

Zoning for Quality and Affordability

Summary of proposed changes to Article II, Chapter 2 – Use Regulations in Residence Districts

- The proposal removes obsolete terms such as sanitariums and nursing homes and replaces with current terminology used by New York State regulations for such facilities.
- Removes current certification requirement for nursing homes (which are described as “long-term care facilities” in the proposal).
- Creates discretionary actions to permit long-term care facilities in R1 and R2 districts.
- References to re-numbered or re-titled sections are updated. Other edits for general clarity are also included.

If you would have comments or questions on this draft, please send them to ahousing@planning.nyc.gov.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article II - Residence District Regulations

Chapter 2 Use Regulations

* * *

22-10 USES PERMITTED AS-OF-RIGHT

* * *

22-12 Use Group 2

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 ~~#non-profit residences for the elderly#~~
#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#.

Commented [DCP1]: Updating term. Replacing 'non-profit residences for the elderly' with "affordable independent residences for seniors".

#Residences# shall also include #rooming units# existing as of [date of adoption].

Commented [DCP2]: Clarifying how existing rooming units should be treated. New rooming units can no longer be constructed or created in Use Group 2 buildings.

B. #Accessory uses#

* * *

**22-13
Use Group 3**

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 universities¹, including professional schools but excluding business colleges or trade schools

College or school student dormitories and fraternity or sorority student houses¹

~~Domiciliary care facilities for adults^{2,2} under the jurisdiction of the New York State Board of Social Welfare which have secured certification by such agency~~

Commented [DCP3]: Removing obsolete term.

Libraries, museums or non-commercial art galleries

~~#Long-term care facilities#²~~

Commented [DCP4]: Replacing 'nursing home and health-related facilities' with updated term.

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

~~Nursing homes and health-related facilities² as defined in Section 10 NYCRR 700.2(a) of the New York State Hospital Code, each of which have secured certification by the appropriate governmental agency.~~

~~Nursing homes and health related facilities are not permitted within the boundaries of any Community District in which one or more of the conditions set forth in Section 22-42 (Certification of Certain Community Facility Uses) applies except by special permit as set forth in Section 74-90~~

Commented [DCP5]: Removing term and replacing with "long-term care facilities".

Philanthropic or non-profit institutions with sleeping accommodations³⁴

~~Sanitariums³~~

Commented [DCP6]: Removing obsolete term.

#Schools#

B. #Accessory uses#

¹ Not permitted in R1 or R2 Districts as-of-right

² ~~In R1 and R2 Districts, subject to the provisions of Section 22-42 (Long-Term Care Facilities).~~

Commented [DCP7]: Highlighting new discretionary actions for long-term care facilities in R1 and R2 districts.

³ ~~Permitted only by special permit by the City Planning Commission pursuant to Section 74-903~~

⁴ ~~Nursing homes, health related facilities, domiciliary care facilities for adults and sanitariums that are proprietary facilities are not permitted in R1 or R2 Districts~~

Commented [DCP8]: Removing and replacing with (2) above.

⁴¹ 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

* * *

22-14

Use Group 4

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#

* * *

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#

* * *

Railroad or transit rights-of-way³

* * *

³ Use of #railroad or transit air space# is subject to the provisions of Section 22-41 (Air Space over a Railroad or Transit Rights-of-Way Right-of-way or Yard)

Commented [DCP9]: Correcting incorrect section title.

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**22-20
USES PERMITTED BY SPECIAL PERMIT**

* * *

**22-22
By the City Planning Commission**

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

* * *

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Domiciliary care facilities for adults~~

Commented [DCP10]: Removing obsolete term.

* * *

R1 R2
#Long-term care facilities#, except as provided in Section 22-42 (Long-Term Care Facilities).

Commented [DCP11]: Adding reference to applicable CPC special permit for "long-term care facilities" in R1 and R2 districts.

* * *

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Nursing home and health related facilities in Community Districts in which the conditions set forth in Section 22-42 (Certification of Certain Community Facility Uses) apply. However, proprietary nursing homes, proprietary health related facilities and proprietary domiciliary care facilities for adults are not permitted in R1 and R2 Districts and the special permit provisions shall not apply to such facilities.

Commented [DCP12]: Removing obsolete term.

* * *

22-40

SUPPLEMENTARY USE REGULATIONS

* * *

22-42

Certification of Certain Community Facility Uses
Long-Term Care Facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

R1 R2

In all #Residence Districts#, for any nursing homes and health related facilities or #enlargement#, #extension# or change in #use# thereof, the City Planning Commission shall certify to the Department of Buildings, prior to the filing of any plans by the applicant for a building permit for such #use#, that none of the following conditions applies to the Community District within which such #use# or #enlargement#, #extension# or change in such #use# is to be located:

- (a) the ratio between the number of beds for such #uses# in existence, under construction or approved toward construction by the appropriate Federal or State governmental agency, to the population of the Community District compared to such ratio for other Community Districts shows a relative concentration of facilities covered in this Section in the affected district; or
- (b) a scarcity of land for general community purposes exists; or
- (c) the incidence of construction of facilities for the last three years warrants review over these facilities because they threaten to disrupt the land use balance in the community.

If the Commission finds that one or more of the conditions set forth in this Section applies to the Community District within which such #use# or #enlargement#, #extension# or change in such #use# is to be located, a special permit pursuant to Section 74-90 shall be required.

Commented [DCP13]: Removing certification requirement for nursing homes.

In the districts indicated, on the same or contiguous #zoning lots#, or on lots that would be contiguous but for their separation by a #street#, with a #lot area# of at least ten acres, the City Planning Commission may authorize #long-term care facilities#, provided that the permitted #floor area ratio# for such #use# shall not exceed that

permitted for #residential uses# under the applicable district regulations, and that no #building# on such #zoning lots# shall be located closer than 200 feet from the nearest #residence# on adjoining #zoning lots#.

In order to authorize such #long-term care facility#, the Commission shall find that:

- (a) the proposed facility, including the scale and placement of #buildings#, will not impair the essential character of the surrounding area; and
- (b) an adequate buffer exists between the proposed facility and nearby #residences#. In order to make such finding, the Commission shall consider proposed #building# access, orientation and landscaping.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

On #zoning lots# with a #lot area# of less than ten acres, and on #zoning lots# with a #lot area# of more than ten acres that do not meet the conditions for the City Planning Commission authorization specified in this Section, #long-term care facilities# are subject to the City Planning Commission special permit provisions of Section 74-901 (Long-term care facilities in R1 and R2 districts and certain commercial districts).

* * *

END

Commented [DCP14]: Adding new CPC authorization for long-term care facilities on large zoning lots in R1 and R2 districts. For other sites in R1 and R2 districts the CPC special permit in 74-901 will apply.