

REFERRAL RESPONSE



ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number

2025044

Municipality Kingston City

Local File Number

Resolution
54 of 2025

Referring Agency Local Governing Body

Type of Referral Zoning Statute Amendment

Name of Applicant City of Kingston

Name of Project Resolution 54 of 2025

Project Location City Wide

Description Miscellaneous Updates from Zoning Working Group

UCPB Decision

No County Impact

See Attachments



Referral Officer

Representing the Ulster County Planning Board

Date Received 3/21/2025

Date Reviewed 4/2/2025

Form Date 4/3/2025

Status Reviewed

FINAL ACTION REPORT FORM

Per GML 239-m and -n FINAL ACTION REPORTS ARE
REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS
AFTER FILING

Complete the local agency final action box, add the local file
number, include any required submittals, and sign the form



Name of Project: Resolution 54 of 2025

Referral Number: 2025044

UCPB Decision: No County Impact

Local Agency Final Action:

☐ Approve ☐ Disapprove

Member Vote: Yes: ☐ No: ☐

☐ County Planning Board Decision -
Reviewed no County Impact

☐ Concurs with County Planning Board
Modifications or Disapproval

☐ Contrary to County Planning Board
Modifications or Disapproval (see
required submittals if checked)

☐ Required Submittals Attached

☐ Resolution Attached

Local Officer: _____

Date: _____

Required Submittals:

Within thirty days after final action, the referring body must file a report of the final action it has taken with the UCPB. A referring body that acts contrary to a recommendation of modifications or disapproval of a proposed action shall set forth the reasons for the contrary action in such report attached to this form.

Local File Number: Resolution 54 of 2025

Municipality: Kingston City

Referring Agency: Local Governing Body

Type of Referral: Zoning Statute Amendment

Name of Applicant: City of Kingston

Project Location: City Wide

Description: Miscellaneous Updates from Zoning Working Group

~ For Ulster County Planning Board Use Only ~

Local Board Decision:

Original Date Received: 3/21/2025

Original Review Date: 4/2/2025

Final Action Date Received:

Status: Reviewed

Return Form to:

Referral Officer
Ulster County Planning Board
Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

RESOLUTION 54 OF 2025

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, REFERRING AMENDMENTS TO THE KINGSTON FORWARD FORM BASED CODE FOR REVIEW TO THE CITY OF KINGSTON PLANNING BOARD, ULSTER COUNTY PLANNING BOARD, AND THE HISTORIC LANDMARKS PRESERVATION COMMISSION AND SETTING A PUBLIC HEARING

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

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**, § 405.8 M of the Kingston City Code requires zoning amendments to be referred to the Planning Board, the Historic Landmarks Preservation Commission ("HLPC"), and the Ulster County Planning Board and requires the Laws & Rules Committee to set a public hearing prior to the final action of adoption

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

SECTION 1. That the Kingston Common Council refers the affixed draft amendments to the Planning Board and asks the Planning Board to provide a final report within 45 days in accordance with § 405.8 M.

SECTION 2. That the Kingston Common Council refers the draft amendments to the HLPC and asks the HLPC to provide a final report within 30 days in accordance with § 405.8 M.

SECTION 3. That the Kingston Common Council refers the draft Kingston Forward form-based code to the County Planning Board and asks the Planning Board to provide a final report within 30 days in accordance with § 405.8 M.

SECTION 4. That the Kingston Common Council sets a public hearing date and a public comment period that shall be open for no less than thirty days.

SECTION 5. That this resolution shall take effect immediately

Submitted to the Mayor this 2nd day of

April, 2025

Approved by the Mayor this 2nd day of

April, 2025





Adopted by Council on April 1, 2025

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: HOUSING INITIATIVES

DATE: _____

Description:

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, REFERRING AMENDMENTS TO THE KINGSTON FORWARD FORM BASED CODE FOR REVIEW TO THE CITY OF KINGSTON PLANNING BOARD, ULSTER COUNTY PLANNING BOARD, AND THE HISTORIC LANDMARKA PRESERVATION COMMISSION AND SETTING A PUBLIC HEARING SCHEDULE

Signature _____

Motion by SP

Seconded by TM

Action Required:

SEQRA Decision:

Type I Action _____

Type II Action _____


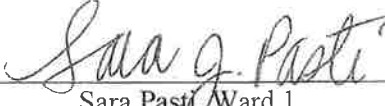
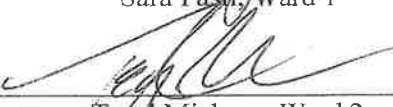
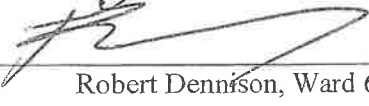
Unlisted Action _____

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 	✓	
Reynolds Scott Childress, Ward 3 	✓	
Sara Pasti, Ward 1 	✓	
Teryl Mickens, Ward 2 	✓	
Robert Dennison, Ward 6		

RESOLUTION ___ of 2025

L+R

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, REFERRING AMENDMENTS TO THE KINGSTON FORWARD FORM BASED CODE FOR REVIEW TO THE CITY OF KINGSTON PLANNING BOARD, ULSTER COUNTY PLANNING BOARD, AND THE HISTORIC LANDMARKS PRESERVATION COMMISSION AND SETTING A PUBLIC HEARING SCHEDULE

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SECTION 5. That this resolution shall take effect immediately.

Submitted to the Mayor this _____ day

of _____ 2025

Elisa Tinti, City Clerk

Approved by the Mayor this _____ day

of _____ 2025

Steven T. Noble, Mayor

Adopted by Council on _____, 2025

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.
- B. 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.

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; 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							

Roof Sign													X	
Freestanding Sign													X	X
Electronic Sign (See 405.17 I)	X	X		X	X							X	X	

Add to 405.5.B. Transect District Dimensional Standards Summary

[Add section for Accessory setbacks (rear, side)]

[illegible]

[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.

Edit Sec 405.17 E Pedestrian-Oriented Sign Standards

1. **Materials.** All permanent, on-premises signs ~~may be~~ 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 <u>Two</u> window signs is <u>are</u> permitted per shopfront window.3. A maximum of twenty-five percent (25%) of a window can be used for window signs.
Quantity	2 <u>1</u> 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.

February 28, 2025

TO: City of Kingston Common Council

FROM: City of Kingston Zoning Working Group

RE: Recommendations to the Common Council for Amendments to the City of Kingston's Form-Based Code, Chapter 405

Under Resolution 138 of 2023 in which the Common Council adopted the form-based code, the Common Council also directed the creation of a Zoning Working Group to ensure that the zoning code meets its intent and purpose and relevant sections of the City of Kingston's comprehensive plan. Members of the group were first appointed in March 2024.

It has only been a year and a half since the code was first adopted. While several dozen Minor and Major Site Plans have been approved under this new code, it is very early on in the process. To judge the success or failure of any one aspect of the code, we believe it is important to:

- Judge results over a long period of time to see how individually approved site plans have or have not changed Kingston's built environment and mix of uses to reflect the code's intent;
- To listen to feedback from multiple stakeholders and not be reactive to feedback from any one applicant or sector;
- Finally, given that the form-based code was initially drafted over the course of two years with extensive community input, to preserve the code's intent to "create a well-functioning public realm across Kingston's diverse neighborhoods" to the greatest extent possible.

Nonetheless, now that the code has been in practice, there are a few changes that we believe are well-justified. The intent of these changes is exclusively to fix minor inconsistencies with the version of the code passed in August 2023, to better organize existing information in the code via new summary tables, and to amend a few aspects that were largely overlooked during the code drafting process, either with the Common Council and the public at large.

We recommend the Common Council consider the following zoning amendments:

Updates to the Parkland Fee Process

One aspect of the site plan approval that the new form-based code did not change is the City's recreation fee. Under this process, the Planning Board may require that a subdivision or site plan that contains residential units include recreational areas based on a finding "that such requirement is warranted." This process also requires that the Planning Board consult with the Parks and Recreation Department to assist in the "formulation" of the findings. It is our understanding that the parkland fee is an important source of capital for the maintenance of the City's park system.

However, we have found that this process (1) is confusing for applicants, (2) is not necessary given open space requirements in the form-based code, and (3) that it unnecessarily slows the approval process for projects that include residential units.

Instead of requiring the Planning Board to formulate a finding of a need for parkland with input from Parks and Recreation, we suggest that all applicable site plans be required to pay a set recreation fee. This would improve the efficiency of the approvals process and give greater clarity to the planning applicant for how much of a fee they would be responsible for from the beginning. As per the current practice, the recreation fee itself should be a set fee amount and determined annually via the City's fee schedule to ensure the fee amount is current. To align incentives, we also suggest that any permanently deeded affordable unit be exempt from parkland fee calculations.

