Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

42-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

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42-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

LAST AMENDED
6/6/2024

M1 M2 M3

Use Group VIII consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

(a) Section 42-181 (Use Group VIII – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 42-182 (Use Group VIII – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an "S" in the Use Group table;

(c) Section 42-183 (Use Group VIII – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a "P" in the Use Group table;

(d) Section 42-184 (Use Group VIII – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a "U" in the Use Group table;

(e) Section 42-185 (Use Group VIII – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with " " in the Use Group table; and

(f) Section 42-186 (Use Group VIII – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with "*" in the Use Group table.

The provisions of Sections 42-182, 42-183 and 42-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

42-181 - Use Group VIII – general use allowances

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The following table includes #uses# classified as Use Group VIII and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

USE GROUP VIII – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES				
? = Permitted ? = Permitted with limitations ? = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances				
Uses	**M1**	**M2**	**M3**	**PRC**
Amusement and Recreation Facilities				

#Amusement or recreation facilities#	? U	? U	? U	*
#Select entertainment facilities#	? U	? U	? U	*
#Outdoor amusement parks#	? S U	? S U	? S U	C
Art Galleries and Studios				
Art galleries	?	?	?	A2
Art, music, dancing or theatrical studios	?	?	?	A2
Production or entertainment studios	?	?	?	B1
Entertainment and Sporting Venues				
Arenas or auditoriums	? S	? S	? S	B1
Drive-in theaters	?	?	?	N/A
Racetracks	?	?	?	B1
Stadiums	? S U	? S U	? S U	B1
Theaters	?	?	?	B1
Other Assembly Spaces				

Banquet, function or reception halls	?	?	?	B1
Gaming facilities	? P	? P	? P	B1
Historical exhibits	?	?	?	B1
Meeting halls	?	?	?	B1
Non-commercial clubs	?	?	?	B1
Observation decks	? U	? U	? U	B1
Outdoor day camps	? U	? U	? U	G
Publicly accessible spaces	? U	? U	? U	N/A
Riding academies or stables	? P U	? P U	? P U	A4
Trade expositions	? S	? S	? S	B1

42-182 - Use Group VIII – uses subject to size limitations

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6/6/2024

For #uses# denoted with an “S” in Section 42-181 (Use Group VIII– general use allowances), the specific size limitations shall be as follows:#

(a) Outdoor amusement parks# in all #Manufacturing Districts# are limited to 10,000 square feet of #lot area#. However, in M1 Districts, such #use# may exceed a lot area of 10,000 square feet by special permit by the Board of Standards and Appeals, in accordance with Section 73-183 (Outdoor Amusement Parks).

(b) Arenas, auditoriums or stadiums in all #Manufacturing Districts# are limited to a maximum capacity of 2,500 seats and trade expositions are limited to a rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings. Such facilities may exceed a capacity of 2,500 seats or 2,500 persons by special permit of the City Planning Commission, in accordance with Section 74-182 (Arenas, auditoriums, stadiums or trade expositions).

42-183 - Use Group VIII – uses subject to additional conditions

LAST AMENDED
6/6/2024

For #uses# denoted with a “P” in Section 42-181 (Use Group VIII – general use allowances), the provisions of this Section shall apply.

(a) Gaming facilities shall be limited to those for which an application was submitted to the New York State Gaming Commission to develop and operate a gaming facility before June 30, 2025, pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on December 5, 2023, and operating under a gaming license issued by the Gaming

Commission. No other gaming facilities shall be permitted.

Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.

Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.

(b) In all #Manufacturing Districts#, riding academies or stables shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

42-184 - Use Group VIII – uses subject to open use allowances

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For #uses# denoted with a "U" in Section 42-181 (Use Group VIII – general use allowances), a #use# may be open or enclosed without restriction, except that stables in all #Manufacturing Districts# shall be enclosed.

42-185 - Use Group VIII – uses permitted by special permit

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6/6/2024

For #uses# denoted with “ ” in Section 42-181 (Use Group VIII – general use allowances), the following provisions shall apply:

(a) Drive-in theaters may be permitted in all #Manufacturing Districts# by special permit of the City Planning Commission as set forth in Section 74-183 (Drive-in theaters).

(b) Racetracks may be permitted in all #Manufacturing Districts# by special permit of the City Planning Commission, in accordance with Section 74-184 (Racetracks).

42-186 - Use Group VIII – additional provisions for parking requirement category

LAST AMENDED
6/6/2024

For permitted #uses# denoted with “*” for parking requirement category (PRC) in Section 42-181 (Use Group VIII – general use allowances), the following provisions shall apply. #Amusement or recreation facilities# or #select entertainment facilities# that are enclosed shall be classified as PRC B1. Such #uses# that are unenclosed shall be classified as PRC C.