

# CHAPTER 405: THE KINGSTON FORM BASED CODE

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# THE KINGSTON FORM BASED CODE

COMMUNITY REVIEW DRAFT 1.0

MAY 2022

PREPARED FOR



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## ***KINGSTON FORWARD***

**PRESERVATION • PROGRESS • EQUITY**

### **PLANNING TEAM:**

DOVER, KOHL & PARTNERS

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LAND USE LAW CENTER

HALL PLANNING & ENGINEERING

GRIDICS



## ARTICLE 1 OVERVIEW & DEFINITIONS

### SECTION 405.1 FORM BASED CODE OVERVIEW

#### A. TITLE AND AUTHORITY

1. This Chapter shall be known and may be cited as “The Kingston Form Based Development Code” and shall hereafter be referred to as the “Chapter.”
2. This Chapter is adopted as local law pursuant to Municipal Home Rule Law § 10(1)(ii)(a) and Statute of Local Governments § 10(6). This Chapter is also adopted under provisions of New York General City Law § 28-a, § 20(22-25), § 32-34, § 27-a, § 27.b and § 81-b, except where it may be inconsistent with them and, to that extent, it supersedes those provisions.
3. Whenever any provision of this Chapter refers to or cites a section of the New York State Constitution, Statute of Local Governments, and New York General City Law, and that section is later amended or superseded, this Chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

#### B. PURPOSE

1. This Chapter regulates the location, design, construction, alteration, occupancy, and use of structures and the use of land. This Chapter has been enacted in order to institute a legally enforceable form-based code within the City of Kingston.
2. The purpose of this Chapter is to establish a detailed set of development standards and procedures that will result in a compact and WALKABLE development:
  - (a) This Chapter primarily offers development regulations and plans that pay particular attention to the intended form and character of the places in Kingston.
  - (b) The organizing principle for the Chapter is based on a hierarchy of places from the most urban to the most rural. The designation of each zone along this hierarchy (“Transect”) is determined first by the type of place being maintained, evolved or transformed and then by the form and intensity of development. The Transect Zones are used to reinforce existing or to create new WALKABLE, mixed-use environments.
  - (c) This Chapter secondarily regulates USES that are carefully chosen to maximize compatibility between USES and the envisioned physical form of each Transect Zone.
  - (d) The intent of this Chapter is to create a well-functioning public realm across Kingston’s diverse neighborhoods. These regulations shall implement “big ideas” from community and stakeholder input, which include:
    - (i) Allowing for and encouraging by-right incremental infill development according to the community vision for future growth and preservation within the City of Kingston. It is intended that:
      - 1) A streamlined process for administrative development review and approval be available to expedite MINOR SITE PLAN proposals that fulfill the spirit and conform to the standards of this Chapter; and,
      - 2) A durable infrastructure of quality buildings and public spaces be constructed in order to emulate loved, historic patterns in Kingston, invite reinvestment over time and accommodate flexibility of use in response to evolving markets.
    - (ii) Using neighborhood context to guide how future buildings should relate to community structure, streets and public spaces. It is intended that:
      - 1) The neighborhood context determines how far BUILDINGS are located behind the sidewalk, how the building FAÇADE is designed, and what gift the building offers to the street;
      - 2) WALKABLE neighborhoods and mixed-use centers be the preferred pattern of development; and,
      - 3) Ordinary activities of daily living be able to occur within walking distance of most dwellings, providing independence and accessibility to those who do not drive.
    - (iii) Encouraging a variety of housing types to support a range of income levels, age groups, family units, and newcomers. It is intended that:

- 1) Development proposals provide meaningful choices in living arrangements as manifested by distinct physical environments.
- 2) Within WALKABLE neighborhoods and mixed-use centers a range of housing types provide for life-cycle housing and contribute to long-term sustainability and reinvestment.
- (iv) Supporting a green and resilient future. It is intended that:
  - 1) Neighborhoods and mixed-use centers are compact and pedestrian-oriented reducing vehicular miles traveled (VMT) by making more trips possible by walking, biking or transit;
  - 2) Green infrastructure and street trees are included as part of future street design;
  - 3) The City of Kingston's carbon footprint is reduced by encouraging the reuse of existing buildings to cut down the waste and energy associated with BUILDING demolition and materials for new development;
  - 4) A range of high-quality public OPEN SPACES — parks, greens, squares, plazas, PLAYGROUNDS, trails, community gardens, etc. — be distributed within neighborhoods and mixed-use centers increasing access to light and air as well as fresh and healthy food;
  - 5) Landscape design reflects the local climate and topography, and preserves protected trees, tree clusters, and waterways; and,
  - 6) Architecture reflects the local climate, topography, history, and good building practice.
- (v) Specifying street design that is WALKABLE and bikable. It is intended that:
  - 1) Future STREET improvements preserve existing street trees and require new street trees;
  - 2) Future STREET improvements preserve and maintain bluestone sidewalks;
  - 3) Interconnected networks of STREETS be designed to disperse traffic, improve accessibility for emergency services and reduce the length of automobile, bicycle and pedestrian trips; and,
  - 4) The design of STREETS and BUILDINGS reinforce safe and comfortable environments for all users.
- (vi) Right-sizing parking requirements so that they are less burdensome for incremental development, small businesses, the reuse of existing BUILDINGS, and additional housing units.
- (vii) Providing clear, graphic standards that are predictable, easy to understand, and straightforward to enforce.
- (viii) Integrating civic and institutional activity into the fabric of the existing community, WALKABLE neighborhoods, and mixed-use centers. It is intended that:
  - 1) Schools be connected to neighborhoods with sidewalks and trails that enable children to walk or bicycle to them;
  - 2) CIVIC BUILDINGS and public gathering places be provided at high-image locations to reinforce community identity and encourage their use; and,
  - 3) CIVIC BUILDINGS be distinctive and appropriate to a role more important than other BUILDINGS, and that they help provide focus and order to the fabric of the city.
- (e) This Chapter is further intended to reduce the burden on small and incremental development projects and improve predictability in the outcome of future development within the City of Kingston. This Chapter implements a streamlined process of development application review and approval to expedite proposals that fulfill the purposes and intent of this Chapter and conform with its standards. A streamlined SEQRA process is also available for Type II actions that are deemed not to have a significant effect on the environment, New York Environmental Conservation Law Article 8.
- (f) The regulation in this Chapter, including all supplements and attachments hereto, shall be deemed effective amendments to the Kingston 2025 Comprehensive Plan.

**C. APPLICABILITY**

1. This Chapter applies to all land, BUILDINGS, STREETS, sidewalks, USES, activities, public and private improvements, and landscape alterations of any kind occurring within the corporate limits of the City of Kingston as shown on the maps entitled “Regulating Map” (see Article II). The City of Kingston urges and encourages entities that are not legally required to comply with this Chapter to take this Chapter into consideration.
2. No land or structure shall hereinafter be used or occupied, and no structure or parts thereof shall hereafter be constructed, erected, altered, or moved, unless it substantially complies with the regulations herein. See Sec. 405.26(l) for information about NONCONFORMING BUILDINGS and USES.

**D. RELATIONSHIP TO OTHER PARTS OF THE CITY OF KINGSTON NY CODE**

1. General Framework
  - (a) This Chapter consists of a Regulating Map, Building Form Standards, Building Type Standards, Architectural Standards, Signage Standards, Street Design Standards, Public OPEN SPACE Standards, Large Site Standards, and other applicable standards, all organized by Transect Zones as described in Article 3. These plans, zones, and standards replace the zoning, subdivision and other provisions in the City of Kingston NY Code that regulate land use and development. The intent of this Chapter is to offer clear guidance to landowners, developers, municipal officials, and the general community and simultaneously provide an integrated framework for decision making. Where this Chapter is silent about any matter related to land use, BUILDING, or development, applicable provisions of the City of Kingston NY Code that do not conflict with this Chapter shall apply.
2. Applicability of Other Parts of the City of Kingston Code
  - (a) In the case of a conflict between this Chapter and any other provision in the City of Kingston NY Code, this Chapter shall control. Where no such conflict exists, all other Chapters of the City of Kingston NY Code shall have full force and effect within the City of Kingston.

#### **E. HOW TO USE THE KINGSTON FORM BASED CODE**

1. The following text is advisory only and is intended to give a brief overview of the Code.
2. It is the intent that an application meeting the development standards of this Code will be processed in an expeditious manner with administrative approvals allowed by this Code. However, if there are DEVIATIONS requested, the additional required approvals may delay the development process. See Sec. 405.26(E).
- 3. If you own or lease property and want to know what rules apply in order to build or establish a particular USE:**
  - (a) Step 1: Find your Transect Zone and any overlay districts by looking at the Official Regulating Map (Article 2).
  - (b) Step 2: Determine the development standards — SETBACKS, BUILDING HEIGHT limits, etc. — as described in the applicable Transect Zone in Article 3. Additional standards such as Building Types, Frontage Types, Architectural Standards, Parking, Sign Types, ACCESSORY DWELLING UNITS and Affordable Housing can be found in Article 4. Public OPEN SPACE Standards can be found in Article 6. If there is an existing BUILDING that does not conform to the development standards in Article 3, see Sec. 405.26(I): NONCONFORMING BUILDINGS and USES.
  - (c) Step 3: Determine approved USES, and any conditions that may apply in Article 3. If there is an existing USE that does not conform to the permitted USES in Article 3, see Sec. 405.26(I): NONCONFORMING BUILDINGS and USES.
  - (d) Step 4: Determine the process for moving forward, as described in Article 8.
- 4. If you want to subdivide your property:**
  - (a) Step 1: Find your Transect Zone and any overlay districts by looking at the official Regulating Map (Article 2).
  - (b) Step 2: If the site is larger than 2 acres, see Large Site Standards in Article 7.
  - (c) Step 3: Determine the development standards — minimum LOT sizes, SETBACKS, etc. — as described in Article 3 and Public OPEN SPACE Standards as described in Article 6. If new STREETS are included in the SITE PLAN, use the standards in Article 5.
  - (d) Step 4: Determine approved USES, and any conditions that may apply in Article 3.
  - (e) Step 5: Determine the process for moving forward, as described in Article 8.
- 5. If you want to change your Transect Zone:**
  - (a) Only the Common Council may rezone property, following public notice and public hearings in front of the Planning Board and the Common Council itself. See Article 8 for a description of the complete process.

## SECTION 405.2 DEFINITIONS

As used in this Chapter (and identified by SMALL CAPITALS throughout the code), the following terms and phrases shall have the meanings indicated:

### A

#### **ACCESSORY DWELLING UNIT**

Also referred to as accessory apartments or granny flats, ACCESSORY DWELLING UNITS (ADUs) are additional living quarters that are independent of the primary DWELLING UNIT. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the PRINCIPAL BUILDING. ADUs are ACCESSORY USES to a primary DWELLING UNIT. See Sec 405.18.

#### **ACCESSORY BUILDING/STRUCTURE**

Any structure that is related to or in conjunction with the primary structure or USE on a LOT, such as patios, sheds or pools.

#### **ADULT USES**

Any business that provides for the sale of sexually oriented goods, services, and entertainment in which the establishment is not customarily open to the general public, but excludes minors by reason of age.

#### **AFFORDABLE HOUSING UNIT**

A DWELLING UNIT available at a cost of no more than 30% of the gross household income of households at or below 80% of the Ulster County median income.

#### **ALLEY**

A narrow service way providing a secondary public means of access to abutting properties.

#### **ANIMAL SERVICES**

An establishment used by a veterinarian where animals are treated.

#### **ANIMAL BOARDING**

A commercial facility for the keeping, boarding, and maintaining of five or more animals, including pet day care.

#### **ATTIC**

The interior part of a BUILDING contained within a pitched roof structure.

#### **AUTO-ORIENTED SERVICES**

Any business that provides auto-related services, vehicle storage, or drive-through facilities (such as gas stations, auto repair shops, new and used car sales and rentals, drive-through restaurants, and car washes).

### B

#### **BASEMENT**

A STORY in a BUILDING, the structural ceiling level of which is four feet or more above the average level of finished grade where such grade abuts the exterior wall of such BUILDING and the floor level of which is below finished grade at any point on the periphery of the BUILDING.

#### **BED-AND-BREAKFAST**

A residential establishment where not more than five rooms are rented to transient nonpermanent guests, on a short-term basis, with staff on the premises to check-in guests. At least one prepared meal is made available to guests.

#### **BILLBOARD**

A SIGN which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the LOT on which such SIGN is situated.

**BLOCK**

The aggregate of private LOTS, passages and ALLEYS, circumscribed by STREETS or public spaces.

**BLOCK FACE**

Perimeter edge of a BLOCK.

**BUILDABLE AREA**

The area in which a BUILDING is permitted to be constructed.

**BUILDING**

A structure consisting of one or more foundations, floors, walls, and roofs that surround an interior space, and may include exterior appurtenant structures such as PORCHES and decks.

**BUILDING AREA**

The total square footage of interior floor areas measured on a horizontal plane at the main grade level of the PRINCIPAL BUILDING and all ACCESSORY BUILDINGS, exclusive of uncovered PORCHES, terraces and steps.

**BUILDING HEIGHT**

The vertical extent of a BUILDING measured in stories, not including a raised CELLAR or parking below the first floor.

**BUILDING SAFETY OFFICER**

An officer appointed by the Mayor of the City of Kingston to direct the Building Department and who is authorized to enforce provisions of the Building Code and Zoning Code.

**BUILD-TO-ZONE (BTZ)**

The range of allowable distances from the front PROPERTY LINE along which the principal vertical plane of the building's primary façade shall be built in order to create a moderately uniform line of buildings along the STREET.

**C**

**CELLAR**

Any space in a BUILDING the structural ceiling level of which is less than four feet above the average finished grade where such grade abuts that exterior wall of such BUILDING which fronts on any STREET.

**CIVIC BUILDING**

A BUILDING designed specifically for a CIVIC USE.

**CIVIC OPEN SPACE**

A natural or landscaped outdoor area provided for the purpose of active or passive public recreation. It may include publicly accessible outdoor amenities such as a PLAYGROUND, seating area, picnic area, multi-use path and temporary or permanent small outdoor performance space or religious facility.

**CIVIC USE**

A USE that is open to the public at least some of the time and provides a focal point for community interaction and fosters citizen participation in civic activities, including churches, temples, synagogues, mosques, and other religious facilities; lodges; college or university facilities; exhibition halls and art galleries; grade schools; library; meeting halls; museum or similar facilities; performance theaters; post office; fire house; public administration offices; trade or specialty school facilities; or similar USES.

**CONTROLLED SUBSTANCE SALES**

An establishment that provides for the sale and/or consumption of controlled substances including alcohol, tobacco, and cannabis.

**CORNICE**

Projecting horizontal decorative molding along the top of a wall or BUILDING.

**COTTAGE COURT**

A series of small, detached structures on a common LOT providing multiple units arranged to define a shared court that is typically perpendicular to the STREET. The shared court takes the place of a private rear yard and becomes an important community-enhancing element.

**D****DEVIATION**

A proposed practice departing from an adopted standard. DEVIATIONS may come in the form of a MINOR WAIVER, MAJOR WAIVER, or variance.

**DISCONTINUANCE**

Any cessation of a NONCONFORMING USE, whether such cessation is voluntary or involuntary, active or passive and irrespective of the circumstances giving rise to such cessation or the reasons therefor.

**DRINKING ESTABLISHMENT**

Any premises whose principal business is the sale and on-site consumption of alcoholic beverages.

**DRIVE-THROUGH SERVICES**

A facility that dispenses goods through an attendant window or automated machine to persons remaining in vehicles in a designated drive aisle.

**DWELLING UNIT**

An enclosed space used or intended to be used for living, sleeping, cooking, and eating.

**E****EATING ESTABLISHMENT**

A retail business licensed to serve prepared foods and beverages for on- or off-site consumption.

**EMERGENCY SHELTER**

A not-for-profit, charitable, or religious organization providing boarding and/or lodging and ancillary services on its premises to primarily indigent, needy, or homeless persons.

**ENCROACHMENT**

A structural or architectural element that breaks the plane of a vertical or horizontal regulatory limit extending into a SETBACK, into the PUBLIC FRONTAGE, or into the right-of-way.

**EXPRESSION LINE**

A horizontal line, expressed by a material change or by a continuous projection not less than two inches deep.

**F****FAÇADE**

The exterior wall of a BUILDING.

**FAÇADE TRANSPARENCY**

The proportional amount of transparent window glass or other openings in the FAÇADE of a BUILDING, relative to the overall surface area of the FAÇADE.

### **FIRST STORY**

The ground or lowest STORY of a BUILDING entirely above the level of the ground around the BUILDING.

### **FLOOR AREA**

The sum of the gross horizontal areas of the several floors of the BUILDING or BUILDINGS, measured from the interior faces of exterior walls or from the center line of walls separating two DWELLING UNITS.

In particular, the FLOOR AREA of a BUILDING or BUILDINGS shall include:

- BASEMENT space.
- Elevator shafts and stairwells at each floor.
- Floor space for mechanical equipment.
- Penthouses.
- ATTIC space (whether or not a floor has actually been laid) providing structural headroom of seven feet six inches or more.
- Interior balconies and mezzanines.
- Enclosed PORCHES.
- ACCESSORY USES, not including space for accessory off-street parking.

However, the FLOOR AREA of a BUILDING shall not include:

- CELLAR space, except that CELLAR space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- Elevator and stair bulkheads, accessory water tanks and cooling towers.
- Uncovered steps.
- Terraces, breezeways and OPEN SPACES.
- Accessory off-street parking spaces.

### **FLOOR AREA RATIO (FAR)**

The ratio produced by the FLOOR AREA of a BUILDING divided by its LOT area.

### **FRONT FAÇADE**

(Syn: Primary Façade)

### **FRONTAGE**

The area between a building FAÇADE and the vehicular lanes or pedestrian-only STREET, inclusive of its built and planted components.

### **FRONTAGE ELEMENTS**

The structural and architectural elements which extend outward from the FAÇADE of a BUILDING along FRONTAGES, including AWNINGS, canopies, galleries, PORCHES and stoops, and which do not count as an extension of the FAÇADE itself for the purposes of measuring SETBACKS and BUILD-TO-ZONE.

### **FRONTAGE LINE**

A LOT LINE abutting a STREET right-of-way.

### **FRONTAGE OCCUPANCY**

The minimum percentage of the LOT WIDTH which must be occupied by building façade within the BUILD-TO-ZONE. For example, a property which is 100 feet wide with a FRONTAGE OCCUPANCY of 60% would require that at least 60 feet of façade length be maintained in the BUILD-TO-ZONE. Any additional length of front façade would be allowed to step back further from the BUILD-TO-ZONE, if desired. The intent of this requirement is to encourage development to maximize their front FAÇADE exposure along the STREET or CIVIC OPEN SPACE.



## **G**

### **GARDEN WALL**

A wall no greater than 48" in height that defines the FRONTAGE LINE and/or the perimeter of a property, dividing private areas from STREETS, rear lanes, or adjacent LOTS.

### **GRADE, FINISHED**

The natural surface of the ground or the surface of the ground after completion of any change in contour.

## **H**

### **HABITABLE SPACE**

Space in a structure for human activity including living, sleeping, eating, cooking, working, or shopping. HABITABLE SPACE excludes parking garages, self-service storage facilities, warehouses, display windows separated from retail activity, closets, halls, storage or utility spaces, and similar areas.

### **HISTORIC PRESERVATION**

The following series of definitions relate to historic districts and landmark preservation:

#### **COMMISSION**

The Historic District and Landmark Preservation Commission of the City of Kingston.

#### **EXTERIOR ARCHITECTURAL FEATURE or EXTERIOR FEATURE**

The architectural style, design, general arrangement and components of all of the outer surfaces of an improvement, as distinguished from interior surfaces, including, but not limited to, the kind, color and texture of the building material and the type and style of all windows, doors, lights, signs, other fixtures and plantings appurtenant to such improvement.

#### **LANDMARK OR HISTORIC DISTRICT**

Any area which contains places, sites, structures or BUILDINGS which have a special character and ambience or historical value or aesthetic interest and which represents one or more periods or styles of architecture of an era of history, which cause such area to constitute a distinct section of the City and is so designated by the Common Council under the provisions of this Chapter.

#### **LANDMARK**

Any place, structure or BUILDING of historical value or aesthetic interest by reason of its antiquity or uniqueness of architectural design or as part of the development, heritage or cultural characteristics of the City, county, state or nation so designated by the Common Council under the provisions of this Chapter.

#### **LANDMARK AND HISTORIC DISTRICT MAP**

A map to be prepared and maintained by the Planning Department identifying the location of all landmarks, landmark sites and historic districts.

#### **LANDMARK SITE**

A parcel or part thereof upon which is situated a landmark and any abutting parcel or part thereof constituting part of the premises on which the landmark is situated.

### **HOME OCCUPATION**

Any USE customarily conducted entirely within a dwelling and carried on by the resident thereof, which USE is clearly incidental and secondary to the USE of the dwelling for dwelling purposes.

## **L**

### **LINER BUILDING**

A BUILDING specifically designed to mask a parking lot or a parking structure from a FRONTAGE.

### **LIQUOR SELLING ESTABLISHMENT**

A retail establishment where 50% or more of the income comes from alcohol sales.

### **LIVE-WORK UNIT**

A mixed-use residential unit that is allowed to house a flexible combination of limited commercial functions and the primary residential function. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator or employee who lives in the same structure that contains the commercial activity or industry.

### **LOADING SPACE**

An unobstructed, suitably surfaced area, no part of which is located on any STREET or public right-of-way, the PRINCIPAL USE of which is to accommodate trucks while loading and unloading.

### **LOT**

A parcel of land having specific boundaries and recorded as such in a deed or subdivision plat.

### **LOT COVERAGE**

The portion of a LOT, expressed as a percentage, which may be occupied by a PRINCIPAL BUILDING and ACCESSORY STRUCTURES, as well as sidewalks, patios, parking and loading areas, driveways, and other impermeable or man-made surfaces.

### **LOT LINE**

The lines bounding a LOT.

### **LOT LINE, FRONT**

The LOT LINE dividing a LOT from a STREET right-of-way. On a corner LOT only one LOT LINE shall be considered as a FRONT LOT LINE, where it is the LOT LINE along the higher priority STREET on the Street Hierarchy. (Syn: PRIMARY FRONTAGE LINE)

### **LOT LINE, REAR**

The LOT LINE opposite the FRONT LOT LINE. In case of an irregular, triangular or gore-shaped LOT, it shall mean a line within the LOT, ten feet long, parallel to and at the maximum distance from the FRONT LOT LINE.

### **LOT LINE, SIDE**

Any LOT LINE which is not a FRONT LOT LINE or REAR LOT LINE.

### **LOT WIDTH**

The length of the FRONT LOT LINE of a LOT.

## **M**

### **MAJOR WAIVER**

Permit consideration of a proposed practice that is not consistent with a specific provision of this Chapter. MAJOR WAIVERS shall meet the general intent of this Chapter and Transect Zone in which the property is located, will result in an improved project which will be an attractive and durable contribution to the Transect Zone, and will not prevent the realization of the overall intent of the Transect Zone. MAJOR WAIVERS must be tied to a SITE PLAN, will be considered unique to the particular SITE PLAN, and will not set a precedent for others. MAJOR WAIVERS are approved by the Planning Board upon recommendation by City Staff.

**MANUFACTURED HOME**

A DWELLING UNIT built off-site under HUD building codes and transported in one or more sections on a permanent chassis and assembled on-site.

**MINOR SITE PLAN**

Development of land less than 2 acres in size, consisting of one to two LOTS, and that does not exceed Type II thresholds.

**MINOR WAIVER**

Permit consideration of a proposed practice that is not consistent with a specific provision of this Chapter, but justified by meeting the intent of this Chapter or by a non-self imposed hardship. MINOR WAIVERS must be tied to a SITE PLAN, will be considered unique to the particular SITE PLAN, and will not set a precedent for others. MINOR WAIVERS are approved administratively by the MINOR SITE PLAN Review Board upon recommendation by City Staff.

**MOBILE HOME**

A DWELLING UNIT built off-site and placed on a single permanent chassis with wheels.

**MODULAR HOME**

A DWELLING UNIT built off-site under state and local building codes without a permanent chassis and assembled on-site.

**MULTIPLE MINOR WAIVERS**

Permit consideration of multiple proposed practices that are not consistent with specific provisions of this Chapter, but are justified by meeting the intent of this Chapter or by a non-self imposed hardship. If the proposed practices holistically result in a project that is not meeting the intent of this Chapter, then the SITE PLAN will follow the MAJOR WAIVER process for review and approval.

**MULTIPLEX: SMALL**

A medium-sized structure that typically consists of 3 to 6 side-by-side and/or stacked DWELLING UNITS typically with one shared entry or individual entries along the front. The Small Multiplex has the appearance of a medium-sized family home and is appropriately scaled to fit within T3, T4, and similar WALKABLE neighborhood districts.

**MULTIPLEX: LARGE**

The Large Multiplex is a medium-to-large sized structure that consists of 7 to 18 side-by-side and/or stacked DWELLING UNITS, typically with one shared entry. This Type is appropriately scaled to fit within medium-density neighborhoods such as T4N and T5N zones.

**N****NONCONFORMING BUILDING**

A BUILDING which contains a USE permitted in the district in which it is located, but which does not comply with one or more district regulations regarding LOT area, width or depth; front, side or rear yards; or maximum height or LOT COVERAGE, but which lawfully existed prior to the enactment of this Chapter or any revision or amendment thereto.

**NONCONFORMING LOT OF RECORD**

A LOT of record which does not comply with LOT area or dimension requirements for any permitted USE in the district in which it is located, but which lawfully existed prior to the enactment of this Chapter or any revision or amendment thereto.

**NONCONFORMING SIGN**

Any SIGN lawfully existing prior to the date of enactment of any provision of this Chapter or any amendment thereto which it does not conform.

### **NONCONFORMING USE**

A USE, whether of a BUILDING or land or both, which does not conform to the regulations regarding permitted USEs as set forth in this Chapter for the district in which it is situated, but which lawfully existed prior to the enactment of this Chapter or any revision or amendment thereto, and which is maintained after the effective date of this Chapter or such revision or amendment.

## **O**

### **OPEN SPACE**

That portion of a development that is publicly accessible, usable, permeable, and remains open and unobstructed from the ground to the sky (specifically excluding parking areas, whether permeable or impermeable).

## **P**

### **PLACE OF WORSHIP**

Any structure, used on a regular basis by a group of persons who assemble for religious worship, including, but not limited to, a church, synagogue, mosque, or temple.

### **PLANNING ADMINISTRATOR**

The City of Kingston Planning Director or his/her designee.

### **PLAYGROUND**

A CIVIC OPEN SPACE designed and equipped for children's recreation.

### **PORCH**

An open air element of a BUILDING with a raised floor and a roof covering the floor that is supported by columns, posts, or piers. A PORCH may be located on more than one STORY.

### **PRIMARY FAÇADE**

The FAÇADE of a BUILDING that faces the STREET. In the case of a corner LOT, it is the façade along the higher priority STREET on the Street Hierarchy.

### **PRIMARY FRONTAGE**

The FRONTAGE along the PRIMARY FRONTAGE LINE.

### **PRIMARY FRONTAGE LINE**

(Syn: Front LOT LINE)

### **PRINCIPAL USE**

The primary USE of a LOT.

### **PRINCIPAL BUILDING**

The BUILDING or BUILDINGS on a LOT that contain the PRINCIPAL USE or USES.

### **PRINCIPAL ENTRANCE**

The main point of access for pedestrians into a BUILDING.

### **PROPERTY LINE**

(Syn: LOT LINE)

## **PUBLIC FRONTAGE**

The area between the vehicular lanes and the FRONTAGE LINE.

## **R**

### **RENEWABLE ENERGY SYSTEM (LARGE-SCALE)**

RENEWABLE ENERGY SYSTEMS including ground- or roof- mounted solar energy systems with a footprint of more than 50% of the primary structure footprint, or 600sf, whichever is greater; roof-mounted wind turbines more than 30' above the height of the primary structure; and ground-mounted wind turbines more than 30' in height.

### **RENEWABLE ENERGY SYSTEM (SMALL-SCALE)**

RENEWABLE ENERGY SYSTEMS including ground- or roof- mounted solar energy systems with a footprint of not more than 50% of the primary structure footprint, or 600sf, whichever is greater; roof-mounted wind turbines no more than 30' above the height of the primary structure; and ground-mounted wind turbines no more than 30' in height.

## **S**

### **SETBACK**

The minimum distance a building façade or parking area must be located from a FRONTAGE LINE or public right-of-way line.

### **SHORT-TERM RENTAL (NOT OWNER-OCCUPIED)**

A residential establishment where not more than five rooms are rented to transient nonpermanent guests, for terms shorter than 30 days, without staff on the premises. The primary residence of the owner is not on the same LOT as the short-term rental.

### **SHORT-TERM RENTAL (OWNER-OCCUPIED)**

A residential establishment where not more than five rooms are rented to transient nonpermanent guests, for terms shorter than 30 days, without staff on the premises. The primary residence of the owner shall be on the same LOT as the short-term rental.

### **SIGN**

Any letter, word, model, banner, flag, pennant, insignia, device or representation designed or used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, City or other political entity or signs pertaining to prohibiting trespassing. The following words and phrases shall have the meanings respectively ascribed to them herein particularly as they relate to SIGN regulations:

**ACCESSORY SIGN** A SIGN advertising a business or profession conducted, or to a commodity or service sold or offered, at the address where the SIGN is located or within the BUILDING to which the SIGN is affixed.

**AWNING** A roof-like covering of canvas or other material attached to a metal or other frame and supported entirely from a BUILDING or other structure.

**FREESTANDING SIGNS** Those signs which are affixed to the ground and not attached to a BUILDING.

**FRONT FACE** The outer surface of a BUILDING which is visible from any public STREET or walkway. A BUILDING may have more than one FRONT FACE.

**ICONIC SIGN** A SIGN which is a traditionally accepted pictorial symbol conveying the nature of the business, normally constructed in heavy relief or which is three-dimensional.

**INTERIOR SIGN** Any sign, except address numbers that are affixed to or painted on the interior of a window or door or located within three feet of the inside face of the window or face of the window or a door, which SIGN is designed to be visible from the exterior of the window or door.

**MARQUEE, CANOPY OR BALCONY SIGN** A SIGN which is part of, attached to or hung from a marquee, canopy or other covered structure projecting from and supported or partially supported by a BUILDING.

**MOBILE SIGN** A SIGN not permanently affixed to a structure or to the ground and designed or intended to be moved from one location to another. (See also "TEMPORARY SIGN.")

**PROJECTING SIGN** A SIGN which is affixed to an exterior wall of the structure extending perpendicular or at an angle of more than 30° from the wall and with the SIGN surface plane (upon which the typography is displayed) perpendicular to or at an angle of more than 30° to the wall plane.

**ROOF SIGN** A SIGN which is erected, constructed or maintained on, partly above or as part of the roof of any BUILDING.

**SIGN AREA** The area of a SIGN shall be measured as follows:

- When such SIGN is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.
- When such SIGN consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall or a fascia panel integrated into the BUILDING design, the total area of such SIGN shall be deemed the area of the smallest triangle, rectangle or circle within which all of the matter of which such SIGN consists may be inscribed.

**TEMPORARY SIGN** A SIGN which is designed to advertise or announce a particular event or series of events, to solicit political support or to announce the availability for sale of a particular item or items which will be available for a limited period.

**WALL SIGN** A SIGN which is affixed to or painted on an exterior wall of the structure and with the SIGN surface plane (upon which the typography is displayed) in the same plane as the wall plane.

### **SINGLE-FAMILY RESIDENCE**

A BUILDING comprised of one or more rooms providing cooking, sleeping, and sanitary facilities, designed for the exclusive use of a single family.

### **SITE PLAN**

A plan that indicates the proposed development and use of land or structures.

### **SMALL FOOTPRINT TOWER**

A stand-alone structure that is significantly taller than it is wide, or a portion of a BUILDING that is significantly taller than it is wide and typically has more detail than the surrounding BUILDING(s). When a tower is a portion of a BUILDING, the tower eave or CORNICE is taller than the remainder of the building eave or CORNICE height and one or more of the tower façades is located forward of the remaining building façade.

### **SPECIAL PERMIT USE**

A USE of property that is basically appropriate to a given zoning district but which may be incompatible in some locations within the districts and therefore is not permitted by right everywhere within such district. A SPECIAL PERMIT USE, therefore, is one which is allowable only when facts and conditions specified in the Chapter as those upon which the USE is permitted are found to exist.

### **STORY**

That part of a BUILDING contained between any floor and the floor or roof next above. CELLARS and underground parking structures are not considered stories for the purposes of determining BUILDING HEIGHT; one level of habitable ATTIC space may be permitted as a half STORY. STORIES may not exceed 16 feet in height from finished floor to finished floor, except for a first floor commercial function in T5 and T4 zones which may be a maximum of 25 feet (greater ceiling height may be permitted, but such spaces will be counted as two or more STORIES).

**STREET**

A public or private thoroughfare which affords the principal means of access to abutting property for use by motor vehicles, bicycles, and pedestrians. A STREET may be for use by pedestrians only or prohibit motor vehicles.

**STREETSCREEN**

Sometimes called streetwall. A freestanding wall built along the FRONTAGE LINE, or coplanar with the FAÇADE, often for the purpose of masking a parking lot from the STREET.

**U****URBAN AGRICULTURE**

USES and ACCESSORY STRUCTURES associated with the growing of produce, the raising of chickens, bees, aquaculture, vermiculture and other food production activities on parcels 2 acres or less intended for local markets.

**USE**

The specific purpose for which land or a BUILDING is designed, arranged, intended or for which it is or may be occupied or maintained.

**USE, ACCESSORY**

A USE customarily incidental and subordinate to the main USE on a LOT, whether such ACCESSORY USE is conducted in a principal or ACCESSORY BUILDING.

**W****WALKABLE**

Urban environments with a mix of housing, civic, public OPEN SPACE, retail and service choices within a compact, transit ready environment. The ability to safely and comfortably access these amenities by foot, along a network of streets offers an option for the selected transportation mode (pedestrian, cyclist, or motorist), reducing the need for cars to travel. The network of streets generates uninterrupted BLOCK FACE dimensions that range from about 250'-450', allowing for multiple points of access and the absorption of adjacent land uses.

**WAREHOUSING**

Light industrial uses related to the storage and distribution of a wide range of non-hazardous products and materials.

**Z****ZONING ENFORCEMENT OFFICER**

An officer appointed by the Mayor of the City of Kingston to enforce the provisions of the Zoning Code.

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## ARTICLE 2 REGULATING MAPS

### SECTION 405.3 THE REGULATING MAPS

#### A. PURPOSE

1. For this Code, the various zoning districts have been categorized as Transect Zones and Special Districts which are shown on the Regulating Map. In general, the standards and provisions for Transect Zones are designed to create WALKABLE, mixed-use environments, whereas the Special Districts are more reflective of an existing, primarily automobile-dependent configuration or of a large area devoted primarily to a single land use, such a school campus.

#### B. APPLICABILITY

1. The boundaries and said districts are hereby established as shown on the Regulating Map, City of Kingston, New York, ~~dated X 20XX~~, which map accompanies and which, with all explanatory matter thereon, is hereby adopted and made part of this Chapter. Said map, indicating the latest amendments, shall be kept up-to-date in the office of the PLANNING ADMINISTRATOR for the use and benefit of the public.

#### C. DISTRICT BOUNDARIES

1. Unless otherwise shown, the district boundaries shall be constructed to coincide with PROPERTY LINES, the center lines of STREETS, ALLEYS, watercourses and the main track or tracks of railroads.
2. Where a district boundary line is shown to be a certain specified distance from a street line, such boundary line shall be deemed to be parallel to such STREET line.
3. Where such boundaries are indicated as approximately following the PROPERTY LINES of parks or other publicly or institutionally owned lands, such lines shall be construed to be such boundaries.

#### D. EFFECT OF DISTRICT ESTABLISHMENT

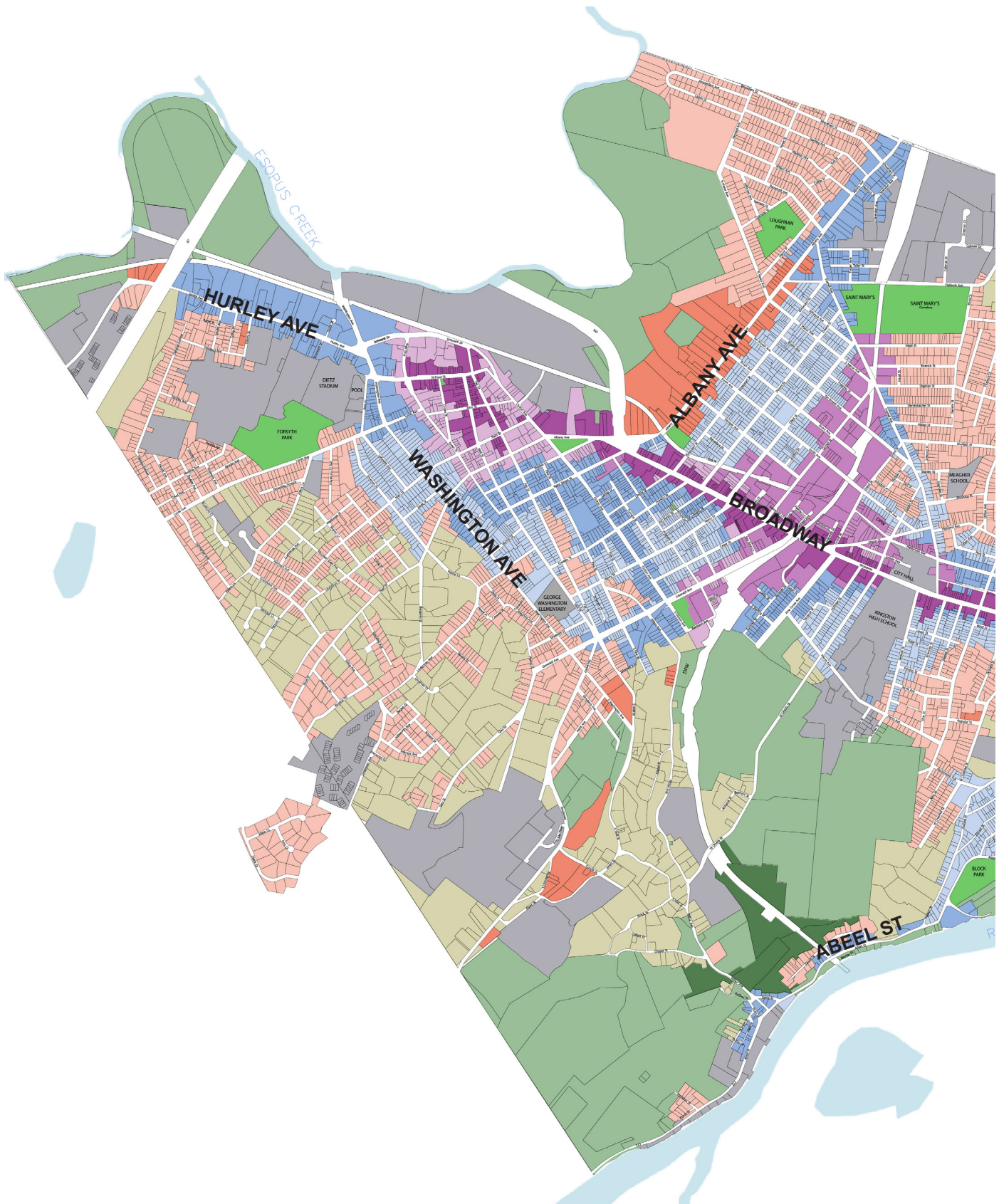
1. No land or structure shall hereinafter be used or occupied, and no structure of parts thereof shall hereafter be constructed, erected, altered, or moved, unless in substantial conformance with the regulations specified herein for the zoning district in which the land or structure is located.

#### E. THE REGULATING MAPS

The following pages include small scale reproductions of the City of Kingston Regulating Maps. Digital versions are available from the City. There are three regulatory maps:

1. **KINGSTON REGULATING MAP (Figure 405.3.A):** The Kingston Regulating Map designates a Transect Zone for development parcels in the City, and identifies public OPEN SPACE parcels. The Transect Zones correspond to standards in other code sections.
2. **SPECIAL REQUIREMENTS MAP (Figure 405.3.B):** The Special Requirements Map designates site-specific standards that include:
  - (a) the boundaries of designated Historic Districts;
  - (b) the designated sub-district and any site-specific requirements for Special District areas.
  - (c) Mandatory Shopfront areas, where a shopfront building FRONTAGE is required (see Sec 405.13); and
  - (d) the boundaries of the Waterfront Overlay area where additional standards apply (see Sec 405.15).
3. **STREET TYPE MAP (Figure 405.3.C):** The Street Type Map designates the appropriate Street Types to guide future STREET improvements that support the intended context of the Transect Zones.

