

Is Citywide Upzoning A Solution To Binghamton's Housing Crisis?

A Closer Look At RL 24-162



RL Number: 24-102 Date Submitted: 8/14/24

Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

Applicant Presenting RL at Work Session

Tito Martinez Assistant Dir. of Planning (607) 772-7028
(Name) (Title) (Phone number)

Additional Presenters:

Sarah Glose

To Be Completed By Applicant

Proposed Title:

An Ordinance amending Chapter 410 Zoning to facilitate the construction of new housing

Executive Summary (Explain why legislation is necessary):

See attached for details.

Effective Date (if applicable):

Budget transfer or amendment: RL Budget Transfer Worksheet must be attached w/ Department Head signature.
RL related to a grant: RL Grant Worksheet must be attached.

RL related to previously adopted legislation: Perm. Number: Adoption Date:

Contract: Person/Company: Total Cost: \$0.00

Funds available in Budget Line: \$ 0.00 Title:

Public Hearing required? Yes Not Applicable SEQRA required? Yes Not Applicable

Additional information related to this RL attached? Yes No

Expedition requested for this RL? Yes No

Please explain why expedition is necessary:

For Internal Use Only
Mayor: [Signature] Controllor: [Signature] Corp. Counsel: [Signature]
REV 2024.06.06

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City of Binghamton Planning Department

PRO-HOUSING LEGISLATION

Bulk Requirements

- Decrease minimum lot size in all districts where housing is permitted. This would facilitate subdividing lots to be able to build more housing.
- Increase allowable lot coverage in all districts where housing is permitted. This would allow the construction of larger buildings and facilitate subdividing lots to be able to build more housing.
- Increase allowable height in R-3 and commercial districts.
- Simplify and decrease setbacks in the R-3 and commercial districts.
- Allow planning staff to reduce bulk requirements administratively for 1-3 unit dwellings. This would allow builders/property owners to avoid going to the Zoning Board for relief when building houses.

Parking

- Eliminate parking requirement for senior housing
- Eliminate parking requirement for affordable housing.
- Reduce parking requirement to 1 space per unit for units with up to 4 bedrooms. Keep existing higher requirement for units with 5 or more beds and congregate living.
- Allow Planning Commission to reduce parking requirements by up to 75% when appropriate.

Land Use and Rezoning

- Lessen restrictions for the construction of attached townhouses. Allow up to 3 townhouses (each on their own lot) in the R-1. Allow up to 6 in the R-2. Both would be subject to a special use permit and Planning Commission approval. Make up to 4 townhouses permitted by right in the R-3.
- Allow condominiums in the R-1 and R-2 districts
- Clarify where Accessory Dwelling Units (ADUs) are allowed
- Selectively expand R-3 where high density already exists. This would make "grandfathered" apartment buildings conforming, allowing them to add units. The following blocks would be rezoned from R-2 to R-3:
 - Chestnut St between Main St and College St
 - 26-33.5 Griswold St (both sides)
 - 40-52 Griswold St (even #'s only)

TEXT AMENDMENT

§ 410-5. Terms defined.

AFFORDABLE HOUSING – A dwelling unit that is or will be restricted, pursuant to a regulatory agreement, to occupancy by a household whose income does not exceed 80% of the area median income (AMI) for the Binghamton Metropolitan Statistical Area as defined annually by the U.S. Department of Housing and Urban Development (HUD)

CONDOMINIUM – A building project of single individually owned dwelling units, which may consist of one or more buildings per lot, wherein the real property title and ownership are vested in an owner having an interest with others in the common usage areas and facilities which serve the project. Administration and maintenance of common usage areas and facilities must be provided for.

DWELLING, ACCESSORY – An accessory dwelling unit that is on the same lot, but incidental to, an owner-occupied principal dwelling unit, not more than 325 square feet in area.

