



## Special Natural Area District Rezoning - **Approved!**

### Overview

The Department of City Planning proposes to amend the **Special Natural Area District** (SNAD) text of the Zoning Resolution to improve preservation of significant natural features in parts of Staten Island, the Bronx, and Queens. The purpose of the Special Natural Area District, created in 1975, is to guide development to preserve unique natural features by requiring City Planning Commission review of new developments and site alteration on primarily vacant land. Significant natural features include rock outcroppings, trees and forests, wetlands and water features, and steep slopes. The SNAD is [mapped](#) in Community Districts 1 and 2 of Staten Island, Community District 8 of the Bronx, and Community District 7 of Queens.

The Department initiated the text amendment upon request from various civic groups and community leaders. The Staten Island SNAD Task Force, which includes many civic associations, the Office of the Borough President, the Department of Buildings, Council Member Michael McMahon, and Council Member James Oddo, has helped guide the process in Staten Island. Community District 8 in the Bronx (Riverdale) crafted a 197a community plan adopted in 2003 which also asked for changes to the SNAD rules.

**Current Regulations:** Under the current regulations, all development (new buildings) in the SNAD requires either City Planning Commission [authorization](#) or [special permit](#). Natural features are protected by limiting modifications in topography, by preserving tree, plant and marine life and natural water courses, and by encouraging clustered development.

When the Special Natural Area District was adopted and mapped in 1975, any zoning lot of less than 40,000 square feet containing a residential building was grandfathered to allow [as-of-right](#) site alteration and building enlargement. On grandfathered lots only development of new buildings requires City Planning Commission review. Therefore, natural features on [grandfathered](#) lots, which represent more than half of the residential lots and 11% of total land area in the SNAD, are vulnerable to destruction and alteration.

The City Planning Commission has broad discretion to limit or modify development in order to protect natural features. Most applications request authorization to modify topography and remove trees in order to construct a single-family detached house. City Planning Commission review focuses on compliance with minimum standards for grading, paving and drainage and tree preservation (1 per 1000 sq. ft of zoning lot area). In most cases, the City Planning Commission requests changes to the building footprint, location, and the amount of paving and grading for driveways, patios and swimming pools in order to save trees or reduce unnatural paved surfaces.

**Proposed Changes:** The goals of the proposed changes to the Special Natural Area District are to focus preservation efforts on significant natural features and to base review on the presence of natural features rather than the date of a home's development, as is the case with grandfathering. In sum, the changes will:

- 1) Add stronger steep slope, tree, and vegetation preservation measures, including lot coverage controls and private road design standards
- 2) Replace the grandfather provision with regulations that apply equally to developed and vacant lots to preserve significant natural features
- 3) Allow as-of-right development guided by performance standards on small lots with no significant natural features
- 4) Simplify select actions to focus review on significant natural features



Wetlands and trees in Lighthouse Hill, Staten Island



Steep Slope in Todt Hill, Staten Island



Rock Outcropping in Riverdale, Bronx

5) Improve the plant list for landscaping

**Public Review:**

The Department presented the application to the City Planning Commission on September 20, 2004, initiating the public review process. The application was reviewed and approved by Community Boards 1 and 2 in Staten Island and Community Board 8 in the Bronx. Community Board 7 in Queens chose not to comment on the proposed amendments. The Staten Island Borough President, the Staten Island Borough Board, and the Bronx Borough President also approved the application. The City Planning Commission held a public hearing on the application on December 8, 2004. Based on comments received during public review, the Department revised the application. Revisions are described in the CPC Report. The Commission approved the text amendments as revised on January 5, 2005. City Council approved the text amendments on February 2, 2005.  [Read the CPC Report](#).

 [View the adopted text amendments.](#)

For more information on the Special Natural Area District zoning text amendment, contact the Staten Island Office of the Department of City Planning at (718) 556-7379, or the Bronx Office of the Department of City Planning (718) 220-8500.

## Special Natural Area District Rezoning - **Approved!**

### Land Use

The Special Natural Area District is mapped only in areas with significant natural features such as steep slopes, rock outcroppings, forests, wetlands, ponds and stream corridors. NA districts have been mapped in Staten Island's Greenbelt (NA-1) and Shore Acres (NA-3), in Riverdale, The Bronx (NA-2) and in Queens at Fort Totten (NA-4).



