

# ***KINGSTON FORWARD***

**PRESERVATION • PROGRESS • EQUITY**



**CHAPTER 405**

# **THE KINGSTON FORM BASED CODE**

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**PREPARED FOR**



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# CHAPTER 405: THE KINGSTON FORM BASED CODE

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## 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, § 37, § 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State Constitution, Statute of Local Governments, and New York General City Law, and that section is later amended or superseded, this Chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.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, 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 how the building interacts with 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 USABLE 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 bikeable. 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(I) 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, Architecture and Site Design Standards, Signage Standards, Street Design Standards, 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. 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 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 (ADU)**

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 (use)**

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.G.

#### **AFFORDABLE HOUSING UNIT**

A for rental or homeownership DWELLING UNIT that is affordable to households earning no more than 80% of Area Median Income; the definition of Area Median Income is updated and published by the U.S. Department of Housing and Urban Development. AFFORDABLE HOUSING UNITS are further defined in Sec 405.19.

#### **AGRICULTURE (use)**

Facilities associated with the growing of produce, animal husbandry, silviculture, and aquaculture on parcels 2 acres or larger intended for a regional market. *Ex. Greenhouses, Farms, Truck Gardens, and other similar uses.*

#### **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 (use)**

A commercial facility for the keeping, boarding, and maintaining of five or more animals, including pet day care. See Sec 405.21.H.

#### **ATTIC**

The interior space at the top of a BUILDING under the roof. An ATTIC under a flat roof contains non-habitable space. An ATTIC within a pitched roof structure may contain HABITABLE SPACE as permitted by local and state Building Code and the Building Height standards in Article 4.

#### **AUTO-ORIENTED SERVICES (use)**

Any business that provides auto-related services and is developed in an auto-oriented manner, particularly uses that include on-site vehicle storage or drive-through facilities. See Sec 405.21.I. *Ex. 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 average 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. A BASEMENT may contain HABITABLE SPACE as permitted by local and state Building Code.

### **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 or owner-operator on the premises to check-in guests and available for support services. At least one prepared meal is made available to guests. See Sec 405.21.D.

### **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.

### **BOARDINGHOUSE**

A BUILDING where 10 or fewer sleeping rooms without separate kitchen facilities are used by transient, nonpermanent lodgers for compensation. Rooms in a BOARDINGHOUSE are intended to be occupied by individuals who may share common areas and facilities, but do not form a single housekeeping unit, and do not provide compensation under a single lease. If there are more than 10 sleeping rooms, such building shall be considered a hotel. See Sec 405.21.E

### **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 FOOTPRINT**

The gross floor area of an individual structure measured to the furthest exterior wall face at the ground floor.

### **BUILDING HEIGHT**

The vertical extent of a BUILDING measured in STORIES. See Sec 405.14.H.

### **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

### **CARRIAGE HOUSE**

An accessory structure typically located at the rear of a lot, typically providing 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.

### **CELLAR**

Any space in a BUILDING the average 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. A CELLAR may contain HABITABLE SPACE.

### **CIVIC BUILDING**

A BUILDING designed specifically for a CIVIC USE.

### **CIVIC OPEN SPACE** (removed)

### **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.

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

A type of BUILD-TO-ZONE that is measured as 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.

### **CONTROLLED SUBSTANCE SALES (use)**

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

### **CONTROLLED SUBSTANCE SALES / CONSUMPTION (use)**

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.

### **CULTURAL INSTITUTION (use)**

A public or private establishment that supports broad public enjoyment of and access to scientific, cultural, fine, and performing arts. *Ex. Libraries, Museums, Observatories, Theaters, Aquariums, Stadiums, Amphitheaters, and other similar uses.*

## 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**

See Eating/Drinking Establishment.

**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**

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. *Ex: Single Detached House, Duplex, Small Multiplex, Apartment, etc.*

**E**

**EATING / DRINKING ESTABLISHMENT (USE)**

An establishment where prepared food and alcoholic or non-alcoholic beverages are offered for sale to the public. *Ex. Restaurants, Bakeries, Cafes, Food Trucks, Bars, Taverns, Breweries, Taprooms, and other similar uses.*

**EDUCATION (USE)**

Public or private educational facilities that provide access to daycare, preschool, primary, secondary, or post-secondary education.

**EMERGENCY SHELTER**

A facility whose primary purpose is to provide a temporary shelter for unhoused populations in general, or for specific populations of the unhoused, and which does not require occupants to sign leases or occupancy agreements. Emergency shelters may include day and warming centers that do not provide overnight housing.

