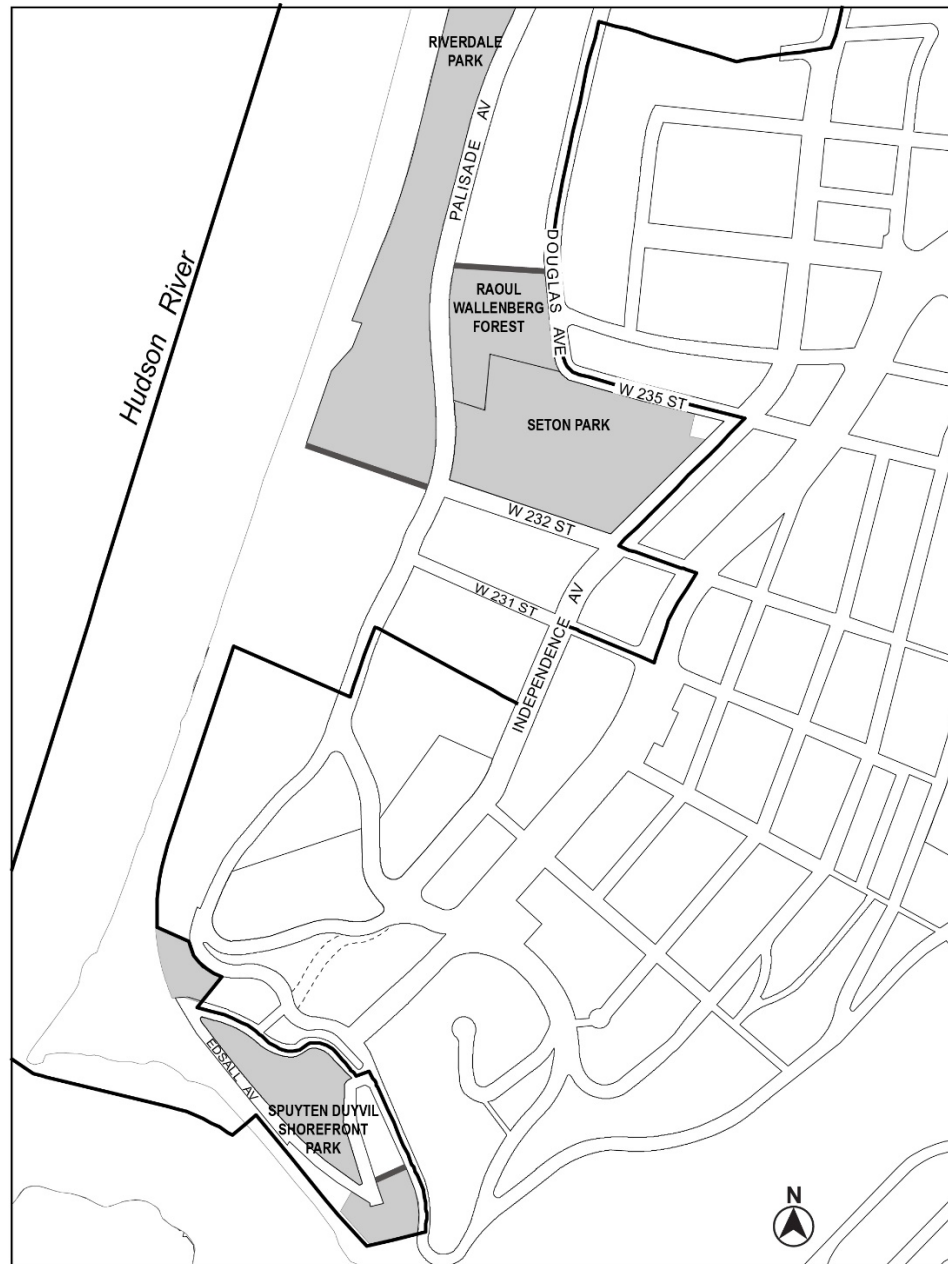
Map 1.1. (date of adoption)






-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street

# Appendix B.

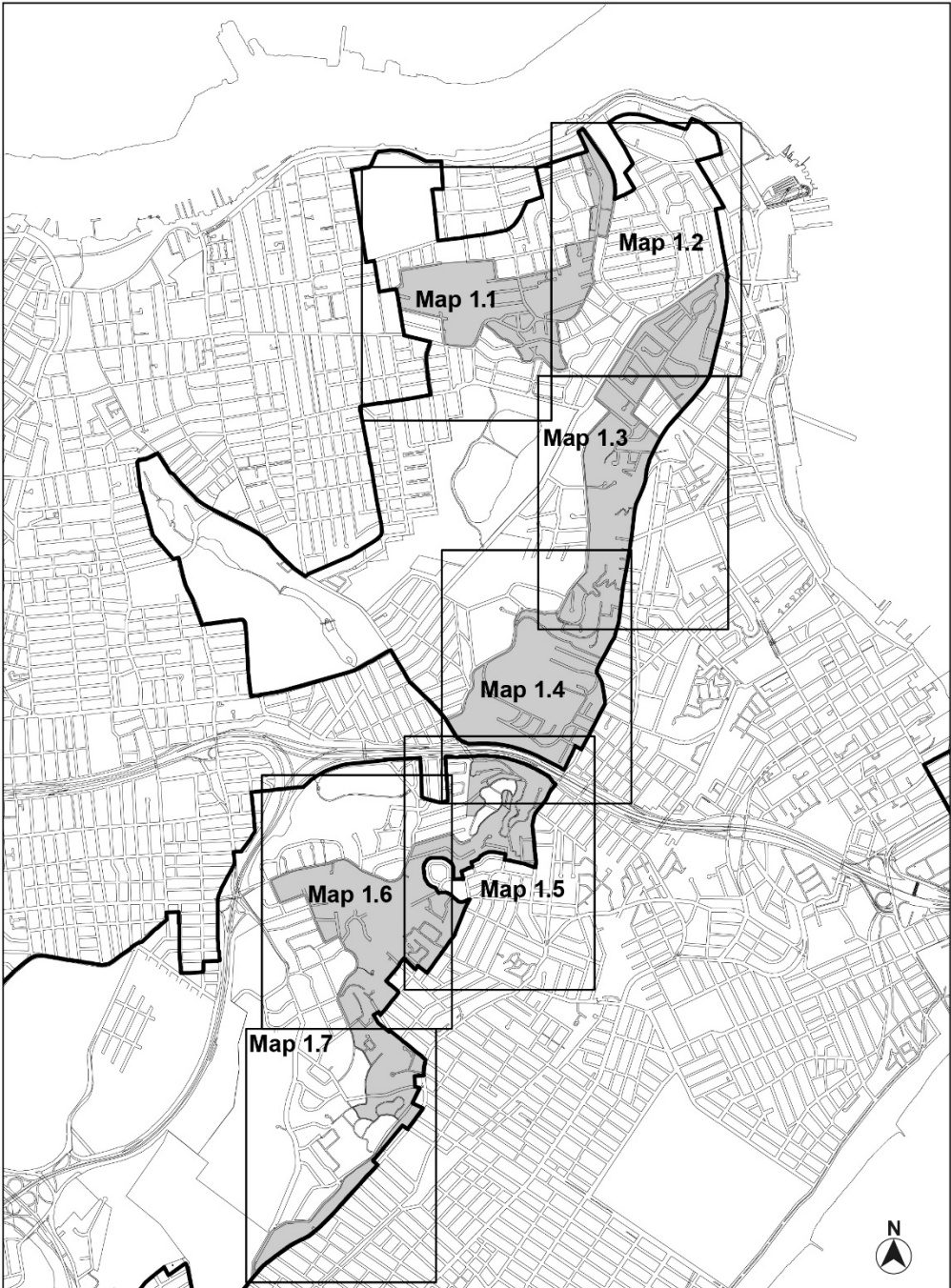
Map 1.2. (date of adoption)




-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary

Appendix C. Staten Island Ecological Areas (date of adoption)

Map 1. Escarpment Areas in the Hillside Subdistrict of the Special Natural Resources District



 Special Natural Resources District


 Escarpment Area

Appendix C. (date of adoption)

Map 1.1



 Special Natural Resources District

 Escarpment Area




Appendix C. (date of adoption)

Map 1.2

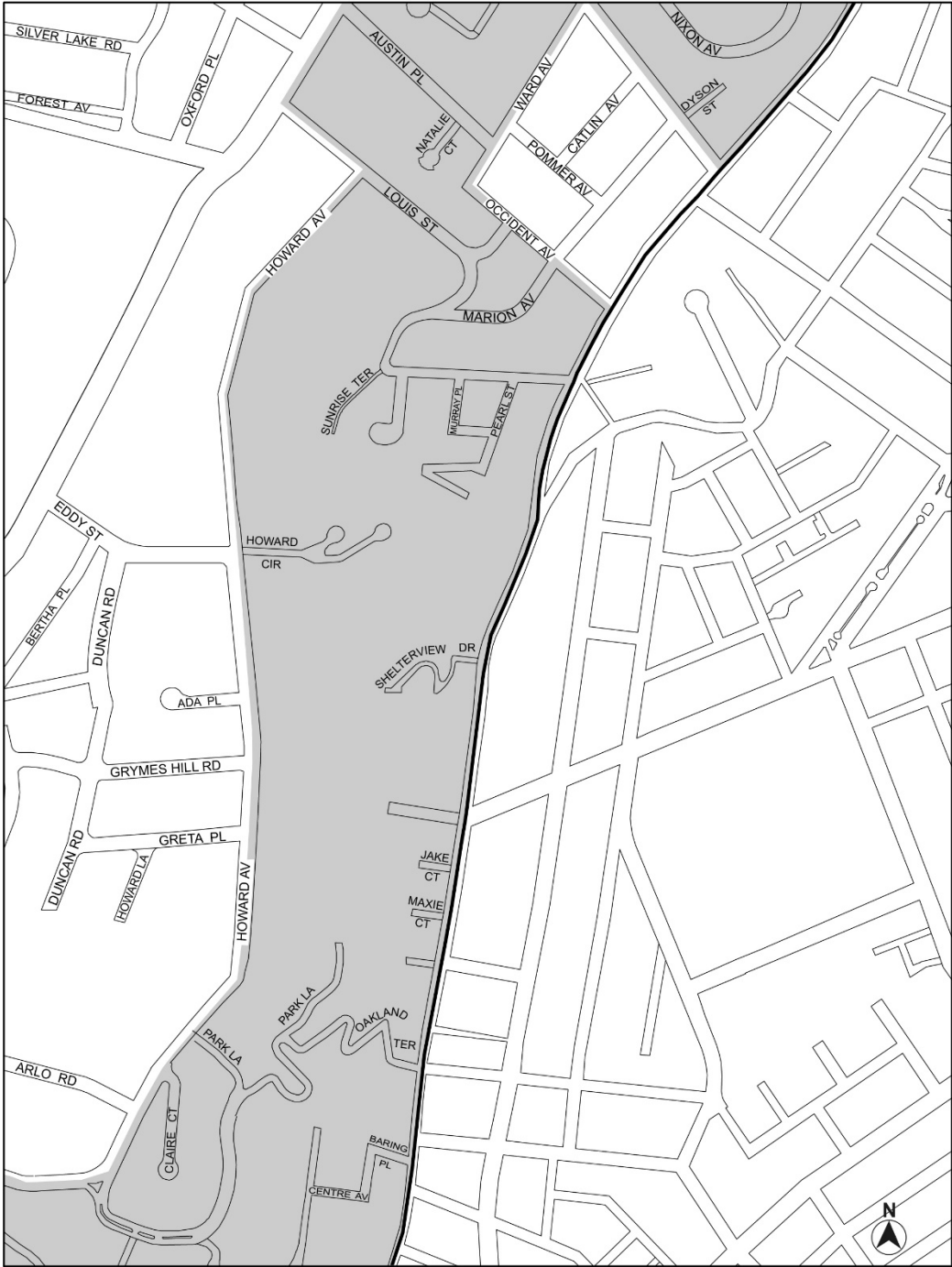


 Special Natural Resources District

 Escarpment Area

Appendix C. (date of adoption)

Map 1.3





□ Special Natural Resources District

■ Escarpment Area

Appendix C. (date of adoption)

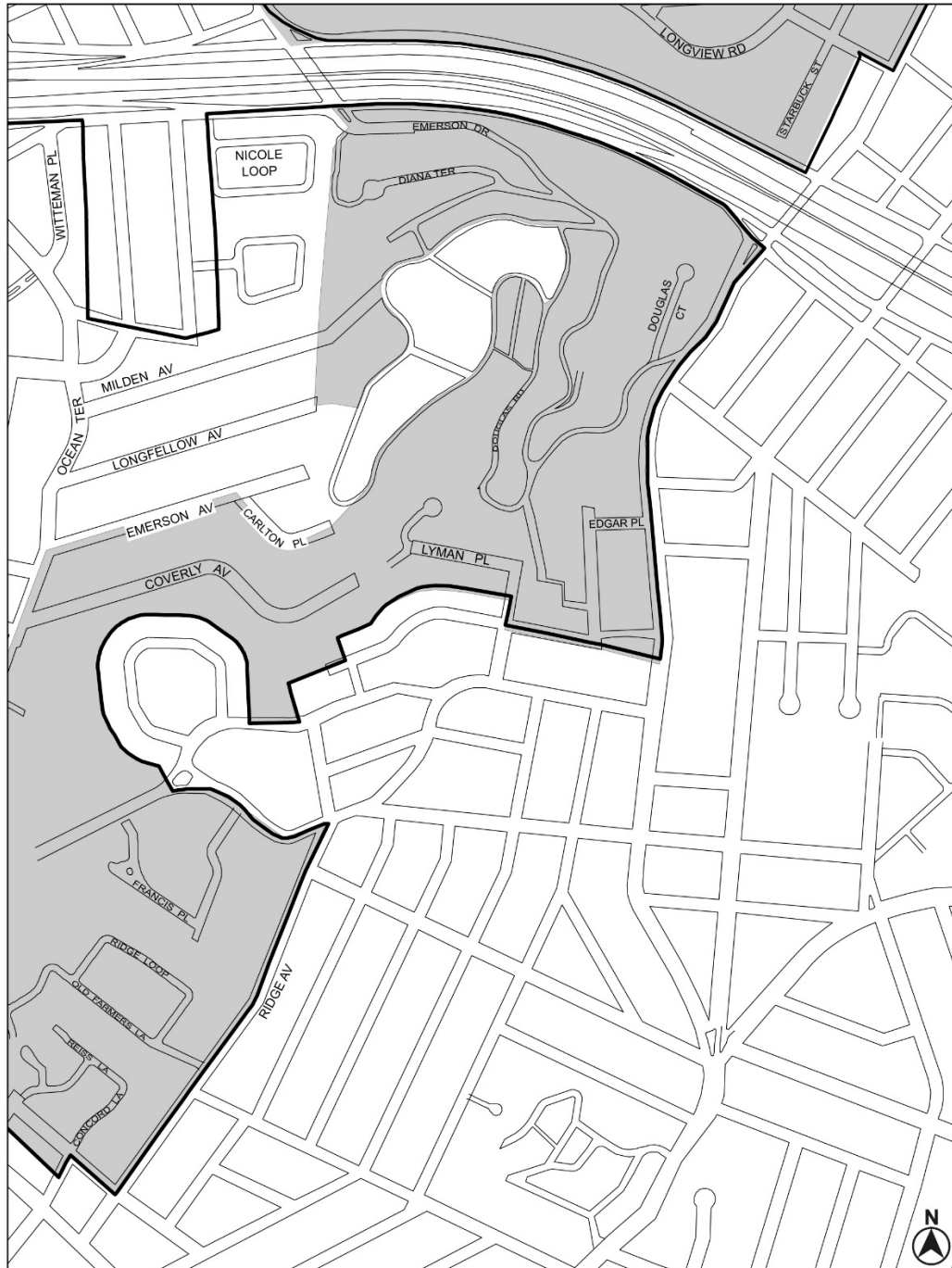
Map 1.4



-  Special Natural Resources District
-  Escarpment Area

Appendix C. (date of adoption)

Map 1.5




 Special Natural Resources District

 Escarpment Area

Appendix C. (date of adoption)