**FIGURE 403.3.A: KINGSTON REGULATING MAP**



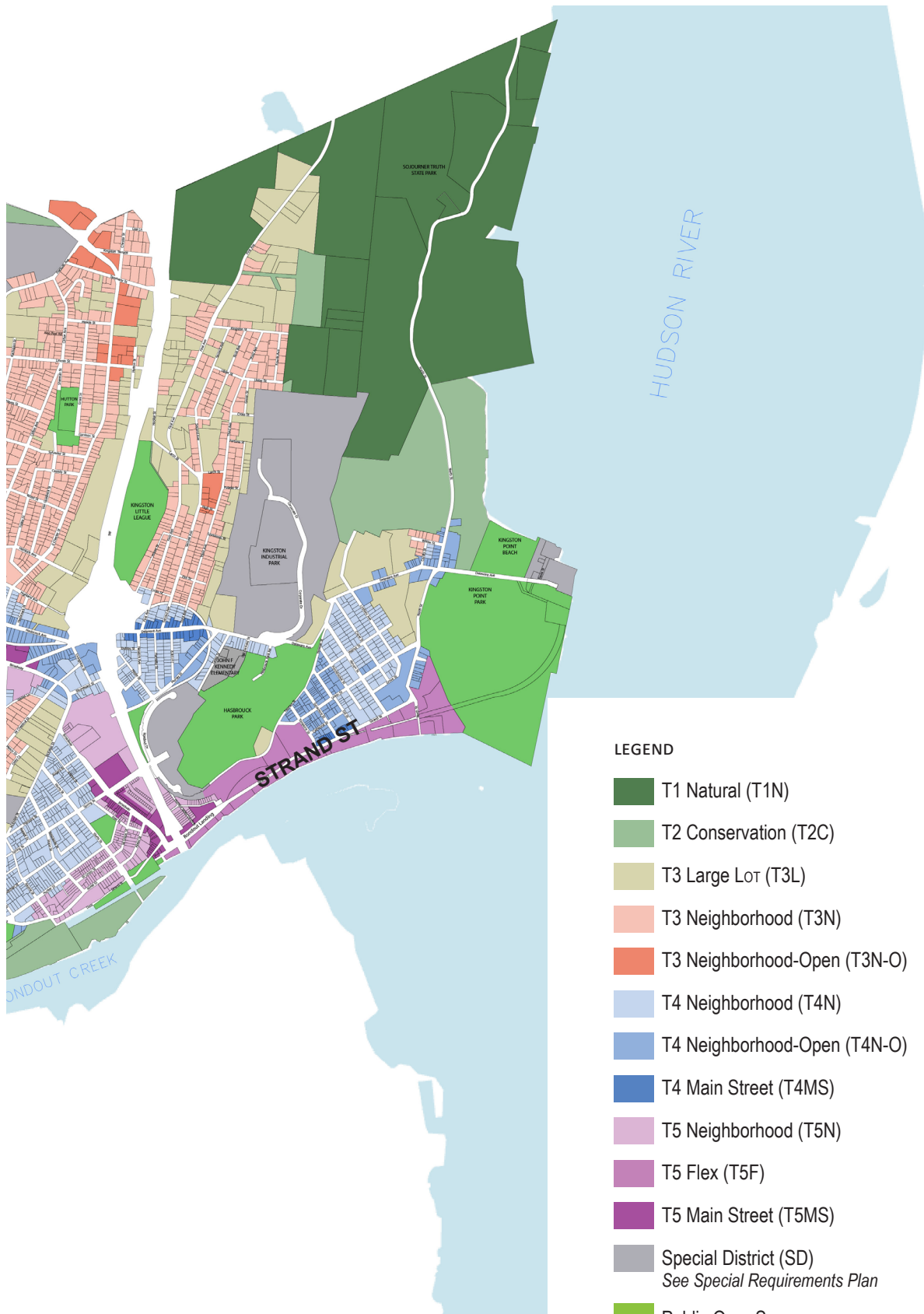
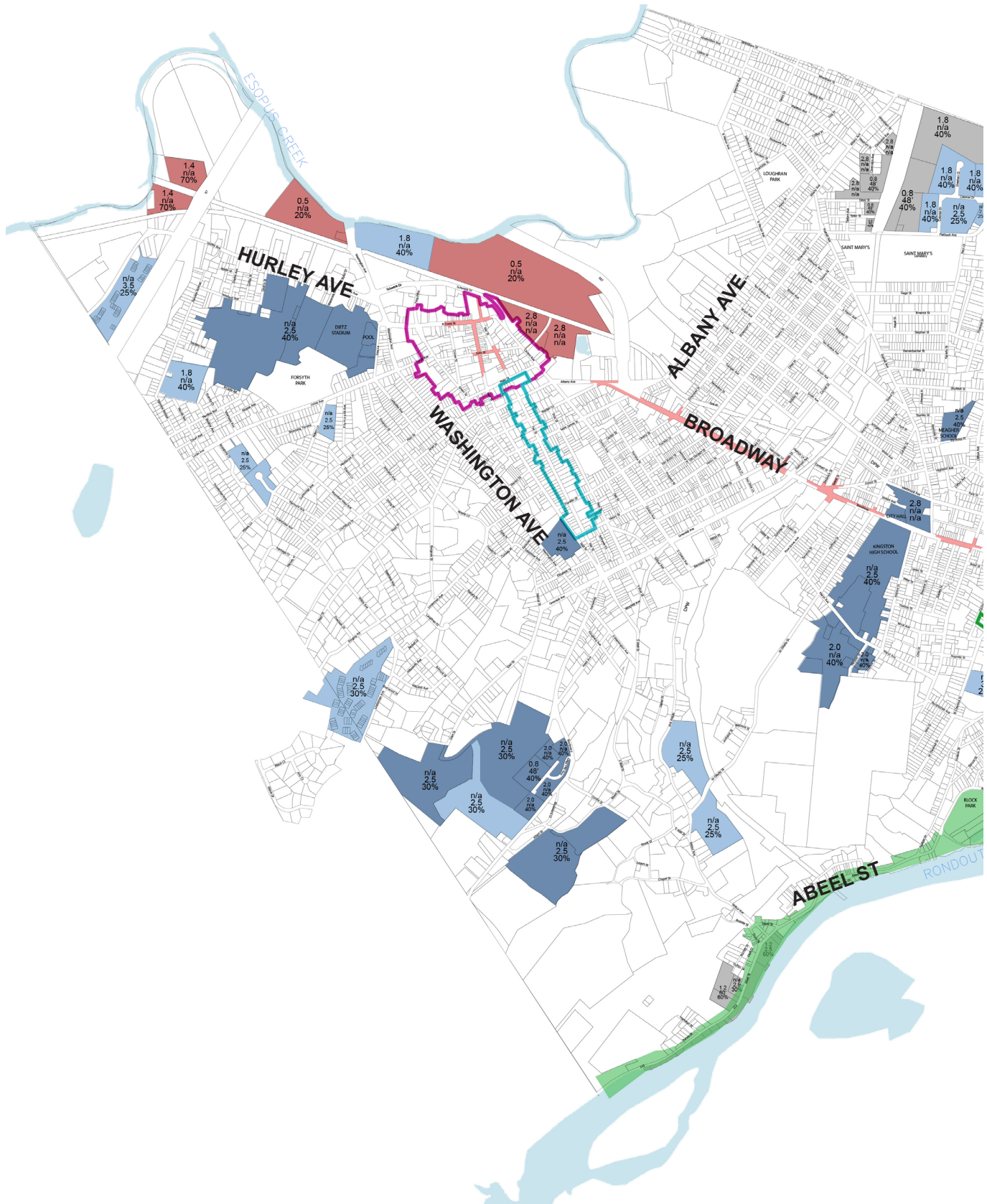
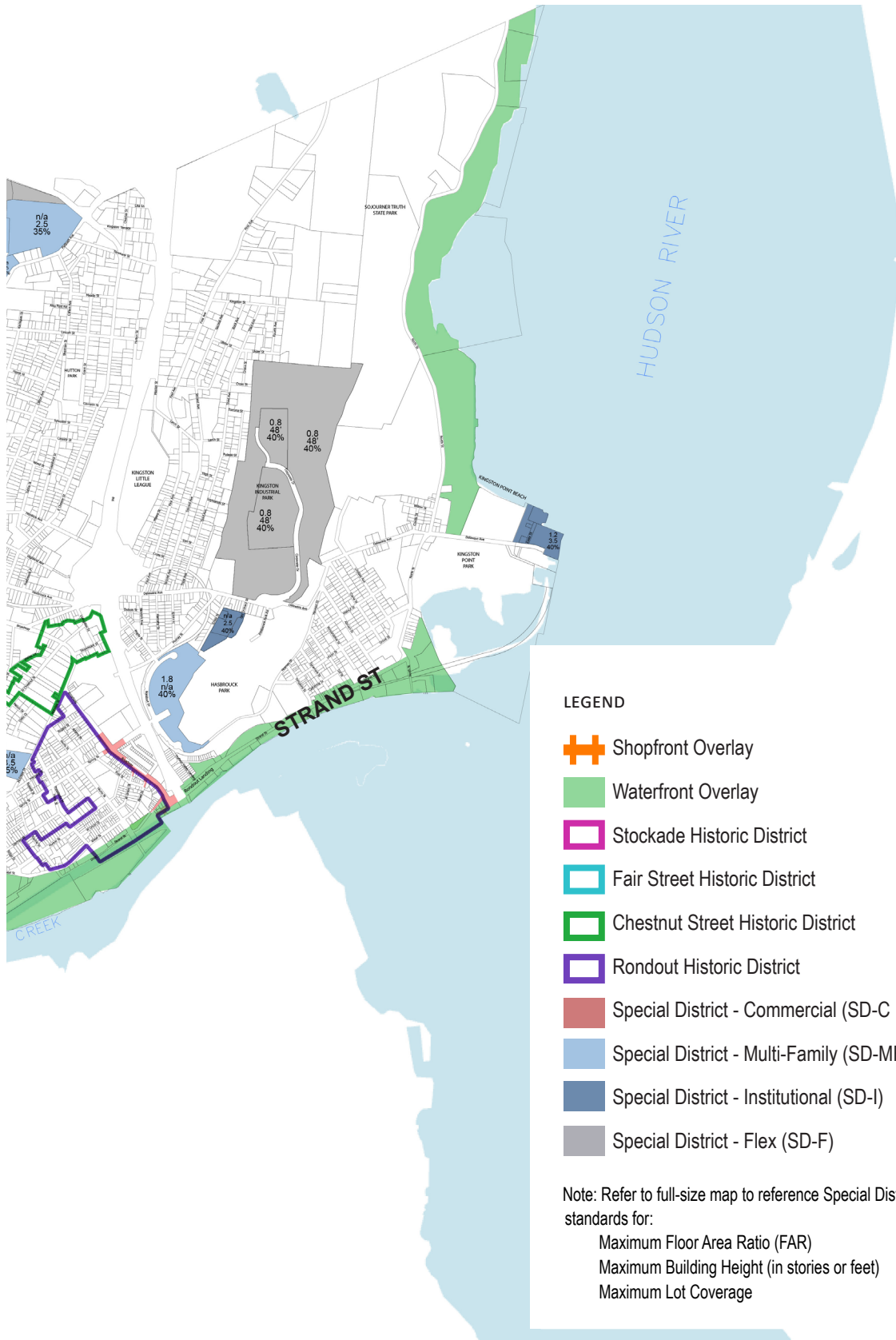




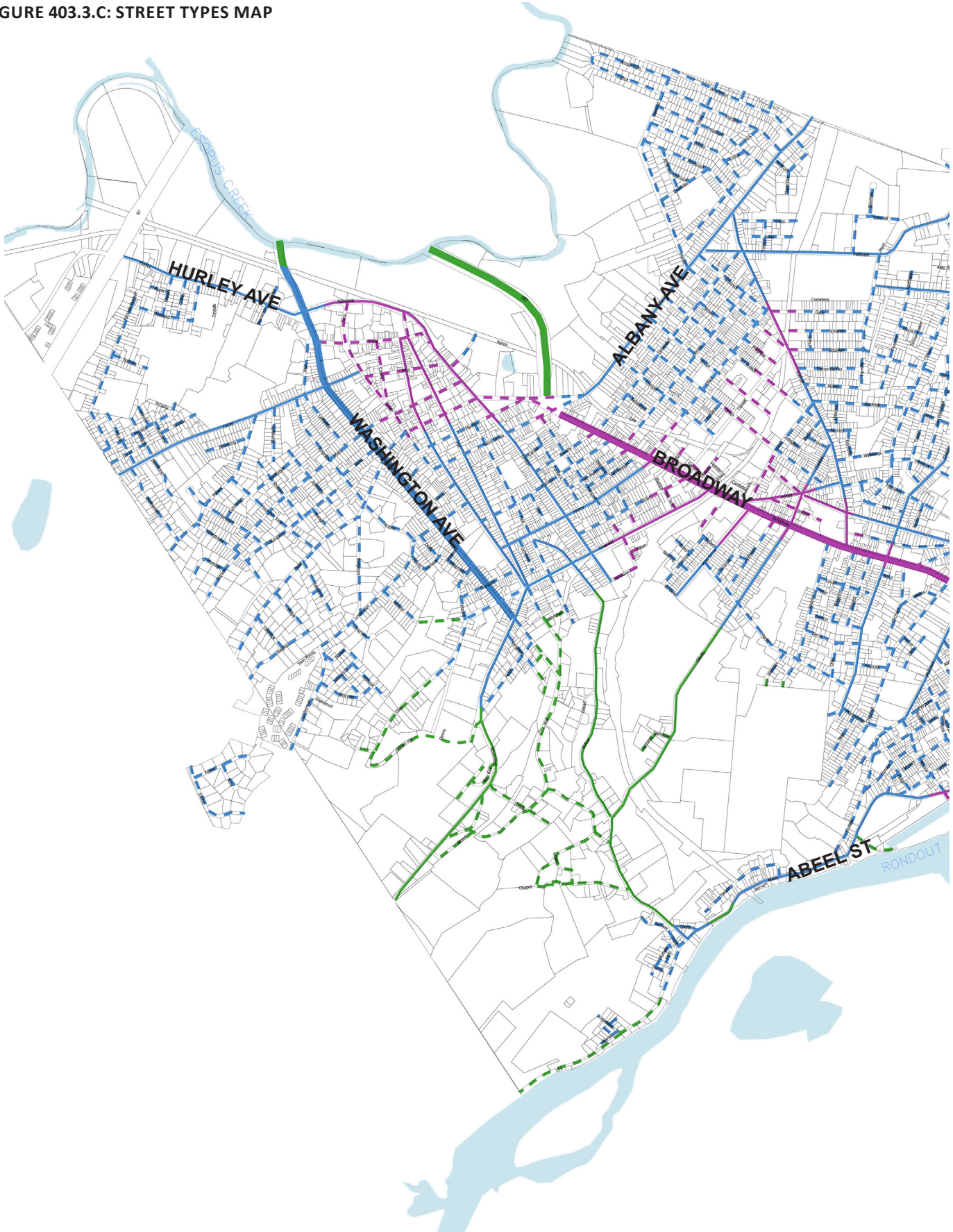
FIGURE 403.3.B: SPECIAL REQUIREMENTS MAP

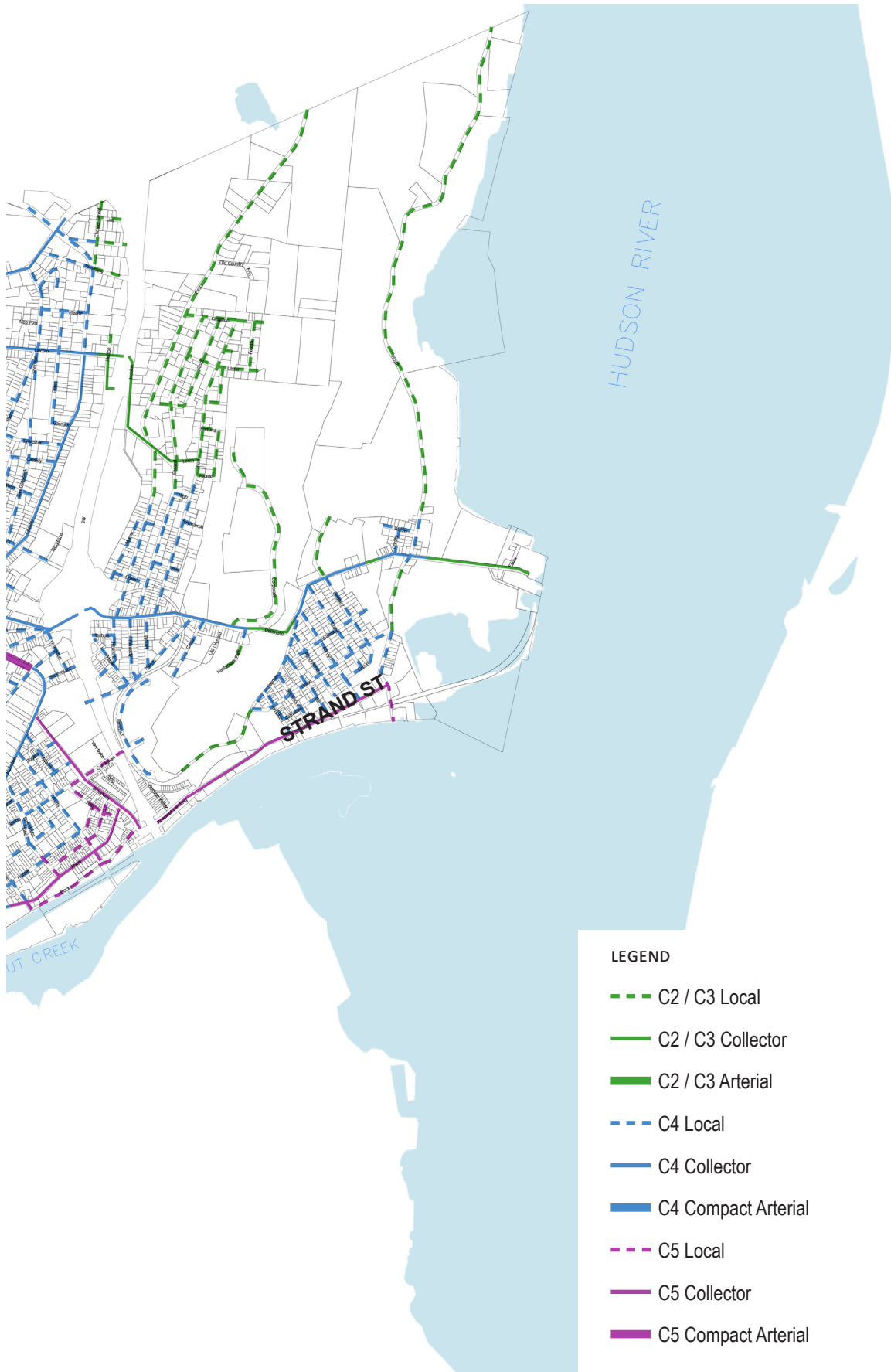






**FIGURE 403.3.C: STREET TYPES MAP**





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## ARTICLE 3 TRANSECT STANDARDS

### SECTION 405.4 TRANSECT STANDARDS OVERVIEW

#### A. PURPOSE

1. The Transect is a planning and zoning tool that organizes zones in a continuum from rural to urban, referred to as T1, T2, T3, T4, and T5. Additional Special District zones cover land that does not fit into any of the previous categories. Each Transect Zone has a different set of characteristics (LOT WIDTH, LOT depth, LOT COVERAGE, FRONTAGE OCCUPANCY, BUILDING HEIGHT, building SETBACKS, parking SETBACKS, ENCROACHMENTS, allowed Frontage Types, allowed Building Types, allowed Sign Types, etc.). Some zones are subdivided as “neighborhood” (primarily residential uses); “open” (similar form as neighborhood but open to a greater mix of uses); and “main street” (mixed-use buildings that consistently occupy a greater percentage of the FRONTAGE and are located at the back edge of the sidewalk).

#### B. APPLICABILITY




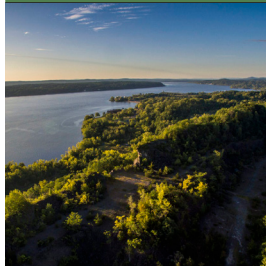
1. This section establishes Transect Zones applied to property within the City of Kingston, as mapped on the Kingston Regulating Map (Article 2).
2. The Transect Zones in the City of Kingston are generally described in the summary tables in Sec 405.5. Each zone is further defined in Sec 405.6 through 405.11.

### SECTION 405.5 SUMMARY TABLES

Standards for each of the Transect Zones are shown for comparison in Tables 405.5.A (Transect District Form Summary), 405.5.B (Transect District Dimensional Standards Summary), and 405.5.C (Transect Districts Permitted Uses).

**FIGURE 405.5.A: TRANSECT DISTRICT FORM SUMMARY**

T5 Urban Center			T4 Neighborhood	
				
<b>T5 Main Street (T5MS)</b>	<b>T5 Flex (T5F)</b>	<b>T5 Neighborhood (T5N)</b>	<b>T4 Main Street (T4MS)</b>	<b>T4 Neighborhood &amp; T4 Neighborhood-Open (T4N &amp; T4N-O)</b>
<p><b>Intent:</b> A walkable, vibrant urban main street serving multiple neighborhoods and the City with commercial, retail, entertainment and civic uses, public transportation, and small-to-large footprint, medium-to-high density Building Types.</p> <p><b>Intent:</b> To provide an urban form that can accommodate a very diverse range of uses and Building Types, including some light industrial as well as live/work combinations, to reinforce the pattern of existing walkable neighborhoods and to encourage revitalization and investment.</p> <p><b>Intent:</b> To provide a variety of housing choices, in small-to-large footprint, medium-to-high density Building Types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation alternatives.</p> <p><b>Intent:</b> A walkable, vibrant urban main street serving multiple neighborhoods with commercial, retail, entertainment and civic uses, public transportation, and small-to-medium footprint, medium-to-high density Building Types.</p> <p><b>Intent:</b> To provide a variety of housing choices, in small-to-medium footprint, medium-to-high density Building Types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this zone, and support public transportation alternatives. An Open Sub-Zone provides the same building form but allows for a more diverse mix of uses.</p>				
General Use	General Use	General Use	General Use	General Use
Primarily ground floor commercial uses with a mix of commercial and residential uses on the floors above.	Vertical and horizontal mixed-use: retail, commercial, residential and light industrial uses on any floors. Ideal location for work/live conditions.	A diverse mix of residential Building Types, general retail, and small to medium-sized neighborhood supporting services and commercial uses.	Primarily ground floor commercial uses with a mix of commercial and residential uses on the floors above.	Primarily residential with smaller neighborhood-supporting commercial uses in corner store buildings and in the Open Sub-Zone.
Primary Characteristics	Primary Characteristics	Primary Characteristics	Primary Characteristics	Primary Characteristics
Primarily Attached	Attached or Detached	Attached or Detached	Primarily Attached	Primarily Detached
Buildings at the ROW	Buildings at or Close to ROW	Buildings at or Close to ROW	Buildings at or Close to ROW	Buildings Close to ROW
No Side Setbacks	Small to No Side Setbacks	Small to No Side Setbacks	No Side Setbacks	Small to No Side Setbacks
Up to 4 Stories (6 with Bonus)	Up to 4 Stories (6 with Bonus)	Up to 3.5 Stories (5.5 with Bonus)	Up to 3 Stories (4 with Bonus)	Up to 2.5 Stories (3.5 with Bonus)
Parking in the Rear	Parking to the Side or Rear	Parking in the Rear	Parking in the Rear	Parking to the Side or Rear
Primarily Shopfronts	Diverse Mix of Frontages	Diverse Mix of Frontages	Primarily Shopfronts	Diverse Mix of Frontages
Allowed Building Types	Allowed Building Types	Allowed Building Types	Allowed Building Types	Allowed Building Types
Main Street Building	Main Street Building	Main Street Building	Main Street Building	Live/Work Building
Liner Building	Flex Building	Liner Building	Liner Building	Multiplex: Small or Large
Live/Work Building	Liner Building	Live/Work Building	Live/Work Building	Corner Store
Stacked Flats	Live/Work Building	Stacked Flats	Stacked Flats	Rowhouse
	Stacked Flats	Courtyard	Corner Store	Cottage Court
	Courtyard	Multiplex: Small or Large	Rowhouse	Duplex
	Multiplex: Small or Large	Corner Store		Detached House
	Corner Store	Rowhouse		Carriage House
	Rowhouse	Duplex		
	Carriage House	Detached House		
		Carriage House		

<p><b>T3 Neighborhood</b></p>  <p><b>T3 Neighborhood &amp; T3 Neighborhood-Open (T3N &amp; T3N-O)</b></p> <p><b>Intent:</b> To protect the integrity of existing, small-to-medium lot detached homes and reinforce their role within walkable neighborhoods and to allow new neighborhoods with this component. An Open Sub-Zone provides the same building form but allows for a more diverse mix of uses.</p>	<p><b>T3 Large LOT</b></p>  <p><b>T3 Large Lot (T3L)</b></p> <p><b>Intent:</b> To protect the integrity of existing, medium-large lot detached homes and reinforce their role within the City.</p>	<p><b>T2 Conservation</b></p>  <p><b>T2 Conservation (T2C)</b></p> <p><b>Intent:</b> To protect the integrity of existing natural land with low density detached homes as well as areas of steep slopes and natural vegetation, and reinforce their role within the City.</p>	<p><b>T1 Natural</b></p>  <p><b>T1 Natural (T1N)</b></p> <p><b>Intent:</b> Preservation of open spaces and natural resources.</p>	<p><b>Special District</b></p>  <p><b>Commercial (SD-C), Multifamily (SD-MF), Flex (SD-F), and Institutional (SD-I)</b></p> <p><b>Intent:</b> To allow for existing drivable commercial, multifamily, institutional, and industrial/flex use areas, enable their role within the City, and prevent non-conforming lots, buildings and uses.</p>
<p><b>General Use</b></p> <p>Primarily residential with smaller neighborhood-supporting commercial uses in corner store buildings and in the Open Sub-Zone.</p>	<p><b>General Use</b></p> <p>Primarily residential.</p>	<p><b>General Use</b></p> <p>Primarily residential, with lot area reserved for conservation of natural resources.</p>	<p><b>General Use</b></p> <p>Active and passive recreation, natural areas.</p>	<p><b>General Use</b></p> <p>USE dependant on Sub-Zone (commercial, multifamily, flex or institutional).</p>
<p><b>Primary Characteristics</b></p> <p>Detached</p> <p>Small-to-Medium Setbacks</p> <p>Up to 2.5 Stories</p> <p>Parking to the Side or Rear</p> <p>Stoop/Porch Frontages</p>	<p><b>Primary Characteristics</b></p> <p>Detached</p> <p>Small-to-Large Setbacks</p> <p>Up to 2.5 Stories</p> <p>Parking to the Side or Rear</p> <p>Common Yard Frontages</p>	<p><b>Primary Characteristics</b></p> <p>Detached</p> <p>Medium-to-Large Setbacks</p> <p>Up to 2.5 Stories</p> <p>Parking to the Side or Rear</p> <p>Common Yard Frontages</p>	<p><b>Primary Characteristics</b></p> <p>Open Space &amp; Natural Areas</p> <p>Limited Structures / Buildings</p> <p>Building Placement Varies</p> <p>Large Setbacks</p>	<p><b>Primary Characteristics</b></p> <p>Detached</p> <p>Building Placement Varies</p> <p>Medium-to-Large Setbacks</p> <p>Up to 4 Stories</p> <p>Parking Placement Varies</p>
<p><b>Allowed Building Types</b></p> <p>Multiplex: Small</p> <p>Corner Store</p> <p>Cottage Court</p> <p>Duplex</p> <p>Detached House</p> <p>Carriage House</p>	<p><b>Allowed Building Types</b></p> <p>Multiplex: Small</p> <p>Cottage Court</p> <p>Duplex</p> <p>Detached House</p> <p>Carriage House</p>	<p><b>Allowed Building Types</b></p> <p>Duplex</p> <p>Detached House</p> <p>Carriage House</p>	<p><b>Allowed Building Types</b></p> <p>As approved by City</p>	<p><b>Allowed Building Types</b></p> <p>Varies</p>

**FIGURE 405.5.B: TRANSECT DISTRICT DIMENSIONAL STANDARDS SUMMARY**

	T5 Urban Center			T4 Neighborhood			T3 Neighborhood	
	T5-MS	T5-F	T5N	T4-MS	T4N-O	T4N	T3N-O	T3N
Building Form								
Front Build-to-Zone	0' min to 5' max	0' min to 15' max	0' min to 10' max	0' min to 5' max	Contextual Zone, or 5' min to 15' max		Contextual Zone, or 10' min / 25' max	
Frontage Occupancy	90% min	80% min	80% min	70% min	50% min		n/a	
Maximum Bldg Footprint	25,000 sf	no max	10,000 sf	10,000 sf	6,000 sf		6,000 sf	
Side Setback (mid-block)	0' min	0' min	0' min	0' min	3' min		Contextual Setback or 8' min	
Side Build-to-Zone (street)	0' min to 10' max	0' min to 15' max	0' min to 10' max	0' min to 10' max	Contextual Zone, or 5' min to 15' max		Contextual Zone, or 10' min / 25' max	
Rear Setback (lot)	5' min	10' min	5' min	10' min	10' min		15' min	
Rear Setback (alley)	5' min	5' min	5' min	5' min	5' min		10' min	
Floor Area Ratio	n/a	n/a	n/a	n/a	n/a		n/a	
Lot Standards								
Lot Width	no min, 200' max			no min, 150' max			no min, 100' max	
Lot Depth	no min, 200' max			no min, 200' max			no min, 180' max	
Lot Coverage (% maximum)	100%			80%	60%		50%	
Building Heights								
Principal Building Height (in stories)	2 min	no min	no min	no min	no min		no min	
	4 max	4 max	3.5 max	3 max	2.5 max		2.5 max	
Potential bonus height	2 stories	2 stories	2 stories	1 story	1 story		1 story	
Accessory Building Height (in stories)	2.5 max	2.5 max	2.5 max	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)			0" min (Commercial use) 18" min (Residential use)			0" min (Commercial use) 18" min (Residential use)	
Parking								
Location	Behind	Behind, Side	Behind	Behind, Side			Behind, Side	
Front Setback	30' min			30' min			30' min	
Side Setback (mid-block)	0' min			0' min			10' min	
Side Setback (street)	15' min			15' min			15' min	
Rear Setback (lot or alley)	5' min			5' min			10' min	

	T3 Large Lot	T2 Conserve	T1 Natural	Special District			
	T3L	T2C	T1N	SD-C	SD-MF	SD-I	SD-F
<b>Building Form</b>							
Front Setback	20' min	20' min	30' min	10' min	30' min	n/a	10' min
Frontage Occupancy	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum Bldg Footprint	5,000 sf	5,000 sf	n/a	n/a	n/a	n/a	n/a
Side Setback (mid-block)	10' min	15' min	20' min	10' min	15' min	n/a	10' min
Side Setback (street)	20' min	20' min	30' min	10' min	15' min	n/a	10' min
Rear Setback (lot)	20' min	20' min	20' min	10' min	10' min	10' min	10' min
Rear Setback (alley)	20' min	20' min	20' min	10' min	10' min	10' min	10' min
Floor Area Ratio	n/a	n/a	n/a	See Special Requirements Map			
<b>Lot Standards</b>							
Lot Width	50' min, no max	75' min, no max	no min or max	50' min	50' min	n/a	50' min
Lot Depth	100' min, no max	100' min, no max	no min or max	100' min	100' min	n/a	100' min
Lot Coverage (% maximum)	30%	25%	n/a	See Special Requirements Map			
<b>Building Heights</b>							
Principal Building Height (in stories)	no min	no min	no min	See Special Requirements Map			
	2.5 max	2.5 max	2.5 max				
Potential bonus height	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Accessory Building Height (in stories)	2.5 max	2.5 max	n/a	2.5 max	2.5 max	2.5 max	2.5 max
Ground Finished Floor (above sidewalk or finished grade)	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Parking</b>							
Location	Behind, Side	Behind, Side	n/a	Behind, Side, Front			
Front Setback	30' min	30' min	n/a	n/a	30' min	n/a	n/a
Side Setback (mid-block)	10' min	10' min	n/a	n/a	10' min	n/a	n/a
Side Setback (street)	15' min	15' min	n/a	n/a	15' min	n/a	n/a
Rear Setback (lot or alley)	10' min	10' min	n/a	n/a	10' min	n/a	n/a

**FIGURE 405.5.C: TRANSECT DISTRICT PERMITTED USES SUMMARY**

	T5			T4			T3			T2	T1	Special District			
	T5-MS	T5-F	T5N	T4-MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C	T1N	SD-C	SD-IMF	SD-I	SD-F
<b>Residential</b>															
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-
Dwelling Unit	P	P	P	P	P	P	P	P	P	P	-	-	P	-	-
Home Occupation	P	P	P	P	P	P	P	P	P	P	-	-	P	-	-
<b>Lodging</b>															
Bed and Breakfasts	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-
Short-Term Rental (Owner-Occupied)	P	P	P	P	P	P	P	P	P	P	-	-	P	-	-
Short-Term Rental (Not Owner-Occupied)	P	P	-	P	-	-	-	-	-	SP	SP	-	-	-	-
Lodging	P	P	SP	P	-	-	-	-	-	SP	-	P	-	-	-
<b>Commerce</b>															
General Commercial	P	P	P	P	P	SP	P	SP	-	-	-	P	-	-	P
<i>Except with any of the following uses:</i>															
Adult Uses	SP	SP	-	SP	SP	-	-	-	-	-	-	P	-	-	P
Animal Boarding	SP	P	-	SP	SP	-	SP	-	-	-	-	P	-	-	P
Auto-Oriented Services		SP	-	-	-	-	SP	-	-	-	-	P	-	-	P
Controlled Substance Sales	P	P	-	P	P	-	SP	-	-	-	-	P	-	-	P
Eating/Drinking Establishments	P	P	P	P	P	SP	P	SP	-	-	-	P	-	-	P
<i>Except with any of the following uses:</i>															
Auto-Oriented Services	-	SP	-	-	SP	-	SP	-	-	-	-	P	-	-	P
Controlled Substance Sales	P	P	-	P	SP	SP	SP	SP	-	-	-	P	-	-	P
Outdoor Entertainment	P	P	SP	P	-	SP	SP	SP	-	-	-	P	-	-	P
Healthcare Services	P	P	P	P	P	-	P	-	-	-	-	P	-	P	-
Meeting Facilities	P	P	P	P	P	-	P	-	-	-	-	P	P	P	-
General Office	P	P	P	P	P	SP	P	-	-	-	-	P	-	P	-
<i>Except with any of the following uses:</i>															
Auto-Oriented Services	SP	SP	-	SP	-	-	SP	-	-	-	-	P	-	-	-
All Permitted Commerce uses with the following features:															
Footprint greater than 10,000sf	SP	SP	SP	-	-	-	-	-	-	-	-	P	P	P	P
Footprint greater than 6,000sf	P	P	P	SP	SP	SP	SP	SP	SP	-	-	P	P	P	P
<b>Civic / Civic Support</b>															
Cultural Institution	P	P	P	P	P	-	P	-	-	-	-	P	-	P	-
Education	P	P	P	P	P	-	P	-	P	-	-	P	-	P	-
Surface Parking Lot	P	P	P	P	P	SP	P	SP	SP	P	P	P	P	P	P
Parking Structure	SP	SP	SP	SP	-	-	-	-	-	-	-	SP	-	P	-
Parks and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<i>Except with any of the following uses:</i>															
Overnight Accommodations	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-
Staff Support Facilities	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-
Places of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Public Safety Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Transit Uses	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	SP	P	P
All Civic / Civic Support uses, excluding Places of Worship and Parks and Open Space, with the following features:															
Footprint greater than 10,000sf	SP	SP	SP	-	-	-	-	-	-	-	-	P	P	P	P
Footprint greater than 6,000sf	P	P	P	SP	SP	SP	SP	SP	SP	-	-	P	P	P	P

P = PERMITTED USE SP = SPECIAL PERMIT

	T5			T4			T3			T2	T1	Special District			
	T5-MS	T5-F	T5N	T4-MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C	T1N	SD-C	SD-IMF	SD-I	SD-F
<b>Industrial</b>															
Agriculture	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P
Urban Agriculture	SP	P	P	SP	P	P	P	P	P	P	P	P	P	P	P
Heavy Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP
Light Industrial	SP	P	-	SP	-	-	-	-	-	-	-	P	-	-	P
<i>Except with any of the following uses:</i>															
Artisanal Manufacturing with Shopfront	P	P	-	P	-	-	-	-	-	-	-	P	-	-	P
Outdoor Storage Area over 10,000sf	-	SP	-	-	-	-	-	-	-	-	-	P	-	-	P
Medium Industrial	-	SP	-	-	-	-	-	-	-	-	-	-	-	-	P
Renewable Energy System (Small-Scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Renewable Energy System (Large-Scale)	-	P	-	-	-	-	-	-	-	P	P	P	-	P	P
Telecommunications uses	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Warehousing		P													P
Water-Dependent uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

P = PERMITTED USE SP = SPECIAL PERMIT



**TABLE 405.5.D: PERMITTED USE DEFINITIONS AND LIMITS**

Use Type	Definition
<b>Residential</b>	
Accessory Dwelling Unit	Also referred to as accessory apartments or granny flats - are additional living quarters that are independent of the primary DWELLING UNIT. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the PRINCIPAL BUILDING. ADUs are ACCESSORY USES to a primary DWELLING UNIT. See Sec 405.18.
Dwelling Unit	An enclosed space used or intended to be used for living, sleeping, cooking, and eating. <b>Ex: Single-Detached, Duplex, Triplex, Quadplex, Small Multiplex, Large Multiplex, Rooming and Boarding Houses, etc.</b>
Home Occupation	Any USE customarily conducted entirely within a dwelling and carried on by the resident thereof, which USE is clearly incidental and secondary to the USE of the dwelling for dwelling purposes. See Sec 405.21.G.
<b>Lodging</b>	
Bed and Breakfast	A residential establishment where not more than five rooms are rented to transient nonpermanent guests, on a short-term basis, with staff on the premises to check-in guests. At least one prepared meal is made available to guests.
Short-term Rental (Owner-Occupied)	A residential establishment where not more than five rooms are rented to transient nonpermanent guests, for terms shorter than 30 consecutive days, without staff on the premises. The primary residence of the owner shall be on the same LOT as the SHORT-TERM RENTAL. See Sec 405.21.K.
Short-term Rental (Not Owner-Occupied)	A residential establishment where not more than five rooms are rented to transient nonpermanent guests, for terms shorter than 30 consecutive days, without staff on the premises. The primary residence of the owner shall not be on the same LOT as the SHORT-TERM RENTAL. See Sec 405.21.K.
Lodging	A BUILDING or portion of it where more than five rooms are rented to transient, nonpermanent guests, on a short-term basis. <b>Ex. Hotels, Motels, Inns, Motor Courts, and other similar uses.</b>
<b>Commerce</b>	
General Commercial	A broad range of commercial services. <b>Ex. Arcades, Laundromats, Retail Stores, Salons, Shopping Centers, Outdoor Markets, Performing and Visual Art Studios. Adult Entertainment, Animal Boarding Facilities, and Auto-Oriented Services such as Car Sales, Servicing, Car Rental, Car Washes, Drive-Through Windows, and other similar uses are permitted within limits described by transect zone.</b>
Adult Uses	Any business that provides for the sale of sexually oriented goods, services and entertainment in which the establishment is not customarily open to the general public, but excludes minors by reason of age. See Sec 405.21.C.
Animal Boarding	A commercial facility for the keeping, boarding, and maintaining of five or more animals, including pet day care. See Sec 405.21.D.
Auto-Oriented Services	Any business that provides auto-related services, vehicle storage, or drive-through facilities. See Sec 405.21.E. <b>Ex. Such as gas stations, auto repair shops, new and used car sales and rentals, drive-through restaurants, and car washes.</b>
Corner Store	A small commercial or mixed-use building type intended to serve the surrounding neighborhood. See Sec 405.12.L
Eating/Drinking Establishments	An establishment where prepared food and alcoholic or non-alcoholic beverages are offered for sale to the public. <b>Ex. Restaurants, Bakeries, Cafes, Food Trucks, Bars, Taverns, Breweries, Taprooms, and other similar uses.</b>
Controlled Substance Sales	An establishment that provides for the sale and/or consumption of controlled substances including alcohol, tobacco, and cannabis.
Outdoor Entertainment	An outdoor public space that is the source of amplified music or other amplified sounds. See Sec 405.21.H.
Healthcare Services	Establishments that provide a variety of health services to a local or regional customer base. <b>Ex. Hospitals, Clinics, Family/Adult Care Facilities, Assisted-Living Facilities, Nursing Homes, and other similar uses.</b>
Meeting Facilities	A public or private establishment that host gatherings of people on a regular basis except for places of worship. <b>Ex. Community Centers, Assembly Halls, Bingo Halls, Membership Clubs, Recreation Facilities, and other similar uses.</b>
General Office	A broad range of office based commercial, financial, medical, and other business and professional service USES. <b>Ex: Professional services such as Doctors, Lawyers, Banks, and other similar uses.</b>
Note: Sec 405.21 Supplemental Use Standards provides site planning, development, and operating standards for certain land USES that require special standards to ensure their compatibility with site features and existing surrounding USES.	



Use Type	Definition
<b>Civic / Institutional</b>	
Cultural Institution	A public or private establishment that supports broad public enjoyment of and access to scientific, cultural, fine, and performing arts. <b>Ex. Libraries, Museums, Observatories, Theaters, Aquariums, Stadiums, Amphitheaters, and other similar uses.</b>
Education	Public or private educational facilities that provide access to daycare, preschool, primary, secondary, or post-secondary education.
Surface Parking	Improved or unimproved surface level parking facilities.
Parking Structure	A structure that provides multiple levels of parking with LINER BUILDINGS along adjacent streets. See Sec 405.21.I.
Parks and Open Space	Properties that provide public access to active or passive recreational and interpretive facilities and/or for the conservation of natural and cultural resources along with associated park support and concession facilities. <b>Ex. Cemeteries, Local/State/Federal Parklands, Playgrounds, Boat Ramps, Trailheads, Arboretums, or other similar uses.</b>
Overnight Accommodations	Short term overnight accommodations including primitive or full service campgrounds, cabins, lodges, etc.
Staff Support Facilities	Various support facilities including long-term residential facilities for staff and volunteers and other needed facilities as determined by conservation land managers.
Places of Worship	A private establishment that primarily allows access to meeting spaces for religious or spiritual purposes.
Public Safety Facilities	Public facilities that support local efforts to ensure the health, safety, and welfare of the community. <b>Ex. Fire Stations, Police Stations, Flooding or Erosion Control Structures, and other similar uses.</b>
Public Transit Uses	Infrastructure that supports community access to public transit. <b>Ex. Transit Stations, Bus Stations, and other similar uses.</b>
<b>Industrial and Other</b>	
Agriculture	Facilities associated with the growing of produce, animal husbandry, silviculture, and aquaculture on parcels 2 acres or larger intended for a regional market. <b>Ex. Greenhouses, Farms, Truck Gardens, and other similar uses.</b>
Urban Agriculture	USES and ACCESSORY STRUCTURES associated with the growing of produce, the raising of chickens, bees, aquaculture, vermiculture and other food production activities on parcels 2 acres or less intended for local markets. ACCESSORY STRUCTURES may include greenhouses, chicken coops, storage, etc. See Sec 405.21.M.
Heavy Industrial	Uses that involve the manufacturing, WAREHOUSING, staging, or otherwise processing of explosive, noxious, or other hazardous materials and/or have a significant impact on adjacent properties via excessive noise, smell, pollutants, or other similar externalities.
Light Industrial	Industrial operations that are limited in their impact to adjacent properties via noise, smell, pollutants, or other similar externalities. <b>Ex. Contractor Storage/Staging, Artisanal Manufacturing, Printing, Outdoor Storage, Research and development facilities.</b>
Artisanal Manufacturing with Shopfront	A Light Industrial establishment that specializes in the small-scale craft production or assembly of custom goods with an on-site retail component and shopfront.
Water-Dependent Uses	Recreation, light industrial, and navigational infrastructure USES dependent on adjacent water access. <b>Ex. Marinas, Boat Storage/Servicing, Charter Boat Operation, Marine Navigation Support Facilities, and other similar uses.</b>
Medium Industrial	Industrial operations that have a moderate impact on adjacent properties via noise, smell, pollutants, or other similar externalities. <b>Ex. Manufacturing, Assembly Operations, Truck and Freight Terminals, and other similar uses.</b>
Renewable Energy System (Small-Scale)	RENEWABLE ENERGY SYSTEMS including ground- or roof- mounted solar energy systems with a footprint of not more than 50% of the primary structure footprint, or 600sf, whichever is greater; roof-mounted wind turbines no more than 30' above the height of the primary structure; and ground-mounted wind turbines no more than 30' in height. See Sec 405.21.J.
Renewable Energy System (Large-Scale)	RENEWABLE ENERGY SYSTEMS including ground- or roof- mounted solar energy systems with a footprint of more than 50% of the primary structure footprint, or 600sf, whichever is greater; roof-mounted wind turbines more than 30' above the height of the primary structure; and ground-mounted wind turbines more than 30' in height. See Sec 405.21.J.
Telecommunications Uses	Radio, television, and other electronic transmission stations, towers, antennae, etc. See Sec 405.21.L.
Warehousing	Light industrial USES related to the storage and distribution of a wide range of non-hazardous products and materials .
Note: Sec 405.21 Supplemental Use Standards provides site planning, development, and operating standards for certain land uses that require special standards to ensure their compatibility with site features and existing surrounding uses.	

## SECTION 405.6 T5 URBAN CENTER

### A. T5 Transect Form Overview



#### 1. T5 Main Street (T5MS)

(a) Intent	(b) Primary Characteristics
A walkable, vibrant urban main street serving multiple neighborhoods and the City with commercial, retail, entertainment and civic uses, public transportation, and small-to-large footprint, medium-to-high density building types.	Primarily Attached
	Buildings at the ROW
	No Side Setbacks
	Up to 4 Stories (6 with Bonus)
	Parking in the Rear
	Primarily Shopfronts



#### 2. T5 Flex (T5F)

(a) Intent	(b) Primary Characteristics
To provide an urban form that can accommodate a very diverse range of uses and building types, including some light industrial as well as work/live, to reinforce the pattern of existing walkable neighborhoods and to encourage revitalization and investment.	Attached or Detached
	Buildings at or Close to ROW
	Small to No Side Setbacks
	Up to 4 Stories (6 with Bonus)
	Parking to the Side or Rear
	Diverse Mix of Frontages

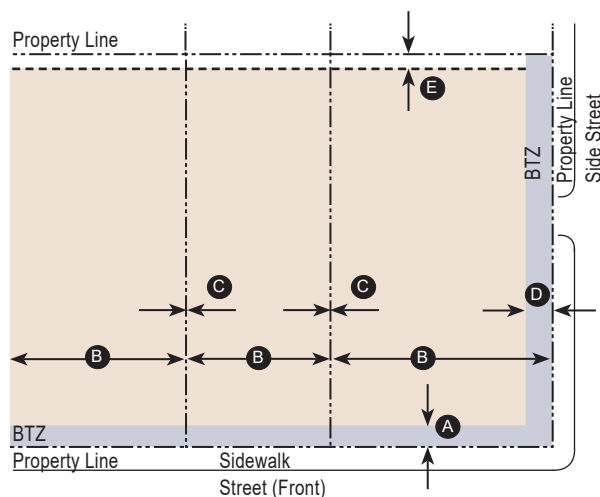


#### 3. T5 Neighborhood (T5N)

(a) Intent	(b) Primary Characteristics
To provide a variety of housing choices, in small-to-large footprint, medium-to-high density building types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this Zone, and support public transportation alternatives.	Attached or Detached
	Buildings at or Close to ROW
	Small to No Side Setbacks
	Up to 3.5 Stories (5.5 with Bonus)
	Parking in the Rear
	Diverse Mix of Frontages

Note: Photos above are for illustrative purposes only.

## T5: URBAN CENTER



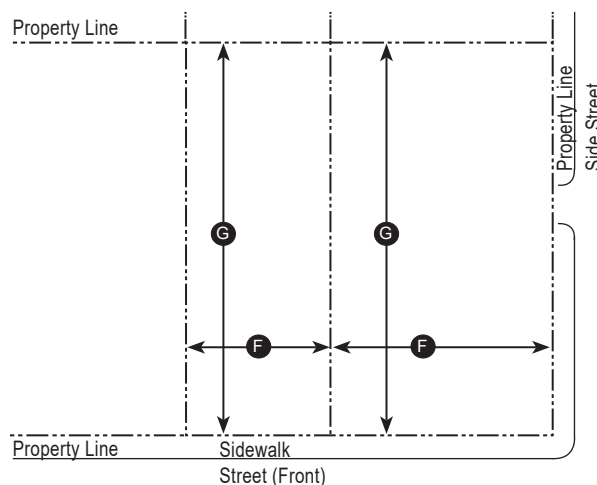
### Key

-----	Property Line		Potential Building Area (in addition to Build-to-Zone)
	Build-to-Zone (BTZ)		

B. Building Form				
		T5MS	T5F	T5N
<b>A</b>	Front Build-to-Zone	0' min to 5' max	0' min to 15' max	0' min to 10' max
<b>B</b>	Frontage Occupancy	90% min	80% min	80% min
	Maximum Building Footprint	25,000 sf	no max	10,000 sf
<b>C</b>	Side Setback (mid-block)	0' min	0' min	0' min
<b>D</b>	Side Build-to-Zone (street)	0' min to 10' max	0' min to 15' max	0' min to 10' max
<b>E</b>	Rear Setback (lot)	5' min	10' min	5' min
	Rear Setback (alley)	5' min	5' min	5' min
	Rear Setback (accessory)	0' min	0' min	3' min

### NOTES:

1. "Front" and "Side" orientation shall be determined by the Street Hierarchy in Sec 405.22.C.3.
2. The PRINCIPAL BUILDING primary FAÇADE shall be located within the BUILD-TO-ZONE. All BUILDINGS must have a PRINCIPAL ENTRANCE along the FRONT FAÇADE.
3. Loading docks and other service entries shall not be located facing STREETS and public OPEN SPACES.
4. The Maximum Building Footprint shall not apply to CIVIC USES including houses of worship and schools. Grocery stores may exceed this limit, with a MAJOR WAIVER (See Sec 405.26.E).
5. Building Placement Standards may be adjusted to the minimum extent needed to avoid impacts to sensitive natural features such as steep slopes, exposed rock formations, sensitive habitats, wetlands and floodplains, and mature trees (See Sec 405.26.E).