**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 the PRINCIPAL BUILDING(S) PRIMARY 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 a STREET or OPEN SPACE.

## **G**

#### **GARDEN WALL**

A wall constructed of masonry, iron, steel, or other materials described in 405.14.1, 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.

**GENERAL COMMERCIAL (USE)**

A broad range of commercial uses and services. *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.*

**GENERAL OFFICE (USE)**

A broad range of office based commercial, financial, medical, and other business and professional service uses. *Ex: Professional services such as Doctors, Lawyers, Banks, and other similar uses.*

**GRADE, FINISHED**

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

**GROUND FINISHED FLOOR**

Required height difference between the finished floor on the FIRST STORY and the adjacent public walk. Regulations for ground finished floor for residential uses do not apply to ground floor lobbies and common areas in multi-unit buildings.

**H**

**HABITABLE SPACE**

Space in a structure for human activity including living, sleeping, eating, cooking, working, shopping, or bathroom facilities as defined by the Property Maintenance Code Of New York State. 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.

**HEALTHCARE SERVICES (USE)**

Establishments that provide a variety of health services to a local or regional customer base. *Ex. Hospitals, Clinics, Family/ Adult Care Facilities, Assisted-Living Facilities, Nursing Homes, and other similar uses.*

**HEAVY INDUSTRIAL (USE)**

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.

**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. See Sec 405.21.C.

### L

#### LIGHT INDUSTRIAL (USE)

Industrial operations that are limited in their impact to adjacent properties via noise, smell, pollutants, or other similar externalities. *Ex. Contractor Storage/Staging, Artisanal Manufacturing, Set Building / Film Production, Printing, Outdoor Storage, Research and Development facilities.* The following words and phrases shall have the meanings respectively ascribed to them herein as they relate to LIGHT INDUSTRIAL regulations:

**ARTISANAL MANUFACTURING/INDUSTRY WITH COMMUNITY FOCUS:** A Light Industrial establishment (such as small-scale craft production / assembly of custom goods, film production studio, or other similar uses) that has limited or no impacts to adjacent properties and includes on-site retail or shopfront areas, event spaces, or other entertainment destinations that are intended to be used or patronized by the general public.

#### 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.

#### LODGING (USE)

A BUILDING or portion of it where more than five rooms are rented to transient, nonpermanent guests, on a short-term basis. *Ex. Hotels, Motels, Inns, Motor Courts, and other similar uses.*

#### 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.

#### **MEDIUM INDUSTRIAL (use)**

Industrial operations that have a moderate impact on adjacent properties via noise, smell, pollutants, or other similar externalities. *Ex. Manufacturing, Assembly Operations, Shipyards, Truck and Freight Terminals, and other similar uses.*

#### **MEETING FACILITIES (use)**

A public or private establishment that host gatherings of people on a regular basis except for places of worship. *Ex. Community Centers, Assembly Halls, Bingo Halls, Membership Clubs, Recreation Facilities, and other similar uses.*

#### **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 PLANNING ADMINISTRATOR.

**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**

The 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.

**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.

**N**

**NEIGHBORHOOD BUSINESS**

A small-format commercial or mixed-use building that provides a retail or service commerce use designed to serve residents of the surrounding neighborhood with day-to-day, recurring needs, on the ground floor; residential or office uses may be located on an upper floor. See Sec 405.12.L and 405.21.F.

**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 permeable and remains open and unobstructed from the ground to the sky (specifically excluding parking areas, whether surface is permeable or impermeable pavement).

**OPEN SPACE (PRIVATE)**

USABLE OPEN SPACE accessible to residents of a BUILDING on a LOT, that meets the required minimum dimensions described by Building Type in Sec 405.12.

**OPEN SPACE (USABLE)**

An unenclosed portion of the ground of a SITE which is not devoted to driveways or parking lots, and which is available and accessible to all residents of any BUILDING(s) on said SITE for purposes of active or passive outdoor recreation.

**OPEN STORAGE**

The storage of goods and materials, or the display and sale of goods and materials, including vehicles for hire or sale, on a LOT outside a building. See Sec 405.21.N.

**OUTDOOR ENTERTAINMENT (USE)**

An outdoor public space that is the source of amplified music or other amplified sounds. See Sec 405.21.J.

**P**

**PARKING STRUCTURE**

A structure that provides multiple levels of parking with liner buildings along adjacent streets. See Sec 405.21.L.

**PARKS AND OPEN SPACE (USE)**

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. *Ex. Cemeteries, Local/State/Federal Parklands, Playgrounds, Boat Ramps, Trailheads, Arboretums, or other similar uses.* The following words and phrases shall have the meanings respectively ascribed to them herein as they relate to PARKS AND OPEN SPACE (USE) regulations:

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.

