

Note: The following only includes Sections of the Zoning Code that are proposed to be updated.

Explanation of mark up:

Black text currently exists in the code

Red text is proposed

~~Strikethrough text~~ currently exists in the code and will be eliminated

Chapter 410, ZONING

[Adopted by the City Council of the City of Binghamton 8-7-2006 by Ord. No. 06-31 (Appendix A of the 1970 Code). Amendments noted where applicable.]

ARTICLE II, Definitions

§410-5. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

(to be inserted alphabetically)

FOOD SALES, GENERAL -- the retail sales of food or beverages for off-site preparation and consumption. This classification includes but is not limited to the following:

- A. Supermarkets that offer a variety of food items for home consumption such as a combination of fresh fruits, vegetables, breads, meat, dairy products, cereals, pastas, and prepackaged foods. Generally, supermarkets are a minimum five thousand (5,000) square feet and have a minimum twenty percent (20%) of net retail floor area devoted to the display of fresh fruits and vegetables/and or fresh meats, whichever is greater.

- B. Food stores typically containing less than five thousand (5,000) square feet in floor area specializing in particular or distinctive food items, including, but not limited to retailers whose primary business maintains an inventory of specialty, gourmet, health, or ethnic food items. Examples of activities in this classification include but are not limited to the following:
 - Gourmet food store
 - Bakery, retail
 - Butcher
 - Specialty food store
 - Fish and poultry shop
 - Produce market
 - Delicatessen (may include sandwich shops in conjunction with the sale of other delicatessen products)
 - Health food store

INDUSTRIAL, HEAVY -- An establishment that involves basic processing and manufacturing of materials or products predominantly from extracted or raw materials. Examples of activities in this classification include but are not limited to the following:

- Any manufacturing use with large-scale facilities for outdoor oil and gas storage;
- Battery manufacturing and storage;
- Lime and gypsum products manufacturing;
- Non-ferrous metals production, processing, smelting and refining;
- Painting, coating and adhesive manufacturing;
- Synthetic dye and pigment manufacturing;
- Urethane and other open-cell foam product manufacturing;
- Petroleum, bio-fuel, and coal products manufacturing and refining;
- Primary metal smelting;
- Vinegar, yeast and other pungent, odor-causing items production;
- Leather tanning;

Cement and asphalt manufacturing;
Explosives manufacturing;
Fertilizer and other agricultural chemical manufacturing.

INDUSTRIAL, LIGHT -- An establishment engaged in the assembly, packaging, storage and distribution of products from finished products or parts and the small-scale production of artisan and/or custom products. This classification includes but is not limited to the production or assembly of:

Cameras and photographic equipment;
Custom cabinets;
Custom clothing;
Custom sign-making;
Custom furniture and refinishing;
Professional, scientific, measuring, and controlling instruments;
Medical, dental, optical and orthopedic instruments and appliances, and similar items;
Handicraft, art objects, and jewelry.
Musical instruments;
Production apparel manufacturing;
Computer and electronic products;
Pharmaceutical production;
Beverages (including alcoholic) and food (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast);
Electrical equipment, appliances, and components;
Furniture and related products;
Pharmaceutical production;
Sporting and athletic goods.

INDUSTRIAL, MEDIUM -- An establishment engaged in the processing, fabrication, treatment, packaging, storage and distribution of predominantly previously prepared materials, or finished products or parts, but excluding basic processing or manufacturing from predominantly new or extracted materials. Examples of activities in this classification include but are not limited to the following:

Glass manufacturing;
Metal foundries;
Wood product manufacturing;
Heavy equipment manufacturing;
Paper finishing;
Pipe production facilities;
Textile mills;
Tire retreading and recapping;
Wood product manufacturing.

INDUSTRIAL, RESEARCH AND DEVELOPMENT – An establishment engaged in scientific research for the design, development, engineering, and testing of high technology electronic, industrial or scientific products in advance of fullscale manufacturing of final products. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than for sale or distribution.

LABORATORY, RESEARCH AND TESTING — See Industrial, Research and Development A building for experimentation in pure or applied research design, development and production of prototype machines or devices or of new products, and uses accessory thereto, wherein products are not manufactured primarily for wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed and where there is no display of any materials or products.

PERSONAL INSTRUCTION AND IMPROVEMENT -- The provision of informational, instructional, personal improvement and similar services. Examples of activities in this classification include, but are not limited to, yoga, martial arts, driving school, job training, and other instructional classes.

RESTAURANT, DRIVE-THROUGH -- A use which, by design of facilities or procedures, encourages or permits customers to receive food service or products while remaining in their vehicle. A drive-~~in~~through establishment may be either a primary or accessory use.

RESTAURANT, ~~SIT-DOWN-FULL SERVICE~~-- A restaurant serving customers who are seated principally at tables and where waited on when seated, or waiting on themselves by means of a buffet, for both food and beverages, and where a variety of meals are offered. Further, where any bar area is secondary and incidental to food service, containing not more than one seat for every five table seats, and where the bar does not remain open for extended periods of time for alcohol consumption after the normal menu food service has closed, nor allows seated patrons to acquire beverages except by a waiter or waitress.

RESTAURANT, ~~TAKE-OUT/CARRY-OUT LIMITED SERVICE / CAFÉ~~ -- ~~A restaurant with prepared food with customers ordering their food at a counter as opposed to menued table services. A restaurant shall be considered take-out even if some seating capacity exists as long as food is served in a take-out manner. Restaurants that generally provide food or beverage services to patrons that order and pay before eating or drinking. Food and beverages may be served in disposable containers and may be consumed on the premises or taken out. Seating for on-premises consumption is usually available and table service may not be provided. Examples of these activities include, but are not limited to, coffee shops and cafes and restaurants that do not fall under the definition of Full Service Restaurant or Drive-Through Restaurant.~~

SUPERMARKET -- ~~A retail outlet having a square footage greater than 5,000 square feet selling food stuffs and daily essential items which may include, but are not limited to, canned goods, vegetables, meats, dairy products, condiments, and paper goods. See "Food Sales, General"~~

ARTICLE IV, General Regulations

§410-12. Lot regulations.

- E. Lot measurements. Measurements for lot depth and for ~~the front yard~~ setbacks shall be made from the property lines.
- G. Lot in multiple districts. Where one or more district boundary lines divide a lot or land in single ownership at the time of adoption of the Zoning Map, or any amendments thereto, the regulations applying in any one district may be extended into the remainder of the lot, but only when such extension has been approved by the Planning Department ~~through the Series B site plan approval process~~. See §410-45B.

§410-13. Yards and open space.

- A. Location. No yard or other open space provided ~~about for~~ a specific building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building. No yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.
- D. Terraces and porches. A terrace or porch shall not be considered in the determination of lot coverage or yard requirements, except as may be otherwise specified in this chapter, provided that such terrace or porch is without roof, awnings, screens, walls, parapets or other forms of enclosure. Such terrace or porch may have a guard railing or low wall which does not exceed 30 inches in height measured from the lowest level of the terrace or porch. No terrace or porch shall be located less than five feet from any side lot line and may not extend into the front yard by more than 10 feet. Under no circumstance shall the terrace or porch have less than a five-foot setback from the front property line. For lot coverage considerations, a terrace or porch will not be included in lot coverage calculations as long as the terrace or porch is not used as habitable space.
- E. Projecting architectural features. Architectural features such as windowsills, belt courses, chimneys, cornices, eaves or bay windows may project into any required yard area by up to five feet, provided that no such projection

shall ~~not~~ be ~~nearer than~~located five feet to any ~~lot~~-line. The total length of any bay window projections on any wall shall not exceed 1/4 of the overall length of said wall.

- F. Other projections. Open fire escapes, outside stairways, balconies and solar energy systems may project up to five feet into a required yard space, provided that such projections ~~are shall~~ not be located less than five feet from any lot line.

§410-17. Visibility at intersections.

A. Obstruction to vision. No solid fence, plantings, or other such barrier, between three (3) feet and seven (7) feet above the grade of the adjacent street line, shall be erected, planted, parked, or otherwise placed on any corner lot or at the intersection of a public or private driveway and a street ~~between three feet and seven feet above the grade of the adjacent street line~~ within the triangular area formed by the intersecting street right-of-way lines and the straight line joining said street right-of-way lines at points which are a distance of 30 feet from their intersection.

B. The provisions of subsection A of the section shall not apply to a permanent building or to trees which are trimmed to eliminate foliage for a distance of more than seven (7) feet above the grade of the adjacent street line.

§410-18. Buffer areas.

- A. Whenever a buffer strip is required by this chapter, it shall meet the following standards:

(1) It shall be a minimum width of five feet along a lot line unless otherwise specified in this chapter as a special condition.

§410-19. Accessory buildings and uses.

- A. Limitation. Any accessory building or use shall be limited ~~to such~~ that ~~which it~~ is compatible with, and incidental to, the principal building or use permitted on the lot. Such accessory structures or use shall not be established prior to establishment of the principal building or use. Only one private garage or carport is allowed per residential lot. In addition, only one accessory shed is allowed per residential lot, with a maximum area of 200 square feet and no dimension greater than 16 feet. Maximum height shall not exceed 10 feet.