Map 1.6

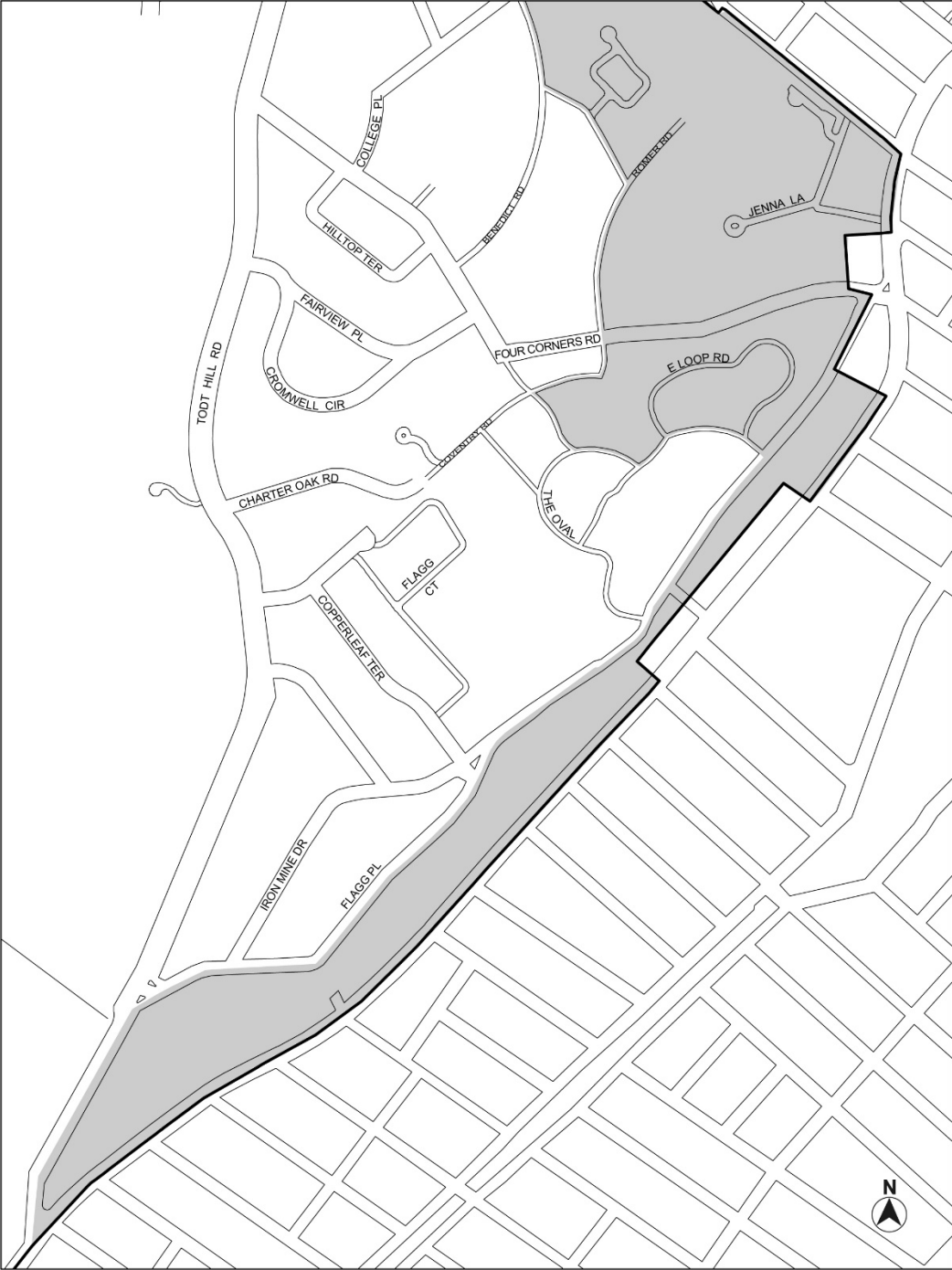


 Special Natural Resources District

 Escarpment Area

Appendix C. (date of adoption)

Map 1.7

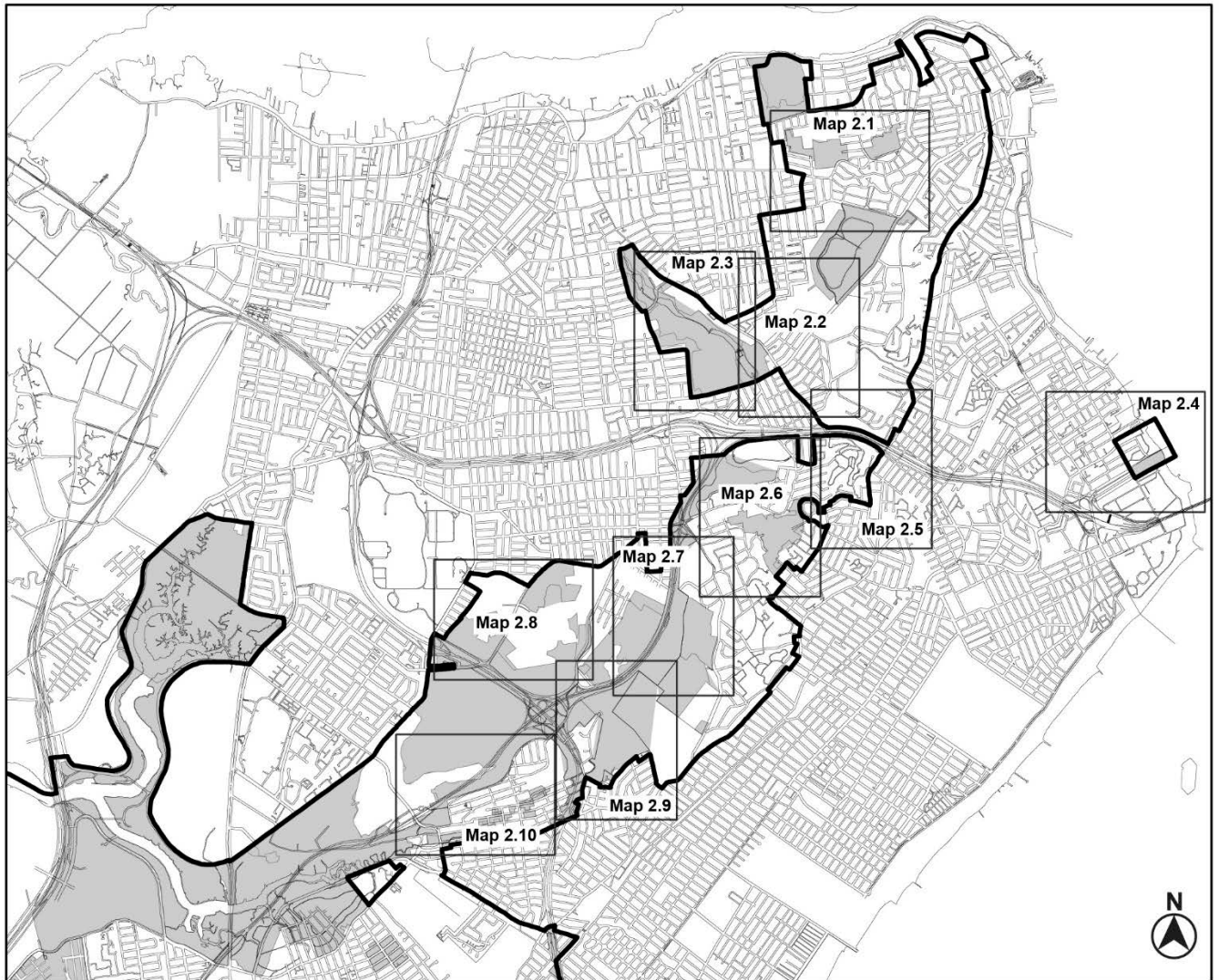


 Special Natural Resources District

 Escarpment Area

# Appendix C Staten Island Ecological Areas (date of adoption)

## Map 2a Resource Adjacent Area



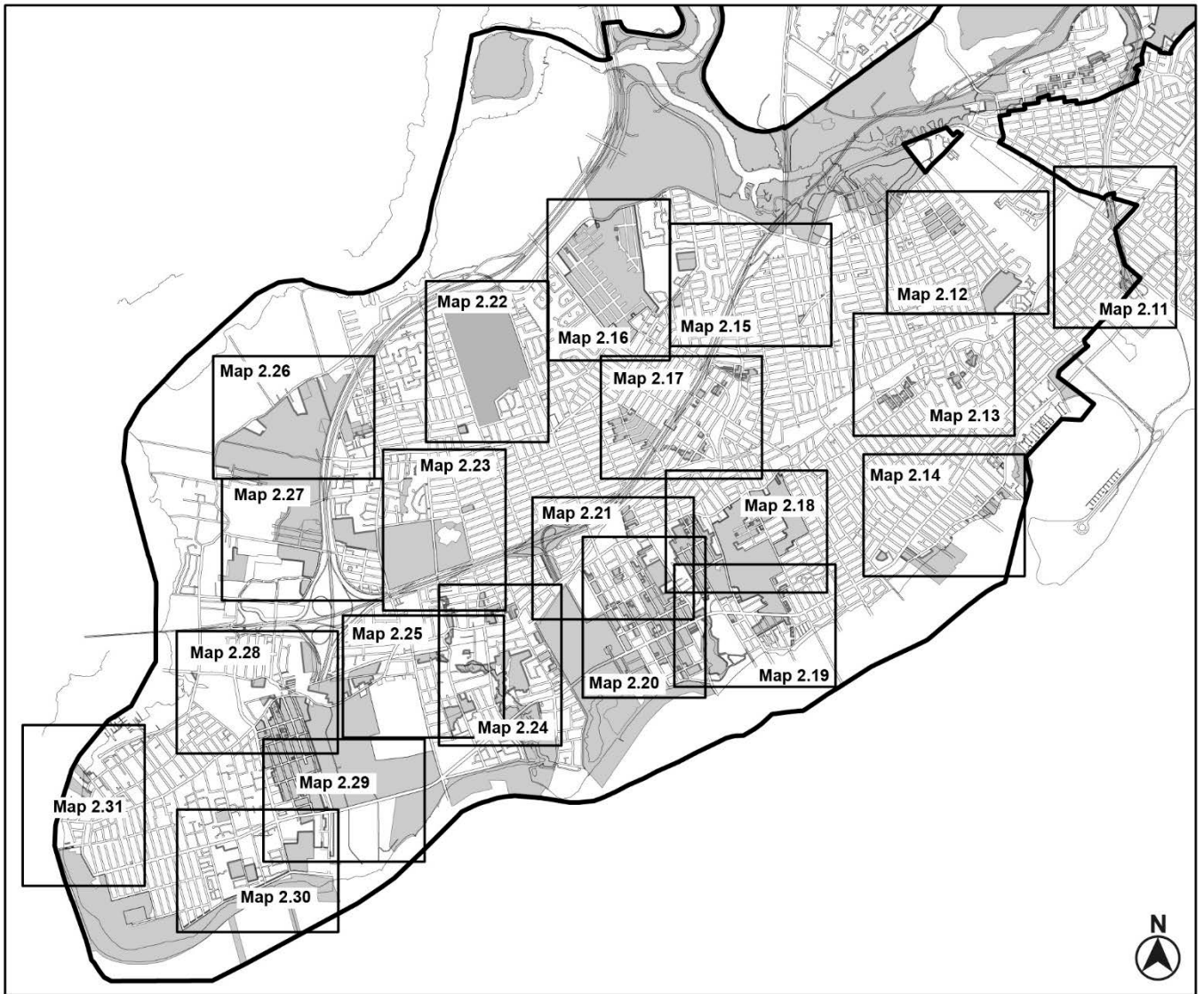
 *Special Natural Resources District*

 Public land containing habitat


(For further reference regarding the boundaries shown on the text maps in this Appendix, go to <http://arcg.is/1LPGaL>)

# Appendix C Staten Island Ecological Sub Areas (date of adoption)

## Map 2b Resource Adjacent Area



 *Special Natural Resources District*

 Public land containing habitat





(For further reference regarding the boundaries shown on the text maps in this Appendix, go to <http://arcg.is/1LPGaL>)



# Appendix C. (date of adoption)

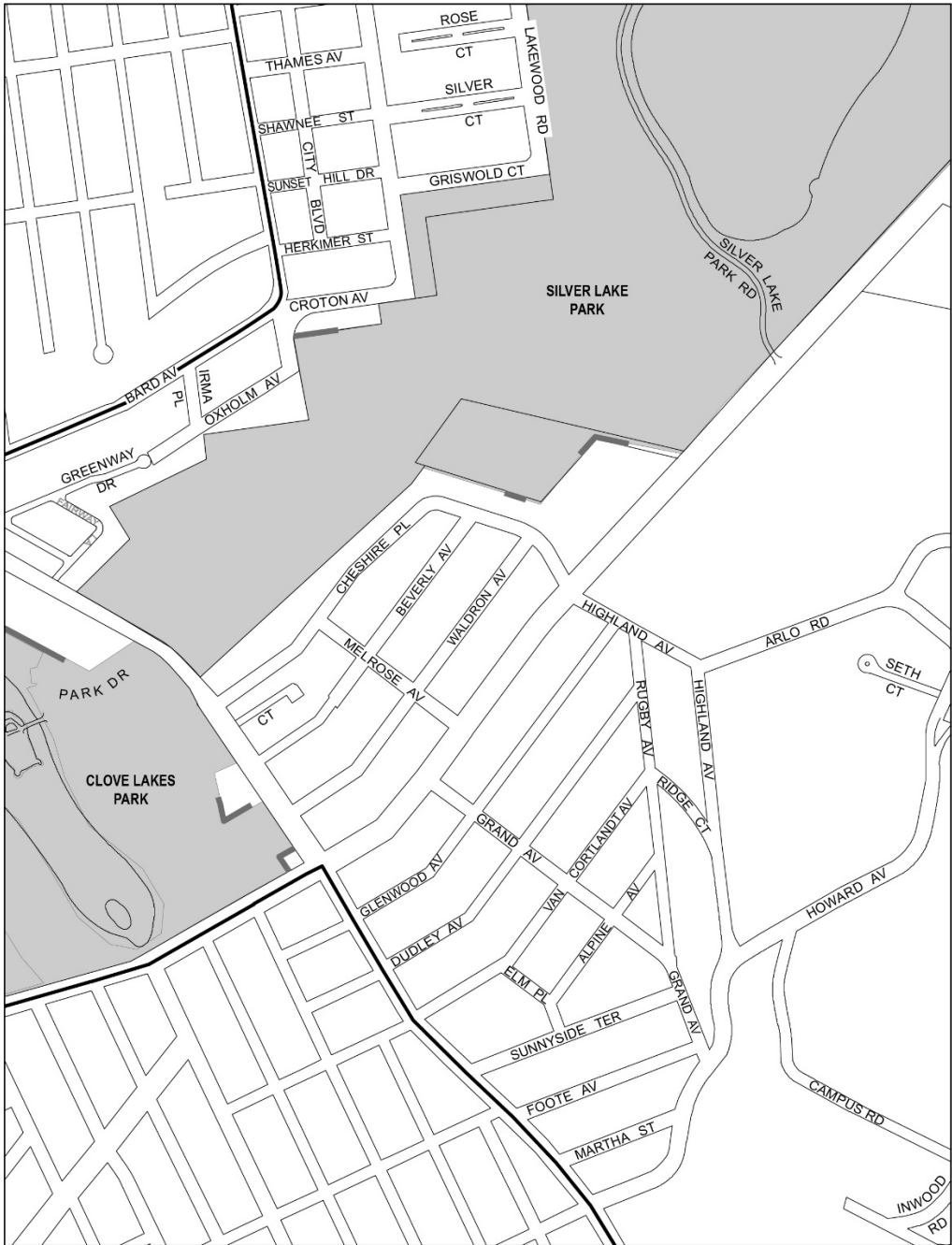
## Map 2.1



-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street

Appendix C. (date of adoption)




Map 2.2



Appendix C. (date of adoption)

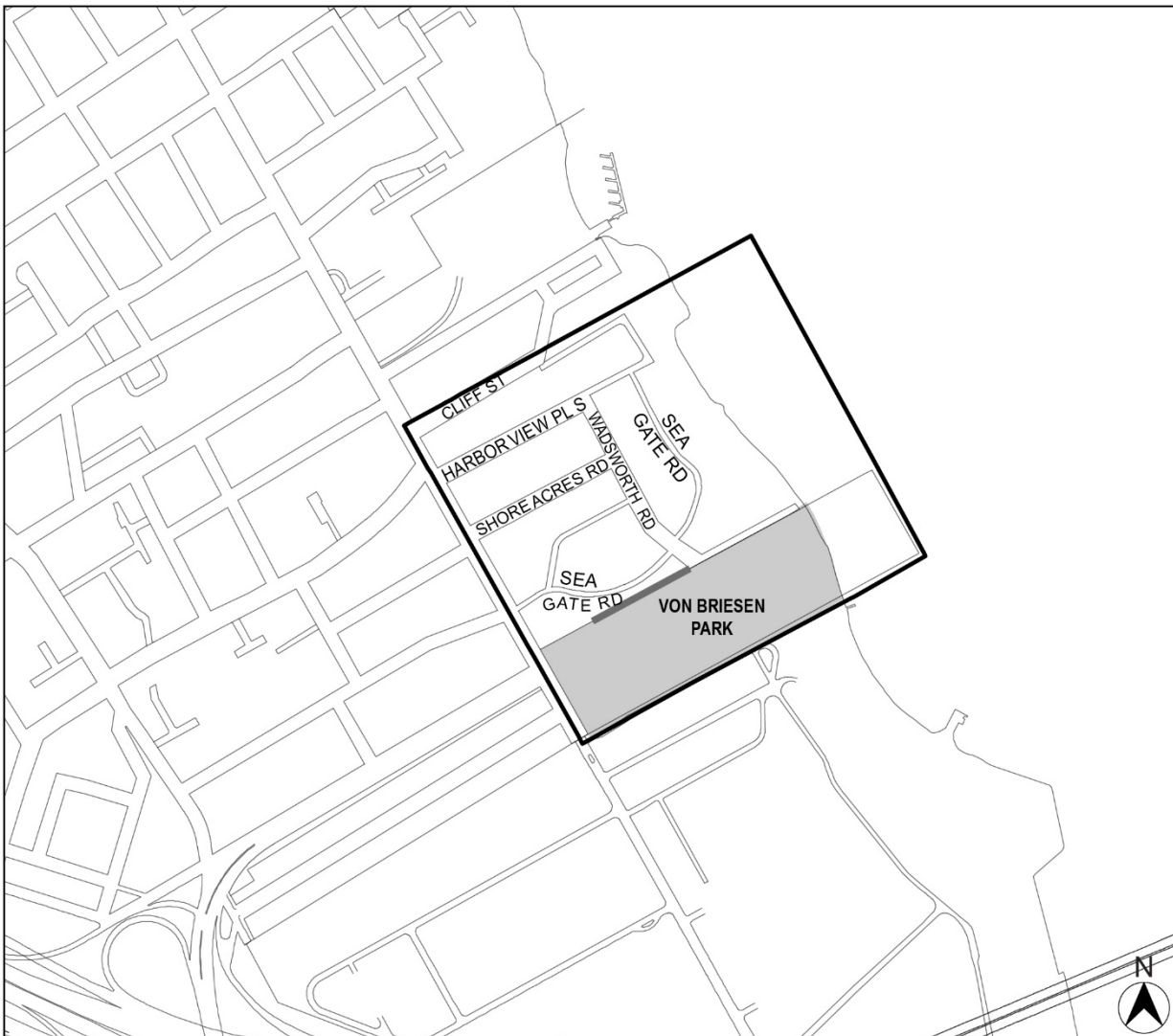
Map 2.3






-  *Special Natural Resources District*
-  Public lands containing habitat
-  Resource Adjacent Area boundary

Appendix C. (date of adoption)

