



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

Date: February 3, 2016

Sponsored by Council Members: Mihalko, Matzo, Papastrat, Cronce, Taylor, Berg

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE AMENDING CHAPTER 410,
ZONING, OF THE CODE OF THE CITY OF
BINGHAMTON, TO INCORPORATE
DEFINITIONS AND REGULATIONS FOR
ELECTRIC VEHICLE CHARGING STATIONS**

WHEREAS, electric vehicles are becoming more prominent in the City of Binghamton;
and

WHEREAS, the City wishes to provide for reasonable regulations for electric vehicle
charging stations; and

WHEREAS, a public hearing was duly noticed and held on February 3, 2016.

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

Section 1. That the Code of the City of Binghamton, Chapter 410, *Zoning*, is hereby
amended to incorporate electric vehicle charging stations as annexed hereto and made a part
hereof.

Section 2. That this Local Law shall take effect upon filing with the Secretary of State.

Introductory No. 016-10

Permanent No. 016-11

Sponsored by City Council Members:
Mihalco, Matzo, Papastrat, Cronce, Taylor, Berg

AN ORDINANCE AMENDING CHAPTER 410,
ZONING, OF THE CODE OF THE CITY OF
BINGHAMTON, TO INCORPORATE
DEFINITIONS AND REGULATIONS FOR
ELECTRIC VEHICLE CHARGING STATIONS

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

2/3/10

Date



City Clerk (Deputy)

2/4/10

Date Presented to Mayor

2/4/10

Date Approved



Mayor

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilman Mihalco	✓			
Councilwoman Cronce	✓			
Councilman Taylor	✓			
Councilman Matzo	✓			
Councilman Berg	✓			
Councilman Papastrat	✓			
Total	7	0	0	0

Code of the City of Binghamton

Adopted Defeated

Ayes 7 Nays 0 Abstain 0 Absent 0

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 2/3/10. Approved
by the Mayor on 2/4/10.

ELECTRIC VEHICLE CHARGING STATION ZONING AMENDMENT

§ 410-5. Terms defined. [Amended 3-2-09 by Ord. No. 9-2009; Amended 7-20-09 by Ord. No. 23- 2009; Amended 12-21-2011 by Ord. No. 11-51; Amended 8-7-2013 by Ord. No. 13-49; Amended M-D-2015 by Ord. No. 15-##]

As used in this chapter, the following terms shall have the meanings indicated:

ELECTRIC VEHICLE CHARGING STATION-- a public or private parking space that is served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. For Electric Vehicle Charging Stations operating as a primary commercial use for retail to the public, see "AUTOMOBILE FUEL STATION."

AUTOMOBILE FUEL SERVICE STATION-- Any establishment dispensing motor vehicle fuel from underground storage tanks, pipes, compressors, batteries or electrical transmission facilities, into vehicles including, but not limited to, gasoline, diesel fuel, Gasohol, hydrogen, compressed natural gas, electricity or any combination thereof A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or retailing minor accessories retailed directly to the public on the premises and where the servicing or minor mechanical repair of automobiles, or installation of mufflers or other specialty items, may occur. Automobile service stations shall not include sale or storage of automobiles or trailers, new or used. The facility must be licensed by the New York State Department of Motor Vehicles.

§ 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 M-D-2015 by Ord. No. 15-##]

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

(b) Accessory uses:

