

KINGSTON FORWARD!

A Guide to Kingston's Form-Based Code



“I hope that in passing the zoning reform, the City of Kingston also provides education tools online and off, and creates forums for each resident in the community to understand and have agency in the planning process”

Kingston resident, renter, and business owner

A Guide to Kingston's Form-Based Code

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Who is this guide for?

This guide is designed to help residents and small-scale developers understand and use Kingston's form-based code. While the code itself explicitly details the zoning requirements, this guide aims to clarify the code's intent and the best ways to use it. Think of it as an introduction and/or a companion as you make your way through the form-based code. It is intended to outline Kingston's unique context and goals, the components of the code, and how to build here.

The content is organized by a list of questions. *Examples of a definition or process are italicized.* Please note that all representations of properties are for demonstration purposes only and are not representative of any project or initiative. You will find in the footer of each page the section of the code that the content on that page is referencing. There may be other applicable sections not noted and this document does not mean to replace the usage of the code. The form-based code is to supersede all content of this guide and should be read in full.

Version 1.0 of the development guide is based on the form-based code as adopted on August 2nd, 2023.

1. FORM-BASED CODE IN KINGSTON

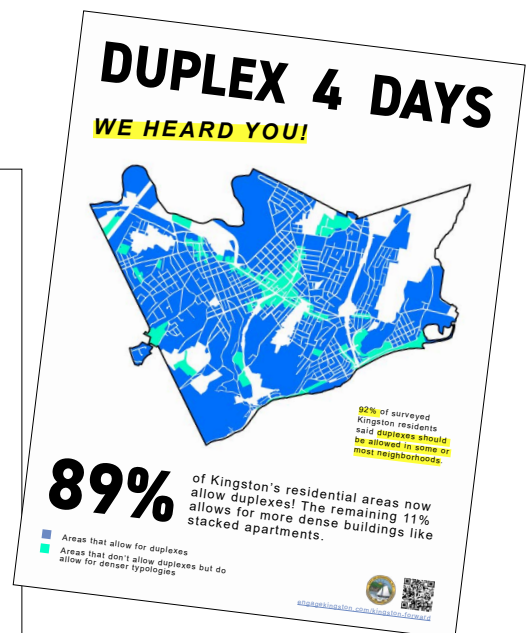
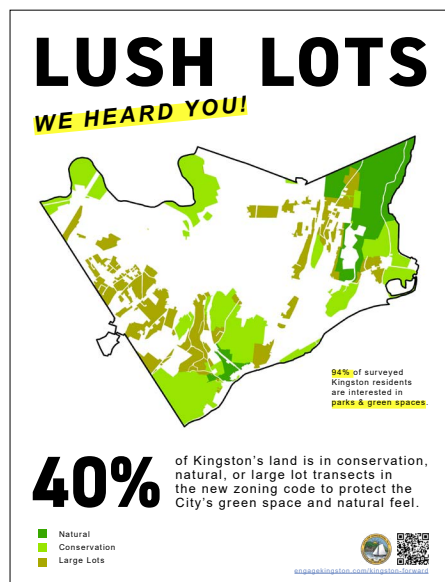
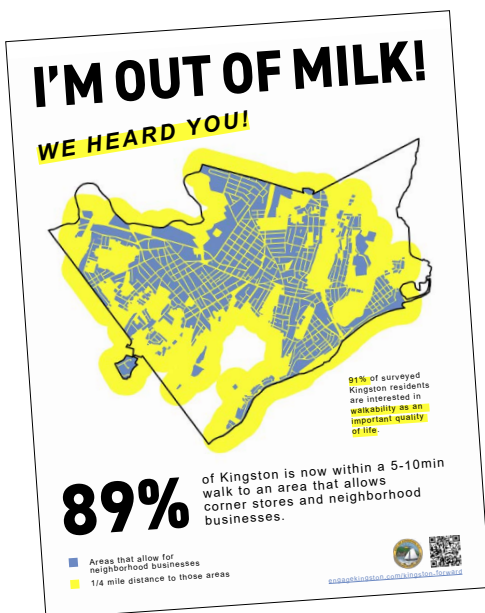
What is the new code?

The City of Kingston adopted a new zoning code in August of 2023. This code, called Kingston Forward, affects every parcel in the City and regulates the location, design, alteration, occupancy, and use of structures and the use of land. Kingston Forward is focused on how Kingston feels and grows rather than strict regulation and separation of land uses: it presents a detailed set of development standards to promote walkable and mixed-use places. It replaced a Euclidean code* first adopted in the 1960s.

A form-based code **prioritizes the form and character of places** and allows flexibility through a classification of places called “transects.” These transects are designed to create a hierarchy of places (how does Kingston feel) but they also **regulate land use** (what is permitted to happen where).

There are **5 main transects that break the City down** from the most rural (T1) to the most urban (T5), with “special districts” to catch some of the properties that are built already and specific places like the waterfront, existing commercial typologies, and institutional lots.

Aside from directing how Kingston can develop, the code has a few primary focuses: expanding the type of residential typologies allowed Citywide, requiring housing affordability in new residential developments of a certain size, limiting short-term rentals, introducing accessory dwelling units, and removing parking requirements.



*Euclidean zoning is the separation of land uses by type—residential, commercial, retail, industrial, etc.—each into their own zones or areas within a given city.



ALBANY

HUDSON RIVER

KINGSTON

NEW YORK CITY

Why a form-based code for Kingston?

Kingston is....

- + Home to roughly 24,000 residents as of 2022
- + The only City within Ulster County
- + Rich in cultural and racial diversity
- + A historic place (it was New York State's first capital!)
- + Home to many treasured buildings that would have not been allowed to be built under the previous zoning code

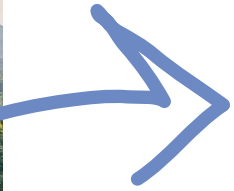
Located in the heart of Hudson Valley, Kingston has seen increased interest in the last decade due to its proximity to New York City and its resources as the largest municipality in the County. This has led to a growing demand for housing. It is important to **improve the predictability of development** and **reduce administrative barriers** in order for small, incremental development projects to meet growing needs.

With Kingston Forward, the City is enthusiastically **preserving** our distinctive character, pushing towards **progress** as a thriving and leading place in the region, and promoting deeper **equity** for residents.



OUR PRIORITIES!

- + Diversify housing types, prices, and locations.
- + Introduce new mandates *and* incentives for affordable housing.
- + Design streets for everyone, not just cars.
- + End minimum parking requirements in all transects to make development more feasible and encourage a more walkable City.
- + Allow adaptive reuse of existing buildings
- + Legalize accessory dwelling units (ADUs) Citywide.
- + Legalize neighborhood businesses and mixed-use development as had been common prior to the adoption of the 1960s zoning code.
- + Ensure that new development contributes to the City's historic urban form.



What are the main components of a form-based code?