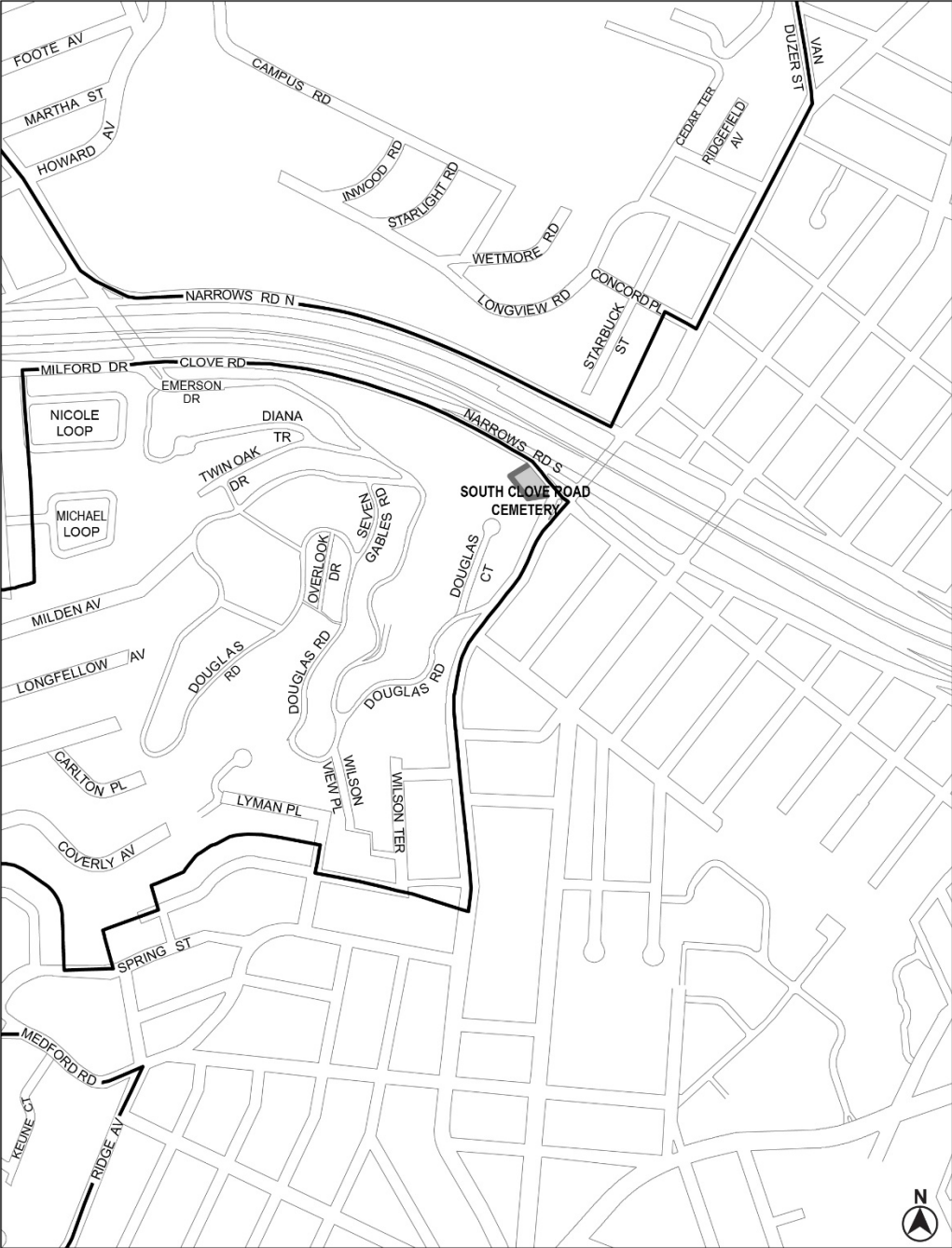
Map 2.4






-  *Special Natural Resources District*
-  Public lands containing habitat
-  Resource Adjacent Area boundary

Appendix C (date of adoption)

Map 2.5

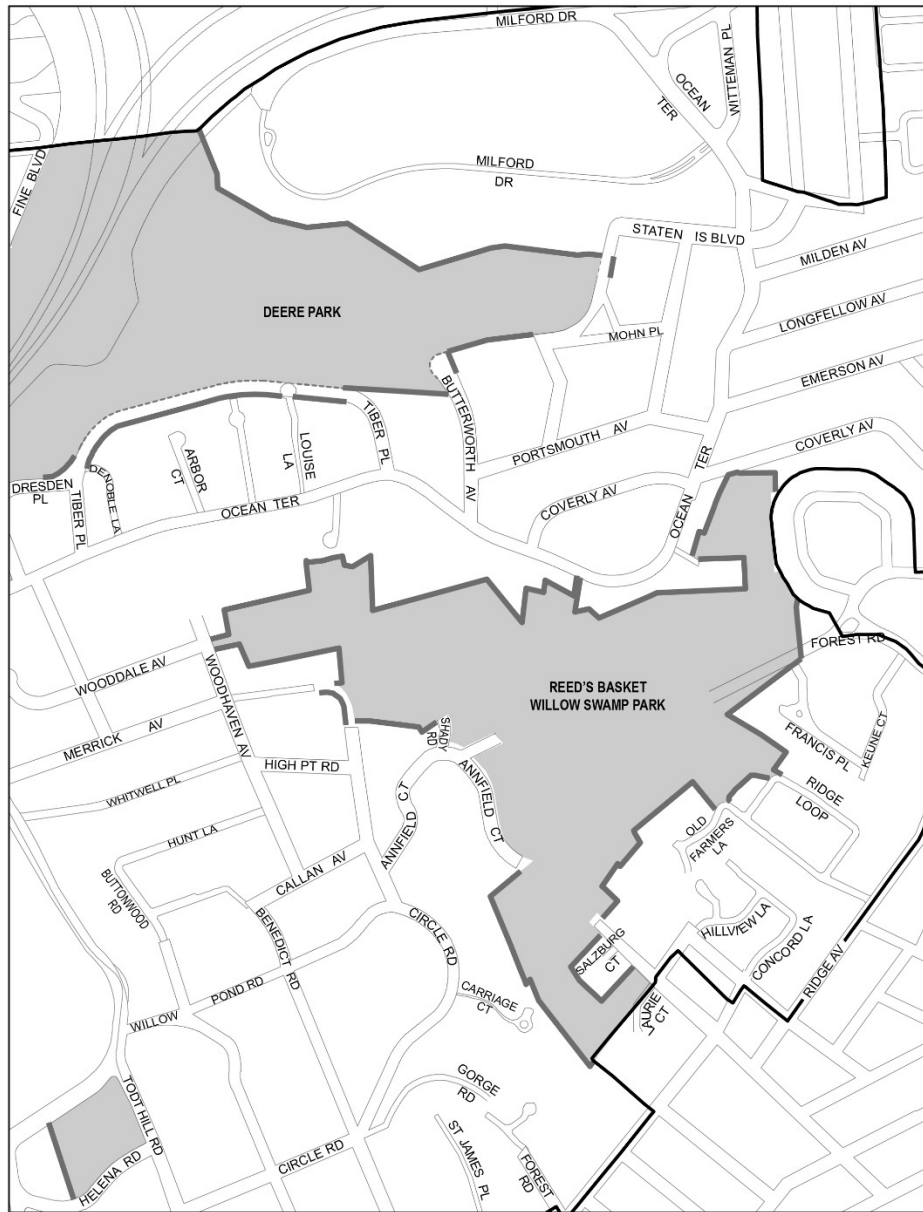






-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary



Appendix C. (date of adoption)

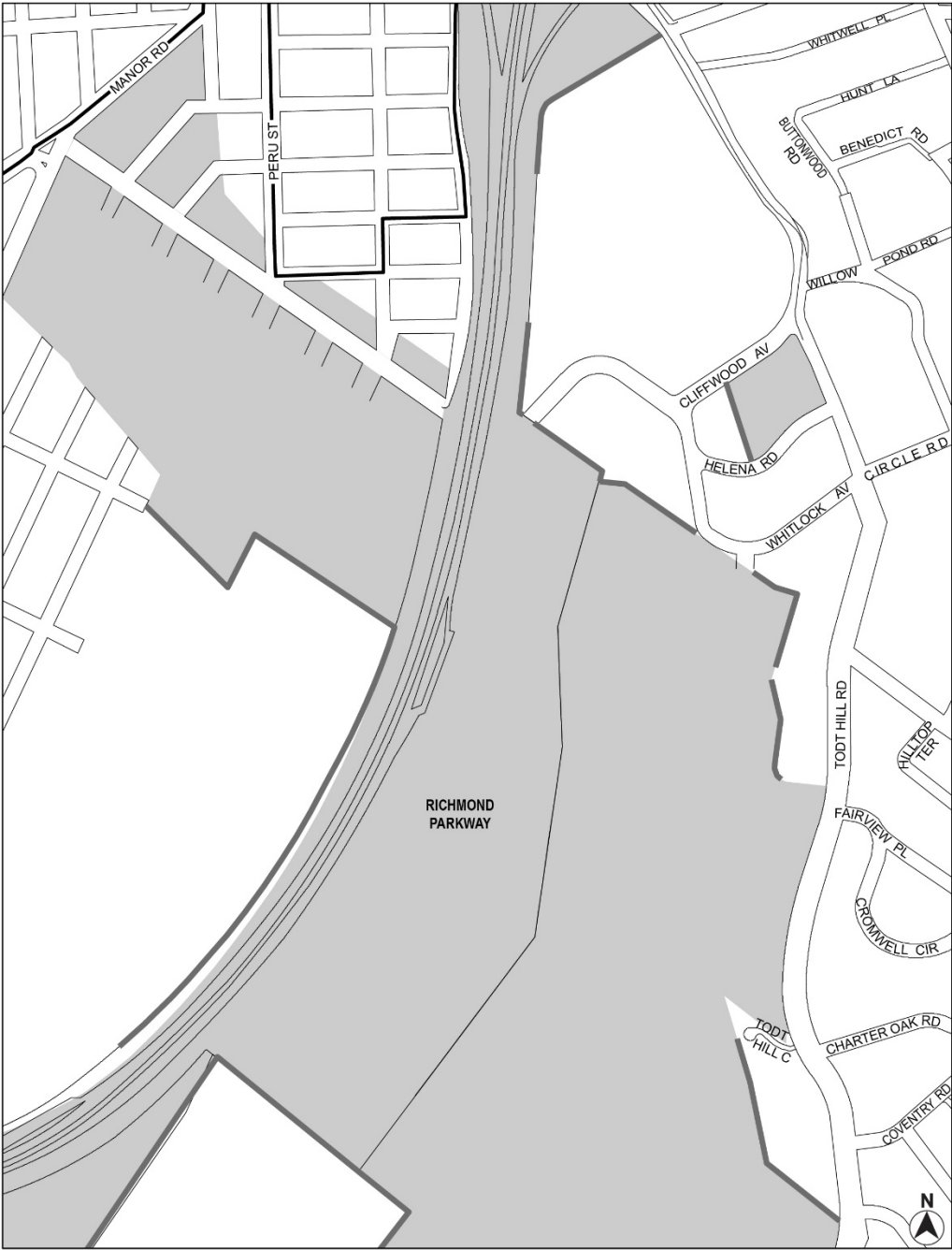
Map 2.6






-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street

Appendix C. (date of adoption)

Map 2.7







-  *Special Natural Resources District*
-  Public lands containing habitat
-  Resource Adjacent Area boundary

Appendix C. (date of adoption)

Map 2.8

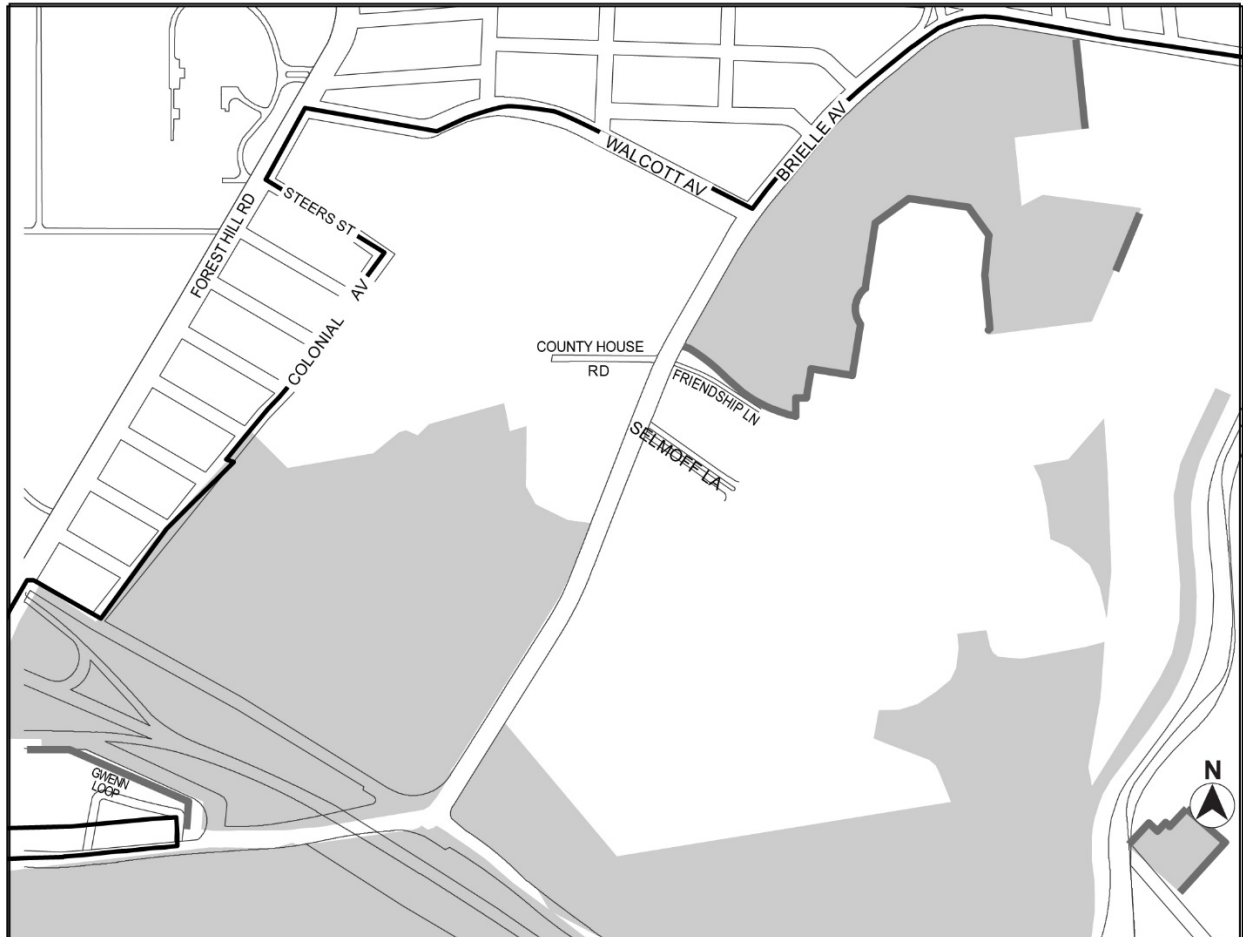





-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street



Appendix C. (date of adoption)

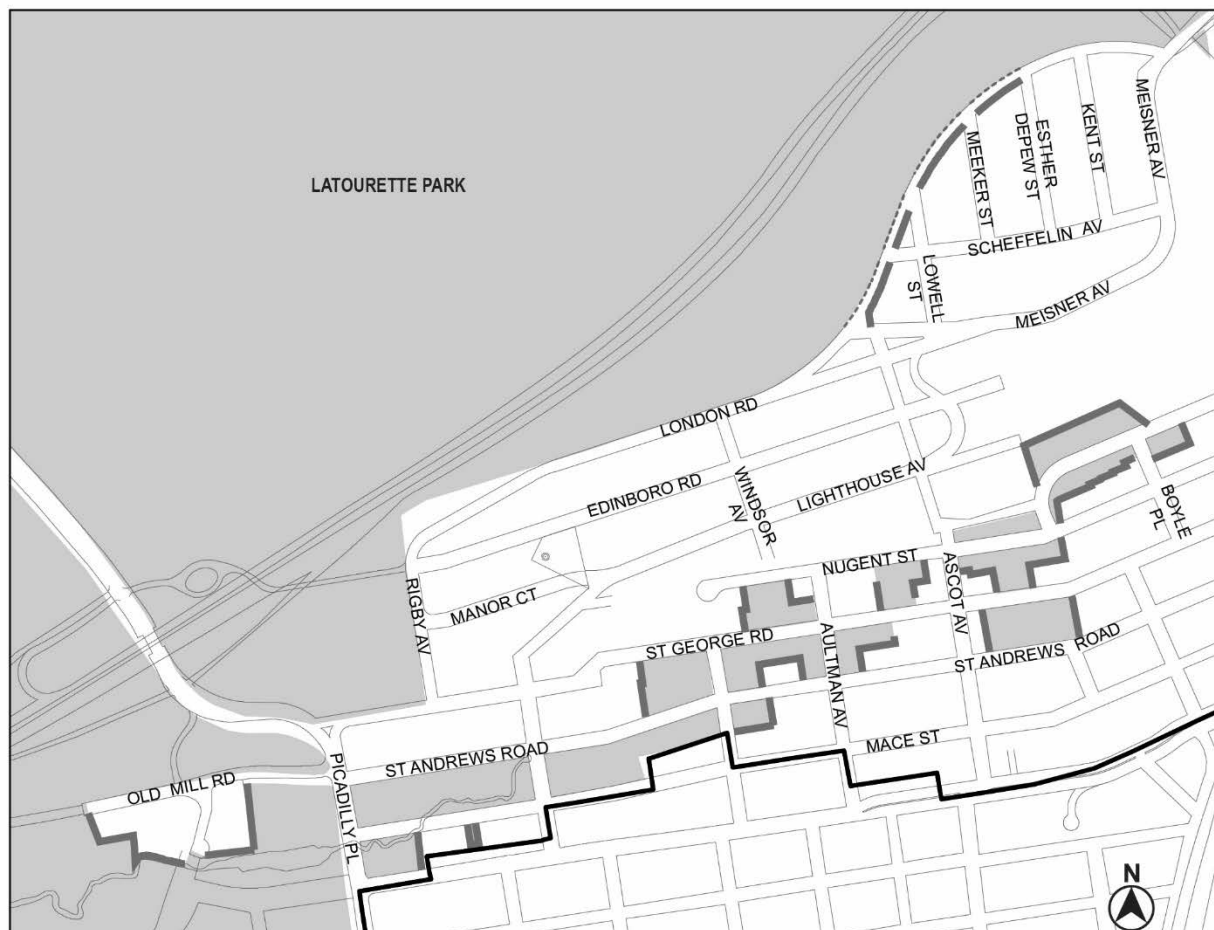
Map 2.9







-  *Special Natural Resources District*
-  Public lands containing habitat
-  Resource Adjacent Area boundary

