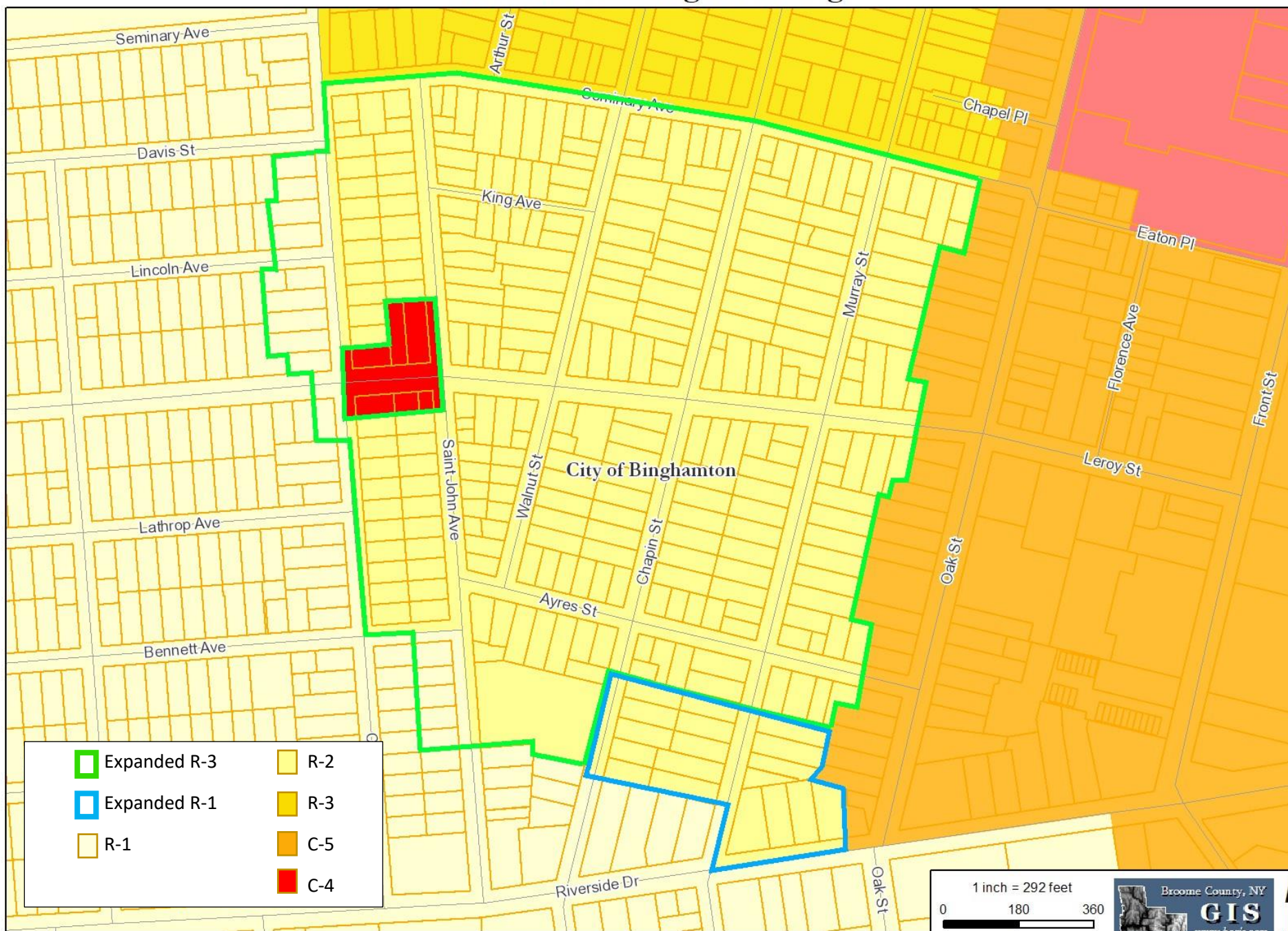


# Student Housing Rezoning



DISCLAIMER: Broome County does not guarantee the accuracy of the data presented. Information should be used for illustrative purposes only.

