



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

14-10 - ENCLOSED SIDEWALK CAFES

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14-10 - ENCLOSED SIDEWALK CAFES

LAST AMENDED
5/5/2004

14-11 - Locational Criteria for Enclosed Sidewalk Cafes

LAST AMENDED
2/2/2011

The regulations of this Section, governing clear path, clearance at intersection of #streets#, clearance from large obstructions and minimum distance between two cafes shall apply to all #enclosed sidewalk cafes#.

(a) Clear path

There shall be a minimum of 8 feet, 0 inches clear distance or 50 percent of the sidewalk width, whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement.

The minimum distance shall be measured from the portion of the #enclosed sidewalk cafe# frontage that is nearest either the curb line or the nearest obstruction. In no event may recesses in the #enclosed sidewalk cafe# frontage be used to satisfy this unobstructed width requirement, except that the corners of the #enclosed sidewalk cafe# may be rounded or mitered. A clearance of 8 feet, 0 inches shall be maintained around the corners of #enclosed sidewalk cafes#, measured in radius.

For the purpose of the minimum clear path, but not the clearance from corners of #enclosed sidewalk cafes#, parking meters, traffic signs, and trees that have gratings flush to grade, without fences or guards, shall not count as obstructions

In the case of a #street# for which a mall plan or other special plan has been adopted, the clear path requirements pursuant to this Section shall be deemed satisfied if there is not less than an 8 feet, 0 inches clear path.

(b) Clearance at intersections of street line

There shall be a minimum of 9 feet, 0 inches clearance, free of all obstructions with no exception, measured from the outer edge of the #enclosed sidewalk cafe# to the curbside obstacle. The corner of the #enclosed sidewalk cafe# wall may be rounded or mitered. Such distance shall be measured from the outer edge of the #enclosed sidewalk cafe# to either the curb line or the nearest obstruction.

(c) Clearance from large obstructions

All #enclosed sidewalk cafes# shall be a minimum of 15 feet from large obstructions. For the purposes of this Section, large obstructions shall be bus stop shelters, newsstands, subway entrances or any other object greater than 15 square feet in area. The closed end of a subway entrance located along the #front lot line# may #abut# an #enclosed sidewalk cafe#.

(d) Minimum distance between enclosed sidewalk cafes

There shall be a minimum distance of 40 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor #commercial# #use#, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

There shall be a minimum distance of 15 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance

to a ground floor non-commercial use, or a use located above or below the ground floor, other than an entrance to the eating or drinking place associated with either an enclosed sidewalk cafe, is located between them.

14-12 - Physical Criteria for Enclosed Sidewalk Cafes

LAST AMENDED

5/5/2004

14-121 - Structural requirements for enclosed sidewalk cafes

LAST AMENDED

5/5/2004

The regulations of this Section governing certain structural and operational requirements shall apply to all enclosed sidewalk cafes.

(a) Ceiling

The ceiling of an enclosed sidewalk cafe shall be of incombustible materials, including colored or colorless safety glass or fabric which has been treated to be fire resistant as approved by the Department of Buildings.

At no point shall the height of the ceiling of an enclosed sidewalk cafe be lower than 7 feet, 0 inches above the floor of the sidewalk cafe.

(b) Transparency — exterior walls

An enclosed sidewalk cafe may provide a base wall of opaque material up to a maximum height of 12 inches from the finished floor level. The base wall shall include any horizontal structural members that support transparent materials above.

All enclosing walls, doors and windows, except for the structural members, above finished floor level or base wall as provided in this Section, up to a height of 7 feet, 0 inches above finished floor level, must be of colorless, untinted, non-reflective, transparent material, as approved by the Department of Buildings. In order to maximize transparency, the horizontal as well as vertical structural members shall not be sized more than 10 inches wide.

At least 50 percent of the walls, up to a height of 7 feet, 0 inches above finished floor level, shall consist of operable transparent windows.