Appendix C. (date of adoption)

Map 2.10







-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street

Appendix C. (date of adoption)

Map 2.11



-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt Street

Appendix C. (date of adoption)

Map 2.12



- Public lands containing habitat
- Resource Adjacent Area boundary

Appendix C. (date of adoption)

Map 2.13






- Public lands containing habitat
- Resource Adjacent Area boundary

Appendix C. (date of adoption)

Map 2.14





-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street

# Appendix C. (date of adoption)

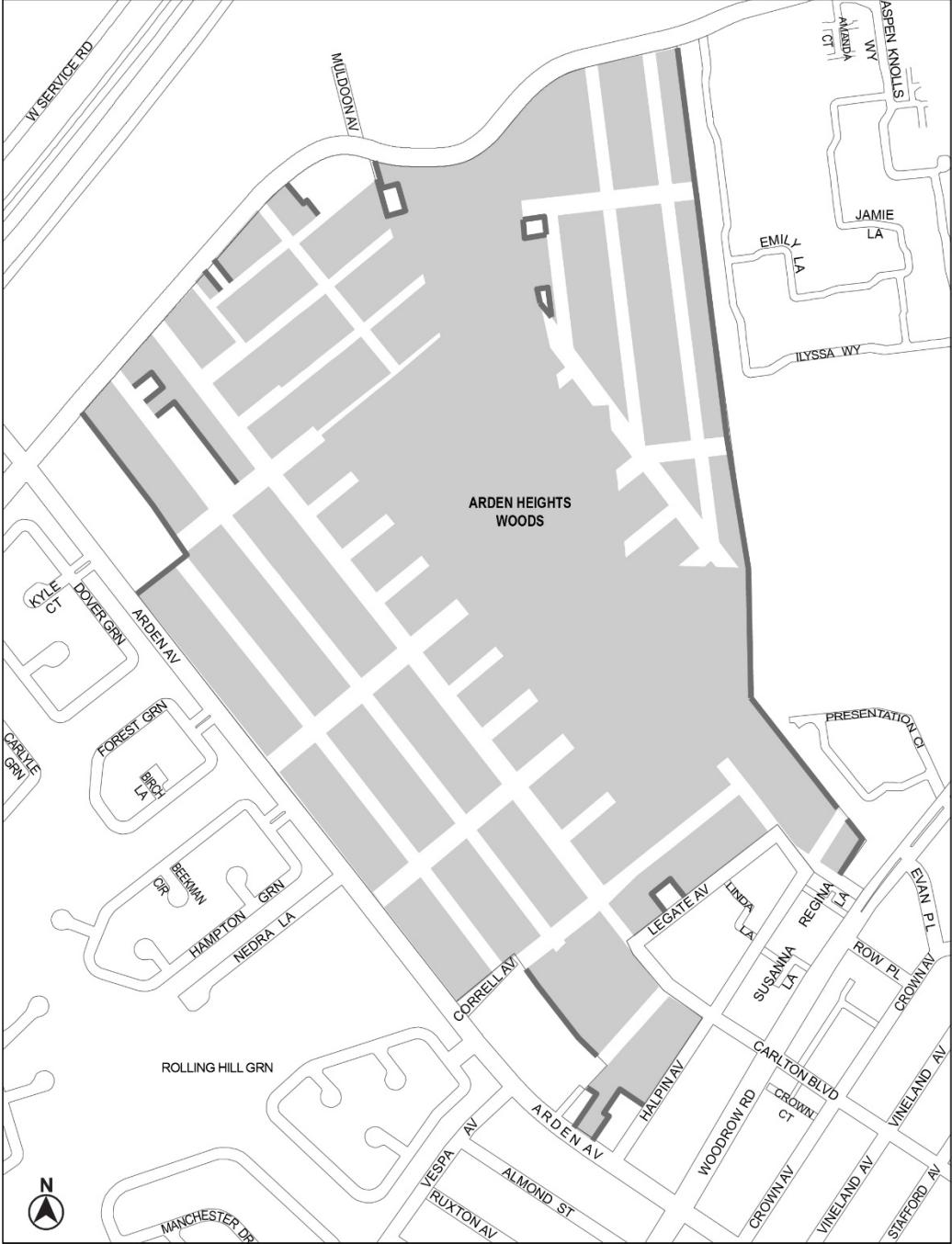
## Map 2.15



-  Public lands containing habitat
-  Resource Adjacent Area boundary

Appendix C. (date of adoption)

Map 2.16





- Public lands containing habitat
- Resource Adjacent Area boundary



Appendix C. (date of adoption)

Map 2.17



-  Public lands containing habitat
-  Resource Adjacent Area boundary

Appendix C. (date of adoption)

Map 2.18






- Public lands containing habitat
- Resource Adjacent Area boundary

Appendix C. (date of adoption)

Map 2.19



-  Special Natural Resources District
-  Public land containing habitat
-  Resource Adjacent Area boundary

Appendix C. (date of adoption)

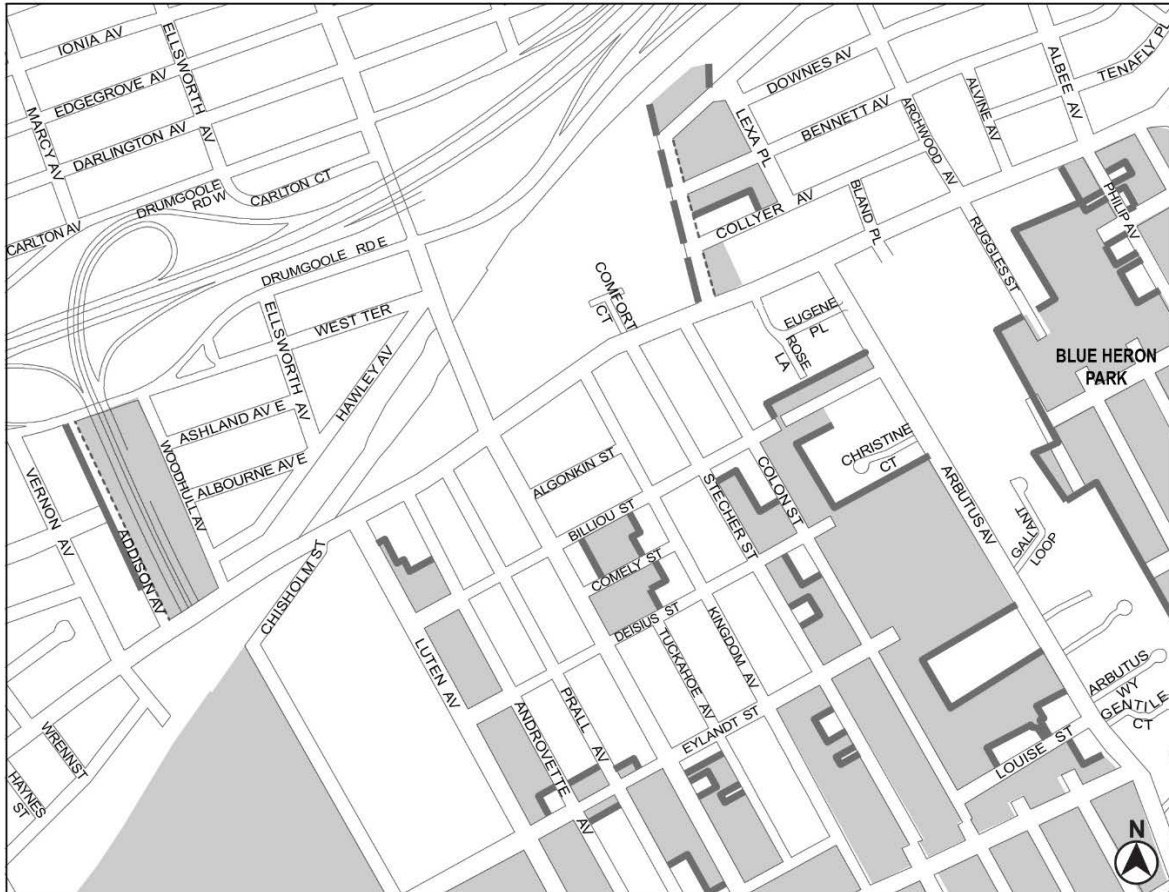
Map 2.20



- Public lands containing habitat
- Resource Adjacent Area boundary
- Unbuilt *street*

Appendix C. (date of adoption)

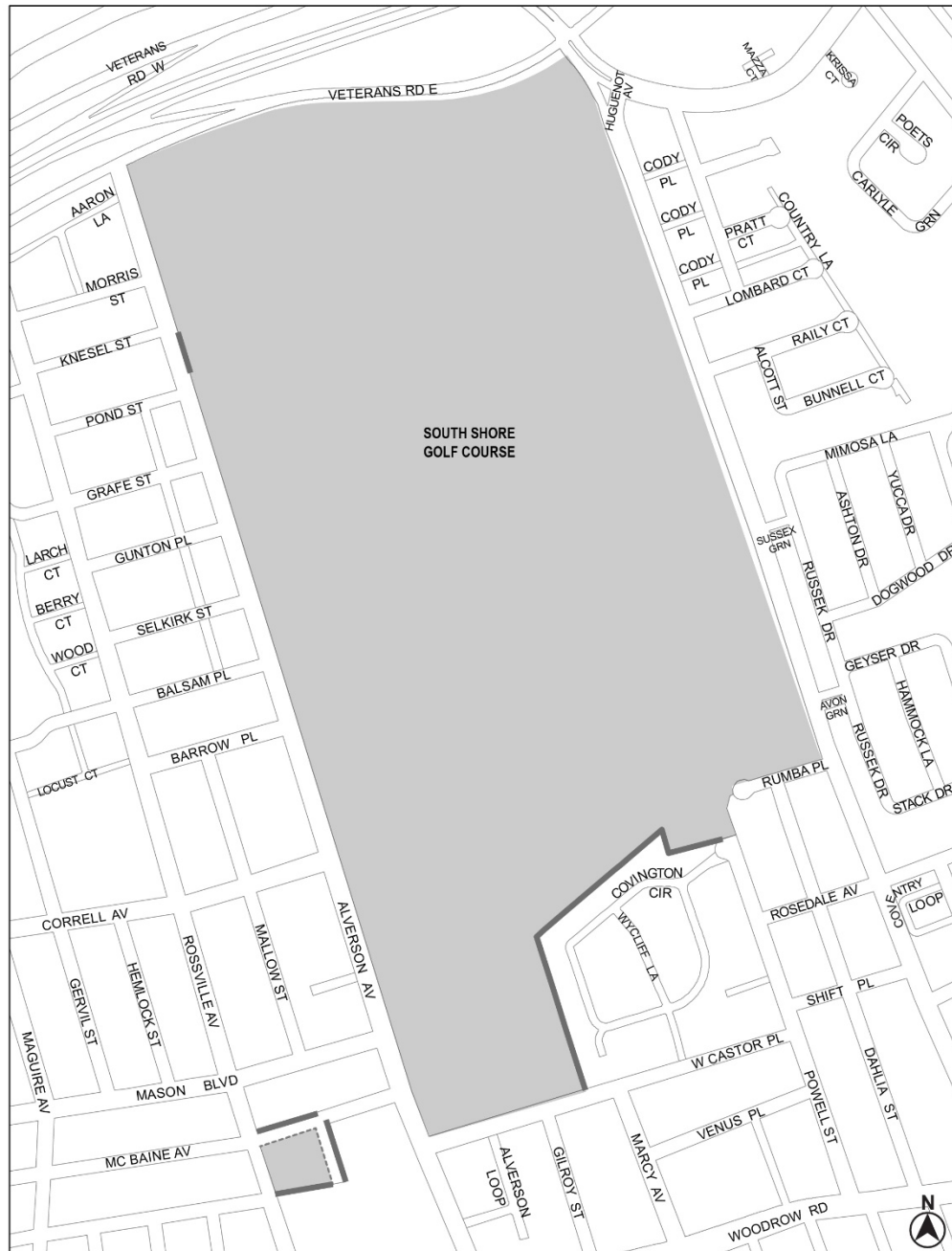
Map 2.21







- Special Natural Resources District
- Public lands containing habitat
- Resource Adjacent Area boundary
- Unbuilt street

Appendix C. (date of adoption)

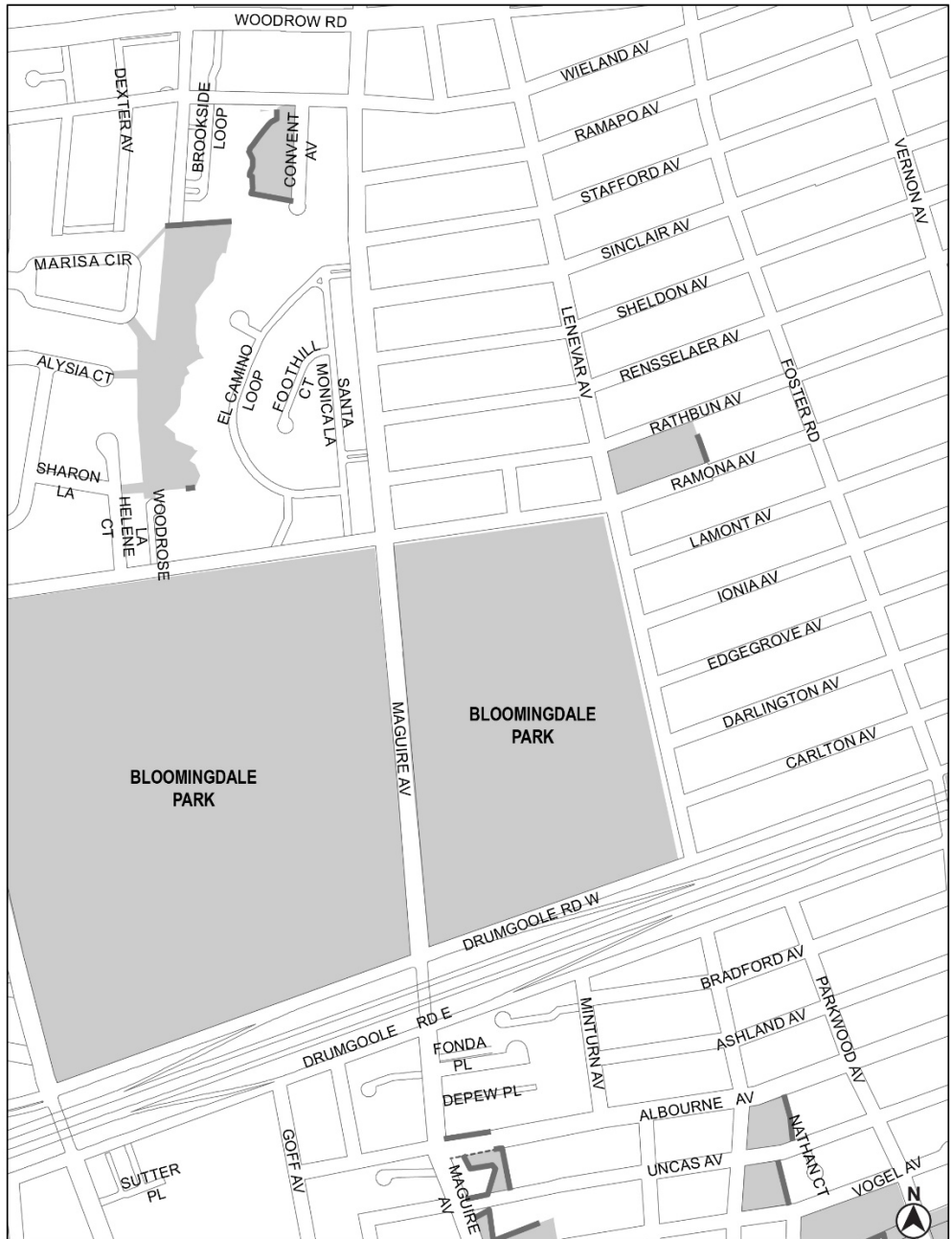
Map 2.22



-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street

Appendix C. (date of adoption)