ARTICLE V, Special Purpose Regulations

§410-24. Performance standards. [Amended 7-20-09 by Ord. No. 23-2009]

- J. Outdoor lighting.

(4) Plan submission. Lighting plans, when requested by the Supervisor of the Office of Building and Construction or the Planning Department, shall be submitted for building permits, variances, Series A Site Plan exception B site plan review, special use permits, and Series A site plan review applications for review and approval.

ARTICLE VI, Residential Districts

§410-25. Intent.

The intent of this Article VI is to identify the types of land uses which are permitted in the three residential zoning districts in the City of Binghamton. A list has been created which specifies the zoning district(s) in which each land use is allowed. Certain uses are permitted by right, while others require ~~ce a Series B site plan review from the Planning Department or~~ a special use permit ~~Series A site plan~~ from the Planning Commission. All uses are subject to Article IX Site Plan Review and Approval. Bulk and density regulations for each zoning district are also established.

§410-26. General provisions.

- C. Site plan approval. When Schedule I (§410-27) specifies that ~~a Series B site plan review or~~ a special use permit/Series A site plan review is required for a land use in a residential district, a building permit shall not be

§410-27. Schedule I: Land Uses in Residential Zoning Districts. [Amended 3-2-09 by Ord. No. 9-2009]

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.

(a) Principal uses:

Community residential facility--family care
Community residence facility for the disabled
Dwelling, modular
Essential services (public facilities)
Foster care home
Public parks, playgrounds, playfields, golf courses, swimming pools, and tennis courts
~~Single unit residences~~One-unit dwelling

~~(2) Permitted with Planning Department approval (Series B site plan). (to be reordered alphabetically with above)~~

(a) Principal uses:

Adult residential care facility--four or fewer beds, subject to 410.29B
Community residential facility--family care residences, subject to 410.29F
Convent
Garden, community or neighborhood, subject to 410.29L
Monastery
Parish house, subject to 410.29R

(b) Accessory uses:

Accessory dwelling, subject to 410.29A
Alternative domestic energy supply installation, subject to 410.29C
Amateur radio installations, subject to 410.29D
Minor home occupations, subject to 410.29O
Temporary structures, subject to 410.29U

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

(a) Principal uses:

Conversion or Construction of a Dwelling Unit resulting in or containing ~~to~~ More than Four Bedrooms, subject to 410.29G
Construction of a Structure with Dwelling Units with more than Four Bedrooms
Dwelling, manufactured home, subject to 410-41A(10)
Place of worship, subject to 410-41A(16)
Private school: primary and secondary
Public buildings, including elementary and secondary schools
Townhouses with two units, subject to 410-41A(25)

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

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

(a) Principal uses:

Community residential facility--family care
Community residence facility for the disabled
Dwelling, modular essential services
Essential services (public facilities)
Foster care home
Public parks, playgrounds, playfields, golf courses, swimming pools, and tennis courts
One-unit dwelling ~~Single unit residences~~
Townhouses with two units

Two-unit ~~residences-dwelling~~

~~(2) Permitted with Planning Department approval (Series B site plan). (to be reordered alphabetically with above)~~

(a) Principal uses:

Adult residential care facility--four or fewer beds [subject to 410.29B](#)
Community residential facility--family care residences, [subject to 410.29F](#)
Convent
Dwelling, manufactured home, [subject to 410.29K](#)
Garden, community or neighborhood, [subject to 410.29L](#)
Monastery
Parish house, [subject to 410.29R](#)

(b) Accessory uses:

Accessory dwelling, [subject to 410.29A](#)
Alternative domestic energy supply installation [subject to 410.29C](#)
Amateur radio installations, [subject to 410.29D](#)
Minor home occupations, [subject to 410.29O](#)
Temporary structures, [subject to 410.29U](#)

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

(a) Principal uses:

Conversion [or Construction](#) of a dwelling Unit ~~to~~ [resulting in or containing](#) More than Four Bedrooms, [subject to 410.29G](#)
~~Construction of a Structure with Dwelling Units with more than Four Bedrooms~~
Places of worship, [subject to 410-41A\(16\)](#)
Private school: primary and secondary
Public buildings, including elementary and secondary schools
Townhouse with four or fewer dwelling units, [subject to 410-41A\(24\)](#)

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

(1) Permitted by right, [subject to Article IX](#).

(a) Principal uses:

Community residential facility--family care
Community residence facility for the disabled
Dwelling, modular
Essential services ([public facilities](#))
Foster care home
Public parks, playgrounds, playfields, golf courses, swimming pools, and tennis courts
Single-unit residences
Townhouses with two units
Two-unit residences

~~(2) Permitted with Planning Department approval (Series B site plan). (to be reordered alphabetically with above)~~

(a) Principal uses:

Adult residential care facility--four or fewer beds, [subject to 410.29B](#)
Bed-and-breakfast home, [subject to 410.29E](#)
Community residential facility--family care residences [subject to 410.29F](#)
Convent
Day care, adult group, [subject to 410.29H](#)
Day care, adult home, [subject to 410.29I](#)
Day-care facility, [subject to 410.29J](#)

Dwelling, manufactured home, [subject to 410.29K](#)
Garden, community or neighborhood, [subject to 410.29K](#)
Hospitality house, [subject to 410.29M](#)
Monastery
Multi-unit dwelling: new construction or conversion of existing building into three or ~~four~~ [more](#) units
Parish house
Parking, ancillary, [subject to 410.29S](#)
Townhouse with four or fewer dwelling units, [subject to 410.29V](#)

(b) Accessory uses:

Accessory dwelling, [subject to 410.29A](#)
Alternative domestic energy supply installation, [subject to 410.29C](#)
Amateur radio installations [subject to 410.29D](#)
Major home occupations, [subject to 410.29N](#)
Minor home occupations, [subject to 410.29O](#)
Seasonal sales, [subject to 410.29T](#)
Temporary structures, [subject to 410.29U](#)

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

(a) Principal uses:

Adult residential care facility—five or more beds
Bed-and-breakfast inn
Boardinghouse
Community residential facility – community residences for youth (group homes)
Community residential facility – alcohol or drug user community support residences
Community residential facility – community residences, other
Convalescent/Nursing home: health-related nursing facility
Convalescent/Nursing home: skilled nursing facility
Conversion [or Construction](#) of Dwelling Unit [resulting in or containing ~~to~~ More than Four](#) Bedrooms, [subject to 410.29G](#)
Construction of a Structure with Dwelling Units with more than Four Bedrooms
Hospice facility
Multi-unit dwelling: new construction or conversion of existing building into five or more units
Parking area, public, [subject to 410-41A\(15\)](#)
Place of worship, [subject to 410-41A\(16\)](#)
Private school: primary and secondary
Public buildings, including primary and secondary school
Recreation use, racetrack, [subject to 410-41A\(18\)](#)
Respite care facility
Retreat house
Rooming house, new construction or conversion of existing building
Townhouse with five or more dwelling units, [subject to 410-41A\(23\)](#)

§410-29. Special conditions for certain land uses in residential districts. [Amended 3-2-09 by Ord. No. 9-2009]

Land uses listed in Schedule I as being "Permitted ~~with Planning Department approval by right~~" ~~or (Series B site plan)~~ " ["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 [§410-29](#) below.

B. An adult residential care facility (four or fewer beds) in [R-1](#), R-2 and R-3 Districts is permitted when:

- (1) The facility is owner-occupied.
- (2) The facility is licensed by the appropriate agency.

ARTICLE VII, Commercial and Industrial Districts

§410-30. Intent.

The intent of this Article VII is to identify the types of land uses which are permitted in the commercial and industrial zoning districts in the City of Binghamton. A list has been created which specifies the zoning district(s) in which each land use is allowed. Certain uses are permitted by right, while others require ~~a Series B site plan review from the Planning Department or~~ a special use permit/~~Series A site plan~~ from the Planning Commission. All uses are subject to Article IX Site Plan Review and Approval. Bulk and density regulations for each zoning district are also established.

§410-31. General provisions.

- C. Site plan approval. When Schedule II (§410-32) specifies that ~~a Series B site plan review or~~ a special use permit/~~Series A site plan review~~ is required for a land use in a commercial or industrial district, a building permit shall not be issued for such land use until a site plan has been approved in accordance with the provisions of Articles VII and IX of this chapter. Other agencies involved in issuing required permits must be contacted by the applicant.

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

A. C-1 Service Commercial District.

- (1) All uses listed in the R-3 District. ~~except townhouses~~ Residential uses shall not be located on the ground floor of any building with the exception of incidental pedestrian entrances that lead to one of these uses located on the upper floor of the building. The provisions of this section shall not preclude the operation, maintenance, and occupancy of any residential use that existed lawfully prior to the effective date of this Section. Such uses shall be subject to the nonconforming use regulations in Article XII. See Schedule I for the type of review required.

