



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: June 3, 2020

Sponsored by Council Members: Scaringi, Resciniti, Riley, Friedman, Burns, Strawn, Scanlon

Introduced by Committee: Planning

ORDINANCE

entitled

AN ORDINANCE TO TEMPORARILY AMEND OR WAIVE CHAPTER 327, RIGHTS-OF-WAY, USE OF, ARTICLE II, OUTDOOR CAFÉ PERMITS CHAPTER 410, ZONING, SECTION 410-45, CATEGORIES OF REVIEW, AND THE FEE SCHEDULE FOR SITE PLAN REVIEW OF OUTDOOR SEATING

WHEREAS, the Governor of the State of New York has issued a series of Executive Orders related to the Covid-19 pandemic, including restrictions on restaurants and other food/drink services; and

WHEREAS, Phase Three of New York State's Re-opening Plan includes allowing restaurants and other food-service businesses to re-open for dine-in service with restrictions; and

WHEREAS, the City of Binghamton wishes to encourage outdoor dining to comply with New York State restrictions and social distancing; and

WHEREAS, the City regulates outdoor cafés on public property pursuant to Chapter 327, *RIGHTS-OF-WAY, USE OF, ARTICLE II, Outdoor Cafe Permits*, §§ 327-2A-M; and

WHEREAS, the City regulates outdoor seating on private property as part of site plan review, generally pursuant to Chapter 410, *Zoning*, §410-45, *Categories of Review*, B. *Administrative Planning Review and Approval*, for projects of less than 4,000 square feet; and

WHEREAS, the City wishes to streamline the outdoor café and outdoor seating application process to assist restaurants and other food/drink services.

NOW THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That Outdoor Café Permit fees, § 327-2E, are waived.

Section 2. That the Mayor, or his designee, and the Director of Planning, Housing, and Community Development, or her designee, may jointly amend or waive the Hours and Months of Operations, Area Requirements, Permit Approval Procedure, Site Plan Design Standards, Terms and Conditions, and such other sections of Article II to provide for a streamlined café application permit process.

Section 3. That the fee for site plan review, as provided in Appendix C of the 2020 budget, is waived for outdoor seating applications.

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Section 4. That all applications for outdoor seating on private property shall qualify for Administrative Planning Review and Approval, even if the application exceeds 4,000 square feet.

Section 5. That nothing herein will be considered to allow for a waiver of (i) New York State Executive Orders or other laws, (ii) New York State Liquor Authority requirements, including any necessary extension of premises permit, (iii) Americans with Disabilities (ADA) Act, and (iv) City of Binghamton insurance requirements, where applicable.

Section 6. That this Ordinance shall become effective immediately and shall cease at the same time New York State removes any special restrictions on restaurants and other food/drink services related to the Covid-19 pandemic.

Introductory No. 020-50

Permanent No. 020-49

Sponsored by City Council Members:
Scaringi, Resciniti, Riley, Friedman, Burrs, Strawn,
Scanlon

AN ORDINANCE TO TEMPORARILY AMEND
OR WAIVE CHAPTER 327, RIGHTS-OF-WAY,
USE OF, ARTICLE II, OUTDOOR CAFÉ PERMITS
CHAPTER 410, ZONING, SECTION 410.45,
CATEGORIES OF REVIEW, AND THE FEE
SCHEDULE FOR SITE PLAN REVIEW OF
OUTDOOR SEATING

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date 6/3/2020

City Clerk Justina E. McGem

Date Presented to Mayor 6/4/2020

Date Approved 6/4/2020

Mayor [Signature]

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burrs	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Total	7	0	0	0

Code of the City of Binghamton

Adopted Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 6/3/2020. Approved by the Mayor on 6/4/2020.

[Signature]