### Key

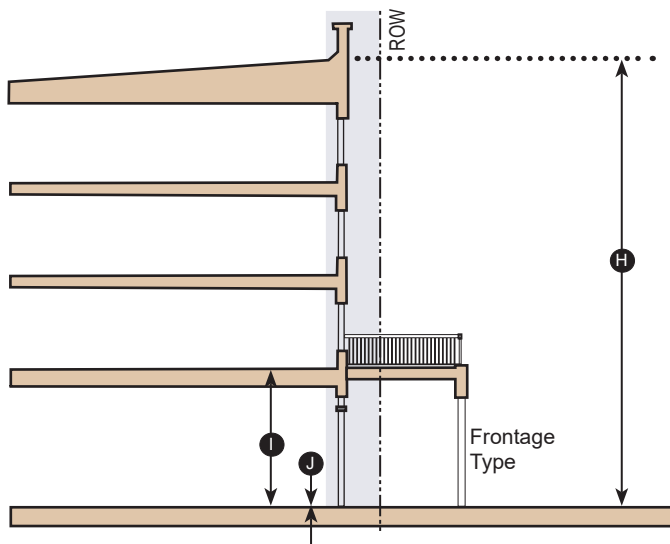
-----	Property Line
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C. LOT Standards				
		T5MS	T5F	T5N
F	Lot Width	no min, 200' max		
G	Lot Depth	no min, 200' max		
	Lot Coverage (% maximum)	100%		

### NOTES:

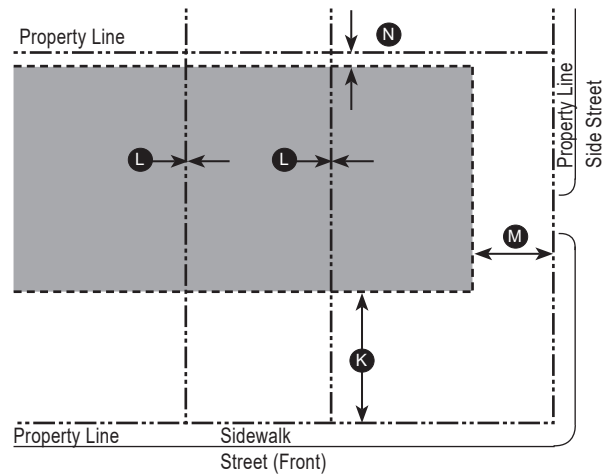
1. See Building Type Standards (Sec 405.12) for additional requirements.
2. A parking garage with LINER BUILDING may exceed the maximum LOT WIDTH/ depth, with a MAJOR WAIVER (See Sec 405.26.E).
3. LOTS larger than 2 acres shall follow the Large Site Standards (Article 7).

## T5 URBAN CENTER



### Key

Build-to-Zone (BTZ) Building



### Key

Property Line Setback Line  
Parking Area

### D. Building Height

		T5MS	T5F	T5N
H	Principal Building Height (in stories)	2 min	no min	no min
		4 max	4 max	3.5 max
	Potential Bonus Height (Sec 405.20)	2 stories	2 stories	2 stories
	Accessory Building Height (in stories)	2.5 max	2.5 max	2.5 max
I	First Floor Height (floor to floor)	16' min	16' min	12' min
J	Ground Finished Floor (above sidewalk or finished grade)	0" min (Commercial use) 18" min (Residential use)		

#### NOTES:

- CELLARS, uninhabitable ATTICS, and underground parking shall not count as a STORY.
- One level of habitable ATTIC space within a pitched roof is permitted as a half STORY. Dormers, if present, shall not be individually more than 15' wide and collectively not more than 50 percent of the FAÇADE elevation in length.
- STORIES may not exceed 16 feet in height from finished floor to finished floor, except for a first floor commercial function which may be a maximum of 25 feet.
- BUILDING HEIGHTS shall be measured to the eave of the roof or roof deck (if flat).
- Within 20' of the rear LOT LINE, buildings may not be more than a half-STORY taller than the allowed height of adjacent buildings.
- SMALL FOOTPRINT TOWERS, cupolas, and other rooftop features may extend above the designated height limit as described in Sec. 405.14.G.3.

### E. Parking

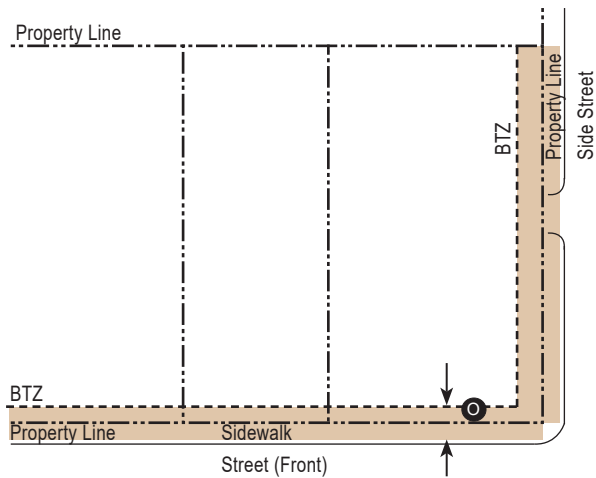
Parking Placement	T5MS	T5F	T5N
General Location	Behind	Behind, Side	Behind
K Front Setback	30' min		
L Side Setback (mid-block)	0' min		
M Side Setback (street)	15' min		
N Rear Setback (lot or alley)	5' min		
Required Spaces	T5MS	T5F	T5N
Residential uses	no minimum, 2 / dwelling max		
Lodging uses	no minimum, 1.5 / guest room max		
Commerce / Civic uses	no minimum, 4 spaces / 1,000sf max.		
Industrial uses			

#### NOTES:

- See Sec 405.16 for additional parking requirements.
- Driveways are permitted forward of the parking SETBACK line. Parking access is further described in 405.16.E.



## T5 URBAN CENTER



### Key

- Property Line
- Build-to-Zone (BTZ)
- Encroachment Area

### F. Encroachments

Permitted Encroachments	T5MS	T5F	T5N
⊙ Maximum Encroachment	15'	15'	15'
Allowed Frontages (Sec 405.13)	X	X	X
Awning / Marquee	X	X	X
Balcony	X	X	X
Other Architectural Elements (bay window, overhang, cornice, etc.)	X	X	X
Signage	X	X	X

#### NOTES:

- Above elements may encroach forward of the BUILD-TO-ZONE and/or into the right-of-way barring any additional restrictions by the public entity that has control over the public right-of-way. Elements may not encroach within 2' of the curb.
- See Frontage Standards (Sec 405.13) for dimensional requirements.
- Additional standards may apply in Historic Districts, see Sec 405.14.

### G. Allowed Signage Types

	T5MS	T5F	T5N
Wall Sign	1 per business	1 per business	
Wall Mural Sign	1 per bldg	1 per bldg	1 per bldg
Awning or Canopy	1 per awning	1 per awning	1 per awning
Projecting or Hanging	1 per entry	1 per entry	1 per entry
Window Sign	1 per shopfront	1 per shopfront	1 per shopfront
Sidewalk Sign	1 per business	1 per business	1 per business

#### NOTES:

- See Signage Standards (Sec 405.17) for additional requirements.

### H. Allowed Building Types

	T5MS	T5F	T5N
Main Street Building	X	X	X
Flex Building		X	
Liner Building	X	X	X
Live/Work Building	X	X	X
Stacked Flats	X	X	X
Courtyard		X	X
Multiplex: Small		X	X
Multiplex: Large		X	X
Corner Store		X	X
Rowhouse		X	X
Cottage Court			
Duplex			X
Detached House			X
Carriage House		X	X

#### NOTES:

- See Building Type Standards (Sec 405.12) for additional requirements.

## SECTION 405.7 T4 NEIGHBORHOOD

### A. T4 Transect Form Overview



#### 1. T4 Main Street (T4MS)

##### (a) Intent

A walkable, vibrant urban main street serving multiple neighborhoods with commercial, retail, entertainment and civic uses, public transportation, and small-to-medium footprint, medium-to-high density building types.

##### (b) Primary Characteristics

Primarily Attached

Buildings at or Close to the ROW

No Side Setbacks

Up to 3 Stories (4 with Bonus)

Parking in the Rear

Primarily Shopfronts



#### 2. T4 Neighborhood

#### (T4N & T4N-O)

##### (a) Intent

To provide a variety of housing choices, in small-to-medium footprint, medium-to-high density building types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving retail and service uses adjacent to this Zone, and support public transportation alternatives. An Open Sub-Zone provides the same building form but allows for a more diverse mix of uses.

##### (b) Primary Characteristics

Primarily Detached

Buildings Close to ROW

Small to No Side Setbacks

Up to 2.5 Stories (3.5 with Bonus)

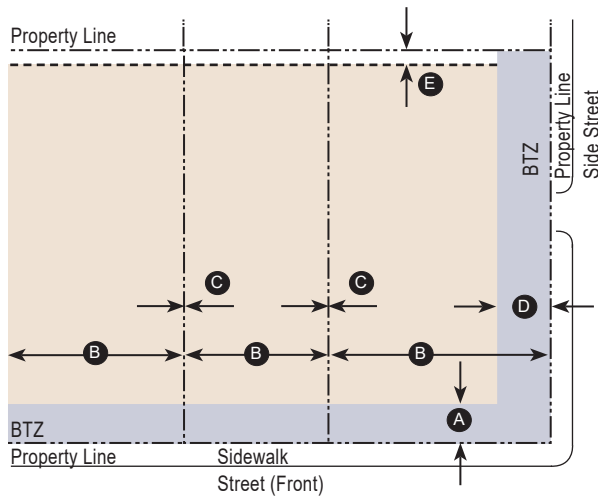
Parking to the Side or Rear

Diverse Mix of Frontages

Note: Photos above are for illustrative purposes only.



## T4 NEIGHBORHOOD



### Key

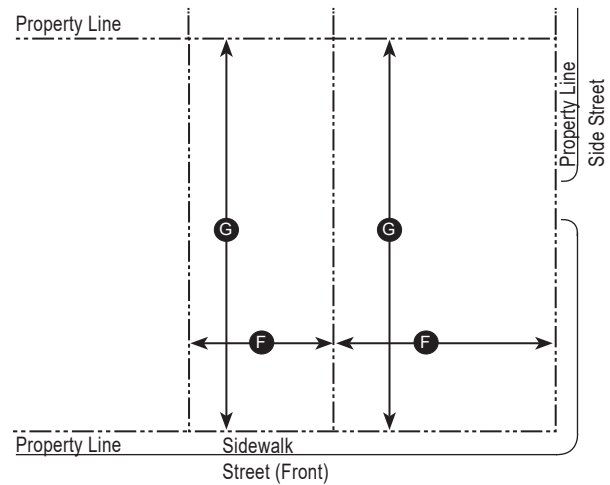
----- Property Line  
BTZ Build-to-Zone (BTZ)  
Potential Building Area (in addition to Build-to-Zone)

### B. Building Form

		T4MS	T4N-O	T4N
A	Front Build-to-Zone	0' min to 5' max	Contextual Build-to Zone (see note 5), or 5' min to 15' max	
B	Frontage Occupancy	70% min	50% min	
	Maximum Building Footprint	10,000 sf	6,000 sf	
C	Side Setback (mid-block)	0' min	3' min	
D	Side Build-to-Zone (street)	0' min to 10' max	Contextual Build-to Zone (see note 5), or 5' min to 15' max	
E	Rear Setback (lot)	10' min	10' min	
	Rear Setback (alley)	5' min	5' min	
	Rear Setback (accessory)	0' min	3' min	

### NOTES:

- "Front" and "Side" orientation shall be determined by the Street Hierarchy Sec 405.22.C.3.
- The PRINCIPAL BUILDING primary FAÇADE shall be located within the BUILD-TO-ZONE. A COTTAGE COURT that meets the standards of Sec 405.12, where primary FAÇADES are oriented to face a shared court/green, may be approved as a MINOR WAIVER (See Sec 405.26.E).
- All buildings must have a PRINCIPAL ENTRANCE along the FRONT FAÇADE.
- Loading docks and other service entries shall not be located facing STREETS and public OPEN SPACES.
- A Contextual BUILD-TO-ZONE is the range between the smallest and largest existing SETBACK of BUILDINGS that are on adjacent LOTS, that are oriented to the same street as, and within 100' of the subject LOT.



### Key

----- Property Line

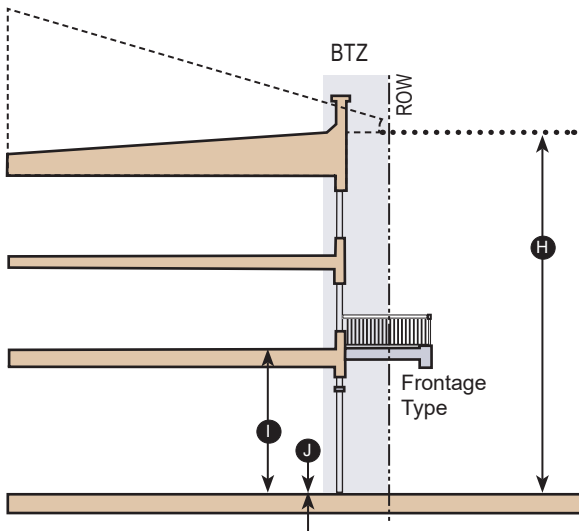
### C. LOT Standards

		T4MS	T4N-O	T4N
F	Lot Width	no min, 150' max		
G	Lot Depth	no min, 200' max		
	Lot Coverage (% maximum)	80%	60%	

### NOTES:

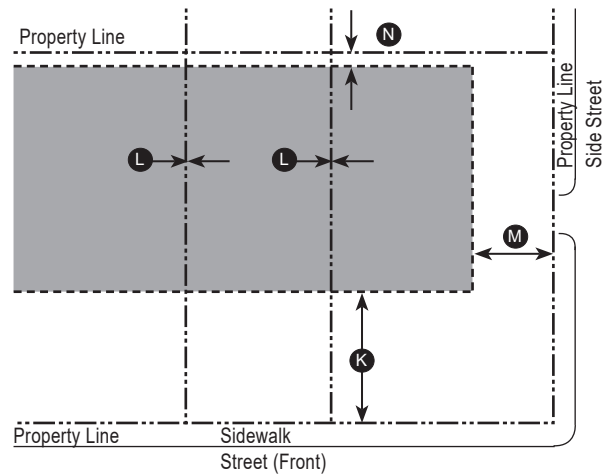
- See Building Type Standards (Sec 405.12) for additional requirements.
- A parking garage with LINER BUILDING may exceed the maximum LOT WIDTH/depth, with a MAJOR WAIVER (See Sec 405.26.E).
- LOTS larger than 2 acres shall follow the Large Site Standards (Article 7).
- The Maximum Building Footprint shall not apply to CIVIC USES including houses of worship and schools. Grocery stores may exceed this limit, with a MAJOR WAIVER (See Sec 405.26.E).
- Building Placement Standards may be adjusted to the minimum extent needed to avoid impacts to sensitive natural features such as steep slopes, exposed rock formations, sensitive habitats, wetlands and floodplains, and mature trees (See Sec 405.26.E).

## T4 NEIGHBORHOOD



### Key

Build-to-Zone (BTZ) Building



### Key

Property Line Setback Line  
Parking Area

### D. Building Height

		T4MS	T4N-O	T4N
H	Principal Building Height (in stories)	no min	no min	
		3 max	2.5 max	
	Potential Bonus Height (Sec 405.20)	1 story	1 story	
	Accessory Building Height (in stories)	2.5 max	2.5 max	
I	First Floor Height (floor to floor)	16' min	12' min	12' min
J	Ground Finished Floor (above sidewalk or finished grade)	0" min (Commercial use) 18" min (Residential use)		

#### NOTES:

- CELLARS, uninhabitable ATTICS, and underground parking shall not count as a STORY.
- One level of habitable ATTIC space within a pitched roof is permitted as a half STORY. Dormers, if present, shall not be individually more than 15' wide and collectively not more than 50 percent of the FAÇADE elevation in length.
- STORIES may not exceed 16 feet in height from finished floor to finished floor, except for a first floor commercial function which may be a maximum of 25 feet.
- BUILDING HEIGHTS shall be measured to the eave of the roof or roof deck (if flat).
- Within 20' of the rear LOT LINE, BUILDINGS may not be more than a half-STORY taller than the allowed height of adjacent BUILDINGS.
- SMALL FOOTPRINT TOWERS, cupolas, and other rooftop features may extend above the designated height limit as described in Sec. 405.14.G.3.

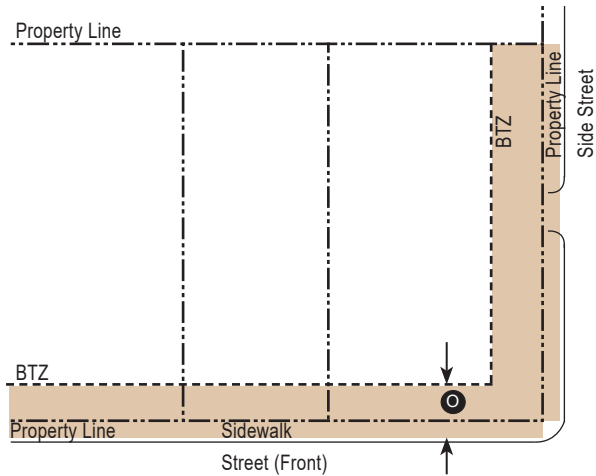
### E. Parking

Parking Placement	T4MS	T4N-O	T4N
General Location	Behind, Side		
K Front Setback	30' min		
L Side Setback (mid-block)	0' min		
M Side Setback (street)	15' min		
N Rear Setback (lot or alley)	5' min		
Required Spaces	T4MS	T4N-O	T4N
Residential uses	no minimum, 2 / dwelling max		
Lodging uses	no minimum, 1.5 / guest room max		
Commerce / Civic uses	no minimum, 4 spaces / 1,000sf max.		
Industrial uses			

#### NOTES:

- See Sec 405.16 for additional parking requirements.
- Driveways are permitted forward of the parking SETBACK line. Parking access is further described in 405.16.E.

## T4 NEIGHBORHOOD



### Key

- Property Line
- Build-to-Zone (BTZ)
- Encroachment Area

### F. Encroachments

Permitted Encroachments	T4MS	T4N-O	T4N
⊙ Maximum Encroachment	15'	10'	10'
Allowed Frontages (Sec 405.13)	X	X	X
Awning / Marquee	X	X	
Balcony	X	X	X
Other Architectural Elements (bay window, overhang, cornice, etc.)	X	X	X
Signage	X	X	

#### NOTES:

- Above elements may encroach forward of the BUILD-TO-ZONE and/or into the right-of-way barring any additional restrictions by the public entity that has control over the public right-of-way. Elements may not encroach within 2' of the curb.
- See Frontage Standards (Sec 405.13) for dimensional requirements.

### G. Allowed Signage Types

	T4MS	T4N-O	T4N
Wall Sign	1 per business	1 per business	
Projecting or Hanging	1 per entry	1 per entry	
Awning or Canopy	1 per awning	1 per awning	
Window Sign	1 per shopfront	1 per shopfront	
Sidewalk Sign	1 per business	1 per business	
Yard/Porch		1 per business	

#### NOTES:

- See Signage Standards (Sec 405.17) for additional requirements.

### H. Allowed Building Types

	T4MS	T4N-O	T4N
Main Street Building	X		
Liner Building	X		
Live/Work Building	X	X	X
Stacked Flats	X		
Multiplex: Small		X	X
Multiplex: Large		X	X
Corner Store	X	X	X
Rowhouse	X	X	X
Cottage Court		X	X
Duplex		X	X
Detached House		X	X
Carriage House		X	X

#### NOTES:

- See Building Type Standards (Sec 405.12) for additional requirements.

SECTION 405.8 T3 NEIGHBORHOOD

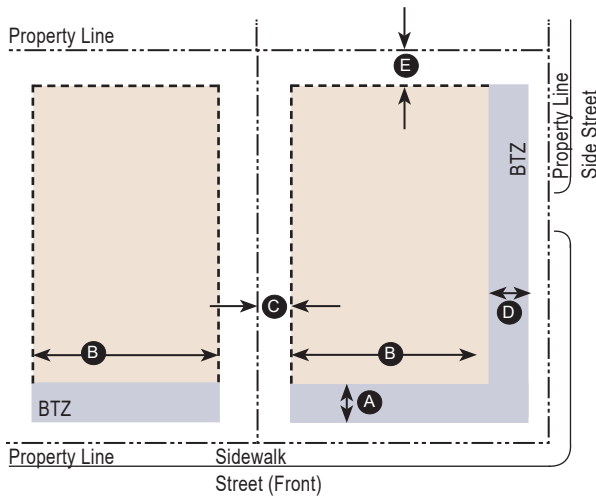
A. T3 Transect Form Overview



1. T3 Neighborhood	(T3N & T3N-O)
(a) Intent	(b) Primary Characteristics
To protect the integrity of existing, small-to-medium lot detached homes and reinforce their role within walkable neighborhoods and to allow new neighborhoods with this component. An Open Sub-Zone provides the same building form but allows for a more diverse mix of uses.	Detached
	Small-to-Medium Setbacks
	Up to 2.5 Stories
	Parking to the Side or Rear
	Stoop/Porch Frontages

Note: Photo above is for illustrative purposes only.

## T3 NEIGHBORHOOD

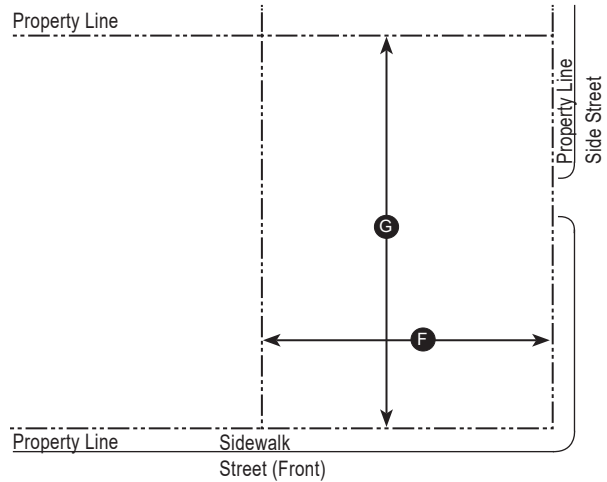


### Key

----- Property Line  
 BTZ Build-to-Zone (BTZ)  
 Potential Building Area (in addition to Build to Zone)

### B. Building Form

		T3N-O	T3N
A	Front Build-to-Zone	Contextual Build-to-Zone; see note 5 If no buildings within 100' exist, the front Build-to-Zone shall be 10' min / 25' max	
B	Frontage Occupancy	n/a	
	Maximum Building Footprint	5,000 sf	
C	Side Setback (mid-block)	8' min or Contextual Setback, see note 6	
D	Side Build-to-Zone (street)	Contextual Build-to-Zone; see note 5 If no buildings within 100' exist, the side Build-to-Zone shall be 10' min / 25' max	
	Side Setback (accessory)	5' min	
E	Rear Setback (lot)	15' min	
	Rear Setback (alley)	10' min	
	Rear Setback (accessory)	5' min	



### Key

----- Property Line

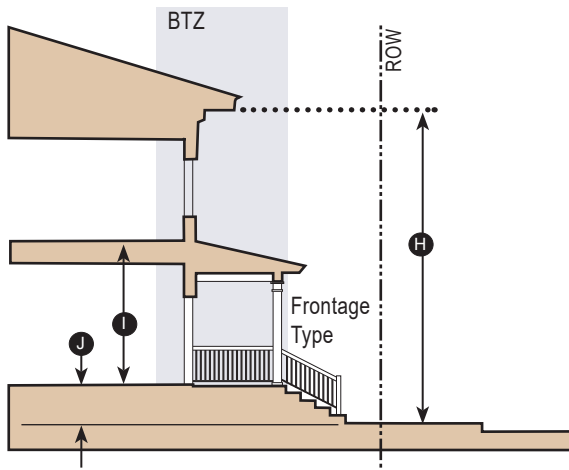
### C. LOT Standards

		T3N-O	T3N
F	Lot Width	no min, 100' max	
G	Lot Depth	no min, 180' max	
	Lot Coverage (% maximum)	50%	

### BUILDING FORM NOTES:

1. "Front" and "Side" orientation shall be determined by the Street Hierarchy in Sec 405.22.C.3.
2. The PRINCIPAL BUILDING primary FAÇADE shall be located within the BUILD-TO-ZONE. A COTTAGE COURT that meets the standards of Sec 405.12, where primary FAÇADES are oriented to face a shared court/green, may be approved as a MINOR WAIVER (See Sec 405.26.E).
3. All BUILDINGS must have a PRINCIPAL ENTRANCE along the FRONT FAÇADE.
4. The Maximum Building Footprint shall not apply to CIVIC USES including houses of worship and schools.
5. A Contextual BUILD-TO-ZONE is the range between the smallest and largest existing SETBACK of BUILDINGS that are on adjacent LOTS, that are oriented to the same STREET as, and within 100' of the subject LOT.
6. A Contextual SETBACK reduces the minimum required SETBACK to be the same as the SETBACK on LOTS that are adjacent and oriented to the same STREET and within 100' of the subject LOT, as long as the SETBACK is compatible and consistent with adjacent LOTS.
7. Building Placement Standards may be adjusted to the minimum extent needed to avoid impacts to sensitive natural features such as steep slopes, exposed rock formations, sensitive habitats, wetlands and floodplains, and mature trees (See Sec 405.26.E).
8. See Building Type Standards (Sec 405.12) for additional LOT WIDTH and depth requirements.
9. Lots larger than 2 acres shall follow the Large Site Standards (Article 7).

## T3 NEIGHBORHOOD



### Key

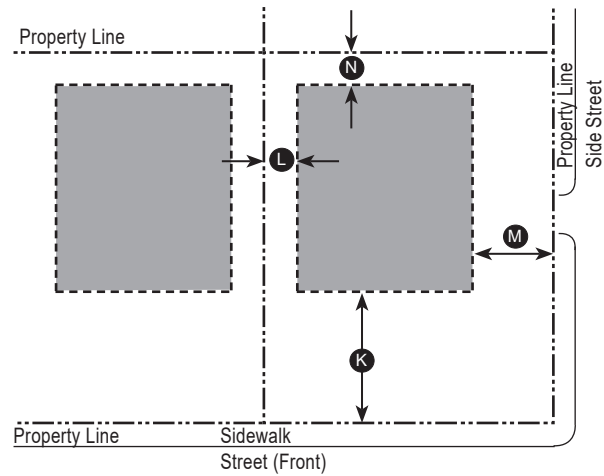
Build-to-Zone (BTZ) Building

### D. Building Height

		T3N-O	T3N
H	Principal Building Height (in stories)	no min	
		2.5 max	
	Potential Bonus Height (Sec 405.20)	1 story	
	Accessory Building Height (in stories)	2.5 max	
I	First Floor Height (floor to floor)	no min	
J	Ground Finished Floor (above sidewalk or finished grade)	0" min (Commercial use) 18" min (Residential use)	

#### NOTES:

- CELLARS, uninhabitable ATTICS, and underground parking shall not count as a STORY.
- One level of habitable ATTIC space within a pitched roof is permitted as a half STORY. Dormers, if present, shall not be individually more than 15' wide and collectively not more than 50 percent of the FAÇADE elevation in length.
- STORIES may not exceed 16 feet in height from finished floor to finished floor.
- BUILDING HEIGHTS shall be measured to the eave of the roof or roof deck (if flat).



### Key

Property Line Setback Line  
Parking Area

### E. Parking

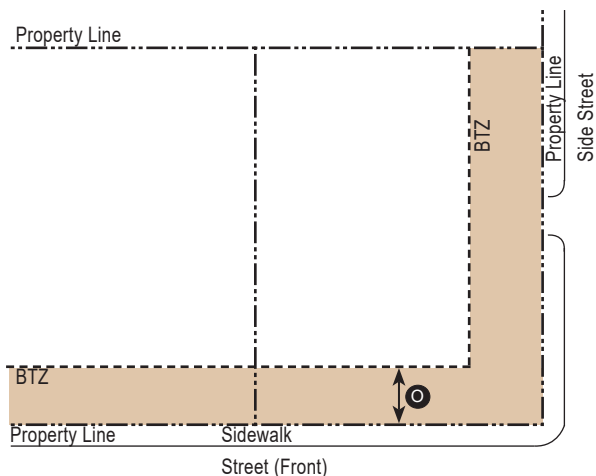
Parking Placement	T3N-O	T3N
General Location	Behind, Side	
K Front Setback	30' min	
L Side Setback (mid-block)	10' min	
M Side Setback (street)	15' min	
N Rear Setback (lot or alley)	10' min	
Required Spaces	T3N-O	T3N
Residential uses	no minimum, 3 / unit max	
Lodging uses	no minimum, 2 / guest room max	
Commerce / Civic uses	no minimum, 4 / 1,000 sf max	
Industrial uses		

#### NOTES:

- See Sec 405.16 for additional parking requirements.
- Driveways are permitted forward of the parking SETBACK line. Parking access is further described in 405.16.E.



## T3 NEIGHBORHOOD



### Key

- Property Line
- Build-to-Zone (BTZ)
- Encroachment Area

### F. Encroachments

Permitted Encroachments	T3N-O	T3N
⊙ Maximum Encroachment	5'	5'
Allowed Frontages (Sec 405.13)	X	X
Balcony	X	X
Other Architectural Elements (bay window, overhang, cornice, etc.)	X	X
Signage	X	

#### NOTES:

- Above elements may encroach forward of the BUILD-TO-ZONE, but may not encroach into the right-of-way.
- See Frontage Standards (Sec 405.13) for dimensional requirements.

### G. Allowed Signage Types

	T3N-O	T3N
Projecting or Hanging	1 per entry	
Window Sign	1 per shopfront	
Sidewalk Sign	1 per business	
Yard/Porch	1 per business	

#### NOTES:

- See Signage Standards (Sec 405.17) for additional requirements.

### H. Allowed Building Types

	T3N-O	T3N
Multiplex: Small	X	X
Corner Store	X	X
Cottage Court	X	X
Duplex	X	X
Detached House	X	X
Carriage House	X	X

#### NOTES:

- See Building Type Standards (Sec 405.12) for additional requirements.

## SECTION 405.9 T3 LARGE LOT & T2 CONSERVATION

### A. T3 Large Lot & T2 Conservation Transect Form Overview



#### 1. T3 Large LOT (T3L)

##### (a) Intent

To protect the integrity of existing, medium-large lot detached homes and reinforce their role within the City.

##### (b) Primary Characteristics

Detached

Small-to-Large Setbacks

Up to 2.5 Stories

Parking to the Side or Rear

Common Yard Frontages



#### 2. T2 Conservation (T2C)

##### (a) Intent

To protect the integrity of existing natural land with low density detached homes as well as areas of steep slopes and natural vegetation, and reinforce their role within the City.

##### (b) Primary Characteristics

Detached

Medium-to-Large Setbacks

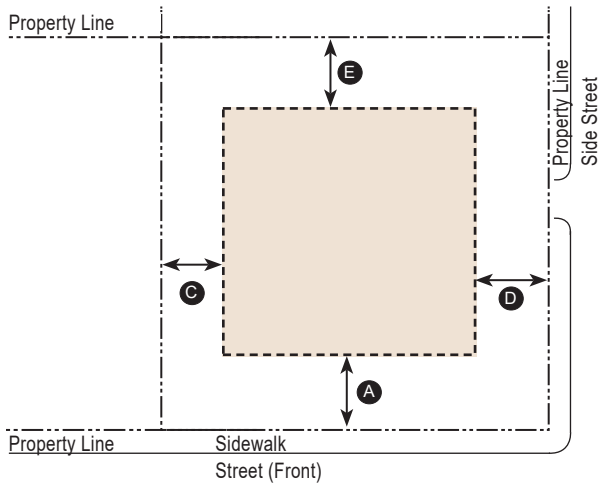
Up to 2.5 Stories

Parking to the Side or Rear

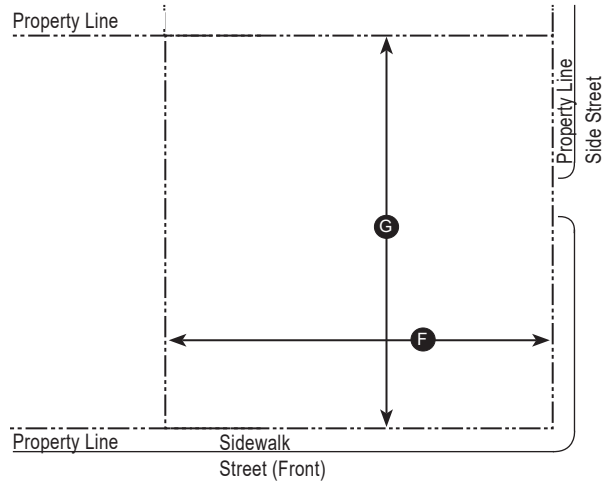
Common Yard Frontages

Note: Photos above are for illustrative purposes only.

## T3 LARGE LOT & T2 CONSERVATION



**Key**  
----- Property Line  
Potential Building Area



**Key**  
----- Property Line

### B. Building Form

		T3L	T2C
<b>A</b>	Front Setback	20' min or Contextual Setback, see note 4	20' min
	Frontage Occupancy	n/a	
	Maximum Building Footprint	5,000 sf	
<b>C</b>	Side Setback (mid-block)	10' min or Contextual Setback, see note 4	15' min
<b>D</b>	Side Setback (street)	20' min or Contextual Setback, see note 4	20' min
<b>E</b>	Rear Setback (lot)	20' min	
	Rear Setback (alley)	20' min	
	Side or Rear Setback (accessory)	5' min	

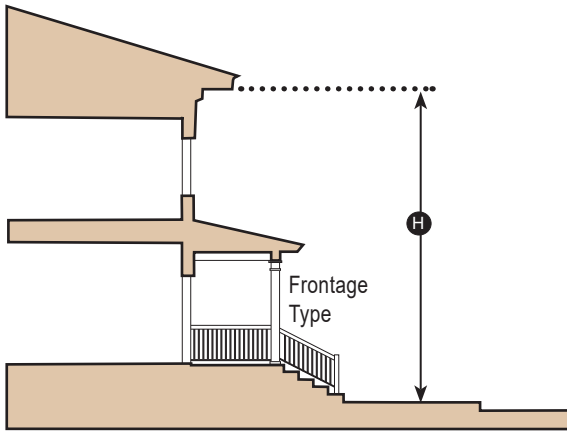
### C. LOT Standards

		T3L	T2C
<b>F</b>	Lot Width	50' min, no max	75' min, no max
<b>G</b>	Lot Depth	100' min, no max	100' min, no max
	Lot Coverage (% maximum)	30%	25%

#### BUILDING FORM NOTES:

1. "Front" and "Side" orientation shall be determined by the Street Hierarchy in Sec 405.22.C.3.
2. One PRINCIPAL BUILDING is permitted per LOT. A COTTAGE COURT that meets the standards of Sec 405.12, where primary FAÇADES are oriented to face a shared court/green, may be approved as a MINOR WAIVER in T3L (See Sec 405.26.E).
3. The Maximum Building Footprint shall not apply to CIVIC USES including houses of worship and schools.
4. A Contextual SETBACK reduces the minimum required SETBACK to be the same as the SETBACK on LOTS that are adjacent and oriented to the same STREET and within 100' of the subject LOT, as long as the SETBACK is compatible and consistent with adjacent LOTS.
5. Building Placement Standards may be adjusted to the minimum extent needed to avoid impacts to sensitive natural features such as steep slopes, exposed rock formations, sensitive habitats, wetlands and floodplains, and mature trees (See Sec 405.26.E).
6. See Building Type Standards (Sec 405.12) for additional LOT WIDTH and depth requirements.
7. Lots larger than 2 acres shall follow the Large Site Standards (Article 7).

## T3 LARGE LOT & T2 CONSERVATION



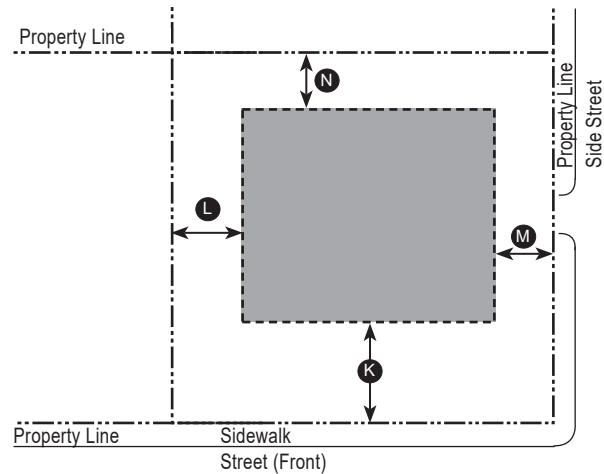
**Key**  
Building

### D. Building Height

		T3L	T2C
H	Principal Building Height (in stories)	no min	
		2.5 max	
	Potential Bonus Height (Sec 405.20)	n/a	
	Accessory Building Height (in stories)	2.5 max	

**NOTES:**

- CELLARS, uninhabitable ATTICS, and underground parking shall not count as a STORY.
- One level of habitable ATTIC space within a pitched roof is permitted as a half STORY. Dormers, if present, shall not be individually more than 15' wide and collectively not more than 50 percent of the FAÇADE elevation in length.
- STORIES may not exceed 16 feet in height from finished floor to finished floor.
- BUILDING HEIGHTS shall be measured to the eave of the roof or roof deck (if flat).



**Key**  
Property Line  
Setback Line  
Parking Area

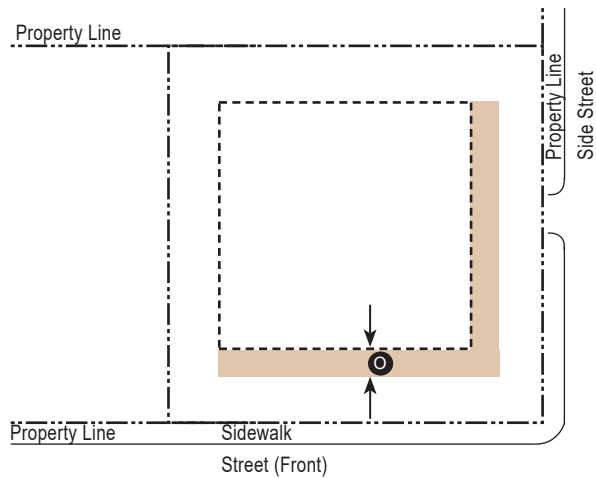
### E. Parking

Parking Placement	T3L	T2C
General Location	Behind, Side	
K Front Setback	30' min	
L Side Setback (mid-block)	10' min	
M Side Setback (street)	15' min	
N Rear Setback (lot or alley)	10' min	
Required Spaces	T3L	T2C
Residential uses	no minimum, 3 / unit max	
Lodging uses	no minimum, 2 / guest room max	
Commerce / Civic uses	2 / 1,000 sf min, 4 / 1,000 sf max	
Industrial uses		

**NOTES:**

- See Sec 405.17 for additional parking requirements.
- Driveways are permitted forward of the parking SETBACK line. Parking access is further described in 405.16.E.

## T3 LARGE LOT & T2 CONSERVATION



### Key

----- Property Line      Encroachment Area

### F. Encroachments

Permitted Encroachments		T3L	T2C
⊙	Maximum Encroachment	5'	5'
	Allowed Frontages (Sec 405.13)	X	X
	Other Architectural Elements (bay window, overhang, cornice, etc.)	X	X

#### NOTES:

1. Above elements may encroach forward of the SETBACK, but may not encroach into the right-of-way.
2. See Frontage Standards (Sec 405.13) for dimensional requirements.

### G. Allowed Building Types


	T3L	T2C
Multiplex: Small	X	
Cottage Court	X	
Duplex	X	X
Detached House	X	X
Carriage House	X	X

#### NOTES:

1. See Building Type Standards (Sec 405.12) for additional requirements.

SECTION 405.10 T1 NATURAL

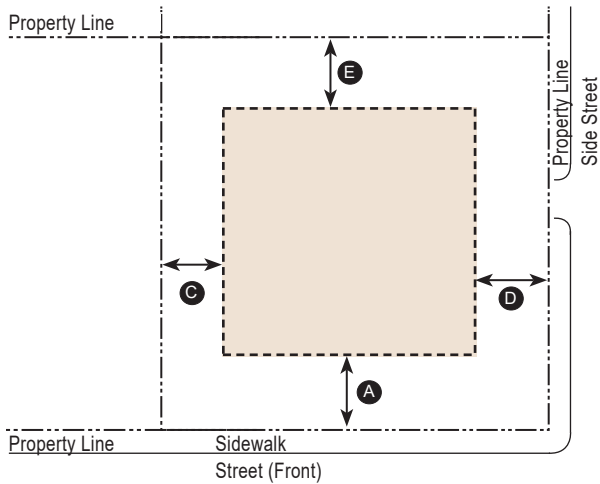
A. T1 Transect Form Overview

	1. T1 Natural	
	(a) Intent	(b) Primary Characteristics
	Preservation of open spaces and natural resources	Open Space & Natural Areas
		Limited Structures / Buildings
		Building Placement Varies
		Large Setbacks

Note: Photo above is for illustrative purposes only.



## T1 NATURAL



### Key

----- Property Line      Potential Building Area

B. Building Form		
		T1
A	Front Setback	30' min
C	Side Setback (mid-block)	15' min
D	Side Setback (street)	30' min
E	Rear Setback (lot)	20' min
	Rear Setback (alley)	20' min
C. Lot Standards		
Lot Width		no min, no max
Lot Depth		no min, no max
D. Building Height		
Principal Building Height (in stories)		no min
		2.5 max
E. Parking		
All uses		no min, no max

### T1 DISTRICT NOTES:

1. "Front" and "Side" orientation shall be determined by the Street Hierarchy in Sec 405.22.C.3.
2. Building placement standards may be adjusted to the minimum extent needed to avoid impacts to sensitive natural features such as steep slopes, exposed rock formations, sensitive habitats, wetlands and floodplains, and mature trees (See Sec 405.26.E).
3. BUILDING HEIGHT shall be measured to the eave of the roof or roof deck (if flat). STORIES may not exceed 16 feet in height from finished floor to finished floor. CELLARS, uninhabitable ATTICS, and underground parking shall not count as a STORY.
4. One level of habitable ATTIC space within a pitched roof is permitted as a half STORY. Dormers, if present, shall not be individually more than 15' wide and collectively not more than 50 percent of the FAÇADE elevation in length.

## SECTION 405.11 SD SPECIAL DISTRICT

### A. SD Transect Form Overview



#### 1. Special District Commercial / Flex (SD-C & SD-F)

(a) Intent	(b) Primary Characteristics
To allow for existing drivable commercial and industrial/flex use areas, enable their role within the City, and prevent non-conforming lots, buildings and uses. Subdistricts include Commercial (SD-C) and Flex (SD-F).	Detached
	Building Placement Varies
	Medium-to-Large Setbacks
	Up to 4 Stories
	Parking Placement Varies



#### 2. Special District Multifamily (SD-MF)

(a) Intent	(b) Primary Characteristics
To allow for existing drivable and garden apartment style multifamily areas, enable their role within the City, and prevent non-conforming lots, buildings and uses.	Detached
	Building Placement Varies
	Medium-to-Large Setbacks
	Up to 4 Stories
	Parking Placement Varies

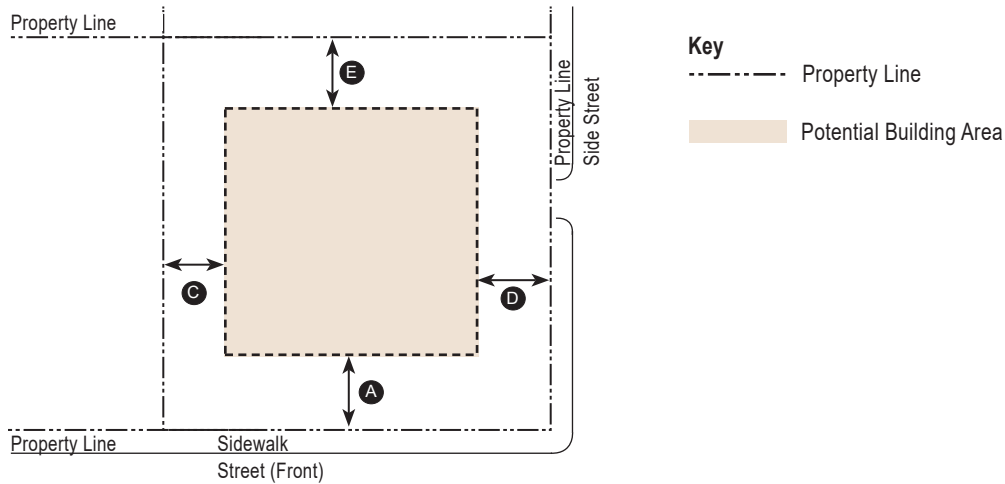


#### 3. Special District Institutional (SD-I)

(a) Intent	(b) Primary Characteristics
To allow for existing institutional areas, enable their role within the City, and prevent non-conforming lots, buildings and uses.	Detached
	Building Placement Varies
	Medium-to-Large Setbacks
	Height based on Adjacent District
	Parking Placement Varies

Note: Photos above are for illustrative purposes only.

## SD SPECIAL DISTRICT



### B. Building Form

		SD-C	SD-F	SD-MF	SD-I
<b>A</b>	Front Setback	30' min	10' min	30' min	n/a
<b>B</b>	Side Setback (mid-block)	10' min	10' min	15' min	n/a
<b>C</b>	Side Setback (street)	10' min	10' min	15' min	n/a
<b>D</b>	Rear Setback (lot)	10' min	10' min	10' min	10' min
	Rear Setback (alley)	10' min	10' min	10' min	10' min
	Floor Area Ratio	See Special Requirements Map			

### C. LOT Standards

Lot Width	50' min	50' min	50' min	n/a
Lot Depth	100' min	100' min	100' min	n/a
Lot Coverage (% maximum)	See Special Requirements Map			

### D. Building Height

Principal Building Height (in STORIES)	See Special Requirements Map			
Accessory Building Height (in STORIES)	2.5 max	2.5 max	2.5 max	2.5 max

### E. Parking

Location	Behind, Side, Front			
Front Setback	n/a	n/a	30' min	n/a
Side Setback (mid-block)	n/a	n/a	10' min	n/a
Side Setback (street)	n/a	n/a	15' min	n/a
Rear Setback (lot or alley)	n/a	n/a	10' min	n/a

### SPECIAL DISTRICT NOTES:

1. "Front" and "Side" orientation shall be determined by the Street Hierarchy in Sec 405.22.C.3.
2. One PRINCIPAL BUILDING is permitted per LOT.
3. Building placement standards may be adjusted to the minimum extent needed to avoid impacts to sensitive natural features such as steep slopes, exposed rock formations, sensitive habitats, wetlands and floodplains, and mature trees (See Sec 405.26.E).
4. Minimum parking requirements shall be applied as described in Sec 405.16.C.
5. LOTS larger than 2 acres shall follow the Large Site Standards (Article 7).

