

Gaming Facilities Text Amendment

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

Chapter 2 Use Regulations

* * *

32-10 USE ALLOWANCES

* * *

32-18 Use Group 8 – Recreation, Entertainment and Assembly Spaces

C1 C2 C3 C4 C5 C6 C7 C8

Use Group 8 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 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 32-182 (Use Group 8 – 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 8 – 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 8 – 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 8 – 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 “o” in the Use Group table; and
- (f) Section 32-186 (Use Group 8 – 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 8 – general use allowances

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

| USE GROUP 8 – 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 | PRC |
| Amusement and Recreation Facilities | | | | | | | | | |
| #Amusement or recreation facilities# | ● s | ● s | ○ | ● | ● | ● | ● U | ● U | * |
| #Outdoor amusement parks# | – | – | – | – | – | – | ● s U | ● s U | C |
| Art Galleries and Studios | | | | | | | | | |
| Art galleries | ● | ● | – | ● | ● | ● | ● | ● | * |
| Art, music, dancing or theatrical studios | ● | ● | – | ● | ● | ● | ● | ● | A2 |
| Production or entertainment studios | ● s | ● s | – | ● | ● | ● | ● | ● | B1 |

| Entertainment and Sporting Venues | | | | | | | | | |
|--------------------------------------|--------|--------|---|----------|----------|----------|----------|----------|-----------|
| Arenas or auditoriums | – | – | – | ● S | ● S | ● S | ● S | ● S | B1 |
| Drive-in theaters | – | – | – | – | – | – | ○ | ○ | N/A |
| Racetracks | – | – | – | – | – | – | – | ○ | B1 |
| Stadiums | – | – | – | ● S U | ● S U | ● S U | ● S U | ● S U | B1 |
| Theaters | ● P | ● P | – | ● P | ● P | ● P | ● | ● P | B1 |
| Other Assembly Spaces | | | | | | | | | |
| Banquet, function or reception halls | ● | ● | – | ● | ● | ● | ● | ● | B1 |
| <u>Gaming facilities</u> | – | – | – | ● P | ● P | ● P | ● P | ● P | <u>B1</u> |
| Historical exhibits | ● | ● | – | ● | ● | ● | ● | ● | B1 |
| Meeting halls | ● | ● | – | ● | ● | ● | ● | ● | B1 |
| Non-commercial clubs | ● | ● | ● | ● | ● | ● | ● | ● | * |
| 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/A |
| Riding academies or stables | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ● P U | A4 |
| Trade expositions | – | – | – | ● S | ● S | ● S | ● S | ● S | B1 |

* * *

32-183

Use Group 8 – uses subject to additional conditions

For #uses# denoted with a “P” in Section 32-181 (Use Group 8 – general use allowances), the following provisions shall apply:

(a) Motion picture theaters, in a new or existing #building# in C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, 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.

(b) Gaming facilities shall be limited to those operating under a gaming license issued by the New York State Gaming Commission pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on [date of text amendment referral]. 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.

(bc) 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.

* * *

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 2 Use Regulations

* * *

42-10 USE ALLOWANCES

* * *

42-18

Use Group 8 – Recreation, Entertainment and Assembly Spaces

M1 M2 M3

Use Group 8 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 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 42-182 (Use Group 8 – 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 8 – 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 8 – 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 8 – 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 8 – 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 8 – general use allowances

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

USE GROUP 8 – 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 | * |
| #Outdoor amusement parks# | ● S U | ● S U | ● S U | C |
| Art Galleries and Studios | | | | |
| Art galleries | ● | ● | ● | * |
| 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 |
| <u>Gaming facilities</u> | ● P | ● P | ● P | <u>B1</u> |
| Historical exhibits | ● | ● | ● | B1 |
| Meeting halls | ● | ● | ● | B1 |
| Non-commercial clubs | ● | ● | ● | * |

| | | | | |
|-----------------------------|----------|----------|----------|-----|
| 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 |

* * *

42-183
Use Group 8 – uses subject to additional conditions

For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the provisions of this Section shall apply.

For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the following provisions shall apply:

(a) Gaming facilities shall be limited to those operating under a gaming license issued by the New York State Gaming Commission pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on [date of text amendment referral]. 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.