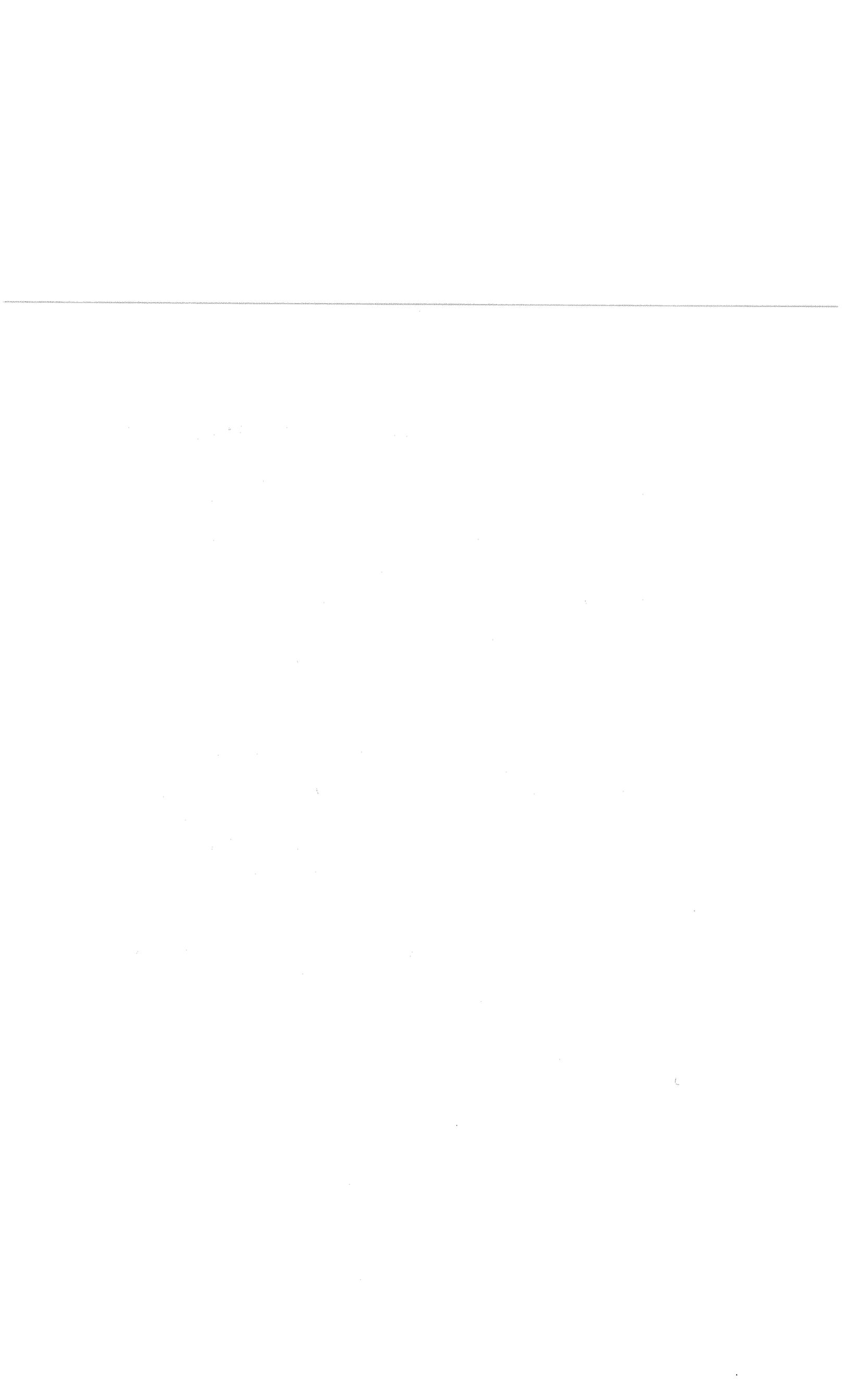
Electric Vehicle Charging Station subject to 410.29W

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

(1) Permitted by right, subject to Article IX

(b) Accessory uses:

Electric Vehicle Charging Station subject to 410.29W



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

(1) Permitted by right, subject to Article IX

(b) Accessory uses:

Electric Vehicle Charging Station subject to 410.29W

§ 410-29. Special conditions for certain land uses in residential districts. [Amended 3-2-09 by Ord. No. 9-2009; Amended 8-7-2013 by Ord. No 13-49; Amended M-D-2015 by Ord. No. 15-##]

Land uses listed in Schedule I as being "Permitted or "Permitted with Planning Commission approval" shall not be considered permitted until the Supervisor of the Office of Building and Construction or the Planning Commission is satisfied that there is compliance with applicable conditions as set forth below.