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

Animal clinic
Antiques
Art gallery
Automotive detailing business
Automotive parts and accessories establishment
Bakery, retail
Banquet/Catering facility
Barbershop/Beauty parlor
Brew pub
Catering service
Dry-cleaning establishment
Flea market, short term
Food delivery establishment
Food sales, general, excluding Supermarkets
Greenhouse, commercial
Human service agency
Laundromat
Liquor store
Nightclub
Nonalcoholic nightclub
Office, business
Office, professional
Office, professional health-related
Oil change, lube, and related sales and service facility
Pawnshop/swap shop
Personal instruction and improvement
Personal service establishment

Pet grooming shop
Photocopy and related printing service
Rental service store
Repair shop and sales, small appliances and office equipment
Restaurant, ~~sit-down~~full service
Restaurant, ~~take-out/carry-out~~limited service, café
Retail beverage/recycling center
Retail neighborhood convenience outlet
Retail or service business, general
Studio
Studio, broadcast
Tavern
Taxicab/Personal transport business (no repairs or exterior storage of vehicles)
Telephone switching facility
Therapeutic massage office
Thrift shop/secondhand store
Towing service (with no accessory storage)
Travel agency
Video rental shop

~~(3) Permitted with Planning Department approval (Series B site plan):~~ *(to be reordered alphabetically with above)*

Animal hospital, subject to 410-34B.
Auction house or gallery, subject to 410-34E.
Automatic teller machine (drive-up), subject to 410-34F.
Automobile sales, used (minor), subject to 410-34G.
Bank and financial institutions, subject to 410-34I.
Bank, drive-through, subject to 410-34J.
Banquet/Catering facility, subject to 410-34K.
Cultural facilities/museums, subject to 410-34Q.
Flea market, long-term, subject to 410-34R.
Health/Sport club, subject to 410-34S.
Kennel, commercial, subject to 410-34U.
Parcel delivery, subject to 410.29DD.
Parking, ancillary, subject to 410.29EE.
Restaurant, drive-through, subject to 410.29FF.
Retail drive-through, subject to 410.29II.
Tire, muffler, brake, shock absorber, and related sales and service, subject to 410.29GG.
Wayside stand, subject to 410.29OO.
Wholesale trade and storage, subject to 410.29PP.

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

Alcohol or drug rehabilitation facility
Automobile hand washing business
Automobile mechanical washing business
Automobile rental/leasing facility
Automobile repair shop, subject to 410-41A(4)
Automobile sales, new, subject to 410-41A(5)
Automobile sales, used (major), subject to 410-41A(6)
Automobile service station, subject to 410-41A(7)
Bus depot
Clinic, medical, diagnostic or treatment center
Club or lodge, membership

Community center
 Crematory
 Department store
 Dormitory, off-campus
 Dry-cleaning plant
 Eleemosynary/Philanthropic organization
 Fraternity/Sorority house
 Funeral home
 Gasoline, convenience market
 Halfway house
 Hotel and motel, subject to 410-41A(11)
 Industrial, light
 Industrial, medium
Industrial, research and development
 Laboratory, research and testing
 Machine, sheet metal and welding shop, subject to 410-41A(12)
 Microbrewery
 Mission/Homeless shelter
 Parking area, public, subject to 410-41A(15)
 Printing or publishing facility
 Radio and television transmitting station
 Rail freight terminal, subject to 410-41A(17)
 Railroad facility
 Railroad station
 Recreation use, commercial indoor
 Recreation use, commercial outdoor
 Recreation vehicles, sales and repair
 Schools, business/commercial/trade/vocational
 Schools, colleges, universities, and professional
 Self-service storage warehouse, subject to 410-41A(19)
 Shopping center, subject to 410-41A(20)
 Supermarket
 Taxicab/Personal transport business (with repairs and/or exterior storage of vehicles)
 Telecommunications facility, subject to 410-41A(21)
 Zoo/Aquarium

A. C-2 Downtown Business District.

- (1) All uses listed in the R-3 District. ~~except townhouses~~ Residential uses shall not be located on the ground floor of any building with the exception of incidental pedestrian entrances that lead to one of these uses located on the upper floor of the building. The provisions of this section shall not preclude the operation, maintenance, and occupancy of any residential use that existed lawfully prior to the effective date of this Section. Such uses shall be subject to the nonconforming use regulations in Article XII. See Schedule I for the type of review required.
- (2) Permitted by right, subject to Article IX:÷
 - Animal clinic
 - Antiques
 - Art gallery
 - Automotive detailing business
 - Automotive parts and accessories establishment
 - Bakery, retail
 - Banquet/Catering facility
 - Barbershop/Beauty parlor
 - Brew pub
 - Catering service

Dry-cleaning establishment
Flea market, short-term
Food delivery establishment
Food sales, general, excluding Supermarkets
Greenhouse, commercial
Human service agency
Laundromat
Liquor store
Nightclub
Nonalcoholic nightclub
Office, business
Office, professional
Office, professional health-related
Pawnshop/Swap shop
Personal instruction and improvement
Personal service establishment
Pet grooming shop
Photocopy and related printing service
Rental service store
Repair shop and sales, small appliances and office equipment
Restaurant, ~~sit-down~~full service
Restaurant, ~~take-out/carry-out~~limited service, café
Retail or service business, general
Studio
Studio, broadcast
Tavern
Taxicab/Personal transport business (no repairs or exterior storage of vehicles)
Telephone switching facility
Therapeutic massage office
Thrift shop/secondhand store
Travel agency
Video rental shop

~~(3) Permitted with Planning Department approval (Series B site plan): (to be reordered alphabetically with above)~~

Animal hospital, subject to 410-34B.
Auction house or gallery, subject to 410-34E.
Automatic teller machine (drive-up), subject to 410-34F.
~~Automobile sales, used (minor)~~
Bank and financial institutions, subject to 410-34I.
Bank, drive-through, subject to 410-34J.
Banquet/Catering facility, subject to 410-34K.
Cultural facilities/museums, subject to 410-34Q.
Flea market, long-term, subject to 410-34R.
Health/Sport club, subject to 410-34S.
Parking, ancillary, subject to 410.29EE.
Wayside stand, subject to 410.29OO.
Wholesale trade and storage, subject to 410.29PP.

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

Bus depot
Clinic, medical, diagnostic or treatment center
Club or lodge, membership

Community center
 Department store
 Dormitory, off-campus
 Eleemosynary/Philanthropic organization
 Fraternity/Sorority house
 Funeral home
 Halfway house
 Hotel and motel, [subject to 410-41A\(11\)](#)
 Industrial, light
 Industrial, medium
[Industrial, research and development](#)
~~[Laboratory, research and testing](#)~~
 Parking area, public, [subject to 410-41A\(15\)](#)
 Printing or publishing facility
 Radio and television transmitting station
 Rail freight terminal, [subject to 410-41A\(17\)](#)
 Railroad facility
 Railroad station
 Recreation use, commercial indoor
 Recreation use, commercial outdoor
 Schools, business/commercial/trade/vocational
 Schools, colleges, universities, and professional
 Shopping center, [subject to 410-41A\(20\)](#)
 Supermarket
 Taxicab/Personal transport business (with repairs and/or exterior storage of vehicles)
 Telecommunications facility, [subject to 410-41A\(21\)](#)
 Zoo/Aquarium

C. C-3 Medical District.

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

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

Office, business
 Office, professional
 Office, professional health-related
 Therapeutic massage office

~~(3) Permitted with Planning Department approval (Series B site plan): (to be reordered alphabetically with above)~~

Animal clinic, [subject to Section 410-34A.](#)
 Health/Sport club, [subject to 410-34S.](#)
 Office complex (business/professional/professional health-related) [subject to 410.29Y.](#)
 Parking, ancillary, [subject to 410.29ee.](#)

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

Alcohol or drug rehabilitation facility
 Clinical, medical, diagnostic or treatment center
 Hospital, medical center
 Laboratory, medical-related research and testing
 Methadone facility
 Parking area, public, [subject to 410-41A\(15\)](#)

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.

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

- Animal clinic
- Antiques
- Art gallery
- Automotive detailing business
- Bakery, retail
- Barbershop/Beauty parlor
- Brew pub
- Catering service
- Dry-cleaning establishment
- Flea market, short-term
- Food delivery establishment
- Food sales, general, excluding Supermarkets
- Greenhouse, commercial
- Human service agency
- Laundromat
- Liquor store
- Office, business
- Office, professional
- Office, professional health-related
- Pawnshop/Swap shop
- Personal instruction and improvement
- Personal service establishment
- Pet grooming shop
- Photocopy and related printing service
- Rental service store
- Repair shop and sales, small appliances and office equipment
- Restaurant, ~~sit-down~~full service
- Restaurant, ~~take-out/carry-out~~limited service, café
- Retail beverage/recycling center
- Retail craft/hobby shop
- Retail neighborhood convenience outlet
- Retail or service business, general
- Retail sales of ice cream, candy, baked goods, gifts, flowers, and similar small items
- Studio
- Studio, broadcast
- Tavern
- Taxicab/Personal transport business (no repairs or exterior storage of vehicles)
- Telephone switching facility
- Therapeutic massage office
- Thrift shop/secondhand store
- Travel agency
- Video rental shop

~~(3) Permitted with Planning Department approval (Series B site plan):~~ *(to be reordered alphabetically with above)*

- Animal hospital, subject to 410-34B.
- Automatic teller machine (drive-up)
- Automobile sales, used (minor), subject to 410-34G.
- Automotive parts and accessories establishment, subject to 410-34H.
- Bank and financial institutions, subject to 410-34I.
- Bank, drive-through, subject to 410-34J.

