



## RECOMMENDATION

Elisa Tinti, City Clerk  
City of Kingston  
420 Broadway  
Kingston, N.Y. 12401

REFERRAL NO: 2021-012

DATE REVIEWED: 1/6/2021

### Re: Formula Retail Store Law – Zoning Statute Amendment

#### Summary

The City of Kingston is proposing to amend its zoning statute by adding the term “Formula Retail Store” and “to require that in the C2 and C3 zones, any and all proposals for “Formula Retail Stores” shall require review and approval by the Historic Landmarks Preservation Commission and that any such store not be permitted absent the issuance of a certificate of appropriateness by the Historic Landmarks Preservation Commission...”

The following materials were received for review:

- Referral Form
- Resolution 177 of 2020
- Vote Record
- Email from Elisa Tinti dated 10/1/20
- Laws and Rules Committee Report

#### Recommendations

The City is in the process of restarting its overall zoning code revamp. The goals of the City’s Comprehensive Plan call for the development of a form-based code. Form-based codes working with design standards, as opposed to non-binding guidelines, are an effective means, once implemented, of generating the communities desired outcomes in a predictable fashion. In other words, visual depictions of individual site or corridor arrangements, building renderings, etc. crystalize the intent behind the words. By providing the planning board with these tools and standards, all uses, regardless of whether they are “formula retail” or not, will have to conform to them. The proposal on the table is too narrow in its focus providing additional review for only a subset of commercial design whereas overarching design standards for the different districts/neighborhoods of the City would capture all uses and ensure that they are all treated equally, regardless of whether they are nationwide establishments or local. The proposed definition for “formula retail store” is also an overreach. It focuses on the standardized aspects of a business without consideration of how many locations a business has. In other words, a local restaurant that has a single location and a standard uniform would be captured in the definition, as proposed.

#### Disapprove

The amendment, as proposed, only adds another layer of review and serves to make the development review process less efficient, placing a greater burden of time and expense on applicants as they strive to meet the recommendations of two distinct boards for a single project. Instead, the UCPB recommends the City take a more expansive approach for all use types and proceed to develop a new zoning code that focuses on a form-based code coupled with specific

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design standards by neighborhood and/or place-type. Given the clarity provided by a form-based code and specific design standards, the need for an additional approval would be unnecessary and the HLPC would continue to be used as an advisory resource to the planning board given their background in historic preservation. For examples of a form-based code and place-types, the Ulster County Community Design Manual's place types for downtowns, edges, and corridors may be applicable at certain locations. See: <https://ulstercountyny.gov/planning/design-manual>

Reviewing Officer



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Cc: Gio Gagliardi, UCPB  
Steve Noble, Mayor  
Suzanne Cahill, Planning Director