Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

32-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

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32-18 - Use Group VIII – Recreation, Entertainment and Assembly Spaces

LAST AMENDED
6/6/2024

C1 C2 C3 C4 C5 C6 C7 C8

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 32-181 (Use Group VIII – general use allowances) which includes the compilation of #uses# in the Use Group table;

(b) Section 32-182 (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 32-183 (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 32-184 (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 32-185 (Use Group VIII – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with " " in the Use Group table; and

(f) Section 32-186 (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 32-182, 32-183 and 32-184, 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).

32-181 - Use Group VIII – general use allowances

LAST AMENDED
6/6/2024

The following table includes #uses# classified as Use Group VIII and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (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	**C1**	**C2**	**C3**	**C4**	**C5**	**C6**	**C7**	**C8**	**PR**
Amusement and Recreation Facilities									
#Amusement or recreation facilities#	? S P	? S P	?	?	?	?	? U	? U	*
#Select entertainment facilities#	? S	? S	?	?	?	?	? U	? U	*

#Outdoor amusement parks#	–	–	–	–	–	–	? S U	? S U	C
Art Galleries and Studios									
Art galleries	?	?	–	?	?	?	?	?	A
Art, music, dancing or theatrical studios	?	?	–	?	?	?	?	?	A
Production or entertainment studios	? S	? S	–	?	?	?	?	?	B
Entertainment and Sporting Venues									
Arenas or auditoriums	–	–	–	? S	? S	? S	? S	? S	B
Drive-in theaters	–	–	–	–	–	–	?	?	N/
Racetracks	–	–	–	–	–	–	–	?	B
Stadiums	–	–	–	? S U	? S U	? S U	? S U	? S U	B
Theaters	? P	? P	–	? P	? P	? P	?	? P	B
Other Assembly Spaces									
Banquet, function or reception halls	?	?	–	?	?	?	?	?	B

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

32-182 - Use Group VIII – uses subject to size limitations

LAST AMENDED
6/6/2024

For #uses# denoted with an “S” in Section 32-181 (Use Group VIII – general use allowances), the specific size limitations shall be as follows:

(a) #Amusement or recreation facilities# in C1 Districts that are #select commercial overlays# shall be limited to 3,000 square feet of #floor area# per establishment, in C1-5, C2-1, C2-2 and C2-3 Districts shall be limited to 5,000 square feet per establishment, and in other C1 or C2 Districts shall be limited to 10,000 square feet of #floor area# per establishment;

(b) #Select entertainment facilities# in C1 Districts that are #select commercial overlays# shall be limited to 3,000 square feet of #floor area# per establishment and in other C1 Districts and in C2 Districts shall be limited to 10,000 square feet of #floor area# per establishment;

(c) Production or entertainment studios in C1 or C2 Districts are limited to 10,000 square feet of #floor area# per establishment.

(d) #Outdoor amusement parks# in C7 or C8 Districts are limited to 10,000 square feet of #lot area#, except as permitted by special permit by the Board of Standards and Appeals, in accordance with Section 73-183 (Outdoor Amusement Parks).

(e) Arenas, auditoriums or stadiums in C4 through C8 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).

32-183 - Use Group VIII – uses subject to additional conditions

LAST AMENDED
12/5/2024

For #uses# denoted with a "P" in Section 32-181 (Use Group VIII – general use allowances), the following provisions shall apply:

(a) #Amusement or recreation facilities# located in #mixed buildings# in C1 or C2 Districts that are #select commercial overlays# shall be subject to the provisions of Section 42-41 (Performance Standards Regulations), inclusive, for an M1 District adjoining a #Residence District#;

(b) 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 area 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.

(c) Motion picture theaters, in a new or existing #building# in C1 or C2 Districts that are not #select commercial overlays#, C4-5, C4-6, C4-7, C4-8, C4-9, C4-11, C5, C6 and C8-4 Districts, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater in order to prevent obstruction of #street# areas. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture

theater.

(d) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

32-184 - Use Group VIII – uses subject to open use allowances

LAST AMENDED
6/6/2024

For #uses# denoted with a "U" in Section 32-181 (Use Group VIII – general use allowances), a #use# may be open or enclosed without restriction except that stables in C8 Districts shall be enclosed.

32-185 - Use Group VIII – uses permitted by special permit

LAST AMENDED
6/6/2024

For #uses# denoted with " " in Section 32-181 (Use Group VIII – general use allowances), the provisions of this Section shall apply.

(a) The following #uses# may be permitted by special permit of the Board of Standards and Appeals:

(1) Waterfront-oriented #amusement or recreation facilities# may be permitted in C3 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-182 (Outdoor Recreation and Amusement Facilities).

(2) Outdoor day camps may be permitted in C1 through C7 Districts by special permit of the Board of Standards and Appeals, in accordance with Section 73-184 (Outdoor day camps).

(3) Riding academies or stables may be permitted in C1 through C7 Districts, by special permit of the Board of Standards and Appeals in accordance with Section 73-185 (Riding academies or stables).

(b) The following #uses# may be permitted by special permit of the City Planning Commission:

(1) Drive-in theaters may be permitted in C7 or C8 Districts by special permit of the City Planning Commission, in accordance with Section 74-183 (Drive-in theaters).

(2) Racetracks may be permitted in C8 Districts by special permit of the City Planning Commission, in accordance with Section 74-184 (Racetracks).

32-186 - 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 32-181 (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.