Banquet/Catering facility, [subject to 410-34K](#).
Billiards hall, [subject to 410-34L](#).
Flea market, long-term, [subject to 410-34R](#).
Health/Sport club, [subject to 410-34S](#).
Kennel, commercial, [subject to 410-34U](#).
Nightclub, [subject to 410-34V](#).
Nonalcoholic nightclub [subject to 410.29X](#).
Office complex (business/professional/professional health-related) [subject to 410.29Y](#).
Oil change, lube, and related sales and service facility [subject to 410.29CC](#).
Parking, ancillary, [subject to 410.29EE](#).
Restaurant, drive-through, [subject to 410.29FF](#).
Retail drive-through, [subject to 410.29II](#).
Wayside stand, [subject to 410.29OO](#).

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

Automobile hand washing business
Automobile mechanical washing business
Automobile service station, [subject to 410-41A\(7\)](#)
Bowling alley
Clinic, medical, diagnostic or treatment center
Club or lodge, membership
Community center
Crematory
Cultural facilities/museums
Eleemosynary/Philanthropic organization
Fraternity/Sorority house
Funeral home
Gasoline, convenience market
Microbrewery
Miniature golf establishment, [subject to 410-41A\(13\)](#)
Parking area, public, [subject to 410-41A\(15\)](#)
Shopping center, [subject to 410-41A\(20\)](#)
Supermarket
Tire, muffler, brake, shock absorber, and related sales and service, [subject to 410-41A\(22\)](#)

E. C-5 Neighborhood Office District.

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

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

Bakery, retail
Personal service establishment
Retail craft/hobby shop
Retail neighborhood convenience outlet
Retail sales of ice cream, candy, baked goods, gifts, flowers, and similar small items
Studio

~~(3) Permitted with Planning Department approval (Series B site plan): (to be reordered alphabetically with above)~~

Antiques, [subject to 410-34C](#).
Art gallery, [subject to 410-34D](#).
Bank and financial institutions, [subject to 410-34I](#).
Bank, drive-through, [subject to 410-34J](#).
Catering service, [subject to 410-34P](#).

Human service agency, subject to 410-34T.
Office, business subject to 410.29Z.
Office, professional subject to 410.29AA.
Office, professional health-related subject to 410.29BB.
Parking, ancillary, subject to 410.29EE.
Restaurant, ~~sit down~~full service, subject to 410.29GG.
Restaurant, ~~take out/carry out~~limited service / café, subject to 410.29HH.
Therapeutic massage office, subject to 410.29KK.
Travel agency, subject to 410.29NN.

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

Cultural facilities/museums
Eleemosynary/Philanthropic organization
Funeral home
Parking area, public, subject to 410-41A(15)

F. C-6 Limited Neighborhood Commercial District.

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

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

Bakery, retail
Food sales, general, excluding Supermarkets
Laundromat
Liquor store
Personal instruction and improvement
Personal service establishment
Retail craft/hobby shop
Retail neighborhood convenience outlet
Retail sales of ice cream, candy, baked goods, gifts, flowers, and similar small items
Studio

~~(3) Permitted with Planning Department approval (Series B site plan): (to be reordered alphabetically with above)~~

Antiques, subject to 410-34C.
Art gallery, subject to 410-34D.
Catering service, subject to 410-34P.
Office, business, subject to 410.29Z.
Office, professional, subject to 410.29AA.
Office, professional health-related, subject to 410.29BB.
Restaurant, ~~sit down~~full service, subject to 410.29GG.
Restaurant, ~~take out/carry out~~limited service / café, subject to 410.29HH.
Tavern, subject to 410.29JJ.
Therapeutic massage office, subject to 410.29KK.
Thrift shop/secondhand store, subject to 410.29LL.
Travel agency, subject to 410.29NN.
Wayside stand, subject to 410.29OO.

~~(43)~~ Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan):

Eleemosynary/Philanthropic organization

G. I-1 Urban Business Park District.

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

Essential services
Office, business
Office, professional
Office, professional health-related
Photocopy and related printing service
Restaurant, ~~sit-down~~full service
Restaurant, ~~take-out/carry-out~~limited service, café
Single-unit residences
Telephone switching facility
Two-unit residences

~~(2) Permitted with Planning Department approval (Series B site plan):~~ *(to be reordered alphabetically with above)*

Health/Sport club, subject to 410-34S.
Monument manufacture and sales, subject to 410-34V.
Multi-unit dwelling: new construction or conversion of existing building into three or four units
Parcel delivery, subject to 410.29DD.
Parking, ancillary, subject to 410.29EE.
Wholesale trade and storage, subject to 410.29GG.

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

Convalescent/Nursing home: health-related nursing facility
Convalescent/Nursing home: skilled nursing facility
Hotel and motel, subject to 410-41A(11)
Industrial, light
Industrial, medium
Industrial park
Industrial, research and development
Laboratory, research and testing
Multi-unit dwelling: new construction or conversion of existing building into five or more units
Parking area, public, subject to 410-41A(15)
School, business/commercial/trade/vocational
Schools, colleges, universities, and professional
Telecommunications facility, subject to 410-41A(21)

H. I-2 Light and Medium Industrial District.

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

Animal clinic
Antiques
Art gallery
Automotive detailing business
Automotive parts and accessories establishment
Automotive sales, used (minor), subject to 410-34G.
Bakery, retail
Banquet/Catering facility
Barbershop/Beauty parlor
Brew pub
Catering service
Dry-cleaning establishment
Flea-market, short term
Food delivery establishment
Food sales, general, excluding Supermarkets
Greenhouse, commercial

Human service agency
Laundromat
Liquor store
Nightclub
Nonalcoholic nightclub
Office, business
Office, professional
Office, professional health-related
Oil change, lube, and related sales and service facility
Pawnshop/Swap shop
Personal instruction and improvement
Personal service establishment
Pet grooming shop
Photocopy and related printing service
Rental service store
Repair shop and sales, small appliances and office equipment
Restaurant, ~~sit down~~full service
Restaurant, ~~take out/carry out~~limited service / cafe
Retail beverage/recycling center
Retail or service business, general
Studio
Studio, broadcast
Tavern
Taxicab/Personal transport business (no repairs or exterior storage of vehicles)
Telephone switching facility
Therapeutic massage office
Thrift shop/secondhand store
Towing service (with no accessory storage)
Travel agency
Video rental shop

~~(2) Permitted with Planning Department approval (Series B site plan):~~ *(to be reordered alphabetically with above)*

Animal hospital, subject to 410-34B.
Auction house or gallery, subject to 410-34E.
Automatic teller machine (drive-up), subject to 410-34F.
Bank and financial institutions, subject to 410-34I.
Bank, drive-through, subject to 410-34J.
Banquet/Catering facility, subject to 410-34K.
Building contractor office and yard, subject to 410-34M.
Contractor's office and yard, building, subject to 410-34N.
Contractor's office and yard, heavy construction, subject to 410-34O.
Cultural facilities/museums, subject to 410-34Q.
Flea market, long-term, subject to 410-34R.
Health/Sport club, subject to 410-34S.
Kennel, commercial, subject to 410-34U.
Monument manufacture and sales, subject to 410-34V.
Parcel delivery, subject to 410.29DD.
Parking, ancillary, subject to 410.29EE.
Restaurant, drive-through, subject to 410.29FF.
Retail drive-through, subject to 410.29II.
Tire, muffler, brake, shock absorber, and related sales and service, subject to 410.29MM.
Wayside stand, subject to 410.29OO.
Wholesale trade and storage, subject to 410.29PP.