W. An Electric Vehicle Charging Station in the R-1, R-2 and R-3 districts is permitted when:

(1) If located in a private residential lot, the charging station is located within a legal garage or carport

(2) If located in an ancillary, public or commercial parking lot or garage, the charging station shall be:

(a) illuminated during evening business hours

(b) located in a legal parking space reserved exclusively for electric vehicles

(3) The charging station has complete instructions and appropriate warnings posted in an unobstructed location on or adjacent to the charging station

§ 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 M-D-2015 by Ord. No. 15-##]

A. C-1 Service Commercial District

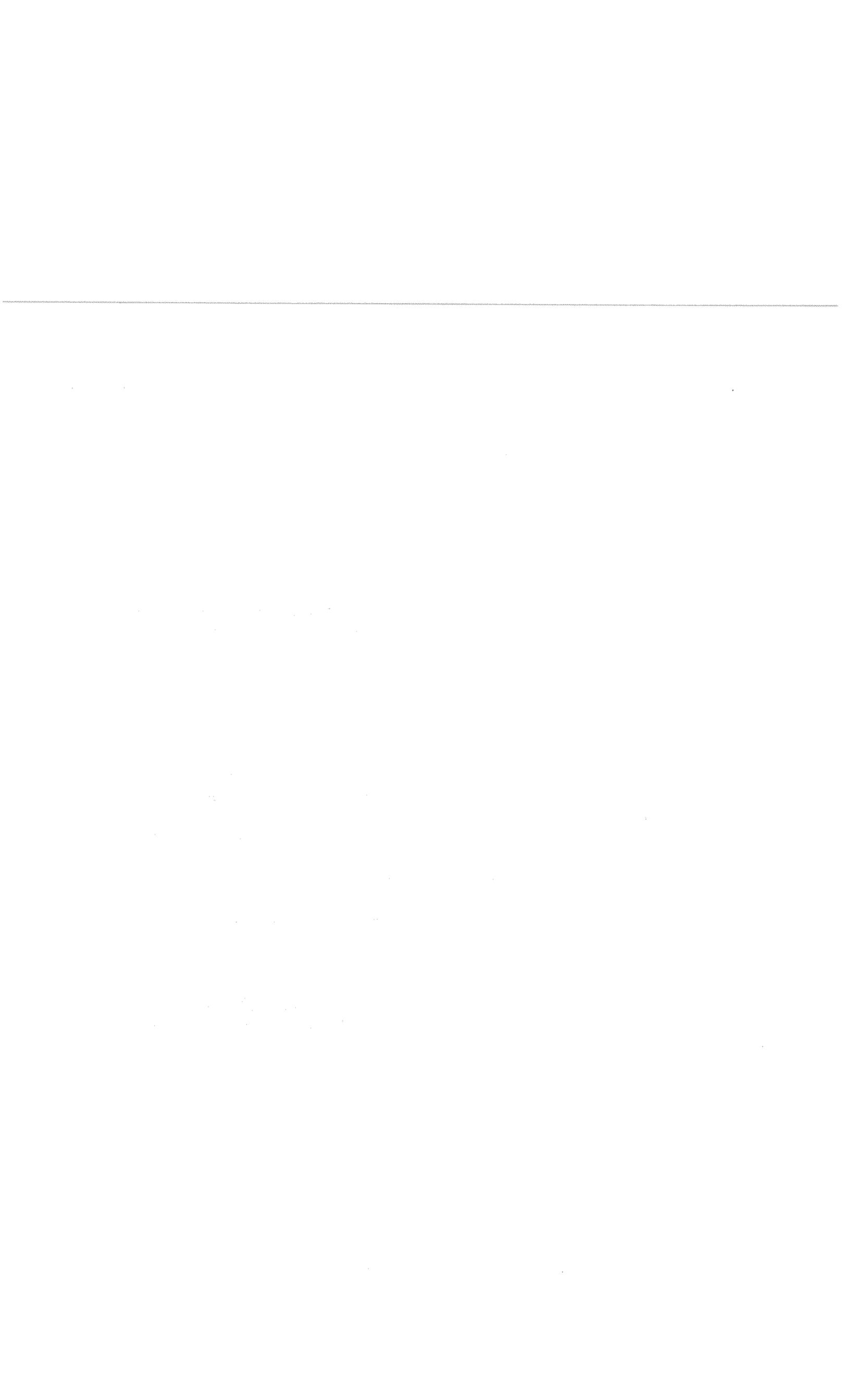
3) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan):