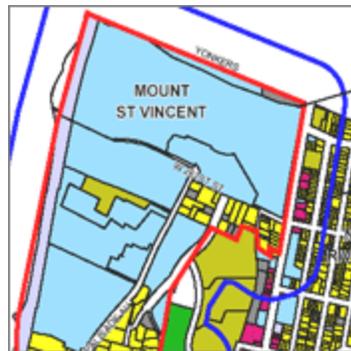
Locator Map

 [Larger image](#)



Land Use NA-1

 [Full image](#) [0.70 mb]



Land Use NA-2

 [Full image](#) [0.40 mb]

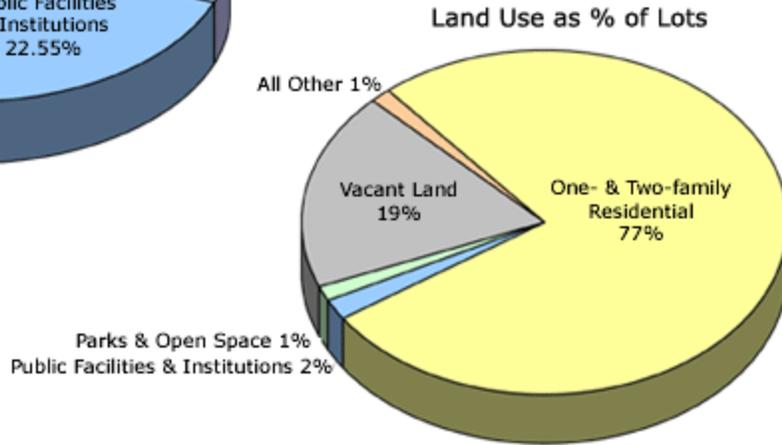
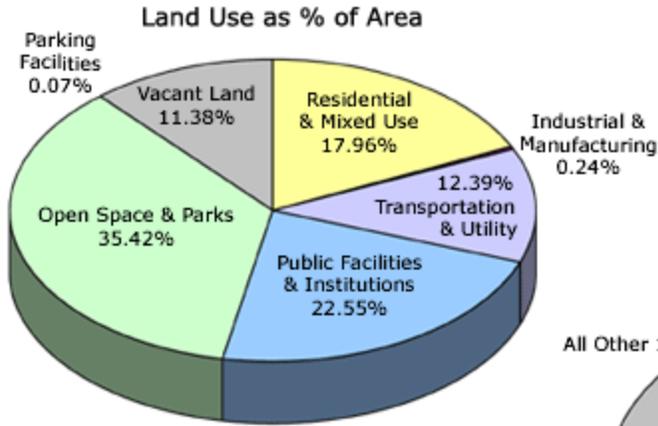


Land Use NA-3 and NA-4

 [Full image](#) [0.30 mb]

NA-1 and NA-3 in Staten Island are more than 3,500 acres (2420 lots) and NA-2 in the Bronx is more than 740 acres (966 lots). NA-4 in Queens is the Fort Totten area, 147 acres of government-owned property (3 lots). The overlay district is mapped primarily in low-density residential zoning districts with detached, attached and mid-rise residential development. There are also some local commercial uses and community facilities on large parcels such as hospitals, senior care facilities, and educational and religious institutions, as well as parkland and open spaces.

# LAND USE: SPECIAL NATURAL AREA DISTRICT



## Special Natural Area District Rezoning - **Approved!** Proposed Text Amendments

The Department of City Planning proposes zoning text amendments to better meet the goals of the Special Natural Area District. [View the proposed amendments](#). Following is a summary of the proposed changes:

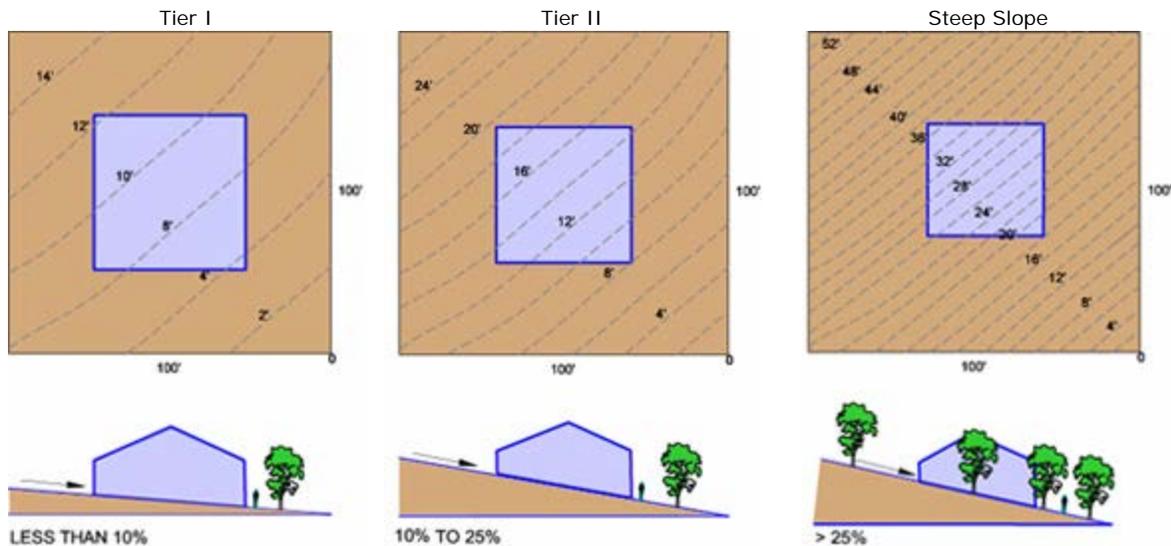
**1) Add stronger steep slope, tree and vegetation preservation measures adapted from the Special Hillside Preservation District mapped in Staten Island (see Article XI, Chapter 9 of the Zoning Resolution, adopted in 1987, revised 1999), including lot coverage controls and private road standards.**

The SNAD amendment will incorporate standards from the Hillside district. The newer Hillside standards are more effective than the current SNAD regulations in guiding development to preserve steep slopes, hillsides, trees and vegetation and prevent erosion. The text change will:

- a) Incorporate the Hillside definitions for slope:
  - i) **Tier I** (0 to 10% flat topography)
  - ii) **Tier II** (10 to 25% hillside topography)
  - iii) **Steep Slope** greater than 25%.

The SNAD definition of steep slope will change from 15% or greater, to 25% or greater slope. All topography between 10 and 25% will become part of the Tier II category and will continue to require City Planning Commission authorization. The SNAD steep slope authorization will be changed to match the more effective Hillside steep slope authorization.

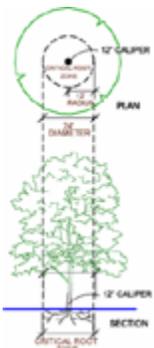
- b) Adopt the Hillside building lot-coverage controls for hillsides and steep slopes so that permitted lot coverage decreases as degree of slope increases.



- c) Increase tree preservation and planting requirements to save the greatest of 51% of tree credits originally on site or 1 tree credit per 1000 square feet of zoning lot.

- d) Specify erosion controls and protect the critical root zone of trees during construction.

- e) Adopt the Hillside grading controls and site planning standards for private roads and driveways to fit roads into the landscape and reduce the amount of paving.



Critical Root Zone  
[View a larger image](#)

**2) Replace the grandfather provision with new standards that apply equally to developed and vacant lots to preserve significant natural features**

Over 50% of lots in the SNAD are grandfathered and do not require preservation of natural features. When the district was adopted and mapped in 1975, any zoning lot of less than 40,000 square feet containing a residential building was grandfathered to allow site alteration and building enlargement as-of-right. Currently, only new development on a grandfathered lot requires City Planning Commission review.

Under the current regulations, natural features on grandfathered lots are not well protected. Enlargement of grandfathered residential buildings and alteration of natural features on grandfathered sites, which includes site grading and removal of all trees and other natural features, are permitted as-of-right. The district has seen the enlargement of grandfathered homes to their maximum building footprint, the cut, fill and paving of natural topography to the property line and the removal of all trees on some grandfathered lots. These changes have a considerable effect on natural features and neighborhood character.