- (3) Permitted with Planning Commission approval, pursuant to Article VIII (special use permit and Series A site plan):
- Adult bookstore, subject to 410-41A(1)
 - Adult entertainment establishment, subject to 410-41A(2)
 - Adult novelty store, subject to 410-41A(3)
 - Automobile mechanical washing business
 - Automobile rental/leasing facility
 - Automobile repair shop, subject to 410-41A(4)
 - Automobile sales, new, subject to 410-41A(5)
 - Automobile sales, used (major) , subject to 410-41A(6)
 - Automobile service station, subject to 410-41A(7)
 - Automotive hand washing business
 - Bakery, wholesale
 - Building supply yard, subject to 410-41A(8)
 - Bus depot
 - Clinic, medical, diagnostic or treatment center
 - Club or lodge, membership
 - Community center
 - Construction equipment sales, storage, and maintenance, subject to 410-41A(9)
 - Crematory
 - Department store
 - Dry-cleaning plant
 - Eleemosynary/Philanthropic organization
 - Feed warehouse
 - Fraternity/Sorority house
 - Funeral home
 - Gasoline, convenience market
 - Heavy vehicle maintenance and storage facility
 - Hotel and motel, subject to 410-41A(11)
 - Industrial, light
 - Industrial, medium
 - Industrial, research and development
 - Industrial park
 - Laboratory, research and testing
 - Machine, sheet metal and welding shop, subject to 410-41A(12)
 - Microbrewery
 - Motor truck freight terminal, subject to 410-41A(14)
 - Parking area, public, subject to 410-41A(15)
 - Printing or publishing facility
 - Radio and television transmitting station
 - Rail freight terminal, subject to 410-41A(17)
 - Railroad facility
 - Railroad station
 - Recreation use, commercial indoor
 - Recreation use, commercial outdoor
 - Recreation use, racetrack
 - Recreation vehicles, sales and repair
 - Schools, business/commercial/trade/vocational
 - Schools, colleges, universities, and professional
 - Self-service storage warehouse, subject to 410-41A(19)
 - Shopping center, subject to 410-41A(20)
 - Supermarket
 - Tavern, nonalcoholic
 - Taxicab/Personal transport business (with repairs and/or exterior storage of vehicles)

Telecommunications facility, subject to 410-41A(21)
Transfer station/redemption center, recyclable materials, subject to 410-41A(26)
Transfer station, solid waste or construction and demolition debris, subject to 410-41A(27)
Vehicle impound yard, subject to 410-41A(28)
Zoo/Aquarium

I. I-3 Heavy Industrial District.

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

Animal clinic
Antiques
Art gallery
Automotive detailing business
Automotive parts and accessories establishment
Bakery retail
Banquet/Catering facility
Barbershop/Beauty parlor
Brew pub
Catering service
Dry-cleaning establishment
Flea market, short-term
Food delivery establishment
Food sales, general, excluding Supermarkets
Greenhouse, commercial
Human service agency
Laundromat
Liquor store
Nightclub
Nonalcoholic nightclub
Office, business
Office, professional
Office, professional health-related
Oil change, lube, and related sales and service facility
Pawnshop/Swap shop
Personal instruction and improvement
Personal service establishment
Pet grooming shop
Photocopy and related printing service
Rental service store
Repair shop and sales, small appliances and office equipment
Restaurant, sit-down full service
Restaurant, take-out/carry-out limited service, café
Retail beverage/recycling center
Retail or service business, general
Studio
Studio, broadcast
Tavern
Taxicab/Personal transport business (no repairs or exterior storage of vehicles)
Telephone switching facility
Therapeutic massage office
Thrift shop/secondhand store
Towing service (with no accessory storage)
Travel agency
Video rental shop

~~(2) Permitted with Planning Department approval (Series B site plan): (to be reordered alphabetically with above)~~

Animal hospital, subject to 410-34B.
Auction house or gallery, subject to 410-34E.
Automatic teller machine (drive-up), subject to 410-34F.
Automobile sales, used (minor), subject to 410-34G.
Bank and financial institutions, subject to 410-34I.
Bank, drive-through, subject to 410-34J.
Banquet/Catering facility, subject to 410-34K.
Building contractor office and yard, subject to 410-34M.
Contractor's office and yard, building, subject to 410-34N.
Contractor's office and yard, heavy construction, subject to 410-34O.
Cultural facilities/museums, subject to 410-34Q.
Flea market, long-term, subject to 410-34R.
Health/Sport club, subject to 410-34S.
Kennel, commercial, subject to 410-34U.
Monument manufacture and sales, subject to 410-34V.
Parcel delivery, subject to 410.29DD.
Parking, ancillary, subject to 410.29EE.
Restaurant, drive-through, subject to 410.29FF.
Retail drive-through, subject to 410.29II.
Tire, muffler, brake, shock absorber, and related sales and service, subject to 410.29MM.
Wayside stand, subject to 410.29OO.
Wholesale trade and storage, subject to 410.29PP.

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

Adult bookstore, subject to 410-41A(1)
Adult entertainment establishment, subject to 410-41A(2)
Adult novelty store, subject to 410-41A(3)
Automobile mechanical washing business
Automobile rental/leasing facility
Automobile repair shop, subject to 410-41A(4)
Automobile sales, new, subject to 410-41A(5)
Automobile sales, used (major) , subject to 410-41A(6)
Automobile service station, subject to 410-41A(7)
Automotive hand washing business
Bakery, wholesale
Building supply yard, subject to 410-41A(8)
Bus depot
Clinic, medical, diagnostic or treatment center
Club or lodge, membership
Community center
Construction equipment sales, storage, and maintenance, subject to 410-41A(9)
Crematory
Department store
Dry-cleaning plant
Eleemosynary/Philanthropic organization
Feed warehouse
Fraternity/Sorority house
Funeral home
Gasoline, convenience market
Heavy vehicle maintenance and storage facility
Hotel and motel, subject to 410-41A(11)

Industrial, heavy
 Industrial, light
 Industrial, medium
Industrial, research and development
 Industrial park
 Laboratory, research and testing
 Machine, sheet metal and welding shop, subject to 410-41A(12)
 Microbrewery
 Motor truck freight terminal, subject to 410-41A(14)
 Parking area, public, subject to 410-41A(15)
 Printing or publishing facility
 Radio and television transmitting station
 Rail freight terminal, subject to 410-41A(17)
 Railroad facility
 Railroad station
 Recreation use, commercial indoor
 Recreation use, commercial outdoor
 Recreation use, racetrack
 Recreation vehicles, sales and repair
 Schools, business/commercial/trade/vocational
 Schools, colleges, universities, and professional
 Self-service storage warehouse, subject to 410-41A(19)
 Shopping center, subject to 410-41A(20)
 Supermarket
 Tavern, nonalcoholic
 Taxicab/Personal transport business (with repairs and/or exterior storage of vehicles)
 Telecommunications facility, subject to 410-41A(21)
 Transfer station/redemption center, recyclable materials, subject to 410-41A(26)
 Transfer station, solid waste or construction and demolition debris, subject to 410-41A(27)
 Vehicle impound yard, subject to 410-41A(28)
 Vehicle salvage facility, subject to 410-41A(29)
 Zoo/Aquarium

§410-34. Special conditions for certain land uses in commercial and industrial zoning districts. [Amended 7-20-09 by Ord. No. 23-2009]

Certain ~~land~~ and uses listed in Schedule II as being "Permitted with Planning Department approval (Series B site plan review) by right" shall not be considered permitted until the Supervisor of the Office of Building and Construction is satisfied that there is compliance with applicable conditions as set forth in this §410-34.

GG. A restaurant, ~~sit-down~~full-service, in the C-5 and C-6 Districts is permitted when:

- (1) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.
- (2) A landscaped area at least five feet wide shall be provided adjacent to public streets and alongside and rear property lines.
- (3) There shall be no outside storage of garbage or waste material which is visible from the street.

HH. A restaurant, ~~take-out/carry-out~~limited service, café, in the C-5 and C-6 Districts is permitted when:

- (1) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.
- (2) A landscaped area at least five feet wide shall be provided adjacent to public streets and alongside and rear property lines.
- (3) There shall be no outside storage of garbage or waste material which is visible from the street.

PP. Wholesale trade and storage in the C-1, C-2, C-6, I-1, I-2, and I-3 Districts is permitted when:

- (1) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.

- (2) A landscaped area at least five feet wide shall be provided adjacent to public streets and alongside and rear property lines.
- (3) Access drives shall be no wider than 30 feet and shall be clearly defined by curbs.
- (4) Outdoor storage of material and parking or loading facilities shall be located no less than 10 feet from any front lot line and no less than five feet from any other lot line.

ARTICLE VIII, Special Use Permit/Series A Site Plan Review Requirements

§410-36. Applicability. [Amended 3-2-09 by Ord. No. 9-2009]

A. ~~Special Use Permit/Series A Site Plan approval from the Planning Commission pursuant to §410-39 of this Article VIII is required for all new construction, for all commercial uses, for all special permitted uses requiring a special use permit, for all principal permitted and accessory uses, for all changes of use,~~ and as required by §410-27 or §410-~~29-32~~ of this Chapter. No building permit shall be ~~authorized or~~ issued by the ~~Supervisor of Building Construction Inspector, or his designee,~~ for any use which requires site plan approval except upon ~~authorization determination of an in-~~conformity with plans approved by the Planning Commission.

~~B. Exceptions. Notwithstanding Subsection A of this section, no Series A Site Plan approval is required for: (i) single and two family dwellings and accessory uses thereto, except as may be required by §410-27 or §410-29 of this Chapter; or (ii) any change of use from one principal permitted or accessory use to another principal permitted or accessory use, including changes of use within a permitted multiple use, e.g. a shopping center, and where no exterior alterations or additions are proposed, provided the Planning Department and Building Inspector determine that the proposed change of use will not have any significant impact on:~~

~~1. Traffic volume~~

~~2. Site access~~

~~3. On site and off site parking~~

~~4. Internal circulation~~

~~5. Neighborhood noise levels~~

~~6. Green space (The proposed project will not have created a need for additional landscaping, screening, or buffering)~~

~~7. Drainage~~

~~8. Character of the neighborhood~~

~~9. Lighting~~

~~—The list of items to be considered above is inclusive, but is not exclusive, and the Planning Department and Building Inspector may consider any environmental or development issues that would have a significant impact on the parcel and/or the surrounding area.~~

~~CB.~~ A special use permit/ ~~and/or~~ Series A site plan review which has been authorized for a specific land use is not transferable and does not apply to any other land use.