(c) Elevation

The enclosed sidewalk cafe floor shall not be more than seven inches above the level of the adjoining sidewalk.

In the event of a major grade change, however, the City Planning Commission may, by certification, permit the floor level to be more than seven inches above the level of the adjoining sidewalk.

(d) Designated boundaries

No portion of enclosed sidewalk cafes, such as doors, windows, walls or any objects placed within an enclosed sidewalk cafe, shall swing or project beyond the designated exterior perimeter of the enclosed sidewalk cafe. However, fire exit doors that are used exclusively as emergency fire exit doors shall be exempt from this provision.

(e) Fixtures

The furnishings of the interior of an #enclosed sidewalk cafe# shall consist solely of moveable tables, chairs and decorative accessories. No objects, except lighting fixtures and HVAC installations, may be permanently affixed onto any portion of the wall of the #enclosed sidewalk cafe#. In no event shall such objects penetrate the exterior perimeter of the wall or the roof of the #enclosed sidewalk cafe# or impede the transparency as required by this Chapter. The exhaust for such HVAC installations on the adjacent walls shall not be less than 10 feet above #curb level#.

(f) Refuse storage area

No structure or enclosure to accommodate the storage of garbage may be erected or placed adjacent to or separate from the #enclosed sidewalk cafe# on the public right-of-way.

14-122 - Access for persons with physical disabilities

LAST AMENDED
5/5/2004

An #enclosed sidewalk cafe# or its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the #enclosed sidewalk cafe# shall be accessible to persons with disabilities from the interior of the restaurant.

In order to ensure access for persons with physical disabilities:

- (a) at least one door leading into the #enclosed sidewalk cafe# or restaurant from the adjoining sidewalk shall be not less than three feet wide, clear; and
- (b) a ramp with non-skid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than 1 in 12, shall be provided. Such ramp may be of portable type for #enclosed sidewalk cafes# that are six feet wide or less, except if such #sidewalk cafe# is at least 180 square feet in area.

14-123 - Signage

LAST AMENDED
5/5/2004

No #signs# are permitted on an #enclosed sidewalk cafe#, except that the name and type of establishment may be placed upon the glass wall but shall not obscure the required transparency.

14-124 - Music and noise amplification

LAST AMENDED
5/5/2004

Musical instruments or sound reproduction devices shall not be operated or used within an #enclosed sidewalk cafe# for any purpose.

14-13 - Special Permit Modifications of Locational or Physical Criteria for Enclosed Sidewalk Cafes

In all #Commercial Districts# or #Manufacturing Districts#, where #enclosed sidewalk cafes# are permitted in accordance with the provisions of this Chapter, the City Planning Commission may permit, upon application, modifications to the locational or physical criteria regulations for #enclosed sidewalk cafes#, except that there shall be no modification of Sections [14-41](#) (Locations Where Certain Sidewalk Cafes Are Not Permitted), [14-42](#) (Locations Where Enclosed Sidewalk Cafes Are Not Permitted), [14-44](#) (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted) and [14-45](#) (Street Malls Where Certain Sidewalk Cafes Are Permitted), provided the Commission finds that:

- (a) the #enclosed sidewalk cafe# is developed consistent with the general purposes and objectives of this Chapter;
- (b) any proposed modification to the requirements of this Chapter will result in good overall design and enhance the general character of the #street# and the neighborhood;
- (c) any proposed modifications to the requirements of this Chapter will not cause a serious adverse effect on pedestrian traffic;
- (d) the restaurant or #enclosed sidewalk cafe# provides access for persons with disabilities;
- (e) where a proposed #enclosed sidewalk cafe# is located between two existing stoops, it will not project beyond the stoops;
and
- (f) modifications to the provisions of paragraph (a) of Section [14-11](#) (Locational Criteria for Enclosed Sidewalk Cafes) shall be limited to the minimum clear path for a proposed #enclosed sidewalk cafe# that would be located on a #street# with a special pedestrian plan.