There are three main components of a form-based code:

Transect standards are based on where you are and include contextual regulations like how far or close your building can be from the street, how tall it can be, and what you can do in it (your land “use”). In addition to transects, there are special districts and overlays that are designed to capture specific and/or existing parts of the city. All of these areas are defined by the regulating maps in Article 2. You can use Article 3 of the code for the transect and special district standards.

General standards apply to multiple transects and control things like the characteristics and form of your building, architectural design standards, and specific extra requirements or incentives. Not all of these apply to all projects. These are all found in Article 4.

Additional Standards are a few extra things the code sets up to manage development. In Kingston, Articles 5, 6, and 7 outline standards for Street Design, Usable Open Space, and Large Sites over 2 acres, respectively.



T1



T2



T3

Forests and natural features are prioritized in transects 1 and 2

Lot sizes are larger in more natural and rural transects

What are transects?

A transect is an area or zone defined by its context. It is both defined by and defines building form, the intensity of use, and what you can use a site for. We break up Kingston into 5 transects that range from the least developed (T1) to the most developed (T5). This is often understood as a spectrum from rural to urban and helps to characterize parts of the City by form, habitat, feel, and land use. The intent is that neighborhoods maintain their character but can grow in place by changing and adding density where and how it makes sense for them. Each transect number has sub-categories like MS for main street, which is more commerce oriented, N for neighborhood, or N-O for neighborhood-open that offers more flexibility.

"Because (the zoning code) is actually neighborhood centered, designed, and demographically aware, it can help Kingston pull together as it grows, rather than pull apart and displace its current residents"

Kingston resident, renter, and business owner

Kingston's historic buildings are good examples of multiple units in smaller building forms



Images ©2023 Google

T4

T5

"Front yards" become smaller as we step down transects and engagement with the street increases

Taller heights are allowed (and required) in more dense transects and in certain overlays

What terms do I need to know?

Aside from having different components than a traditional zoning code, form-based codes often use **terms that may be new** to residents or developers who are used to traditional land-use regulation. Some common terms also need a little explaining.

NEED TO KNOW

ACCESSORY DWELLING UNIT

Also known as an ADU, granny flat, garage apartment, or backyard cottage, ADUs are additional living quarters that are independent of the primary dwelling unit on a lot. They have separate living, kitchen, and bathroom facilities and can either be attached (on the side, above/below like an attic or basement, above an attached garage, etc.) or detached (separate structure) from the principal building on a site.

AFFORDABLE

The word affordable is confusing and convoluted in housing talk. It is generally used in contrast to “market-rate” development. Technically, though, affordable doesn’t mean anything until it is tied to a metric. Usually, the **area median income (AMI)** is used to determine if something is affordable in a context. AMIs are published by the U.S. Department of Housing, and are published by Metropolitan Statistical Areas, not by city boundaries.

For Kingston, we use the Kingston MSA, which is the same as the Ulster County boundary. For **Kingston Forward**, we define **affordable as anything at or below the 80% AMI**. This means that to qualify for an “affordable” unit, an individual or family (AMIs are adjusted by household size) can only earn up to 80% of the AMI in Kingston MSA. To be an “affordable” unit, a unit must be rented at or under 30% of the 80% AMI for that family unit.

Municipalities base their affordability metrics on what the resident need is but also, crucially, on what the market can support and what is financially feasible. This is a careful balance and often shifts as demographics and markets change.

There are three definitions for open space, a general definition and two types we regulate:

OPEN SPACE

This is the portion of development that is permeable (allows water to infiltrate), open, and unobstructed from the ground to the sky (excluding parking even if permeable surface).

PRIVATE OPEN SPACE

This is open space that is accessible to residents of a building on a lot. In our code, building types define private open space requirements. Though designed for residents, this open space can be shared with the public.

USABLE OPEN SPACE

This is open space that is accessible to residents of a building on a lot and is for the purpose of active or passive recreation. In our code, development size mandates usable open space requirements. Private open space may count towards usable open space requirements. Usable open space can be for residents only or open to the public.

Example #1:

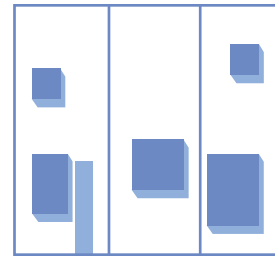
A wetland would be considered open space, could count towards private open space, but cannot count towards usable open space.

Example #2:

A community garden would be considered open space, and could count towards both private and usable open space.

LOT COVERAGE

This is the portion of a lot, expressed as a percentage, that is covered by impermeable material. This includes the principal building(s), accessory structures, sidewalks, patios, parking and loading areas, driveways, and other man-made surfaces. The percentage is intended to regulate how much of the site can be developed while balancing the protection of open/natural areas.



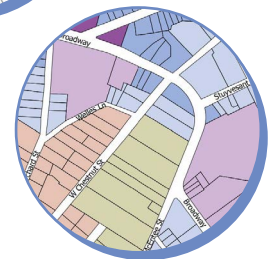
NEIGHBORHOOD BUSINESS

These are your bodegas, mom'n'pop shops, neighborhood barber or delis. Generally outlawed in the last code, they are buildings that provide retail or service uses on the ground floor and are designed to improve neighborhood walkability and convenience by serving residents with day-to-day, recurring needs. Residences or offices may be on the floors above.



OVERLAYS

In addition to transects, overlays are used to prescribe more characteristics of the built form. Overlays cover specific areas that often span across multiple transects and range from waterfront overlays, which provide for unique needs of a geographic area, to height overlays which allow for increased height limits in certain areas.



REGULATING MAPS

These are a series of maps that define the area and location of regulating standards, such as transects, overlays, historic districts, special districts, floodplains, and sometimes the boundaries of other governing land-use initiatives like state programs.

SHORT-TERM RENTAL

A residential living space that is rented to transient, non-permanent guests for terms shorter than 30 days without staff on the premise (think Airbnb). Our code differentiates between full (as described), limited (is only used as a rental for fewer than 30 days per year), and resident occupied (only a portion of the unit is rented with a full-time resident living in the same unit) rentals. Property owners must obtain a permit to operate any short-term rental to avoid stiff penalties.

A screenshot of an Airbnb listing interface. At the top, it says "\$132 night" and "★ 4.95 · 109 reviews". Below this are fields for "check-in" (Anytime) and "check-out" (Anytime), and a dropdown for "guests" (2 guests). A blue "Reserve" button is prominent. At the bottom, a price breakdown is shown: "\$132 x 3 nights" for \$397, "Cleaning fee" for \$68, and "service fee" for \$66, totaling "\$531" before taxes.

VARIANCE

These are cases where a property owner seeks an exception to the rules of the zoning code beyond what is prescribed in the code by a waiver. These scenarios request a variance based on exceptional and extraordinary circumstances where there are practical difficulties or unnecessary hardships in keeping with the zoning code regulation.

WAIVERS

Waivers are intended to provide wiggle-room. They are prescribed and allowed slight deviations from the code for circumstances that follow the intent of the standard being broken. There are minor and major waivers depending on the type of deviation. They can all be found in the 405.26.F waiver table. An *example might be that your transect minimum side setback is 3' but you'd like to request a 2'10" side setback. Because that is less than a 10% deviation as noted in the table, you could apply for a minor waiver.*

How do transect and building standards work?

