

LOCAL LAW 4 OF 2025 OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AMENDING CHAPTER 405 – ZONING -THE KINGSTON FORM-BASED CODE

Sponsored By: Laws & Rules Committee: Alderman:
Hirsch, Scott-Childress, Pasti, Mickens,
Dennison

WHEREAS, under Resolution 138 of 2023, the City of Kingston Common Council adopted a form-based zoning code to describe the desired form and character for future improvements and preservation throughout the City called Kingston Forward; and

WHEREAS, also under Resolution 138 of 2023, the City of Kingston Common Council directed the creation of a Zoning Working Group to ensure the zoning code is meeting its intent and purpose and that it aligns with the City's Comprehensive Plan; and

WHEREAS, the Zoning Working Group has submitted to the Common Council proposed amendments; and

WHEREAS, under Resolution 54 of 2025, the City of Kingston Common Council referred the proposed amendments to the City of Kingston Planning Board, the Historic Landmark Preservation Commission and the Ulster County Planning Board; and

WHEREAS, the City of Kingston Common Council held a Public Hearing on the proposed amendments on May 5, 2025 and has received letters of support and/or no impact on the amendments from the City of Kingston Planning Board, the Historic Landmarks Preservation Commission, and the Ulster County Planning Board; and

WHEREAS, the requested amendments do not significantly impact the location, intensity, or form of development that takes place in the City of Kingston and are found to be consistent and not exceeding the thresholds set in the DGEIS and FGEIS adopted for the form-based code on March 7, 2023 and July 11, 2023 respectively.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK AS FOLLOWS:

SECTION 1. The purpose of this Local Law is to amend Chapter 405 – Zoning – the Kingston Form-Based Code to read as attached hereto.

SECTION 2. If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

SECTION 3. This local law shall take effect upon filing with the Secretary of State.

Submitted to the Mayor this ____ day of _____, 2025

Approved by the Mayor this ____ day of _____, 2025

Elisa Tinti, City Clerk

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

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THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES COMMITTEE REPORT

DEPARTMENT: HOUSING INITIATIVES

DATE: _____

Description:

AN ORDINANCE AMENDING CHAPTER 405 THE KINGSTON FORM-BASED ZONING CODE

Signature _____

Motion by RAD

Seconded by TM

Action Required:

SEQRA Decision:
Type I Action X
Type II Action _____
Unlisted Action _____

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Michele Hirsch, Chairman, Ward 9 <i>Michele Hirsch</i>	✓	
Reynolds Scott Childress, Ward 3 <i>Reynolds Scott Childress</i>	✓	
Sara Pasti, Ward 1 <i>Sara J. Pasti</i>	✓	
Teryl Mickens, Ward 2 <i>Teryl Mickens</i>	✓	
Robert Dennison, Ward 6 <i>Robert Dennison</i>	✓	

CITY OF KINGSTON
Office of Housing Initiatives

L+R

Bartek Starodaj, Director



Steven T. Noble, Mayor

May 1, 2025

Ald. At Large Andrea Shaut, President
City of Kingston Common Council
City Hall - 420 Broadway
Kingston, NY 12401

Re: Edits to the City's Form-Based Zoning Code

Dear President Shaut,

As communicated in February, the Zoning Working Group has recommended to the Common Council amendments to the form-based code. These edits are intended to exclusively fix inconsistencies in the version adopted in 2023, better organize existing information, and amend aspects of the code that were understudied during the drafting process.

Via Resolution 54 of 2025, the Common Council referred these amendments to the City of Kingston Planning Board, the Historic Landmarks Preservation Commission, and the Ulster County Planning Board. All three agencies concurred with the edits. The Planning Board had one suggestion on the placement of accessory structures I'd like to review with the Committee.

Otherwise, on behalf of the Zoning Working Group and pending completion of a public hearing, I am asking the Common Council to adopt these amendments.

