

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.]

§410-24. Performance standards. [Amended 7-20-09 by Ord. No. 23-2009; Amended 9-7-13 by Ord. No. 13-049]

A. Purpose. The purpose of these performance standards is to regulate the potentially objectionable aspects of land uses or activities in the City of Binghamton by the application of specific standards whenever possible. The objectives of these standards are consistent with the promotion of public health, safety and general welfare and include:

- (1) To reduce to a minimum dissemination of smoke, gas, dust, odor or any other atmospheric pollutant outside the building in which the use or activity is conducted.
- (2) To control noise perceptible beyond the boundaries of the immediate site of the use or activity.
- (3) To prevent the discharge of any waste material into any watercourse.
- (4) To prevent the dissemination of vibration or heat or electromagnetic interference beyond the immediate site of the use or activity.
- (5) To eliminate physical hazard by reason of fire, explosion, radiation, or any similar cause, to property in the same or an adjacent district.

[...]

N. **Tobacco Sales Near Schools Prohibited.** The sale of tobacco and tobacco products (including but not limit to: cigarettes; cigars; pipe tobacco; and chewing tobacco) is prohibited within 500 feet of any property boundary of any public or private elementary or secondary school. The provisions of this section shall not preclude the operation, maintenance, and occupancy of any tobacco retailer that existed lawfully prior to the effective date of this Section. Such uses shall be subject to nonconforming use regulations in Article XII.

[All other performance standards to be renumbered accordingly]