Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
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119-20 - PROVISIONS REGULATING TIER II SITES

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119-20 - PROVISIONS REGULATING TIER II SITES

LAST AMENDED
2/2/2011

All #Tier II sites# shall be regulated by the provisions set forth in this Section. However, any #enlargement# on #Tier II sites# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#, shall be exempted from the provisions of Sections 119-211 (Lot coverage, floor area and density regulations), 119-213 (Grading controls) to 119-217 (Tier II controls during construction), inclusive, 119-22 (Tier II Submission Requirements), and 119-23 (Administration of Tier II Requirements).

119-21 - Tier II Requirements

LAST AMENDED
2/2/2011

119-211 - Lot coverage, floor area and density regulations

LAST AMENDED
12/5/2024

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable #floor area ratio# or #lot coverage# regulations of the applicable district. For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed

plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

The maximum permitted percentage of #lot coverage# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I

PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE

	#Residence District#						
#Average Percent of Slope#	R1	R2	R3	R4	R5	R6: 1-2 Family	R6: Other
10—14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15—19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20—24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 119-311, the maximum permitted percentage of #lot coverage# for said #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II

PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT OR PORTION OF A ZONING LOT WITH A STEEP SLOPE, BY ZONING DISTRICT AND RESIDENCE TYPE

#Residence District#						
R1	R2	R3	R4	R5	R6: 1-2 Family	R6: Other
12.5	12.5	12.5	20.0	25.0	27.0	18.0

However, the maximum permitted percentage of #lot coverage# on a #zoning lot#, as determined by Table I or Table II, shall not apply to any #development#, #enlargement# or #site alteration# that receives an authorization pursuant to Section 119-312 (Authorization of certain uses within the Special Hillsides Preservation District) and is located in a #Commercial District#.

119-212 - Height and setback regulations

LAST AMENDED
12/5/2024

The underlying height and setback regulations shall be modified by the provisions of this Section.

No portion of a #building or other structure# shall penetrate a plane drawn parallel to the #base plane# at a height that is shown in Table III of this Section. For #buildings# with pitched roofs, height shall be measured to the midpoint of such pitched roof. For the purposes of this Section, the #base plane#, which is a plane from which the height of a #building or other structure# is measured in R2X, R3, R4 and R5 Districts, shall also be established in accordance with the provisions of Section 12-10

(DEFINITIONS) for #buildings or other structures# in R1, R2 and R6 Districts.

TABLE III
MAXIMUM HEIGHT OF A BUILDING OR OTHER STRUCTURE

#Residence District# *	**Maximum Height above #Base Plane# (in feet)**
R1 R2 R3 R4	36
R4	45
R5	60
R6	70

* or #Residence District# equivalent when the #zoning lot# is located within a #Commercial District#

119-213 - Grading controls

LAST AMENDED
2/2/2011

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

(a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.

(b) Where two cut slopes intersect, the corners shall be rounded with a minimum radius of 25 feet.

(c) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.

(d) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Hillsides Preservation District#.

(e) Fills shall be compacted to at least 95 percent of maximum density, as determined by AASHTO T99 or ASTM D698.

(f) All retaining walls or cuts with a total vertical projection in excess of three feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.

(g) The edge of any cut or fill slope meeting the grade existing on June 30, 1987, should be blended into such grade in a vertical or horizontal arc with a radius of not less than 25 feet.

(h) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on June 30, 1987, should be rounded in a vertical arc with a radius of not less than five feet.

(i) Tops and toes of cut and fill slopes shall be set back from #lot lines# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from #buildings# and structures a horizontal distance of six feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet.

119-214 - Tier II requirements for driveways and private roads

LAST AMENDED
12/5/2024

The provisions set forth in this Section and Section 119-213 (Grading controls) shall apply to driveways and to #private roads# that provide access to #buildings# #developed# after December 11, 1999. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply. However, the provisions of Sections 26-23 (Yards), 26-31 (Entrances, Parking Location and Curb Cuts) and 26-32 (Lighting, Signage and Crosswalks) shall apply for #private roads# in #lower density growth management areas#.

(a) Driveways

(1) the maximum grade of a driveway shall not exceed 10 percent;

(2) the paved width of a driveway shall not exceed 18 feet; and

(3) the maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.

(b) #Private roads#

(1) the maximum grade of a #private road# shall not exceed 10 percent;

(2) the width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back;

(3) the paved width of a #private road# shall not exceed 30 feet;

(4) curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;

(5) a curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;

(6) curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;

(7) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;

(8) no building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the development for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section; and

(9) for the purposes of applying the #yard# regulations of Section 26-23, the curb of the #private road# shall be considered to be the #street line#.

The City Planning Commission may by authorization or special permit, as applicable, pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS), allow modifications to, or waivers of, the requirements of this Section. The approval of the Fire Department regarding the adequacy of vehicular access to and within the development for fire safety shall be a condition precedent for any modification or waiver.

119-215 - Landscaping controls to preserve trees, shrubs and ground cover

LAST AMENDED
2/2/2011

(a) In any #area of no disturbance#, existing vegetation and #topsoil# shall not be removed, except in accordance with a #tree protection plan# or as authorized by the City Planning Commission, pursuant to the provisions of Section 119-313 (Modification of landscaping, tree preservation and tree planting requirements).