SENIOR HOUSING – Senior housing, also known as senior living communities or retirement communities, are multiple-unit residential developments designed for persons 55 and older. Senior housing may include a range of housing options, such as apartments, cottages, condominiums, or detached dwelling units. Residents include those who do not require assistance with daily activities or 24/7 skilled nursing. A dwelling unit that is or will be restricted, pursuant to a regulatory agreement, to occupancy by a household that contains at least one (1) person aged 55 or older.

§ 410-19. Accessory buildings and uses.

[A-E UNCHANGED]

F. Accessory dwelling. Accessory dwellings are permitted within the R-1, R-2 and R-3 zoning districts when

the following conditions are met:

(1) Such a dwelling is occupied by a person or persons included in the household residing in the principal dwelling on the lot.

(2) No separate exterior entrance is provided. In the R-1, the accessory dwelling must be attached to the principal dwelling, and no separate exterior entrance shall be provided. In the R-2 and R-3 districts, an accessory dwelling may have one or more exterior entrances, and may be detached from the principal dwelling provided it can meet all applicable bulk requirements.

(3) The dwelling shall be no more than 325 square feet in gross floor area.

(4) There is only one such dwelling on the lot.

(5) The addition of an accessory dwelling will not increase the total number of dwelling units on the property beyond the number allowed in the applicable zoning district

§ 410-27. Schedule I: Land Uses in Residential Zoning Districts.

The following uses are permitted in residential zoning districts:

The following uses are permitted in residential zoning districts:

A. R-1 Residential Single-Unit Dwelling District.

(1) *NO CHANGE*

(2) Permitted with Planning Commission Review and Approval of a special use permit:
Community center, subject to 410-29B
Dwelling, manufactured home, subject to 410-29C
Educational institution, subject to 410-29A & B
Place of worship, subject to 410-29B
Townhouses, two up to three attached
Condominium, subject to 410-29D

B. R-2 Residential One- and Two-Unit Dwelling District.

(1) Permitted by right, subject to Article IX:

Dwelling, one or two units, no more than four bedrooms per unit
Garden, community or neighborhood
Townhouses, two up to three attached

(2) Permitted with Planning Commission Review and Approval of a special use permit

Community center, subject to 410-29B
Dwelling, manufactured home, subject to 410-29C
Educational institution, subject to 410-29A & B
Place of worship, subject to 410-29B
Townhouses, three up to six attached
Condominium, subject to 410-29D

C. R-3 Residential Multi-Unit Dwelling District.

(1) Permitted by right, subject to Article IX:

Dwelling, one to three units, no more than four bedrooms per unit
Garden, community or neighborhood
Townhouses, two or three up to four attached

(2) Permitted with Planning Commission Review and Approval of a special use permit

Community center, subject to 410-29B
Dwelling, manufactured home, subject to 410-29C
Dwelling, multiple-unit, including Condominiums, subject to 410-41A(1)
Congregate living
Educational institution, subject to 410-29A & B
Nursing home
Overnight lodging, subject to 410-29A
Parking, ancillary, subject to 410-55
Parking, commercial, subject to 410-55
Place of worship, subject to 410-29B
Townhouses, four five or more attached



§ 410-28. Schedule IA: Bulk Requirements in Residential Zoning Districts.

The following bulk requirements apply to residential zoning districts:

	R-1	R-2	R-3
Min. lot area (square feet)			
One unit	5,000 <u>2,500</u>	5,000 <u>2,500</u>	5,000 <u>2,500</u>

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Two units	-	5,000 <u>2,500</u>	5,000 <u>2,500</u>
Three units	-	-	5,000 <u>2,500</u>
Multiple-unit	-	-	10,000 <u>5,000</u>
Townhouse (per unit)	2,500 <u>1,500</u>	2,000 <u>1,500</u>	2,000 <u>1,500</u>
All other permitted uses	5,000 <u>2,500</u>	5,000 <u>2,500</u>	5,000 <u>2,500</u>
Min. lot width (feet)			
One unit	50	50	50
Two units	-	50	50
Three units	-	-	60
Multiple-unit	-	-	100
Townhouse (per unit)	20	20	20
All other permitted uses	50	50	50
Front setback (feet)	15	10	5
Rear Setback (feet)	15	15	20
One side <u>minimum</u> / total side setback (feet)	5 / 15	5 / 15	10/20 <u>5 / 15</u>
Maximum lot coverage	40% <u>50%</u>	50% <u>70%</u>	70% <u>90%</u>
Maximum building height (feet)	35	35	45 <u>60</u>