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## ARTICLE 4 GENERAL STANDARDS

### SECTION 405.12 BUILDING TYPE STANDARDS

#### A. PURPOSE

This Section sets forth the standards applicable to the development of each Building Type. These standards supplement the standards for each zone that the building types are allowed within, and are intended to shape development that reinforces the character and scale of Kingston's neighborhoods.

#### B. APPLICABILITY

1. The Building Type Standards apply to all Buildings in T2, T3, T4, and T5 Transect Zones. Table 405.12.A describes which Building Types are allowed in each Transect Zone. An "X" in the column indicates that a particular Building Type is allowed in that district; other Building Types are not allowed in that district.
2. CIVIC BUILDINGS shall be exempt from the Building Type Standards.
3. An applicant may propose additional Building Types not identified here (See Sec 405.26.E). The City of Kingston Planning Board will decide to accept, modify, or reject such additional Building Types during the approval process based on its determination as to the consistency of the additional Building Types with the planning, design, and compatibility principles set forth in the Transect Zone where the LOT is located.

#### C. BUILDING TYPE STANDARDS

1. Each Building Type includes a summary description and photographs/illustrations of that type; this is general information about the Building Type and is not regulatory. Specific development standards for each type are shown in the tables. Where numerical development standards for an allowable Building Type are different than the general regulations for the Transect Zone, the standards for the Building Type prevail.
2. The names of the Building Types are not intended to limit USES within a Building Type. For example, a detached house type may have non-residential USES within it, such as a restaurant or office.
3. Up to 10 percent DEVIATION in the dimensional standards of this Section may be approved as a MINOR WAIVER (see Sec 405.26.E).

**TABLE 405.12.A:  
ALLOWED BUILDING TYPES**

Building Types	T5			T4			T3			T2
	T5-MS	T5-F	T5N	T4-MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C
Main Street Building	X	X		X						
Flex Building		X								
Liner Building	X	X	X	X						
Live/Work Building	X	X	X	X	X	X				
Stacked Flats	X	X	X	X						
Courtyard Building		X	X							
Multiplex: Large		X	X		X	X				
Multiplex: Small		X	X		X	X	X	X		
Corner Store		X	X	X	X	X	X	X	X	
Rowhouse		X	X	X	X	X				
Cottage Court					X	X	X	X	X	
Duplex			X		X	X	X	X	X	X
Detached House			X		X	X	X	X	X	X
Carriage House		X	X		X	X	X	X	X	X



## D. MAIN STREET BUILDING

1. Description	
The Main Street Building is a medium-to-large sized structure, typically attached, intended to provide a mix of uses with ground floor retail or service uses and upper-floor service or residential uses. This type promotes walkability and makes up the primary component of a neighborhood or downtown Main Street.	
2. Required Building Dimensions	
Building Width	no min / 150' max <sup>1</sup>
<sup>1</sup> Buildings that meet the requirements for Wide Buildings (Sec 405.14.C.4) may be permitted as a MINOR WAIVER.	
3. Allowed Intensity	
Number of units per building	Unrestricted
4. Allowed Frontage Types (Sec 405.13)	
Gallery, Shopfront <sup>1</sup> , Forecourt, or Dooryard are permitted	
<sup>1</sup> A Shopfront is required where marked on the Special Requirements Map (Sec 405.3)	
5. Required Private OPEN SPACE	
No requirement	
6. Required Pedestrian Access	
Pedestrian access shall be provided from the front street sidewalk.	
Upper floor units shall be accessed by a common entry along the front street sidewalk. For corner LOTS, secondary access may be provided from the side street as well.	

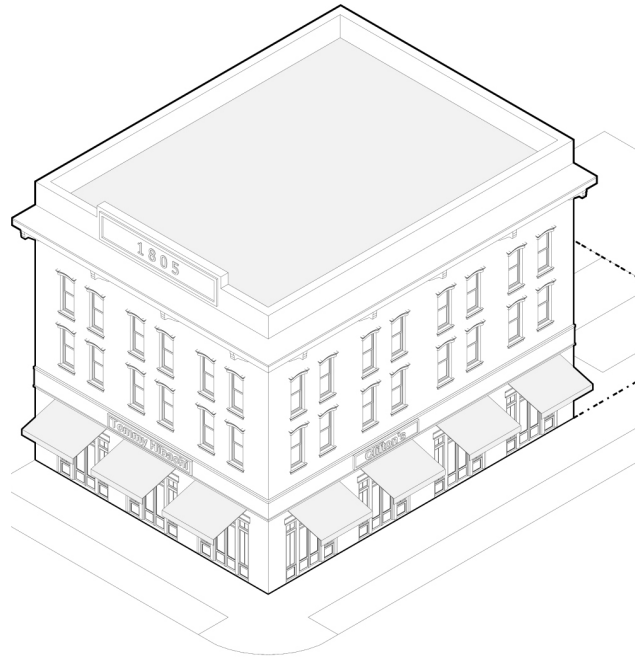


Figure 405.12.D: Examples of Main Street Buildings:





## E. FLEX BUILDING

1. Description	
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.	
2. Required Building Dimensions	
Building Width	no min / no max <sup>1</sup>
<sup>1</sup> 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	
No requirement	
6. Required Pedestrian Access	
Pedestrian access shall be provided from the front or side street sidewalk.	

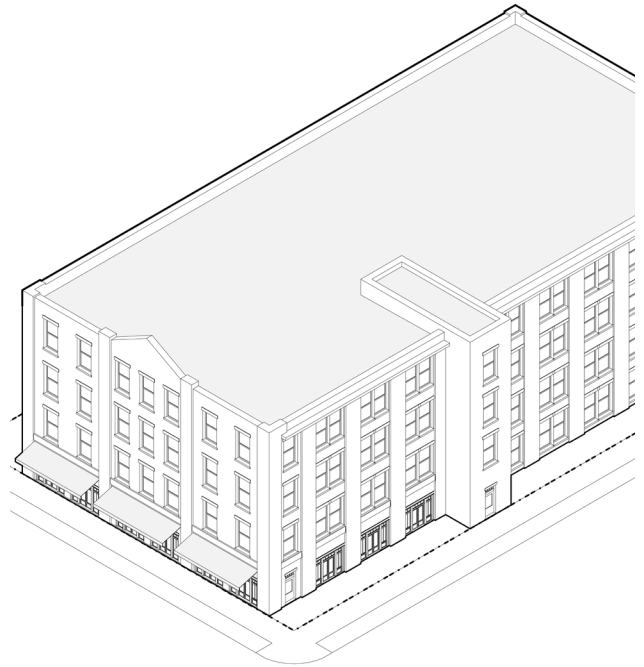
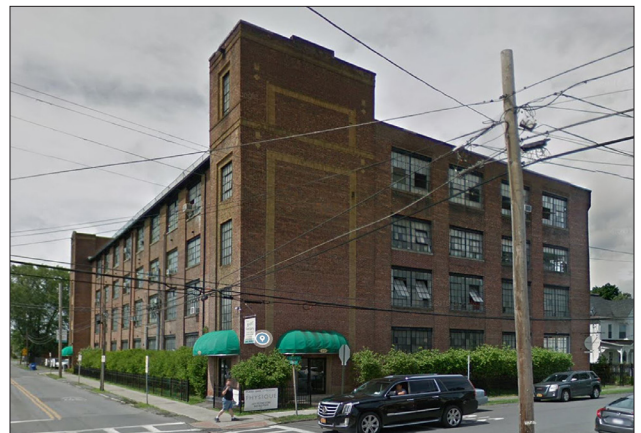


Figure 405.12.E: Examples of Flex Buildings:



## F. LINER BUILDING

### 1. Description

A Liner Building is a shallow structure that wraps the perimeter of a BLOCK to create a habitable street FRONTAGE and conceal surface or structured parking or a large-scale commercial building (theater, convention center, etc.). These buildings may contain a variety of USES, including ground floor retail, and/or upper-level offices or residential.

### 2. Required Building Dimensions

Building Width	no min / no max <sup>1</sup>
----------------	------------------------------

<sup>1</sup> 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, Dooryard, or Stoop are permitted

### 5. Required Private OPEN SPACE

No requirement

### 6. Required Pedestrian Access

Pedestrian access shall be provided from the front street sidewalk. For corner LOTS, secondary access may be provided from the side street as well.

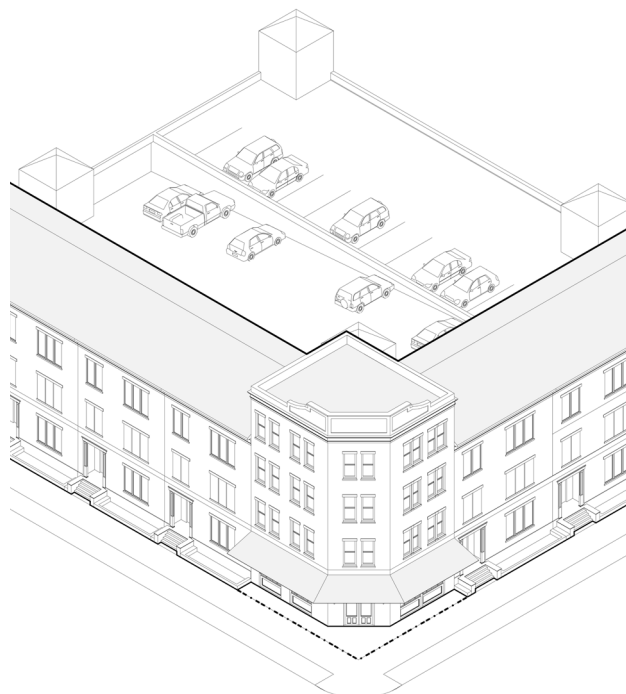


Figure 405.12.F: Examples of LINER BUILDINGS:



## G. LIVE/WORK BUILDING

1. Description	
The Live/Work Building Type is a small to medium-sized attached or detached structure that is allowed to house a flexible combination of limited commercial functions and the primary residential function. The commercial / flex space is typically on the ground floor, accessed from the street sidewalk. Both the commercial / flex space and the residential unit are owned by one entity.	
2. Required Building Dimensions	
Building Width	18' min / 50' max
3. Allowed Intensity	
Number of units per building	2 max
The floor area of the commercial/flex space shall be smaller than the floor area of the primary residential space.	
4. Allowed Frontage Types (Sec 405.13)	
Shopfront, Forecourt, Dooryard, or Stoop are permitted.	
5. Required Private OPEN SPACE	
Required behind the main body of the building	
Width	10' min
Depth	10' min
Area	100 sf min
6. Required Pedestrian Access	
Pedestrian access shall be provided from a front or side street sidewalk.	
The commercial/flex space and DWELLING UNIT shall have separate entries.	

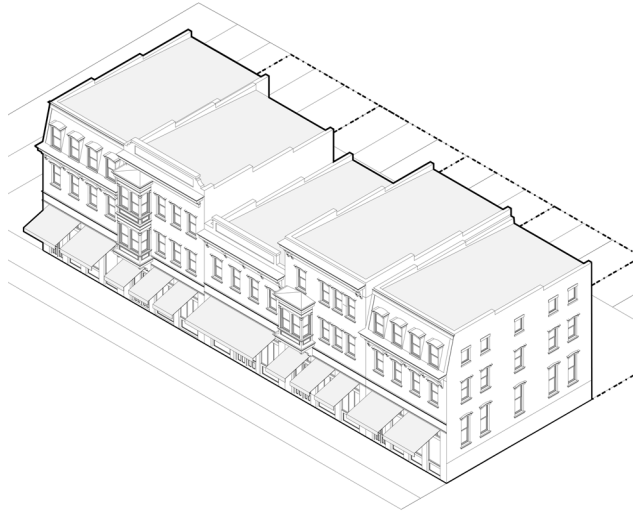


Figure 405.12.G: Examples of Live/Work Buildings:





## H. STACKED FLATS

### 1. Description

The Stacked Flats Building Type is a medium-to-large sized structure that consists of multiple DWELLING UNITS. Each unit may have its own individual entry, or may share a common entry. This type is appropriately scaled to fit adjacent to neighborhood serving main streets and WALKABLE urban neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability. This building type may include a courtyard.

### 2. Required Building Dimensions

Building Width	no min / 150' max <sup>1</sup>
----------------	--------------------------------

<sup>1</sup> Buildings that meet the requirements for Wide Buildings (Sec 405.14.C.4) may be permitted as a MINOR WAIVER.

### 3. Allowed Intensity

Number of units per building	unrestricted
------------------------------	--------------

### 4. Allowed Frontage Types (Sec 405.13)

Forecourt, Dooryard, and Stoop are permitted.

### 5. Required Private OPEN SPACE

No requirement

### 6. Required Pedestrian Access

Must provide pedestrian access from a street sidewalk or courtyard.

Courtyards shall be accessible from a street sidewalk, and meet the dimensional requirements of a courtyard building.

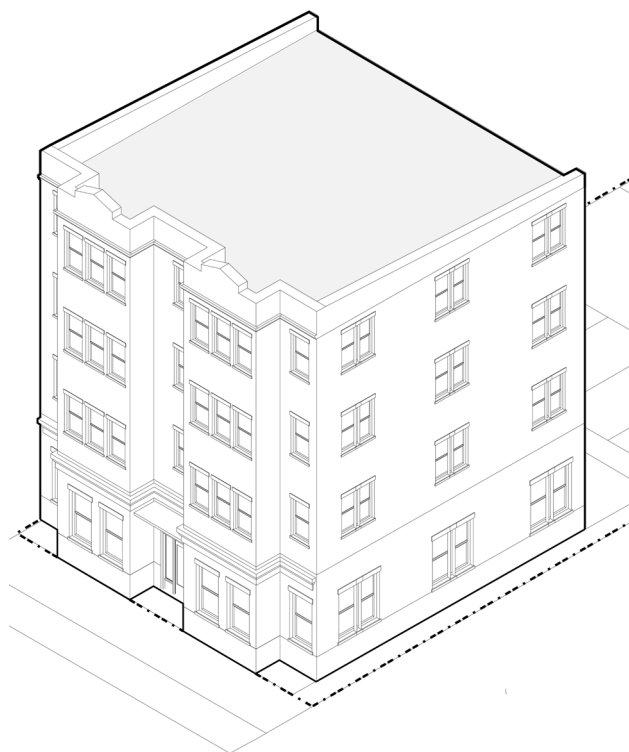
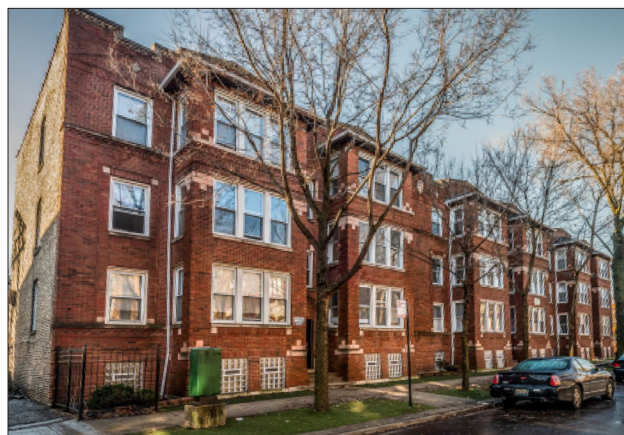


Figure 405.12.H: Examples of Stacked Flats Buildings:



## I. COURTYARD BUILDING

1. Description	
A Courtyard Building is a medium-to-large sized structure that consists of multiple DWELLING UNITS accessed from a central common courtyard or series of courtyards that open to the street.	
2. Required Building Dimensions	
Building Width	no min / 150' max
Courtyard Width	40' min / 150' max
Courtyard Depth	40' min / 150' max
Courtyard Area	50 sf per unit min
3. Allowed Intensity	
Number of units per building	unrestricted
4. Allowed Frontage Types (Sec 405.13)	
Forecourt, Dooryard, and Stoop are permitted.	
5. Required Private OPEN SPACE	
No requirement	
6. Required Pedestrian Access	
Units shall enter from a street sidewalk or courtyard space. Each unit may have an individual entry.	
Courtyards shall be accessible from a street sidewalk.	

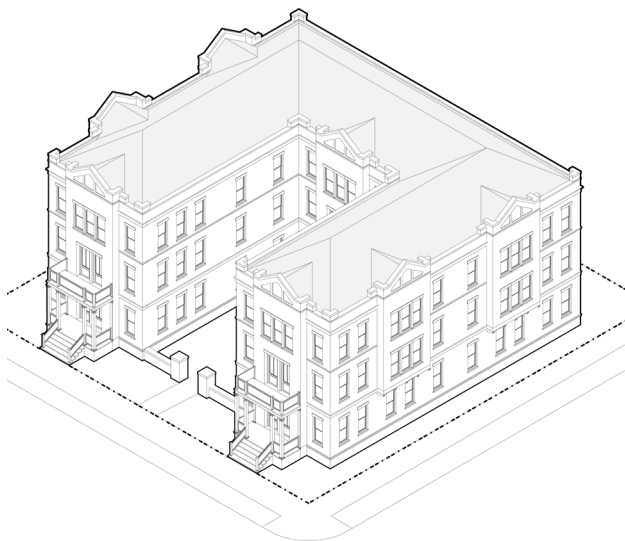


Figure 405.12.I: Examples of Courtyard Buildings:





## J. MULTIPLEX: LARGE

1. Description	
The Large Multiplex is a medium-to-large sized structure that consists of 7 to 18 side-by-side and/or stacked DWELLING UNITS, typically with one shared entry. This type is appropriately scaled to fit within medium-density neighborhoods; it enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	
2. Required Building Dimensions	
Building Width	80' max
Building Depth	75' max
3. Allowed Intensity	
Number of units per building	7 minimum; 18 maximum
4. Allowed Frontage Types (Sec 405.13)	
Common yard, PORCH, Stoop and Dooryard are permitted.	
5. Required Private OPEN SPACE	
No requirement	
6. Required Pedestrian Access	
Units shall enter from a common entry on the front street sidewalk. On corner LOTS, units may also enter from the side street.	

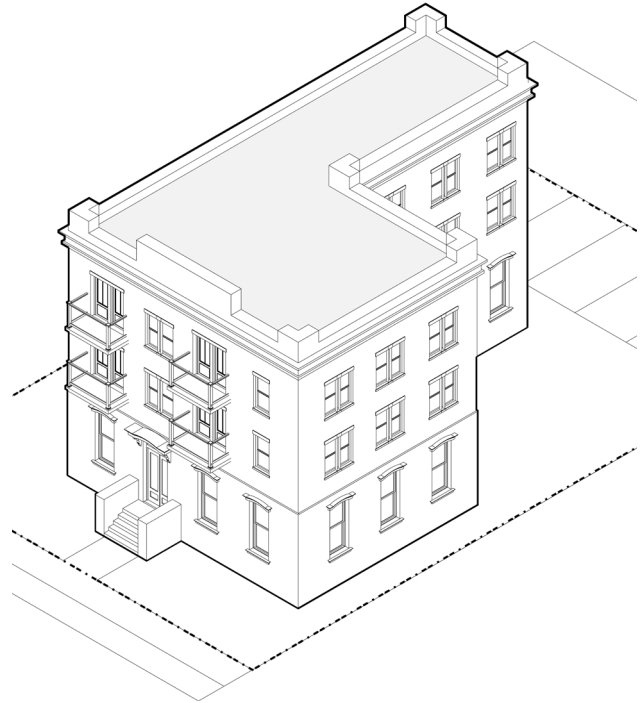


Figure 405.12.J: Examples of Large Multiplex Buildings:





## K. MULTIPLEX: SMALL

1. Description	
The Small Multiplex is a medium-sized structure that typically consists of 3 to 6 side-by-side and/or stacked DWELLING UNITS typically with one shared entry or individual entries along the front. The Small Multiplex has an appearance roughly comparable to a medium-sized single family home and is appropriately scaled to fit within T3, T4, and similar WALKABLE neighborhood districts or sparingly within large LOT areas.	
2. Required Building Dimensions	
Building Width	48' max
Building Depth	48' max
3. Allowed Intensity	
Number of units per building	3 minimum; 6 maximum
4. Allowed Frontage Types (Sec 405.13)	
Common yard, PORCH, Stoop and Dooryard are permitted.	
5. Required Private OPEN SPACE	
Required behind the main body of the building	
Width	10' min
Depth	10' min
Area	100 sf min
6. Required Pedestrian Access	
Must provide pedestrian access from the primary street sidewalk. Each unit may have an individual entry. For corner LOTS, secondary access may be provided from the side street as well.	

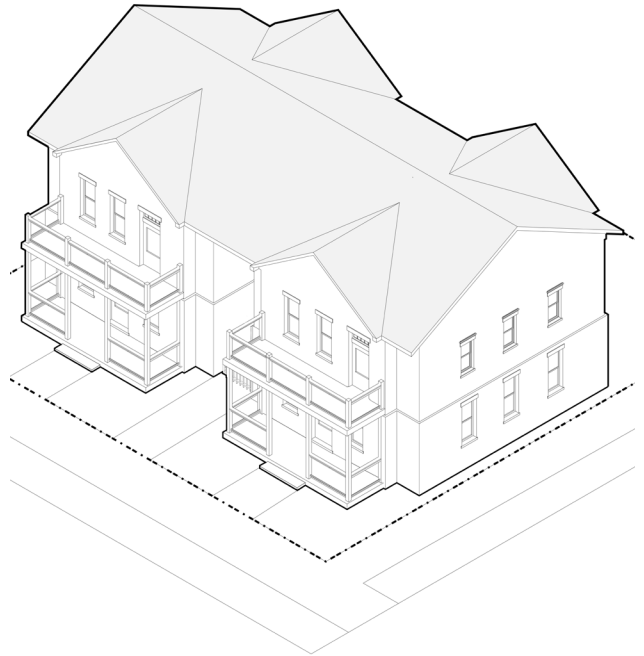


Figure 405.12.K: Examples of Small Multiplex Buildings:



## L. CORNER STORE

1. Description	
A Corner Store is intended to complement WALKABLE neighborhoods by facilitating a small increment of mixed use in a pedestrian-friendly ground floor retail or service USE accessed from the sidewalk. Residential units, storage or small offices may be located on upper floors.	
2. Required Building Dimensions	
Building Width	60' max
3. Allowed Intensity	
Commerce USE floor area	3,500 sf or less in T4 / T5
	3,000 sf or less in T3
Number of units per building	Unrestricted (upper floors only)
4. Allowed Frontage Types (Sec 405.13)	
Shopfront and Dooryard are permitted.	
5. Required Private OPEN SPACE	
No requirement	
6. Required Pedestrian Access	
Must provide pedestrian access from the primary street sidewalk.	

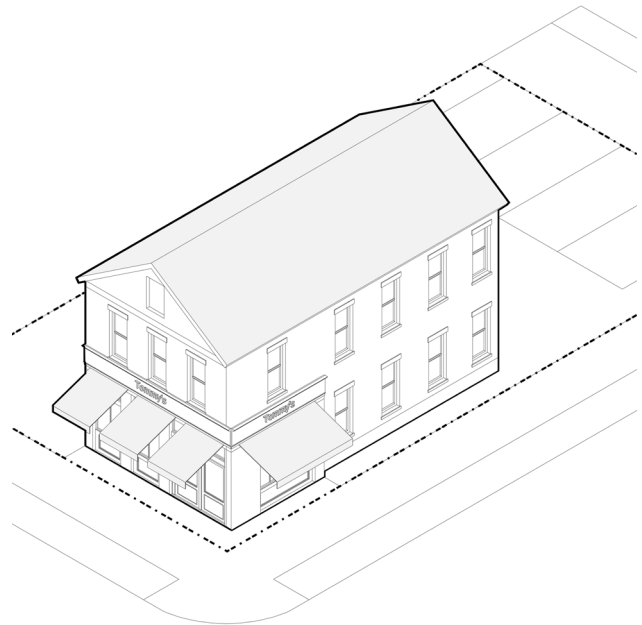


Figure 405.12.L: Examples of Corner Store Buildings:



## M. ROWHOUSE

1. Description	
The Rowhouse Building Type is a small-to-medium sized, combination of attached structures that consists of 2–8 rowhouses placed side-by-side. This type may also occasionally be detached with minimal separation between buildings. This type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	
2. Required Building Dimensions	
Building Width	18' min / 36' max
Rowhouses per run	2 min / 8 max
3. Allowed Intensity	
Number of units per rowhouse	1 per floor max
ADUs per rowhouse (Sec 405.18)	1 attached or detached <sup>1</sup>
<sup>1</sup> Up to 2 ADU per primary unit (one attached and one detached) may be permitted by MAJOR WAIVER; see Sec 405.26.E.	
4. Allowed Frontage Types (Sec 405.13)	
PORCH, Stoop and Dooryard are permitted.	
5. Required Private OPEN SPACE	
Required behind the main body of the building	
Width	10' min
Depth	10' min
Area	100 sf min
6. Required Pedestrian Access	
Each unit shall have an individual entry facing a street.	

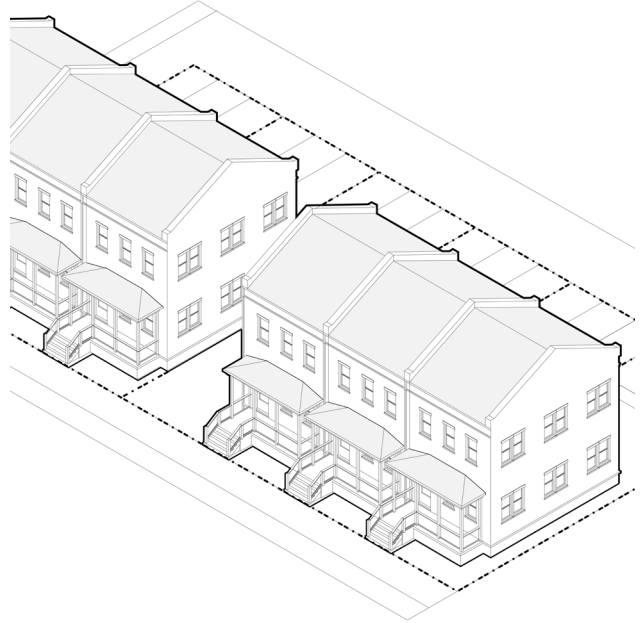
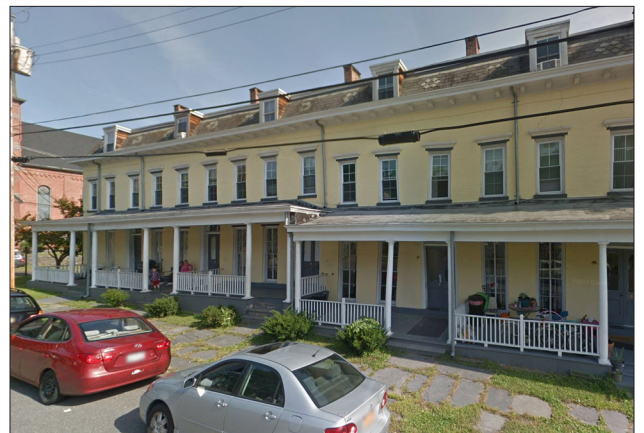


Figure 405.12.M: Examples of Rowhouse Buildings:





## N. COTTAGE COURT

1. Description	
The COTTAGE COURT type consists of a series of small, detached structures on a common LOT providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard. This type is appropriately scaled to fit within primarily single-family or medium-density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	
2. Required Building Dimensions	
Cottage footprint (per building)	500 sf min, 800 sf max
Cottage height	1.5 STORIES max
3. Allowed Intensity	
Number of units per building	1 max
Cottage buildings per LOT	3 min / 9 max
4. Allowed Frontage Types (Sec 405.13)	
Common yard, PORCH, Stoop and Dooryard are permitted.	
5. Required Private OPEN SPACE	
Shared courtyard, accessible from the street	
Width	20' min
Depth	20' min
Area	400 sf min
6. Required Pedestrian Access	
Pedestrian access shall be from the central courtyard or the primary street sidewalk.	



Figure 405.12.N: Examples of COTTAGE COURT Buildings:



## O. DUPLEX

1. Description	
The Duplex Building Type is a small-to-medium sized structure that consists of two side-by-side or stacked DWELLING UNITS, both facing the street, and within a single building massing. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.	
2. Required Building Dimensions	
Building width	50' max
3. Allowed Intensity	
Number of primary units per building	2 max
ADUs per building (Sec 405.18)	1 attached or detached per primary unit <sup>1</sup>
<sup>1</sup> Up to 2 ADU per primary unit (one attached and one detached) may be permitted by MAJOR WAIVER; see Sec 405.26.E.	
4. Allowed Frontage Types (Sec 405.13)	
Common yard, PORCH, Stoop and Dooryard are permitted.	
5. Required Private OPEN SPACE	
Required behind the main body of the building	
Width	15' min
Depth	15' min
Area	300 sf min
6. Required Pedestrian Access	
Pedestrian access shall be from the primary street sidewalk.	

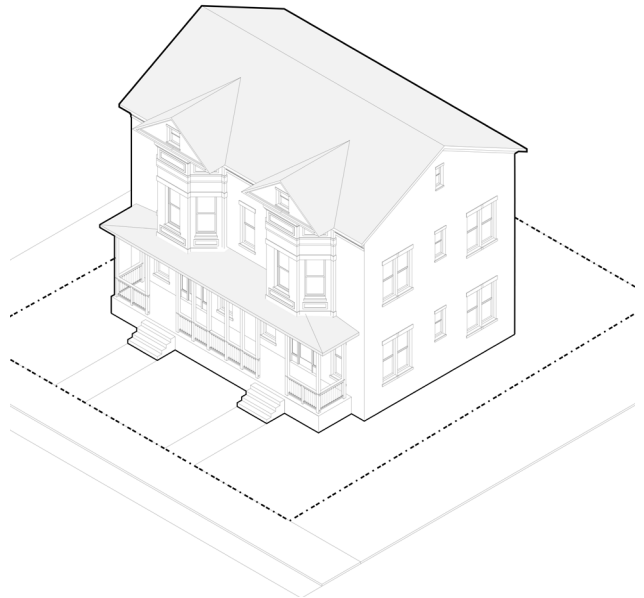


Figure 405.12.O: Examples of Duplex Buildings:



## P. DETACHED HOUSE

1. Description	
The Detached House is a small-, medium- or large-sized detached structure that incorporates one unit. It is typically located within a primarily single-family residential neighborhood in a WALKABLE urban setting.	
2. Required Building Dimensions	
Building width	50' max
3. Allowed Intensity	
Number of units per building	1 max
ADUs per building (Sec 405.18)	1 attached or detached <sup>1</sup>
<sup>1</sup> Up to 2 ADU per primary unit (one attached and one detached) may be permitted by MAJOR WAIVER; see Sec 405.26.E.	
4. Allowed Frontage Types (Sec 405.13)	
Common yard, PORCH, Stoop, and Dooryard are permitted.	
5. Required Private OPEN SPACE	
Required behind the main body of the building	
Width	20' min
Depth	20' min
Area	500 sf min
6. Required Pedestrian Access	
Pedestrian access shall be from the primary street sidewalk.	

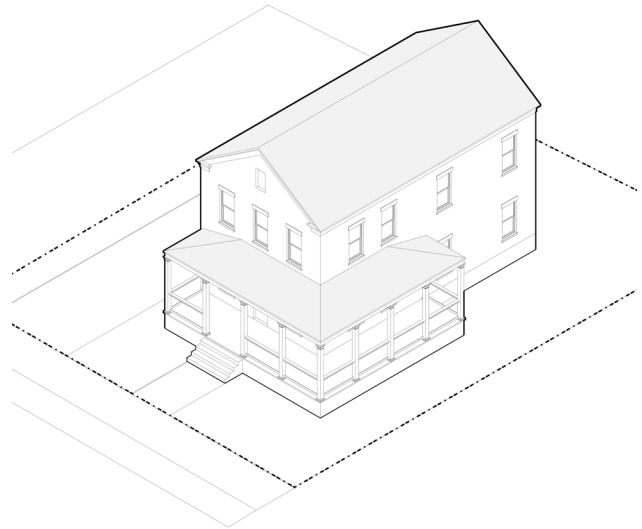


Figure 405.12.P: Examples of Detached HOUSE Buildings:





## Q. CARRIAGE HOUSE (ACCESSORY BUILDING)

1. Description	
The Carriage House Building Type is an ACCESSORY STRUCTURE typically located at the rear of a LOT. This structure typically provides either a small residential unit, home office space, or other small commercial or service USE that may be above a garage or at ground level. This Building Type is important for providing affordable housing opportunities and incubating small businesses within WALKABLE neighborhoods.	
2. Required Building Dimensions	
Building width	36' max
Building depth	30' max
Separation from Main Building	10' min
3. Allowed Intensity	
ADUs per building (Sec 405.18)	1 max
Carriage Houses per LOT	1 max
4. Allowed Frontage Types (Sec 405.13)	
PORCH and Stoop are permitted.	
5. Required Private OPEN SPACE	
Determined by the main building on the LOT; no additional private OPEN SPACE is required for a carriage house.	
6. Required Pedestrian Access	
Side street, ALLEY, or internal to the LOT. The main entrance shall not be through a garage.	

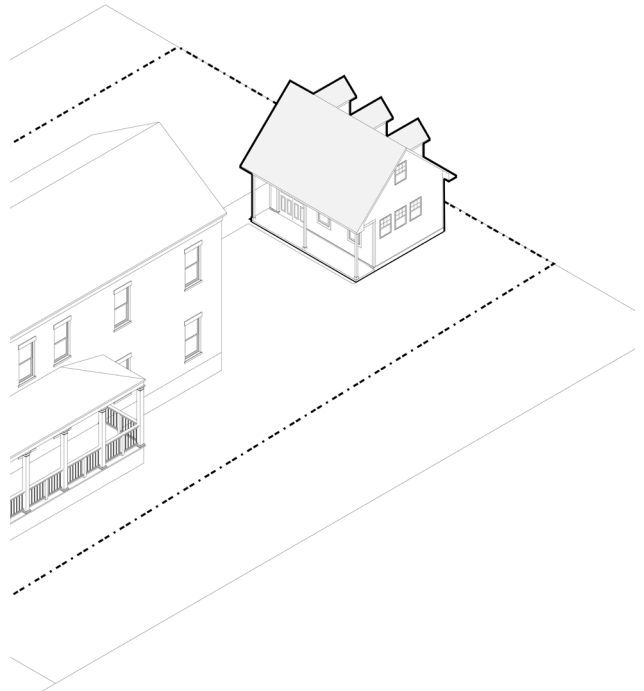


Figure 405.12.Q: Examples of Carriage House Buildings:



## SECTION 405.13 FRONTAGE TYPE STANDARDS

### A. PURPOSE

This section sets forth the standards applicable to the development of private FRONTAGES. Private FRONTAGES are the components of a building that provide an important transition between the public realm (street and sidewalk) and the private realm (yard or building).

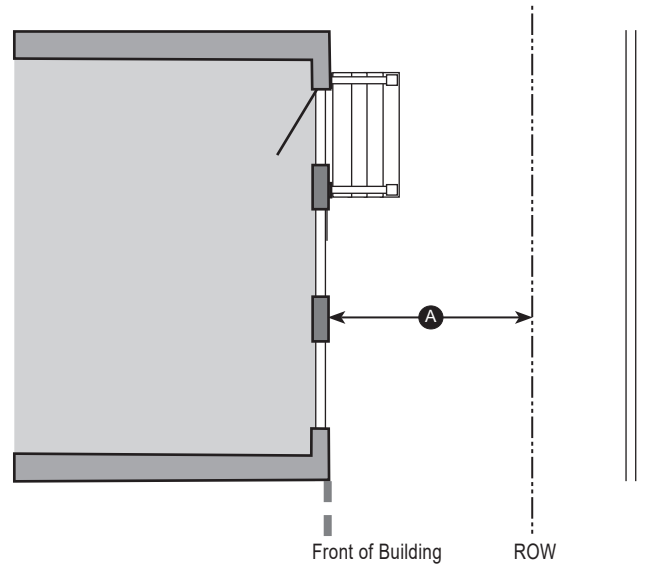
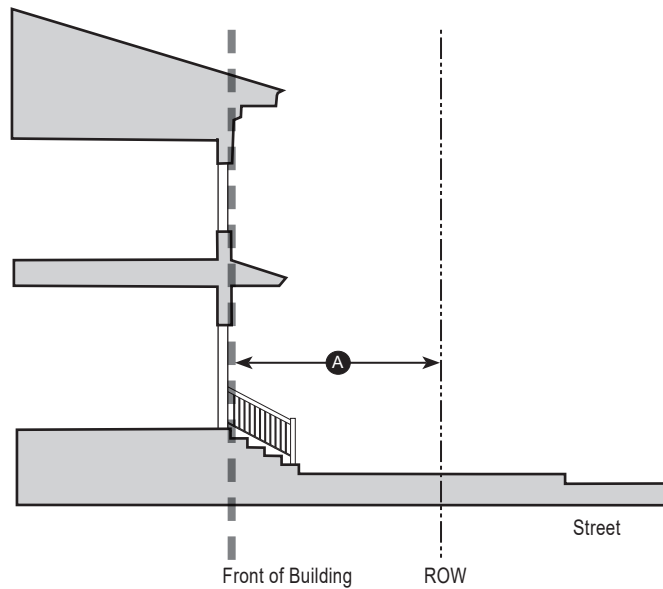
### B. APPLICABILITY

1. The Frontage Type Standards apply to all PRINCIPAL BUILDINGS in T2, T3, T4, and T5 Districts. Table 405.13.A describes which Frontage Types are allowed for each Building Type (Sec 405.12). An “X” in the column indicates that a particular frontage type is allowed; other frontage types are not appropriate for that building type.
2. Each Frontage Type is described on the pages that follow. For each Frontage Type, a description, dimensional standards, and additional standards are provided. For the purposes of this code and for the type of conditions present in Kingston, there are seven Frontage Types regulated by this code.

**TABLE 405.13.A:  
ALLOWED FRONTAGE TYPES**

	Building Types (Section 405.12)													
	Main Street Building	Flex Building	LINER BUILDING	Live/Work Building	Stacked Flats	Courtyard Building	Multiplex; Large	Multiplex; Small	Corner Store	Rowhouse	Cottage Court	Duplex	Detached House	Carriage House
Frontage Types														
Common Yard							X	X			X	X	X	
Porch							X	X		X	X	X	X	X
Stoop		X	X	X	X	X	X	X		X	X	X	X	X
Dooryard / Front Yard	X	X	X	X	X	X	X	X	X	X	X	X	X	
Shopfront	X	X	X	X					X					
Forecourt		X	X		X	X								
Gallery	X													

## 1. COMMON YARD



### Key

- Front of Building
- Right-of-Way (ROW)

### A. Description

The main building FAÇADE is set back substantially from the right-of-way with a planted FRONTAGE. The front yard created is unfenced and is visually continuous with adjacent yards, supporting a common landscape.

### B. Size

Depth, Clear	15' min.	(A)
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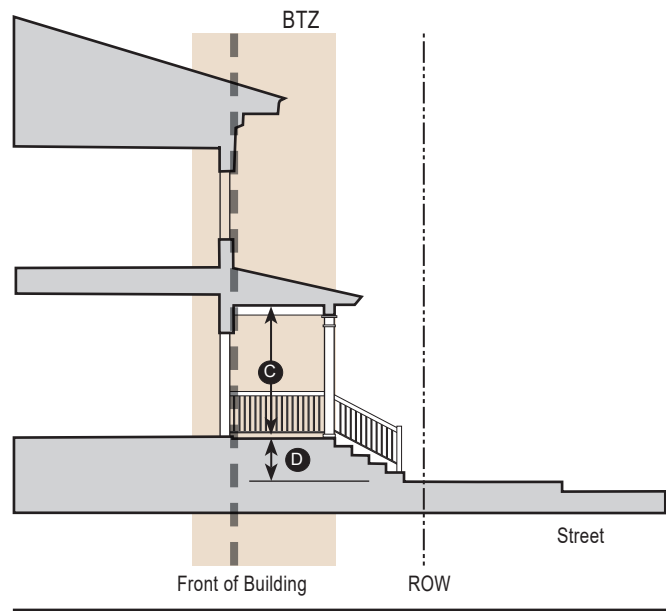
### C. Miscellaneous

1. Fences between front yards or between the sidewalk and front yard are not permitted.
2. Common Yards may be used in conjunction with another Frontage Type, such as a PORCH or stoop.
3. Common Yards are encouraged along streets where adjacent parcels also have a Common Yard frontage.



Figure 405.13.B.1: Common Yard examples

2. PORCH



Key  
— Front of Building  
--- Right-of-Way (ROW)

A. Description

The main FAÇADE of the building is within the BUILD-TO-ZONE (BTZ) or behind the SETBACK line, and the PORCH may project forward. The PORCH is used to access a first floor that is elevated above the sidewalk to ensure privacy within the building. A PORCH is large enough to function as an outdoor living space.

B. Size

Width, Clear	8' min.	A
Depth, Clear	6' min.	B
Height, Clear	8' min.	C
Height	2 STORIES max.	
Finish Level Above Sidewalk	18" min.	D

C. Miscellaneous

- PORCHES may extend forward of the BUILD-TO-ZONE or SETBACK line.
- In Transect Zones where FRONTAGE ENCROACHMENTS are allowed, a PORCH is a permitted ENCROACHMENT. Stairs from the PORCH may extend into the public right-of-way barring any additional restrictions by the public entity that has control over the right-of-way; a 6' minimum clear zone for pedestrians shall be maintained on the sidewalk.
- PORCHES may project forward or be engaged with the FRONT FAÇADE of the building. Projecting PORCHES must be open on three sides and have a roof. Engaged PORCHES must be open on two sides (with two sides engaged to the building) and have a roof.

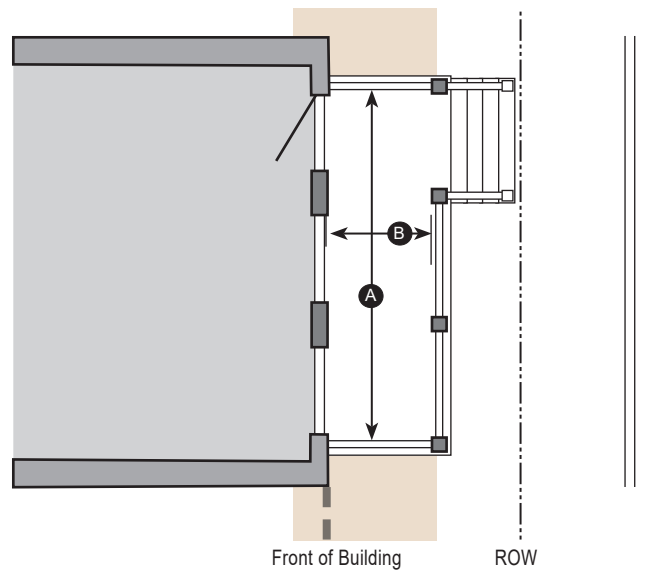
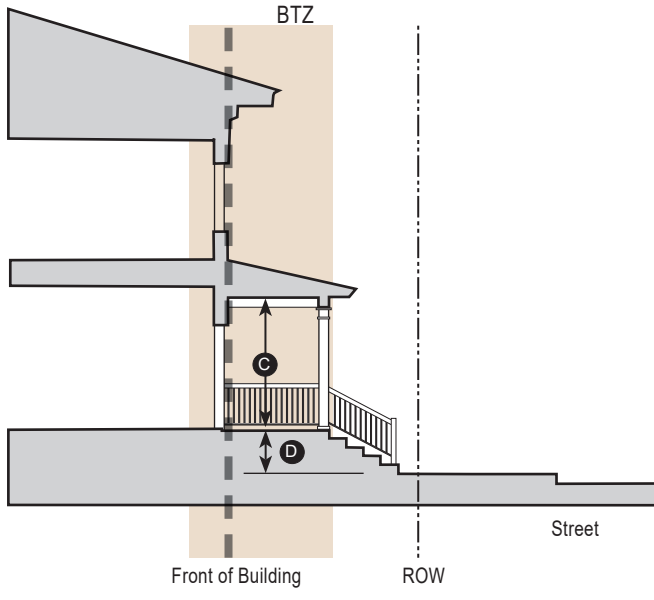


Figure 405.13.B.2: PORCH examples



### 3. STOOP



#### Key

- Front of Building
- - - - - Right-of-Way (ROW)

#### A. Description

The main FAÇADE of the building is within the BUILD-TO-ZONE (BTZ) or behind the SETBACK line, and the elevated stoop projects forward. The stoop is to access a first floor that is elevated above the sidewalk to ensure privacy within the building. Stairs from the stoop may descend forward or to the side.

#### B. Size

Width, Clear	5' min., 8' max.	(A)
Depth, Clear	5' min., 8' max.	(B)
Height, Clear	8' min.	(C)
Height	1 STORY max.	
Finish Level Above Sidewalk	18" min.	(D)

#### C. Miscellaneous

- Stoops may extend forward of the BUILD-TO-ZONE or SETBACK line.
- In Transect Zones where FRONTAGE ENCROACHMENTS are allowed, a stoop is a permitted ENCROACHMENT.
- Stairs may be perpendicular or parallel to the building FAÇADE. Stairs may extend into the public right-of-way barring any additional restrictions by the public entity that has control over the right-of-way; a 6' minimum clear zone for pedestrians shall be maintained on the sidewalk.