In a form-based code there are a series of metrics assigned to each transect and building type. We'll look at a few of these, such as **FRONTAGE**, **SETBACKS**, and **BUILD-TO-ZONES**, in order to understand how these terms work. This is an existing pharmacy built under the old zoning code on Broadway. The lot is in transect T5MS.



These are the transect dimensional standards pulled from the code.

	T5-MS	T5-F	T5N
Building Form			
Front Build-to-Zone or Setback	0' min to 5' max	0' min to 15' max	0' min to 10' max
Frontage Occupancy	90% min	n/a	70% min
Maximum Bldg Footprint	25,000 sf	no max	10,000 sf
Side Setback (mid-block)	0' min	0' min	0' min
Side Build-to-Zone (street)	0' min to 10' max	0' min to 15' max	0' min to 10' max
Rear Setback (lot)	5' min	10' min	5' min
Rear Setback (alley)	5' min	5' min	5' min
Floor Area Ratio	n/a	n/a	n/a
Lot Standards			
Lot Width	no min, 200' max		
Lot Depth	no min, 200' max		
Lot Coverage (% maximum)	100%		
Building Heights			
Principal Building Height (in stories)	2 min	no min	no min
	4 max	4 max	3.5 max
Special Height Overlay (maximum, in stories)	6 max	6 max	4.5 max
Potential bonus height	2 stories	2 stories	2 stories
Accessory Building Height (in stories)	2.5 max	2.5 max	2.5 max
Ground Finished Floor (above sidewalk or finished grade)	0' min (Commercial use) 18" min (Residential use)		
Parking			
Location	Behind	Behind, Side	Behind
Front Setback	30' min		
Side Setback (mid-block)	0' min		
Side Setback (street)	15' min		
Rear Setback (lot or alley)	5' min		

The **BUILD-TO-ZONE** is similar to a front setback but determines how *close* the building needs to be to the front property line. (On a corner lot, the front property line is selected by street hierarchy as defined by the Street Types Map in Article 2).For T5MS, the build-to-zone is 5' max. *Because of the parking lot, this building is setback 35'.*

The **FRONTAGE** of a site is the area between a building facade and vehicular lanes. There are different types of frontage allowed and they are defined by building type.

The pharmacy is a flex building type and a shopfront is an allowable frontage type for a flex building.

However, based on the transect standards, the building is required to occupy 90% min of the build-to-zone. The intent is to maximize exposure on the street. None of the pharmacy is in the build-to-zone, meaning it has a 0% frontage occupancy.

There are also dimensional standards for the side of a lot. A **SIDE SETBACK** determines how close a building may be to the lot line when there is an adjacent property. A **SIDE BUILD-TO-ZONE** determines how close a building must be to the lot line when it is adjacent to a street. The side build-to-zone for T5MS is 10' max. *Because of the drive-thru pharmacy, the side setback on E Chester St is ~26'.*

*After assessing this existing building's use and form, we see that it does not meet the new code regulations, meaning it is **NONCONFORMING**. This is not surprising given that it was built to the standards of the previous code.*

FLEX BUILDING

4. Allowed Frontage Types (Sec 405.13)
Shopfront, Forecourt, or Dooryard are permitted

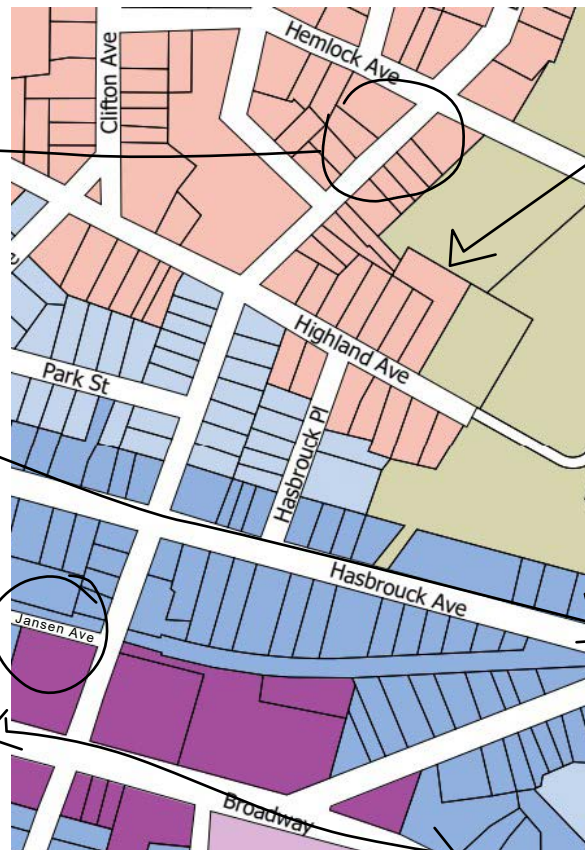
How do the transects get drawn?

Each lot in the City has been designated a transect, but you may be wondering how they were assigned. Crucially, form-based code is about the context of development, so most often parcels are assigned a transect based on their relation to the street and neighborhood, as well as their size and development capacity. *An example area is shown here.*

Lots across a street tend to be the same transect to maintain character and cohesion, but...

Sometimes transects will be different across streets if lot sizes vary greatly or if the parcel abuts a larger road.

Some lots south of Jansen Ave on this block are T5MS because of their existing commercial use, activity, and proximity to Broadway.



Lot size drives a lot of the transect classification

- T3 Large Lot
- T3 Neighborhood
- T4 Neighborhood
- T4 Neighborhood-Open
- T5 Neighborhood
- T5 Main Street

Busier streets tend to have higher transects to support more density and lively uses



Some lots north of Jansen Ave on this block are T4N-O because of their existing use (residential and small businesses) and relation to the street.

2. GETTING THINGS BUILT

So you want to build a building?
expand
change how you use

The code will be your trusty companion, but here is a 6-step guide on the development process.

1. Look up your

- a) zoning requirements for **site form and use**
(this is based on your site location, and is defined by Articles 2 and 3)
- b) **building type/design and general standards**
(these apply to multiple transects and are found in Article 4)
- c) **other applicable standards, based on your site work and size**
(these are Articles 5, 6, and 7 for streets, usable open space, and large sites)

(make sure to check if your lot is special, like a lot in a historic district or other overlay)

2. Decide/design/document what you're doing

You're going to need some **site documents and likely some help** here, like a site plan, utility documentation, a contractor, an architect, a construction drawing set, etc.

3. Planning department site plan approval (if needed)

First, you'll need to check if you need any waivers (prescribed by the code Table 405.26.F) or variances (what you want to do is not allowed). If you are requesting any waivers, you will need a site plan approval*. If you need a variance, you will need to submit an application and receive approval from the Zoning Board of Appeals in the Building Safety Department *before* you submit your site plan. Note that **not all projects need a site plan approval and many projects will qualify as a minor site plan**. Larger and/or unique projects are usually major. Projects greater than two acres will always require a public hearing during the site plan review process.

