

9/9/04

22-13

Use Group 3

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 3 consists of community facilities which:

- (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, including professional schools but excluding business colleges or trade schools

\*College or school student dormitories and fraternity or sorority student houses

\*\*Domiciliary care facilities for adults under the jurisdiction of the New York State Board of Social Welfare which have secured certification by such agency.

Libraries, museums or non-commercial art galleries

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 facilities as defined in the New York State Hospital Code, each of which have secured certification by the appropriate governmental agency: sanitariums; and philanthropic or non-profit institutions with sleeping accommodations 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#; however, proprietary nursing homes, proprietary health-related facilities, proprietary domiciliary care facilities for adults and proprietary sanitariums are not permitted in R1 and R2 Districts.

Furthermore, nursing homes and health-related facilities are not permitted, except by special permit as set forth in Section 74-90, within the boundaries of any Community District designated by the City Planning Commission and Board of Estimate pursuant to Section 74-903 upon a finding that:

- (1) 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
- (2) a scarcity of land for general community purposes exists; or
- (3) 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.

#Schools#

B. #Accessory uses#

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- \* A #use# in Use Group 3, marked with an asterisk, is not permitted in R1 or R2 Districts as-of-right.
  - \*\* A #use# marked with a double asterisk is not permitted as-of-right and may only be permitted by special permit by the City Planning Commission and Board of Estimate pursuant to Section 74-904.

9/9/04

22-14

**Use Group 4**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities which:

- (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, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency 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, #physical culture or health establishments#, 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, 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#;
- (d) any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10

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 that 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, except animal hospitals

Seminaries

\*Welfare centers

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

Golf courses

\*Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential zoning lots#.

#Public parks# or playgrounds or private parks

\*\*Railroad or transit rights-of-way.

C. #Accessory uses#

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- \* A #use# in Use Group 4, marked with an asterisk, is not permitted in R1 or R2 Districts as-of-right.
  - \*\* Use of #railroad or transit air space# is subject to the provisions of Section 22-41 (Air Space over Railroad or Transit Rights-of-Way or Yard).
  - \*\*\* Not permitted in R1 or R2 Districts and, in R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, limited to a maximum of 1,500 square feet of #floor area#.

12/15/61

22-20

USES PERMITTED BY SPECIAL PERMIT

9/9/04

22-21

By the Board of Standards and Appeals