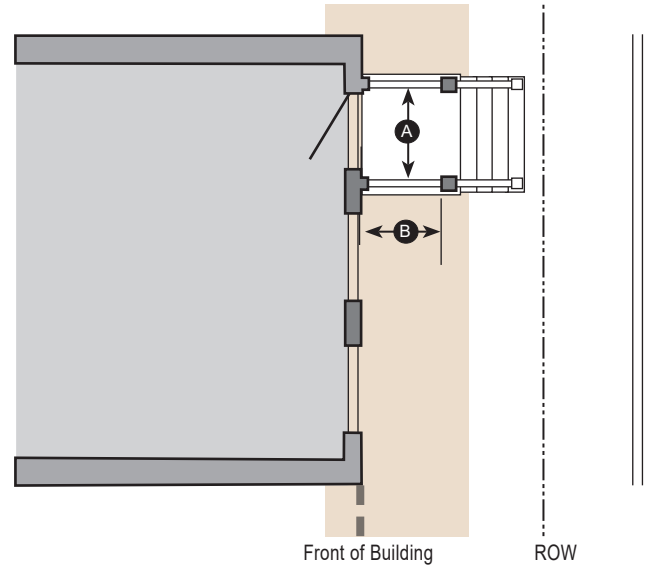
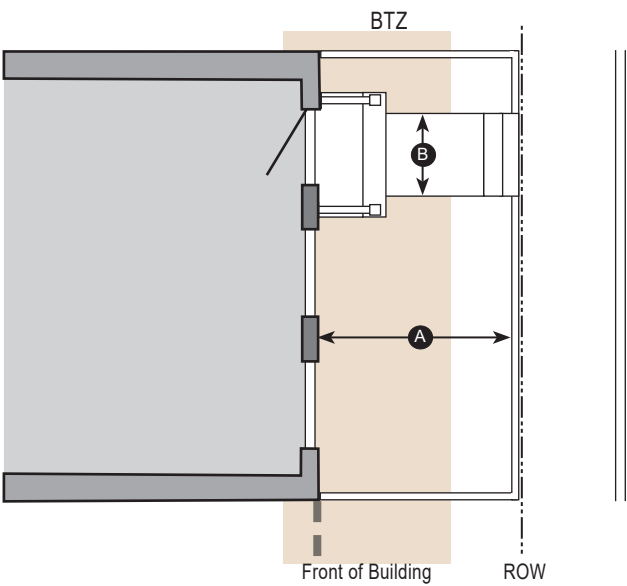
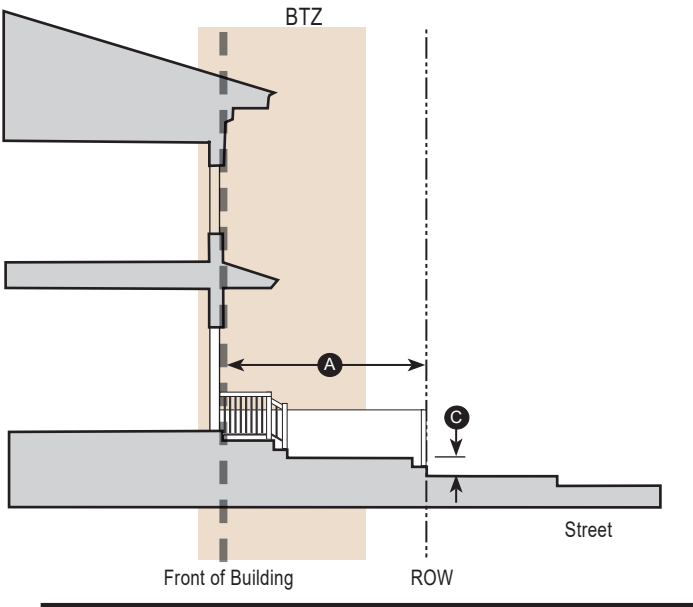


Figure 405.13.B.3: Stoop examples

4. DOORYARD / FRONT YARD



- Key
- Front of Building
  - Right-of-Way (ROW)

A. Description

A FRONTAGE wherein the main FAÇADE of the building is set back a small distance and the FRONTAGE LINE is defined by a GARDEN WALL, fence or hedge. The dooryard may be raised, sunken, or at grade.

A Front Yard is a permitted variation with a small to moderate building SETBACK, and front yard area defined by a GARDEN WALL, fence or hedge that extends to the back of the sidewalk.

B. Size

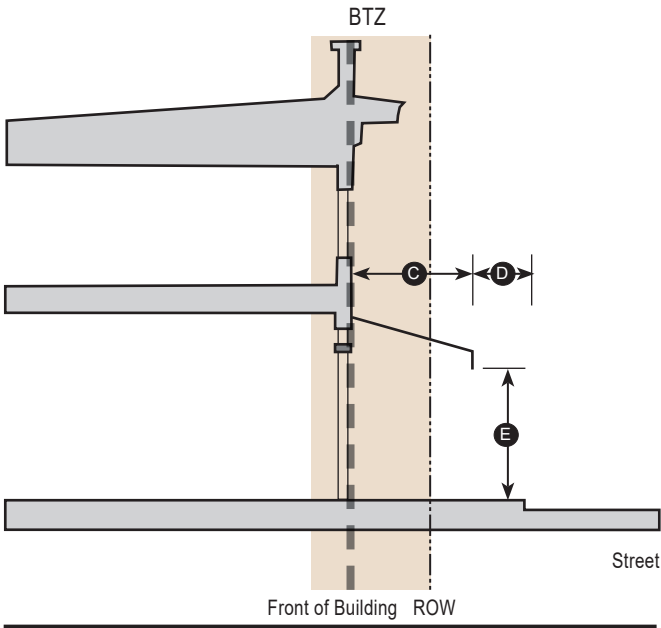
Depth, Clear	8' min.	A
Path of travel	3' wide min.	B
Ground Floor Transparency	See General Standards	
Finish level above sidewalk	3'-6" max.	C
Finish level below sidewalk	6' max.	



Figure 405.13.B.4: Dooryard / Front Yard examples



5. SHOPFRONT



- Key
- Front of Building
  - Right-of-Way (ROW)

A. Description

The main FAÇADE of the building is at or near the FRONTAGE LINE and may include a canopy or awning element that overlaps the sidewalk along the FRONTAGE. A canopy is a structural cantilevered shed roof; an awning is canvas or similar material and is often retractable.

B. Size

Distance between Glazing	2' max.	A
Ground Floor Transparency	See General Standards	
Door Recess	5' max.	B

C. CANOPY OR AWNING

Depth	4' min.	C
SETBACK from Curb	2' min.	D
Height, Clear	8' min.	E

D. Miscellaneous

- Shopfronts are required where marked on the Special Requirements Map, Sec 405.3
- Additional standards are located in Architectural Standards, Sec 405.14.D
- Doors may be recessed as long as main FAÇADE is within the BTZ.
- Open ended awnings are encouraged.
- Rounded and hooped awnings are discouraged.

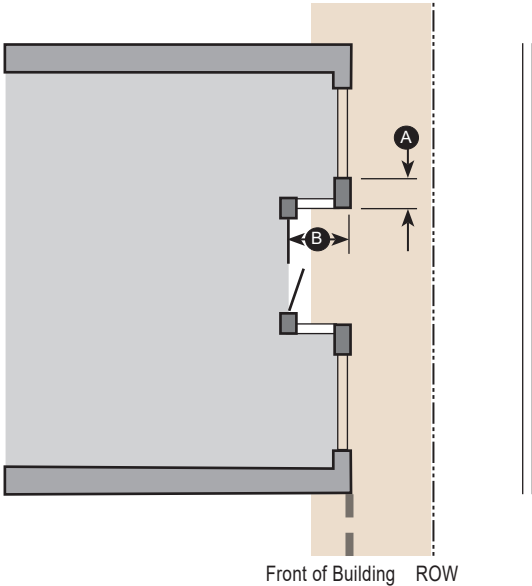
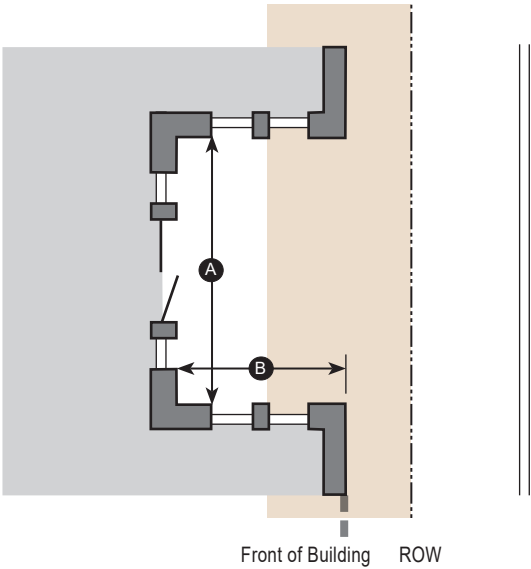
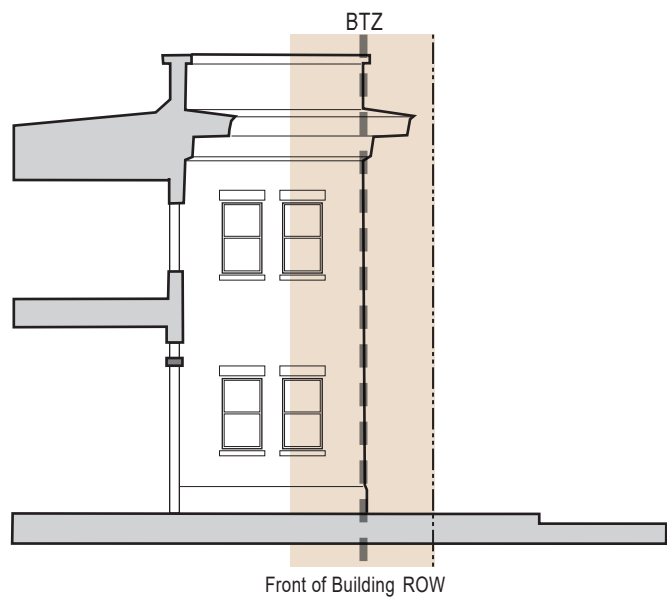


Figure 405.13.B.5: Shopfront examples

6. FORECOURT



- Key
- Front of Building
  - Right-of-Way (ROW)

A. Description

The primary portion of the building’s main FAÇADE is at the BUILD-TO-ZONE while a small percentage is set back, creating a court space. This space can be used as an apartment entry court, garden space, or for restaurant outdoor dining.

B. Size

Width, Clear	12’ min.	A
Depth, Clear	12’ min.	B

C. Miscellaneous

Forecourts are especially useful along larger, more auto-dominant thoroughfares in order to provide well-shaped, intimately sized public outdoor spaces.

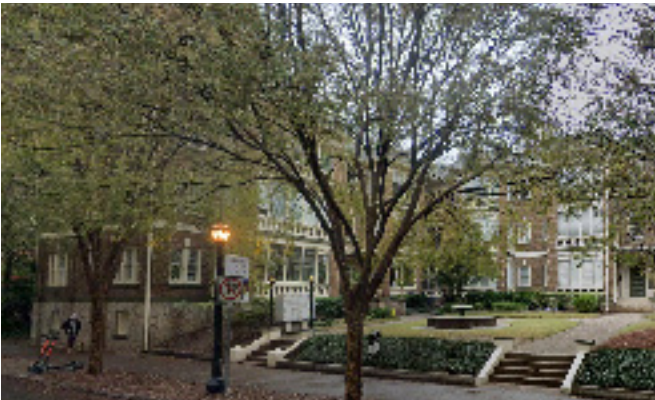
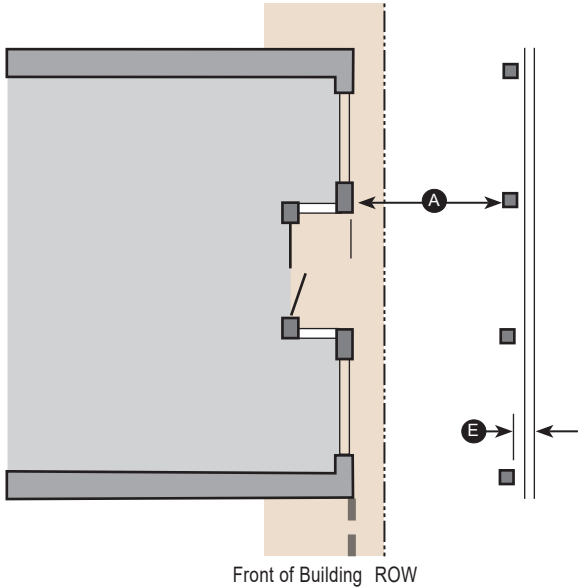
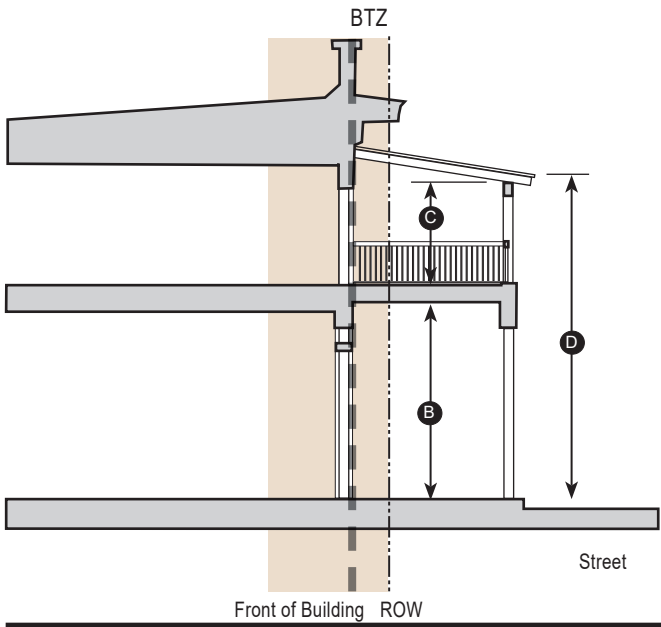


Figure 405.13.B.6: Forecourt examples

7. GALLERY



- Key
- Front of Building
  - - - - - Right-of-Way (ROW)

A. Description

The main FAÇADE of the building is at the BUILD-TO-ZONE and the Gallery element overlaps the sidewalk, eliminating the need for an awning. This Frontage Type is intended for buildings with ground-floor commercial or retail USES; the gallery may be one or two STORIES in height.

B. Size

Depth, Clear	8' min.	A
Ground Floor Height, Clear	11' min.	B
Upper Floor Height, Clear	9' min.	C
Height	3 STORIES max	D
SETBACK from Curb	2' min.; 3' max.	E

C. Miscellaneous

Galleries must also follow all the rules of the Shopfront Frontage Type.



Figure 405.13.B.7: Gallery examples

## SECTION 405.14 ARCHITECTURAL STANDARDS

### A. PURPOSE

A primary goal of these Architecture Standards is authenticity — encouraging construction which is both timeless and functional. The character of new building FAÇADE should reflect and complement the materials and general scale of Kingston's local residential and commercial structures. They should employ materials and construction techniques that will result in long-lasting structures both in durability and design expression. These Architectural Standards work in tandem with the Building Type Standards, and other provisions of this Code, to deliver a high quality public realm.

### B. APPLICABILITY

1. The Architectural Standards apply to all PRINCIPAL BUILDINGS in T2, T3, T4, and T5 Districts. The Architectural Standards are encouraged (but not required) for Detached House, Carriage House, Duplex or COTTAGE COURT Building Types.
2. Up to 10 percent DEVIATION in the dimensional standards of this Section may be granted as a MINOR WAIVER (see Sec 405.26.E).

### C. FAÇADE COMPOSITION

1. **Base, Body and Cap.** These elements communicate height to the pedestrian. EXPRESSION LINES can be used to distinguish between each component.

(A) EXPRESSION LINES shall either be moldings extending a minimum of two inches, or jogs in the surface plane of the building wall greater than two (2) inches.

(b) A building mass may be subdivided by EXPRESSION LINES into one, two, or three horizontal layers (see Figure 405.15.C.1.b).

(c) Required EXPRESSION LINES:

(i) An EXPRESSION LINE shall be used at the top of shopfronts, which may incorporate a band for signage.

(ii) For buildings greater than four (4) STORIES, the ground floor shall be differentiated from those floors above by an EXPRESSION LINE in order to reinforce the pedestrian realm.

(d) The top of each building may be emphasized with a projecting CORNICE. This CORNICE should feature a deeper projection, and therefore stronger shadow line, than any other EXPRESSION LINE on a FAÇADE.

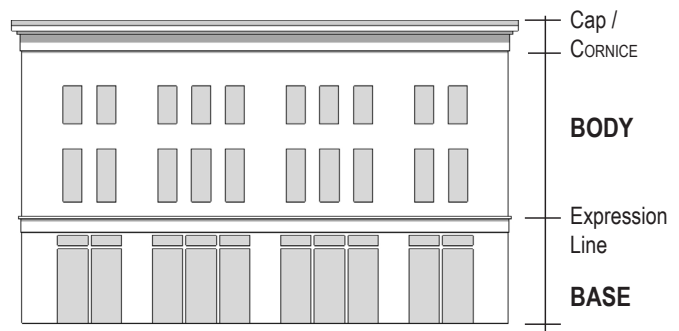


Figure 405.14.C.1.a: The Base, Body & Cap

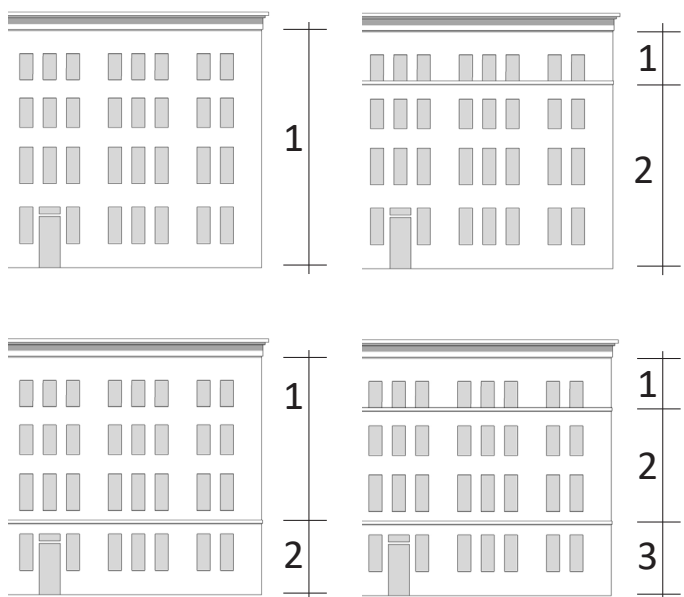


Figure 405.14.C.1.b: FAÇADES divided into 1, 2, and 3 horizontal layers

## 2. Centerlines

- Structural centerlines are vertical lines not interrupted by fenestration (window and door openings). FAÇADES shall feature alternating structural centerlines and fenestration centerlines.
- These centerlines shall extend from the top of a mass to the bottom of a mass.
- Multiple windows and/or doors may be grouped symmetrically around a single fenestration centerline.
- The spacing of centerlines may be identical across a FAÇADE, or may vary. When varying the spacing between centerlines of any one FAÇADE, using a repetitive sequence of bays as justification is recommended to provide order and balance.
- In designated Historic Districts, the size, proportion, and rhythm of windows should generally be similar to other buildings on the same BLOCK.

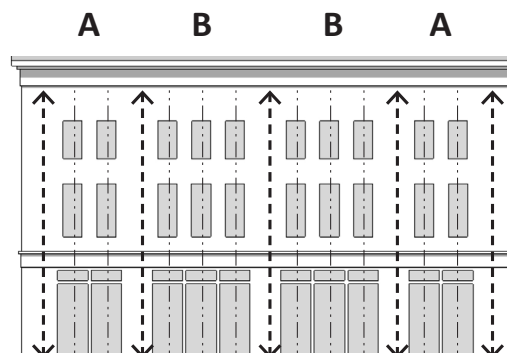


Figure 405.14.C.2: Structural and fenestration centerlines, showing how the solid and voids in the FAÇADE align vertically; and organization of the FAÇADE into vertical modules. The FAÇADE example here follows an ABBA pattern.

- FAÇADE Transparency Requirements.** All building FAÇADES which face onto a street or public space shall meet the minimum transparency requirements outlined below. The percentage of transparency (door and window openings) per STORY shall be calculated within the area between finished floors and shall be a total percentage of doors and windows along that portion of the FAÇADE. Upper floor transparency is measured to the finished ceiling. Applicants shall provide a diagram to demonstrate compliance with this provision.

- Building FAÇADE TRANSPARENCY for ground STORY (retail): 60% minimum
- Building FAÇADE TRANSPARENCY for ground STORY (USES other than retail): 30% minimum
- Building FAÇADE TRANSPARENCY for upper STORIES: 20% minimum
- Blank wall areas (FAÇADE areas without doors or windows) shall not exceed 30' in length along any STORY facing a street FRONTAGE.

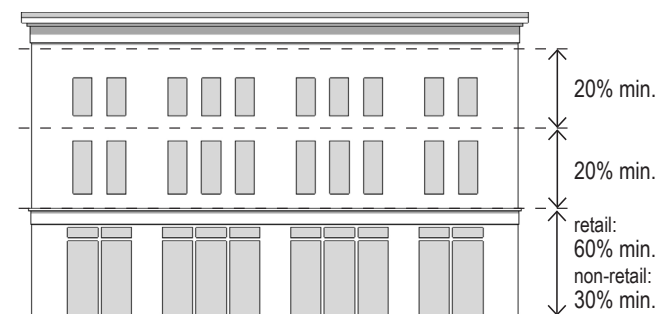


Figure 405.14.C.3: Example of compliant FAÇADE fenestration

- Wide Buildings.** The primary FAÇADE of buildings wider than 150 feet shall be varied with a change of architectural expression.
  - These changes in expression may be a vertical element running from the ground plain to the roof, a change in fenestration, color, or texture, or a break in building FAÇADE plane or roof line.
  - These changes may be subtle or significant, but should soften the visual effect of very wide buildings directly across the street from narrower buildings.



#### D. SHOPFRONTS

1. The top of all shopfront window sills shall be between one (1) and three (3) feet above the adjacent sidewalk.
2. Shopfront windows shall extend up from the sill at least eight (8) feet above the adjacent sidewalk.
3. Shopfronts shall have a CORNICE or EXPRESSION LINE above, between the first and second STORY.
4. Shopfront windows may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space). Reflective, tinted and frosted glass is prohibited on shopfronts.
5. Doors or entrances for public access shall be provided at intervals no greater than fifty (50) feet, unless otherwise approved as a MINOR WAIVER (See Sec 405.26.E). The intent is to maximize street activity, to provide pedestrians with frequent opportunities to enter buildings, and to minimize any expanses of inactive wall.
6. Shopfront doors shall contain at least sixty (60) percent transparent glass. Solid doors are prohibited.
7. A minimum of fifteen (15) feet of depth of HABITABLE SPACE shall be provided behind each shopfront on the primary FAÇADE. This ensures that the area behind shopfronts is sufficient enough to be an actively used space.

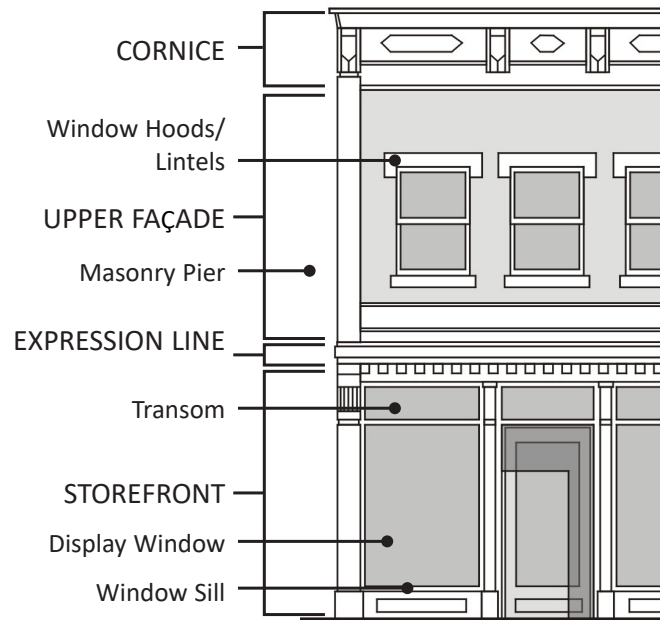


Figure 405.14.D: Anatomy of a storefront

#### E. BUILDING WALL MATERIALS & MASONRY DETAILING

##### 1. Building Wall Materials

- (a) When materials are layered on a FAÇADE in horizontal bands, heavier materials (such as stone or masonry) should be placed below lighter materials (such as wood siding).
- (b) For buildings greater than four STORIES, the ground floor should be differentiated from those floors above in order to reinforce the pedestrian space.
- (c) Permitted finished building wall materials include: brick masonry, stone or precast stone, stucco, horizontal lap siding (of wood or composition board, such as HardiPlank®), pre-engineered metal and glass systems (for windows, doors, and shopfront conditions).
- (d) Other siding materials may include metal or cementitious panels for ornamentation and shall not be used as a principal building wall material.
- (e) All siding materials shall incorporate vertical corner boards on outside building corners. Corner boards shall be a minimum of three (3) nominal inches in width and a minimum of one (1) inch thick.
- (f) Vinyl and aluminum siding are not permitted.
- (g) EIFS (Exterior Insulation and Finishing System), Styrofoam, and all other foam-based products are not permitted.
- (h) All stucco surfaces shall have a smooth or sand finish, be hand-troweled in texture, and painted. Sprayed on stucco finishes are prohibited.



## 2. Masonry Detailing

### (a) Headers

A header is the horizontal member (or assembly of members) visibly spanning the top of an opening.

- (i) All openings in masonry construction should be spanned by a header.
- (ii) Permitted header forms shall be the lintel, arch, and jack arch. Headers may be composed of more ornate moldings or pediments. The header shall visually appear able to carry the wall load above.
- (iii) Headers may be comprised of a variety of materials, including: brick, stone, cast stone, wood, and metal. All headers on a building shall be of a matching style and material.
- (iv) Headers shall be wider than the opening they span.



Figure 405.14.E.2.a Headers. Stone Lintel (left) and Brick Jack Arch (right)

### (b) Sills

A sill is the horizontal member (or assembly of members) at the base of a window or door opening.

- (i) All window and door openings in masonry construction shall have a sill at their base.
- (ii) Sills shall be generally rectangular in form, and slope slightly away from the opening to shed water.
- (iii) Sills may be comprised of a variety of materials, including: brick masonry, stone, cast stone, and concrete. All sills on a building shall be of a matching style and material.
- (iv) Sills should include a projection beyond the wall surface below. Sills shall be slightly wider than the opening.



Figure 405.14.E.2.b: Sills. Cast Concrete (left) and Brick (right)

### (c) Caps

A cap is the protective top layer of a masonry structure exposed to weather from above, such as a wall or parapet.

- (i) A cap shall protect the tops of all masonry structures exposed to the weather including: GARDEN WALLS, stair treads, planter edges, parapets, and freestanding piers.



Figure 405.14.E.2.c: Caps

- (ii) Caps shall be comprised of stone, cast stone, brick, concrete, slate, or other material determined by the PLANNING ADMINISTRATOR to be of similar durability.
- (iii) The edges of caps may be rectangular, or may be more ornate.
- (iv) Caps should project past the edge of the masonry structure below.

#### F. REQUIRED LINER BUILDINGS

The character of some uses of land, such as parking lots or structures, theaters, or grocery stores, may preclude buildings from complying with the FAÇADE TRANSPARENCY requirements of Sec 405.14.C.3, and detract from walkability of the surrounding area. LINER BUILDINGS are required in the following conditions:

1. LINER BUILDINGS are required to shield the view of new parking areas in T4 and T5 areas as well as Historic Districts; this shall apply to parking structures and to surface lots larger than 5,000 square feet.
2. LINER BUILDINGS are required for new buildings that cannot meet the FAÇADE TRANSPARENCY requirements of 405.14.C.
3. Required LINER BUILDINGS shall be a minimum of two STORIES in height and fifteen (15) feet in depth, and shall meet the requirements of Sec 405.14.C.3.
4. Required LINER BUILDINGS may be used for any purpose allowed on the LOT on which they are located.
5. Required LINER BUILDINGS shall meet the FAÇADE composition requirements of 405.14.C.

#### G. BUILDING DETAILS

##### 1. Doors and Windows

- (A) PRINCIPAL ENTRANCES of every building shall directly face a street or public space. Public space may include a central garden or courtyard when that public space opens directly onto a street. Additional building entrances are permitted.
- (b) In Historic Districts, windows and doors shall be vertically proportioned. Window openings may be horizontally proportioned, but only if composed of vertically proportioned windows grouped together and each separated by a mullion, column, or wall section with a minimum width of four (4) inches. Horizontally proportioned transom windows are permitted if part of an overall vertical composition.

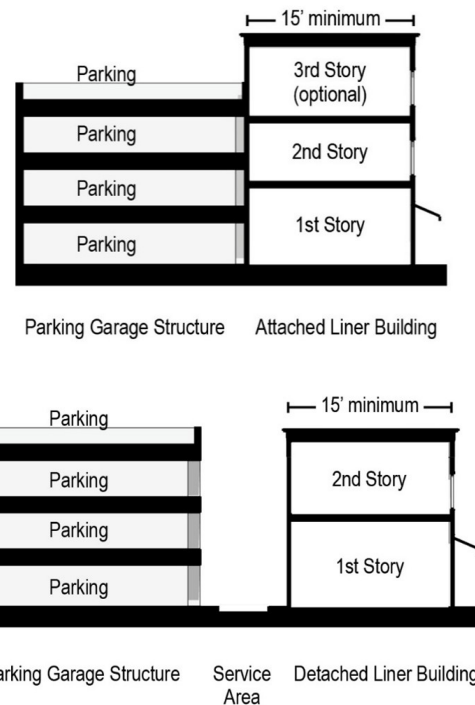


Figure 405.14.F: Attached and detached LINER BUILDINGS

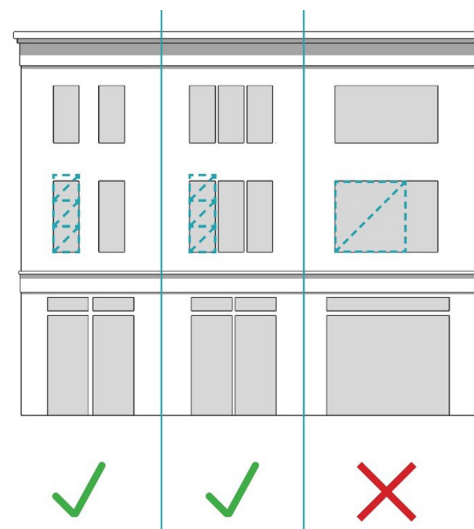


Figure 405.14.G.1: Vertical Window Proportion

- (c) Window and door openings in masonry FAÇADES should express a structural lintel above to express the conveyance of building weight (see Masonry Detailing). A similar method using wood trim can be used on wood-clad FAÇADES.

## 2. Roofs and Parapets

- (a) Roofs may feature the following configurations:
  - (i) Gabled
  - (ii) Hipped
  - (iii) Flat / Shed
- (b) The minimum slope for a gabled or hip roof shall be 3:12, and the maximum slope shall be 12:12.
- (c) Gabled and hipped roofs may either rise from a projecting CORNICE, or from behind a parapet.
- (d) Visible gabled roof ends shall be symmetrically pitched.
- (e) Flat / shed roofs shall always be concealed behind a parapet
- (f) The profile of parapets may be sculpted, with additional vertical emphasis corresponding to a prominent façade fenestration centerline.
- (g) A taller portion of a sculpted parapet may incorporate a signage panel.

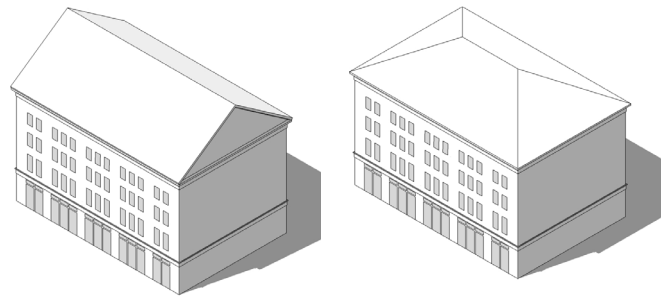


Figure 405.14.G.2.a.i: Gabled roof (left); Hipped roof (right)

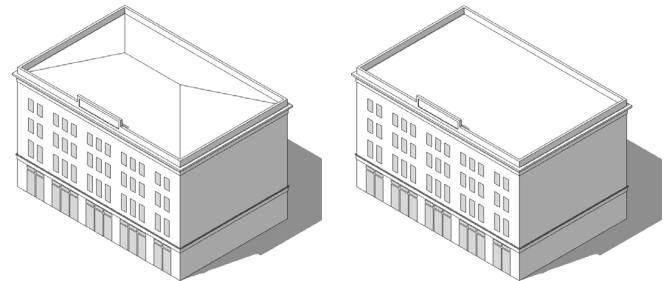


Figure 405.14.G.2.a.ii: Hipped roof with parapet (left); flat roof with parapet (right)

## 3. Small Footprint Towers / Cupolas

SMALL FOOTPRINT TOWERS and cupolas may be designed to serve as visual landmarks and extend above the roof as follows:

- (a) Towers/cupolas with a footprint smaller than 30 feet by 30 feet may extend up to 15 feet above the height limit permitted by Transect Zone.
- (b) Towers/cupolas with a footprint smaller than 15 feet by 15 feet may extend up to 30 feet above the height limit permitted by Transect Zone.



Figure 405.14.G.3: Small Footprint towers / cupolas

#### 4. Columns

- (a) All columns shall be either round or square in section.
- (b) All columns shall be spaced at regular intervals and shall create openings which are square or vertically proportioned. (See Figure 405.14.G.4.b)
- (c) Columns should always support a structural spanning element, such as a beam, arch, or entablature. (See Figure 405.14.G.4.c)
- (d) Columns shall always be positioned so that the outside edge of the beam, arch, or entablature above aligns with the neck of the column. (See Figure 405.14.G.4.d)

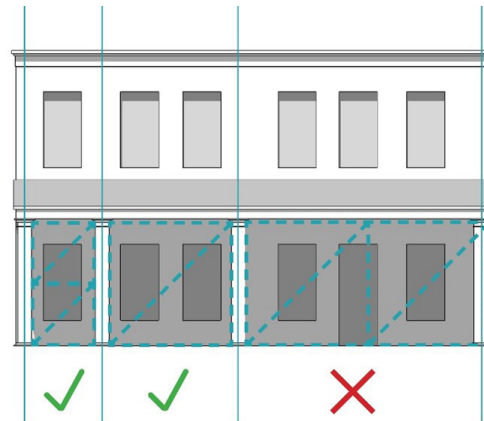


Figure 405.14.G.4.b: Vertical column spacing

#### 5. Balconies

- (a) Within Historic Districts, balconies are only permitted on new construction or to replace a previously-existing balcony.
  - (b) Balconies shall protrude no more than 6 feet from the building wall. Balconies may be inset or wholly within the main body of the building.
  - (c) All balconies shall be visible supported from below by brackets or another structurally implicit mechanism, or adjacent side walls (if the balcony is inset within the main body of the building).
6. Second-STORY balconies shall have a depth of at least four (4) feet and a clear height below of at least eight (8) feet above the sidewalk. Balconies may not project within 2' of the curb.
- (a) Balconies may have roofs but must be open toward the primary street.

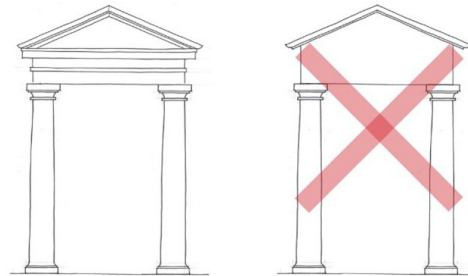


Figure 405.14.G.4.c: Columns spanned by a visually structural element

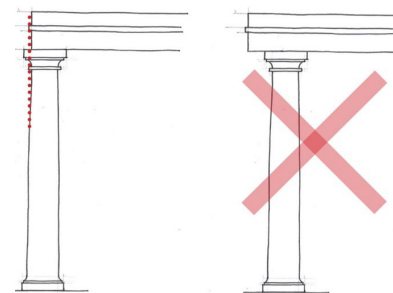


Figure 405.G.4.d: Alignment of column neck and face of entablature

## **H. GARDEN WALLS, FENCES AND SCREENING**

A GARDEN WALL is a wall that defines the FRONTAGE LINE and/or the perimeter of a property. GARDEN WALLS are encouraged along all un-built street rights-of-way to shield views to parking, provide privacy to a side yard, and strengthen the spatial definition of the public realm.

### **1. General to GARDEN WALLS & Fences**

- (a) All GARDEN WALLS and fences along PROPERTY LINES at public street rights-of-way shall be a maximum of four (4) feet in height.
- (b) All walls or fences which run along side (mid-BLOCK) and rear PROPERTY LINES shall be a maximum of six and a half (6.5) feet in height. Walls or fences over 4 feet high should be a minimum of 30% permeable or articulated.

### **2. Specific to GARDEN WALLS along a right-of-way:**

- (A) GARDEN WALLS shall be constructed of brick, stone, cast stone, or other masonry faced with stucco, or may be constructed with iron, steel, or a combination of masonry, iron and steel.
- (b) When both the building walls and the GARDEN WALLS are faced with stucco, the finish and color shall be identical on both.
- (c) GARDEN WALLS may include panels of wood or metal, or hedges, between piers.
- (d) All GARDEN WALLS and piers shall have a cap (see Masonry Detailing Sec 405.14.E).

### **3. Specific to Fences along a right-of-way:**

- (a) Fences shall be constructed of wood (picket fences with corner posts) or metal. Dark colors for metal fences (black, bronze, or dark green) are required.
- (b) Chain link fences are not permitted.

### **4. Gates**

- (a) Pedestrian and vehicular gates within walls and fences shall be a maximum of twenty (20) feet in width, unless a wider opening is required for fire/emergency access, and no taller than the adjacent wall or fence height.
- (b) Gates shall be constructed of wood or metal.

### **5. Screening of Mechanical Equipment and Service Areas**

- (a) For the purposes of these standards, mechanical equipment shall include any heating, ventilation, and air conditioning (HVAC) or electrical machinery but also includes air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, generators, electric vehicle (EV) chargers, geothermal wells, and similar elements.
  - (i) Mechanical equipment shall not be located on a front building FAÇADE where visible from streets and public spaces
  - (ii) If mechanical equipment is located at-grade, and is visible from an adjacent street or sidewalk, it shall be screened by a fence or GARDEN WALL. When equipment is taller than the maximum height for GARDEN WALLS and fences, the height may be extended to match that of the mechanical equipment with the approval of a MINOR WAIVER (See Sec 405.26.E).
  - (iii) All mechanical equipment or penthouse screening to be placed on the roof shall be set back from the roof line by a distance at least equivalent to the height of the screening in order to minimize visibility from surrounding streets.
- (b) Service areas, including loading docks and trash disposal facilities shall not be visible from public streets, sidewalks, parks, or squares, but may be visible from ALLEYS.



## SECTION 405.15 WATERFRONT OVERLAY STANDARDS

**A. PURPOSE.** The purpose of the Waterfront Overlay is to encourage water dependent uses, achieve public access to the shoreline, protect future development from flooding and sea level rise, and continue to support a distinct waterfront area as well as implementing the policies and purposes of the City of Kingston Local Waterfront Revitalization Program (LWRP). Further, it is the purpose of the Waterfront Overlay to provide opportunities for permanent public views and access to the Hudson River and Rondout Creek and to encourage the phasing out of certain uses which are incompatible with and detract from the Hudson River and Rondout Creek waterfront areas.

**B. APPLICABILITY.** The Waterfront Overlay District boundary is identified on the Special Requirements Map (see Sec 405.3).

### C. PUBLIC ACCESS

1. Public access to and along the Hudson River or Rondout Creek shall be incorporated into site designs for new development.
2. "Public access" is defined as meaningful, permanent, safe, and unhindered access to and along the dry, non-tidal or non-submerged shore areas of the Hudson River or Rondout Creek for all members of the public to provide a continuous public access system to and along the waterfront and/or public rights-of-way. Such access shall be in the form of a permanent easement or the granting of fee title to the City of Kingston. Access may be regulated by reasonable conditions in a management plan submitted by the applicant and approved by the Planning Board as part of the final SITE PLAN approval.
3. Public access requirements may be adjusted to the minimum extent needed to avoid impacts to sensitive natural features such as steep slopes, exposed rock formations, sensitive habitats, wetlands, and mature trees.
4. Public access to the Hudson River or Rondout Creek shall be provided at the terminus of perpendicular intersecting public right-of-ways along E Strand St, Rondout Landing, W Strand St, North St, Dock St, or Abeel St.
5. Outdoor storage of goods and raw materials shall be screened with landscaping or from the public view to the greatest extent possible. Visual impacts associated with outdoor storage and other similar operations shall be minimized.
6. Permitted fencing materials include wood, metal, brick, and/or stone. The minimum transparency requirement shall be 50%.
7. Chain link fencing, barbed wire, plastic slats, or plastic screening fabric is prohibited for all uses except existing working waterfront/light industrial uses.
8. New development shall treat Rondout Creek and the Hudson River as a LOT FRONTAGE in addition to the required FRONTAGE along E Strand St, Rondout Landing, W Strand St, North St, Dock St, or Abeel St.

### D. NATURAL RESOURCE PROTECTION

1. All properties within the Waterfront Overlay are subject to the requirements of the Flood Hazard Overlay District (see Sec 405.27). In addition, a Design Flood Elevation shall be applied that utilizes the 500-year floodplain elevation plus 1 foot.
2. Construction or placement of any on-site sewage disposal system, including individual sewage disposal systems, shall be prohibited.
3. Loading and unloading operations at the docks shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, water flow, and permitted uses on adjoining property.
4. Floodplains and wetlands shall be preserved in their natural state to the maximum possible extent practicable to protect water retention, overflow and other natural functions within T1, T2, and T3 districts.
5. Mature trees of 8" dbh or larger are prohibited from being removed from any site unless diseased or in poor condition.

6. The stockpiling or storage of road salt shall not be permitted as a primary or ACCESSORY USE.
7. There shall be no destruction, damage or modification of, or interference with rock outcroppings or other significant geologic features.

## SECTION 405.16 PARKING STANDARDS

**A. PURPOSE.** The purpose of the Parking Standards is to encourage a balance between pedestrian-oriented development and necessary vehicle storage. The goal is to construct neither more nor less parking than is needed.

**B. APPLICABILITY.** The standards of this Section shall apply in all Transect Zones, to the following:

1. New development;
2. Changes in land use; and
3. Changes in intensity of buildings or structures that cause an increase or decrease of 25 percent or greater of gross FLOOR AREA and/or DWELLING UNITS.

### C. PARKING REQUIREMENTS

1. Automobile parking shall be provided based upon the minimum and maximum requirements for each Transect Zone in Table 405.16.C.1: Automobile Parking Requirement Chart.
  - (a) The maximum amount of parking permitted in a mixed-use development (2 or more USES on the same LOT) is calculated by adding the total number of spaces permitted by each separate function. Exceptions to the maximum parking limits may be granted by a MAJOR WAIVER (See Sec 405.26.E).
  - (b) In Special District areas, minimum required parking may be located on the same LOT as the USE it serves. Required parking may also be located on-street or in a common parking lot, provided the space is within 1/4 mile of the building's PRINCIPAL ENTRANCE. The owner shall provide a recorded parking agreement reflecting the arrangement with the other site.

TABLE 405.16.C.1: AUTOMOBILE PARKING REQUIREMENT	T5			T4			T3			T2	SD				
	T5-MS	T5-F	T5N	T4-MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C	SD-C	SD-MF	SD-F	SD-I	
Building Use															
Residential Uses	no minimum, 2 / dwelling maximum						no minimum, 3 / dwelling maximum				1 / dwelling unit min, 3 / dwelling unit max				no minimum / no maximum
Lodging Uses	no minimum, 1.5 / guest room maximum						no minimum, 2 / guest room maximum				1 / guest room min, 2 / guest room max				
Commercial / Civic Uses	no minimum, 4 spaces / 1,000sf maximum										1 space / 1000sf minimum, 4 spaces / 1,000sf maximum				
Industrial Uses															

- Bicycle parking shall be provided in all Transect Zones per Table 405.16.B.2: Bicycle Parking Requirement Chart and subject to the two subsections below.

<b>TABLE 405.16.C.2: BICYCLE PARKING REQUIREMENT</b>	
<b>Building Use</b>	<b>Minimum Number of Spaces</b>
Residential Uses (Buildings with 4 or more units)	2 spaces or 1 space for every 5 units, whichever is greater, up to a maximum of 30 spaces
Non-Residential Uses	2 spaces or 1 space for every 2,500 sq. ft., whichever is greater, up to a maximum of 30 spaces

- Anchors: All spaces provided shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock.
- Location: Bicycle parking shall be located in a secure area covered from weather and shall be located as close to a building's PRINCIPAL ENTRANCE as the closest on-site automobile parking space.

#### **D. PARKING DIMENSIONAL STANDARDS**

- Standard car parking spaces and parking lot aisles shall comply with the minimum dimension standards established in Table 405.16.D.1 (Minimum Dimensional Requirements).
- Dimensional Adjustments. Reduction in dimensional standards shall be subject to approval by the City Engineer.