4. Building Safety department

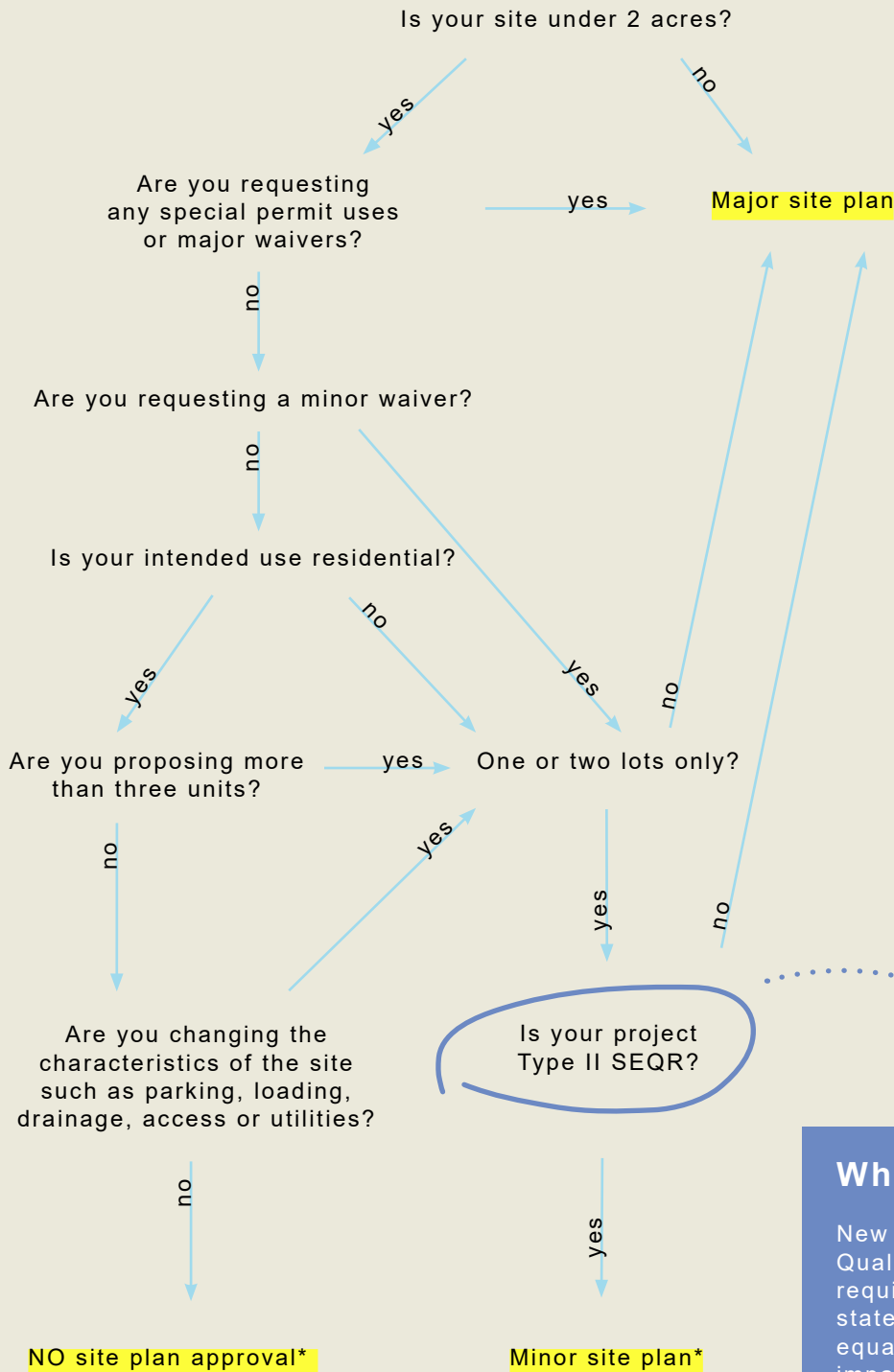
After your site plan has been approved (if needed), you will **apply for a building permit** in order to start construction! As part of the building permit process, the zoning enforcement officer will **verify that your project meets the zoning code**.

5. Build!

6. Get your certificate of occupancy

Once you are done with construction, a code enforcement officer (we're talking about **building code**, which is regulated by the State, not to be confused with the form-based zoning code or zoning enforcement officer) from the building safety department will inspect your building and **grant you permission to occupy** and use your building.

Do I need approval from the planning department?



What is SEQR/Type II?

New York's State Environmental Quality Review Act (SEQR) requires all local, regional, and state government agencies to equally examine the environmental impacts along with the social and economic considerations for a certain project, or action, during their discretionary review. Type II actions are predetermined to not have a significant adverse impact on the environment. Please contact the Planning Department if you'd like to learn more.

*The Planning Administrator has the authority to decide if a site plan will proceed as a minor or major site plan.

What to expect during the site plan review?

	MINOR	MAJOR
<p>PRESUBMISSION</p> <p>*If you are in a Historic District, a presubmission meeting with the Kingston Historic Landmark Preservation Commission is required. The Commission will review the proposal in full again during the review process.</p>	<p>You will set up a presubmission meeting with the Planning Department before you formally submit your application, sort of like a meet-and-greet. This gives you a chance to ask questions and understand what is required to submit.* The Planning Administrator may suggest additional useful materials to include in your application. You should submit your application within 6 months of this meeting, otherwise you may be required to have another one.</p>	
<p>APPLICATION</p>	<p>All application materials are listed in Section 405.26.E.1.f.</p>	
<p>FEES</p>	<p>The site plan application fee can be found in the City of Kingston's Fee Schedule which is updated annually. The fees vary based on development size. All fees associated with building permits are found here, too.</p>	
<p>REVIEW DETERMINATION</p>	<p>The <u>Planning Administrator</u> will determine if a development plan is to follow a minor or major process.</p>	
<p>REVIEWING BODY</p>	Planning Administrator	Planning Board
<p>REVIEW PROCESS</p>	<p>The reviewing body will review requested waivers, site plan documents, and all application materials.</p> <p>Consideration shall be given to the public health, safety and welfare as well as the residents or users of the proposed development and of the immediate neighborhood (405.26.E.1.c)</p>	
<p>Some projects (such as those within 500' of another municipality, county property, or county right-of-way) will be forwarded to Ulster County Planning Board.</p>	<p>The Planning Administrator will solicit recommendations from other City departments and will make public their determination.</p>	<p>Your project will be added to the Planning Board's next meeting agenda. The Planning Board meets monthly and you can find the exact dates on the Planning Department's website. The application is also sent to other City departments.</p> <p>The Planning Board may require a public hearing if they deem necessary (any site over 2 acres will have one regardless).</p>
<p>Should at any point a project be amended, the change must be submitted for review and</p>	<p>The review process timeline is dependent upon submission completion and project specifics.</p>	
<p>APPROVALS</p>	<p>The plan will be approved, approved with conditions, or denied.</p> <p>Under most circumstances, you have 1 year to secure a building permit after your site plan has been approved.</p>	

How do I get a building permit?