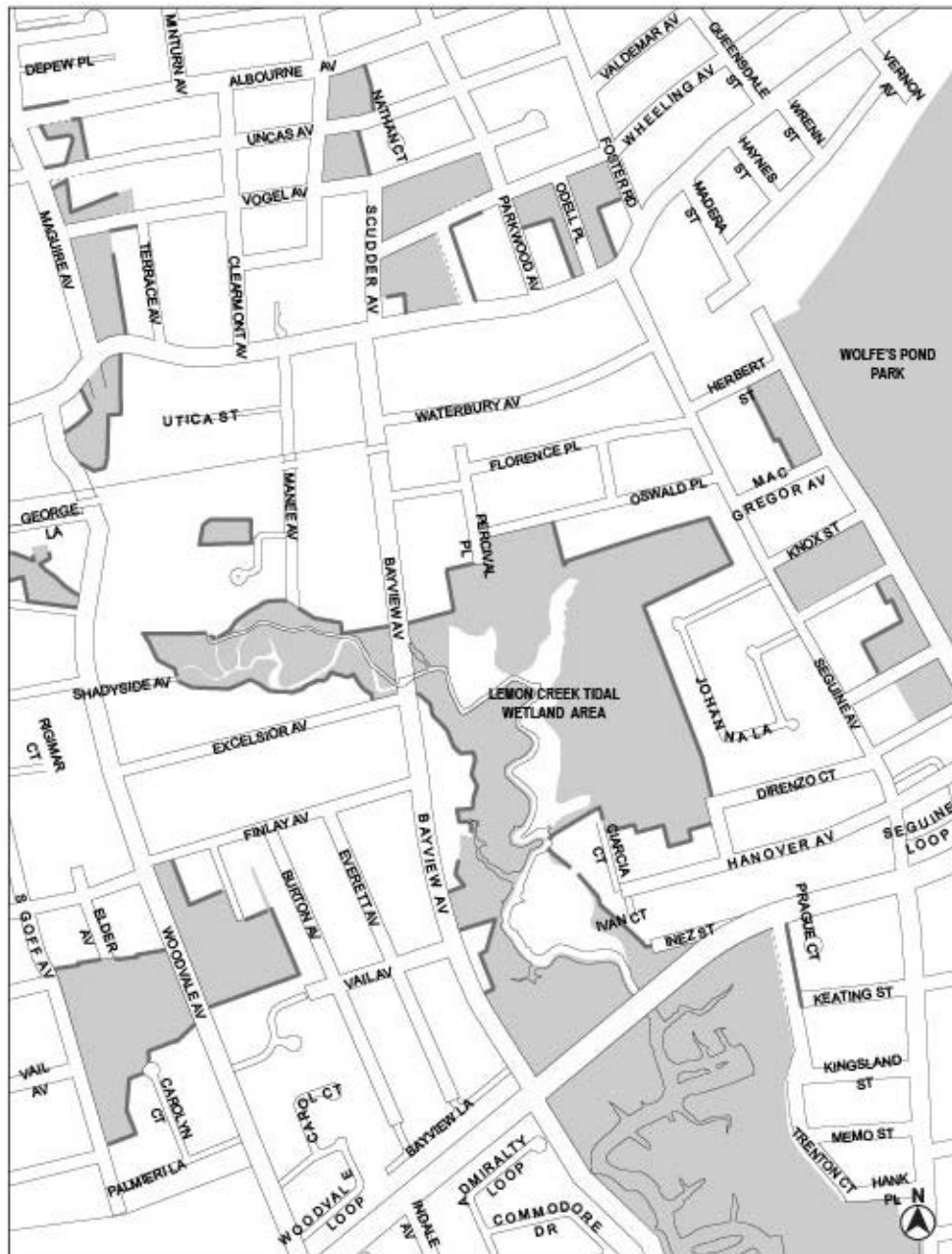
Map 2.23



- Public lands containing habitat
- Resource Adjacent Area boundary
- Unbuilt street

Appendix C. (date of adoption)

Map 2.24

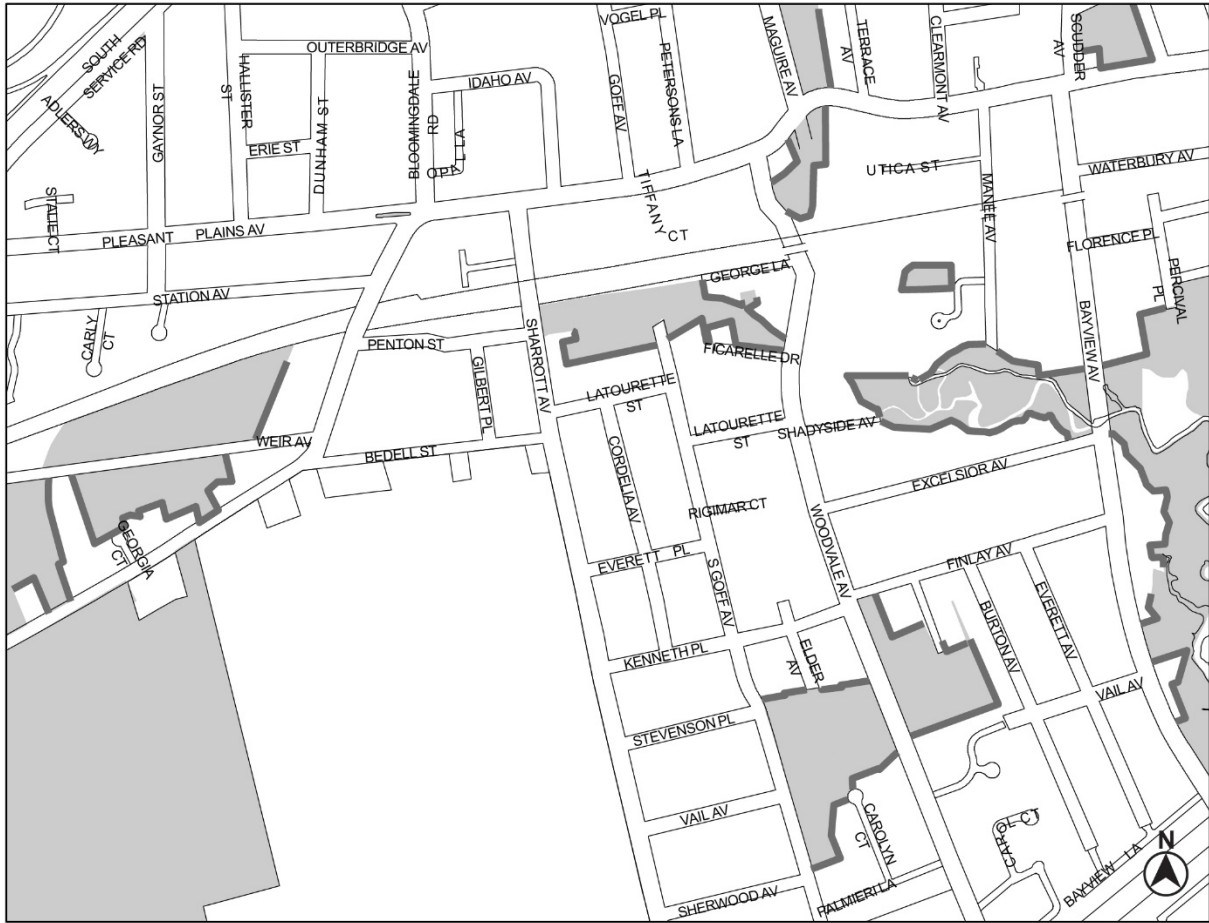


- Public lands containing habitat
- Resource Adjacent Area boundary
- Unbuilt Mapped Street



Appendix C. (date of adoption)

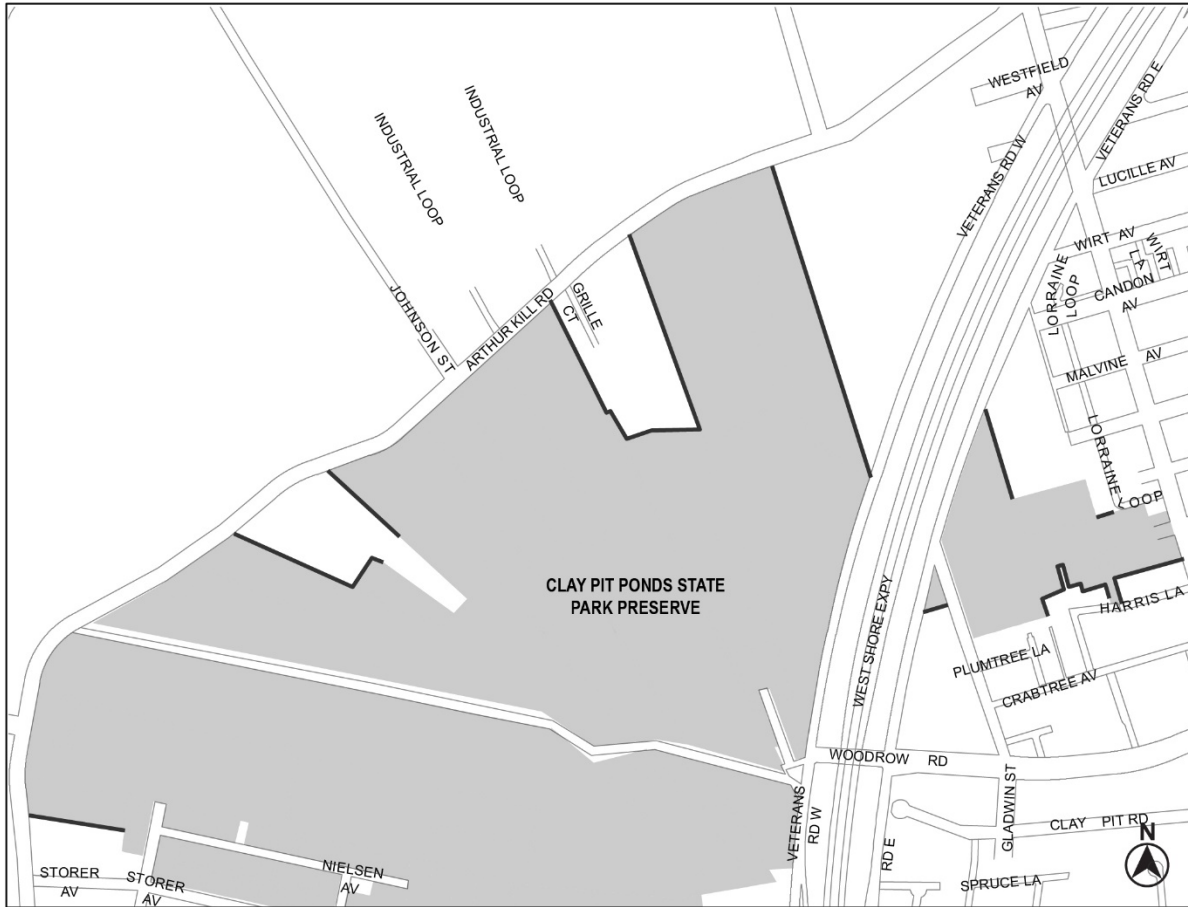
Map 2.25





- Public land containing habitat
- Resource Adjacent Area boundary

Appendix C. (date of adoption)

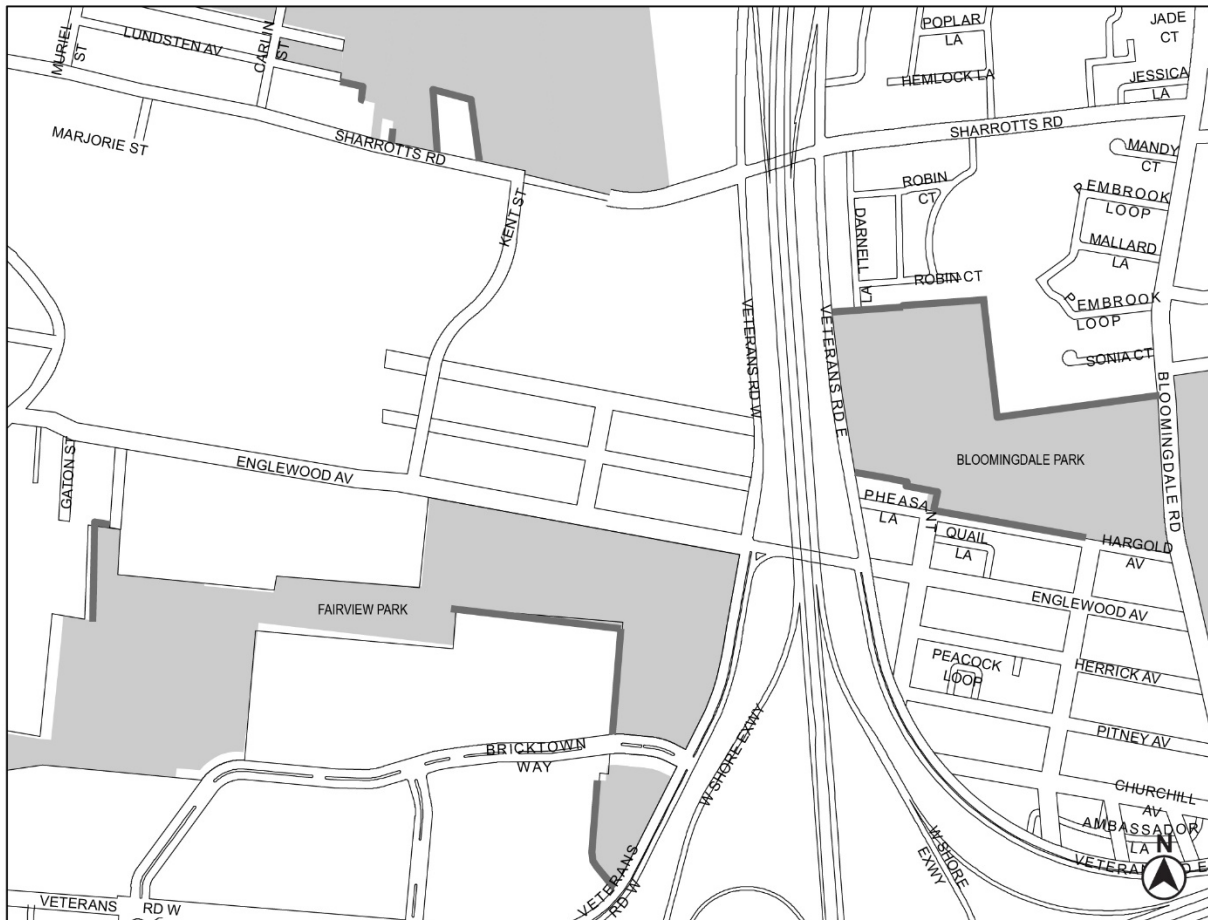
Map 2.26





-  Public land containing habitat
-  Resource Adjacent Area boundary

Appendix C. (date of adoption)

Map 2.27



-  Public land containing habitat
-  Resource Adjacent Area boundary

Appendix C. (date of adoption)

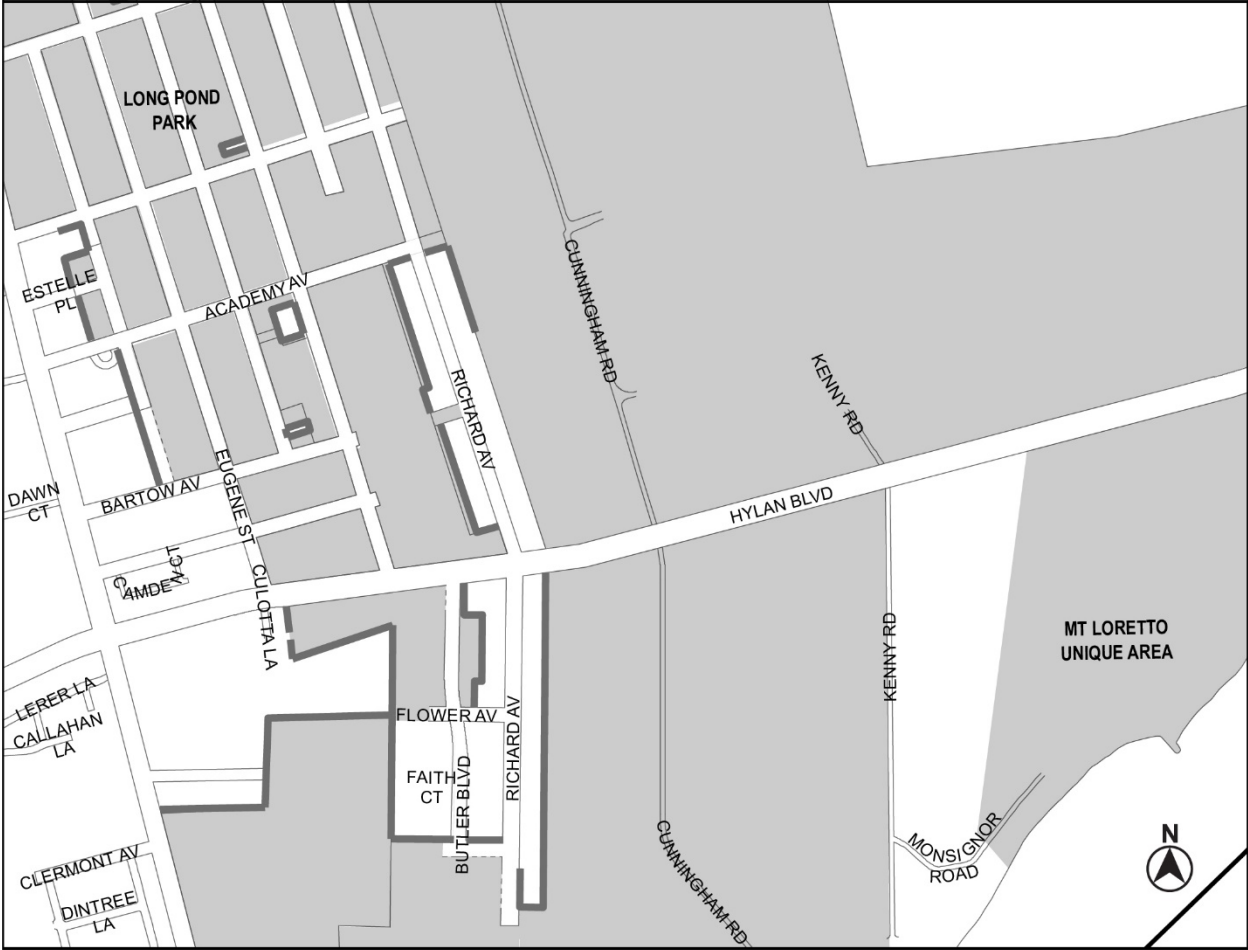
Map 2.28



- Public lands containing habitat
- Resource Adjacent Area boundary
- Unbuilt street

Appendix C. (date of adoption)