<b>TABLE 405.16.D.1: MINIMUM DIMENSIONAL REQUIREMENTS</b>				
<b>Angle</b>	<b>Drive Aisle Width (one-way)</b>	<b>Drive Aisle Width (two-way)</b>	<b>Space Width</b>	<b>Space Length</b>
Parallel	12'	20'	8' <sup>1</sup>	20'
30-degree	12'	24'	9'	20'
45-degree	13'	24'	9'	20'
60-degree	18'	24'	9'	18'
Perpendicular	24'	24'	8'	18'
Tandem	24'	24'	8'	36'
<sup>1</sup> Width of on-street parallel parking shall be determined by standards set forth in Article 5. The gutter may be included in the parking space width (the width of lanes and parking spaces should be measured to face of curb).				

#### **E. PARKING LOCATION AND ACCESS**

- Except in Special District (SD) areas, parking shall be located behind the PRINCIPAL FAÇADE of buildings whenever possible.
- Minimum SETBACKS for off-street surface parking from all PROPERTY LINES are provided in the Transect Zone Standards. Parking shall be accessed from rear ALLEYS or side streets whenever possible.
- Curb cuts: One curb cut is permitted per LOT; an exception may be permitted as a MINOR WAIVER (See Sec 405.26.E). Curb cuts are not permitted if an ALLEY is present. The maximum width of curb cuts shall be 20 feet.
- ALLEYS may be incorporated into parking lots as standard drive aisles. Parking along ALLEYS may be perpendicular, diagonal, or parallel. Access between parking LOTS across PROPERTY LINES is encouraged.

5. Corner LOTS that have both rear and side access shall access parking through the rear. If no rear access exists, access to on-lot parking shall be provided from the side street.
6. If no ALLEY or side street exists, then efforts should be made to demonstrate an attempt to gain access across neighboring properties.
7. When access to rear parking must be directly from the PRIMARY FRONTAGE, driveways shall be located along the sides of the PROPERTY LINES and designed such that pedestrians crossing on sidewalks always have the right-of-way.

#### **F. PARKING LOT LANDSCAPE STANDARDS**

1. The landscaping requirements in this Section are intended to provide a set of standards toward reducing the visual impacts of large areas of pavement, improving the overall environment of parking areas by providing areas for shade and heat reduction, and enhancing the overall aesthetic appeal of parking areas.
  - (a) Developments with proposed parking areas of 6 spaces or more shall provide a minimum of 10 percent of landscaped OPEN SPACE within the area designated for parking inclusive of any landscaped borders surrounding the parking lot.
  - (b) The ends of parking aisles in surface lots that are more than 15 spaces in length shall incorporate landscape islands at either end of the row. Each island shall include at least one tree. Where the length of a parking aisle exceeds 25 spaces, additional landscaped islands shall be installed at regular intervals. This interval shall not be more than every 13 spaces. The width of landscaped islands perpendicular to adjacent spaces shall be no less than 6 feet.
  - (c) Parking Lot Screening Requirements
    - (i) Surface parking lot entrances shall be landscaped with a combination of trees, shrubs, walls, and other landscape features. No trees, shrubs, fences, walls, or other landscape feature shall be planted in a manner to obstruct sight lines of motorists.
    - (ii) GARDEN WALLS, fences, or hedges may be located along FRONTAGE LINES and other LOT LINES, or parallel with the FAÇADES of buildings. When located along FRONTAGE LINES, GARDEN WALLS, fences, and hedges are called STREETSCREENS. STREETSCREENS may mask a parking LOT from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.
      - 1) STREETSCREENS shall be a minimum of 3 feet tall in all Transect Zones. Maximum heights shall be:
        - a) T3 and T4: 4 feet along PRIMARY FRONTAGE, 6 feet along other FRONTAGES
        - b) T5: 4 feet along all FRONTAGES
        - c) SD: 4 feet along PRIMARY FRONTAGE, 6 feet along other FRONTAGES
      - 2) All STREETSCREENS over 4 feet high should be a minimum of 30% permeable or articulated.
      - 3) STREETSCREENS may be non-permeable with approval of a MAJOR WAIVER (Sec 405.26.E).
      - 4) STREETSCREENS shall have openings no larger than necessary to allow automobile and pedestrian access.
      - 5) STREETSCREENS shall not be permitted in the right-of-way.

## SECTION 405.17 SIGNAGE STANDARDS

- A. PURPOSE.** The purpose of this Section is to regulate and control the location, size, type and design of existing and proposed signs in order to:
1. Eliminate and prevent the erection of signs that cause distractions or obstructions that create hazards to traffic safety.
  2. Prevent dangers to public safety from unsafe, improperly constructed or located signs.
  3. Enhance and protect the City's physical appearance and property values.
  4. Encourage the most effective and functional use of signs as directional, informational and advertising devices.
  5. Preserve the historic and architectural heritage of the City.
  6. Enhance the City's ability to attract sources of economic development and growth.
- B. APPLICABILITY.** The standards of this Section apply to all signs unless listed as exempt. Signs regulated by this Section shall not be erected or displayed unless a building permit is obtained (See Sign Permit, Sec 405.26.F).
- C. EXEMPT SIGNS.** The following signs do not require a permit:
1. Memorial plaques, cornerstones, historical tablets and the like.
  2. Signs not visible from outside the LOT upon which they are situated.
  3. Nameplates which do not in total exceed six square feet on one property.
  4. Identification signs posted in conjunction with door bells or mailboxes, not exceeding a total of 30 square inches in surface area.
  5. Not more than one address sign, with a surface area of two square feet or less, per street FRONTAGE, which indicates the numerical address (in numbers or script) of the premises on which it is situated and the name of the occupant.
  6. One sign advertising the sale, lease or rental of the premises upon which it is located, which shall not exceed four square feet and, if freestanding, shall not be located nearer than 15 feet to a street or PROPERTY LINE.
  7. Cautionary, directional, regulatory, warning or informational signs of a noncommercial nature, which are in the public interest, such as, but not limited to, "danger," "no trespassing," "exit," "entrance," "parking," "one way," "no entrance," etc. Such signs shall not exceed two square feet each.
- D. GENERAL REGULATIONS AND RESTRICTIONS.** The following general regulations and restrictions shall apply in all districts:
1. NON-ACCESSORY SIGNS and BILLBOARDS shall be prohibited in all districts except as provided in Subsection I and J of this Section.
  2. Constant illumination shall be permitted, provided that the illumination shall be concentrated upon the area of the sign so as to prevent direct glare upon the street or adjacent property.
  3. Except for clocks and customary time and temperature devices, no sign shall contain intermittent, moving or flashing illumination.
  4. Signs with visible moving, flashing, revolving or rotating parts are prohibited.
  5. No sign shall be erected in such a manner as to obstruct free and clear vision for drivers; interfere with, mislead or confuse traffic; or be located where, by reason of its position, shape or color such sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device by making use of the words "STOP," "LOOK," "DANGER" or any other word, phrase, symbol or character or red, green or amber illumination or reflection.



6. **MOBILE SIGNS** shall be permitted upon submission by the owner of the sign of an application for a temporary permit. However, if located anywhere within a LOT or premises in a residential district for seven consecutive days or any 15 days within the same calendar year or in any other district for 30 consecutive days or 45 days within the same calendar year, such sign shall be subject to all provisions of this chapter, including those as to size, location, illumination and construction, as if they were permanent.
  7. The following non-illuminated signs may be permitted in all Transect Zones, limited as follows:
    - (a) One nameplate or professional sign with an area of not over three square feet.
    - (b) One sign advertising the sale or rental of the premises on which such sign is situated, with an area of not over four square feet, provided that such sign is located on the front wall of a building or, if freestanding, then not nearer than 15 feet to any street or PROPERTY LINE.
    - (c) One bulletin board or other announcement sign for educational or religious institutions with an area of not over 24 square feet.
- E. PEDESTRIAN-ORIENTED SIGNS.** The following sign standards shall apply to commercial uses in the T5, T4, T3, and SD-C districts.
1. **General Requirements.**
    - (a) The maximum total signage area allocated for each building shall be two square feet (2 sq. ft.) per linear foot of street facing building FAÇADE along a street FRONTAGE.
    - (b) Buildings with a rear public entrance are allowed one flat WALL SIGN to not exceed sixty square feet (60 sq. ft.) to be placed at the rear entrance.
    - (c) Signs shall not obscure architectural details of the building.
  2. **Materials.** All permanent, on-premises signs 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; or hard plastic. Canvas may be used for awning material. Vinyl may be used for window signs.
  3. Signage that does not fit the specific regulations of this Section may be approved as a MINOR WAIVER, based on its merits as it relates to the unique architectural qualities of a building, a building's historical significance, a building's civic or institutional USE, civic prominence, or unique configuration of existing conditions of a building, and the quality of design, construction, and durability of the sign.
  4. **Lighting and Illumination.**
    - (a) Signs shall be externally lit from the front. Back lighting is permitted only for individual letters or numbers (panelized back lighting is prohibited).
    - (b) External light sources used to illuminate signs shall be placed close to, and directed onto the sign, and shielded to minimize glare onto adjacent properties.
  5. **Pedestrian-Oriented Sign Standards** (see following pages)



#### a. Wall Signs

Area (max)	60 sf
Thickness (max)	12 in
Quantity	1 per shopfront

- Description. A wall sign is a building sign that is attached flat to, mounted away from but parallel to, or painted on the building FAÇADE.
- One wall sign is permitted per each street-facing building frontage.
- Wall signs shall either be located above the storefront or at least twelve inches (12") from any eave, edge of building, or top of parapet.
- Wall signs must not project more than twelve inches (12") from the building face.
- Wall signs that are painted on the wall surface are eligible for a 200% bonus in area with approval of a MINOR WAIVER (see Sec 405.26.E).



#### b. Projecting Signs

Area (max)	12 sf
Thickness (max)	18 in
Height (max)	6 ft
Width (max)	5 ft
Quantity	1 per shopfront

- Description. A projecting sign is a type of building sign that projects outward from the FAÇADE, typically at a ninety-degree angle.
- Only one projecting sign up to twelve square feet (12 sf) is permitted per street-facing building front. Projecting signs mounted at the corner count for both street frontage/building elevations.
- Multiple projecting signs of six square feet (6 sf) or less are permitted on one building side, but must be located below the second STORY windowsill.
- Maximum distance from building wall to sign must not exceed one foot and six inches (1'-6").
- Projecting signs shall not extend more than five feet (5 ft.) from the building wall and within two feet of the curb line.
- Maximum height of projecting sign shall be no greater than six feet (6 ft.) and extend no more than four feet (4 ft.) above eave or parapet of building.
- Signs must be stabilized so as not to swing.
- Signs must have a minimum clearance from the sidewalk of eight feet (8 ft.).



#### c. Hanging Signs

Area (max)	10 sf
Thickness (max)	6 in.
Height (max)	3 ft
Width (max)	4 ft
Quantity	1 per shopfront

- Description. A hanging sign is typically attached to the underside of a soffit or awning, or projects outward, typically at a ninety-degree angle, and hangs from a bracket or support that is located over or near a building entrance.
- One sign per shopfront allowed.
- Signs shall not exceed ten square feet (10 sf) in area and shall have an eight foot (8 ft.) minimum clearance from the sidewalk.
- Hanging signs cannot exceed four feet (4 ft.) in width and six inches (6 in.) in thickness.
- Hanging signs should be mounted so that they do not swing.





#### d. Awning Signs

Width (max)	75% of AWNING valence	i. Description. An awning sign is a type of building sign where graphics and symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.
Quantity	1 per shopfront	ii. A maximum of one sign is allowed per shopfront and the area must not cover more than 75% of the awning valence. iii. An awning sign may only be externally illuminated.



#### e. Canopy Signs

Thickness (max)	9 in	i. Description. A canopy sign is a type of building sign that is attached above, below, or to the face of a canopy.
Height (max)	2 ft	ii. Canopy signs are limited to a maximum one sign per canopy face.
Width (max)	75% of canopy width	iii. Signs must not extend outside the length or width of the canopy and must not cover more than 75% of the canopy length or width.
Quantity	1 per shopfront	iv. Depth of canopy signs must not exceed nine inches (9"). v. Exposed raceways must not extend above height of letters. vi. Cabinet signs are not permitted on canopy signs.



#### f. Window Signs

Area (max)	25% of window area	i. Description. A sign intended to be painted on, applied to, or displayed in, a storefront window or door area.
Quantity	1 per window	ii. One window sign is permitted per shopfront. iii. A maximum of twenty-five percent (25%) of a window can be used for window signs.



#### g. Sidewalk Signs

Area (max)	8 sf	i. Description. Temporary Sidewalk Signs, such as A-frame sandwich boards, are signs placed within the public sidewalk displayed by retailers, restaurants, and cafes to advertise food or products sold within a business.
Height (max)	4 ft	ii. Sidewalk Signs shall be no larger than eight square feet (8 sf) per face and four feet (4 ft.) in height.
Quantity	1 per shopfront	iii. Sidewalk Signs shall be of quality design, materials and workmanship both to ensure the safety and convenience of users, and to enhance the visual and aesthetic quality of the urban environment. iv. Sidewalk Signs are permitted on the public sidewalk adjacent to a business, must maintain a clear sidewalk path of a minimum dimension of five feet (5 ft.), and must be removed from the sidewalk when the establishment is closed for business. v. The number of signs shall be limited to one per sidewalk per street-level business frontage. vi. Sidewalk Signs shall not be placed within three feet (3 ft.) of an adjacent property line.

**F. ROOF SIGNS.**

1. One ROOF SIGN shall be permitted only on a one-STORY building located in the SD-C Commercial Districts.
2. ROOF SIGNS shall not exceed an area of 30 square feet per sign face. A second ROOF SIGN may be permitted subject to review and approval by the Planning Board.
3. The bottom of a ROOF SIGN shall be no higher than two feet above the top of the building wall closest to and parallel to the sign. The total height of the sign shall not exceed six feet.

**G. FREESTANDING SIGNS.**

1. Where a building is set back at least 20 feet from the street, one FREESTANDING SIGN shall be permitted on each FRONTAGE of a property on a public street. However, not more than one such sign shall be located within 200 feet of the same intersection. No part of any freestanding sign or its support shall be located within six feet of any building or extend beyond any street line.
2. FREESTANDING SIGNS are prohibited in the T3, T4 and T5 Transect Zones.
3. The area of FREESTANDING SIGNS shall not exceed the following:
  - (a) SD-C: 50 square feet, except that signs with an area between 50 and 100 square feet may be permitted upon review and approval by the Planning Board.
  - (b) SD-F: 50 square feet.
  - (c) Shopping centers. A shopping center with a contiguous area of 25 acres or more, in single ownership, in which all buildings are set back at least 100 feet from a public street, shall be permitted the following signs in addition to all others permitted herein:
    - (i) A sign not to exceed an area of 400 square feet at or near each entrance; and
    - (ii) One freestanding tower sign not to exceed 1,000 square feet in area or 40 feet in height.
    - (iii) No part of any freestanding sign shall be located higher than 20 feet above grade.

**H. ICONIC SIGNS.** ICONIC SIGNS such as barber poles, eyeglasses, mortar and pestle, etc., which are traditional in nature shall be permitted as long as they comply with the other wise applicable regulations pertaining to size and location herein.

**I. 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.
4. BILLBOARDS. BILLBOARDS shall be permitted in existing BILLBOARD locations in SD-C Districts provided that they consist of signs of an area not more than 325 square feet, excluding supports, which shall be at least six feet from all property boundaries of the property on which they are erected. No new BILLBOARD locations shall be permitted.
5. Unsafe, abandoned and unlawful signs.
  - (a) Upon a finding by the BUILDING SAFETY OFFICER that any sign regulated herein is unsafe or insecure or is a menace to the public or has been erected in violation of the provisions of this chapter or advertises, identifies or pertains to an activity no longer in existence, except as provided hereinafter, the BUILDING SAFETY OFFICER shall give written notice to the permittee thereof. This provision shall not apply to seasonal activities during the regular period in which they are closed.



- (b) If the permittee fails to remove or alter the SIGN so as to comply with the standards herein set forth within 14 days after such notice, such sign may be removed or altered to comply by the BUILDING SAFETY OFFICER at the expense of the permittee or owner of the property on which it is located. The BUILDING SAFETY OFFICER shall REFUSE to issue a permit to any permittee or owner who refuses to pay costs so assessed. The BUILDING SAFETY OFFICER may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

**J. EXISTING SIGNS AND NONCONFORMING SIGNS.**

1. Any existing sign that was in place prior to the date of adoption of this chapter shall be subject to the following requirements:
  - (a) The BUILDING SAFETY OFFICER may review any preexisting sign and determine whether the sign conforms to the requirements of this chapter.
  - (b) Where a sign was constructed prior to the adoption of this chapter and was conforming to the existing ordinance at that time or was to have been granted and still is entitled to a legally valid variance and upon a determination that the existing sign is in good condition and does not pose any safety hazards, it shall be considered a conforming sign.
  - (c) A sign preexisting the date of adoption of this chapter, and determined to be nonconforming in accordance with Subsection O(1) above, shall not be physically altered. The relettering, painting or decorating of such sign shall be permitted, but any such sign once removed for purposes other than relettering, painting or decorating shall be deemed permanently removed and may be replaced only in accordance with the provisions of this chapter.

**K. DESIGN GUIDELINES.** The following additional design guidelines shall be used by the Planning Board and Landmark Preservation Commission in those cases where their review and approval of proposed signs is required. Application of the guidelines shall consider the specific sign location and the character of the area in which it is proposed.

1. Signs mounted on buildings should not cover openings or architectural details and should be located within areas designed to house signs, if such exist.
2. Signs should be located no higher above the ground than is necessary for viewing from adjacent streets. When freestanding signage is being considered, monument style signage should be encouraged over pole style, if plausible.
3. Signs should be of regular shape and should be designed with respect to the shape and proportion of the space within which they will be located and the FAÇADE to which they will be applied.
4. The size of signs should relate to the vantage point of the intended observer and the length of time available for viewing; signs intended for pedestrians on the sidewalk need not be as large as those to be seen from passing cars.
5. Signs should include the minimum information necessary to convey the intended message so as to avoid clutter and confusion.
6. Multiple signs should be avoided where practical.
7. A sign would not obstruct or impair the visual effectiveness of neighboring signs.
8. Colors and materials which are discordant with the general character of the adjacent area should be avoided.
9. Generally, signs on the same building should be placed within the same horizontal band and be of similar height.
10. Wherever possible, signs should be integrated with fences, walls or buildings rather than freestanding.
11. Sign material should be durable and require little maintenance.
12. Signs should be subordinate to the streetscape.
13. Signs in a particular area should create a unifying element and exhibit visual continuity.
14. Where establishments share a parcel or zoning LOT, a master sign plan should be prepared which addresses visual unity, shape, color, materials, type of lettering and signage.



## SECTION 405.18 ACCESSORY DWELLING UNITS (ADUs)

### A. INTRODUCTION TO ACCESSORY DWELLING UNITS.

An ACCESSORY DWELLING UNIT (ADU) is a DWELLING UNIT of limited size that is on the same LOT as a primary DWELLING UNIT. ADUs can be located within the main structure or in an ACCESSORY BUILDING. ADUs must comply with all the requirements of the building code. ADUs are an affordable and flexible housing option and can play a role in meeting a citywide housing need. ADUs can be used to provide independent living space close to family for aging adults or can be leased as an affordable option for unrelated renters, which would generate income for property owners.

### B. ADU REQUIREMENTS.

1. The ADU may not be sold separately from the principal unit and must be located on the same LOT.
2. ADUs may be incorporated within or added onto an existing house, garage, or other permitted structure (attached ADU), or may be built as a separate, detached structure (detached ADU).
3. Attached ADUs are subject to regulations for primary structures in the underlying transect zone (SETBACK, BUILDING HEIGHT, etc).
4. Detached ADUs are subject to regulations for ACCESSORY STRUCTURES in the underlying Transect Zone.
5. MOBILE HOMES, manufactured housing, recreational vehicles, travel trailers, or other wheeled and transportable structures may not be used as ADUs.
6. The maximum size of an attached ADU is 50% of the square footage of the primary structure, or 1000 square feet, whichever is less. The maximum size of a detached ADU is 1000 square feet.
7. An existing ACCESSORY STRUCTURE whose height or SETBACKS do not meet the requirements of a dwelling in its zone district may be converted into an ADU, but the structure may not be altered in any way that increases the non-compliance.
8. ADUs are permitted within Carriage House, Detached House, Duplex, and Rowhouse building types as described in Sec 405.12.
9. HOME OCCUPATIONS may be permitted in an ADU.
10. No parking is required for an ADU.

## SECTION 405.19 AFFORDABLE HOUSING STANDARDS

### A. AFFORDABLE HOUSING REQUIREMENTS

1. All development shall comply, at a minimum, with the following requirements for affordable housing:
  - (a) In any new development or renovation of an existing structure that includes seven or more overall housing units, of the seven or more overall housing units, 10% or more of those units shall be dedicated to affordable housing.
  - (b) The rental cost of AFFORDABLE HOUSING UNITS will be calculated as not to exceed 30% of a household's income.
  - (c) The maximum income for a household to occupy an AFFORDABLE HOUSING UNIT will be 80% of the Ulster County median income, with adjustments for family size and shall be updated yearly.
  - (d) AFFORDABLE HOUSING UNITS shall be dispersed throughout the proposed housing development and shall be indistinguishable from market-rate units in design, access, appearance, construction, and quality of materials.
  - (e) AFFORDABLE HOUSING UNITS shall be phased in during any build-out period. Such units shall be provided concurrently with to the development of market-rate units.
2. AFFORDABLE HOUSING UNITS shall continue to comply with the criteria set forth herein for the length of time that the building in question contains residential units.
3. Final choice of the tenants to occupy the AFFORDABLE HOUSING UNITS lies with the owners of the property or their representatives.

4. Prior to the entry of an agreement to rent an AFFORDABLE HOUSING UNIT, and throughout the tenancy, property owners are required to secure and maintain current documentation which establishes the eligibility of the potential tenant for said AFFORDABLE HOUSING UNIT.
5. Such documentation shall include written verification of income. Continued eligibility shall be monitored and tenants shall be required to submit documentation on a yearly basis throughout the occupancy.
6. Property owners shall make all documents and records outlined herein available to the City of Kingston upon request.
7. The City of Kingston reserves the right to review and audit these records to confirm compliance with the provisions set forth herein.
8. Any SITE PLAN approval which includes 7 or more units shall include compliance with these requirements. The failure to comply with these requirements, upon notice, may result in the revocation of SITE PLAN approval.
9. Any request to revoke SITE PLAN approval as the result of the failure to comply with the provisions of this Section shall be made on notice to the property owner who shall be afforded a full and fair opportunity to be heard regarding the request before the City of Kingston Planning Board.

## SECTION 405.20 BONUS HEIGHT INCENTIVE

### A. BONUS HEIGHT, AFFORDABLE HOUSING OPTION

1. Parcels in T3, T4 and T5 Transect Zones may be eligible for bonus height (up to the limits identified in the Transect Standards), based on the provision of affordable housing (as defined in Sec 405.19.A) as approved by the Planning Board, provided:
  - (a) A Gross Floor Area equal to or greater than 50% of each additional STORY, and at least 20% of the total number of units, shall be provided in the development project for affordable housing; and
  - (b) All parts of any constructed bonus STORY must lie within 80 feet of the BUILD-TO-ZONE.
2. In any case in which an applicant agrees to provide affordable housing as described above, the City may grant additional height up to the limit permitted in the Transect Standards. The applicant shall indicate their intent to utilize the bonus height incentive during the pre-application meeting and is required to submit a SITE PLAN documenting that the requirements of this Section are met.

## SECTION 405.21 SUPPLEMENTAL USE STANDARDS

### A. PURPOSE

1. The Supplemental Use Standards provides site planning, development, and operating standards for certain land USES where allowed in compliance with Figure 405.5.C (Permitted Uses Summary) and for activities that require special standards to ensure their compatibility with site features and existing USES.

### B. APPLICABILITY

1. This subsection applies to development in all Transect Zones.

### C. ADULT USES

1. ADULT USES shall not be permitted within 1000' of another ADULT USE establishment, or within 500' of a pre-existing school, PLACE OF WORSHIP, library, local park, PLAYGROUND, community center, designated HISTORIC PRESERVATION site, as well as any areas designated as scenic under New York State law.

### D. ANIMAL BOARDING

1. Outside exercise areas, yards, pens, or storage areas are not permitted within 100 feet of any property in a TxMS, TxN, or T3L district.

2. All veterinary facilities shall be constructed and operated according to any other rules that the ZONING ENFORCEMENT OFFICER may establish to provide for public health, safety, and welfare.

#### **E. AUTO-ORIENTED SERVICES**

1. Drive-through facilities, space for vehicle storage or idling, and fuel pumps and canopies, shall not be located between buildings and adjacent streets. Vehicle access shall be restricted to the rear of the property.
2. Pedestrian walkways shall have clear visibility and be emphasized by enhanced paving or markings when they intersect the drive-in or drive-through aisles.
3. All service areas, trash storage areas, and mechanical equipment shall be screened from ground-level view from adjacent properties and public right-of-ways.
4. At least one trash receptacle shall be installed per drive-through facility or per fuel pump island.
5. Any structure associated with AUTO-ORIENTED SERVICES such as fuel pumps, canopies, drive-through menu boards, etc. shall be located a minimum of 30 feet from any property in a TxN district.
6. A six-foot tall wall or fence shall be provided along the boundary line of any property located within a TxN district and an auto-oriented service USE.
7. All lighting shall be stationary and shielded or recessed to direct light away from adjacent right-of-ways and any adjacent property that allows a residential USE.

#### **F. DUMPSTERS**

1. Driveways and aisles leading to dumpsters shall be unobstructed.
2. All refuse collections and recycling containers shall be enclosed or screened so as not to be visible from the right-of-way or other publicly accessible areas. The structure shall be enclosed on all sides, one of which includes a gate or door that can be secured.
3. The enclosures may not be located in any required front yard, side street yard, required parking or landscape areas or any other area required by law to be maintained.
4. The enclosure may consist of screen fencing of chain link with slats, solid wood, vinyl fencing or masonry walls a minimum of one foot taller than the container and no taller than eight feet.
5. Enclosures shall be maintained in a manner that protects adjacent properties as well as tenants located on the subject property from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests. The receptacle shall be covered by either a roof on the enclosure or covered receptacles.

#### **G. HOME OCCUPATION**

1. A HOME OCCUPATION shall not store or utilize flammable liquids or hazardous materials in quantities not customary to a residential USE.
2. Outdoor storage is prohibited within a front or side yard. Outdoor storage in a rear yard shall be screened by a six-foot tall wall or wood fence.
3. A HOME OCCUPATION shall not emit noise beyond a volume that would be considered typical of a residential neighborhood.

#### **H. OUTDOOR ENTERTAINMENT**

1. A six-foot tall wall or fence shall be provided along the boundary line of any property located within a TxN district and an outdoor entertainment USE.
2. All lighting shall be stationary and shielded or recessed to direct light away from adjacent rights-of-way and any adjacent property that allows a residential USE other than properties within the TxMS and T5F districts.
3. Outdoor entertainment is not permitted within 100ft of any property within a TxN or T3L district.

#### **I. PARKING STRUCTURES**

1. Parking structures should be designed in a manner that does not unnecessarily prevent its conversion to habitable uses at some point in the future.
2. Parking structures are required to include LINER BUILDINGS as outlined in Section 405.14.F where facing streets or public spaces.

#### **J. RENEWABLE ENERGY SYSTEMS**

1. Small-Scale RENEWABLE ENERGY SYSTEMS include ground- or roof- mounted solar energy systems with a footprint of not more than 50% of the primary structure footprint, or 600sf, whichever is greater; roof-mounted wind turbines no more than 30' above the height of the primary structure; and ground-mounted wind turbines no more than 30' in height.
2. Large-Scale RENEWABLE ENERGY SYSTEMS include ground- or roof- mounted solar energy systems with a footprint of more than 50% of the primary structure footprint, or 600sf, whichever is greater; roof-mounted wind turbines more than 30' above the height of the primary structure; and ground-mounted wind turbines more than 30' in height.
3. Ground-mounted RENEWABLE ENERGY SYSTEMS and their associated support systems (ex. guy lines) are subject to a 20' front, side, and rear SETBACK requirement.

#### **K. SHORT-TERM RENTALS**

1. To legally operate a SHORT-TERM RENTAL, all hosts must pay the Ulster County Hotel & Motel Room Occupancy Tax and applicable hotel fees with the City of Kingston.
2. Proof of payment of the Hotel & Motel tax to Ulster County before July 15, 2021 entitles the host to a SHORT-TERM RENTAL license upon payment of applicable hotel fees and registration with the Building Safety Department.
3. SHORT-TERM RENTALS are not permitted in ACCESSORY DWELLING UNITS.

#### **L. TELECOMMUNICATION FACILITIES**

1. Monopole towers shall be located on a site larger than three acres.
2. Screen fencing shall be provided for aesthetic and public safety reasons and a fence at least six feet in height shall be erected completely around any communication tower and any related support facilities. Barbed and razor wire fencing is prohibited in all Transect Zones.
3. A 15 foot deep planted buffer yard is required along the boundary line of any property within a district that allows residential uses. Buffer yards shall include the following planting.
  - (a) A six foot high screening wall or fence;
  - (b) A 2.5 inch caliper evergreen tree per 30 linear feet of buffer yard;
4. Outdoor storage of any supplies, vehicles or equipment related to the use of the facility is prohibited in TxN districts.
5. An antenna or tower may not be illuminated and lighting fixtures or signs may not be attached to the antenna or tower, except as required by law or to protect public safety.
6. The applicant shall provide written certification from a registered engineer that the antenna and tower are to be constructed in compliance with all applicable federal, state and local regulations pertaining to the construction.
7. Apart from the tower or monopole structure, the facility appurtenances shall be aesthetically and architecturally compatible with the architecture of the surrounding environment.

#### **M. URBAN AGRICULTURE**

1. ACCESSORY STRUCTURES erected for the purposes of URBAN AGRICULTURE are subject to a maximum height of 15' and a maximum size of 750sf in areas outside of Historic Districts and 400sf within Historic Districts.
2. Buildings and structures, including those for the storage of compost and refuse, shall comply with the dimensional standards of the underlying district.
3. Fencing is limited to a maximum height of 4' along the front and side STREET LOT LINES, and 6' along the side or rear LOT LINE and shall not include electrified, barbed, or razor wire.
4. Composting shall be stored in an enclosed screened fence or structure.
5. Chemicals, pesticides, and fertilizers or other garden waste shall be prevented from draining onto adjacent properties or STREET right-of-ways.
6. URBAN AGRICULTURE is limited to community gardens as outlined in Sec 405.24.D.1 in TxMS districts.



## ARTICLE 5 STREET DESIGN STANDARDS

### SECTION 405.22 STREET DESIGN STANDARDS

#### A. PURPOSE

1. The purpose and intent of this section is to provide guidance for creating an accessible, interconnected network of streets that accommodate all ages, abilities, and modes of transportation, including walking, cycling, driving, and public transit. Integration of the street design components described in this Section will provide the framework for creating new memorable, enjoyable places, not just conduits for moving a single mode of transportation; while preserving the many existing examples of good streets in Kingston.

#### B. APPLICABILITY

1. This Article describes the standards for development of new streets, and guidelines for the retrofitting of existing streets in the City.

#### C. GENERAL STREET STANDARDS

##### 1. Context Classifications

- (a) To facilitate context-sensitive street design, Context Classifications have been established to guide the design of new streets and improvements to existing streets. The Context Classifications relate to the Transect Zones on the Kingston Regulating Map as described in Table 405.22.C.
- (b) The Context and Functional Classifications for Kingston's existing street network are identified on the Street Type Map (see Regulating Maps, Article 2).

**Table 405.22.C: CONTEXT CLASSIFICATIONS**

CONTEXT CLASSIFICATION		APPLICABLE TRANSECT ZONES
Urban Center	C5	T5MS, T5F, T5N, T4MS
Urban General	C4	T4MS, T4-O, T4N, T3-O, T3N
Suburban	C3	T3-O, T3N, T3L, T2C, T1
Rural	C2	T3-O, T3N, T3L, T2C, T1
Natural	C1	T1

##### 2. Functional Classifications

###### (a) Background:

Access is a key parameter in the definition of conventional Functional Classifications. Arterials are intended to provide less motor vehicle driver access to adjacent BUILDINGS or land uses. Local streets provide much more motor vehicle driver access to adjacent BUILDINGS/land uses. Collectors connect arterial and local motor vehicle travel and should provide intermediate motor vehicle driver access to adjacent BUILDINGS/land uses. Trip length is the other defining parameter for functional classifications. Arterials should carry longer motor vehicle driver (and passenger) trips. Collectors carry intermediate length driver trips and Locals carry the shorter motor vehicle driver trips.

The emphasis on motor vehicle drivers is noted here to show that most reference material for functional classification has assumed only these specific users only and thus prioritized their function in the networks. This inadvertently excluded other travelers moving on foot, by bicycle, by transit and by any other mode, from the definition of functional classification. This organizing theory was motor vehicle focused. The assumption also held that demand for other modes was negligible.

The 21st century’s emerging Complete Streets, multi-modal, pedestrian and bicycle policies require a new definition of functional classification. Given the current emphasis on more diverse mobility than the single purpose of motor vehicle travel, policies for planning and programming transportation facilities should adjust to incorporate a broad range of travelers and their travel modes.

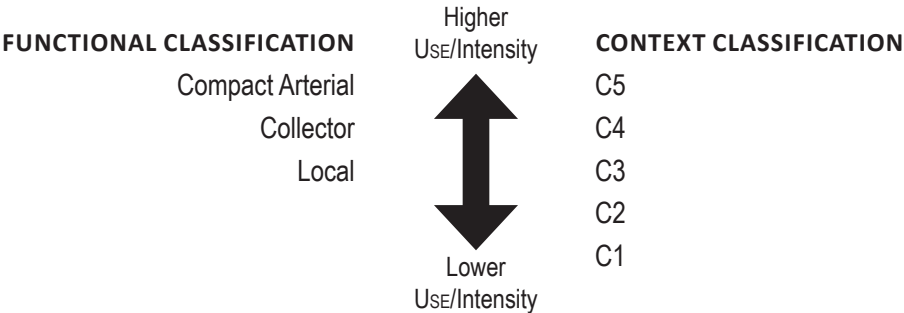
To achieve this, access by all modes, from each classified street or road to adjacent land use/BUILDINGS should be considered essential. Access limitations should primarily be considered in rural context areas.

- (b) This Code focuses on the following purposes for all Functional Classifications:
  - (i) **Local Streets** – provide access to all land uses by travelers moving a short distance.
  - (ii) **Collector Streets** – provide access to all land uses and serve to connect local and arterial streets for travel of a medium distance.
  - (iii) **Compact Arterial Streets** – provide access to all land uses by all modes for longer distance travel in all Context areas.
  - (iv) **Arterial Streets** – provide access to all land uses, with some limited access control in the C3 Suburban Context Classifications or C2 Rural Context Classifications where safety requires access control at higher speeds.
- (c) The Context and Functional Classifications for Kingston’s existing street network are identified on the Street Type Map (see Regulating Maps, Article 2).

3. Street Hierarchy

On each parcel that has multiple street frontages (ie, corner LOTS), applicants shall work with the PLANNING ADMINISTRATOR to determine the applicable front BUILD-TO-ZONE or SETBACK based on the hierarchy of the adjacent streets and pattern established by surrounding development. Front BUILD-TO-ZONES or SETBACKS should apply to streets closer to the top of the hierarchy, for example along regional streets that connect between neighborhoods and where adjacent land use is most intense. If both intersecting streets have the same classification, the pattern established by existing BUILDINGS within 150’ of the subject LOT shall establish the front condition.

Figure 405.22.C.3: STREET HIERARCHY



4. Sight Triangle Requirements

Intersection design shall facilitate eye contact between street users, ensuring that motorists, bicyclists, pedestrians, and transit vehicles intuitively read intersections as shared spaces.

The most recent version of the American Association of State Highway and Transportation Officials (AASHTO) Geometric Design of Highways and Streets guidance shall be used to determine approach and departure sight triangles. Streetscape objects within a sight triangle that would obstruct a driver’s view shall be modified in order to provide a clear sight triangle. Trees may remain within sight triangles if all lower limbs at a height of five feet or less above the elevation of the adjacent roadway are removed. Lighting and landscaping within sight triangles at a height of 2.5 feet or less above the elevation of the adjacent roadway may remain. In most cases, new development should not be subject to SETBACK requirements intended to increase sight triangle visibility at intersections in C5 and C4 areas.

In addition to sight triangle requirements, the visibility of pedestrians and bicyclists can be improved by lowering target speed, prohibiting parking within 20-25 feet of the intersection corner, improving street lighting, providing raised crosswalks/intersections, and locating stop bars well in advance of a crosswalk.

These sight triangle requirements shall be addressed in addition to any New York State minimum sight distance requirements.

### **5. Target Speed**

To achieve a safe and WALKABLE community, managing motor vehicle speed through design is critical. Speed management achieves two primary goals: 1) reduction of crash probability and severity, especially with pedestrians; and, 2) increased economic benefits. When traveling at lower speeds, drivers have a wider cone of vision, allowing the driver to better see and react to pedestrians, bicyclists, or parking maneuvers. Slower motor vehicle speeds also allow motorists to “see” attractions beyond the curb and enable pedestrian traffic to increase as the environment becomes more WALKABLE. In most circumstances, accessibility for all users and modes should be prioritized over mobility for motorists.

### **6. Curb Radius**

Several walkability benefits can be gained by decreasing the radius of curbs at intersections. These benefits include the following: decreased crossing distances for pedestrians crossing multi-lane streets, greater visibility of pedestrians by motorists, and traffic calming. The appropriate curb radius for each street type is established by context in the Design Standards Matrix (Table 405.23.A).

### **7. Intersection Design / Size**

While intersection design shall accommodate large Design Vehicles (WB 40, minimum), the safety of pedestrians and bicyclists shall be the highest priority. The following guidelines are intended for Arterial, Compact Arterial, and Collector streets:

- (i) Streets shall meet at approximately a 90-degree angle. Angles of intersection less than 60 degrees shall be avoided. Offset intersections in close proximity to one another shall be avoided, unless they are aligned to the left of each other;
- (ii) The use of auxiliary turn lanes on streets for traffic movement shall be carefully weighed against the impact to pedestrian and cyclist movement at the intersection, and the use of such lanes shall not be determined by traffic analysis alone;
- (iii) Pedestrian and bike crossing infrastructure shall be provided across intersection approaches in C5, C4, and C3 contexts, including high visibility crosswalks, sidewalk ramps, and detectable warnings;
- (iv) Traffic signals shall be timed primarily for the convenience and safety of pedestrians and bicyclists; and,
- (v) Pedestrian exposure to vehicles and crossing distances may be reduced through the use of refuge islands, bump outs, and pedestrian signals in C5, C4, and C3 contexts.

### **8. Traffic Calming**

Ideally, proper vehicle speed is achieved through street design with a target speed that prioritizes all users and modes over mobility for motorists. However, there may be streets where the existing design is resulting in undesirably high motor vehicle speeds, and street reconstruction is cost prohibitive. In these circumstances, traffic calming measures should be considered by context:

- (i) C2 and C3 context: dramatic warning devices can be used to attract the attention of drivers and help slow speeds. Examples include large chevron signs, flashing pedestrian crossing lights, and speed radar trailers.
- (ii) C4 and C5 context: slower driving speeds can be achieved with interventions that are more compatible with WALKABLE urban centers; these include lane narrowing, adding on-street parking, or installing street trees, roundabouts, or traffic tables.

## SECTION 405.23 STANDARD STREET DIMENSIONS AND SECTIONS

### A. DESIGN STANDARDS MATRIX

1. The following matrix (Table 405.23.A) identifies the appropriate range of values for standard street design elements for each combination of Context Classification and Functional Classification within Kingston, NY. New street designs shall follow this guidance to inform elements of preliminary engineering and design. In addition to vehicle travel lane and parking dimension minimums designated on each street type, PUBLIC FRONTAGE elements (such as sidewalks and planters/ street trees) shall be provided as specified below. The goal is to provide the maximum pedestrian amenities feasible within the existing building-to-building width. Where the following standards are not practical, professional engineering judgment may be applied by the City Engineer.
2. The Street Type Map designates the appropriate street types to guide future street improvements that support the intended context of the transect zones (see Sec 405.3). Appropriate street types for new streets shall be determined in coordination with the City Engineer, utilizing Table 405.22.C to establish Context Classification (C2, C3, C4 or C5), and the criteria in Sec 405.22.C.2.b to establish Functional Classification (local, collector, arterial, or compact arterial).

**Table 405.23.A Design Standards Matrix**

	C2 / C3			C4		
	LOCAL	COLLECTOR	ARTERIAL	LOCAL	COLLECTOR	COMPACT ARTERIAL
<b>Typical Urban Form Characteristics</b>						
Building Height	1-2 Stories	1-2 Stories	1-2 Stories	1-3.5 Stories	1-3.5 Stories	1-3.5 Stories
Building Frontage	Occasionally	Occasionally	Occasionally	Fronting	Fronting	Fronting
SETBACKS	Large	Large	Large	Shallow	Shallow	Shallow/None
<b>Street Design Standards</b>						
Target Speed	20-25mph	25-45mph	25-50mph	20-25mph	25-30mph	25-30mph
Lanes	2 Lanes, 9-11ft	2-4 Lanes, 10-12ft	2-4 Lanes, 10-12ft	2 Lanes, 9-10ft	2-4 Lanes, 10ft	2 Lanes, 10-11ft
Typical ROW Width	35-60ft	35-70ft	45-100+ft	35-60ft	35-45ft	50-70+ft
Parking	On Street/ Off Street (Front, Rear, or Side)	On Street/ Off Street (Front, Rear, or Side)	Off Street (Front, Rear, or Side)	On Street (Preferred)/ Off Street (Rear or Side)	On Street (Preferred)/ Off Street (Rear or Side)	On Street (Preferred)/ Off Street (Rear)
Corner Radius	10-15ft	15-30ft	25-30ft	10-15ft	10-15ft	10-15ft
Bicycle Treatment	Shared	On-Street Lanes Separated Lanes	On-Street Lanes Separated Lanes	Shared	On-Street Lanes Separated Lanes	On-Street Lanes Separated Lanes
Sidewalk Width	None-5ft	None-6ft	6-10ft	6ft	6 - 8ft	8-10ft
Edge Drainage	Swale	Swale	Swale/Curb	Swale/Curb	Curb	Curb
Typical Tree Planting Style	Natural	Natural	Natural	30' Allee, when possible	30' Allee when possible	30' Allee

## B. STREET SECTIONS

1. A development application that includes new or retrofitted streets shall include street cross section illustrations that demonstrate compliance with the standards of Table 405.23.A. New streets shall have a Right-of-Way (ROW) Width of 45' minimum and include street trees, unless one of the following apply:
  - (i) A MINOR WAIVER may be approved to accommodate existing physical constraints (such as existing BUILDINGS or natural features).
  - (ii) The new street is pedestrian- and bike-only.
2. Sample street cross sections that utilize the standards in Table 405.23.A are included in the pages that follow. Each section is portrayed as an idealized condition and may be adjusted to account for constraints such as driveways, existing trees, and utilities, and interruptions such as intersections, transit stations, or traffic calming devices. The PLANNING ADMINISTRATOR, in coordination with the City Engineer, will decide to accept, modify or reject proposed cross sections based on a determination of consistency with the intent of this Section and the minimum dimensions provided in the matrix.
3. The design standards listed below and cross sections illustrated on the following pages are expected to be calibrated when applied to existing streets where cultural, natural, and existing BUILDING constraints exist. Natural constraints could include the presence of mature trees and rock outcrops, and cultural constraints could include historic structures and bluestone sidewalks.