1 inch = 292 feet

0 180 360 ft

Broome County, NY  
**GIS**  
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## Student Housing Legislation

### Summary of Changes

**Definition of “Family:”** In residential zoning districts, dwelling units must be occupied by a family or a group that is functionally equivalent to a family. The definition of “family” has been changed so that a group of four or more college students shall not be considered a family. This means that in residential zoning districts, dwelling units may not be occupied by four or more students. The definition of family also includes criteria by which a group of college students can appeal to show that they meet the definition of a family.

**Definition of “Congregate Living”:** Congregate Living is currently defined as any residential-type unit occupied by multiple unrelated individuals OR any residential unit with six or more bedrooms. The definition has been changed to include any residential unit with five or more bedrooms, except in the case of single-family, detached, five-bedroom houses. This change from six to five is being made because five-bedroom units are atypical for families and more suitable for student-style, or congregant living, arrangements.

**Expansion of R-3 Multi-Unit Dwelling District:** The R-3 District is the only residential zoning district where Congregate Living is allowed. The R-3 will be expanded to include the “Urban Village” area where student housing is heavily concentrated. This will allow student housing to be legal in this area, while meeting the more stringent parking and lot size requirements of Congregate Living.

**Change to rules for units with four bedrooms:** The code currently has additional lot size, units size, and other density-related regulations for units with four and five bedrooms. Because five bedroom units will now be considered Congregate Living, the section referring to “four and five bedrooms” has been changed. Four bedroom units will now only have additional regulations if they are in a Multi-Unit Dwelling (four or more units/apartments). This will still address density concerns, while allowing four-bedroom one, two, and three-family houses to be constructed more easily.

CONGREGATE LIVING – A building or part thereof that contains two or more “Sleeping Units” where residents share a bathroom or kitchen, or both. Any “Dwelling Unit” containing ~~five~~ ~~six~~ or more bedrooms shall be considered “Congregate Living.” More than ten bedrooms or “Sleeping units” are not permitted in any such facility. Notwithstanding the above, a detached single-unit dwelling with five bedrooms shall not be considered Congregate Living.

FAMILY -- Any number of individuals living together in a single dwelling unit related by blood, marriage or adoption; or any number of individuals not related by blood, marriage or adoption living together and who meet the following criteria for a functional and factual family equivalent: ~~A group of unrelated individuals living together and functioning together as a traditional family. In determining whether or not a group of unrelated individuals comprise a functional and factual family equivalent, a petition shall be presented before the Zoning Board of Appeals. A functional family equivalent must share the entire dwelling unit; live and cook together as a single housekeeping unit; share expenses for food, rent, utilities or other household expenses; and be permanent and stable.~~

A. The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.

B. The household must have stability with respect to the purpose of this chapter. Evidence of such stability may include the following:

1. The presence of minor dependent children regularly residing in the household.
2. Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food.
3. Whether or not different members of the household have the same address for the purposes of:
  - (a) Voter registration.
  - (b) Drivers' licenses.
  - (c) Motor vehicle registration.
  - (d) Summer or other residences.
  - (e) The filing of taxes.
4. Common ownership of furniture and appliances among the members of the household.
5. Enrollment of dependent children in local schools.
6. Employment of householders within 100 miles of the City of Binghamton.

7. A showing that the household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.

8. Any other factor reasonably related to whether or not the group or persons is the functional equivalent of a family.

C. A group of individuals living in the same dwelling unit shall be presumed not to be a functional family unit, as defined in this section, if such dwelling unit contains four or more college students over the age of 16 years.

1. A college student is a person who attends, at least half time, any college, university or other institution authorized to confer degrees by the State of New York.

2. For the purpose of this presumption, minor dependent children of any other member of the household shall be excluded in calculating the number of college students in the household.

D. A group of individuals living together in the same dwelling unit shall be presumed not to be a functional family unit, as defined in this section, if the dwelling unit is occupied by four or more unrelated adults over the age of 18 years and is not occupied by minor dependent children.

E. The presumptions set forth in Subsections C. and D. of this definition may be rebutted by sufficient evidence of the characteristics set forth in Subsection B. of this definition. Such evidence shall be presented as a petition to the Zoning Board of Appeals.