The Building Safety Department includes Zoning Enforcement and is responsible for

- + All building inspections
- + All building permits (such as building, plumbing, electrical, solar)
- + Landlord registration
- + Short-term rental licensing
- + Granting of certificates of occupancy
- + Enforcement of the New York State Uniform Fire Prevention and Building Code
- + Enforcement of the City of Kingston's zoning code

It is important to note that for most building permits you will need professional, stamped drawings. This typically includes building permit applications for new construction, additional residential units in existing buildings, ADUs, and structural changes. Please double check with the Building Safety Department to confirm what professional drawings and inspections you will need.

The Department also hosts the Zoning Board of Appeals (ZBA) which works with the Zoning Enforcement Officer to ensure projects meet the City's zoning code. The ZBA also has the power to review and approve variance applications.

The Department has an **online portal for all permits**. Once you have created an account, you can apply for permits, upload documents, pay fees, and track the approval process. You can also search other properties on the portal.

The portal can be accessed here:
citysquared.com/#/app/KingstonCityNY/

Looking for professionals? The Building Safety Department keeps a list of gas contractors, licensed electricians, approved electrical inspectors, and master plumbers on their City website!

How do you apply the form-based code?

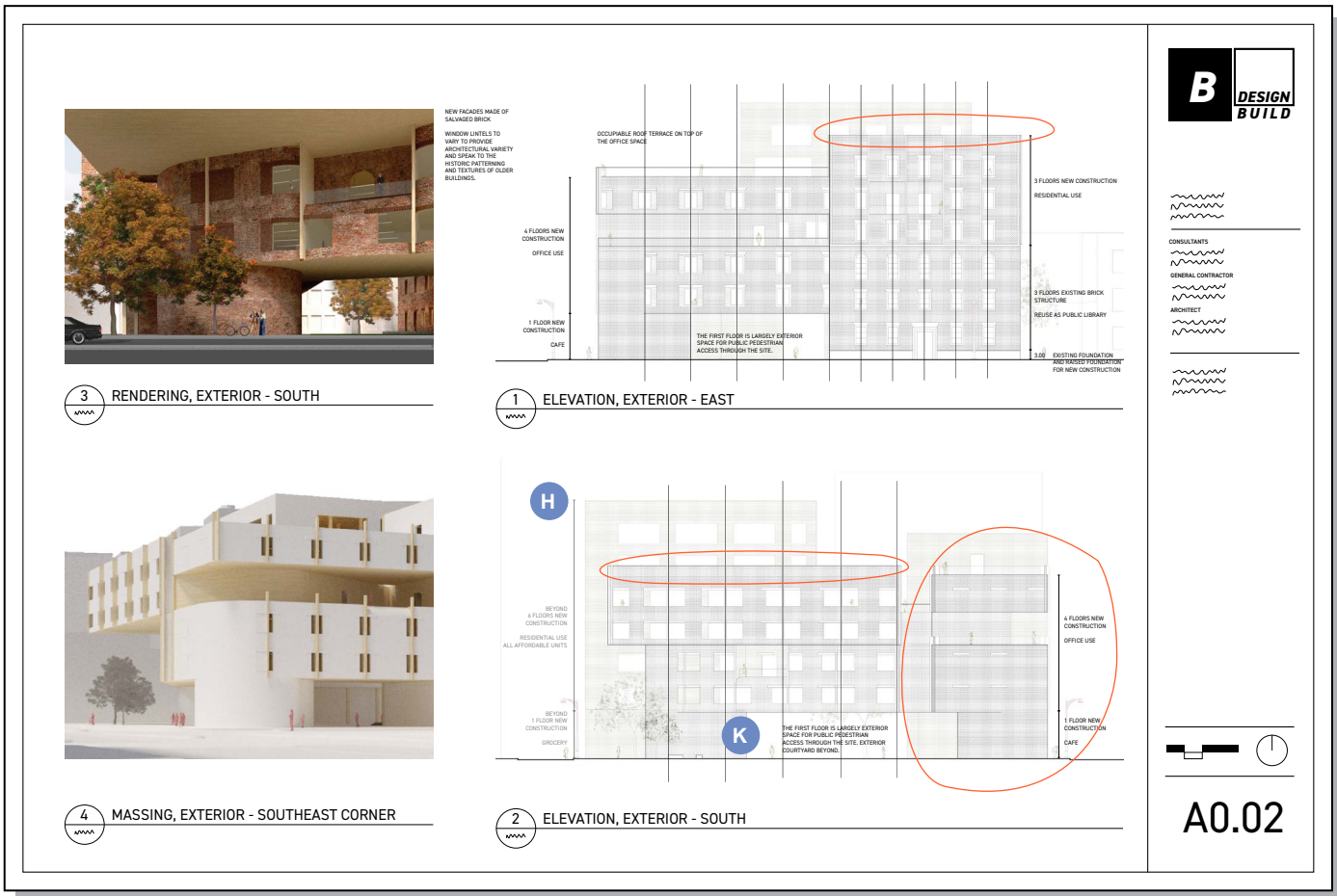
To understand how the code works on a site, for an actual project, we'll walk through an example development proposal and see how it does or does not comply to the form-based code article by article.

EXAMPLE PROJECT

Article 2: Regulating Maps

The parcel address as noted is in T5-F and in the Broadway/Cornell Height Overlay. The lot is not in a historic district nor a flood plain. **A**





Article 3: Transect Standards

Using the information on the drawings, we'll compare the standards found in Article 3 for T5-F and the project proposal. T5-F is one of the most flexible transects, but some standards still apply.

	T5-F	PROPOSED DEVELOPMENT		T5-F	PROPOSED DEVELOPMENT
Building Form			Building Heights		
Front Build-to-Zone or Setback	0' min to 15' max	2' B	Principal Building Height (in stories)	no min 4 max	7 H
Frontage Occupancy	n/a	N/A	Special Height Overlay (maximum, in stories)	6 max	✓
Maximum Bldg Footprint	no max	N/A	Potential bonus height	2 stories	? I
Side Setback (mid-block)	0' min	N/A	Accessory Building Height (in stories)	2.5 max	N/A
Side Build-to-Zone (street)	0' min to 15' max	0' C	Ground Finished Floor (above sidewalk or finished grade)	0" min (commercial) 18" min (residential use)	0"-36"
Rear Setback (lot)	10' min	12' D	Parking		N/A
Rear Setback (alley)	5' min	N/A	Uses	Permitted? <input checked="" type="checkbox"/>	Dwelling unit, general office, eating/drinking, general commercial, cultural institution I
Floor Area Ratio	n/a	N/A			
Lot Standards					
Lot Width	no min, 200' max	200' E			
Lot Depth	no min, 200' max	165.50' F			
Lot Coverage (% maximum)	100%	83% G			

The building is in a height overlay so that allows two extra stories. We'll see if the project qualifies for any potential bonus height.

