

GENERAL ORDINANCE NO.11-2023

BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

A GENERAL ORDINANCE AMENDING CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, ENTITLED “ZONING” WITH REGARD TO OUTDOOR DINING

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1. Chapter 43 of the Code of the City of Yonkers entitled “Zoning” is hereby amended in part by amending Article VI, §43-43 entitled “Supplemental regulations for certain accessory nonresidential uses and structures” to read as follows:

43-43 (K) Outdoor dining.

A Permanent Outdoor Dining Installations

- (1) Outdoor dining areas shall only be permitted in conjunction with a permitted restaurant.
- (2) The area used for outdoor dining shall be set back at least 10 feet from any road, driveway or parking area and 20 feet from any residential zone boundary or the property line of an adjacent residential use.
- (3) The outdoor dining area may be located in the front yard ~~or on the sidewalk of a public street~~, but, where located in any side or rear yard adjacent to a residential zone boundary or residential use, shall maintain an all season evergreen buffer and fence to a height of no less than six feet.
- (4) No outdoor entertainment, music or public address system, nor any other forms of noise generation, shall be permitted within the outdoor dining area.
- (5) No outdoor dining shall be permitted after 11:00 p.m.
- (6) In computing the number of off-street parking spaces required for restaurants with outdoor dining areas, the outdoor dining area and its seating capacity shall be included, except that where such outdoor seating represents a relocation of indoor seating such that there will be no increase in the overall seating capacity of the restaurant, such areas shall not be included.
- (7) No exterior lighting which illuminates beyond the boundaries of the property in excess of 1/2 footcandle shall be permitted.
- (8) Outdoor dining installations shall be subject to Site Plan review by the Yonkers Planning Board as required by Section 43-42 (E).

GENERAL ORDINANCE NO.11-2023 (CONTINUED)

B. Seasonal Outdoor Dining

1. Seasonal outdoor dining shall be permitted from April 1 to November 1.
2. Seasonal Outdoor dining areas shall only be permitted in conjunction with a permitted restaurant on the same lot or parcel as the restaurant.
3. No permanent installation of fixtures, tables, barriers or the like shall be permitted. All such appurtenances shall be removed no later than November 15 of each year.
4. The seasonal outdoor dining area may use no more than twenty (20%) percent of any existing parking spaces on the same lot or parcel as the permitted restaurant.
 - a. Barricades, fences, landscaping or any other means to separate the dining area from the remaining parking shall be located within the twenty (20) percent reduction parking space area.
 - b. Dining area shall not impede safe use of the remaining parking area.
 - c. Dining area shall not be located within twenty (20) feet of the entry driveway to the parking area to allow safe access and egress to the parking area.
5. The area used for outdoor dining shall be set back 10 feet from any residential zone boundary or the property line of an adjacent residential use.
6. The outdoor dining area may be located in the front yard but, shall maintain either a five (5) foot distance between the sidewalk and any table or a barrier between the seating and the public sidewalk so as to not impede pedestrian travel on the sidewalk. The outdoor dining area shall not block any points of ingress or egress to the building.
7. No outdoor entertainment, music or public address system, nor any other forms of noise generation, shall be permitted within the outdoor dining area.
8. No outdoor dining shall be permitted after 11:00 p.m.
9. No exterior lighting which illuminates beyond the boundaries of the property in excess of 0.5 footcandle shall be permitted.
10. Outdoor dining installations shall be subject to Site Plan review by the Yonkers Planning Board as required by Section 43-42 (E).

GENERAL ORDINANCE NO. 11-2023 (CONTINUED)

Section 2. This General Ordinance shall take effect upon compliance with §C4-6 of the Charter of the City of Yonkers and the provisions of the Municipal Home Rule Law of the State of New York.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, MAY 23, 2023. BY A VOTE OF 7-0.

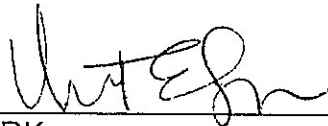

COUNCIL PRESIDENT

5/24/2023
DATE

SENT TO MAYOR 5/24/2023
DATE


MAYOR

APPROVED 6/1/23
DATE

ATTEST: 
CITY CLERK

6/6/23
DATE