Automobile service fuel station, subject to 410-41A(7)

D. C-4 Neighborhood Commercial District.

(1) All uses listed in the R-3 District except townhouses: See Schedule I for the type of review required

Automobile service fuel station, subject to 410-41A(7)



H. I-2 Light and Medium Industrial District.

Automobile service fuel station, subject to 410-41A(7)

I. I-3 Heavy Industrial District

Automobile service fuel station, subject to 410-41A(7)

§ 410-53. Off-street parking requirements by land use. [Amended 8-7-2013 by Ord. No 13-49; Amended M-D-2015 by Ord. No. 15-##]

Required spaces. The minimum number of off-street parking spaces required for land uses or activities permitted by this chapter shall be as set forth in Schedule III, which is hereby adopted and made part of this article.

G. Every parking space served by an electric vehicle charging station shall count as 2 parking spaces when calculating the minimum parking requirement for a land use.

~~G. F.~~ Schedule III

Gasoline, convenience market	1.00 space per 200 square feet of gross floor area, plus 1.00 space per pump island
Gasoline filling station	1.00 stacking space, plus 1.00 space per employee on busiest shift
Automobile fuel station, convenience store	1.00 space per 500 square feet of gross retail floor area, plus 1.00 space per fuel pump island, plus 1.00 space per 4 EV charging stations
Automobile fuel station	1.00 stacking space, plus 1.00 space per fuel pump island, plus 1.00 space per 4 EV charging stations

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: None

Date: February 3, 2016

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Binghamton City Council as lead agency has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Amendments to the Zoning Ordinance regarding regulations for off-street parking and procedures for public hearings and appeals.

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The City of Binghamton wishes to amend the Code of the City of Binghamton §410-51, *Standards*; §410-53, *Off-street parking requirements by land use*; §410-39, *Procedure*; and §410-94, *Procedure for appeals*.

Location: The City of Binghamton, Broome County, New York

Reasons Supporting This Determination:

The proposed amendments to the Zoning Ordinance will streamline and clarify the process for the installation of electric vehicle charging stations in parking facilities and for the establishment of for-profit electric vehicle charging service stations. It also provides parking requirement relief in the form of a bonus for commercial property owners that install EV charging stations in their parking facilities. These measures are an effort to accommodate the growing number of electric vehicle owners, while promoting the use of electric vehicles in the City, to make Binghamton a cleaner and more environmentally responsible municipality.

The lead agency has reviewed an Environmental Assessment Form and the criteria contained in 6 NYCRR 617.7 (c) to identify the relevant areas of environmental concern, thoroughly analyzed the identified relevant areas of environmental concern, and determined that the action will not have a significant adverse impact on the environment for the following reasons:

The action will not create a significant adverse impact involved with construction on, or physical alteration of, the land surface of the proposed site.

The action will not result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).

The action will not adversely affect one or more wetlands or other surface waterbodies (e.g., streams, rivers, ponds or lakes).

The action will not result in significant new or additional use of ground water, or have the potential to introduce contaminants to ground water or an aquifer.

The action will not result in development on lands subject to flooding.

The action will not include a state regulated air emission source.

The action will not result in a loss of flora or fauna.

The action will not impact agricultural resources.

The action will not be obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

The action will not result in an adverse impact on a historic or archaeological resource.

The action will not result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

The action will not result in a significant adverse change to existing transportation systems.

The action will not cause a significant increase in the use of any form of energy.

The action will not result in an increase in noise, odors, or outdoor lighting

The action will not have an impact on human health from exposure to new or existing sources of contaminants.

The action is consistent with adopted land use plans.

The action is consistent with existing neighborhood character.

The action will not change two or more elements of the environment, neither of which has a significant impact on the environment, but when considered together results in a substantial adverse impact on the environment.

Impacts from the action may combine with impacts of other, possible independent actions in the vicinity. The lead agency finds that when considered cumulatively such combination will not create a significant adverse impact on the environment.

For Further Information

Contact Person: Christopher Papastrat, President
City of Binghamton City Council

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Binghamton, NY 13901

Telephone Number: 607-772-7005 (City Clerk's Office)