	C5		
	LOCAL	COLLECTOR	COMPACT ARTERIAL
<b>Typical Urban Form Characteristics</b>			
Building Height	2-4+ Stories	2-4+ Stories	2-4+ Stories
Building Frontage	Fronting	Fronting	Fronting
SETBACKS	Shallow/None	Shallow/None	Shallow/None
<b>Street Design Standards</b>			
Posted Speeds	20-25mph	25mph	25mph
Lanes	2 Lanes, 9-10ft	2-4 Lanes, 10ft	2 Lanes, 10ft
Typical ROW Width	35-60ft	35-65ft	50-70+ft
Parking	On Street (Preferred)/ Off Street (Rear)	On Street (Preferred)/ Off Street (Rear)	On Street (Preferred)/ Off Street (Rear)
Corner Radius	10-15ft	10-15ft	10-15ft
Bicycle Treatment	Shared	On-Street Lanes Separated Lanes	On-Street Lanes Separated Lanes
Sidewalk Width	6-10ft	6-12ft	8-12+ft
Edge Drainage	Curb	Curb	Curb
Tree Planting Style	30' Allee when possible	30' Allee	30' Allee



C5 URBAN CENTER - COMPACT ARTERIAL

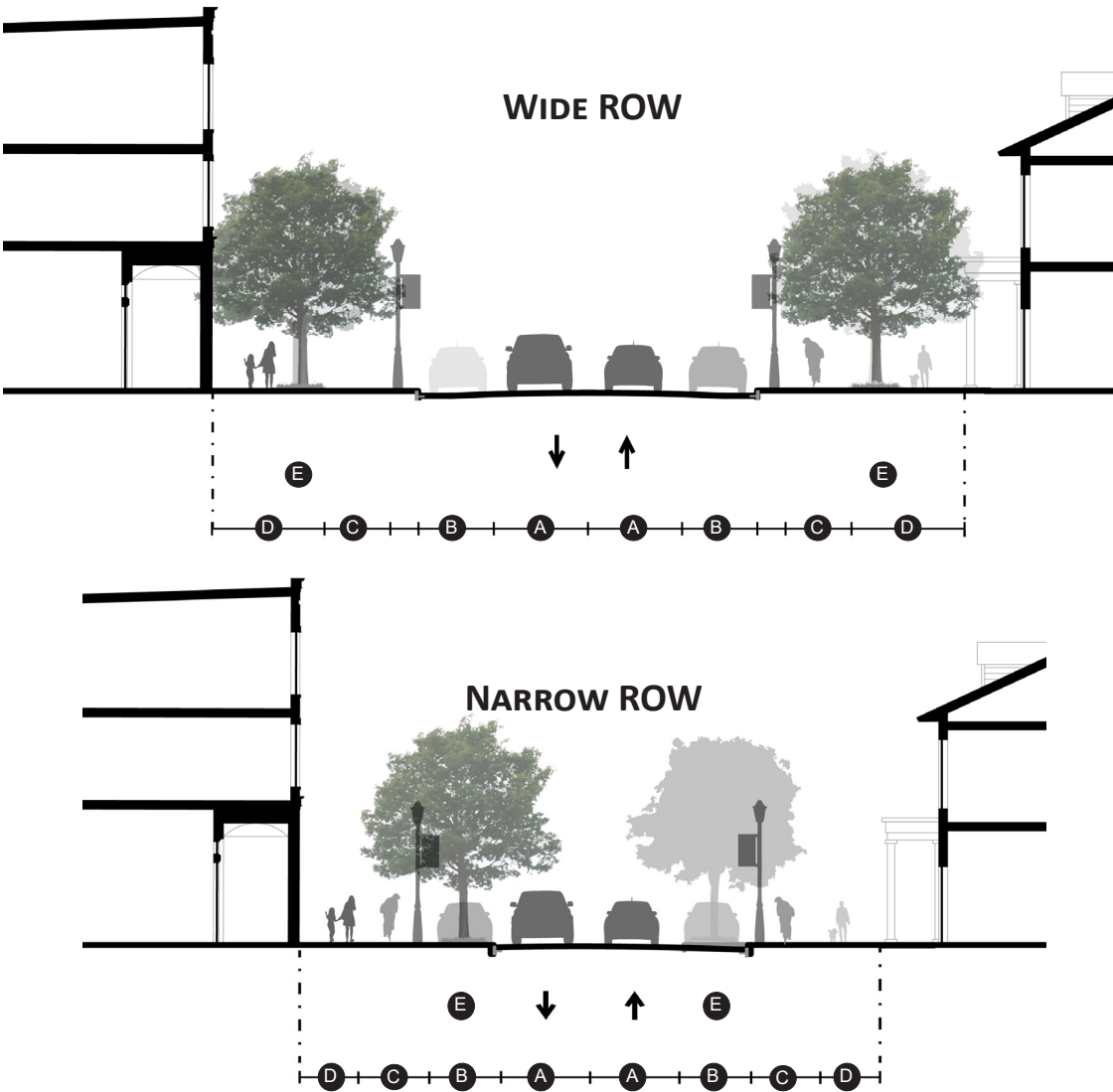


Figure 405.23.B.1: Sample C5 Compact Arterial Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	85'	65'
A Vehicle Lanes	2 lanes, 10' each	2 lanes, 10' each
B Parking Lanes	8', both sides	8' (optional, may alternate with planting area)
Target Speed	25 mph	25 mph
C Bike Facility	10' (8' Bike Path + 2' buffer)	8', one-way (6' Bike Path + 2' Buffer)
D Sidewalk	14' 6"	6' 6"
E Planting area	5' Tree Grates	5' Tree Grates
Edge / Radius / Drainage	Vertical curb / 15' radius	Vertical curb / 15' radius

## C5 URBAN CENTER - COLLECTOR

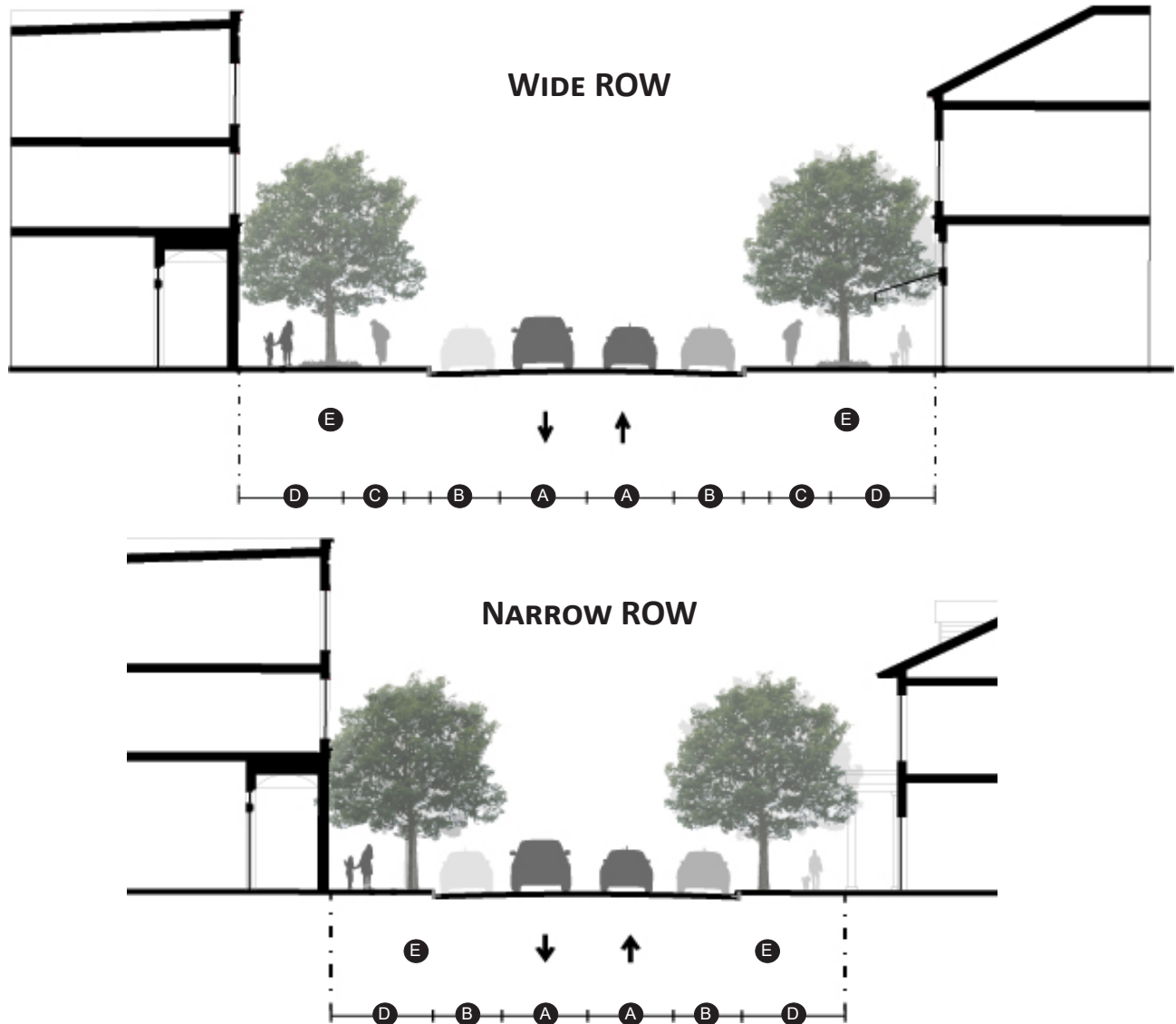


Figure 405.23.B.2: Sample C5 Collector Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	80'	50'
Ⓐ Vehicle Lanes	2 lanes, 10' each	2 lanes, 10' each
Ⓑ Parking Lanes	8', both sides	8', both sides
Target Speed	25 mph	25 mph
Ⓒ Bike Facility	10' (7' Bike lane + 3' buffer)	Shared Lane
Ⓓ Sidewalk	12'	14'
Ⓔ Planting area	5' Tree Grates	5' Tree Grates
Edge / Radius / Drainage	Vertical curb / 15' radius	Vertical curb / 15' radius

## C5 URBAN CENTER - LOCAL

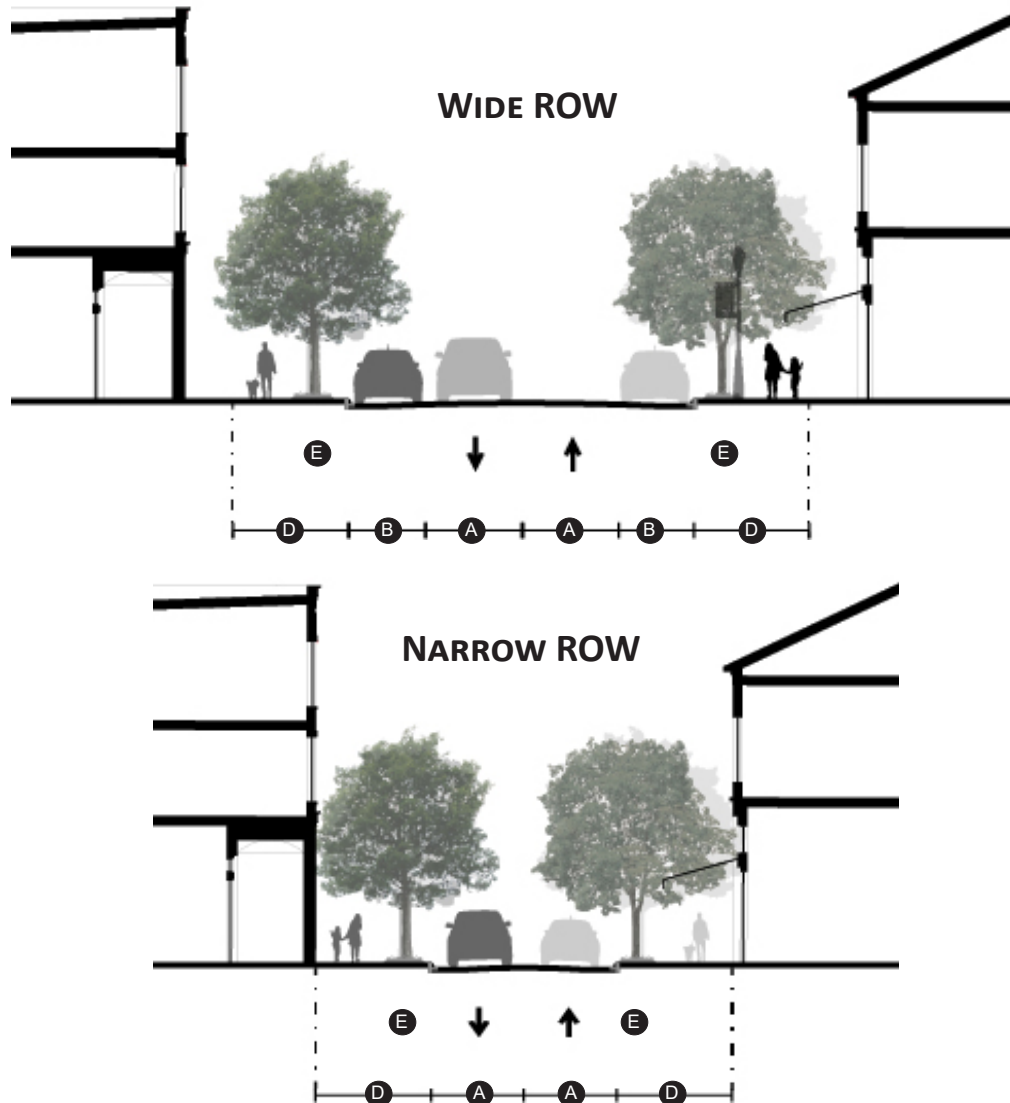


Figure 405.23.B.3: Sample C5 Local Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	60'	45'
Ⓐ Vehicle Lanes	2 lanes, 10' each	2 lanes, 10' each
Ⓑ Parking Lanes	8', both sides	N/A
Target Speed	25 mph	25 mph
Ⓒ Bike Facility	Shared Lane	Shared Lane
Ⓓ Sidewalk	12'	12' 6"
Ⓔ Planting area	5' Tree Grates	5' Tree Grates
Edge / Radius / Drainage	Vertical curb / 15' radius	Vertical curb / 15' radius

## C5 URBAN CENTER - LOCAL

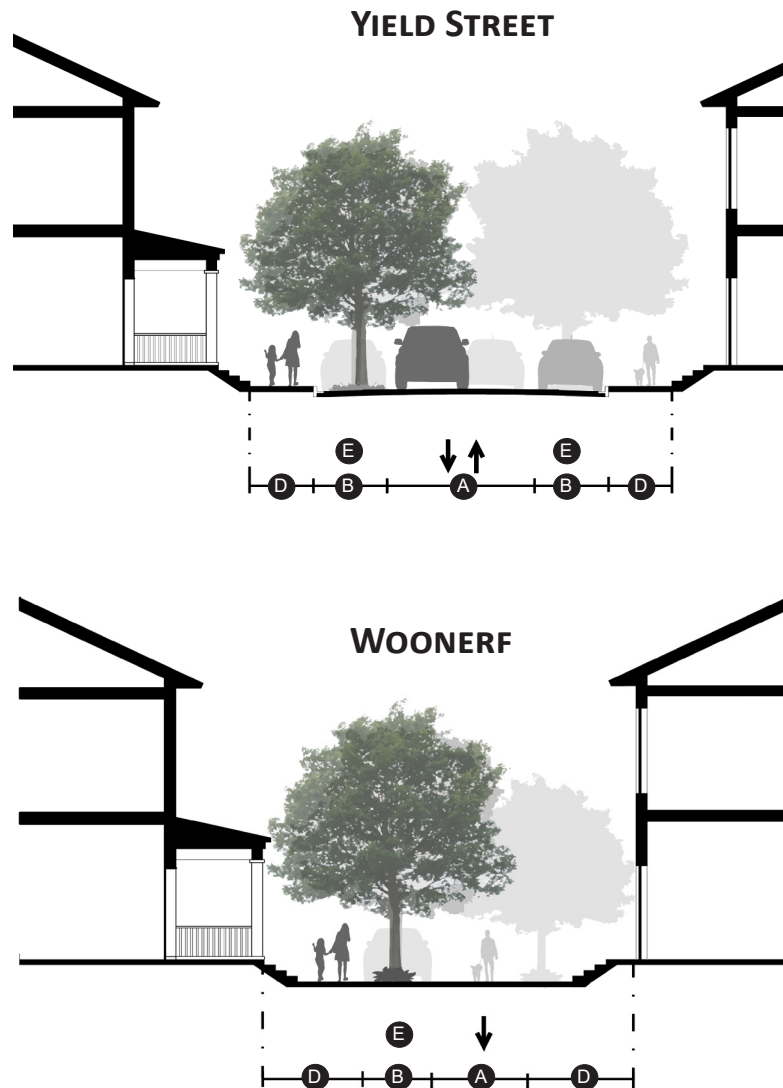


Figure 405.23.B.4: Sample C5 Yield Street (top) and Woonerf (pedestrian-dominant street) (bottom)

Sample Elements	Yield Street	Woonerf
ROW Width	45'	35'
Ⓐ Vehicle Lanes	1 yield lane, 16' accommodating two-way movement	1 lane, 12' accommodating one-way movement
Ⓑ Parking Lanes	8', one side, may alternate with planting area	7', one side, may alternate with planting area
Target Speed	15 mph	7 mph
Ⓒ Bike Facility	Shared Lane	Shared Lane
Ⓓ Sidewalk	6'	Varies; 6' min
Ⓔ Planting area	5' Tree Grates	Varies, may include rain gardens, community gardens, flower beds, etc.
Edge / Radius / Drainage	Vertical curb / 15' radius	Curbless / 15' radius / rain gardens, permeable paving

C4 URBAN GENERAL - COMPACT ARTERIAL

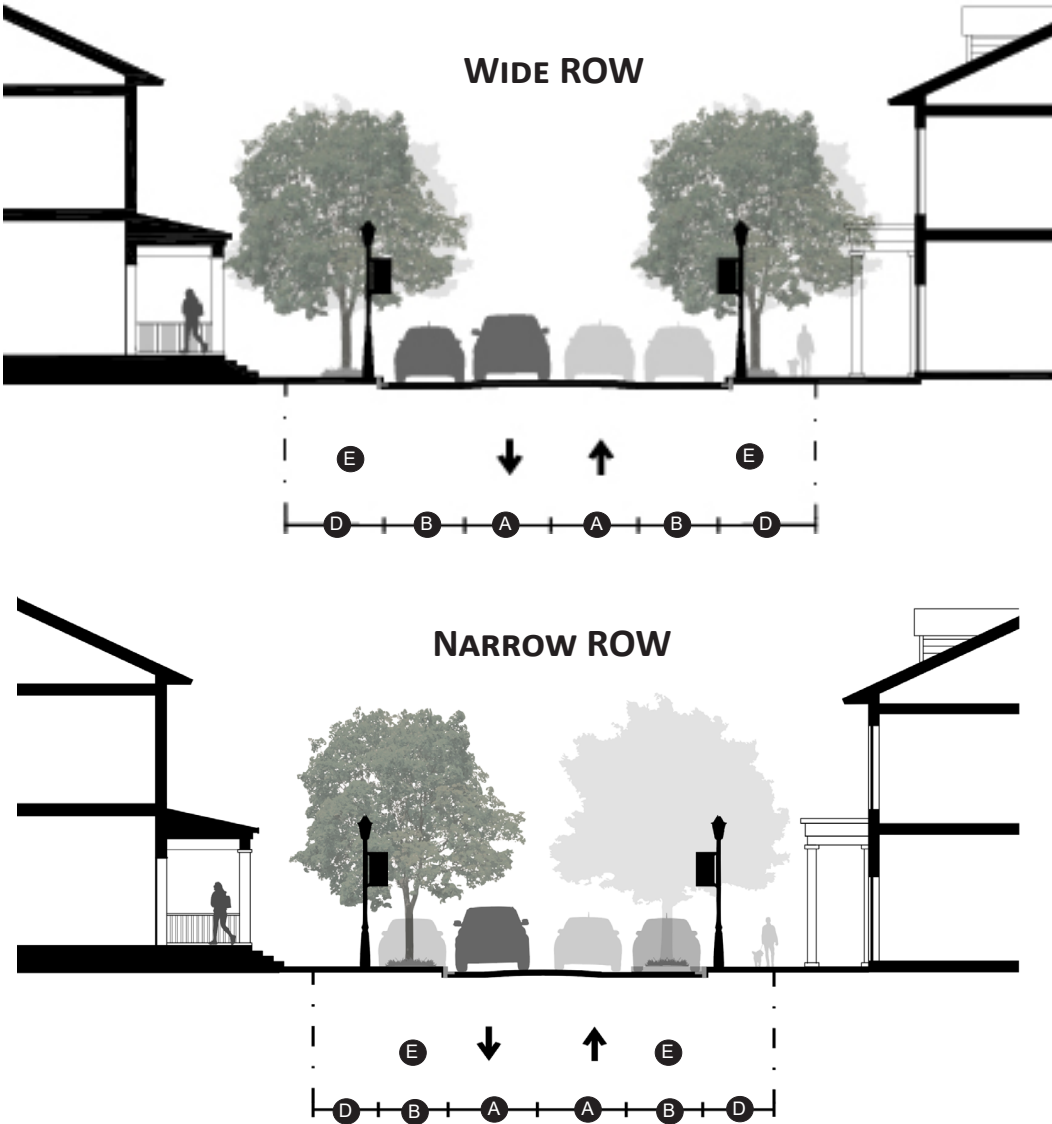


Figure 405.23.B.5: Sample C4 Compact Arterial Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	65'	50'
A Vehicle Lanes	2 lanes, 10' each	2 lanes, 10' each
B Parking Lanes	8', both sides	8' (optional, may alternate with planting area)
Target Speed	25 mph	25 mph
C Bike Facility	14' 5" Multi-Use Path	Shared Lane
D Sidewalk		7'
E Planting area	5' Tree Grates	5' Tree Grates
Edge / Radius / Drainage	Vertical curb / 15' radius	Vertical curb / 15' radius



## C4 URBAN GENERAL - COLLECTOR

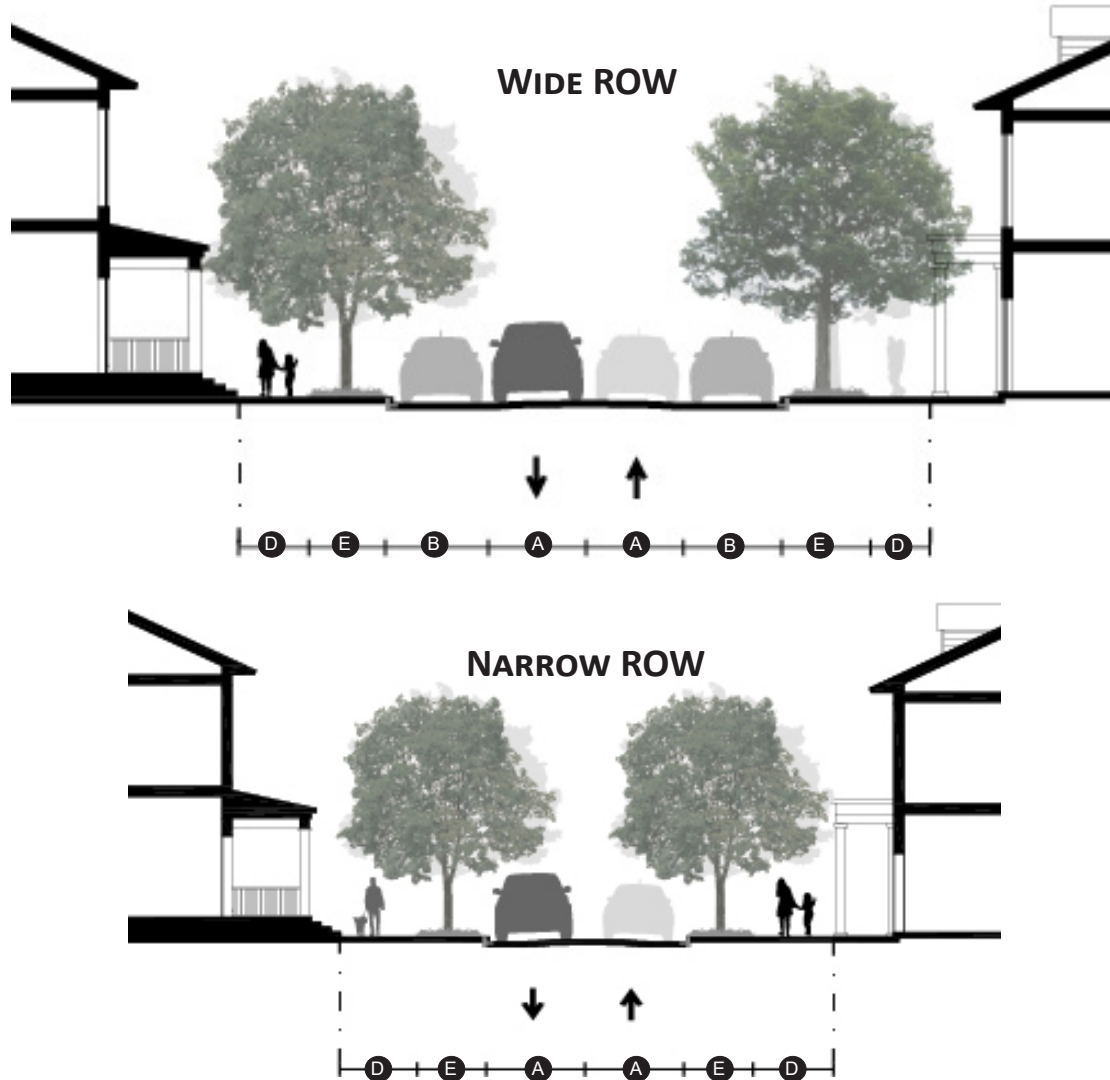


Figure 405.23.B.6: Sample C4 Collector Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	65'	50'
Ⓐ Vehicle Lanes	2 lanes, 10' each	2 lanes, 10' each
Ⓑ Parking Lanes	8', both sides	N/A
Target Speed	25 mph	25 mph
Ⓒ Bike Facility	Shared Lane	Shared Lane
Ⓓ Sidewalk	8'	8'
Ⓔ Planting area	6' 6" Tree Lawn	7' Tree Lawn
Edge / Curb Radius	Vertical curb / 15' radius	Vertical curb / 15' radius

C4 URBAN GENERAL - LOCAL

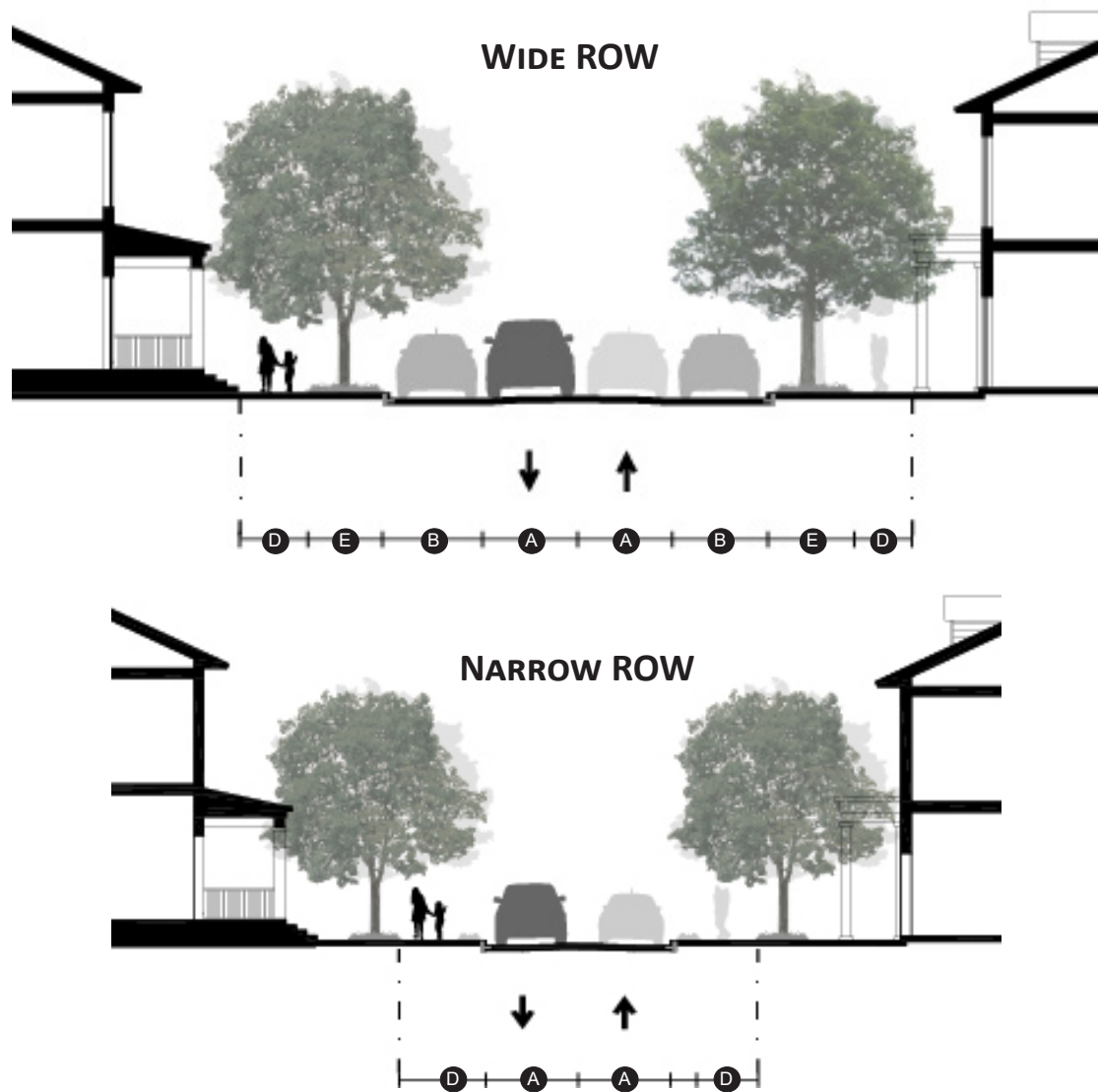


Figure 405.23.B.7: Sample C4 Local Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	60'	35' (existing street retrofit example)
Ⓐ Vehicle Lanes	2 lanes, 9' each	2 lanes, 9' each
Ⓑ Parking Lanes	8' both sides	N/A
Target Speed	25 mph	25 mph
Ⓒ Bike Facility	Shared Lane	Shared Lane
Ⓓ Sidewalk	7'	8.5'
Ⓔ Planting area	6' Tree Lawn	N/A
Edge / Curb Radius	Vertical curb or rain garden / 15' radius	Vertical curb or rain garden / 15' radius

## C4 URBAN GENERAL - LOCAL

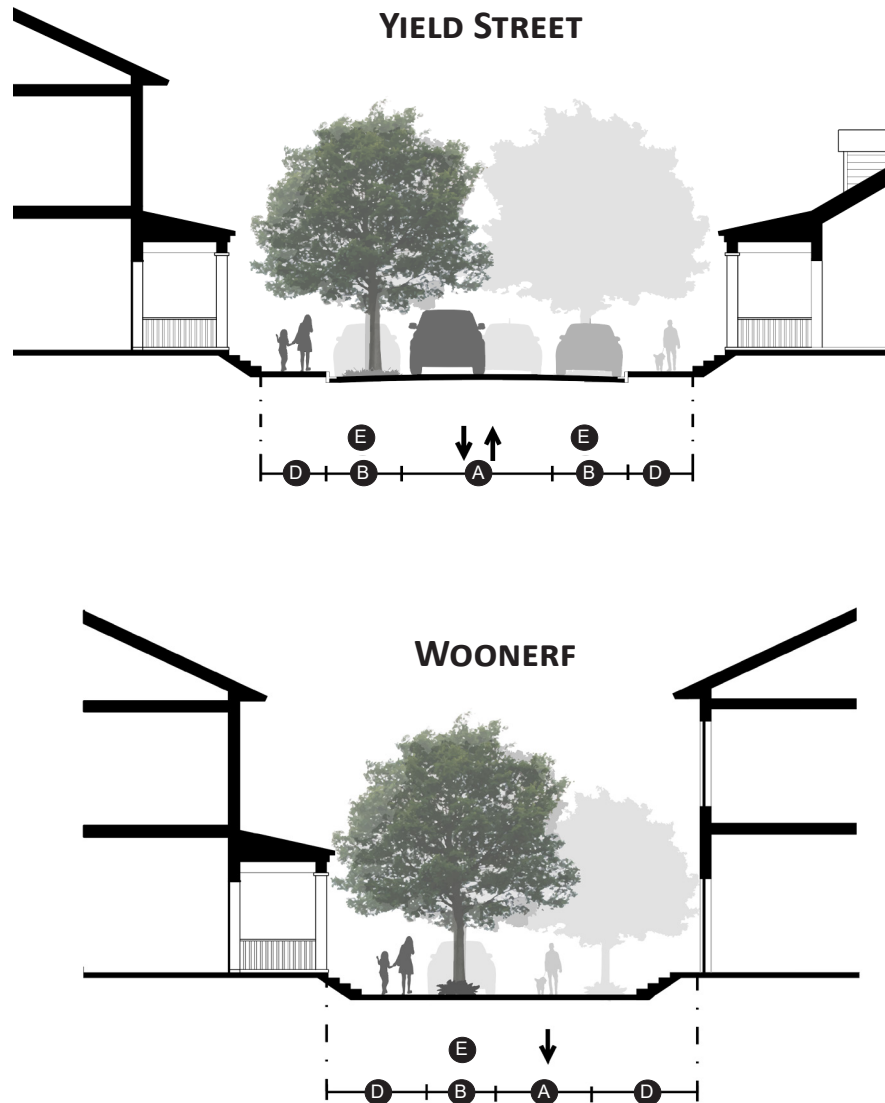


Figure 405.23.B.8: Sample C5 Yield Street (top) and Woonerf (pedestrian-dominant street) (bottom)

Sample Elements	Yield Street	Woonerf
ROW Width	45'	35'
Ⓐ Vehicle Lanes	1 lane, 16' accommodating two-way movement	1 lane, 12' accommodating one-way movement
Ⓑ Parking Lanes	8', both sides, may alternate with planting area	7', one side, may alternate with planting area
Target Speed	15 mph	7 mph
Ⓒ Bike Facility	Shared Lane	Shared Lane
Ⓓ Sidewalk	6'	Varies; 6' min
Ⓔ Planting area	5' Tree Grates	Varies, may include rain gardens, community gardens, flower beds, etc.
Edge / Radius / Drainage	Vertical curb / 15' radius	Curbless / 15' radius / rain gardens, permeable paving

## C3 SUBURBAN - COLLECTOR

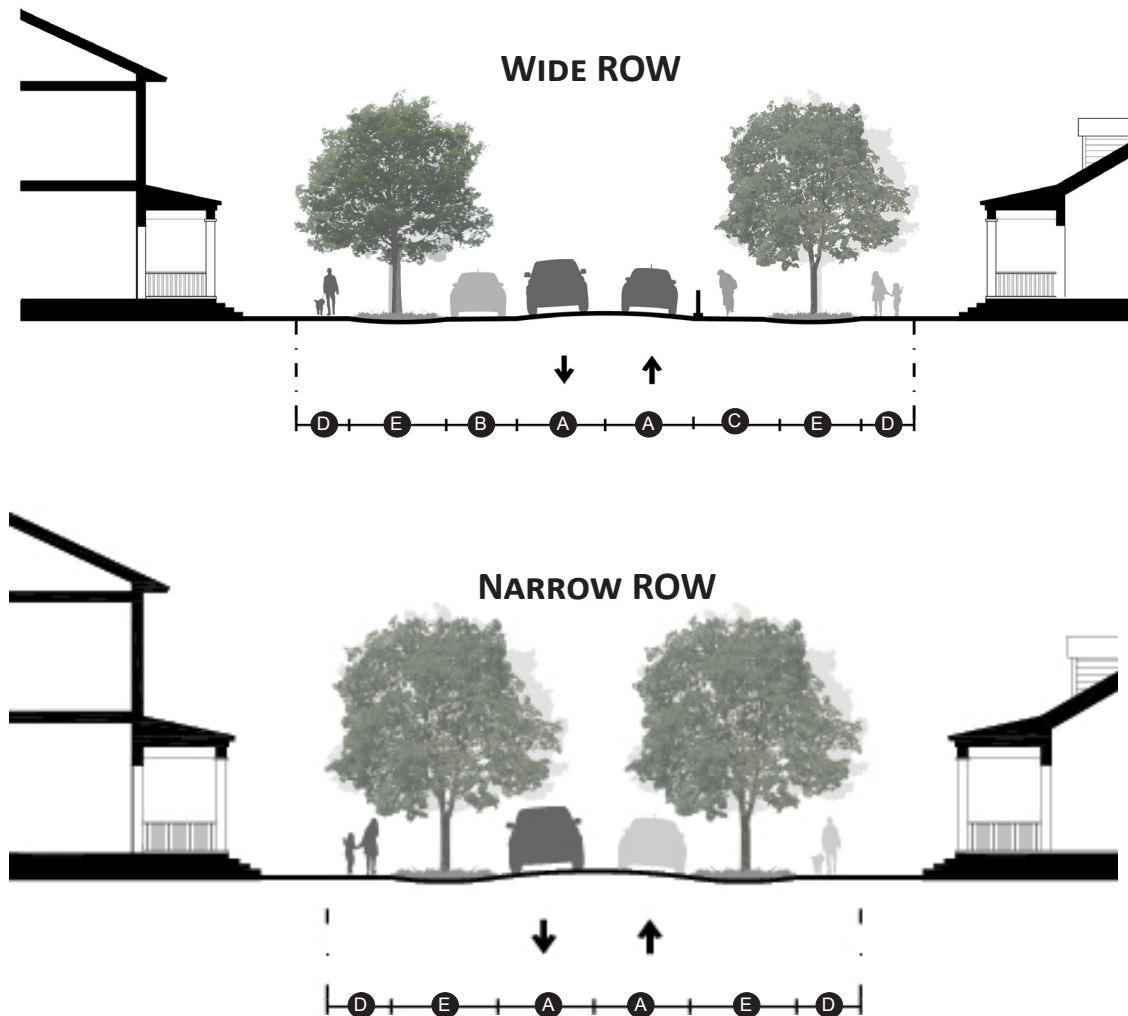


Figure 405.23.B.9: Sample C3 Collector Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	70'	50'
Ⓐ Vehicle Lanes	2 lanes, 10' each	2 lanes, 9' each
Ⓑ Parking Lanes	8', one side	N/A
Target Speed	25 mph	25 mph
Ⓒ Bike Facility	10' Separated Lane	Shared Lanes
Ⓓ Sidewalk Width	6' min	6' min
Ⓔ Planting area	9' Tree Lawn	10' Tree Lawn
Edge / Curb Radius	Swale or Rain Garden / 15' radius	Swale or Rain Garden / 15' radius

### C3 SUBURBAN - LOCAL

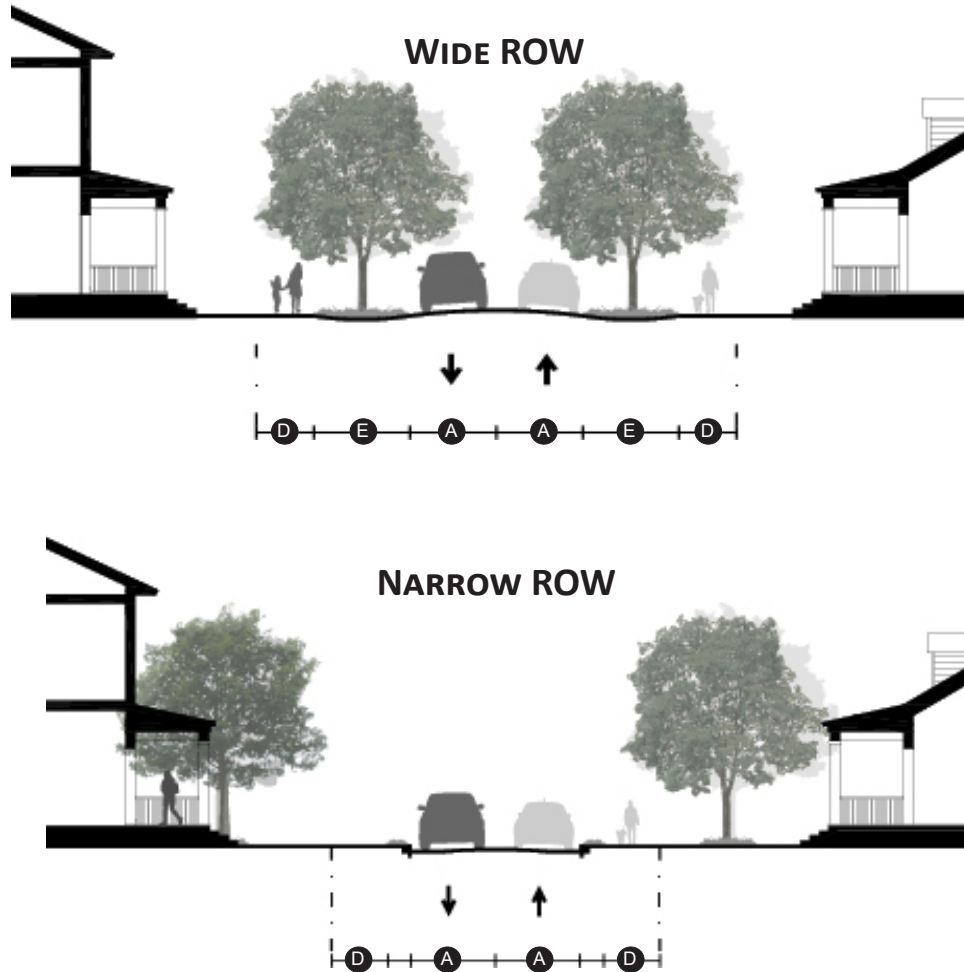


Figure 405.23.B.10: Sample C3 Local Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	60'	35' (existing street retrofit example)
Ⓐ Vehicle Lanes	2 lanes, 9' each	2 lanes, 9' each
Ⓑ Parking Lanes	N/A	N/A
Target Speed	25 mph	25 mph
Ⓒ Bike Facility	Shared Lanes	Shared Lanes
Ⓓ Sidewalk Width	6'	6'
Ⓔ Planting area	15' Tree Lawn	N/A
Edge / Curb Radius	Swale or Rain Garden / 15' radius	Swale or Rain Garden / 15' radius



## C2 RURAL- COLLECTOR

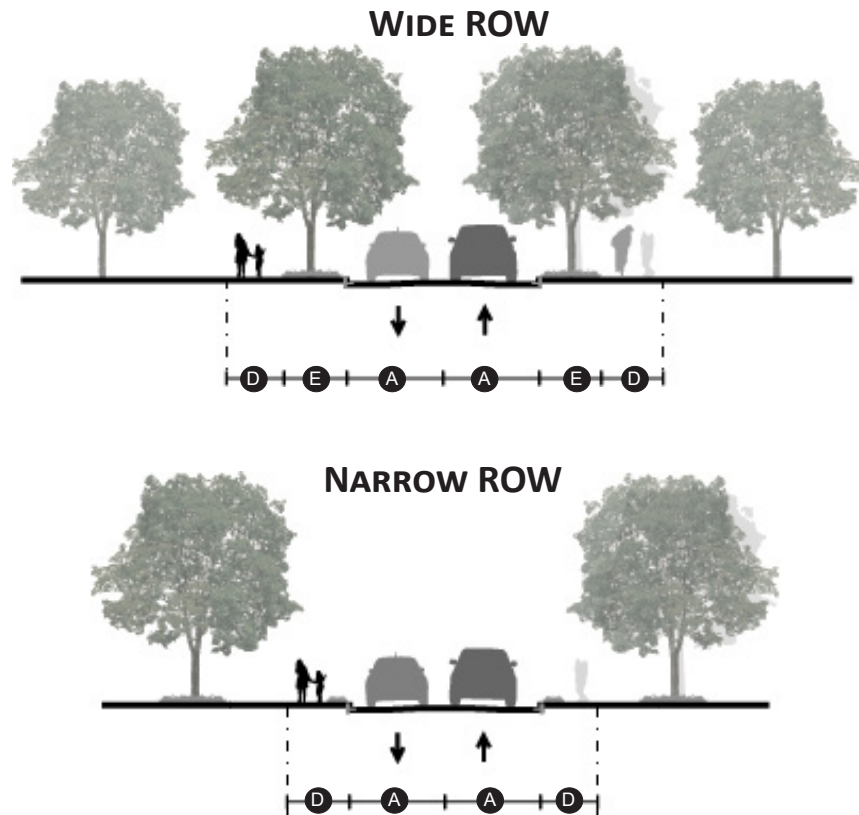


Figure 405.23.B.11: Sample C2 Collector Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	45'	35' (existing street retrofit example)
Ⓐ Vehicle Lanes	2 lanes, 11' each	2 lanes, 11' each
Ⓑ Parking Lanes	N/A	N/A
Target Speed	40 mph	40 mph
Ⓓ Sidewalk Width	6'	6'
Ⓔ Planting area	5' 6" Tree Lawn	N/A
Edge / Curb Radius	Vertical Curb / 25' radius	Vertical Curb / 25' radius

## C2 RURAL- LOCAL

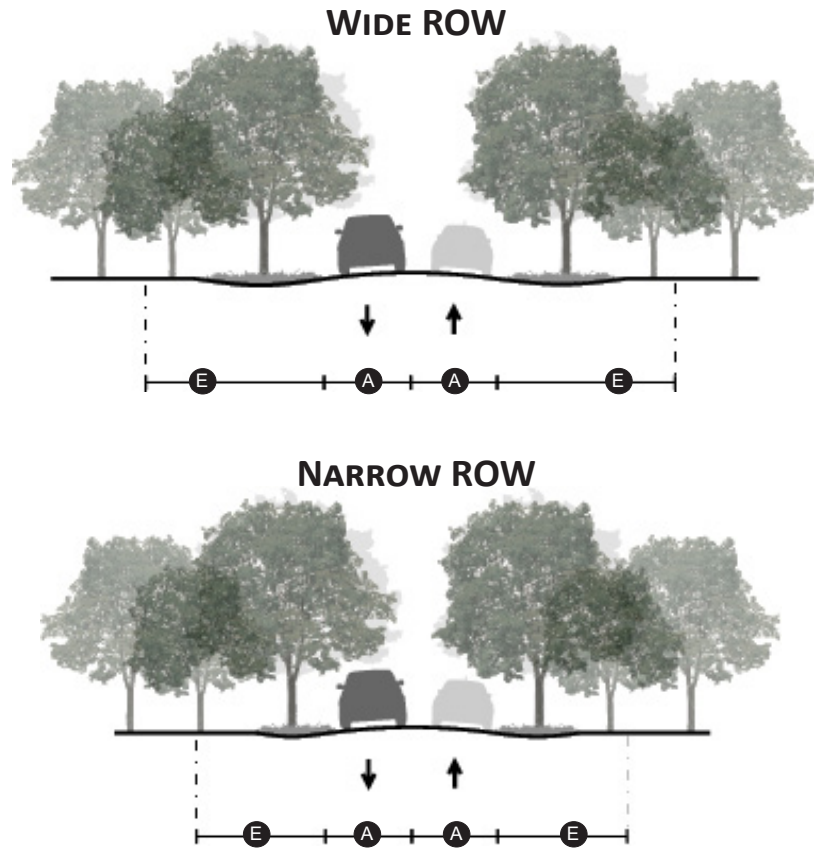


Figure 405.23.B.12: Sample C2 Local Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	45'	35' (existing street retrofit example)
Ⓐ Vehicle Lanes	2 lanes, 10' each	2 lanes, 10' each
Ⓑ Parking Lanes	N/A	N/A
Target Speed	25 mph	25 mph
Ⓔ Planting area	12' 6" Tree Lawn	6' 6" Tree Lawn
Edge / Curb Radius	Swale / 25' radius	Swale / 25' radius

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## ARTICLE 6 PUBLIC OPEN SPACE STANDARDS

### SECTION 405.24 PUBLIC OPEN SPACE DESIGN

#### A. PURPOSE

This Article sets forth standards to promote the sense of identity, image and value creation that can result from the provision of high-quality public OPEN SPACES and trails that are integrated into new development which provide for neighborhood gathering and recreation in a safe, comfortable, WALKABLE environment. These standards encourage the best location, usefulness and improvement of neighborhood OPEN SPACE over the total amount of OPEN SPACE provided. Further, these standards ensure that buildings directly contribute to the attractiveness, safety and activity of public areas.