Map 2.29



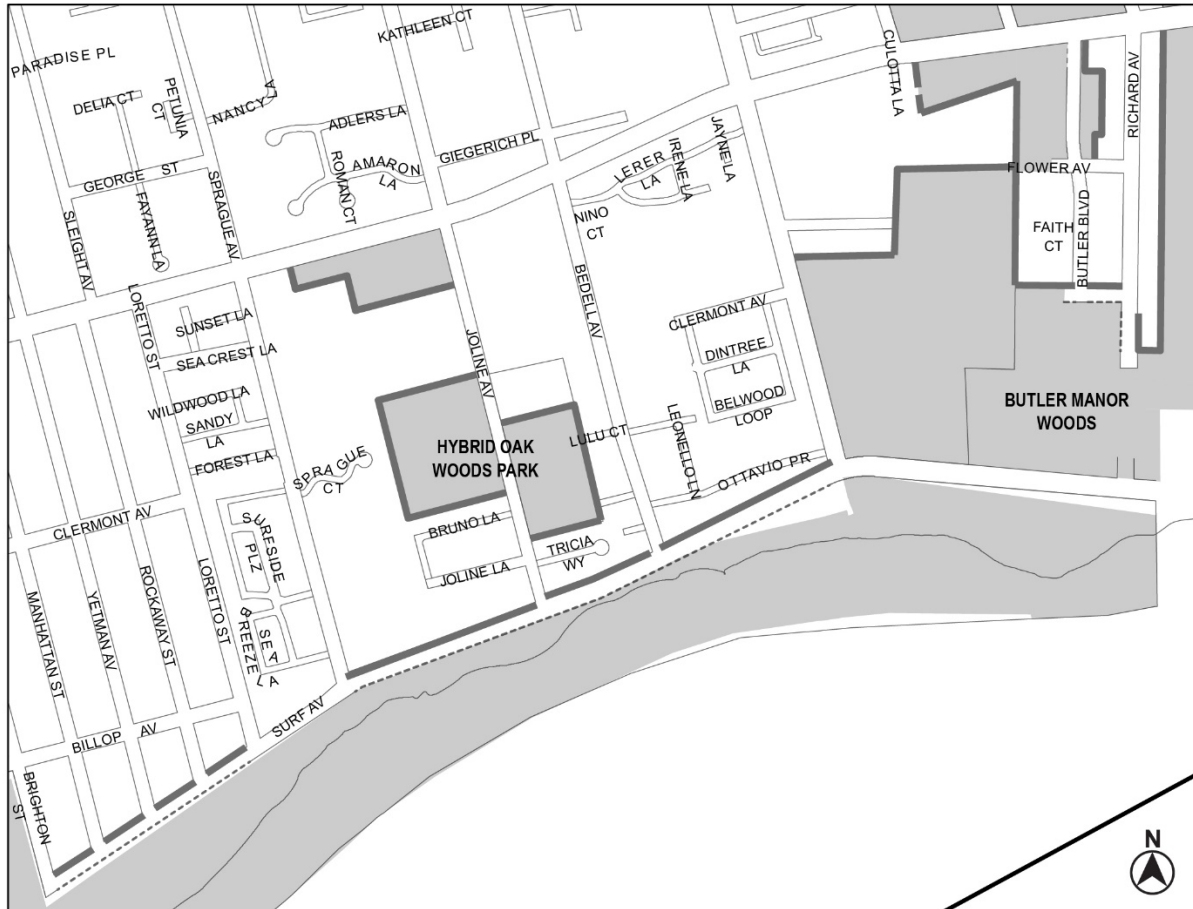
 *Special Natural Resources District*

 Public lands containing habitat

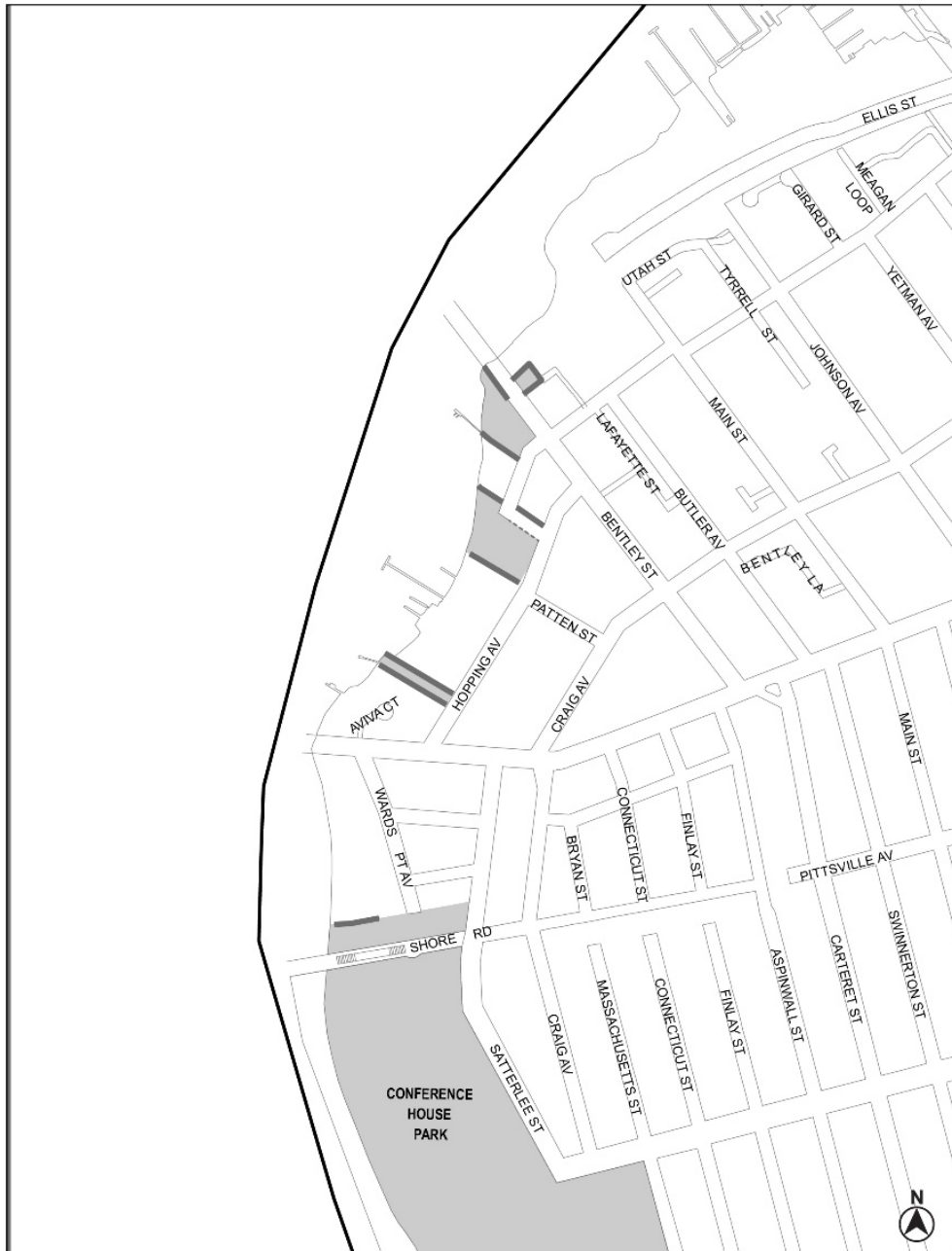
 Resource Adjacent Area boundary





Appendix C. (date of adoption)

Map 2.30



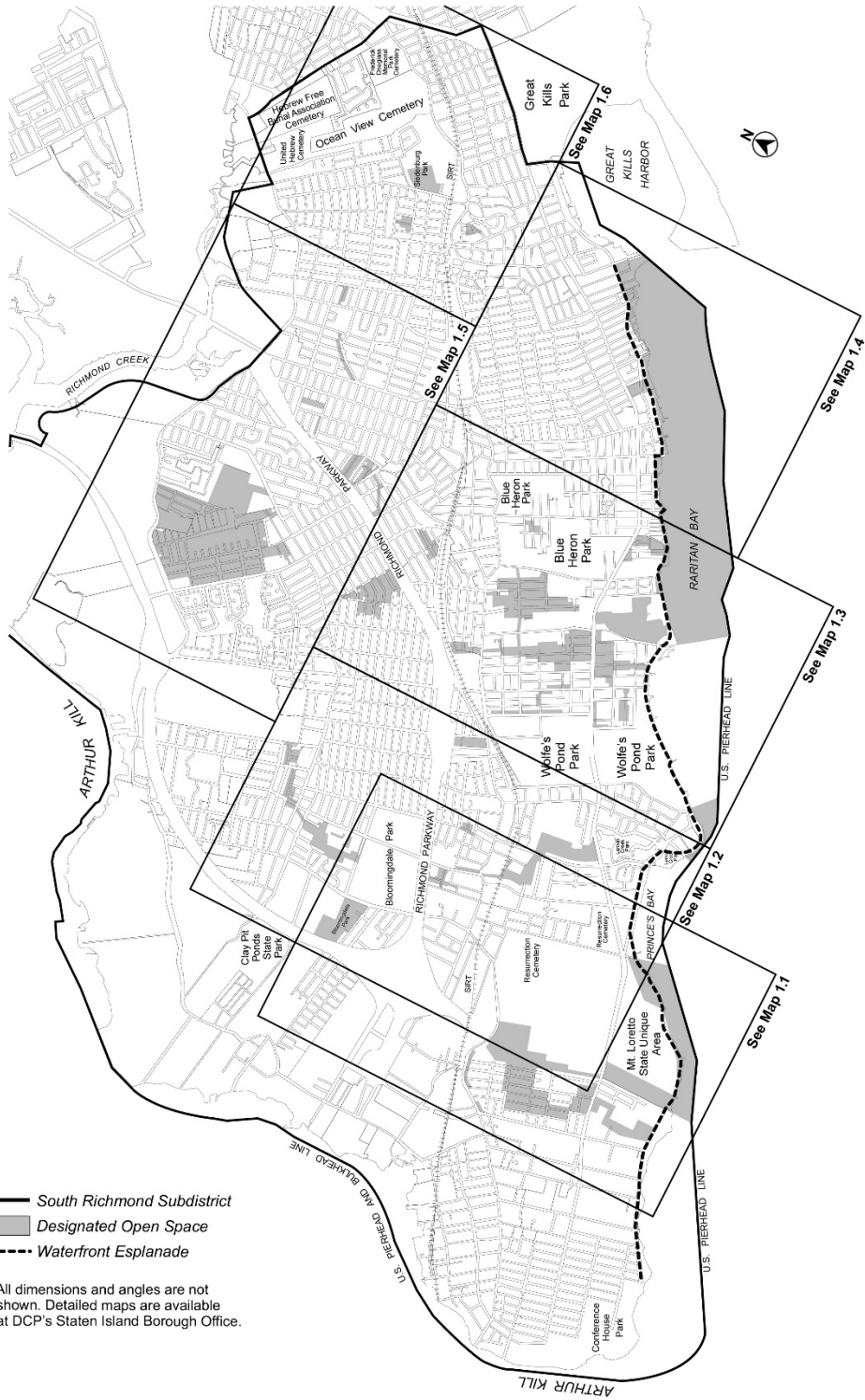
Appendix C. (date of adoption)  
Map 2.31



-  Special Natural Resources District
-  Public lands containing habitat
-  Resource Adjacent Area boundary
-  Unbuilt street

# Appendix D South Richmond Subdistrict

Map 1 Open Space Network in South Richmond (date of adoption)

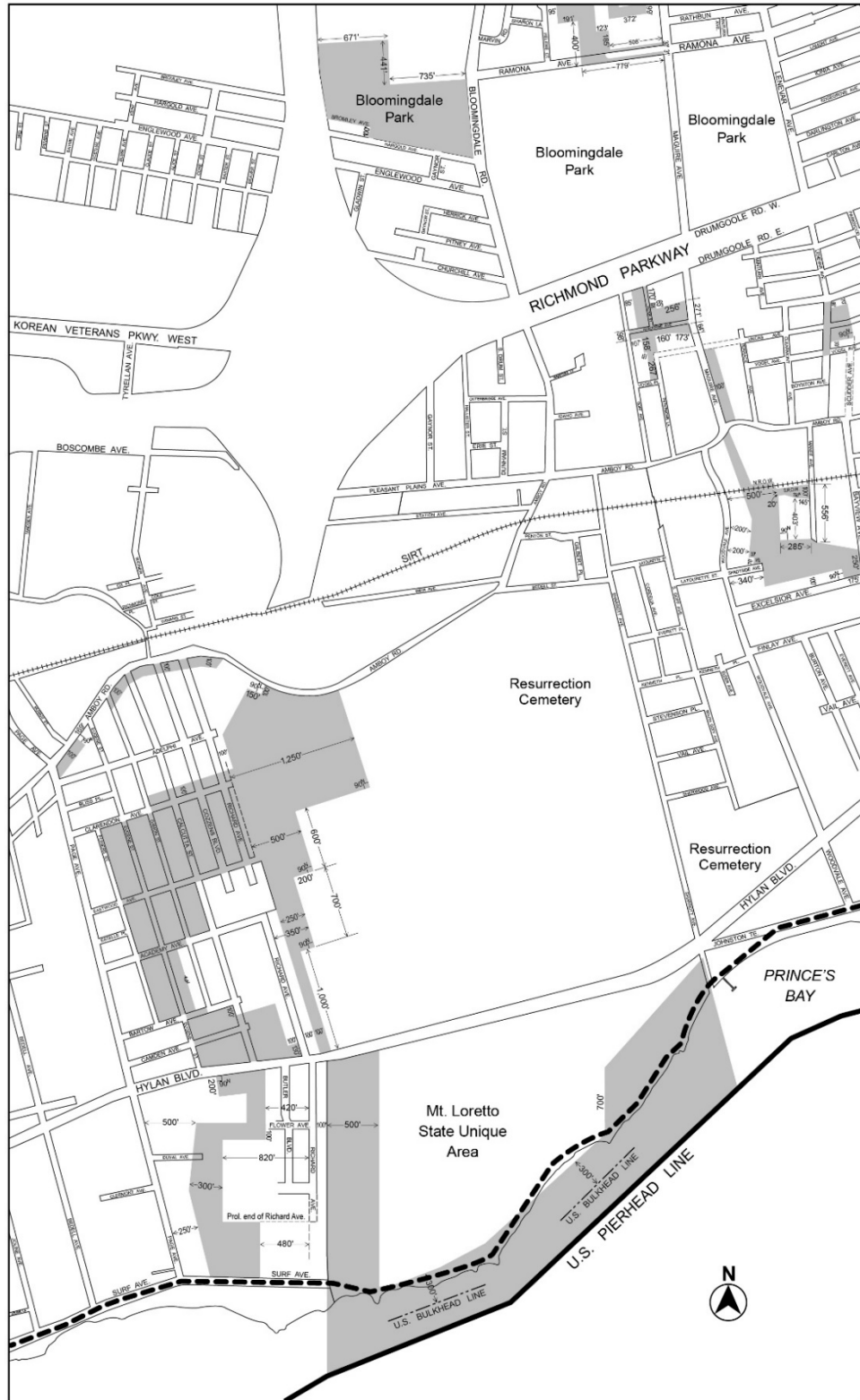




# Appendix D

Map 1.1 (date of adoption)

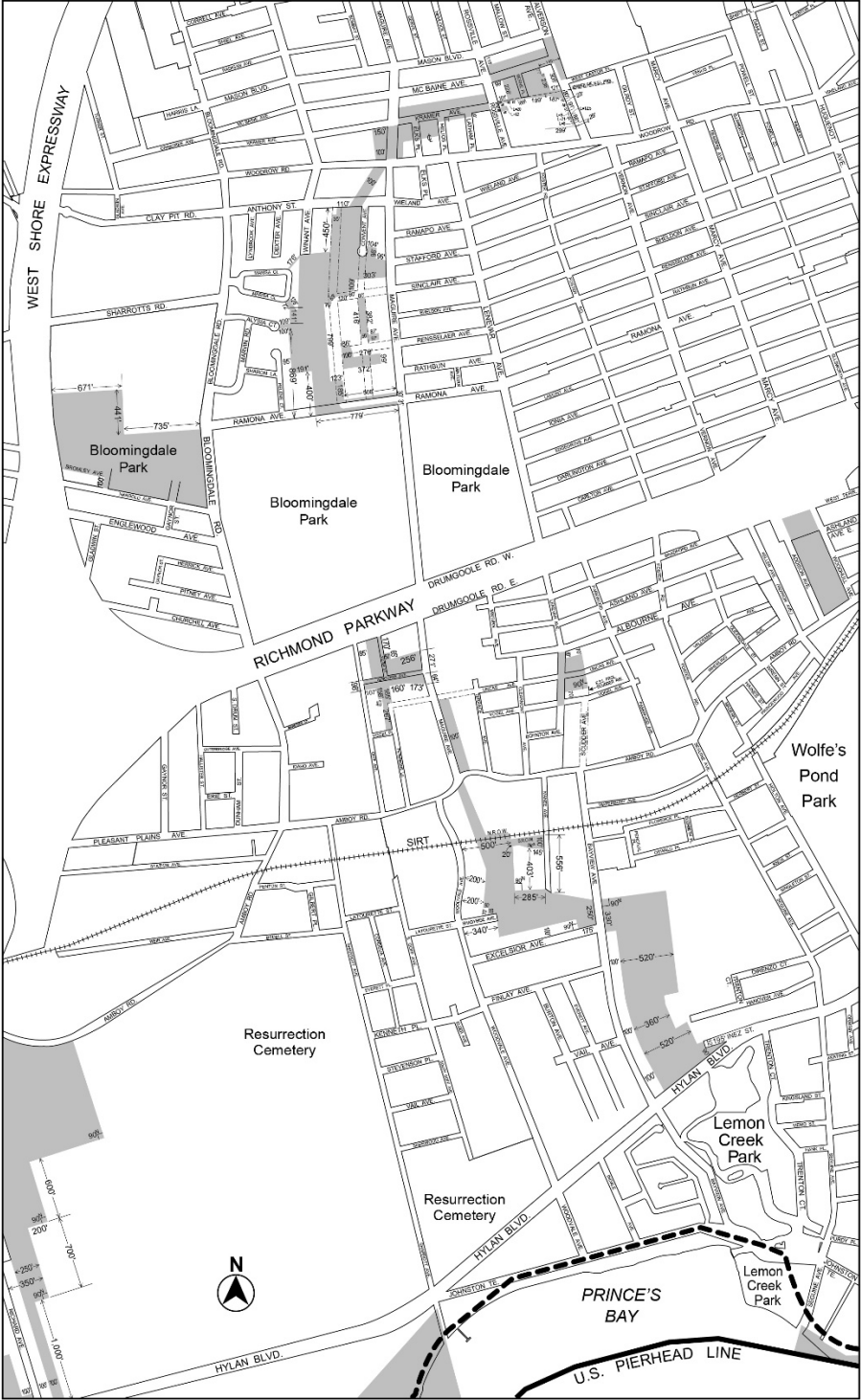
- South Richmond Subdistrict
- Designated Open Space
- - - Waterfront Esplanade