D. Condominiums.

In the R-1 and R-2 districts, condominium developments are permitted, subject to a special use permit, when each unit meets the height, setback, and parking requirements applicable to a Single-Unit Dwelling in the district. In the case of attached townhouse-style condominiums, the Townhouse setback requirements shall apply. In all other districts, the requirements for multi-unit dwellings shall apply to condominium developments.

§ 410-33. Schedule IIA: Bulk Requirements in Commercial and Industrial Zoning Districts.

The following bulk requirements apply to commercial and industrial zoning districts:

	C-1	C-2	C-3	C-4	C-5	C-6
Min. lot area (square feet)	0	6,000 <u>0</u>	6,000 <u>0</u>	6,000 <u>0</u>	6,000 <u>2,500</u>	6,000 <u>2,500</u>
Min. lot width (feet)	0	0	50	0	50	50
Min. front setback (feet)	0	0	15 <u>5</u>	0	15 <u>5</u>	15 <u>5</u>
Min. side setback (feet)	0	0	10	0	5 + 5-per 15-feet-of building height	5 + 5-per 15-feet-of building height

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Min. rear setback (feet)	20	20	20	20	20	20
Max. lot coverage	70% <u>90%</u>	90% <u>95%</u>	70% <u>90%</u>	70% <u>90%</u>	70% <u>90%</u>	70% <u>90%</u>
Max. principal building height (feet)	65 <u>75</u>	120	65 <u>75</u>	45 <u>60</u>	45	35 <u>45</u>
Max. accessory building height (feet)	24	24	24	24	24	24
	I-1		I-2		I-3	
Min. lot area (square feet)	6,000		6,000		6,000	
Min. lot width (feet)	50		50		50	
Min. front setback (feet)	10 <u>5</u>		20		25	
Min. side setback (feet)	10 + 5-per 15-feet-of building-height		10 + 5 per 15 feet of building height		20 + 5 per 15 feet of building height	
Min. rear setback (feet)	20		20		25	
Max. lot coverage	75% <u>90%</u>		75%		75%	
Max. principal building height (feet)	65 <u>75</u>		65 <u>75</u>		65 <u>75</u>	
Max. accessory building height (feet)	24		24		24	

§ 410-48. Modification of certain regulations.

- A. Review by the Planning Department. In reviewing an application for the construction of, or conversion of an existing building to, a one- to three-unit dwelling, the Planning Department may modify the minimum bulk requirements specified in Schedules IA (§ 410-28) and IIA (§ 410-33) when it would not adversely affect the site development or alter the essential character of the area. Such authority to modify bulk requirements shall be limited as follows:

Requirement	Maximum Percent Change
Minimum lot area: reduce by no more than	10%
Minimum lot width: reduce by no more than	10%
Minimum front, side, and rear setback: reduce by no more than	25%

- B. Review by Planning Commission. When the Planning Commission determines that special conditions or circumstances exist which make the ~~site development conditions and~~ bulk requirements set forth in this chapter inappropriate, the Commission, in acting on any site plan approval application, or on an appeal from a site plan decision of the Planning Department, may modify such ~~condition or~~ requirement if the best interest of the City

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would be served and the spirit of this chapter can be maintained. Such ~~modification by the Planning Commission shall not, however, be such as to permit a land use which would not otherwise be possible in the district. In addition, such~~ authority to modify bulk requirements shall be limited as follows:

Requirement	Maximum Percent Change
Minimum lot area: reduce by no more than	25%
Minimum lot area per dwelling unit: reduce by no more than	25%
Minimum lot width: reduce by no more than	25%
Minimum front yard setback: reduce by no more than	33%
Minimum side and rear yard setback: reduce by no more than	33%
Maximum building height: increase by no more than	10%
Maximum percentage of lot covered: increase by adding no more than	5%
Minimum off-street parking: reduce by no more than	50% 75%

- C. Justification. Justification for any modifications by the Planning Department or the Planning Commission, as authorized by this § 410-48, shall be documented in writing and filed in the records of the application for site plan approval.

§ 410-53. Off-street parking requirements by land use. [Amended 8-7-2013 by Ord. No 13-49; Amended 2-3-2016 by Local Law 16-02]

[A-G. UNCHANGED]

H. Schedule III.

Residential Use Classifications	
Land Use or Activity	Space(s) Required
Dwelling, 1-5 bedrooms	1 space for the first bedroom, plus 0.5 spaces per each additional bedroom
<u>Dwelling unit, 1-4 bedrooms</u>	<u>1 space per unit</u>
<u>Dwelling unit, 5+ bedrooms</u>	<u>1 space for the first bedroom, plus 0.5 spaces per each additional bedroom</u>
Congregate living	1 space per bedroom
<u>Affordable housing, 1-4 bedrooms</u>	<u>No parking required</u>
<u>Senior housing, 1-4 bedrooms</u>	<u>No parking required</u>

Zoning Laws: Benefits and Drawbacks for Residents

Zoning laws help organize urban development, separating residential areas from commercial and industrial zones to protect property values and ensure public health and safety. They facilitate efficient use of resources, protect the environment, and preserve community character by regulating land use and building types. By promoting sustainable development, zoning laws enhance the quality of life for city residents and encourage orderly growth.

