Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

107-30 - NATURAL FEATURE REGULATIONS

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107-30 - NATURAL FEATURE REGULATIONS

LAST AMENDED
11/2/2023

Any #development#, #enlargement# resulting in changes to #lot coverage#, or #site alteration# shall comply with the provisions of this Section, inclusive.

All #zoning lots# shall comply with the provisions of Sections 107-31 (General Regulations for Natural Features), inclusive, and 107-32 (Tree Requirements).

In addition, regulations within areas of #designated open space# are set forth in Section 107-311 (Areas within designated open space).

Any #plan review site# shall also comply with the provisions of Section 107-312 (Regulations within plan review sites).

Any application to the Department of Buildings for a #site alteration#, #development#, or #enlargement# shall include a survey map in accordance with the requirements set forth in Section 107-03 (Requirements for Certification, Authorization or Special Permit Application).

A site plan for such application shall also include the location of any #area of no disturbance#, proposed paving, and shall identify those trees proposed to be removed and proposed to be preserved.

107-31 - General Regulations for Natural Features

LAST AMENDED
11/2/2023

Except for any existing natural feature which is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no #site alteration# may take place except as provided in this Section, inclusive.

No modification of topography shall take place within eight feet of a tree that is counted toward minimum #tree credits# pursuant to the provisions of Section 107-32 (Tree Requirements).

Within any #zoning lot# which is not a #plan review site#, tree removal shall be permitted in areas that do not contain #designated open space#, provided that such #zoning lot# complies with the provisions of Section 107-32.

107-311 - Areas within designated open space

LAST AMENDED
11/2/2023

Within #designated open space# on a #zoning lot#, any #site alteration# shall be permitted only by authorization of the City Planning Commission pursuant to Section 107-65 (Authorization for Modifications of Natural Features).

107-312 - Regulations within plan review sites

LAST AMENDED
12/5/2024

On any portion of a #plan review site# not within #designated open space#, #development#, #enlargement#, or #site alteration# shall be permitted only in accordance with the provisions of this

Section or by authorization of the City Planning Commission pursuant to the provisions of Section 107-65 (Authorization for Modifications of Natural Features) or by certification of the Chairperson of the City Planning Commission pursuant to the provisions of Section 107-51 (Certification of Certain Plan Review Sites).

The ground elevation of land existing on November 2, 2023, may be modified by up to two feet of cut or fill, provided that such modification shall not result in the destruction of trees of six-inch #caliper# or more, unless authorized pursuant to other provisions of this Chapter. Modification of topography to a greater extent and removal of trees of six-inch #caliper# or more shall only be permitted:

(a) within 20 feet of an existing #building's# foundations or in an area designated for utilities;

(b) in order to meet the legal mapped grades of a #street#, the existing topography of that portion of the #zoning lot# abutting such #street# may be modified to create a slope on the #zoning lot# of not less than one foot vertical to each two feet horizontal, provided the slope is landscaped to prevent erosion;

(c) within an existing #group parking facility#, or within existing landscaping required pursuant to Section 107-483 (Planting and screening for parking areas), which does not result in the removal of parking spaces or travel lanes;

(d) where such modification of topography takes place more than 20 feet from the boundary of an area of #designated open space#, a #side lot line#, or a #rear lot line#; or

(e) where such tree interferes with another tree of six-inch #caliper# or more, and such tree to be preserved belongs to a species pursuant to the provisions of Section 107-32 (Tree Requirements).

If an existing tree of six-inch #caliper# or more is removed without prior approval from the Department of Buildings or the City Planning Commission and does not meet the provisions of this Section, any permit issued by the Department of Buildings for a #site alteration#, #enlargement#, #development#, or any #use# on the #zoning lot# shall not be granted a letter of completion,

certificate of occupancy, or similar sign-off until such tree is replanted, or proposed to be replaced, as applicable, in accordance with Section 107-32. A violation for tree removal without prior permission or approval shall be recorded against such site.

107-32 - Tree Requirements

LAST AMENDED
12/5/2024

For all #zoning lots#, newly planted trees shall be planted no closer than eight feet from any other tree and be of a species selected from the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation), or its successor.

(a) Planting in #Residence Districts# or on a #zoning lot# containing a #group parking facility# with fewer than 10 parking spaces

In connection with any #development#, #site alteration#, or #enlargement# in a #Residence District#, or on any #zoning lot# that contains a #group parking facility# with fewer than 10 parking spaces, that are not fully enclosed, newly planted trees of at least one-inch #caliper# and less than six-inch #caliper#, or pre-existing trees of at least six-inch #caliper#, shall be provided on the #zoning lot# at the rate of one #tree credit# for each 1,000 square feet of #lot area# or portion thereof.

A newly planted tree of between one and two-inch #caliper# shall have 0.5 #tree credits#, and a newly planted tree greater than two-inch #caliper# but less than six-inch #caliper# shall have one #tree credit#. Newly planted trees appearing on a site plan in an approved application may be counted toward #tree credits# on site plans for future applications if they have not yet

grown to a six-inch or greater #caliper#, provided that they remain in good health and continue to comply with the standards set forth in this Section.

Any existing tree of at least six-inch #caliper# which is preserved and has no new paving, #development#, #enlargement#, or modification of topography within eight feet of such tree, shall have one #tree credit# for the first six inches of #caliper# and an additional #tree credit# for each additional three inches of #caliper#.

(b) Planting for parking areas

Any #development# or #enlargement# on a #zoning lot# that contains a #group parking facility# with 10 or more parking spaces that are not fully enclosed shall be subject to the tree planting and screening requirements of Section 107-483.

107-33 - Substitution of Other Plant Materials

LAST AMENDED
11/2/2023

For any #development#, #site alteration# or #enlargement# which is required to provide trees in accordance with the provisions of paragraph (a) of Section 107-32, the City Planning Commission may allow the substitution of other plant material for such required trees, provided a detailed landscaping plan is filed with the Commission for approval and certification. A copy of such approved landscaping plan shall be filed with the Department of Buildings by the Commission.

107-34 - Preservation of Natural Features

LAST AMENDED
11/2/2023

For any #development# or #enlargement#, the Chairperson of the City Planning Commission may modify the applicable regulations governing the location of required parking spaces, driveways and curb cuts where the Chairperson certifies to the Commissioner of Buildings that such modifications are necessary so as to avoid the destruction of existing topography and trees of six-inch caliper or more.