



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

Date: March 23, 2022

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

Introduced by Committee: Planning

ORDINANCE

entitled

AN ORDINANCE TO EXTEND PERMANENT ORDINANCE 20-49 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, pursuant to Permanent Ordinance 20-49, dated June 3, 2020, City Council temporarily amended or waived Chapter 327, *Rights-Of-Way, Use of, Article II, Outdoor Café Permits* §327-2A-M and Chapter 410, *Zoning, §410-45, Categories of Review, B. Administrative Planning Review and Approval* due to the Executive Orders related to the Covid-19 pandemic issued by the Governor of the State of New York; and

WHEREAS, the City wishes to extend Permanent Ordinance 20-49 in accordance with New York State.

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, §327-2.E, 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 2022 budget, is waived for outdoor seating applications.

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,

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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.

Introductory No. 022-47

Permanent No. 022-47

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

AN ORDINANCE TO EXTEND PERMANENT
ORDINANCE 20-49 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 3/23/22

City Clerk Stephan G. Rogers

Date Presented to Mayor

3/24/22

Date Approved

Mayor [Signature]

| | Ayes | Nays | Abstain | Absent |
|------------------------|----------|----------|----------|----------|
| Councilman Scaringi | ✓ | | | |
| Councilwoman Resciniti | ✓ | | | |
| Councilwoman Riley | ✓ | | | |
| Councilwoman Friedman | ✓ | | | |
| Councilman Burns | ✓ | | | |
| Councilman Scanlon | ✓ | | | |
| Councilman Strawn | ✓ | | | |
| 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 3/23/22. Approved
by the Mayor on 3/24/22.

[Signature]