§410-39. Procedure. [Amended 3-2-09 by Ord. No. 9-2009]

A. Application. Application for a special use permit/Series A site plan review shall be made to ~~the Supervisor of the Office of Building and Construction, who shall receive such application and refer it~~ to the Planning Department for processing.

B. Material to be submitted. An application for a special use permit/Series A site plan review shall be accompanied by any written and graphic material which ~~the applicant feels~~ will best support and illustrate the request. Processing of the application by the Planning Department may be delayed until adequate descriptive and illustrative material is provided. At a minimum, the information specified on the special use permit/Series A site plan review application shall be submitted.

D. Public hearing and public notices.

(1) Public hearing. The Planning Commission shall hold a public hearing on the Special Use Permit/Series A Site Plan review application within 45 days from the date a complete application is received by the Planning Department and the Planning Commission completes the required State Environmental Quality Review. The Planning Commission may, but is not required to, waive a public hearing for accessory uses.

(2) Public notice by Applicant.

(a) Newspaper. Notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least ~~10-7~~ calendar days prior to the date of the hearing, excluding the hearing date

- (b) Certified mailings. Additionally, at least ~~10~~7 calendar days prior to the public hearing, notice thereof shall be sent by certified mail, return receipt requested, to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
- (c) Public notice sign. At least ~~10~~7 calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.
- (d) Verification of notice. Verification of notice as required by this §410-39D shall be submitted to the Planning Department at least five calendar days prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin and the return receipt form (PS Form 3811) from the post office.
- (e) Cost. The preparation and cost of publication, mailing of required notice of public hearing, and sign posting shall be borne by the applicant.

(3) Alternative Public Notice by Planning Department. Upon receipt of payment of a notification fee as set by the City Council an applicant may choose to have the Planning Department provide Public notice to the official newspaper of the City of Binghamton (the Press and Sun Bulletin) and to complete mailings. The applicant shall still be responsible for posting the Public notice sign.

- (a) Newspaper. Notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least 7 calendar days prior to the date of the hearing, excluding the hearing date.
- (b) Mailings. Additionally, at least 7 calendar days prior to the public hearing, notice thereof shall be sent by U.S. mail to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
- (c) Public notice sign posted by Applicant. At least 7 calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property by the applicant. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.
- (d) Verification of notice. Verification of notice as required by this §410-39D shall be prepared by the Planning Department at least five calendar days prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin and a signed affidavit of notice prepared by the Planning Department.
- (e) Cost. The preparation and cost of publication, mailing of required notice of public hearing, and sign posting shall be borne by the applicant.

§410-40. General requirements.

- A. Approval of any application for a special use permit/Series A site plan review may be conditioned on the provision of adequate safeguards to protect the health, safety and general welfare of the public and to mitigate possible detrimental effects on adjacent property. To this end, before a special use permit/Series A site plan review application is approved, the Planning Commission shall determine that the following general requirements have been met, as well as any other applicable specific requirements for certain land uses as may be set forth in §410-41 and Article IX of this chapter.

§410-41. Additional requirements for certain land uses. [Amended 7-20-09 by Ord. No. 23-2009]

- A. In addition to the general requirements specified in §410-40 above and the provisions of Article IX of this chapter, which are applicable to all special use permit/Series A site plan review requests, the specific requirements

for certain land uses as set forth in this section shall be complied with unless such requirements are modified by the Planning Commission. Additional requirements are as follows:

(1) An adult bookstore in the I-2 and I-3 Districts is permitted when:

~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(b_a)~~ No such facility shall be located less than 500 feet from the boundary of any residential district or residence, place of worship, school, church or playground in any district.

~~(e_b)~~ No such facility shall be located less than 500 feet from the nearest lot line of another lawfully established adult bookstore, adult novelty store, or adult entertainment establishment.

(2) An adult entertainment establishment in the I-2 and I-3 Districts is permitted when:

~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(b_a)~~ No such facility shall be located less than 500 feet from the boundary of any residential district.

~~(e_b)~~ No such facility shall be located less than 500 feet from the nearest lot line of another lawfully established adult entertainment establishment, adult bookstore, or adult novelty store.

(3) An adult novelty store in the I-2 and I-3 Districts is permitted when:

~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(b_a)~~ No such facility shall be located less than 500 feet from the boundary of any residential district.

~~(e_b)~~ No such facility shall be located less than 500 feet from the nearest lot line of another lawfully established adult novelty store, adult bookstore, or adult entertainment establishment.

~~(b_c)~~ Required stacking spaces shall not interfere with the entrance and exit of vehicles and shall not extend onto any public street.

~~(8) An automobile rental/leasing facility in the C-1, I-2, and I-3 Districts is permitted when:~~

~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

(94) An automobile repair shop in the C-1, I-2, and I-3 Districts is permitted when:

~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(b_a)~~ No outside storage of materials is permitted in the required front and side setback areas.

~~(e_b)~~ No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.

~~(d_c)~~ The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.

~~(e_d)~~ No outdoor storage of tires shall be permitted at any time.

~~(105)~~ Automobile sales, new, in the C-1, I-2, and I-3 Districts is permitted when:

~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(b_a)~~ The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.

~~(e_b)~~ No outdoor storage of tires shall be permitted at any time.

~~(d_c)~~ No outside storage of materials is permitted in the required front and side setback areas.

~~(e_d)~~ No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.

~~(116)~~ Automobile sales, used (major), in the C-1, I-2, and I-3 Districts is permitted when:

~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

- (~~ba~~) The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.
 - (~~eb~~) No outdoor storage of tires shall be permitted at any time.
 - (~~dc~~) No outside storage of materials is permitted in the required front and side setback areas.
 - (~~ed~~) No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.
- (~~127~~) An automobile service station in the C-1, C-4, I-2, and I-3 Districts is permitted when:
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - (~~ba~~) No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.
 - (~~eb~~) The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.
 - (~~dc~~) No outdoor storage of tires shall be permitted at any time.
 - (~~ed~~) No outside storage of materials is permitted in the required front and side setback areas.
- ~~(13) A bakery, wholesale, in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(14) A bed and breakfast inn in the R-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(15) A boardinghouse in the R-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(16) A bowling alley in the C-4 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- (~~178~~) A building supply yard in the I-2 and I-3 Districts is permitted when:
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - (~~ba~~) No outside storage of materials is permitted in the required front and side setback areas.
- ~~(18) A bus depot in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(19) A clinic, medical, diagnostic or treatment center in the C-1, C-2, C-3, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(20) A club or lodge, membership, in the C-1, C-2, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(21) A community center in the C-1, C-2, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(22) A community residential facility community residences for youth (group homes) in the R-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(23) A community residential facility alcohol or drug user community support residences in the R-3 District is permitted when:~~

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(24) A community residential facility community residence, other, in the R-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(25) Construction equipment sales, storage, and maintenance in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(b) No outside storage of materials is permitted in the required front and side setback areas.~~
- ~~(26) A convalescent/nursing home: health related nursing facility in the R-3 and I-1 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(27) A convalescent/nursing home: skilled nursing facility in the R-3 and I-1 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(28) A crematory in the C-1, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(29) Cultural facilities/museums in the C-4 and C-5 Districts are permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(30) A department store in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(31) A dormitory, off-campus, in the C-1 and C-2 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(32) A dry-cleaning plant in the C-1, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(33) A dwelling, manufactured home, in the R-1 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(b) A permanent foundation is required. No posts, pillars, columns, etc. are permitted.~~
- ~~(c) No skirting is permitted.~~
- ~~(34) An eleemosynary/philanthropic organization in the C-1, C-2, C-4, C-5, C-6, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(35) A feed warehouse in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(36) A fraternity/sorority house in the C-1, C-2, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(37) A funeral home in the C-1, C-2, C-4, C-5, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(38) A gasoline, convenience market in the C-1, C-4, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(39) A halfway house in the C-1 and C-2 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

- ~~(40) A heavy vehicle maintenance and storage facility in the I-2 and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(41) A hospice facility in the R-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(42) A hospital, medical center in the C-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- (4311) A hotel and motel in the C-1, C-2, I-1, I-2, and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
(b) No building shall be located less than 50 feet from the lot line of an existing residence.
(e) No off-street parking shall be located less than 15 feet from the lot line of an existing residence.
- ~~(44) Industrial, heavy, in the I-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(45) Industrial, light, in the C-1, C-2, I-1, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(46) Industrial, medium, in the C-1, C-2, I-1, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(47) An industrial park in the I-1, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(48) A laboratory, research and testing, in the C-1, C-2, C-3, I-1, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- (4912) A machine, sheet metal and welding shop in the C-1, I-2, and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
(b) No outdoor storage of parts, waste products, or other materials is permitted unless appropriately screened from view.
(e) The provisions of Chapter 292, Noise, of the Code of the City of Binghamton, are complied with.
- ~~(50) A methadone facility in the C-3 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(51) A microbrewery in the C-1, C-4, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- (5213) A miniature golf establishment in the C-4 District is permitted when:
(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.
(b) Hours of operation shall not extend after 12:00 midnight or begin before 8:00 a.m.
- ~~(53) A mission/homeless shelter in the C-1 District is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- (5414) A motor truck freight terminal in the I-2 and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
(b) No vehicles shall be parked overnight with their motors running.
(e) No vehicles shall leave their motors running or idling for longer than a period of 15 minutes.