**PLACE OF WORSHIP**

Any structure used on a regular basis by a group of persons who assemble for religious or spiritual purposes.

**PLANNING ADMINISTRATOR**

The City of Kingston Planning Director or their designee.

**PLAYGROUND**

An 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.

**PUBLIC SAFETY FACILITIES (use)**

Public facilities that support local efforts to ensure the health, safety, and welfare of the community. *Ex. Fire Stations, Police Stations, Flooding or Erosion Control Structures, and other similar uses.*

**PUBLIC TRANSIT USES**

Infrastructure that supports community access to public transit. *Ex. Transit Stations, Bus Stations, and other similar uses.*

**PUBLIC UTILITIES (use)**

Installations or facilities for furnishing to the community energy, electricity, gas, water, sewage disposal, communications, or other public services. *Ex. Sewage Treatment Plants, Electrical Plants and Substations, Pump Stations, Large-Scale Renewable Energy Systems, and other similar uses.*

**R**

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

RENEWABLE ENERGY SYSTEMS that exceed the limits for a SMALL-SCALE RENEWABLE ENERGY SYSTEM established in Sec 405.21.O. LARGE-SCALE RENEWABLE ENERGY SYSTEMS may produce renewable energy for public or private entities.

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

RENEWABLE ENERGY SYSTEMS that have limited impacts on surrounding properties and uses, and are intended to supply renewable energy to an individual building, or contribute to block-scale resiliency efforts. See Sec 405.21.O.

**RESIDENTIAL CARE FACILITY**

A licensed care facility that provides 24-hour medical or non-medical care to persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. *EX. Nursing Homes, Assisted Living, Continuum of Care, and Hospice Facilities.*

**RIGHT-OF-WAY**

A strip of land reserved or dedicated to public use for pedestrian, bicycle and/or vehicular movement, railway, waterway, or utility line. This strip of land is either publicly owned or subject to an easement for RIGHT-OF-WAY purposes benefiting the general public.

**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 (STR)**

A residential living space rented to transient nonpermanent guests, for terms shorter than 30 days, without staff on the premises. Standards for full permit (STR-F), limited permit (STR-L), and resident occupied permit (STR-RO) are in Sec 405.21.D.

**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.

**ELECTRONIC SIGN** A SIGN that has or appears to contain movement or that appears to change, caused by a method other than physically removing and replacing the sign or its components, whether the real or apparent movement or change is in the display, the sign structure itself, or any other part of the SIGN. An ELECTRONIC SIGN often incorporates a technology allowing the sign face to change the image without the necessity of physically or mechanically replacing the sign face or its components. An ELECTRONIC SIGN may include a rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through electronic input, electronic message centers, or other similar methods or technologies that permit a SIGN face to present different images or displays.

**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 bathroom facilities, designed for the exclusive use of a single household.

### **SITE**

Any LOT or LOTS of record, or contiguous combination thereof, under the same ownership.

### **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.

### **SURFACE PARKING (USE)**

Improved or unimproved surface level parking facilities. Surface parking shall be an accessory use to a principal building on a lot unless approved by Special Permit. See Sec 405.21.K.

## T

### **TELECOMMUNICATIONS USES**

Radio, television, and other electronic transmission stations, towers, antennae, etc. See Sec 405.21.P.

### **TRAILER**

Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle, and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "TRAILER" shall include such vehicles if mounted on temporary or permanent foundations with the wheels removed. "TRAILER" includes travel trailers and recreation vehicles but does not include manufactured homes or modular homes built to Building Code standards.

### **TRANSITIONAL HOUSING**

A facility providing short-term housing, typically for less than 24 months, and appropriate supportive services to those in need to facilitate movement to independent living. See Sec 405.21.E.

## U

### **URBAN AGRICULTURE (use)**

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 personal consumption or local markets. ACCESSORY STRUCTURES may include greenhouses, chicken coops, storage, etc. URBAN AGRICULTURE uses may be combined on a lot with other permitted uses. See Sec 405.21.M.

### **USABLE OPEN SPACE**

See Open Space (Usable).

### **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.

### **WATER-DEPENDENT USES**

Recreation, light industrial, and navigational infrastructure uses dependent on adjacent water access.*Ex. Marinas, Boat Storage/Servicing, Charter Boat Operation, Marine Navigation Support Facilities, and other similar uses.*

### **WAREHOUSING (USE)**

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

**WOONERF**

A pedestrian-dominant STREET that encourages multimodal transportation and shared pedestrian and vehicular space through urban design techniques, traffic calming devices, and low speed limits.