(b) To the maximum extent possible, existing trees, shrubs and ground cover shall be retained. Vegetation may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

(1) it is located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking or within a distance of 15 feet of a #building# foundation and, provided that it is not practical to avoid such removal by adjustments in the arrangement of such #buildings#, #private roads#, driveways or required parking areas;

(2) the continued presence of the vegetation would interfere with the growth or health of trees of six-inch #caliper# or more designated for preservation and belonging to a species listed in Appendices A, B or C;

(3) the continued presence of the vegetation would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning or routine maintenance; or

(4) an authorization has been granted by the City Planning Commission under the provisions of Section 119-313 approving the removal of such vegetation.

(c) Any vegetation or #topsoil# that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# and is not permitted to be removed under paragraph (b) of this Section shall be replaced as follows: for every square foot of #lot area# of removed vegetation or #topsoil#, there shall be provided the following plantings of the size and number indicated in paragraphs (c)(1) through (c)(4) of this Section. The area of removed vegetation

shall be measured so as to include any portions of the #zoning lot# that were located within the #critical root zone# of a removed tree of six-inch #caliper# or more. Species of ground cover and shrubs shall be selected from Appendix A (Selection List for Ground Covers and Shrubs). Species of on-site trees shall be selected from Appendix B (Selection List for On-site Trees).

(1) Ground cover shall be planted one at one foot on center and at the rate of one plant for every square foot of #lot area# of removed vegetation; and

(2) Large trees shall be planted at the rate of one three-inch #caliper# tree for every 500 square feet of #lot area# of removed vegetation; or

(3) Small trees shall be planted at a rate of one eight-foot high tree for every 100 square feet of #lot area# of removed vegetation; or

(4) #Shrubs# shall be planted at a rate of one gallon container-grown material for every 25 square feet of #lot area# of removed vegetation.

119-216 - Tier II tree planting requirements

LAST AMENDED
2/2/2011

All #developments#, #enlargements# and #site alterations# on #Tier II sites# shall comply with the following tree planting requirements, whether or not existing vegetation is removed as a result of such #development#, #enlargement# or #site alteration#. However, the requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#.

On-site trees, 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, or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

For any existing tree of at least six-inch #caliper# that 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.

Single-trunk trees newly planted to meet this requirement shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees).

119-217 - Tier II controls during construction

LAST AMENDED
2/2/2011

The following requirements must be met during construction:

(a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15 foot limit infeasible or impractical.

(b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.

(c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Hillsides Preservation District#.

(d) The #staging area# shall be located in an area that would most minimize destruction of the natural features of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.

(e) #Topsoil# shall be used in the area to be revegetated as soon as construction is complete.

(f) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

119-22 - Tier II Submission Requirements

LAST AMENDED
12/5/2024

For all #developments#, #enlargements# or #site alterations# on #Tier II sites#, the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#. No building permit shall be issued until the Department of Buildings determines that the requirements of the #Special Hillsides Preservation District# have been met.

(a) A survey map prepared by a licensed surveyor showing topography at two-foot contour intervals and indicating the existing slope of the land as it occurs in categories of 10–14

percent, 15–19 percent, 20–24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#.

(b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of all understory, including shrubs and ground cover; and the location, #caliper# and species of individual trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating for the latter the #critical root zone#, the location of any other #area of no disturbance# and the location of the #staging area#.

(c) A grading plan that will show all existing and proposed contours at two-foot intervals, critical spot elevations, tops and bottoms of proposed slopes over 10 percent gradient and will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted.

(d) An alignment and paving plan for any #private road# with a typical cross-section.

(e) A landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation and #topsoil# removal required for site preparation and development and the location and species of all new plantings.

(f) A construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory shrubs and ground cover during

construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site. A #tree protection plan# for any tree proposed for preservation where the #area of no disturbance# is proposed to be modified.

(g) An affidavit prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer stipulating the following:

(1) prior to construction, no grading, filling, clearing or excavation of any kind shall be initiated until approval of a final grading plan by the Department of Buildings;

(2) no construction equipment of any kind shall pass over areas to be preserved, according to the approved plans;

(3) construction fences meeting the requirements of paragraph (b) of Section 119-217 shall be erected around all vegetation proposed for retention; and

(4) construction controls (erosion protection, drainage measures, etc.) shall be implemented according to the approved plan.

(h) A drainage plan and soil report prepared by a professional engineer to protect natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of any proposed #development#, #enlargement# or #site alteration# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.

119-23 - Administration of Tier II Requirements

LAST AMENDED
12/7/1999

All #developments#, #enlargements# or #site alterations# that are subject to the requirements of Section 119-22 (Tier II Submission Requirements) shall file directly with the Department of Buildings.

No permanent certificate of occupancy shall be granted unless an inspection report, verifying that the requirements of Section 119-20 have been met, is filed with the Department of Buildings by a registered landscape architect, registered architect, licensed surveyor or professional engineer.