Appendix D




Map 1.2 (date of adoption)

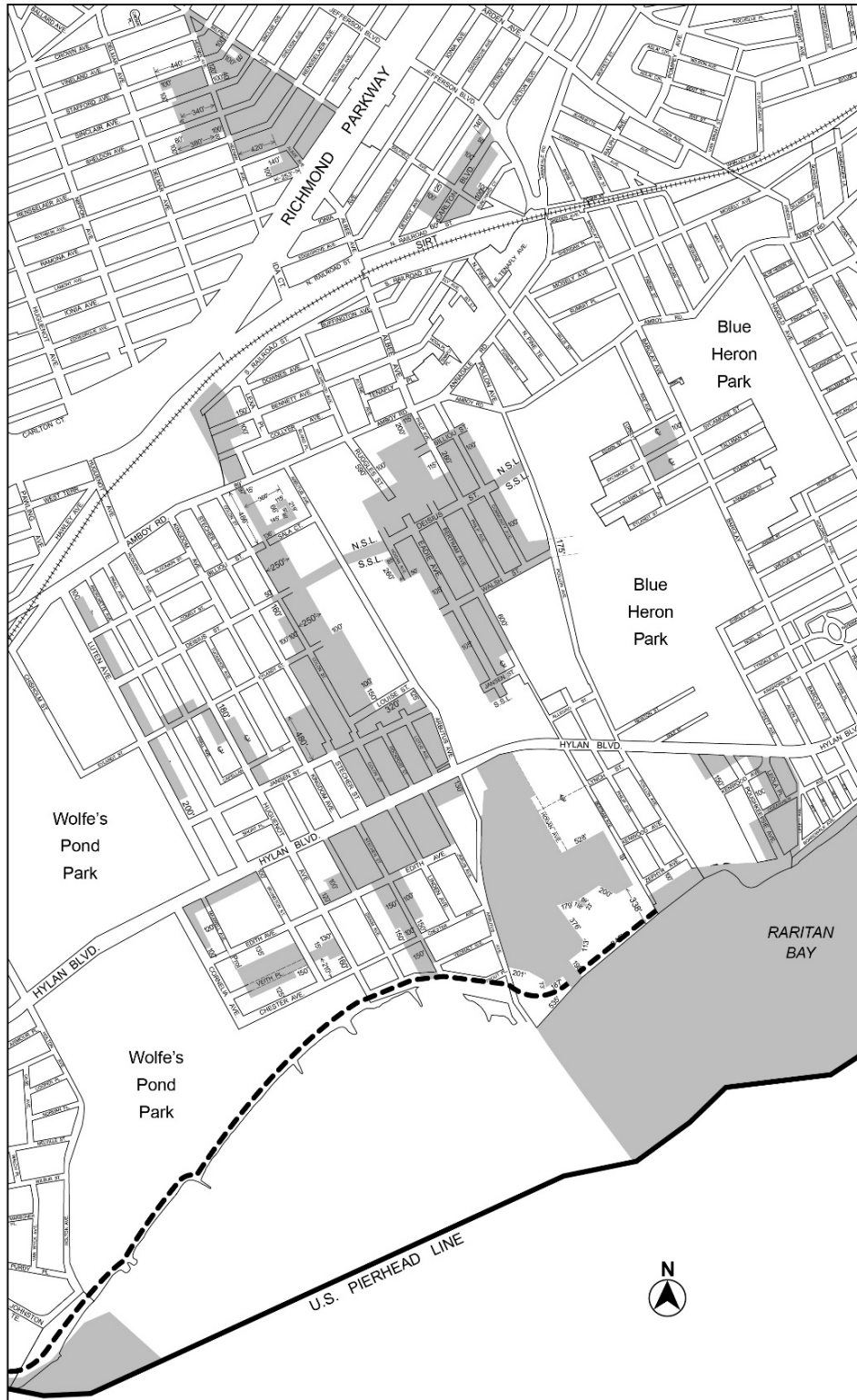
- South Richmond Subdistrict
- Designated Open Space
- - - Waterfront Esplanade



# Appendix D

Map 1.3 (date of adoption)

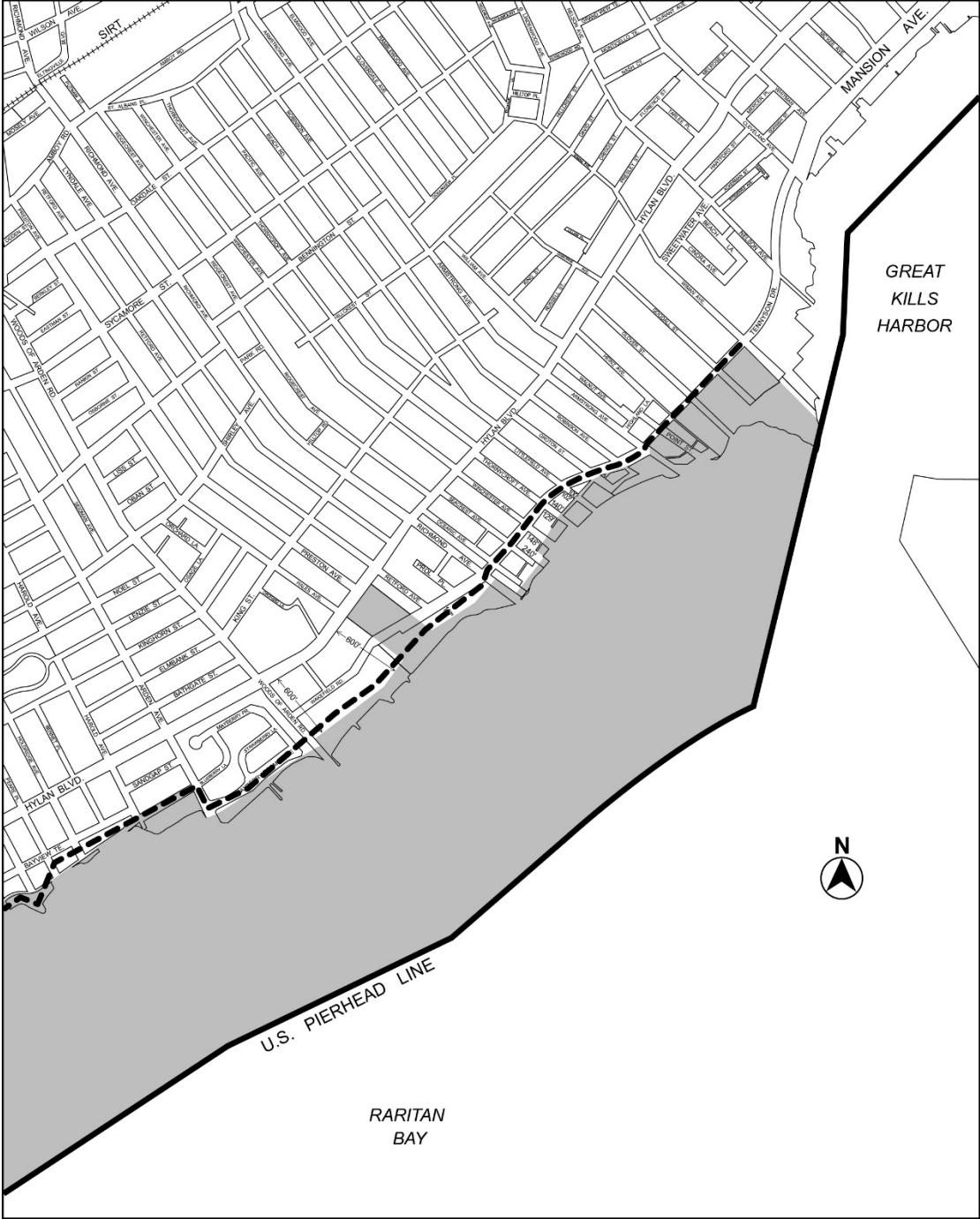
-  South Richmond Subdistrict
-  Designated Open Space
-  Waterfront Esplanade



# Appendix D

Map 1.4 (date of adoption)

- South Richmond Subdistrict
- Designated Open Space
- - - Waterfront Esplanade



# Appendix D

Map 1.5 (date of adoption)

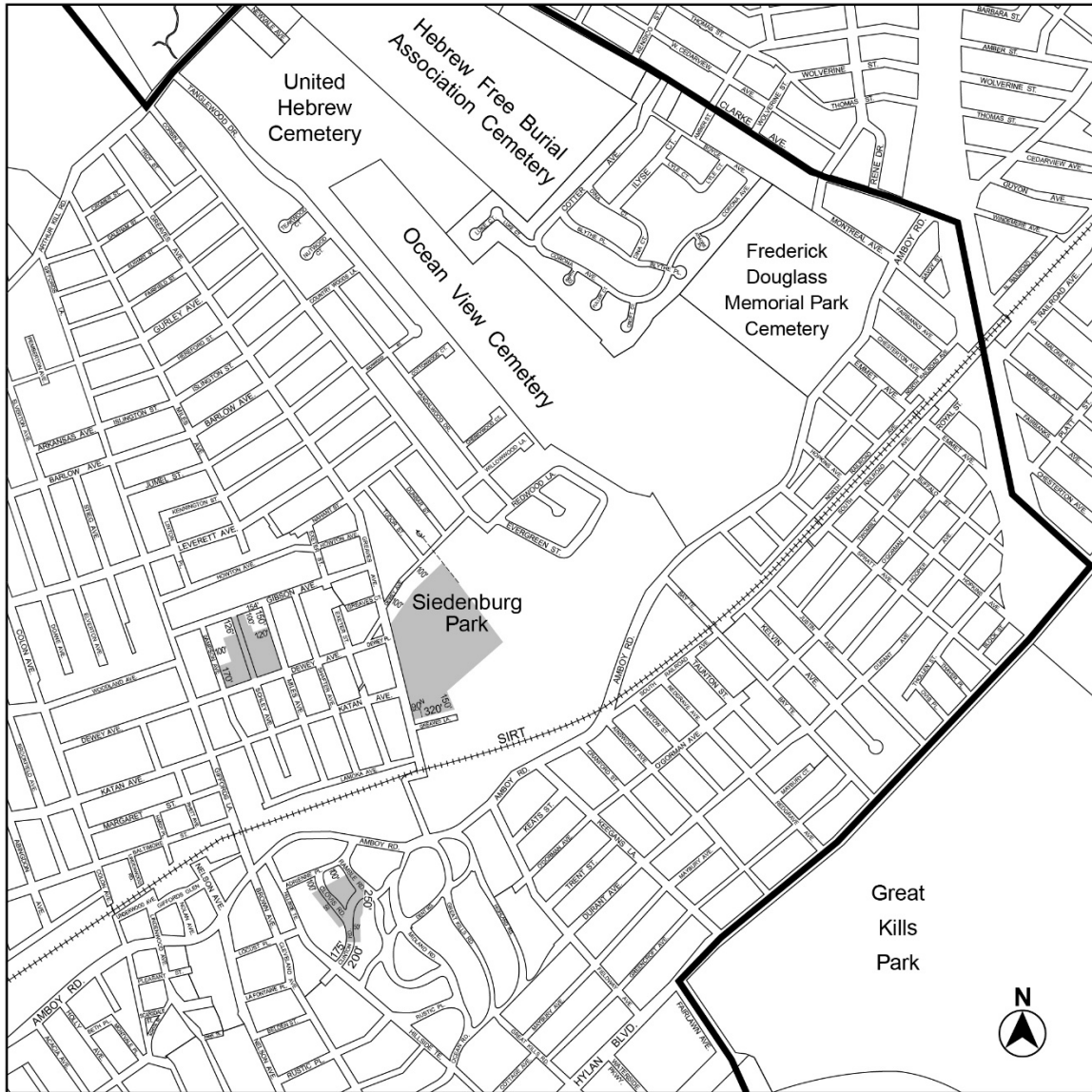
- South Richmond Subdistrict
- Designated Open Space



# Appendix D

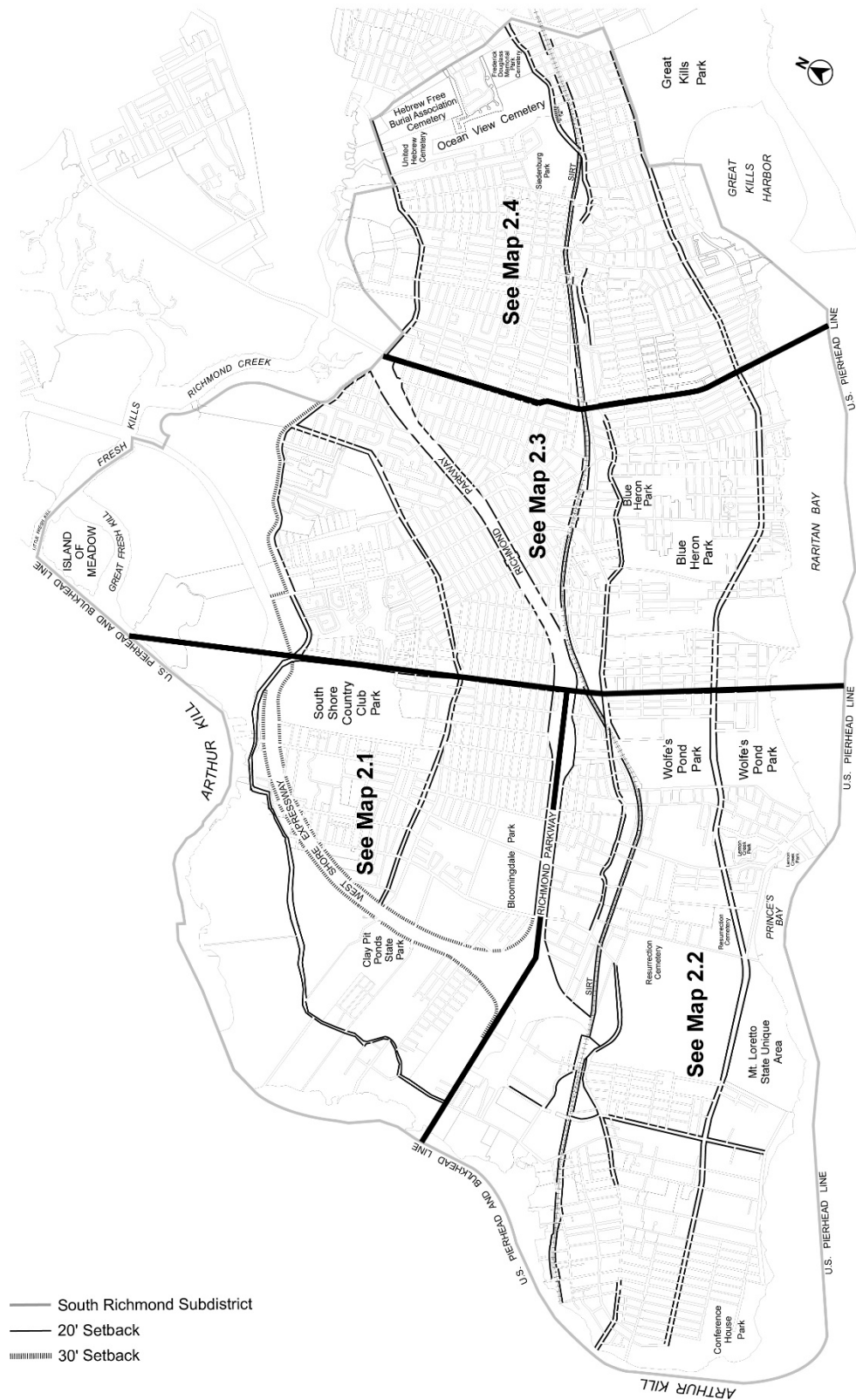
Map 1.6 (date of adoption)