DCP proposes to replace the grandfather clause in order to protect significant natural features on grandfathered lots. As a result, site alteration and most building enlargement on formerly grandfathered lots would require City Planning Commission review. Development of new buildings on most formerly grandfathered lots would still require City Planning Commission review unless they meet new criteria allowing as-of-right development described below.

If a formerly grandfathered lot is Tier I (less than 10% slope), less than 10,000 sq. ft. lot area, and has no significant natural features, development or enlargement up to 2,500 sq. ft. of lot coverage will be permitted as-of-right subject to performance standards.

**3) On small lots with no significant natural features, allow as-of-right development guided by performance standards**

The Department of City Planning concluded that City Planning Commission review of small sites with generic natural features such as flat topography and scattered trees could be made as-of-right as long as performance standards are specified and followed. The City Planning Commission would focus resources on significant natural features.

The new standards will regulate all building enlargement, site alteration and development based on lot size, topography and presence of natural features. Both vacant lots and formerly grandfathered lots will fall into several new categories:

**New As-of-Right Category** - Enlargement or development of up to 2,500 square feet total footprint permitted as-of-right if site is 10,000 square feet or less, Tier I topography and has no significant natural features. Project must meet performance standards to save trees.

**All other development, enlargement or site alteration** would continue to require City Planning Commission review for certification or authorization. For example:

- If project meets as-of-right criteria but cannot meet performance standards
- If project meets as-of-right criteria but wants to develop more than 2,500 square feet
- If lot size is greater than 10,000 square feet
- If site of any lot size has hillside Tier II or steep slope topography
- If site of any size has other significant natural features (forest, rock outcropping, wetland or water feature, etc.)



A site that could be developed as-of-right subject to performance standards.

**4) Add clear performance standards, change some special permits to authorizations, and add some certifications for site alteration and enlargement on formerly grandfathered lots**

a) **Change two special permits to authorizations** so that staff and developers have more flexibility in site planning to preserve natural features. The special permits are:

- (1) modification of yard, height and setback regulations, and parking location regulations and
- (2) alteration of natural features (rock outcropping, steep slope in NA-2).

b) **Allow in-ground swimming pools as-of-right** if modification of topography at pool edge is no more than 2 feet up or down. This would apply to formerly grandfathered and vacant flat sites of any lot size, if no tree removal is

required.

c) **Performance standards** – The Hillside performance standards detailed above will provide clear guidelines to minimize effect of development on hillsides, steep slopes, trees and other vegetation. Specific performance standards will allow for more predictable review of applications, which will benefit the applicant-homeowner, the city, and the SNAD.

**5) Improve the plant list used to identify natural features and select plants for landscaping.** The existing SNAD plant list is broad and defines ecosystems, which is helpful for identifying certain natural features; however, it is too broad to meet the individual homeowner's landscaping needs. The narrower plant list from the Hillside District, which was designed with the home owner in mind, will be adopted for the SNAD. The existing broad plant list will remain a part of the SNAD.

## Special Natural Area District Rezoning - **Approved!** Summary Table

### Summary Table of Proposed Changes

	Grandfathered	As-of-Right Development	Certification	Authorization	Special Permit
EXISTING	<ul style="list-style-type: none"> <li>Site Alteration &amp; Enlargements on residential lots Developed before 1975 Lot Area ≤40,000SF</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Restorations</li> <li>Subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>Modification of Any Natural Feature</li> <li>All New Development</li> </ul>	<ul style="list-style-type: none"> <li>Change in Housing Type</li> <li>In NA-2, Modification of steep slope and rock outcropping</li> <li>Dedication of Area to Public Use</li> <li>Modification of Yard, Height and Setback and Parking Location Requirements</li> </ul>
PROPOSED	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Development on lots with:                             <ul style="list-style-type: none"> <li>No Significant Natural Features</li> <li>&lt;10% Slope</li> <li>Lot Coverage ≤2,500 SF</li> <li>Lot Area ≤10,000 SF</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Restorations</li> <li>Subdivisions</li> <li>Development that meets performance standards (No significant natural features)</li> </ul>	<ul style="list-style-type: none"> <li>Modification of Significant Natural Features (including steep slope and rock outcropping)</li> <li>Modification of Yard, Height and Setback and Parking Location Requirements</li> </ul>	<ul style="list-style-type: none"> <li>Change in Housing Type</li> <li>Dedication of Area to Public Use</li> </ul>

 [Full view of table](#)

The goals of the proposed changes to the Special Natural Area District are to focus preservation efforts on significant natural features and to base review on the presence of natural features rather than the date of a homes development.

