

# **Zoning Resolution**

THE CITY OF NEW YORK

**CITY PLANNING COMMISSION** 

Eric Adams, Mayor

Daniel R. Garodnick, 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 <u>42-183</u> (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 "O" 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

S = Size restriction P = Additional conditions U = Open use allowances

Uses	M1	M2	М3	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	С		
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	0	0	0	N/A		
Racetracks	0	0	0	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	•	G
Publicly accessible spaces	• U	• U	• U	N/A
Riding academies or stables	• P U	• P U	• P U	A4
Trade expositions	• S	• S	• \$	B1

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

LAST AMENDED 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

LAST AMENDED 6/6/2024

For #uses# denoted with "O" 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.