



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: June 8, 2022

Sponsored by Council Members: Scaringi, Resciniti, Riley, Friedman, Burns, Scanlon, Strawn

Introduced by Committee: Planning

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE CHARTER
AND CODE OF THE CITY OF BINGHAMTON
CHAPTER 18, BOARDS, COMMISSIONS AND
COMMITTEES, REGARDING THE
DEMOLITION OF ACCESSORY STRUCTURES

WHEREAS, the Historic Preservation & Neighborhood Planner of the City of Binghamton has recommended an amendment to Chapter 18-38, *Definitions*; and Chapter 18-84.1, *Procedure for Determination of Historical Significance for Demolition*, regarding the demolition of accessory structures.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That Chapter 18-38, *Definitions* of the Code of the City of Binghamton is hereby amended to add Accessory Structure as follows:

§ 18-38 Definitions. [Amended 12-4-2019 by Ord No. 19-125; **Amended 6-8-2022 by Ord No. _____**].

ACCESSORY STRUCTURE: Whenever the term “Accessory Structure” is used in this article it shall be defined as follows:

1. “Accessory Structure” means a subordinate structure located on the lot, the use of which is clearly incidental to and associated with the principal structure.
2. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall normally be considered as a part of the principal structure.
3. Examples of accessory structures are barns, garages, carports, playhouses, sheds, private greenhouses, gazebos, storage buildings, boathouses and docks, wind-generating devices, swimming pool pump houses, radio and television receiving antenna towers and dishes and, storage containers.

Section 2. That Chapter 18-84.1, *Procedure for Determination of Historical Significance for Demolition* of the Code of the City of Binghamton is hereby amended to add subsection F as follows:

§ 18-84.1. Procedure for Determination of Historical Significance for Demolition [Amended 4-21-10 by Ord. No. 19-2010; **Amended 6-8-2022 by Ord No. _____**].

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F. If the Supervisor of Building Construction & Code Enforcement has issued a determination letter that an accessory structure is unsafe, then the Historic Preservation & Neighborhood Planner II may perform a staff level review determination of Historical Significance Review. The Historic Preservation & Neighborhood Planner II's determination of Historical Significance shall be based on § 18-83 *Criteria for Determination of Historical Significance for Demolition*. No demolition permit shall be issued for such a structure until a negative determination of Historic Significance has been issued by the Historic Preservation & Neighborhood Planner II. The determination of significance required by this act shall be in addition to and not in lieu of any demolition permit that may be required by another Ordinance of the City of Binghamton. The Historic Preservation & Neighborhood Planner II shall issue a determination of Historical Significance within forty-five (45) days of receipt of the completed application, unless an extension of this deadline is agreed upon by both the Historic Preservation & Neighborhood Planner II and the applicant. If it is determined by the Historic Preservation & Neighborhood Planner II that the demolition of the unsafe accessory structure is likely to have a significant impact upon the historic character of the property, the Historic Preservation & Neighborhood Planner II shall be authorized to forward the application to the Commission for full review at the next available meeting. Staff level determinations of historical significance for the demolition of unsafe accessory structures shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Planning Department for public inspection. The decision shall state the reasons for positive or negative determination of Historical Significance. If the Historic Preservation & Neighborhood Planner II position is vacant, then determinations of Historical Significance for Demolition of Unsafe Accessory Structures will be forwarded to the Commission on Architecture and Urban Design for review.

Section 3. That this ordinance shall take effect immediately.

Introductory No. 022-93

Permanent No. 022-93

Sponsored by City Council Members:
Scaringi, Resciniti, Riley, Friedman, Burns, Scanlon,
Strawn

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The within Ordinance was adopted by the Council of
the City of Binghamton.

Date 6/8/22

City Clerk [Signature]

Date Presented to Mayor

Date Approved 6/9/22

Mayor [Signature]

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Resciniti	✓			
Councilwoman Riley				✓
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Scanlon	✓			
Councilman Strawn	✓			
Total	6	0	0	1

Code of the City of Binghamton

Adopted Defeated

6 Ayes 0 Nays 0 Abstain 1 Absent

I hereby certify the above to be a true
copy of the legislation adopted by the
Council of the City of Binghamton at a
meeting held on 6/8/22. Approved
by the Mayor on 6/9/22.

[Signature]