#### B. APPLICABILITY

The provisions of this Article apply to new development in all Transect Zones.

#### C. STANDARDS

##### 1. Minimum Public OPEN SPACE

- (a) At least ten (10) percent of the gross area of a site 5,000 square feet or greater will be comprised of public OPEN SPACE as defined herein. Residential developments of 3 or less units are exempt from this requirement. *(Note: This provision is intended to replace Chapter 347: Reservation of Parkland; Fees in Lieu of Reservation)*
- (b) Steep slopes, waterways and flood plain areas utilized for public OPEN SPACE may apply to up to half of the ten (10) percent minimum through a MINOR WAIVER (see Sec 405.26.E).
- (c) Landscaped trails through a development may count toward the OPEN SPACE requirement.

##### 2. Achieving Minimum Public OPEN SPACE

- (a) Minimum public OPEN SPACE may be met on site or by payment of cash-in-lieu of public OPEN SPACE to the City of Kingston or its designated authority in an amount to be determined and set annually, by resolution of the Common Council. Cash-in-lieu of public OPEN SPACE may be permitted due to a restricted LOT size or due to the placement of public OPEN SPACE based on a Conservation Village Plan (CVP), Walkable Neighborhood Plan (WNP). *(Note: This provision is intended to replace Chapter 347: Reservation of Parkland; Fees in Lieu of Reservation)*
- (b) Cash-in-lieu payments for public OPEN SPACE can be used to implement improvements to City public OPEN SPACES, including but not limited to acquisition of property for public OPEN SPACE or street trees and plantings to implement a comprehensive streetscape plan at the time of street rebuilding.

##### 3. OPEN SPACE

- (A) OPEN SPACE will be publicly accessible, and will be privately maintained.
- (b) Non-flood plain OPEN SPACE and trails will be irrigated and include amenities such as shade, landscaping, availability of electricity, and water taps/drinking fountains.
- (c) OPEN SPACE should generally have perimeter streets on at least two sides (except where bordering the river or major stream corridors).
- (D) OPEN SPACE will not be fenced (except for community gardens).
- (E) OPEN SPACE will not be located in a parking lot.

##### 4. Facing OPEN SPACE

- (a) Buildings should face public OPEN SPACES and trails; backing buildings onto public OPEN SPACES shall be prohibited unless there is a demonstrated design constraint that is specifically approved as a MINOR WAIVER (Sec 405.26.E) or as part of a Walkable Neighborhood Plan (Article 7). OPEN SPACE that is faced by the backs of buildings will not count toward achieving the required percentage of OPEN SPACE.

- (b) Within a Conservation Village Plan or Walkable Neighborhood Plan (Article 7), at least eighty (80) percent of all building LOTS will be located within a walking distance of 800 feet from a public OPEN SPACE, including publicly accessible parks, greens, squares, courtyards, plazas, commons and tot lots, with a minimum size as set forth in OPEN SPACE type dimensions (Sec 405.23.D)
5. **Shade.** Public OPEN SPACE will include at least 20 percent shade through the planting of trees or construction of structures that provide shade. Usable shade will be calculated based on the diameter of the mature tree canopy and the square footage of the shade structure overhead.
  6. **Detention and Retention Areas.** Detention and retention areas should be designed as public areas without fencing and in a manner that does not call attention to its storm management function.
  7. **Steep Slopes.** Ground which has an incline of twenty-five (25) percent or more will be preserved. Development on ground which has an incline of ten (10) percent to twenty-five (25) percent will require Planning Board approval through a MAJOR WAIVER (see Sec 405.26.E).

#### D. PUBLIC OPEN SPACE TYPES & REQUIRED DIMENSIONS

##### 1. PUBLIC OPEN SPACE TYPES & DIMENSIONS

- (a) New public OPEN SPACES shall adhere to the descriptions and dimensions in Table 405.24.D.1.

**TABLE 405.24.D.1 PUBLIC OPEN SPACE TYPES & DIMENSIONS**

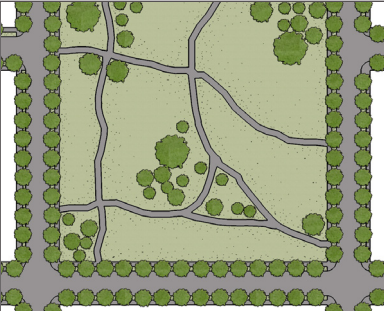

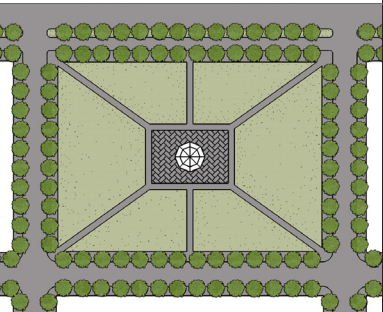
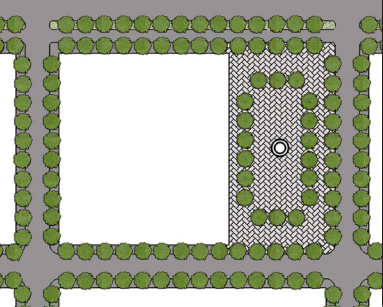
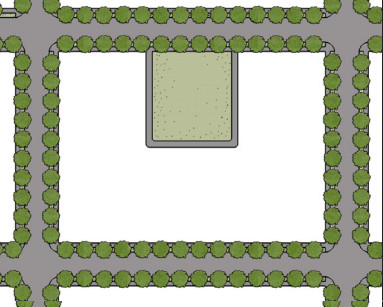
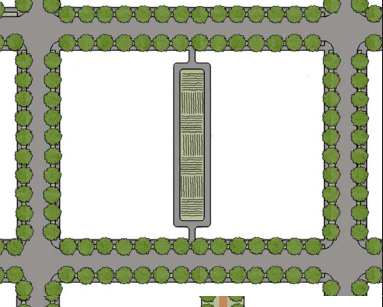
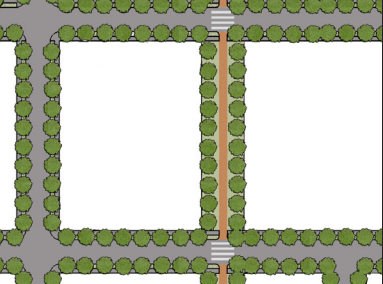
		Descriptions	Size Requirements	Public Street Access
OPEN SPACE Types				
Park		<p>A park is a natural landscape available for unstructured recreation. A park does not need to be fronted by buildings. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland, recreational fields, and open shelters, all naturalistically disposed. Parks are often irregularly shaped but may be linear in order to parallel creeks or other corridors.</p> <p>Parks are typically located in T1, T2, and T3 Transect Zones.</p>	Area: 2 acres min.	n/a
Green		<p>A green is an OPEN SPACE consisting of lawn and informally arranged trees and shrubs, typically furnished with paths, benches, and open shelters. A green may be spatially defined by landscaping rather than buildings fronting it along the edges.</p> <p>Greens are typically located in T2, T3, and T4 Transect Zones.</p>	Area: 1/2 acre min. Depth: 100' min Width: 150' min	Streets required on at least 2 sides of the green's perimeter.



TABLE 405.24.D.1 PUBLIC OPEN SPACE TYPES & DIMENSIONS

		Descriptions	Size Requirements	Public Street Access
Square		<p>A square is a formal OPEN SPACE available for recreational and CIVIC USES and spatially defined by abutting streets and building FRONTAGES. Landscaping in a square consists of lawn, trees, and shrubs planted in formal patterns and it is typically furnished with paths, benches, and open shelters.</p> <p>Squares are typically located in T4 and T5 Transect Zones.</p>	<p>Area: 5,000sf min. Depth: 70' min Width: 70' min</p>	Streets required on at least 3 sides of the square's perimeter.
Plaza		<p>A plaza is a formal OPEN SPACE available for civic and commercial USES and spatially defined by building frontages. Landscaping in a plaza consists primarily of pavement, which may include pervious pavers; trees and shrubs are optional.</p> <p>Plazas are typically located in T4 and T5 Transect Zones.</p>	<p>Area: 5,000sf min. Depth: 70' min Width: 70' min</p>	Streets required on at least 1 side of the plaza's perimeter.
PLAYGROUND		<p>A PLAYGROUND is a fenced OPEN SPACE, typically interspersed within residential areas, that is designed and equipped for the recreation of children. PLAYGROUNDS may be freestanding or located within parks, greens, squares, or school sites.</p> <p>PLAYGROUNDS may be located in any Transect Zone.</p>	<p>Area: no min; typically 1,000sf to 1 acre</p>	n/a
Community Garden		<p>A community garden is a grouping of garden PLOTS available to nearby residents for small-scale cultivation.</p> <p>Community Gardens may be located in any Transect Zone.</p>	<p>Area: no min; typically 1,000sf to 1 acre</p>	n/a
Trails		<p>A trail is a public path that supports non-automotive mobility, including pedestrians and/or cyclists. Trails in T1, T2 and T3 zones are often associated with an adjacent road right-of-way, utility corridors, and defunct railroad lines. Trails in T4 and T5 may be associated with linear parks and framed by building FRONTAGES. Trail surfaces can vary widely; bike lanes will be paved, but pedestrian-oriented corridors could incorporate a variety of permeable surfaces such as packed gravel, cobblestone, or other pavers.</p>	<p>Trail Width (paved area): T1/T2: 12' min T3/T4/T5: 10' min</p>	n/a

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## ARTICLE 7 LARGE SITE STANDARDS

### SECTION 405.25 LARGE SITE STANDARDS

#### A. PURPOSE

This Article sets forth standards for sites larger than 2 acres (large sites) in size to create new, WALKABLE neighborhoods through a Conservation Village Plan (CVP) or Walkable Neighborhood Plan (WNP).

1. CVPs and WNPs are a form of development approval, documented by a package of required drawings and information (see Sec 405.25.C.3) intended to create and reinforce WALKABLE settlements with a mix of housing, civic, retail and service USES within a compact, transit-supportive environment. A key distinction between a CVP and a WNP is that a CVP is intended to protect OPEN SPACES and natural resources by requiring 50% of the land area to be dedicated to the T1 Natural Transect Zone.
2. CVPs shall achieve the following goals:
  - (a) Promote development patterns that retain the region's natural infrastructure derived from topography, woodlands, farmlands, green corridors and waterways;
  - (b) Conserve natural features by providing a variety of housing types and a mixture of land uses in a WALKABLE, compact community form;
  - (c) Reduce vehicular dependency by offering safe and effective multimodal streets, trails, as well as potential transit options.
  - (d) Improve the physical character, fiscal stability and quality of the neighborhood and adjacent neighborhoods;
  - (e) Protect and enhance real property values; and,
  - (f) Reinforce the unique identity of Kingston building upon the local context, climate, and history.
3. WNPs shall achieve the following goals:
  - (a) Improve the built environment and human habitat;
  - (b) Promote development patterns that support safe, effective, and multimodal transportation options;
  - (c) Reduce vehicle traffic by providing for a mixture of land uses, walkability, and compact community form;
  - (d) Generate neighborhoods with a variety of housing types to serve the needs of a diverse population;
  - (e) Promote the greater health benefits of WALKABLE urban environments;
  - (f) Improve the physical character, fiscal stability and quality of the neighborhood and adjacent neighborhoods;
  - (g) Protect and enhance real property values;
  - (h) Reinforce the unique identity of Kingston building upon the local context, climate, and history; and
  - (i) Provide opportunities for auto-oriented suburban contexts to transform into car-optional, WALKABLE urban development.

#### B. APPLICABILITY

1. The provisions of this Article apply to new development in all zones on sites greater than 2 acres in size when any of the following occur:
  - (a) New or modified vehicular access to site;
  - (b) New building; and/or
  - (c) Renovation or addition over 50% of existing building area.
2. Sites greater than 2 acres in size are exempt if only one BUILDING is being proposed or renovated at the FRONTAGE of the LOT along a public street; no private drives are being proposed to access additional BUILDINGS or LOTS; and the LOT is not being further subdivided.

## C. CONSERVATION VILLAGE AND WALKABLE NEIGHBORHOOD DESIGN STANDARDS

Development sites greater than 2 acres in size shall be designed in compliance with the following process and requirements for a Conservation Village Plan (CVP) or Walkable Neighborhood Plan (WNP).

### 1. Land Allocation by Transect Zones

- When composing a CVP or WNP, the zones in Article 3 shall be used as sub-districts within the ranges noted in Table 405.25.C.1. The allocation of land by Transect Zone shall be made a part of all applications and approvals for CVPs and WNPs. All development shall conform to the standards.
- Transect Organization.** Transect Zones shall be organized in a manner that responds appropriately to the site's context. More intense Transect Zones shall be organized around a neighborhood main street, transit stop, or CIVIC BUILDING and civic space in visible and accessible locations suitable for greater intensities. Lower intensity Transect Zones shall be utilized to transition to existing adjacent development.
- Transition between Transect Zones.** When applying Transect Zones, transitions between Transect Zones shall occur within the BLOCK or across ALLEYS to the extent practical.

TABLE 405.25.C.1: TRANSECT ZONE ALLOCATION			
Base Zone	Permitted Neighborhood Design Plan	Transect Zone	Transect Zone Proportion <sup>1</sup>
T2C	CVP	T1	50% min. (includes area preserved due to steep slopes)
		T2 / T3L	0-20%
		T3	10-30%
		T4	10-40%
T3L	CVP	See T2C	See T2C
T3 (T3N & T3N-O)	CVP	See T2C	See T2C
	WNP	T3	30-80% <sup>2</sup>
		T4	0-50%
		T5	0-10%
T4 (T4-MS, T4N, T4N-O)	WNP	T3	0-50%
		T4	20-80% <sup>2</sup>
		T5	0-30%
T5 (T5-MS, T4N, T5-F)	WNP	T3	0-30%
		T4	0-50%
		T5	20-80% <sup>2</sup>
SD	WNP	Based on standards for Transect Zone of immediately adjacent parcels.	
<sup>1</sup> Transect Zone Proportion listed as % of gross area			
<sup>2</sup> Development sites less than 5 acres may be up to 100%, if at least two allowed Building Types are used			

## 2. Organization

- (a) The project area shall consist of a CVP or WNP that:
  - (i) Organizes a BLOCK and street (including ALLEYS) network in compliance with the BLOCK FACE and perimeter standards in Sec 405.25.C.2.d, using the allowed street types in Article 5;
  - (ii) Allocates public OPEN SPACE in compliance with the standards in Article 6;
  - (iii) Provides a mix of Building Types allowed by the Transect Zone(s) by using at least two allowed Building Types for sites less than 5 acres and at least three Building Types for sites 5 acres or greater;
  - (iv) Provides appropriate physical transitions to the scale and character of the surrounding area;
  - (v) Suits specific environmental, site layout, and design constraints unique to the site or its location; and,
  - (vi) Identifies the proposed BLOCKs and streets, Transect Zones, public OPEN SPACE types, Building Types, trees and landscaping on a project neighborhood plan per Sec 405.25.C.3.
- (b) Natural Infrastructure Conservation
  - (i) Within CVPs, a minimum of 50% of the site will be permanently allocated to a T1 Natural Zone.
  - (ii) Development shall meet the Steep Slope Standards in Sec 405.24.C.7.
- (c) External Connectivity
  - (i) The arrangement of streets shall provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are undeveloped and intended for future development, or where the adjoining lands are developed and include opportunities for such connections.
  - (ii) Street right-of-ways shall be extended to or along adjoining property boundaries to provide a roadway connection or thoroughfare stub for development in compliance with the standards in Sec 405.25.C.2.d.
  - (iii) The project neighborhood plan shall identify all stubs for streets and include a notation that all stubs shall connect with future streets on adjoining undeveloped property.
  - (iv) Dead-end streets are not permitted, unless approved as a MINOR WAIVER (Sec 405.26.E). Any dead end must be detailed as a close (a small green area surrounded by a common driveway serving adjoining LOTS) and should provide pedestrian connectivity to the maximum extent practicable.

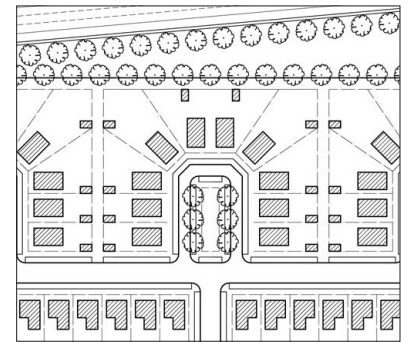


Figure 405.25.C.2: Example of a "close"

- (d) BLOCK Size
  - (i) Individual BLOCK FACES and the total BLOCK perimeter shall meet the standards established herein.
    - 1) In T2C and T3L, BLOCK sizes are flexible, but the perimeter shall not exceed 2,640 linear feet (½ mile). An average BLOCK perimeter less than 2,000 is preferred.
    - 2) In T3N, BLOCK sizes are flexible, but the perimeter shall not exceed 1,700 linear feet. An average BLOCK perimeter less than 1,500 feet is preferred.
    - 3) In T4N and T5N, BLOCKS shall be no more than 450 feet on any side. An average BLOCK length of 250-300 feet is preferred. The BLOCK perimeter shall not exceed 1,320 linear feet (¼ mile)
    - 4) A MINOR WAIVER may be approved for natural elements such as wetlands, trees, topography, to be incorporated into the site design (Sec 405.26.E).
  - (ii) If a BLOCK contains multiple Transect Zones, the most intense Transect Zone shall be used to establish the requirements for BLOCK size.



### **3. CVP and WNP Submission**

#### **(a) General**

- (i) Only Transect Zones established in Article 3 shall be used.
- (ii) The project regulating map shall show the following information:
  - 1) Project area boundaries;
  - 2) Existing and proposed BLOCKS;
  - 3) Existing and proposed streets, including ALLEYS;
  - 4) Existing and proposed public OPEN SPACE type(s), trails and CIVIC BUILDING(s);
  - 5) Existing and proposed LOT LINES in conformance with the LOT and Building Type standards in Article 3 and Sec 405.12 respectively;
  - 6) Existing and proposed Transect Zone(s) conforming to the proposed BLOCKS and LOTS;
  - 7) Existing and proposed mix of Building Types within each Transect Zone.
- (iii) The CVP and WNP submission is subject to the review and approval of the Planning Board and Common Council. If a CVP or WNP is approved, the information on the diagram shall be transferred to the Kingston Regulating Map.

## ARTICLE 8 ADMINISTRATION AND ENFORCEMENT

### SECTION 405.26 FORM BASED CODE ADMINISTRATION AND ENFORCEMENT

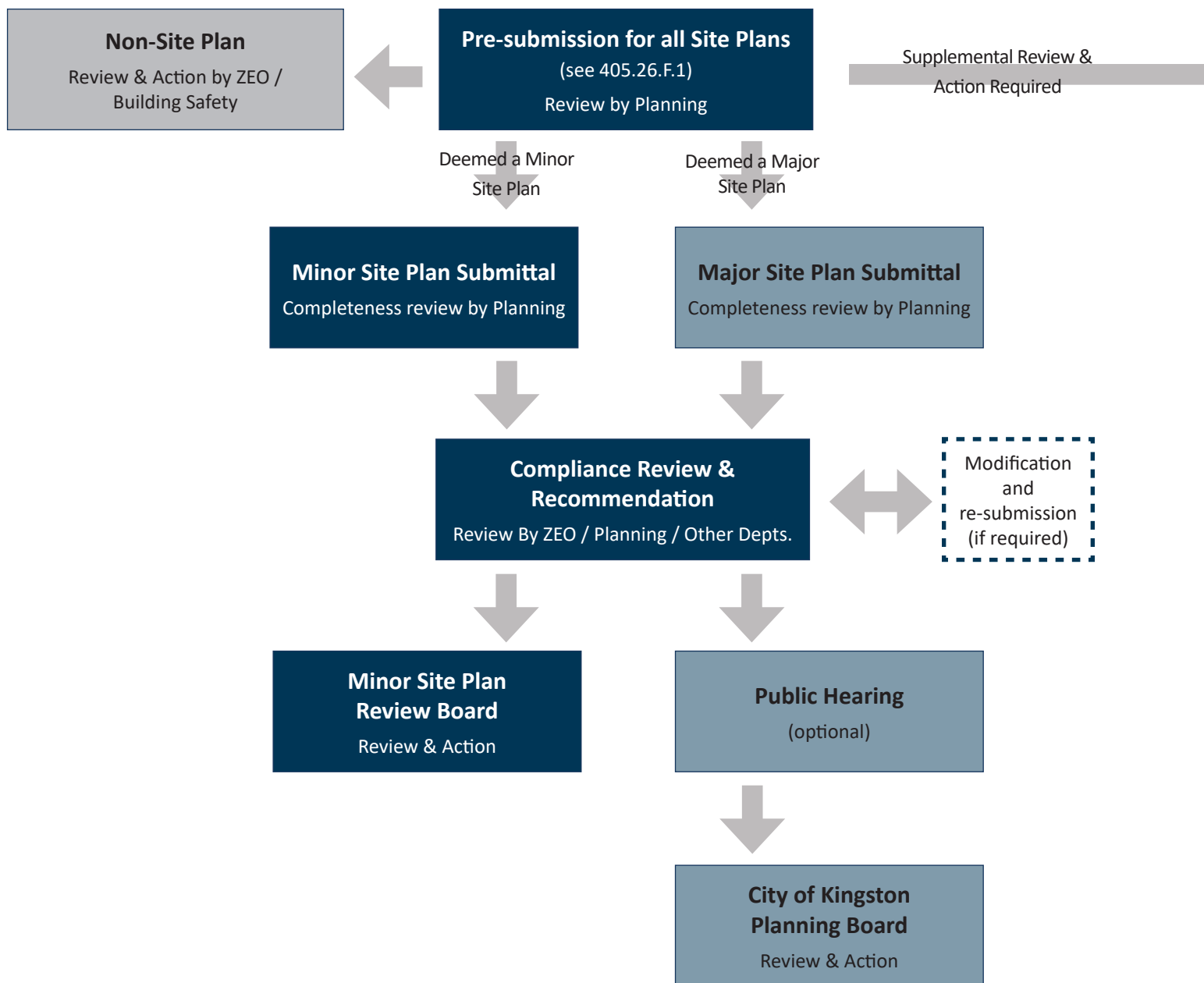
#### A. PURPOSE, APPLICABILITY, AND GENERAL PROVISIONS

1. **Purpose.** In order to establish an orderly process to develop land within the jurisdiction of the City of Kingston, the purpose of this Section is to provide a clear and comprehensible development process that is fair and equitable to all public interests, including the applicants, affected neighbors, City staff and related agencies, and the Common Council.
2. **Applicability.** The provisions of this Section shall be applicable to all development activity under the jurisdiction of the City of Kingston.
3. The ZONING ENFORCEMENT OFFICER shall not issue a permit or license for any USE, BUILDING, or purpose that conflicts with any provision of this Chapter. Any permit, license or certificate issued in conflict with the provisions of this Chapter, whether intentionally or unintentionally, shall be null and void.
4. It is the intent of this Chapter to reduce the burden on incremental infill projects and improve predictability in the outcome of future development within the City of Kingston. This Chapter implements a streamlined process of development application review and approval to expedite proposals that fulfill the purposes and intent of this Chapter and conform with its standards. However, if there are DEVIATIONS requested, the additional required approvals may delay the development process. See Sec 405.26(E).

#### B. MINOR SITE PLAN REVIEW BOARD

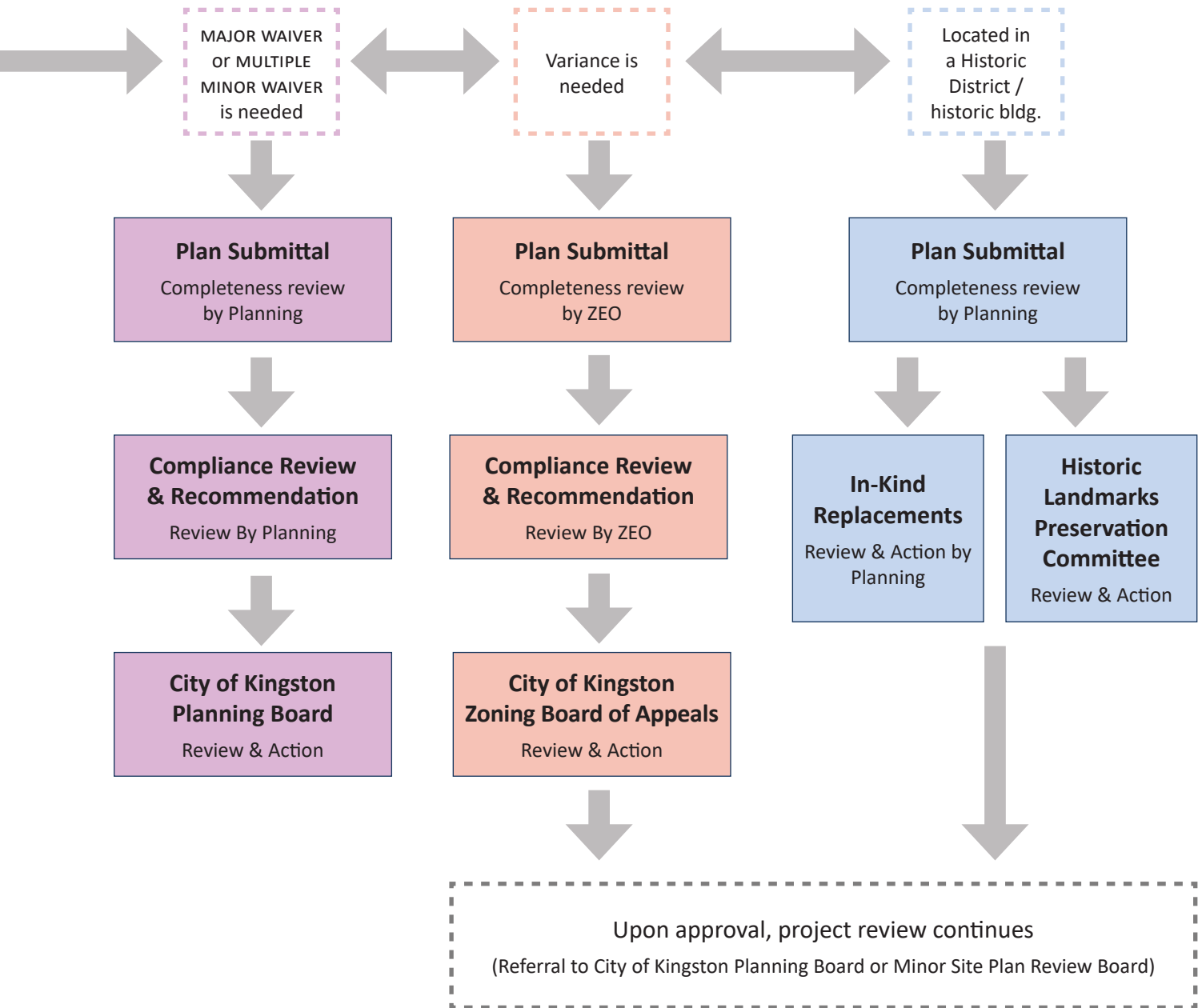
1. There shall be a Minor Site Plan Review Board appointed by the Mayor of the City of Kingston. The board shall consist of two to five officials of the City of Kingston, which may include the Planning Director, Corporation Counsel, BUILDING SAFETY OFFICER, and/or City Engineer, or their designee.
2. The Minor Site Plan Review Board shall review and approve, approve with conditions, or deny all MINOR SITE PLANS under this Chapter in accordance with the provisions of New York General City Law § 32-34, § 27-a, and § 27.b.
3. Administrative approval of a MINOR SITE PLAN shall require substantial compliance of the standards within this Chapter.
4. A MINOR SITE PLAN also qualifies as a Type II action. See Sec 405.26(G) for SEQRA review.

**Figure 405.26: Overview of the Development Review Process**



**Notes:**

1. "Planning" refers to the City of Kingston PLANNING ADMINISTRATOR (the Planning Director or his/her designee).
2. This diagram is illustrative in nature; the development review process may vary. All necessary steps will be confirmed with each applicant based on the details of each specific proposal.



**C. MINOR SITE PLAN REVIEW PROCESS**

1. MINOR SITE PLAN Applicability

- (a) Developments that are deemed to be SEQR Type II; and
- (b) Development of land less than 2 acres in size consisting of one-two LOTS.
- (c) Special Use Permit requests shall be exempt from MINOR SITE PLAN administrative review and approval.

2. MINOR SITE PLAN Administrative Review and Approval Process

- (a) A MINOR SITE PLAN application shall follow Sec 405.26(F) in addition to the following:
  - (i) The presubmission process shall be handled by the PLANNING ADMINISTRATOR.
  - (ii) Any requested waivers shall be within the Minor Site Plan Review Board's purview as defined in Sec 405.26(E).
- (b) Minor Site Plan Review Board
  - (i) Once a complete application is reviewed by the PLANNING ADMINISTRATOR as well as other appropriate City Officials, a recommendation shall be provided to the Minor Site Plan Review Board.
  - (ii) The Minor Site Plan Review Board shall review MINOR SITE PLAN applications with associated recommendations, and approve, approve with conditions or deny applications administratively.

3. MINOR SITE PLAN Additional Requirements & Review

- (a) Development of land and structures within a Historic District shall follow Sec 405.26(L).
- (b) Development of land and structures within the Flood Hazard Overlay District shall follow Article 9, Chapter 405 §27.

**D. MAJOR SITE PLAN REVIEW PROCESS**

1. Major SITE PLAN Applicability

- (a) Development of land and structures beyond applications defined as MINOR SITE PLANS. See Sec 405.26(C).

2. Major SITE PLAN Review and Approval Process

- (a) A public hearing shall not be required for Major SITE PLANS that meet substantial compliance of the standards within this Chapter.



#### E. AUXILIARY APPROVALS

- 1. Waiver:** The Minor Site Plan Review Board shall review and may grant MINOR WAIVERS from the standards of this Chapter for minor design variations in circumstances stipulated in Table 405.26.E. The Planning Board shall review and may grant MAJOR WAIVERS from the standards of this Chapter for major design variations in circumstances stipulated in Table 405.26.E. If a design variation is not stipulated in Table 405.26.E and does not meet the intent of this Chapter, the design variation shall be deemed a MAJOR WAIVER. Where such variations are needed, a waiver request letter shall be submitted in writing and must clearly identify and describe the design variations being proposed, accompanied by any plans or other necessary visual representation as specified for the circumstances outlined by Table 405.26.E. Such variations shall not be permitted unless explicitly recommended in writing by the PLANNING ADMINISTRATOR upon a specific and individualized determination that the proposed variation is consistent with the regulations and intent of this Chapter. Approval of construction documents does not constitute approval of a design variation if the waiver has not been specifically requested in writing and approved pursuant to this section.

Table 405.26.E: Defined MINOR WAIVERS and MAJOR WAIVERS				
Reference to Standard	Required Findings	Defined MINOR WAIVER Relief	Defined MAJOR WAIVER	Public Notification, Approval Agency
Sections 405.6 through 405.11	Avoid impacts to sensitive natural features such as steep slopes, exposed rock formations, sensitive habitats, wetlands and floodplains, and mature trees (see public OPEN SPACE)	Building placement standards may be adjusted by the minimum extent needed to avoid impact to sensitive natural features.		No, Minor Site Plan Review Board
Sections 405.6 through 405.10 Transect Zones	Consistency with planning, design and compatibility intent set forth in each Transect Zone	10% max. DEVIATION in dimensional standards.		No, Minor Site Plan Review Board
Section 405.6.B T5 Urban Center & Section 405.7.C T4 Neighborhood Maximum Building Footprint	Increase value of site and adjacent LOTS by maintaining the transect zone BLOCK dimensions, FRONTAGE OCCUPANCY, and parking placement	n/a	Grocery stores may exceed the maximum building footprint.	Yes, Planning Board
Section 405.6.C T5 Urban Center & Section 405.7.C T4 Neighborhood	Match the existing patterns of the neighborhood and transect zone by breaking up the massing of the LINER BUILDING to reflect the LOT WIDTH standards	n/a	A Parking Garage with LINER BUILDING may exceed the maximum LOT WIDTH/depth.	Yes, Planning Board
Section 405.7.B T4 Neighborhood, Section 405.8.B T3 Neighborhood & Section 405.9.B T3 Large Lot	A COTTAGE COURT meeting the standards of Sec 405.12, where primary FAÇADES are oriented to face a shared court/green.	Principal Building PRIMARY FAÇADE permitted outside of the BUILD-TO-ZONE.		No, Minor Site Plan Review Board
Section 405.12 Building Type Standards	Consistency with planning, design and compatibility intent set forth in each Transect Zone	n/a	Proposal of additional building types not listed in Section 405.12.	Yes, Planning Board
Section 405.12 Building Type Dimensional Standards	Consistency with planning, design and compatibility intent set forth in each Transect Zone	10% max. DEVIATION in dimensional standards.		No, Minor Site Plan Review Board

<b>Table 405.26.E: Defined MINOR WAIVERS and MAJOR WAIVERS (continued)</b>				
<b>Reference to Standard</b>	<b>Required Findings</b>	<b>Defined MINOR WAIVER Relief</b>	<b>Defined MAJOR WAIVER</b>	<b>Public Notification, Approval Agency</b>
<b>Section 405.12 H &amp; D</b>	Consistency with planning, design and compatibility intent set forth in each Transect Zone	BUILDING wider than 150' but meets the requirements for Wide Buildings (Sec 405.14.C.4).		No, Minor Site Plan Review Board
<b>Section 405.12.M,O, &amp; P</b>	Consistency with planning, design and compatibility intent set forth in each Transect Zone	n/a	Up to 2 ADU (one attached and one detached).	Yes, Planning Board
<b>Section 405.14. Architectural Elements Standards</b>	Consistency with planning, design and compatibility intent set forth in each Transect Zone	10% max.		No, Minor Site Plan Review Board
<b>Section 405.14.D.5 Shopfronts</b>	Site constraints	Shopfront entrances at intervals greater than 50' apart.		No, Minor Site Plan Review Board
<b>Section 405.14.G.5 Screening of Mechanical Equipment and Service Areas</b>	When equipment is taller than the maximum height for GARDEN WALLS and fences.	GARDEN WALL and fence height may be extended to match that of at-grade mechanical equipment.		No, Minor Site Plan Review Board
<b>Section 405.16.C Parking Requirements</b>			Exceptions to maximum parking limits.	Yes, Planning Board
<b>Section 405.16.E Parking Access</b>	Unique site circumstances (corner LOT, or existing horse-shoe driveway)	One additional curb cut permitted.		No, Minor Site Plan Review Board
<b>Section 405.16.F Parking LOT Landscape Standards</b>			Non-permeable streetscreens.	Yes, Planning Board
<b>Section 405.17.E Pedestrian Oriented Signs</b>	Unique architectural qualities of a building, a building's historical significance, a building's civic or institutional use, civic prominence, or unique configuration of existing conditions of a building, as well as the quality of design, construction, and durability of the sign.	Signage that does not fit the specific regulations of Sec 405.17 but meets the intent of this Chapter.		No, Minor Site Plan Review Board
<b>Section 405.23.B ROW Width</b>	Physical constraints (existing buildings or natural features)	New street ROW width less than 45'.		No, Minor Site Plan Review Board
<b>Section 405.24.C.1.b Steep Slopes</b>	Providing improved, usable access to natural features.	50% max allocation of overall 10% min public OPEN SPACE.		No, Minor Site Plan Review Board
<b>Section 405.24.C.7 Steep Slopes</b>	Physical constraints		Development on ground which has an incline of ten (10) percent to twenty-five (25) percent.	Yes, Planning Board

Table 405.26.E: Defined MINOR WAIVERS and MAJOR WAIVERS (continued)				
Reference to Standard	Required Findings	Defined MINOR WAIVER Relief	Defined MAJOR WAIVER	Public Notification, Approval Agency
<b>Section 405.25.2.C External Connectivity</b>	Physical conditions such as highways, sensitive natural resources, or unusual topography provide no practical connection alternatives.	Proposed dead end must be detailed as a close (a small green area surrounded by a common driveway serving adjoining LOTS) and should provide pedestrian connectivity to the maximum extent practicable.		No, Minor Site Plan Review Board
<b>Section 405.25.2.D Block Size</b>	Topographic or site constraints.	Blocks larger than set standards per transect.		No, Minor Site Plan Review Board
Note: Required Findings shall be based on the intent of this Chapter or non-self imposed hardship.				

2. **Variance:** See Sec 405.26(J)

3. **Special USE Permit:** See Sec 405.26(F)

#### F. SITE PLAN APPROVAL AND SUPPLEMENTAL REGULATIONS

##### 1. Site Development Approval

Reference existing § 405-30 of the City of Kingston NY Code

##### 2. Special Permits

Reference existing § 405-32 of the City of Kingston NY Code

##### 3. Sign Permits

Reference existing § 405-36.B of the City of Kingston NY Code

#### G. SEQRA REVIEW

1. Along with filing a SITE PLAN application, the applicant shall also complete the prescribed Environmental Assessment Form supplied by the PLANNING ADMINISTRATOR together with any required supplemental information needed to perform the environmental review of the project as required by SEQRA.
2. If the PLANNING ADMINISTRATOR determines that an application conforms to the terms of the generic environmental impact statement (GEIS) completed on the provisions of this Chapter, then no additional SEQRA analysis shall be required. This finding shall be noted in the application's file.
3. If the PLANNING ADMINISTRATOR determines that an application does not conform to the terms of the GEIS, such applications shall be subject to the standard SEQRA requirements as determined by the ZONING ENFORCEMENT OFFICER.

#### H. TRANSITIONAL PROVISIONS

1. This Chapter shall take effect and be in force from and after the date of its adoption by the Common Council. The following transitional provisions apply to development application approval and do not apply to New York State's State Environmental Quality Review Act (SEQRA) approval.

## 2. Complete Applications, and Applications in Compliance Review

- (a) If a development application is accepted as complete, or is in compliance review by the Planning Board before the effective date of this Chapter or any amendment thereto, the application should be re-reviewed and decided, at the PLANNING ADMINISTRATOR's option, wholly in accordance with the development standards in effect when the application was completed or reviewed, or wholly in accordance with the standards put into effect by this Chapter (but not in accordance with a mix of provisions from both sets of standards).
- (b) If the PLANNING ADMINISTRATOR elects to have an approval remain in accordance with the prior standards, and the approval or subsequent authorization of the approved development expires or becomes invalid (e.g. for failure to comply with time limits or the terms and conditions of approval), any subsequent development of the site may be subject to the procedures and standards of this Chapter.
- (c) To the extent a development application is approved in accordance with the prior standards and proposed development that does not comply with this Chapter, the subsequent development, although allowed, shall be nonconforming and subject to the provisions of **Sec 405.26(I): NONCONFORMING BUILDINGS and USES**.

## 3. Development Permitted under Existing Land Use Regulations

- (a) Any development that has received approval under the City's land use regulations before the effective date of this Chapter or any amendment thereto may be carried out in accordance with the terms and conditions of the development approval and the procedures and standards in effect at the time of approval, provided the approval does not expire and otherwise remains valid. If significant changes are made to the development, associated studies and surveys required as part of the development process shall be reworked and resubmitted for review and approval. If the development approval expires, is revoked (e.g., for failure to comply with time limits or the terms and conditions), or otherwise becomes invalid, any subsequent development of the site, at the PLANNING ADMINISTRATOR's option, may be subject to the procedures and standards of this Chapter.
- (b) To the extent a prior approval authorizes development that does not comply with this Chapter, the subsequent development, although allowed, shall be nonconforming and subject to the provisions of **Sec 405.26(I): NONCONFORMING BUILDINGS and USES**.

### I. NON-CONFORMING BUILDINGS AND USES

#### 1. Continuation, alteration or enlargement.

The following provisions shall apply to all BUILDINGS and/or USES existing lawfully on the effective date of this chapter, which BUILDINGS and/or USES do not conform to the requirements set forth in this chapter:

- (a) Except as provided in Sec 405-26.I.2 below, any type of NONCONFORMING USE of BUILDINGS or open land may be continued indefinitely but:
  - (i) Shall not be enlarged, extended or placed on a different portion of the LOT or parcel of land occupied by such USE on the effective date of this chapter, nor shall any external evidence of such USE be increased by any means whatsoever.
  - (ii) Shall not be changed to another NONCONFORMING USE.
  - (iii) Shall not be reestablished if such USE has, for any reason, been discontinued for a period of over one year or has been changed to or replaced by a conforming USE. Intent to resume a NONCONFORMING USE shall not confer the right to do so.
- (B) BUILDINGS housing NONCONFORMING USES.
  - (i) Except as provided in Subsection D below, no BUILDING which houses such a NONCONFORMING USE shall be:
    - 1) Structurally altered or enlarged.
    - 2) Moved to another location where such USE would be nonconforming.
  - (ii) If a BUILDING which houses a NONCONFORMING USE is destroyed accidentally due to fire, explosion or other cause, to an extent not exceeding 50% of its true value as determined by the City Tax Assessor, such BUILDING may be restored within one year in substantially the same size, form and location, and the same

NONCONFORMING USE may be reinstated without being extended. If destroyed to a greater extent, such BUILDING may be restored but only to house a conforming USE.

- (c) Any BUILDING (other than a sign), the USE of which is in conformity with the regulations set forth in this chapter but which BUILDING does not conform to one or more of the requirements hereof, other than the requirements which apply to BUILDINGS located in designated Historic Districts, may be altered, enlarged or rebuilt but not in a manner that increases the degree of nonconformity. This provision shall be liberally interpreted to allow adaptive reuse of existing BUILDINGS.
- (d) Nothing in this article shall be deemed to prevent normal maintenance and repair of any BUILDING or the carrying out, upon issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the BUILDING SAFETY OFFICER shall state the precise reason(s) why such alterations were deemed necessary.

## 2. Termination

- (a) Each of the NONCONFORMING USES and each of the nonconforming features of certain otherwise conforming USES as specified in this section is deemed sufficiently objectionable, undesirable and out of character in the district in which such USE is located as to depreciate the value of other property and USES permitted in the district and to blight the proper and orderly development and general welfare of such district and the City. To promote public health, safety and welfare and the most desirable use of which the land of each district may be adopted and to conserve the value of BUILDINGS and enhance the value of land therein, each such NONCONFORMING USE and nonconforming feature of an otherwise conforming USE shall be terminated on or before the period of time after the effective date of this chapter, which time is specified hereinafter for the purpose of permitting the amortization of the remaining cost, if any, of such USE:
  - (i) In any T5N, T4, T3, T2, T1, or SD-MF district, except for a nonconforming agricultural USE, any use of open land, regardless of the presence of any BUILDINGS thereon, that is made nonconforming as a result of this chapter shall be discontinued not later than three years after the effective date of this chapter.
  - (ii) In any T5N, T4, T3, T2, T1, or SD-MF district, any NONCONFORMING USE of BUILDINGS which is not permitted under the provisions of this chapter in any other district may be continued for a period of 10 years after the effective date of this chapter or 30 years after the initial establishment of such USE or any addition thereto adding 50% or more to the real value of such USE, whichever is the longer period, provided that after the expiration of that period such NONCONFORMING USE shall be terminated.
  - (iii) Any USE which is nonconforming because it is not located within a BUILDING that is fully enclosed shall be discontinued not later than one year after the effective date of this chapter. However, no such USE will be required to terminate if within said period it shall be fully enclosed within a BUILDING or if within said period it shall be surrounded with a solid fence, of material and design acceptable to the Planning Board, which fence shall be one foot higher than any material stored outdoors, provided that such fence shall be maintained in good condition at all times.
- (b) If an application is made at least six months before the expiration of the period prescribed in Subsection (a) for the termination of a NONCONFORMING USE or of a nonconforming feature of a conforming USE, and the Board of Appeals shall find that the period prescribed is unreasonable or inadequate for the amortization of such value of the property which may be lost by reason of the required termination, such Board may grant such extension of the period prescribed as it shall be deemed to be reasonable and adequate for such amortization, provided that no such period of extension shall exceed the period prescribed, and provided further that such extension may not be granted more than once for any USE.
- (c) The continuation of a NONCONFORMING USE or of the nonconforming feature of an otherwise conforming USE after the termination date fixed therefor in Subsection (a) or as modified pursuant to the provisions of Subsection (b) shall constitute a violation of this chapter.

**J. BUILDING SAFETY**

Reference existing Chapter 405, Article VII of the City of Kingston NY Code

**K. BOARD OF APPEALS**

Reference existing Chapter 405, Article VIII of the City of Kingston NY Code

**L. HISTORIC LANDMARKS PRESERVATION COMMISSION**

Reference existing Chapter 405, Article IX of the City of Kingston NY Code

**M. AMENDMENTS**

Reference existing Chapter 405, Article X of the City of Kingston NY Code

**N. INTERPRETATION**

Reference existing Chapter 405, Article XI of the City of Kingston NY Code

**O. VALIDITY AND EFFECT**

Reference existing Chapter 405, Article XII of the City of Kingston NY Code



## ARTICLE 9 SUPPLEMENTAL TO THE FORM BASED CODE

### SECTION 405.27 FLOOD HAZARD OVERLAY STANDARDS

Reference existing § 405-26 of the City of Kingston NY Code

Additional sections of the existing Code, Chapter 405 Article V that are desired to remain in effect (with minor edits, as needed to eliminate conflicts with new standards) may be inserted in this Article in the next draft. This could include sections such as:

- § 405-29, Trailers and storage units
- § 405-38, Satellite dish antennas
- § 405-43, Newspaper vending machines
- § 405-46, Artist lofts
- § 405-46.2, Citizen's band radio antennas
- § 405-46.3, Emergency shelters