**Grandfathered:** When the Special Natural Area District was adopted and mapped in 1975, any zoning lot of less than 40,000 square feet containing a residential building was grandfathered to allowed site alteration and building enlargement as-of-right. New buildings on grandfathered lots require City Planning Commission Review. Under the proposed text amendment, the grandfather provision will be removed. Some formerly-grandfathered lots will be able to develop or alter the site as-of-right; others will require certifications or authorizations.

**As-of-Right** site alteration or development (new building or enlargement) does not require review by the City Planning Commission. However, as-of-right development is limited to smaller lots and must meet certain standards such as tree preservation, erosion control, etc. prior to the issuance by the Department of Buildings of any permit for development or site alteration.

**Certification** is required when it is not necessary for the applicant to apply for authorization or special permit. The City Planning Commission certifies to the Department of Buildings that no authorization or special permit is required and the the proposed plan meets Special Natural Area District standards for tree preservation, erosion control, etc. Under the proposed text, certifications are available only when there are no significant natural features on the site. Certifications are also available for subdivision of zoning lots and restoration plans (required when natural features are altered without CPC approval). The applicant must prepare a survey and site plan for the certification.

**Authorization** is required when the applicant seeks to modify a significant natural feature such as steep slope topography, rock outcropping, or to exceed lot-coverage limitations, etc. The City Planning Commission may authorize the actions if it finds that certain conditions have been met. For the Special Natural Area District, these conditions or findings are specified in the Zoning Resolution, Article X, Chapter 5. The applicant must prepare a survey, site plan, etc., and prepare a "Statement of Findings" to explain to the Commission how the proposed development satisfies the required conditions or findings. Authorizations do not require full review under the Uniform Land Use Review Process (ULURP).

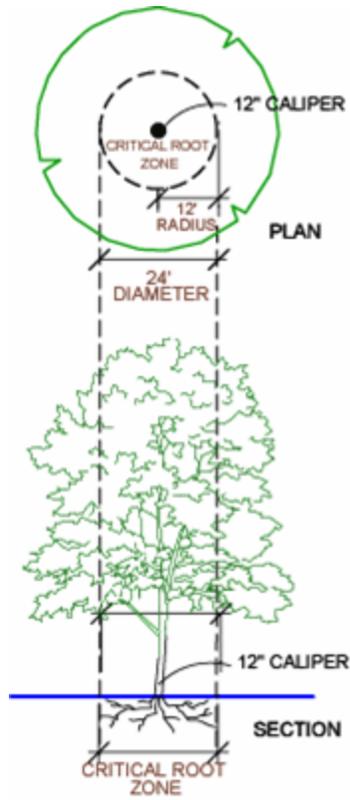
**Special Permit** is required when the applicant seeks to modify select underlying district regulations. Under the proposed SNAD regulations, there are two special permits: (1) modification of use regulations (allow semi-detached or attached single-family residences in R1-2 Districts where only detached residences are normally permitted) and (2) natural area dedicated for public use (the applicant may dedicate portions of a site that have exceptional natural features for public use but count the area toward zoning lot computations, e.g. floor are or other bulk computations). The City Planning Commission may grant the special permit if it finds that certain conditions have been met. For the Special Natural Area District, these conditions are specified in the Zoning Resolution, Article X, Chapter 5. The applicant must prepare a survey, site plan, etc., and prepare a

"Statement of Findings" to explain to the Commission how the proposed development satisfies the required conditions or findings. Special Permits require full review under the Uniform Land Use Review Process (ULURP).

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Proposed Text Amendments

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## Related Notes

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-  Items accompanied by this symbol require the [free Adobe Acrobat Reader](#).
- Brief explanations of terms in *green italics* can be viewed by [visiting glossary page](#). Words and phrases followed by an asterisk (\*) are defined terms in the Zoning Resolution, primarily in Section 12-10. Consult the Zoning Resolution for the official and legally binding definitions of these words and phrases.