



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Anita Laremont, Chair

# **107-30 - TOPOGRAPHIC AND TREE REGULATIONS**

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## 107-30 - TOPOGRAPHIC AND TREE REGULATIONS

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LAST AMENDED  
9/11/1975

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### 107-31 - Topographic Regulations

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LAST AMENDED  
9/11/1975

Except for any existing topographic feature which is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no topographic modifications may take place except as provided in this Section or as authorized by Section 107-65.

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### 107-311 - Areas within designated open space

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LAST AMENDED  
9/11/1975

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 (Modifications of Existing Topography).

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### 107-312 - Areas not within designated open space

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LAST AMENDED  
2/2/2011

On any portion of a #zoning lot# not within #designated open space#, alteration of topography shall be permitted only in accordance with the provisions of this Section.

The ground elevation of land existing on September 11, 1975, 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 is permitted:

- (a) in an area designated for #building# foundations, driveways or utilities for a proposed #building or other structure# whose location is approved by the Department of Buildings in accordance with the provisions of this Chapter; and
- (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.

Topographic modifications not permitted by the provisions of this Section may be permitted only by authorization of the City Planning Commission, pursuant to the provisions of Section 107-65.

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### 107-32 - Tree Regulations

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LAST AMENDED  
4/5/1979

The following regulations in Sections 107-321 through 107-323, inclusive, shall not apply to existing trees which are unsafe and the removal of which is required by the Department of Buildings.

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## 107-321 - Tree preservation

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LAST AMENDED

2/2/2011

No trees of six-inch caliper or more shall be removed, or land operations affecting their survival undertaken, in connection with any #site alteration# or #development#, except in compliance with the provisions of this Section.

Prior to any such removal or land operations, plans shall be filed with the Department of Buildings showing the locations of all trees of six-inch caliper or more on the #zoning lot# and in the public sidewalk area of the #street# or #streets# adjacent thereto, and identifying those which are proposed to be removed. Removal of live trees of six-inch caliper or more will be permitted only under the following circumstances:

- (a) where such trees are located in areas to be occupied by #buildings#, driveways, areas for required #accessory# parking, or within a distance of eight feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;
- (b) where the continued presence of such trees would create special hazards or dangers to persons or property, which it would not be possible or practical to eliminate by pruning;
- (c) where continued presence of the trees would interfere with another tree of six-inch caliper or more designated for preservation and belonging to a species listed in Appendix B (Tree Selection Tables); or
- (d) where authorizations granted by the City Planning Commission under the provisions of this Chapter require or clearly contemplate the removal of such trees.

If an existing tree of six-inch caliper or more identified for preservation is removed without prior approval by the Department of Buildings or the City Planning Commission, any permit issued by the Department of Buildings for a #site alteration#, #development# or any #use# on the #zoning lot# shall be revoked.

In order to remove such violations, the owner of the #zoning lot# shall request the Commission to specify the tree restoration requirements and to certify such requirements to the Department of Buildings.

No building permit, reinstatement of such permit or issuance of a certificate of occupancy shall occur until the owner of the #zoning lot# either posts with the Comptroller of the City of New York a landscaping performance bond in an amount determined by the Commission or completes the replanting in accordance with the requirements set forth by the Commission in order to correct the planting violations.

Replacement trees to be planted shall be of a caliper no less than three inches and be of a species listed in Appendix B and the sum of whose calipers shall be at least equivalent to that of the trees removed.

In addition, the Commission may require a restrictive declaration specifying the terms of implementing the restoration plan.

Where on-site planting of such replacement trees would result in over crowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more replacement trees on adjoining public sidewalks or in a nearby public area or substituting other planting material pursuant to Section 107-323.

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## 107-322 - Tree requirements

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LAST AMENDED

2/2/2011

New trees shall be provided in accordance with the table set forth in Appendix B. For any existing tree of at least six-inch caliper which is preserved, credit for one tree shall be given for the first six inches of caliper and, for each additional four inches of caliper, credit for an additional tree shall be given.

(a) On site

In connection with any #development#, #site alteration# or #enlargement# involving the addition of at least 1,000 square feet of #floor area#, 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.

(b) Planting for open parking areas

Any #development# with open off-street parking areas with 10 spaces or more shall be subject to the tree planting and screening requirements of Section 107-483.

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### **107-323 - Substitution of other plant materials**

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LAST AMENDED  
9/9/1999

For any #development#, #site alteration# or #enlargement# which is required to provide trees in accordance with the provisions of paragraph (a) of Section 107-322, 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.

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### **107-33 - Preservation of Natural Features**

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LAST AMENDED  
8/12/2004

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.