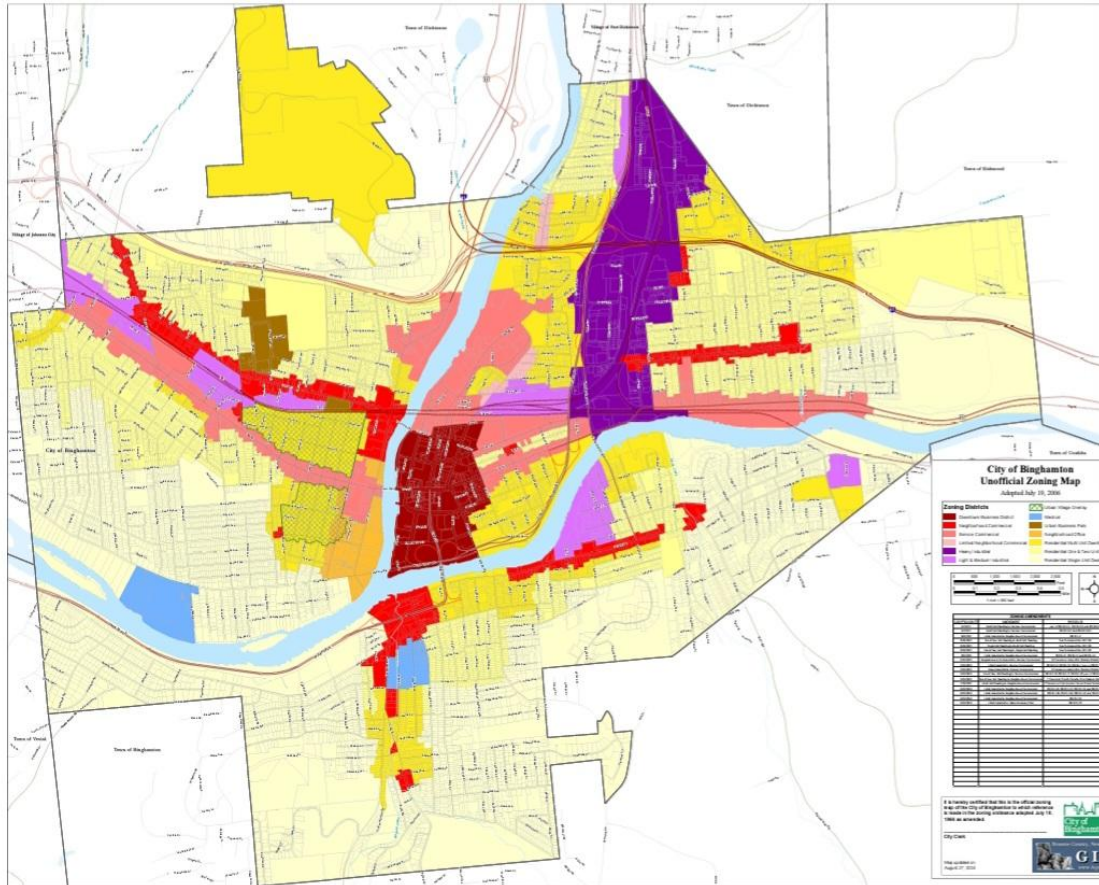


- **Property Values:** Zoning can help stabilize and even increase property values by preventing incompatible uses from impacting desirability. Predictable development patterns can also make neighborhoods more attractive to potential buyers.

- **Safety and Health: Zoning**
regulations can establish safety standards for building construction, setbacks, and traffic flow, contributing to a safer and healthier living environment. Additionally, zoning can protect environmentally sensitive areas and prevent hazardous land uses from impacting residents' health.

- **Community Character:** Zoning can be used to preserve the unique character of neighborhoods by protecting historical landmarks, open spaces, and architectural styles. This can

Existing & Future Zoning Map: City Of Binghamton



Residential zones shown in shades of yellow


R1 - palest shade of yellow

R2 - Medium shade yellow

R3 - Deepest shade of yellow

The “new” (redefined) R3 would allow the bulkiest residential building with little (75% reduction) or no off-street parking at all (100% reduction). Yet the R3 zones were designated without regard to the nearest bus stop. Proximity to public transportation or a municipal lot must be considered when drastically reducing parking.

Facebook & The Southside Neighborhood Assembly


 **Southside Neighborhood Assembly (SNA) of Binghamton** Admin · Richard Jannaccio · 1d · 🧑





Imagine your neighbor with a one-family home sells their home. Unknown to you, the new owner is a developer. You watch in horror as they demolish the house and build a row of townhouses with no off-street parking. Will the occupants of all of these units find street parking?


This could be passed into law in as little as 11 days from now ... Thoughts?

<https://www.wbng.com/2024/08/15/binghamton-mayor-announces-zoning-reforms-supporting-new-housing-construction/?outputType=amp>


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 Comment as Richard Jannaccio   


 **Jared Kraham**
Richard Jannaccio – What you're describing is not practical, nor is it an accurate portrayal of the proposed zoning law. Only senior and affordable housing would no longer be subject to parking minimums. Also, the demolition of a well-maintained single family home to support another type of construction would face a litany of challenges in getting local approval, not to mention the financial costs which would not make the project feasible. There are numerous vacant lots throughout Binghamton that badly need investment.





1 hr Like Reply

 **Jennifer Royce**
I mean... I live across from 2 abandoned houses now so that would be nice

23 hrs Like Reply 🍌 1

 **Richard Jannaccio** Jennifer Royce ...

 **Jennifer Royce** Richard Jannaccio ...

 Comment as Richard Jannaccio   

Is Citywide Upzoning the solution to Affordable Housing?

Why is housing so expensive?

- High property taxes
- High water & sewer rates
- High fuel and electricity
- Cost of maintenance and repairs
- Inflation rising, real wages not so much
- Higher interest on mortgages
- Jobs do not pay living wages
- Greedy landlords / slumlords

Zoning is not the cause of lack of affordable housing. Upzoning the entire City of Binghamton is destabilizing and definitely not the solution to the housing crisis.