§ 410-27. Schedule I: Land Uses in Residential Zoning Districts. [Amended 3-2-09 by Ord. No. 9- 2009; Amended 8-7-2013 by Ord. No 13-49; Amended 2-3-2016 by Local Law 16-02; Amended 12-18-19 by Ord No. 19-157]

~~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) Permitted by right, subject to Article IX:

Detached One-Unit Dwelling, no more than five bedrooms

~~Dwelling, one-unit~~

Garden, community or neighborhood

(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, four or five bedrooms, subject to 410-41A(1)~~

Educational institution, subject to 410-29A & B

Place of worship, subject to 410-29Bf Townhouses, two attached

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 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, four or five bedrooms, subject to 410-41A(1)~~

Educational institution, subject to 410-29A & B

Place of worship, subject to 410-29B

Townhouses, three attached

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 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, four or five bedrooms,~~

Dwelling, multiple-unit, 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 or more attached

§ 410-32. Schedule II: Land Uses in Commercial and Industrial Zoning Districts. [Amended 8-7- 2013 by Ord. No 13-49; Amended 10-23-2013 by Ord. No 13-77; Amended 2-3-2016 by Local Law 16- 02; Amended 12-18-19 by Ord No. 19-157]

A. C-1 Service Commercial District.

(1) Residential uses shall not be located within the first thirty (30) feet of the ground floor of any building, measured from the front façade of the building towards the rear, with the exception of incidental pedestrian entrances that lead to a dwelling elsewhere in the building. Notwithstanding the above, residential uses shall be permitted anywhere on the ground floor of existing building originally constructed as dwellings, as determined by the Planning Department and the Office of Building and Construction.

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

Animal care Automatic teller machine subject to 410-34A, C, & F

Community center

Day care

Dwelling, one to three units, no more than four bedrooms per unit

Eating and drinking establishment

General retail

Greenhouse/nursery

Industry, light

Medical office

Nursing home

Office

Personal service

Recreation, indoor

Research and development

Retail food sales

Studio/ art gallery

Vehicle sales/rental, subject to 410-55 and 410-34A, I, & K

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

Convenience store

Crematory

Drive-through business, subject to 410-34A, B, & F

~~Dwelling, four or five bedrooms,~~

Dwelling, multiple-unit, subject to 410-41A(1)

Educational institution

Event venue

Congregate living

Hospital, medical center, subject to 410-34A & J

Overnight lodging

Parking, ancillary, subject to 410-55

Parking, commercial, subject to 410-55

Pawn shop

Place of worship

Recreation outdoor

Self-service storage warehouse, subject to 410-34A & K

Social services

Telecommunications facility, subject to 410-42

Transportation service

Vehicle fuel station, subject to 410-34A, B, F, H, & I

Vehicle repair/service, subject to 410-34A, H, & I

Warehouse and distribution, subject to 410-34A, E, & H

B. C-2 Downtown Business District.

(1) Residential uses shall not be located within the first thirty (30) feet of the ground floor of any building, measured from the front façade of the building towards the rear, with the exception of incidental pedestrian entrances that lead to a dwelling elsewhere in the building. Notwithstanding the above, residential uses shall be permitted anywhere on the ground floor of existing building originally

constructed as dwellings, as determined by the Planning Department and the Office of Building and Construction.

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

Animal care  
Automatic teller machine, subject to 410-34A, C, & F  
Community center  
Day care  
Dwelling, one to three units, no more than four bedrooms per unit  
Eating and drinking establishment  
General retail  
Greenhouse/nursery  
Medical office  
Nursing home  
Office  
Personal service  
Recreation, indoor  
Research and development  
Retail food sales  
Studio/ art gallery

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

Drive-through business, subject to 410-34A, B, & F  
~~Dwelling, four or five bedrooms,~~  
Dwelling, multiple-unit, subject to 410-41A(1)  
Educational institution  
Event venue  
Congregate living  
Hospital, medical center, subject to subject to 410-34A & J  
Industry, light  
Overnight lodging



Parking, ancillary, subject to 410-55

Parking, commercial, subject to 410-55

Place of worship

Recreation, outdoor

Social services

Telecommunications facility, subject to 410-42

Warehouse and distribution, subject to 410-34A, E, & H

C. C-3 Medical District.

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

Animal care

Automatic teller machine, subject to 410-34A, C, & F

Community center

Day care

Dwelling, one to three units, no more than four bedrooms per unit

Garden, community or neighborhood

Medical office

Nursing home

Personal service

Recreation, indoor

Research and development

Townhouses, two or three attached

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

~~Dwelling, four or five bedrooms,~~

Dwelling, multiple-unit, subject to 410-41A(1)