Regards,

Bartek Starodaj, Director of Housing Initiatives

Cc: Steve T. Noble, Mayor
E. Tinti, City Clerk
S. Cahill, Planning Director
B. Graves-Poller, Corporation Counsel

City of Kingston Zoning Working Group

Amendment Suggestion 1 of 2025

Add New Section 405.21 Q Recreation Fee

- A. 1. In any development (including new buildings, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to a residential use, or any combination of these elements) that includes seven or more overall rental or homeownership housing units, as a condition to the approval of the site plan, a recreation fee payment to the City of Kingston of a sum of money in an amount to be determined and set annually, by resolution of the Common Council, as part of the City's fee schedule. Fees imposed pursuant to this article shall be paid prior to final site plan approval and shall be set aside in a fund to be used exclusively for park, playground or other recreational purposes, including acquisition of property for use as park or playgrounds.

Edit 405.19 Affordable Housing Incentives C 3(b.) to say:

~~With input from the Recreation Commission, the Planning Board may consider full compliance with affordable housing requirements as grounds to discount a project's Recreation Fee. In lieu of Parkland in accordance with the provisions of §347. For the purposes of this discount, full compliance shall mean including affordable or workforce housing units as required by 405.19-A-1(a).~~

Any permanently affordable housing unit created in compliance with 405.19 shall be excluded from recreation fee calculations under 405.21 Q. For example, if a ten-unit residential project includes one affordable unit, that unit shall be excluded from recreation fee calculations.

Related Action: Repeal Chapter 347 Site Plan Review – Reservation of Parkland; Fees in Lieu of Reservation

~~§347-1 Planning Board may require parkland or findings~~

~~A. The Planning Board may require that a subdivision or site plan containing residential units also contain a park or parks, or playground suitably located for playground or other recreational purposes.~~

~~B. Before the Planning Board will require that land be reserved for park, playground or other recreational purposes, the Planning Board must make a finding that such requirement is warranted. Such a finding shall include an evaluation of the present and anticipated future needs for park and recreational purposes in the City of Kingston based on the projected population growth to which the particular site plan and/or subdivision will contribute.~~

C. The Planning Board shall consult with the Parks and Recreation Department of the City of Kingston in order to assist in the formulation of the findings as referenced in Subsections A and B above:

§ 347-2 Ownership of park area:

The ownership of a reservations for park purposes shall be clearly indicated on the site plan or subdivision and established in a manner satisfactory to the Planning Board so as to insure its proper future continuation and maintenance:

§ 347-3 Cash payment in lieu of reservation:

Where the Planning Board makes a finding that the proposed subdivision or site plan presents a proper case for requiring a park or parks suitably located for playground or other recreational purposes, but that a suitable park or parks of adequate size cannot be properly located on such site plan or subdivision, the Planning Board may require, as a condition to the approval of the site plan or subdivision, a payment to the City of Kingston of a sum of money in an amount to be determined and set annually, by resolution of the Common Council. Fees imposed pursuant to this article shall be paid prior to final site plan or subdivision approval and shall be set aside in a fund to be used exclusively for park, playground or other recreational purposes, including acquisition of property for use as park or playgrounds:

§ 347-4 Consulting fees:

A. The City of Kingston shall have the right to require an applicant who seeks to obtain a site plan or subdivision approval to deposit in escrow to cover the costs being incurred by the City of Kingston for all consultant services, including but not limited to engineering, planning and legal, as well clerical costs incurred in the processing and reviewing of such application:

B.

The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the City of Kingston. Such amount shall be reasonably related to the cost attendant to the City's review of the application. It is understood that the applicant is required only to reimburse and pay to the City of Kingston the fees actually expended by the City. Any such fees incurred by the City of Kingston must be reasonable and subject to all appropriate audit provisions of the City of Kingston with the explicit understanding that the applicant shall only pay at the rate for said services that the City pays for its own consulting services:

§ 347-5 Applicability:

This article shall apply to all current and future applications for site plan or subdivision approval containing residential units:

City of Kingston Zoning Working Group

Amendment 2 of 2025 – Organizational

Add to 405.17 Signage Standards

[Table that summarizes signage types and transect allowances. As needed, make appropriate updates to Article 3 Transect Standards]

	T5MS	T5F	T5N	T4MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C	T1N	SD-W/WMU	SD-C	SD-F
Wall Sign	X	X	X	X	X							X	X	X
Wall Mural Sign	X	X	X	X	X							X	X	X
Projecting Sign	X	X	X	X	X	X	X	X				X	X	X
Marquee Sign	X	X												
Hanging Sign	X	X	X	X	X	X	X	X				X	X	X
Awning Sign	X	X	X	X	X	X	X	X				X	X	X
Canopy Sign	X	X	X	X	X	X						X	X	X
Window Sign	X	X	X	X	X	X	X	X				X	X	X
Sidewalk Sign	X	X	X	X	X	X	X	X				X	X	X
Yard/Porch					X		X							