Please note that the Zoning Working Group consulted with the City's Park and Recreation Commission on this change.

The Zoning Working Group voted in favor of recommending this change.

Off-Street Parking Standards

Under the code, all development with four or more units does have to include at least one accessible space, either onsite or nearby on street or common parking lot. However, we do not believe this is an appropriate place for this requirement because on-street dedication of handicapped spaces requires an action of the Common Council, not the Planning Board. We also worry this will lead to the development of accessible parking spaces that are not necessarily needed for every situation. We recommend that this specific requirement be removed from the form-based code while maintaining the compliance with the ADA Standards for Accessible Design as mandated by the Americans with Disabilities Act.

Additionally, we recommend that the consultant that the City will be hiring this year to study parking management throughout the city provide a recommendation of how the City could best meet the need for parking citywide for Kingston's growing population, which includes accessible parking. And, we also suggest that the transportation infrastructure is studied as a whole, responding to the demand for comprehensive parking and public transportation solutions.

The Zoning Working Group voted in favor of recommending this change.

First Floor Height Requirements

As a form-based code, the code has requirements for the *minimum* height of the first floor for any new construction project in a T4 or T5 transect. For example, as detailed in Table 1, a new building built in the T5 Main Street transect would be required to have a first-floor height of 16'. Generally, the purpose of the first-floor height requirement is to ensure new buildings meet their surrounding context, that there is a consistent building to street relationship, and that new buildings could be easily adapted to changing neighborhood conditions. For example, a previously residential building should be able to be adapted to a commercial one based on demand.

We carefully reviewed these requirements to ensure they are achievable and that they accurately reflect the context of each transect. We also reviewed case studies from other municipalities with form-based codes and consulted other departments. After this comprehensive review, we recommend lowering the required first floor height in all transect districts except for T5 Main Street and T5 Neighborhood (See Proposed – Table 1).

Finally, based on feedback from the Historic Landmarks Preservation Commission, we also recommend introducing a contextual requirement in all historic districts. This will ensure that first floor heights in a historic district reflect that of surrounding buildings.

	T5MS	T5Flex	T5N	T4MS	T4N-O	T4N
Existing	16' min	16' min	12' min	16' min	16' min	12' min
Proposed	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

Table 1 - Proposed changes to first floor height requirements

The Zoning Working Group voted in favor of recommending this change.

Changes to Signage Standards

We recommend the following changes to the code's extensive sign standards:

- The code increased the types of uses that are allowed throughout the city. However, the signage allowances do not currently match the transect use table. This has led to situations where a commercial use might be allowed but a sign advertising a new business is not. A comprehensive update, implemented through a new table in Section 405.17, will ensure consistency between use and signage allowances.
- Under the signage standards, businesses have a certain transparency requirement and can only cover a percentage of their windows with signage. A change in the "Temporary Signs" section would clarify that temporary window coverings are allowed if associated with space renovations. This would apply if, for example, a new business is renovating a space prior to opening.
- Other smaller changes include allowing neon as a permissible signage material, increasing the limit on "window signs" from one to two per window, and allowing "hanging signs" to be able to swing.

The Zoning Working Group voted in favor of recommending this change.

Consistency with New York State Building Code

There are two instances where the new code is not consistent with the New York State Building Code: the definition of Bed & Breakfast and the definition of Home Occupation. Changes to these definitions in our code will ensure consistency and that planning applicants have full clarity on the City's expectations.

The Zoning Working Group voted in favor of recommending this change.

Organizational

The code includes setback requirements for accessory buildings. For example, these would apply to new accessory dwelling units. However, the setback requirements for accessory uses are not summarized in one table. This could easily be fixed by editing the existing table 405.5.B. and adding setback requirements for accessory buildings.

The Zoning Working Group voted in favor of recommending this change.

Thank you for considering these recommendations.

Sincerely,

Kingston Zoning Working Group

Bartek Starodaj, City of Kingston Housing Initiatives

Suzanne Cahill, City of Kingston Planning Director

Tanya Garment

Inés Yupanqui

Rebecca Holderness

Joshua Stratton-Rayner

Norah Maki (Alternate)