Educational institution

Congregate living

Hospital, medical center

Parking, ancillary, subject to 410-55

Parking, commercial, subject to 410-55

Place of worship  
Social services  
Telecommunications facilities, subject to 410-42  
Townhouses, four or more attached

D. C-4 Neighborhood Commercial District.

(1) Residential uses shall not be located within the first thirty (30) feet of the ground floor of any building, measured from the front façade of the building towards the rear, with the exception of incidental pedestrian entrances that lead to a dwelling elsewhere in the building. Notwithstanding the above, residential uses shall be permitted anywhere on the ground floor of existing building originally constructed as dwellings, as determined by the Planning Department and the Office of Building and Construction.

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

Animal care  
Automatic teller machine, subject to 410-34A, C, & F  
Community center  
Day care  
Dwelling, one to three units, no more than four bedrooms per unit  
Eating and drinking  
Garden, community or neighborhood  
General retail  
Greenhouse/nursery  
Medical office  
Office  
Personal service  
Recreation, indoor  
Retail food sales  
Studio/ art gallery  
Townhouses, two or three attached  
Vehicle sales/rental, subject to 410-55 and 410-34A, I, & K

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

- Convenience store
- Crematory
- Drive-through business, subject to 410-34A, B, & F
- ~~Dwelling, four or five bedrooms,~~
- Dwelling, multiple-unit, subject to 410-41A(1)
- Educational institution
- Event venue
- Congregate living
- Hospital, medical center, subject to 410-34A & J
- Overnight lodging
- Parking, ancillary, subject to 410-55
- Parking, commercial, subject to 410-55
- Pawn shop
- Place of worship
- Recreation, outdoor
- Social services
- Telecommunications facilities, subject to 410-42
- Townhouses, four or more attached
- Transportation service
- Vehicle fuel station, subject to 410-34A, B, F, H, & I
- Vehicle repair/service, subject to 410-34A, H & I
- Warehouse and distribution, subject to 410-34A, E, & H

E. C-5 Neighborhood Office District.

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

- Community center
- Day care
- Dwelling, one to three units, no more than four bedrooms per unit

Garden, community or neighborhood

General retail Greenhouse/nursery

Medical office

Nursing home

Office

Personal service

Studio/ art gallery

Townhouses, two or three attached

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

Animal care

Automatic teller machine, subject to 410-34A, C, & F

~~Dwelling, four or five bedrooms,~~

Dwelling, multiple-unit, subject to 410-41A(1)

Eating and drinking establishment, subject to 410-34B

Educational institution, subject to 410-34B

Congregate living

Parking, ancillary, subject to 410-55

Parking, commercial, subject to 410-55

Place of worship Recreation, indoor

Townhouses, four or more attached

F. C-6 Limited Neighborhood Commercial District.

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

Day care

Dwelling, one to three units, no more than four bedrooms per unit

Garden, community or neighborhood

General retail

Greenhouse/nursery

Medical office

Nursing home

Office  
Personal service  
Retail food sales  
Studio/ art gallery  
Townhouses, two or three attached

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

Animal care  
Automatic teller machine, subject to 410-34A, C, & F  
Convenience store  
~~Dwelling, four or five bedrooms,~~  
Dwelling, multiple-unit, [subject to 410-41A\(1\)](#)  
Eating and drinking establishment, subject to 410-34B  
Educational institution, subject to 410-34B  
Event venue  
Congregate living  
Overnight lodging  
Parking, ancillary, subject to 410-55  
Parking, commercial, subject to 410-55  
Place of worship  
Recreation, indoor  
Townhouses, four or more attached  
Vehicle fuel station, subject to 410-34A, B, F, H, & I

I-1 Urban Business Park District.