Article 4: General Standards

Building Type Standards ^J

The proposed building type is a Flex building, as stated on the first sheet and demonstrated in the drawings. The exterior elevations both show pedestrian access from what appear to be the front and/or side street sidewalk, but **access is not clearly indicated.**

Frontage Type Standards * ^K

This is one large building and the frontage, as defined by the street hierarchy, is on Mill St. which is the south facade. It is noted on the first sheet that the frontage types are shopfront and forecourt, which are permitted for a Flex building. The drawing labels of the south elevation call out a cafe and a courtyard which appear to match the frontage types respectively. **A thorough review of the frontages and likely a first floor plan drawing would be needed.**

Architecture and Site Design Standards

A Flex building requires that street-facing facades that are greater than 200' must be varied with architectural expression. Based on the architectural form and details seen in the elevations and renderings, this is satisfied. The brick detailing fits well with Kingston's historic building materials and patterns. **While the fenestration is symmetrical, the headers are not.** However, this level of detail may be found to be an architectural expression and in keeping with the intent of the design standards such as following contextual rhythms and sizes as well as maintaining visual interest. All windows appear to be **missing sills**. It appears that the upper floors meet the transparency requirements but more dimensions are needed to verify. **The ground floor is severely lacking in transparency** where cafes are noted. Blank walls are not permitted greater than 30' along a building's frontage, based on the scale it appears **the eastern part of the southern facade with no windows is greater than 30'.** It appears the whole building(s) is **missing a required cornice**. As stated in the frontage type standards, the shopfronts for the cafe are unclear and more drawings are needed to show public entrances and transparency. The **hard- or landscaping of the public courtyard is unclear.** Facade elevations for the east and north are needed to confirm the design standards.

~~Waterfront Overlay Standards~~

~~Off-Street Parking Standards~~

Not applicable to this development!


Signage Standards

There is no clearly proposed signage. More information and detailed drawings are needed to approve any signage.

~~Accessory Dwelling Units~~

Affordable Housing Standards

There is one note on the drawings that states that all of the units in the 6 stories of residential in the northwest portion of the site will be affordable. Because the only other residential portion of the project is the smaller portion in the northeast part of the site, it appears that this would meet the affordability standards. **Clear unit counts are needed.**

Building Type	Permitted? 	Flex
FLEX BUILDING		
1. Description		
<p>The Flex Building Type is a medium-to-large sized structure, typically 1–3 STORIES tall. It can be used to provide a vertical mix of uses with ground-floor industrial, service, or retail uses and upper-floor service or residential uses; or may be a single-use building. This type is a primary component of a flexible, urban neighborhood that provides a mix of buildings.</p>		
2. Required Building Dimensions		
Building Width	no min / no max ¹	
¹ Buildings with a street-facing FAÇADE wider than 150' shall meet the requirements for Wide Buildings (Sec 405.14.C.4).		
3. Allowed Intensity		
Number of units per building	Unrestricted	
4. Allowed Frontage Types (Sec 405.13)		
Shopfront, Forecourt, or Dooryard are permitted		
5. Required PRIVATE OPEN SPACE Dimensions		
No requirement		
6. Required Pedestrian Access		
Pedestrian access shall be provided from the front (preferred) or side street sidewalk.		

Bonus Height Incentive

Based on the 7 story proposal and the allowable heights in the transect standards (max 4 in T5-F + 2 in the overlay), it appears the developers are applying for an additional story through the affordable housing incentive. The project qualifies for the Bonus Height Incentive because it appears that 20% of the total units will be affordable and that all of the extra story will be affordable housing.

~~Supplemental Use Standards~~

~~Article 5: Street Design Standards~~

Not applicable to this development! There are no new streets.

Article 6: Usable Open Space Standards

The site is greater than 5,000SF (33,100 SF) and includes residential use, so this article does apply. The courtyard is 4,200 SF, which is 13% of the total site (which exceeds the required minimum 10%!). However, a **landscape plan will be needed** to know if it meets all of the standards such as shading and benches and to identify the open space type (based on the size of the courtyard, a plaza, pocket-park, or community garden may be acceptable).

~~Article 7: Large Site Standards~~

Not applicable to this development! The site is not greater than 2 acres.

Article 8: Administration

The Planning Administrator will determine whether the project is a minor or major site plan but a project of this scale is likely a major site plan and would therefore follow the major site plan approval process.

~~Article 9: Supplemental Regulations~~

Not applicable to this development! It is not in a Flood Hazard Overlay and none of the supplemental uses (trailers, storage units, or radio antennas) are included in this development.

3. TIPS + RESOURCES

“Do I need _____?”

Off-Street Parking

No, if you are developing in Transects T1-T5. In fact, there are parking maximums, make sure not to over-park your project!

Affordable Units

Yes, if you are developing more than 6 units of housing. Projects with 20 units or more also have to provide workforce housing units. The number of required affordable and workforce units are determined by a percentage of the total units.

Usable Open Space

Yes, if your site is equal to or greater than 5,000 SF, includes residential use, and has four or more dwelling units.

Neighborhood/Public Input

Not usually for small projects. Public input would come through a public hearing, which takes place for projects that are 2 acres or greater or major site plans where the Planning Board decides a public hearing is needed.



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What dictates _____ ?

Building types are a crucial part of a form-based code. Unlike in traditional Euclidean zoning, your building type— in addition to your transect/special district— dictates what you can build and where. Generally, transect/special district standards regulate how your building(s) sit on the lot and relate to its context while building type standards regulate characteristics of the building(s).

	Building Type	Transect
Use		X
Building setbacks (ft)		X
If I can have an ADU	X	
Density/intensity/number of units	X	
Height (in stories)		X
Building dimensions (in ft)	X	
Building max footprint (in sf)		X
Lot coverage (%)		X
Frontage type	X	
Frontage occupancy (%)		X
Private open space requirement	X	
Parking maximums		X

How does the code make building housing easier?

Kingston Forward supports housing and promotes multifamily development. The code offers numerous incentives to increase development feasibility. We've listed the main incentives below.

As-of-Right Development

The form-based code offers a lot of flexibility in the building types and uses allowed “as-of-right” meaning there is no special-permit or variance required for many land uses. The use of overlays and incentives allow for greater development where it makes sense without extra hurdles.

Allowing Greater Residential Density

Rather than dictating development through a Floor Area Ratio (total building area/lot area) and traditional density metrics (units/acre), the form-based code uses transect dimensional standards and building intensity to regulate density. The Main Street, Flex, Liner, Stacked Flats, and Courtyard building types have unrestricted intensity. Other building types limit unit intensity by building or building floors. In addition, more than one principal building per lot is allowed as-of-right in T3N, T3N-O, T4, and T5.

Bonus Height Incentive - Affordable Housing

This incentive provides bonus height in exchange for at least 50% of the extra story's square footage being used for affordable housing. To be eligible, 20% of the total number of units must be affordable units.

