Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

91-82 - Amenities Within Public Access Areas

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91-82 - Amenities Within Public Access Areas

LAST AMENDED
6/21/2016

The provisions of Article III, Chapter 7 restricting the placement of tables, chairs, shade umbrellas and heating lamps within a #publicly accessible open area# or #arcade# shall be modified by the provisions of this Section. The placement of tables, chairs, shade umbrellas or heating lamps in accordance with the provisions of this Section, inclusive, shall not constitute a design change pursuant to the provisions of Sections 37-625 or 91-837.

Publicly accessible tables and chairs, as well as shade umbrellas and heating lamps, shall be permitted obstructions within a #publicly accessible open area# or #arcade#, provided that such obstructions comply with the provisions of Section 91-822 (Requirements for furnishings), as applicable. Tables, chairs, shade umbrellas and heating lamps provided pursuant to this Section may be used by the public without restriction. Outdoor cafes may be placed within an #arcade# by certification pursuant to Section 91-821 (Certification for outdoor cafes within arcades).

91-821 - Certification for outdoor cafes within arcades

LAST AMENDED
6/21/2016

An outdoor cafe may be permitted within an #arcade# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that, in addition to the provisions of this Section, the provisions of Section 91-822 (Requirements for furnishings) are met. An outdoor cafe that is permitted by this Section shall be a permanently unenclosed restaurant or eating or

drinking place, which may have waiter or table service.

No portion of an outdoor cafe that is permitted by this Section may extend into a #publicly accessible open area# except where an open air cafe has been permitted by a certification pursuant to Section 37-73 (Kiosks and Open Air Cafes).

In order to certify that the proposed modification to an existing #arcade# is consistent with the provisions of this Section, the applicant shall submit to the Chairperson a site plan and other detailed plans demonstrating that the proposed obstructions within the existing #arcade# and, where applicable, pursuant to paragraph (a)(2) of Section 91-822, the adjacent #publicly accessible open area#, will comply with the provisions of this Section. The placement of publicly accessible tables and chairs within a #publicly accessible open area# pursuant to paragraph (a)(2) of Section 91-822 shall not constitute a design change pursuant to the provisions of Section 37-625.

All plans for #arcades# or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section shall be filed and duly recorded in the Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument, in a form satisfactory to the Chairperson, providing notice of the certification of the #arcade#, pursuant to this Section. The filing and recording of such instrument shall be a precondition to certification. The filing and recording information shall be included on any temporary or final certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

91-822 - Requirements for furnishings

LAST AMENDED
6/21/2016

The following provisions shall apply to all furnishings, including tables, chairs, shade umbrellas and heating lamps, permitted by Section 91-82 (Amenities Within Public Access Areas) and Section 91-

821 (Certification for outdoor cafes within arcades).

(a) Size, location and other requirements

(1) Requirements for all furnishings

All furnishings shall be moveable. Permanent fixtures may be installed in the ground of a #publicly accessible open area# or #arcade# for the purposes of supporting shade umbrellas or heating lamps provided that such fixtures are flush-to-grade.

No furnishings shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths.

(2) Additional requirements for outdoor cafes located within #arcades#

Where an outdoor cafe is provided pursuant to Section 91-821, a minimum of four tables and 16 chairs shall be provided and made available to the public without restriction, which may be located within an #arcade# or within a #publicly accessible open area# and shall be outside of the permitted cafe boundary.

Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that they may be located no more than six inches below or on a platform no more than six inches above such adjoining sidewalk area or #publicly accessible open area#. The border of the outdoor cafe shall be permanently marked in accordance with the applicable standards for open air cafes set forth in paragraph (b) of Section 37-73.

Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the #arcade#, adjacent sidewalks or #publicly accessible

open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.

Litter receptacles shall be provided in accordance with the standards for #public plazas# set forth in Section 37-744.

(3) Circulation requirements for outdoor cafes located within #arcades#

For #arcades# with a depth of 10 feet or less, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, an unobstructed path not less than three feet wide shall be provided. For #arcades# with a depth greater than 10 feet, as measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#, such unobstructed pedestrian way shall be increased to at least six feet. For #through block arcades#, an unobstructed pedestrian way, except for approved doorways, of at least eight feet shall be provided connecting each #street# on which the #through block arcade# fronts.

(b) Operation

(1) Requirements for all tables and chairs

Except as otherwise provided in paragraph (b)(2) of this Section, tables, chairs, shade umbrellas and heating lamps may be stored or secured within an #arcade# between the hours of 9:00 p.m. and 7:00 a.m., but may not be stored or secured within a #publicly accessible open area#.

(2) Additional requirements for outdoor cafes located within #arcades#

Publicly accessible tables and chairs that are required by paragraph (a)(2) of this Section may not be removed or secured while the cafe is in active use.

All furnishings within the boundary of an outdoor cafe, including tables, chairs, shade umbrellas, bussing stations and heating lamps, shall be completely removed from the #arcade# when the outdoor cafe is not in active use, except that tables and chairs may remain in such #arcade# if they are unsecured and may be used by the public without restriction.