However, developers like to develop. Targeted upzoning, supported by appropriate infrastructure, incentives and services, can stimulate housing construction.

If it's good for Minneapolis, is it good for Binghamton?

America is facing a housing crisis.

The U.S. is short millions of housing units. [Half of renters](#) are paying more than a third of their salary in housing costs, and for those looking to buy, [scant few homes](#) on the market are affordable for a typical household.

To ramp up supply, cities are taking a fresh look at their zoning rules that spell out what can be built where and what can't. And many are finding that their old rules are too rigid, making it too hard and too expensive to build many new homes.

So these cities, as well as some states, are undertaking a process called zoning reform. They're crafting new rules that do things like allow multifamily homes in more neighborhoods, **encourage more density near transit** and streamline permitting processes for those trying to build.

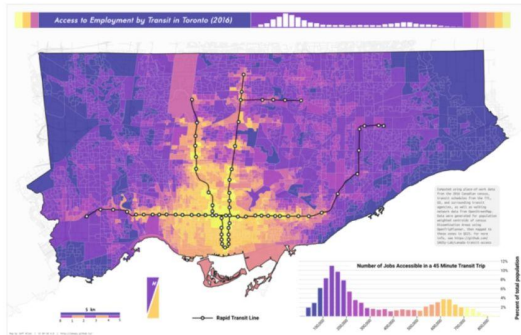
One city has been at the forefront of these conversations: Minneapolis.

That's because Minneapolis was ahead of the pack as it made a series of changes to its zoning rules in recent years: **allowing more density downtown and along transit corridors, getting rid of parking requirements, permitting construction of [accessory dwelling units](#) (ADUs), which are secondary dwellings on the same lot.**

<https://www.npr.org/2024/02/17/1229867031/housing-shortage-zoning-reform-cities>

Binghamton is a transit desert

A **transit desert** is an area with limited transportation supply.^{[1][2]} Developed from the concept of **food deserts**, various methods have been proposed to measure transit deserts. Transit deserts are generally characterized by poor **public transportation** options and possibly poor bike, sidewalk, or road infrastructure.^[3] The lack of transportation options present in transit deserts may have negative effects of people's health, job prospects, and **economic mobility**.^{[4][5][6][7]}



Access to jobs by public transit in **Toronto** in 2016; note that the map does not include the extension of the western leg of **Line 1 Yonge–University** to the suburban municipality of



Respecting & Working with Mother Nature

When floodplains are filled or paved over, they are no longer able to absorb water, which means excess water has nowhere to go, causing floods. Additionally, “fill and build” creates pockets of land that are at higher elevations, which creates runoff that can flood lower-elevation properties.

 <https://www.aonedge.com> > Blog

Building on a Floodplain: Is It Safe?
Edge

About Featured Snippets



10 Recommendations For Affordable Housing (Draft)

1. Apply the principles of contextual zoning citywide.
2. Develop public transportation; encourage use of bicycles.
3. Consider upzoning to R4 any appropriate sites that are within 700 feet of a full-service bus stop, do not have flood issues, and the proposed zoning is compatible with the existing character of the neighborhood.
4. Lower property taxes, water and sewer rates for residential properties.
5. Partner with Binghamton University to develop more affordable municipally owned electricity.
6. Require the county to sell foreclosed homes for owner occupancy, not to investors, landlords/ slumlords.
7. Focus on Economic Development that will provide jobs paying a living wage
8. New construction should result in a net increase in home ownership. Owned homes are more affordable, create equity, and result in more stable and sustainable communities.
9. Development of green infrastructure should not be merely at the discretion of City Planning, but should be incorporated into the zoning law with specific and proportional minimums to offset the effects of development. More greenery and storm sewers; less concrete and asphalt.
10. Greedy landlords / slumlords should be phased out.