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

Eating and drinking establishment  
Industry, light  
Medical office  
Office

Personal Service  
Recreation, indoor  
Research and development  
Studio/ art gallery  
Transportation service

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

Animal care  
Dwelling, multiple-unit, subject to 410-41A(1)  
Educational institution  
Hospital, medical center, subject to 410-34A & J  
Overnight lodging  
Parking, ancillary, subject to 410-55  
Parking, commercial, subject to 410-55  
Recreation, outdoor  
Self-service warehouse, subject to 410-34A, & K  
Social services  
Solar energy system, subject to 410-34A, B, E, & J  
Telecommunications facility, subject to 410-42  
Warehouse and distribution, subject to 410-34A, E, & H

**§ 410-41. Additional requirements for certain land uses. [Amended 7-20-09 by Ord. No. 23-2009; Amended 8-7-2013 by Ord. No 13-49; Amended 12-18-19 by Ord No. 19-157]**

A. *[unchanged]*

(1) Conversion or Construction of Congregate Living Facilities or Dwelling Unit with Four ~~or Five~~ Bedrooms.

(a) Standard for Creating Congregate Living Facilities or Four ~~or Five~~ Bedrooms per dwelling in a Multiple-Unit Dwelling. The conversion of existing buildings, or construction of new buildings, resulting in four or more five bedrooms per dwelling unit can result in overcrowding and create adverse impacts to parking, open space and neighborhood character. These standards are intended to reduce



the impact of these problems. Dwelling units and Congregate Living Facilities that do not meet the standards established in this section are not permitted.

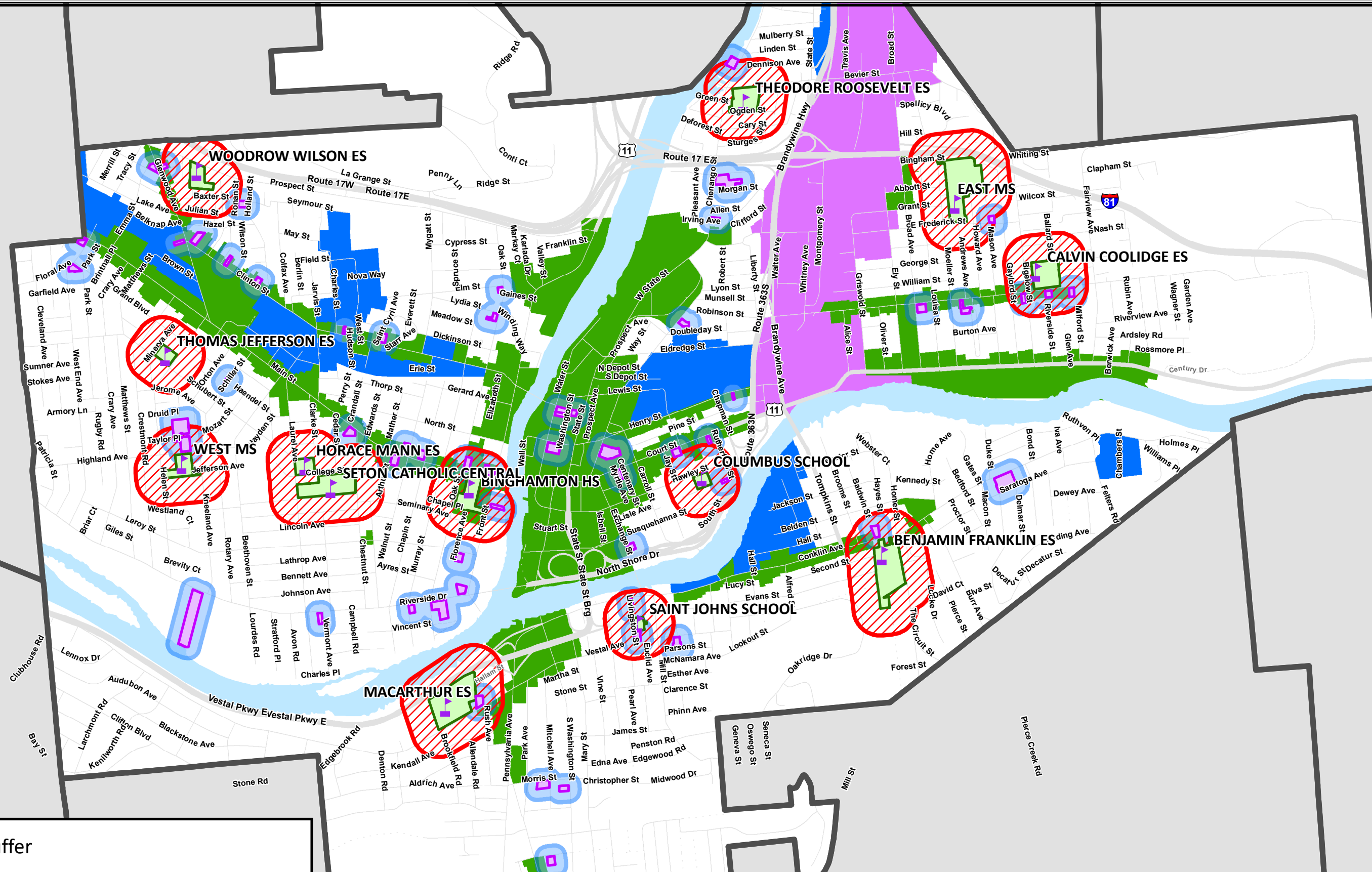
[1] Minimum unit size. No unit conversion or construction shall be permitted in a dwelling or congregate living unit with less than 1,500 square feet of gross floor area.