- ~~(55) A multi-unit dwelling: new construction or conversion of existing building into five or more units in the R-3 and I-1 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- (5615) A parking area, public, in the R-3, C-1, C-2, C-3, C-4, C-5, I-1, I-2, and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
(b) If the use is proposed in the R-3 District, the site plan must comply with lot coverage requirements for the C-4 District.
- (5716) A place of worship in the R-1, R-2, and R-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
(b) No structure shall be located less than 30 feet from an abutting residential lot line.
(c) In the R-1 and R-2 Districts, approval or denial of a special use permit application shall be a determination of City Council after a public hearing has been held by the Planning Commission and a Series A site plan review report has been received from the Planning Commission.
- ~~(58) A printing or publishing facility in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(59) A private school: primary and secondary in the R-1, R-2, and R-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(60) Public buildings, including elementary and secondary schools, in the R-1, R-2, and R-3 Districts are permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(61) A radio and television transmitting station in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- (6217) A rail freight terminal in the C-1, C-2, I-2, and I-3 Districts is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
(b) Approval or denial of a special use permit application shall be a determination of City Council after a public hearing has been held by the Planning Commission and a Series A site plan review report has been received from the Planning Commission.
- ~~(63) A railroad facility in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(64) A railroad station in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(65) A recreation use, commercial indoor, in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(66) A recreation use, commercial outdoor, in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- (6718) A recreation use, racetrack, in the R-3 District is permitted when:
~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
(b) The lot on which such facility is located shall be at least 10,000 square feet in area with a frontage of at least 100 feet.
(c) No portion of the track area shall be located less than 20 feet from any residential lot line or an abutting public street.

- (~~dc~~) An appropriate buffer strip shall be provided between such use and any abutting residential district or residential property.
- (~~ed~~) A solid fence shall be constructed around such track with a minimum height of three feet and a maximum height of four feet.
- (~~fe~~) Such track shall be solely recreational and no business, including the sale of motor oil, fuel, gasoline, small engine replacement parts, prepackaged foods, soft drinks and/or snack foods, shall be permitted.
- (~~gf~~) No more than five gallons of fuel or two gallons of used or new motor oil may be stored on the property at any time, and if stored must be at all times be maintained in containers meeting or surpassing all state and/or federal regulations applicable to storage of fuels and motor oil.
- (~~hg~~) The permit must be displayed at all times.
- (~~ih~~) The racetrack is limited to motorized vehicles that are owned and maintained by the owner or lessee of the subject property.
- (~~ji~~) The Planning Commission has the authority to prevent the construction of viewing areas and/or grandstands for the protection of the residents as well as the aesthetics of the neighborhood.
- (~~kj~~) No track lighting is permitted.
- (~~lk~~) Hours of operation are limited to 10:00 a.m. through 8:00 p.m.
- (~~ml~~) The track must be located to the rear of the residential structure and shall not be located in any required front and side yard setback areas.

~~(68) Recreation vehicles, sales and repair in the C-1, I-2, and I-3 Districts is permitted when:~~

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(69) A respite care facility in the R-3 District is permitted when:~~

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(70) A retreat house in the R-3 District is permitted when:~~

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(71) A rooming house, new construction or conversion of existing building in the R-3 District is permitted when:~~

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(72) Schools, business/commercial/trade/vocational, in the C-1, C-2, I-1, I-2, and I-3 Districts are permitted when:~~

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(73) Schools, colleges, universities, and professional, in the C-1, C-2, I-1, I-2, and I-3 Districts are permitted when:~~

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(74)19~~ A self-service storage warehouse in the C-1, I-2, and I-3 Districts is permitted when:

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

- (~~b~~a) No outside display of rental items shall be located in any required front yard setback area.

~~(75)20~~ A shopping center in the C-1, C-2, C-4, I-2, and I-3 Districts is permitted when:

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

- (~~b~~a) No portion of a lot submitted as a shopping center shall subsequently be subdivided into individual lots without Planning Commission approval.

~~(76) A supermarket in the C-1, C-2, C-4, I-2, and I-3 Districts is permitted when:~~

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

~~(77) A tavern, nonalcoholic, in the I-2 and I-3 Districts is permitted when:~~

- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

- ~~(78) A taxicab/personal transport business (with repairs and/or exterior storage of vehicles) in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
- ~~(79) 21) A telecommunications facility in the C-1, C-2, I-1, I-2, and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - ~~(b) The facility complies with §410-42, Telecommunications facilities and towers.~~
- ~~(80) 22) Tire, muffler, brake, shock absorber, and related sales and service in the C-4 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - ~~(b) No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.~~
 - ~~(c) The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.~~
 - ~~(d) No outdoor storage of tires shall be permitted at any time.~~
- ~~(81) 23) A townhouse with five or more dwelling units in the R-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - ~~(b) No parking space shall be less than five feet from the side lot line of any end unit.~~
- ~~(82) 24) A townhouse with four or fewer dwelling units in the R-2 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - ~~(b) No parking space shall be less than five feet from the side lot line of any end unit.~~
- ~~(83) 25) Townhouses with two units in the R-1 District are permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - ~~(b) No parking space shall be less than five feet from the side lot line of any end unit.~~
- ~~(84) 26) A transfer station/redemption center, recyclable materials, in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - ~~(b) Approval or denial of a special use permit application shall be a determination of City Council after a public hearing has been held by the Planning Commission and a Series A site plan review report has been received from the Planning Commission.~~
- ~~(85) 27) A transfer station, solid waste or construction and demolition debris, in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - ~~(b) Approval or denial of a special use permit application shall be a determination of City Council after a public hearing has been held by the Planning Commission and a Series A site plan review report has been received from the Planning Commission.~~
- ~~(86) 28) A vehicle impound yard in the I-2 and I-3 Districts is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - ~~(b) Unlicensed vehicles must be contained within a screened lot by means of a privacy fence.~~
- ~~(87) 29) A vehicle salvage facility in the I-3 District is permitted when:~~
- ~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~
 - ~~(b) All unlicensed vehicles must be contained within a screened lot.~~
- ~~(88) A zoo/aquarium in the C-1, C-2, I-2, and I-3 Districts is permitted when:~~

~~(a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.~~

ARTICLE IX, Site Plan Review and Approval

§410-45. Categories of review.

Those uses for which site plan approval must be obtained in accordance with the provisions of this Article IX shall fall into one of the following categories:

A. A.—Series A: that group of land uses and activities which is likely to have a broad and significant impact on the physical, environmental, social or economic character of the surrounding neighborhood and the City. Review of, and decision on, any Series A site plan approvals shall be made by the Planning Commission ~~and shall require a public hearing in accordance with §410-46D.~~

Series A Site Plan approval from the Planning Commission pursuant to §410-46 of this Article IX is required for all new construction, for all commercial uses, for all uses requiring a special use permit, for all principal permitted and accessory uses, for all changes of use, and as required by §410-27 or §410-29 of this Chapter. No building permit shall be issued by the Building Inspector for any use which requires site plan approval except upon authorization of an in conformity with plans approved by the Planning Commission.

A. B.—Series BA Exception: that group of land uses and activities which will have limited effect on the physical, environmental, social or economic character of the surrounding neighborhood but which could seriously impact adjacent properties. Review of, and decision on, any Series B-A site plan ~~approvals-exceptions~~ shall be made by the Planning Department in accordance with the provisions of 410-36B, except that the staff may request that such review and decision be made by the Planning Commission. No public hearing shall be held on Series B-A exception reviews unless the Planning Department requests that review and decision be made by the Planning Commission. In such case, the hearing provisions of §410-46D shall be applied. For projects that do not involve or require exterior alterations or additions, an approved site plan may not be required, except in the case where a site plan is necessary to verify compliance with any provision of the City of Binghamton Code of Ordinances or the NY State Code.