[illegible]

City of Kingston Zoning Working Group

Amendment Suggestion 3 of 2025

Edit Section 405.16 C d Off-Street Parking Standards

a. Accessibility. All vehicle parking lots and parking structures must conform with the ADA Standards for Accessible Design as mandated by the federal Americans with Disabilities Act (ADA), Federal Americans with Disabilities Act (ADA), and should conform to the Public Right-of-Way Accessibility Guidelines (PROWAG). At least one accessible space shall be provided for all development with 4 or more units. If no on-site parking area is provided, required accessible parking may be located nearby on street or in a common parking lot, as approved by the Planning Administrator (for minor site plans) or Planning Board.

City of Kingston Zoning Working Group
Amendment Suggestion 4 of 2024

Edit Section 405.6-405.9 Transect Standards

	T5MS	T5Flex	T5N	T4MS	T4N-O	T4N
First Floor Height	16' min Historic districts: 16' corner min, mid-block contextual min	14'min Historic districts: 14' corner min, mid-block contextual min	12' min	14' min Historic districts: 14' corner min, mid-block contextual min	9'min	9' min

ADD to 405.2 Definitions: CONTEXTUAL FIRST-FLOOR HEIGHT

Measured as the smallest existing first floor height of buildings that are on adjacent lots, that are oriented to the same street as, and within 100' of the subject lot.

City of Kingston Zoning Working Group

Amendment Suggestion 5 of 2025

Edit Definition of Bed & Breakfast

An ~~owner-occupied~~ residential establishment where not more than five rooms are rented to transient nonpermanent guests, on a short-term basis, ~~staff or~~ owner-operator on the premises to check-in guests and available for support services. At least one prepared meal is made available to guests. See Sec 405.21.D.

City of Kingston Zoning Working Group

Amendment Suggestion 6 of 2025

Edit Sec 405.21.C. Home Occupation

No more than ~~20~~15% of the floor area of the principal building, and no more than 500 square feet of floor area of an accessory building, shall be devoted to the activity.

City of Kingston Zoning Working Group

Amendment Suggestion 7 of 2025

Edit Sec 405.17 E Pedestrian-Oriented Sign Standards

1. **Materials.** All permanent, on-premises signs ~~maybe may~~ be constructed of a rigid, weatherable material such as wood (painted or natural); metal (copper, brass, aluminum, galvanized steel); painted / engraved directly on façade surface; glass; ~~neon~~; or hard plastic. Canvas may be used for awning material. Vinyl may be used for windows signs.

g. Window Signs		
Area (max)	25% of window area	<ol style="list-style-type: none">1. Description. A sign intended to be painted on, applied to, or displayed in, a storefront window or door area.2. One Two window signs is are permitted per shopfront window.3. A maximum of twenty-five percent (25%) of a window can be used for window signs.
Quantity	2+ per window	

[As needed, update Article 3 Transect Standards to Reflect Edit Made]

b. Hanging Signs

- ~~1. Signs must be stabilized so as not to swing.~~

Edit Section 4017 J. Temporary signs

The erection, installation or maintenance of temporary signs, as defined herein, is hereby prohibited, except for the following:

1. A temporary sign, not exceeding 15 square feet in area, which is erected by a municipal, charitable, political or nonprofit organization is permitted for a period not to exceed 30 days.
2. A single temporary sign, not exceeding 32 square feet in area, which announces anticipated occupancy of a site or building or identifies the contractors, architects, engineers, etc., on a

building under construction, shall be permitted until a building is completed and a certificate of occupancy is issued.

3. Banners for special announcements, such as grand openings for businesses, with a limit of 30 days may be placed on the exterior of any building. All banners must be dated. All other temporary signs made of cardboard, paper, canvas or similar impermanent materials may not be placed on the exterior of any building.

3.4. ~~Temporary window coverings associated with new construction or renovations, up to 100% of the window area, provided that site plan approval has been granted, as applicable, and that the building safety officer or their designee has granted the building a building permit that remains active.~~