[2] Minimum lot area requirements. No dwelling or congregate living unit conversion or construction shall be permitted in a dwelling unit if the lot on which the dwelling is located does not comply with the bulk requirements of the applicable zoning district.

[3] Parking regulations. No dwelling or congregate living unit conversion shall be permitted in any zoning district unless the minimum off-street parking requirement for such use can be met with on-site parking.

(b) These standards shall apply to all dwelling units with four ~~or five~~ bedrooms in Multiple-Unit Dwellings and to all Congregate Living units. Any residential unit with five ~~six~~ to ten bedrooms shall be considered “Congregate Living” as defined in this chapter, except for a detached, single-unit dwelling with five bedrooms. Residential units with more than ten bedrooms or sleeping units are not permitted.

(c) Notwithstanding anything herein to the contrary, the Supervisor of Building and Construction may waive the requirements for Planning Commission Review and Approval for the temporary use of dining room, den, or living room as a bedroom as may be medically necessary and prescribed by an attending physician.



- School Buffer
- Place of Worship Buffer
- Retail and Industrial Businesses
- Industrial Businesses Only
- Retail and On-Site Consumption Businesses

## CANNABIS-RELATED BUSINESSES ZONING MAP

Broome County, New York

**GIS**

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1 Inch = 1,800 Feet when printed on 11" x 17" media

Department of Planning  
**GIS and Mapping Services**

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Fax: 607-778-2175

Map created May 26, 2021  
By Brian Damour

DISCLAIMER: Broome County does not guarantee the accuracy of the data presented. Information should be used for illustrative purposes only.

WARNING: This map constitutes the creation of a new public record per NYS FOIL. Therefore it, and any associated digital data, are subject to release per the Broome County GIS Mapping & Data Fee Schedule. This release can occur without the prior notification or consent of the original map requestor.

**§ 410-5. Terms defined.**

CANNABIS BUSINESS, INDUSTRIAL: A cannabis related business licensed by NYSOCM to operate one of the following business types: Adult-use Cultivator, Adult-use Nursery, Adult-use Processor, Adult-use Distributor, Adult-use Cooperative, or Adult-use Microbusiness

CANNABIS BUSINESS, ON-SITE CONSUMPTION: A cannabis related business licensed by NYSOCM to operate an Adult-use On-Site Consumption business. An on-site consumption license authorizes the acquisition, possession, and sale of cannabis from the licensed premises of the on-site consumption licensee to cannabis consumers for use at the on-site consumption location.

CANNABIS BUSINESS, RETAIL: A cannabis related business licensed by NYSOCM to operate one of the following business types: Adult-use retail dispensary or Adult-use delivery.

**§ 410-32. Schedule II: Land Uses in Commercial and Industrial Zoning Districts**

A. C-1 Service Commercial District.

(1) *[no change]*

(2) *[no change]*

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

Cannabis Business, On-Site Consumption

Cannabis Business, Retail

Convenience store

Crematory

Drive-through business, subject to 410-34A, B, & F

Dwelling, four or five bedrooms, subject to 410-41A(1)

Dwelling, multiple-unit

Educational institution

Event venue

Congregate living

Hospital, medical center, subject to 410-34A & J

Overnight lodging

Parking, ancillary, subject to 410-55

Parking, commercial, subject to 410-55

Pawn shop

Place of worship

Recreation outdoor

Self-service storage warehouse, subject to 410-34A & K

Social services

Telecommunications facility, subject to 410-42

Transportation service

Vehicle fuel station, subject to 410-34A, B, F, H, & I

Vehicle repair/service, subject to 410-34A, H, & I  
Warehouse and distribution, subject to 410-34A, E, & H

