



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **22-10 - USES PERMITTED AS-OF-RIGHT**

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## 22-10 - USES PERMITTED AS-OF-RIGHT

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LAST AMENDED  
12/15/1961

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### 22-11 - Use Group 1

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LAST AMENDED  
2/2/2011

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 1 consists of #single-family# #detached# #residences#.

A. #Residential uses#

#Single-family# #detached# #residence#

B. #Accessory# #uses#

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### 22-12 - Use Group 2

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LAST AMENDED  
3/22/2016

R3 R4 R5 R6 R7 R8 R9 R10

Use Group 2 consists of all other types of #residences#.

A. #Residential uses#

#Residences# of all kinds, including #apartment hotels# and #affordable independent residences for seniors# except that:

- (1) in R3A, R3X, R4A and R5A Districts, #residential uses# shall be limited to #single-# or #two-family# #detached# #residences# except that in R3A Districts #single-# or #two-family# #zero lot line buildings# are also permitted;
- (2) in R3-1 and R4-1 Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# #detached# or #semi-detached# except that in R4-1 Districts #single-# or #two-family# #zero lot line buildings# are also permitted;
- (3) in R4B Districts, #residential uses# shall be limited to #single-# or #two-family# #residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#.

B. #Accessory# #uses#

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### 22-13 - Use Group 3

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LAST AMENDED  
5/12/2021

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 3 consists of community facilities that:

- (1) may appropriately be located in #residential# areas to serve educational needs or to provide other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent industrial or general service #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

A. #Community facilities#

Colleges or universities<sup>1</sup>, including professional schools but excluding business colleges or trade schools

College or school student dormitories and fraternity or sorority student houses<sup>1</sup>

Libraries, museums or non-commercial art galleries

#Long-term care facilities#<sup>2,3,4</sup>

Monasteries, convents or novitiates, without restrictions as to use for living purposes or location in relation to other #uses#

#Non-profit hospital staff dwellings# located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto or would be contiguous but for its separation by a #street# or a #street# intersection

Philanthropic or non-profit institutions with sleeping accommodations<sup>5</sup>

#Schools#

B. #Accessory# #uses#

- <sup>1</sup> Not permitted in R1 or R2 Districts as-of-right
- <sup>2</sup> In R1 and R2 Districts, permitted only by special permit by the City Planning Commission pursuant to Section [74-901](#) (Long-term care facilities)
- <sup>3</sup> In Community District 11 in the Borough of the Bronx, Community District 8 in the Borough of Manhattan, and Community District 1 in the Borough of Staten Island, #developments# of nursing homes, as defined in the New York State Public Health Law, or #enlargements# of existing nursing homes that increase the existing #floor area# by 15,000 square feet or more, are permitted only by special permit by the City Planning Commission pursuant to Section [74-901](#) (Long-term care facilities). However, such special permit may not be applied to #developments# or #enlargements# that are subject to the restrictions set forth in Section [22-16](#) (Special Regulations for Nursing Homes)
- <sup>4</sup> In #high-risk flood zones#, as defined in Section [64-11](#) (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions), the #development# or #enlargement# of nursing homes and nursing home portions of continuing care retirement communities, as such facilities are defined in the New York State Public Health Law, are subject to the restrictions set forth in Section [22-16](#) (Special Regulations for Nursing Homes)
- <sup>5</sup> The number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, or, in R8, R9 or R10 Districts, 25,000 square feet,

whichever is greater

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## 22-14 - Use Group 4

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LAST AMENDED

12/6/2023

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas to provide recreational, religious, health and other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

### A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities<sup>1</sup>, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor

Clubs<sup>2</sup>, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

Community centers or settlement houses

Houses of worship, rectories or parish houses

Monasteries, convents or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on

December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# that is contiguous thereto or directly across the #street# on which such #buildings# face

Non-commercial recreation centers

#Non-profit hospital staff dwellings# restricted to location on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# immediately contiguous thereto

Non-profit or voluntary hospitals and related facilities, except animal hospitals

Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet, whichever is greater, except that in R1, R2, R3, R4, R5, R6 or R7 Districts, the amount of #floor area# used for central office purposes shall in no event exceed 25 percent of the total #floor area#

Proprietary hospitals and related facilities<sup>2</sup>, except animal hospitals

Seminaries

Welfare centers<sup>2</sup>

#### B. Open #uses#

Agricultural #uses#, including greenhouses, nurseries, or truck gardens, provided that no offensive odors or dust are created, and that there is no sale of products not produced on the same #zoning lot#

Cemeteries<sup>2</sup>

Golf courses

Outdoor tennis courts or ice skating rinks<sup>2</sup>, provided that all lighting shall be directed away from nearby #residences#

#Public parks# or playgrounds or private parks

Railroad or transit rights-of-way<sup>3</sup>

#### C. Special infrastructure

#Energy infrastructure equipment#, open or enclosed, provided that the total #lot area# occupied by such equipment does not exceed 10,000 square feet. Where multiple pieces of equipment are provided, the aggregate footprint of all such equipment shall not exceed 10,000 square feet. All #energy infrastructure equipment# shall be subject to the provisions of Section [26-60](#) (SPECIAL SCREENING AND ENCLOSURE PROVISIONS).

#### D. #Accessory# #uses#

<sup>1</sup> Not permitted in R1 or R2 Districts. In R3-1, R3A, R3X, R4-1, R4A or R4B Districts, such #use# shall be limited to a maximum of 1,500 square feet of #floor area#. However, in R3-1, R3A, R3X, R4-1 or R4A Districts in #lower density growth management areas#, ambulatory diagnostic or treatment health care facilities shall be limited, on any #zoning lot#, to 1,500 square feet of #floor area#, including #cellar# space, except that where a #zoning lot# contains a hospital, as defined in the New York State Hospital Code, or a #long-term care facility#, such 1,500 square feet restriction shall

not include #cellar# space

- 2 Not permitted in R1 or R2 Districts as-of-right
- 3 Use of #railroad or transit air space# is subject to the provisions of Section [22-41](#) (Air Space Over a Railroad or Transit Right-of-way or Yard)

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## 22-15 - Use Group 6C

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LAST AMENDED  
3/26/2014

R6 R7 R8 R9 R10

In the districts indicated, when located within Community District 1 in the Borough of Brooklyn, Use Group 6C, as set forth in Section [32-15](#) (Use Group 6), shall be limited to docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, and docks for water taxis, with a vessel capacity of up to 99 passengers, provided that such docks are certified by the Chairperson of the City Planning Commission, pursuant to Section [62-813](#) (Docking facilities for ferries or water taxis in certain waterfront areas). Vessel capacity is the U.S. Coast Guard-certified capacity of the largest vessel using a dock.

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## 22-16 - Special Regulations for Nursing Homes

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LAST AMENDED  
5/12/2021

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, the #development# of nursing homes and nursing home portions of continuing care retirement communities, as defined in the New York State Public Health Law, or the #enlargement# of an existing nursing home that increases such #floor area# by more than 15,000 square feet, shall not be permitted on any portion of a #zoning lot# that is located within the #high-risk flood zone#, as defined in Section [64-11](#) (Definitions), or within the areas set forth in APPENDIX K (Areas With Nursing Home Restrictions).

In addition, in Community Districts where #long-term care facilities# are allowed only by special permit pursuant to Section [74-901](#) (Long-term care facilities), such special permit may not be applied to #developments# or #enlargements# of nursing homes and nursing home portions of continuing care retirement communities located in the areas subject to the provisions of this Section.