



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

107-10 - GENERAL REQUIREMENTS

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107-10 - GENERAL REQUIREMENTS

LAST AMENDED
9/11/1975

107-11 - Special Requirements for Application

LAST AMENDED
9/11/1975

Prior to the approval of any application to the Department of Buildings for a #site alteration# or a #development#, the applicant shall file applications with the appropriate City agency requesting the certifications required in Section [107-12](#) (Public Facilities).

Any application to the Department of Buildings for a #site alteration# or #development# shall include a survey map or maps prepared by a licensed land surveyor showing, for the site, existing topography at two foot contour intervals and the locations, names and calipers of all existing trees of six inch caliper or more and; for any #development#, the application shall also include certifications from the appropriate City agencies as required by Section [107-12](#).

However, the requirements of a survey map at two foot contour intervals shall not apply to #zoning lots# 4,000 square feet or less owned separately and individually from all other adjoining #zoning lots# on September 11, 1975, and on the date of filing such application.

However, when a #zoning lot# which was owned separately and individually from all other adjoining #zoning lots# existing prior to January 2, 1975, is proposed to be #developed# with one #single-# or #two-family# #detached# #residence#, the certification reports of Section [107-12](#) shall not be required, but the provisions of local laws shall apply. When a permit for land contour work, storm water drainage systems or other #site alteration# work is required from the Department of Transportation or Department of Environmental Protection or when a public agency requires a #site alteration# on either privately or City-owned land, the public agency involved shall, prior to initiating or issuing a permit for such site work, notify the Department of Buildings.

The Department of Buildings and the public agency involved shall jointly determine that the proposed #site alteration# work is consistent with the provisions of Sections [107-31](#) (Topographic Regulations), [107-32](#) (Tree Regulations) and [107-25](#) (Special Regulations along Certain Streets and Railroads). In case of non-agreement, the provisions of Section [107-91](#) (Inter-agency Coordination) shall apply.

107-12 - Public Facilities

LAST AMENDED
9/11/1975

107-121 - Public schools

LAST AMENDED
2/2/2011

For any #development# containing #residential uses#, 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 #development#. All applications for certification pursuant to this Section shall be referred by the Chairperson of the Commission to the Board of Education.

The Board of Education 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 an application. The report shall specify the following:

- (a) whether or not #school# space is available;
- (b) if #school# space is not available, the report shall include:
 - (1) the number of seats required;
 - (2) the grade organization;
 - (3) the location of the #school#;
 - (4) the size of #school# (sq. ft. per pupil); and
 - (5) the proposed financing mechanism.

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 #development# upon its 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 of the Commission and Board of Education.

After approval of the Chairperson of the Commission and Board of Education of the applicant's plan to provide the #school# #building#, the certification may be granted either upon approval of a financial agreement by the Board of Estimate or such guarantee of construction with provision for future #school# occupancy as may be accepted by the Board of Education and the Chairperson of the Commission.

However, the Chairperson of the Commission may grant such certification if capacity is not currently available and the Board of Education after consulting with the Community School Board determines that the impact from the #development# will have a minimal effect on the concerned #schools# and includes such statement in their report.

A certification by the Chairperson of the Commission 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# in accordance with approved plans has not been completed within one year from the date of such certification.

No certification concerning the availability of #school# capacity shall be required for any #development# within a predominantly built up area or within an area for which #drainage schemes# were approved prior to January 1, 1975. For the purposes of this Chapter, 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.