B. C-2 Downtown Business District.

(1) *[no change]*

(2) *[no change]*

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

[Cannabis Business, On-Site Consumption](#)

[Cannabis Business, Retail](#)

Drive-through business, subject to 410-34A, B, & F

Dwelling, four or five bedrooms, subject to 410-41A(1)

Dwelling, multiple-unit

Educational institution

Event venue

Congregate living

Hospital, medical center, subject to subject to 410-34A & J

Industry, light

Overnight lodging

Parking, ancillary, subject to 410-55

Parking, commercial, subject to 410-55

Place of worship

Recreation, outdoor

Social services

Telecommunications facility, subject to 410-42

Warehouse and distribution, subject to 410-34A, E, & H

D. C-4 Neighborhood Commercial District.

(1) *[no change]*

(2) *[no change]*

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

[Cannabis Business, On-Site Consumption](#)

[Cannabis Business, Retail](#)

Convenience store

Crematory

Drive-through business, subject to 410-34A, B, & F

Dwelling, four or five bedrooms, subject to 410-41A(1)

Dwelling, multiple-unit

Educational institution

Event venue

Congregate living

Hospital, medical center, subject to 410-34A & J

Overnight lodging

Parking, ancillary, subject to 410-55

Parking, commercial, subject to 410-55  
Pawn shop  
Place of worship  
Recreation, outdoor  
Social services  
Telecommunications facilities, subject to 410-42  
Townhouses, four or more attached  
Transportation service  
Vehicle fuel station, subject to 410-34A, B, F, H, & I  
Vehicle repair/service, subject to 410-34A, H & I  
Warehouse and distribution, subject to 410-34A, E, & H

G. I-1 Urban Business Park District.

(1) *[no change]*

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

Animal care  
[Cannabis Business, Industrial](#)  
[Cannabis Business, Retail](#)  
Dwelling, multiple-unit  
Educational institution  
Hospital, medical center, subject to 410-34A & J  
Overnight lodging  
Parking, ancillary, subject to 410-55  
Parking, commercial, subject to 410-55  
Recreation, outdoor  
Self-service warehouse, subject to 410-34A, & K  
Social services  
Solar energy system, subject to 410-34A, B, E, & J  
Telecommunications facility, subject to 410-42  
Warehouse and distribution, subject to 410-34A, E, & H

H. I-2 Light and Medium Industrial District.

(1) *[no change]*

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

Adult Entertainment, subject to 410 -34L  
[Cannabis Business, Industrial](#)  
[Cannabis Business, Retail](#)  
Crematory  
Drive-through business  
Educational institution  
Overnight lodging  
Parking area, ancillary, subject to 410-55

Parking, commercial, subject to 410-55  
Recreation outdoor  
Self-service storage warehouse, subject to 410-34A & K  
Solar energy system, subject to 410-34A, B, E, & J  
Telecommunications facility, subject to 410-42  
Vehicle fuel station, subject to 410-34A, B, F, H, & I  
Vehicle sales/rental, subject to 410-55 and 410-34A, I, & K  
Warehouse and distribution, subject to 410-34A, E, & H  
Waste-related services, subject to 410-34A, E, & L

I. I-3 Heavy Industrial District.

(1) [no change]

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

Adult Entertainment, subject to 410 -34L  
[Cannabis Business, Industrial](#)  
Crematory  
Drive-through business, subject to 410-34A, B, & F  
Educational institution  
Industry, general, subject to 410-34B, G & H  
Office  
Parking, ancillary, subject to 410-55  
Parking, commercial, subject to 410-55  
Recreation, indoor  
Recreation, outdoor  
Self-service storage warehouse, subject to 410-34A & K  
Solar energy system, subject to 410-34A, B, E, & J  
Telecommunications facility, subject to 410-42  
Vehicle fuel station, subject to 410-34A, B, F, H & I  
Vehicle sales/rental, subject to 410-55 and 410-34A, I, & K  
Warehouse and distribution, subject to 410-34A, E, & H  
Waste-related services, subject to 410-34A, E, & L