Bonus Height Incentive - Waterfront Public Space

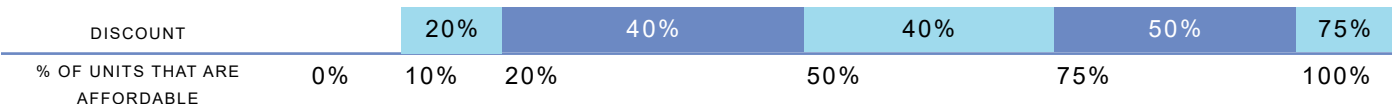
This incentive provides bonus height for projects in the Waterfront Mixed Use Special District (SD-WMU) in exchange for the provision of new, public usable open space.

Expedited Review - Affordable Housing

All projects that have 10% affordable units or more (which will be all projects 7 units or more) will be entitled to a preapplication meeting with the Planning and Housing Initiatives departments for early identification of issues, as well as the discussion of coordination processes and a timeline for the project. Additionally, the Director of Housing or someone they designate will be assigned to directly communicate between the City and the applicant throughout the process.

Site Plan Application Fee Discount - Affordable Housing

All projects that have at least 10% affordable units will be eligible for a discount in the site plan application fee! Note that projects that are 100% affordable are eligible for a 75% discount!



So, you want to build an ADU?

Do you want to build a backyard cottage? Or separate a unit within your own home? Accessory Dwelling Units (ADUs) are legalized Citywide under the form-based code, and in some cases you can even have two with a major waiver. Before you begin, there are **four things you need to know to start!**

1. What and where are the **utilities** on your lot?

A large cost of an ADU, particularly a detached one like a small structure in your backyard, can be utility hookups. You'll need to connect to existing water and sewer lines. If you have a septic tank, you need to make sure you know where it is and what capacity it has.

2. What is your **zoning**?

It is crucial to make sure it is legal for you to put an ADU on your property and that you put it in the right place. In order to figure this out, you'll need to understand what transect/special district you are in, what setbacks apply to your lot, and what type of building type you already have on your site. One ADU per property is allowed by right but not all building types allow them. Depending on your building type, a second may be allowed with a major waiver.

3. What is your **budget**?

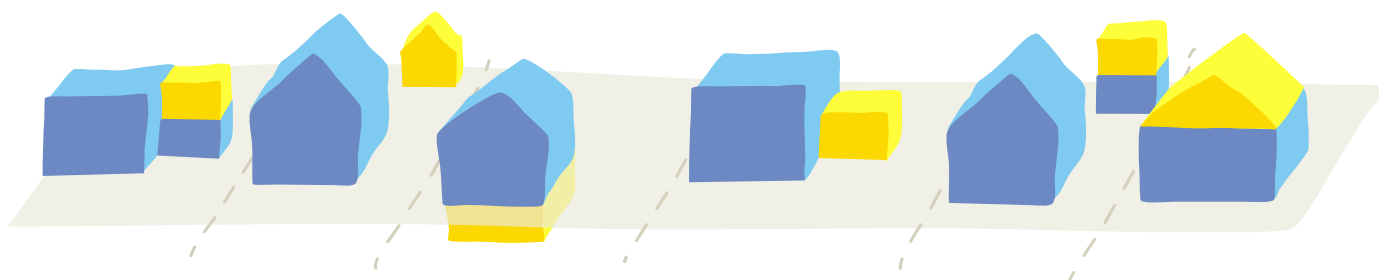
Some of the things you need to consider in your budget are design and planning (ex: land survey, architectural and engineering drawings), development and permit fees (ex: building permit, utility hook-up fees), construction labor and materials (ex: labor, site work, landscape, excavation, foundation, walls), and finishes (ex: flooring, doors and windows, cabinetry, furniture). Make sure to include an extra buffer for unforeseen costs, material cost fluctuations, etc.

Design and Planning	\$
Permit Fees	\$
Labor and Materials	\$
Finishes	\$
Estimated Up-Front Costs	\$
~10% Contingency	\$
Total Up-Front Budget	\$

4. How are you going to **use and manage** your ADU?

ADUs provide separate living quarters on your property. You can use this for extended family or as a separate housing unit. Providing an additional long-term rental unit on your property can create supplemental income as well as increase the stock of housing in the City that residents can afford. ADUs may not be used as short-term rentals in the City of Kingston.

If you're ready to begin, make sure to schedule an on-site visit with the Building Safety Department (845-331-1217) to discuss the placement of your ADU and utility connections. You can do this before you have professionally stamped drawings, though those will be needed to receive a building permit for your ADU.




Gridics How-To

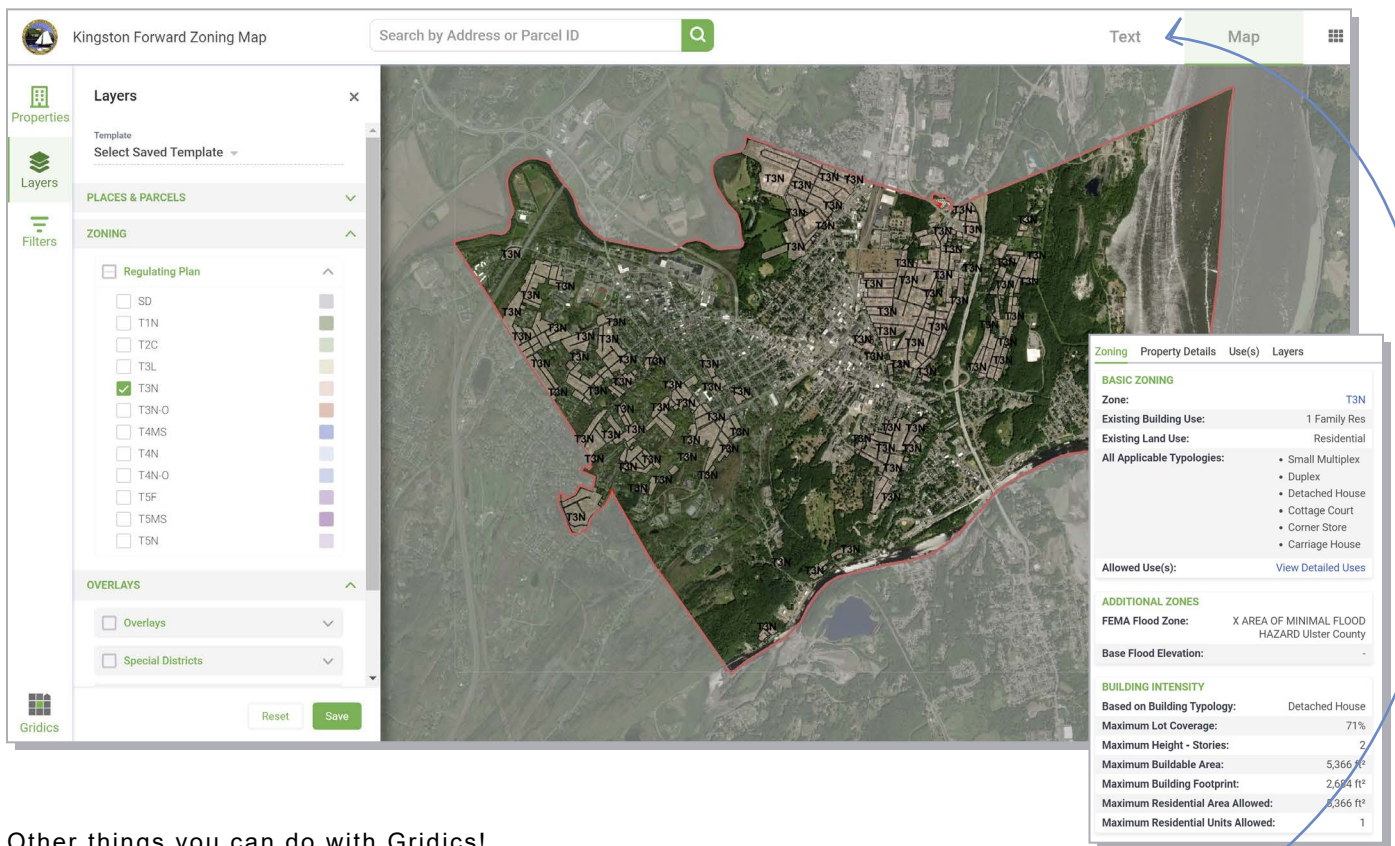
Gridics is a digital platform that hosts an online version of the zoning code, including an interactive map that allows you to see data on parcels in Kingston. You can see what transects and overlays apply to your parcel, filter parcels in the City by certain characteristics like lot size, transect, or lot shape, or see property details like the setbacks and ownership of any parcel. Gridics is free to use and creating an account is optional.

