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## [Proposed Zoning Changes Cut Remnants of Cabaret Law “Foot” Loose](#)

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Changes to zoning restrictions may enable more bars and restaurants to have live bands and dancing. Image Credit: CityLand/Cassidy Strong.

On Wednesday, June 1, Mayor Eric Adams [announced](#) his plans for three citywide zoning text amendments aimed to bolster small businesses, expand affordable housing, and reduce carbon usage in the interest of sustainability. The first of these, “Zoning for Economic Opportunity,” aims to remove red tape for small businesses and includes removing restrictions on dancing that survived the Cabaret Law’s repeal.

### **Cabaret Law History**

Enacted in 1926, the Cabaret Law was a product of Prohibition, intended to check locals and tourists who were “running wild” in the city’s nightlife venues. It required that all cabarets be licensed, and it restricted their hours of operation. A cabaret was defined as any business that combined live musical entertainment or dancing with the sale of food or drink. The process for acquiring a license was sometimes arduous, and it involved bargaining with local community boards; it quickly faced opposition from business owners and patrons. The City was accused of being discriminatory on the basis of race and class. It faced suits on multiple occasions arguing that the enforcement of the Cabaret Law was arbitrary and capricious. Nonetheless, the law remained in force after Prohibition had ended, with proponents arguing that regulation helped give community boards and the city greater safety and control over their neighborhoods.

## Cabaret Zoning Regulations

The introduction of cabaret licenses was complemented by zoning amendments that prohibited cabarets in all residential and certain commercial districts outright. Whereas the Cabaret Law restricted hours of operation and required licenses, the amendments restricted where in the city such businesses could open. When the city overhauled its zoning framework in the 1961 Zoning Resolution, these amendments were updated and reincorporated. By restricting cabarets to more central and commercial parts of the city, the Zoning Resolution hoped to reduce traffic and congestion elsewhere and to limit noise pollution in residential zones. But the realities of modern-day New York have changed, with an increase in mixed-use neighborhoods and in “popup” or “DIY” venues that aim to bring nightlife into laundromats, warehouses, and other unconventional settings.

## Cabaret Law Repeal and Call to Remove Cabaret Zoning Restrictions

In 2017, Council Member Rafael Espinal introduced legislation repealing the Cabaret Law, which passed in City Council by a vote of 44:1. Only Council Member Andrew Cohen, for the northeast Bronx, voted against, although representatives of Manhattan Community Board 5 came to speak in opposition at the hearing. The same year, in a law also introduced by Council Member Espinal, the NYC Office of Nightlife was formed to regulate nightlife venues in the Cabaret Law’s stead as part of the Mayor’s Office of Media and Entertainment.

In June 2021, the NYC Office of Nightlife issued its 2018-2021 report. It suggested that the city should pivot to an “agent of change” model that would require music and nightlife venues to adopt adequate soundproofing measures in the interest of reducing conflicts between neighbors. Following in August 2021, Council Member Keith Powers introduced a resolution aimed to cut down on restrictions and red tape—notwithstanding, of course, that establishments would continue to be subject to the Building Code, the Fire Code, and other applicable authorities.

COVID-19 has taken a heavy toll on nightlife venues in the city, and the City Council hoped to encourage revitalization by expanding options for new venues and for businesses already in zones that formerly prohibited dancing. Powers praised the mayor’s recent announcement, calling it “an end to outdated zoning that hurts our neighborhood restaurants and bars.” Powers isn’t alone. Andrew Rigie, executive director of New York City Hospitality alliance, “look[s] forward to working with Mayor Adams’ administration, Department of City Planning Director Dan Garodnick, and the City Council to get our city’s groove back.”

Although the zoning text amendments are still in development and will be drafted later this year, zones previously inhospitable to cabarets may see an increase in nightlife developments and attendant foot traffic. This opportunity for economic revitalization may be tested in whether it can integrate with existing community expectations. Community boards that relied on zoning laws to maintain quieter, residential neighborhoods may push back against this relaxation of restrictions. Florence Koulouris, District Manager of Queens Community Board 5 (Astoria), worries that further relaxation of zoning laws may encourage an influx of clubs and restaurants displacing small businesses and leaving upstairs residential tenants without recourse. “[They’re] changing the quality of life,” she says. “The city has to have rules.”

Since the Cabaret Law’s repeal, Astoria has already seen an increase in “bad neighbors.” These are risks similar to those posed by NYC’s adoption of a [permanent open streets program](#) just last year: what stimulates business may not have the best interests of residents at heart. But nearly 100 years after its enactment, five years after its repeal, the Cabaret Law is finally “foot” loosening its grip and it may be time to “kick off your Sunday shoes.”

*This article is part of CityLand’s ongoing [series](#) about the proposed zoning text amendments announced on June 1st by Mayor Adams.*

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