

2019 Business-friendly Zoning Update

The City of Binghamton's Zoning Ordinance regulates land use, construction, and site development in the City in order to protect its diverse neighborhoods, quality of life, the environment, and property values. The last major revision to the zoning ordinance occurred in 2011, and while it greatly improved the zoning ordinance, it fell short in many areas. The following revision streamlines the review process for new businesses and developments and reduces burdensome regulations, while at the same time preserving and enhancing Binghamton's character and environment.

The key changes are as follows, in order of chapter article:

Article II: Definitions

- Definitions have been updated to reflect changes throughout code. Language has also been clarified where necessary.
- Redundancies have been combined into existing definitions or eliminated as appropriate.

Article IV: General Regulations

Article IV outlines general regulations and standards regarding certain land uses. The majority of the proposed changes to this section relate to accessory uses.

Key changes:

- Makes regulations for accessory buildings and uses more clear and concise.
- Consolidate all accessory use regulations into this one section. Currently, conditions related to accessory uses are scattered throughout various articles of the ordinance (410-19, 410-29 and 410-34).
- Create clear standards for home occupations, which will retain the integrity of residential neighborhoods while making larger homes more feasible for investment and reuse. This is supported by the comprehensive plan (Land Use and Zoning 2.4)
- Clarify fencing regulations

Articles VI and VII: Updates to allowable land uses

The Land Use Plan in Blueprint Binghamton calls for updating codes and procedures and encouraging new uses in commercial areas, among other goals. In particular, the plan recommends (Land Use 1.4) the study of current land uses allowed by the Zoning Code and the overall simplification. We are doing that by making changes to allowable land uses that accomplish the following:

- Protecting residential areas.
- Creating clear standards (conditions) for home occupations, which will retain the integrity of residential neighborhoods (when tied with Article IV). This makes owner-occupancy of larger homes more viable for purchase and occupancy. This is supported by the comprehensive plan (Land Use 2.4)
- Allowing institutional uses (community and public facilities) in the R-3 district with Planning Commission review.
- Streamlining approval for desirable commercial and industrial activities (when combined with changes to approval process in Article IX)

- Preserving the integrity of downtown by limiting certain uses and encouraging new ones (Land Use Goal 3)
- Eliminating pyramidal zoning (Land Use 1.4)
- Adding more allowable uses (office, food and beverage production, etc.) in Charles St Business Park to allow greater development potential (Land Use 3.1)
- Allowing light industrial (small-scale production) and research and development in the C-1 and C-2 (Land use 4.3)

Article VIII: Site Plan Review Updates

Article VIII, formerly “Series A Site Plan Requirements,” has been renamed “Planning Commission Review and Approval Requirements,” and the site plan review process has been streamlined.

Key changes include:

- Clearly defining the type and level of review required for all actions.
- Added language to clearly define when Planning Staff can/should send applications to the Planning Commission for more intensive review

Article IX: Site Plan Review and Approval Changes

The level of review that certain land uses and development actions require is determined by Article IX of the Zoning Ordinance. Aside from being overly restrictive and not business-friendly, it is difficult to interpret and, in certain cases, contradictory.

The changes below are intended to ease regulation and streamline the planning process, as well as to clarify the code and make it easier for developers, business owners, and property owners to understand.

Key changes include:

- Simplifying categories of review. Instead of “Series A Site Plan Review,” “Series A Site Plan Review Exception,” and “Exception,” we propose having “Planning Commission Review and Approval” and “Administrative Planning Review and Approval.”
- Clarifying what level of review applies to what actions. Planning Commission Review and Approval will be required for all new construction and uses that require a special use permit. Administrative Planning Review and Approval will be required for all uses permitted by right, not involving new construction, and totaling less than 4,000sf in gross floor area. Any new businesses not involving a change of use will be completely exempt from planning review.
- Expanding the Planning Commission’s existing authority to modify bulk requirements. In other words, the bulk regulations will be more flexible. This will reduce the number of variances required for development projects, reducing the time and expense for applicants and conserving staff resources. Additionally, removal of Planning Department’s ability to modify bulk requirements.
- Simplifying language and eliminating redundancies.

Article X: Off-Street Parking, Loading and Storage Updates

The City of Binghamton’s Comprehensive Plan, Blueprint Binghamton, and the more recently commissioned Downtown Parking Study call for updates to the City’s parking regulations. Our existing parking regulations as written are outdated, require excessive amounts of surface parking (resulting in stormwater problems), and are long and complex, which can be difficult for developers and property owners to understand.

Key changes are:

- Residential parking requirements are based on number of bedrooms rather than number of units to better address high-density residential units. Furthermore, parking requirements will no longer be waived for residential units with 5 or more bedrooms in the Downtown Business District and on-site parking will be required for all new dwelling units containing 5 or more bedrooms.
- Parking requirements are standardized based on gross floor area in most cases, simplifying the calculation of requirements. Many existing parking requirements are functionally impossible to calculate.
- Dimensional parking requirements have been updated to meet industry design standards.
- Parking requirements have been updated to reflect the current recommendations from the Institute of Traffic Engineers (ITE) and Urban Land Institute (ULI) standards. Our current requirements are predominantly based on pre-1990 standards.
- Parking requirements are standardized for similar uses, which allows developers to understand the rationale for parking requirements more readily. (Blueprint Binghamton Land Use 1.4)
- Formal parking requirements for existing non-residential structures start at 4000 square feet rather than 2500. This will encourage the development of underutilized commercial space in existing buildings along commercial corridors where space is limited. (Blueprint Binghamton Land Use 3.3 and 3.4)
- Landscaping requirements have been modified to make them easier to apply. This should reduce variances for landscaping requirements. (Blueprint Binghamton Land Use 5.2, Transportation 2.5)
- Bicycle parking requirements as written were well intentioned, but resulted in an unrealistic requirement for larger parking lots. The requirements have been reduced and clear design standards have been added. The new design standards are modified from the Association of Pedestrian and Bicycle Professionals design standards.

Article XI: Sign Regulations

- Change to “Static LED Display” in response to numerous approved variances and changing industry standards. LED displays are commonly integrated into new signs and 1/3 of the sign face is an amount that would not wholly change the nature of the sign, but would allow applicants more leeway with design.
- Minor change to abandoned signage, which makes it expressly clear that any nonconforming signage must be removed when a business is vacated.

Zoning Officer Changes (Articles IV, V, XI, XIII, XV)

- Changed language throughout the code noting the Zoning Officer’s duties for administration and enforcement.
- The Supervisor of Building and Construction was noted for much enforcement throughout the code, when it has in practice been carried out by the Zoning Officer.
- Zoning Officer given limited discretion/ interpretation that was formerly given to the Supervisor of Building and Construction.