To look up a lot and its details:

You can enter the address of the lot you're interested in in the search bar. You can also use the map on the right side to zoom into an area or lot.

To filter parcels in Kingston by characteristic:

Select the  icon on the left hand side of the screen and then enter the metrics you want to filter by. You'll see the parcel selection changing on the map based on what you enter.



Kingston Forward Zoning Map

Search by Address or Parcel ID

Text | **Map**

Layers

Template: Select Saved Template

PLACES & PARCELS

ZONING

☐ Regulating Plan

☐ SD

☐ T1N

☐ T2C

☐ T3L

☒ T3N

☐ T3N-O

☐ T4MS

☐ T4N

☐ T4N-O

☐ T5F

☐ T5MS

☐ T5N

OVERLAYS

☐ Overlays

☐ Special Districts

Reset Save

Zoning | Property Details | Use(s) | Layers

BASIC ZONING

Zone: T3N

Existing Building Use: 1 Family Res

Existing Land Use: Residential

All Applicable Typologies:

- Small Multiplex
- Duplex
- Detached House
- Cottage Court
- Corner Store
- Carriage House

Allowed Use(s): View Detailed Uses

ADDITIONAL ZONES

FEMA Flood Zone: X AREA OF MINIMAL FLOOD HAZARD Ulster County

Base Flood Elevation: -

BUILDING INTENSITY

Based on Building Typology: Detached House

Maximum Lot Coverage: 71%

Maximum Height - Stories: 2


Maximum Buildable Area: 5,366 ft²

Maximum Building Footprint: 2,684 ft²

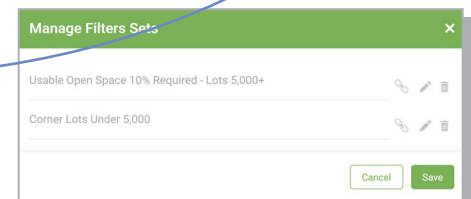
Maximum Residential Area Allowed: 5,366 ft²

Maximum Residential Units Allowed: 1

Other things you can do with Gridics!

- + Share a link to a parcel or filter set, look for this icon 
- + You can save your filter settings to use next time you sign-on
- + Read, search, share, and bookmark parts of the code text

Access Gridics here: zoning.gridics.com/us/ny/kingston



Manage Filters Sets

Usable Open Space 10% Required - Lots 5,000+

Corner Lots Under 5,000

Cancel Save

Did you double-check?

We've highlighted some elements to double-check before submitting your site plan or building permit application. These are crucial elements to understand and present as you apply.

If I want to build a duplex on .30 acres in transect T4N
I need no! site plan approval and to include 0 reduced rent units.

If I want to build 40 apartments on .75 acres in transect T5F
I need a minor site plan approval and to include 6 reduced rent units.

Is your **use** allowed?

Have you double-checked all of your **dimensional standards**?

Have you identified your **building type(s)**?

Have you identified your **frontage type(s)**?

If applicable, do you follow the **architectural standards**?

If applicable, do you know how many **affordable and workforce housing units** you need?

Are you requesting any **waivers**?



Image ©2023 Google

"I think the Kingston population should grow, and the City should evolve, but not by building more developments on the outskirts... Rather, I think **Kingston should focus on filling in empty spaces** in the center of the City"

Kingston resident

Don't take our word for it.

The code offers new ways to build in Kingston, but much of what it will support is nothing new. The Kingston Forward code was inspired by the older parts of Kingston we love, which are walkable, engaging, and well-scaled. Many cities across the US have similar historic patterns that warrant small, infill development projects to help meet the growing needs of communities and reinforce their livability. Often called infill or incremental development, the code encourages these types of small-scale projects, particularly by residents and local developers. These types of projects keep economic development local, provide lower-barrier-to-entry opportunities for residents, and help build *within* our neighborhoods rather than build out or over.

But, don't take our word for it! Check out these groups, projects, and people for inspiration and more information.

Incremental Development Alliance Alumni Stories

Incremental Development Alliance began with the question, "how do I build a small building in the place I love?" Experienced small developers created the Alliance to share lessons learned and best practices as well as host trainings and workshops for municipalities and aspiring developers alike. IncDev posts Alumni Stories on their website to share details of one-off projects like how they originated, how they were funded, the pain points and the best successes.

Check out their stories here: incrementaldevelopment.org/alumni



Small Development Counts

Small Development Counts is a diverse national network of government & non-profit champions who support an incremental, team-based approach, powered by neighborhood-focused entrepreneurs, to strengthen their towns and cities with small-scale development. Their site provides case studies, events, and financial modeling to understand the benefits of incremental projects:

smalldevelopmentcounts.org

Neighborhood Evolution

Run by small-scale developers like Bernice Radle of Buffalove Development, Neighborhood Evolution is a development consulting group deeply committed to giving locals what they need to take action. Their focus is on incremental development ecosystems where locals own, implement, and benefit from reinvestment in their community. Learn more at: neighborhoodevolution.com/



Build South Bend

South Bend, Indiana launched Build South Bend as a tool to jump-start the rehabilitation of old structures and infill development in their City. The site has extensive free trainings, tips, and developer profiles to help you envision how you could contribute to and benefit from development in your own neighborhood: southbendin.gov/BSB/



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