Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

107-65 - Authorization for Modifications of Natural Features

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LAST AMENDED
12/5/2024

For any #development#, #enlargement#, or #site alteration# on #plan review sites# or within #designated open space#, the City Planning Commission may authorize modifications of the natural topography existing on November 2, 2023, beyond the amount specified in Section 107-31 (General Regulations for Natural Features), inclusive, or modification of tree regulations pursuant to Section 107-311 (Areas within designated open space) and Section 107-312 (Regulations within plan review sites), in accordance with the provisions of either paragraph (a) or (b) of this Section.

(a) For all #zoning lots#, the Commission may authorize modifications to natural features, provided that the Commission finds that:

(1) the modifications are the minimum necessary to facilitate the project;

(2) such modification of topography is necessary to accommodate any public amenities, as applicable, such as public pedestrian ways, the #waterfront esplanade# or active recreational facilities within a #designated open space# as required under the provisions of this Chapter;

(3) such modification will not cause unnecessary disturbance of the drainage pattern in the area;

(4) such modification will have minimal impact on the existing natural features of the surrounding area and will blend harmoniously with such area; and

(5) areas that contain natural features are preserved within a proposed #area of no disturbance#, especially those areas which are contiguous to #designated open space#, #areas of no land alteration#, or other area containing mostly natural features.

(b) In order to support the development of renewable energy infrastructure, for #waterfront zoning lots# in #Manufacturing Districts# that contain Water-Dependent (WD) #uses#, as set forth in Section 62-211, where the area allocated to such #uses# exceeds 75 percent of the land above water in the #upland lot#, the Commission may authorize modifications to natural features, provided that the Commission finds that:

(1) the WD #use# requires unenclosed operations, not limited to vehicle movement or storage, that would not be feasible without the modification of natural features;

(2) such modification is the minimum necessary to facilitate such #use# on the #zoning lot#;

(3) the WD #use# would provide a substantial environmental benefit; and

(4) such modification would not have an adverse effect on the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.