- South Richmond Subdistrict
- Designated Open Space



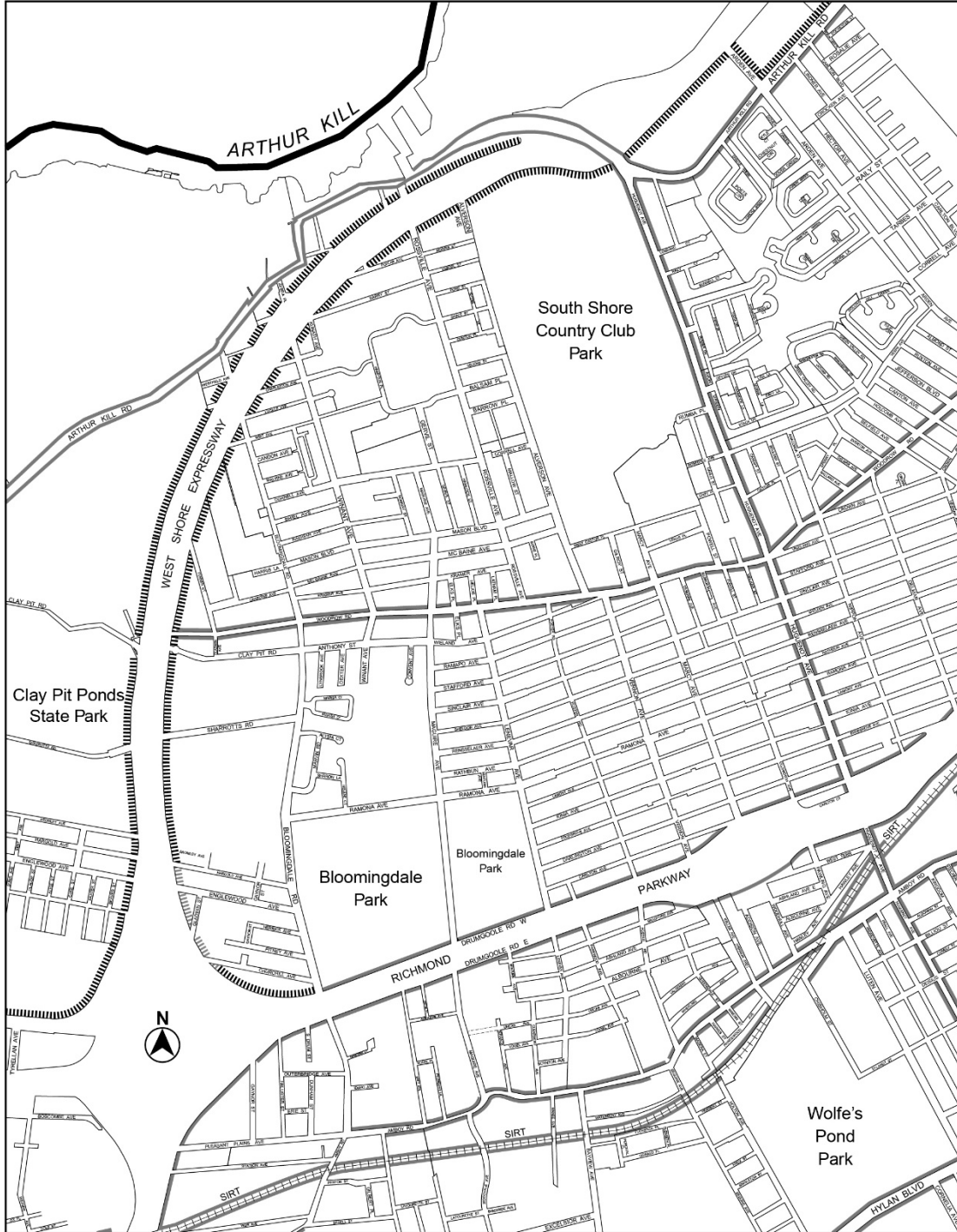
# Appendix D

## Map 2. Arterial Setback Plan in South Richmond Subdistrict (date of adoption)



# Appendix D

Map 2.1 Arterial Setback Plan in South Richmond Subdistrict (date of adoption)



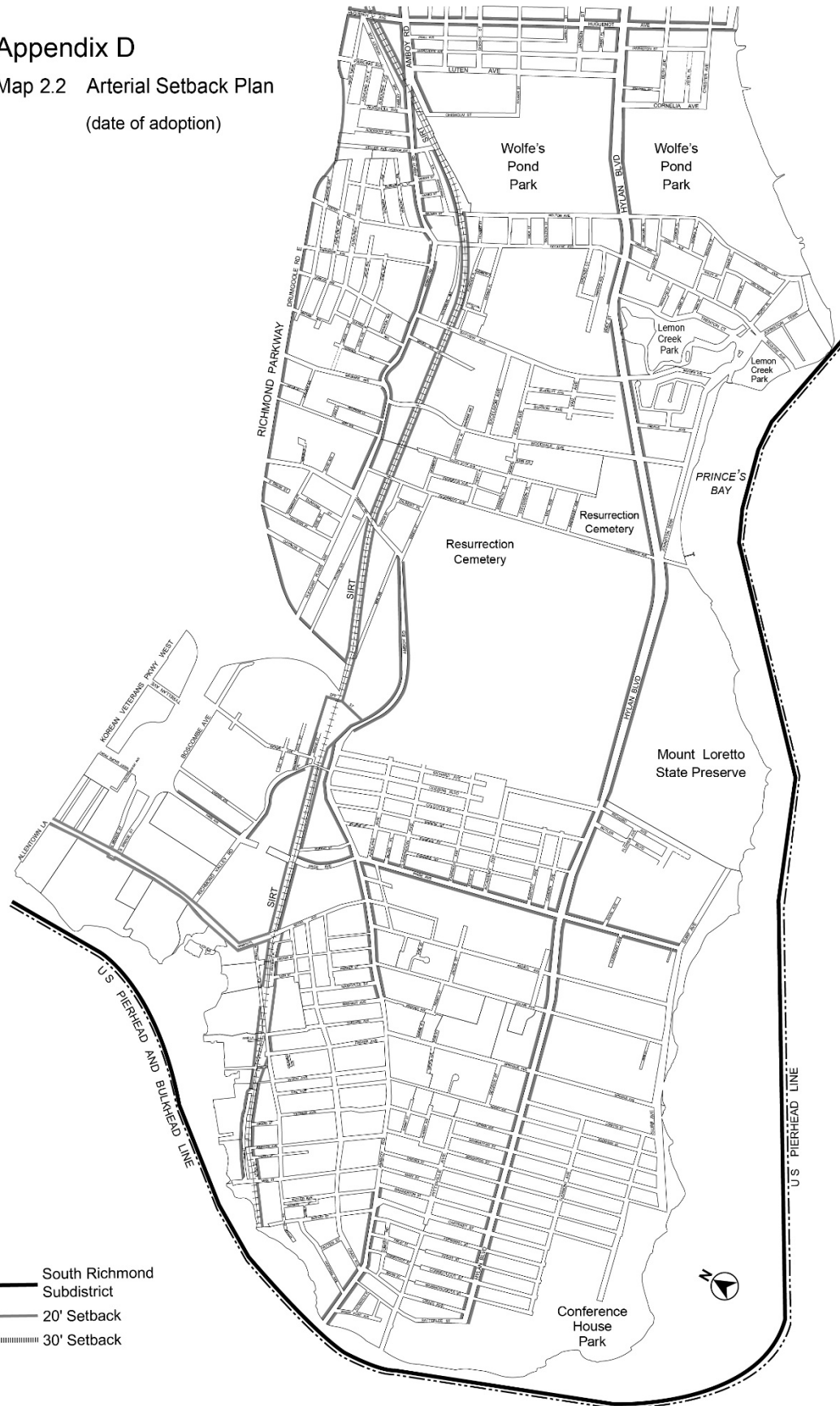
- South Richmond Subdistrict
- 20' Setback
- ▤ 30' Setback



# Appendix D

## Map 2.2 Arterial Setback Plan

(date of adoption)



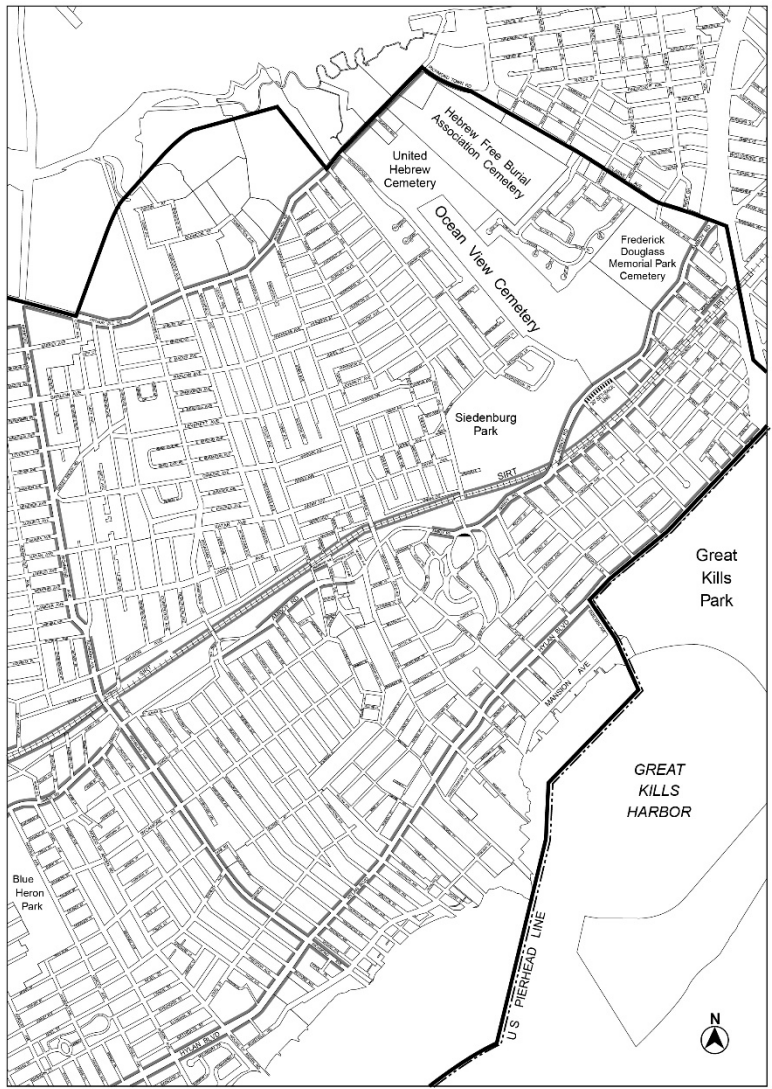
# Appendix D

Map 2.3 Arterial Setback Plan (date of adoption)



- South Richmond Subdistrict
- 20' Setback
- - -** 30' Setback

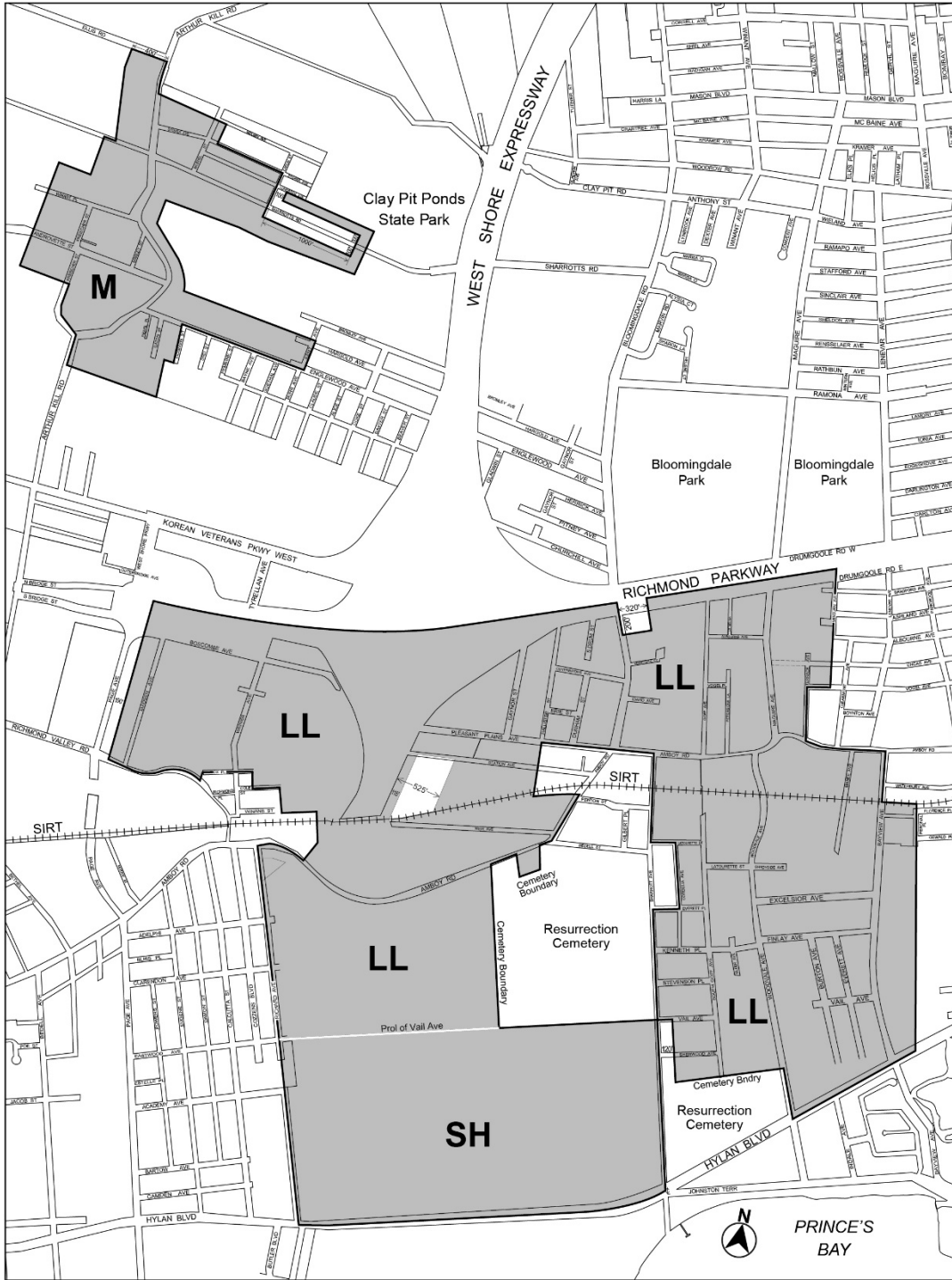
Appendix D  
Map 2.4 Arterial Setback Plan (date of adoption)



- South Richmond Subdistrict
- 20' Setback
- - - 30' Setback

# Appendix D

## Map 3. Special Areas LL, M and SH in South Richmond Subdistrict (date of adoption)



Special Areas

**APPENDIX B  
INDEX OF SPECIAL PURPOSE DISTRICTS**

<b>SPECIAL DISTRICT (SYMBOL) SECTION</b>	<b>SECTION NUMBER</b>	<b>ZONING MAP(S)</b>	<b>CP/ULURP NUMBER*</b>	<b>CPC ADOPTION</b>	<b>BOE/COUNCIL ADOPTION</b>
* * *	* * *	* * *	* * *	* * *	* * *
Harlem River Waterfront District (HRW)	87-00	6a	090302 ZRX	5/20/09	6/30/09
Hillsides Preservation District (HS)	<del>119-00</del>	<del>21a-21b 21c-21d</del>	<del>870002 ZRR</del>	<del>6/3/87</del>	<del>6/30/87</del>
Hudson River Park (HRP)	99-00	12a	160308 ZRM	10/17/16	12/15/16
* * *	* * *	* * *	* * *	* * *	* * *
Mixed Use District-17 (MX-17) Hunts Point, The Bronx	123-00	6c	1801222 ZRX	2/14/18	3/22/18
Natural Area District 1 (NA-1)	<del>105-00</del>	<del>21b-26a 26b 26c-26d 27a 27b</del>	<del>22748(A)</del>	<del>11/18/74</del>	<del>12/19/74</del>
Natural Area District 2 (NA-2)	<del>105-00</del>	<del>1a-1b-1c-1d</del>	<del>22890(A)</del>	<del>5/14/75</del>	<del>5/21/75</del>
Natural Area District 3 (NA-3)	<del>105-00</del>	<del>21d</del>	<del>770272 ZRY</del>	<del>11/9/77</del>	<del>12/1/77</del>
Fort Totten Natural Area District-4 (NA-4)	105-00	7d 11c	821255 ZRQ	3/23/83	4/28/83
<u>Substantially modified</u>			<u>190430 ZRY</u>	<u>[substantially modified date of adoption]</u>	<u>[substantially modified date of adoption]</u>
<u>Natural Resources District (NR)</u>	<u>143-00</u>	<u>TK TK</u>	<u>TK TK</u>	<u>[date of CPC adoption]</u>	<u>[date of CC adoption]</u>

Ocean Parkway District (OP)	113-00	5d 6b 8c 9a	23284	12/22/76	1/20/77
* * *	* * *	* * *	* * *	* * *	* * *
Sheepshead Bay District (SB)	94-00	29a	22171	9/5/73	10/4/74
South Richmond Development District (SRD)	107-00	26b-26d 27b 32c-32d 33a 33b-33e 33d 34a-35a-35e	22972	7/23/75	9/11/75
Southern Hunters Point District (SHP)	125-00	8d	080363 ZRQ	9/24/08	11/13/08
* * *	* * *	* * *	* * *	* * *	* * *

\* \* \*

**APPENDIX B  
INDEX OF SPECIAL PURPOSE DISTRICTS - ELIMINATED OR REPLACED**

SPECIAL DISTRICT (SYMBOL) SECTION	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
* * *	* * *	* * *	* * *	* * *	* * *
Greenwich Street Development District (G)  Eliminated & replaced by Lower Manhattan District	86-00	12b	21418	1/6/71	1/14/71
<u>Hillsides Preservation District (HS)</u>	<u>119-00</u>	<u>21a 21b</u> <u>21c 21d</u>	<u>870002 ZRR</u>	<u>6/3/87</u>	<u>6/30/87</u>

<u>Eliminated and replaced by Special Natural Resources District</u>					
Hunters Point Mixed Use District (HP)  <u>Eliminated and replaced by Long Island City Mixed Use District</u>	117-00	8d 9b	810538 ZRQ	10/26/81	12/3/81
* * *	* * *	* * *	* * *	* * *	* * *
Mixed Use District-3 (MX-3) <u>Eliminated and replaced by West Chelsea District</u>	123-00	12c	990001 ZRX	2/17/99	3/30/99
Natural Area District-1 (NA-1)  <u>Eliminated and replaced by Special Natural Resources District</u>	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)  <u>Eliminated and replaced by Special Natural Resources District</u>	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
Natural Area	105-00	21d	770272 ZRY	11/9/77	12/1/77

District-3 (NA-3)  <u>Eliminated and replaced by Special Natural Resources District</u>					
New York City Convention and Exhibition Center Development District (CC) Eliminated 2/22/90, 900053 ZRM	93-00	8a 8c	22264	3/29/73	5/24/73
* * *	* * *	* * *	* * *	* * *	* * *
Park District (P) Deleted by court order, 4/24/78	91-00	8d	22128(A)	11/8/72	12/7/72
<u>South Richmond Development District (SRD)</u>  <u>Eliminated and replaced by Special Natural Resources District</u>	<u>107-00</u>	<u>26b 26d</u> <u>27b 32c</u> <u>32d 33a</u> <u>33b 33c</u> <u>33d 34a</u> <u>35a 35c</u>	<u>22972</u>	<u>7/23/75</u>	<u>9/11/75</u>
South Street Seaport District (S) Eliminated & replaced by Lower Manhattan District	88-00	12b	21975	5/31/72	7/20/72
* * *	* * *	* * *	* * *	* * *	* * *

\* \* \*