B.
Exceptions. Notwithstanding Subsection A of this section, no Series A Site Plan approval is required for:
(i) single- and two-family dwellings and accessory uses thereto, except as may be required by §410-27 or §410-29 of this Chapter;
(ii) any change of use from one principal permitted or accessory use to another principal permitted or accessory use, including changes of use within a permitted multiple use, e.g. a shopping center, except when involving new construction then 410-36A shall apply, and provided that the Planning Department and Building Official have determined that the proposed change of use will not have any significant impact on:

1. Traffic volume
2. Site access
3. On-site and off-site parking
4. Internal circulation
5. Neighborhood noise levels
6. Green space (The proposed project will not have created a need for additional landscaping, screening, or buffering)
7. Drainage
8. Character of the neighborhood
9. Lighting

The list of items to be considered above is inclusive, but is not exclusive, and the Planning Department and Supervisor of Building Construction, or designee, may consider any environmental or development issues that could have a significant impact on the parcel and/or the surrounding area.

§410-46. Procedure.

- A. Application. Application for a ~~building and use permit for any land use or activity requiring~~ site plan review and approval shall be made ~~to the Supervisor of the Office of Building and Construction, who shall receive such application and refer it~~ to the Planning Department for processing.
- C. Plan requirements.
- (1) A final plan for any land use or activity requiring site plan review and approval shall be prepared and submitted to the Planning Department. Such final plan shall, at a minimum, contain the following information as applicable:
- D. Plan approval.
- ~~(1) — Hearing and notice. Before a decision is made the Planning Commission shall hold a public hearing on all Series A site plan reviews on which it is authorized to act, and on any Series B site plan reviews on which it is requested to act by the Planning Department. Such hearing shall be held within 45 days from the day a complete final site plan is submitted to the Planning Department. Notice of such hearing shall occur as per §410-39D of this chapter.~~
 - (2) Decision. Within 45 days ~~from the date of a public hearing, or~~ from the date a complete final plan is submitted to the Planning Commission or Planning Department ~~if no hearing is required~~, a decision to approve, with or without modification, or disapprove the application shall be made by the Planning Commission or the Planning Department, as appropriate. Such forty-five-day period may be extended by mutual consent of the applicant and the deciding body.

ARTICLE X, Off-Street Parking, Loading and Storage [Amended 12-21-2011 by Ord. No. 51-2011]

§410-50. Intent.

- C. Changes to existing buildings, structures and land uses. Whenever the current use of a building, structure or land shall hereafter be expanded or changed to a new use, parking and loading shall be provided in an amount equal to the requirements contained in Section 410.53 for the expanded or new use. Additional off-street parking and loading spaces shall only be required to serve the enlarged or expanded area, not the entire building or use. For buildings containing multiple uses, additional parking and loading shall only be required for the portion of the building to be expanded or the portion of a use to be expansion or for a new use.

§410-51. Standards.

- E. Location.
- (1) Except as may otherwise be specified in this chapter, all required parking spaces in R-1 and R-2 Residential Districts shall be located on the same lot as the building or use to be served. In other districts, required off-street parking space may be provided in a private or public off-site facility. The distance from the lot line of such off-site parking facility to the closest lot line of the building or use it is intended to serve shall be no greater than 250 feet for the R-3 Residential District, and ~~500-800~~ feet from all commercial and industrial districts.

§410-53. Off-street parking requirements by land use.

- ~~A. A.~~ Downtown Business (C-2) District. Off-street parking requirements shall not apply to any existing buildings located in the Downtown Business (C-2) District where no parking presently exists and there is no opportunity to provide it.
- B. In all Zoning Districts except the C-2, off-street parking requirements contained in Schedule III shall not apply to a non-residential land use occupying two-thousand five-hundred (2,500) square feet or less in gross floor area and located within an existing structure or portion thereof, which was constructed, established, wholly reconstructed, or moved onto a new lot prior to the effective date of the Zoning Code or any amendment thereto.

C. In all Zoning Districts except the C-2, a non-residential land use occupying greater than two-thousand five-hundred (2,500) square feet of gross floor area and located within an existing structure or portion thereof, which was constructed, established, wholly reconstructed, or moved onto a new lot prior to the effective date of the Zoning Code or any amendments thereto, shall only be required to provide off-street parking as prescribed in Schedule III for the portion of the floor area that exceeds 2,500 square feet.

D. Existing Parking and Loading to Be Maintained. No existing parking space(s) or loading space(s) serving any activity or use shall be reduced in amount or changed in design, location, or maintenance that would result in non-compliance with the Zoning Code, or if providing an amount of off-street parking or loading area less than required, shall not be further reduced below the requirements prescribed in Schedule III for such activity or use, unless equivalent substitute parking and/or loading space(s) are provided.

E. Reduction of off-street parking requirements for Landmark Properties. The Planning Commission may reduce or waive the minimum off-street parking requirement for a permitted use in a designated Local Landmark structure or structure listed in the National Register of Historic Places, subject to the following criteria and procedures:

1. In making any such reduction or waiver, the Planning Commission shall assess area parking needs. The Commission may require a survey of on- and off-street parking availability. The Commission may take into account the level of transit service in the immediate area; the probable relative importance of walk-in traffic; proposals by the applicant to encourage carpooling or transit use by employees; hours of operation; and any other factor or factors considered relevant in determining parking impact.
2. The Planning Commission may also consider the types and scale of uses proposed or practical in the Landmark structure and any standards, specifications or guidelines applicable to the structure or site.
3. Such a reduction or waiver may be allowed only if the Planning Commission also determines that there is no feasible way to meet parking requirements on the lot.
4. Prior to the approval of such reduction or waiver, a public hearing shall be held by Planning Commission pursuant to §410-39 (D) 2.

BF. —In any district, regardless of land use, a Series A site plan review is required for any parking area that is proposed to be located between an existing or new building and the public right-of-way.

CG. —Schedule III.

Commercial Use Classifications

Land Use or Activity	Space(s) Required
<u>Personal Instruction and Improvement</u>	<u>1.00 space per each 300 square feet of leasable area</u>
<u>Restaurant, full service</u>	<u>1.00 space per each three seating accommodations, plus 1.00 space per each two employees on the shift of greatest employment</u>
<u>Restaurant, carry-out limited service/cafe</u>	<u>1.00 space per 50 square feet of customer area</u>

ARTICLE XI, Sign Regulations

§410-67. Categories of review; application process.

- A. Signs for which a permit must be obtained in accordance with the provisions of this Article XI shall fall into one of the following categories:
- (1) Series A: any sign within a designated historic district or within the Susquehanna Heritage Area. Review of, and decision on, any Series A review shall be made by the Commission on Architecture and Urban Design (CAUD).
 - (2) Series ~~B~~A site plan exception: any sign that is located within the City of Binghamton that is outside a designated historic district or the Susquehanna Heritage Area. Review of, and decision on, any Series ~~B-A~~site plan exception review shall be made by the Planning Department, except that the staff may request that such review and decision be made by the Commission on Architecture and Urban Design (CAUD).

ARTICLE XIV, Appeals

§410-94. Procedure for appeals.

B. Public notice.

(1) Public notice by Applicant.

- ~~(1a)~~ Newspaper. Due notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least ~~10-7~~ calendar days prior to the date thereof, excluding the hearing date.
- ~~(2b)~~ Certified mailings. At least ~~10-7~~ calendar days prior to the public hearing, excluding the hearing date, notice thereof shall be sent by certified mail, return receipt requested, to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
- ~~(3c)~~ Public notice sign. At least ~~10-7~~ calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.
- ~~(4d)~~ Verification of notice. Verification of notice as required by this Subsection B shall be submitted to the Planning Department prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin, the return receipt form (PS Form 3811) from the post office, and an affidavit of sign posting.
- ~~(5e)~~ Cost. The preparation and cost of publication, mailing of the required notice of public hearing, and sign posting shall be borne by the applicant.

-(3) Alternative Public notice by Planning Department. Upon receipt of payment of a notification fee as set by the City Council an applicant may choose to have the Planning Department provide Public notice to the official newspaper of the City of Binghamton (the Press and Sun Bulletin) and to complete mailings. The applicant shall still be responsible for posting the Public notice sign.

- (a) Newspaper. Notice of any public hearing shall be published in the official newspaper of the City of Binghamton (the Press and Sun Bulletin) at least 7 calendar days prior to the date of the hearing, excluding the hearing date.
- (b) Mailings. Additionally, at least 7 calendar days prior to the public hearing, notice thereof shall be sent by U.S. mail to the owners of record and all other properties within a distance of 100 feet from the boundary of the subject property and to the regional state park commission when the subject property is within 500 feet of any state park or parkway.
- (c) Public notice sign posted by Applicant. At least 7 calendar days prior to the public hearing, excluding the hearing date, a public notice sign shall be posted on the property by the applicant. The sign(s) shall contain information specific to the applicant's case, such as the time, date, and location of the hearing, the types of variances required, and the proposed action. One sign shall be required for every 300 linear feet of property frontage. The sign(s) must be placed in either the front yard or a visible window when no front yard exists. If the property is a corner lot, one sign must be placed in each front yard.

- (d) Verification of notice. Verification of notice as required by this §410-39D shall be prepared by the Planning Department at least five calendar days prior to the public hearing. Such verification shall consist of a statement from the Press and Sun-Bulletin and a signed affidavit of notice prepared by the Planning Department.
- (e) Cost. The preparation and cost of publication, mailing of required notice of public hearing, and sign posting shall be borne by the applicant.