**WORKFORCE HOUSING UNIT**

A for rental or homeownership DWELLING UNIT that is affordable to households earning no more than 120% of Area Median Income; the definition of Area Median Income is updated and published by the U.S. Department of Housing and Urban Development. WORKFORCE HOUSING UNITS are further defined in Sec 405.19.

**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 as 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 August 2, 2023, 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

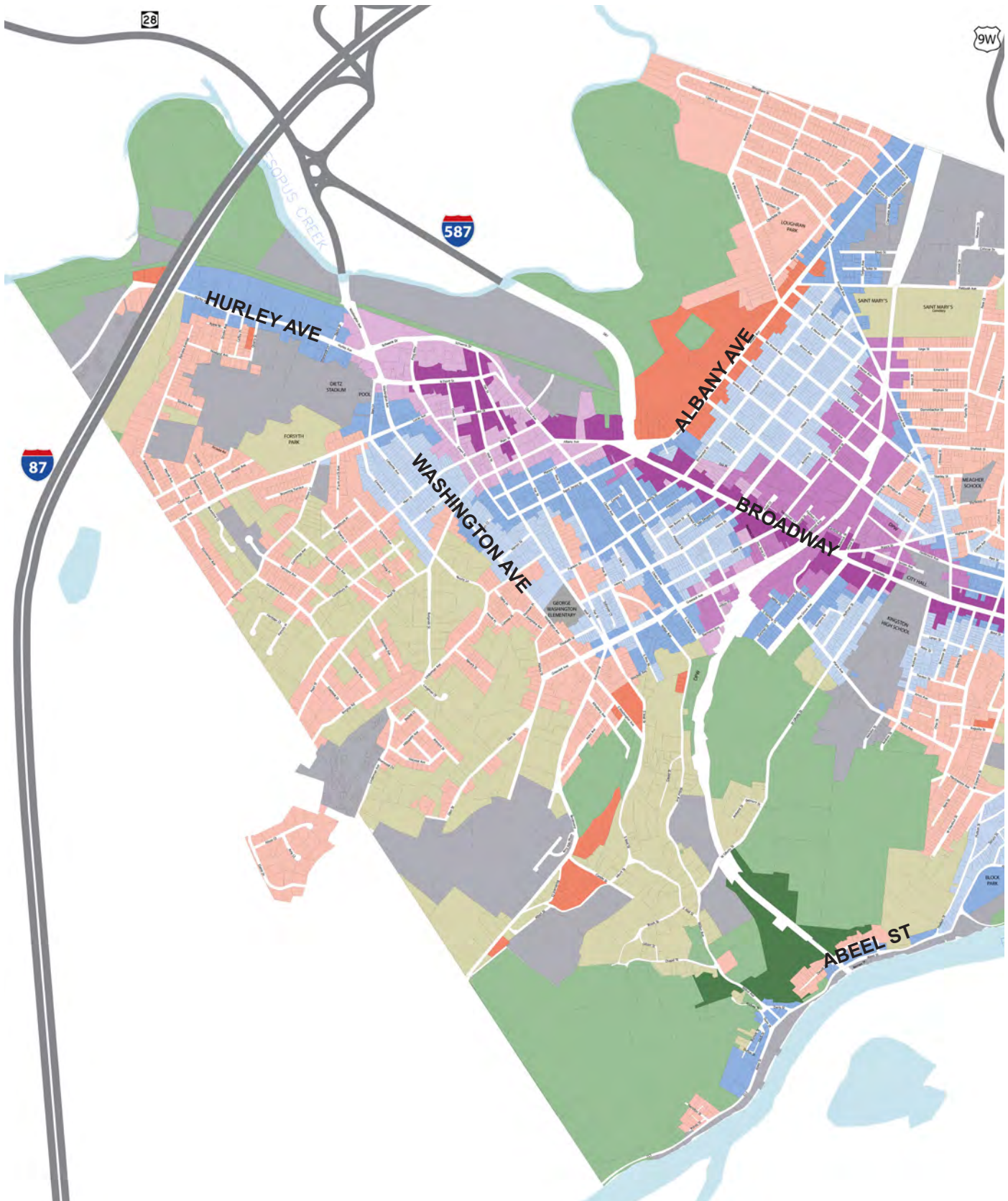
1. No land or structure shall hereinafter be used or occupied, and no structure of parts thereof shall hereafter be constructed, erected, altered, or moved, unless in substantial conformance with the regulations specified herein for the zoning district in which the land or structure is located.

#### E. THE REGULATING MAPS

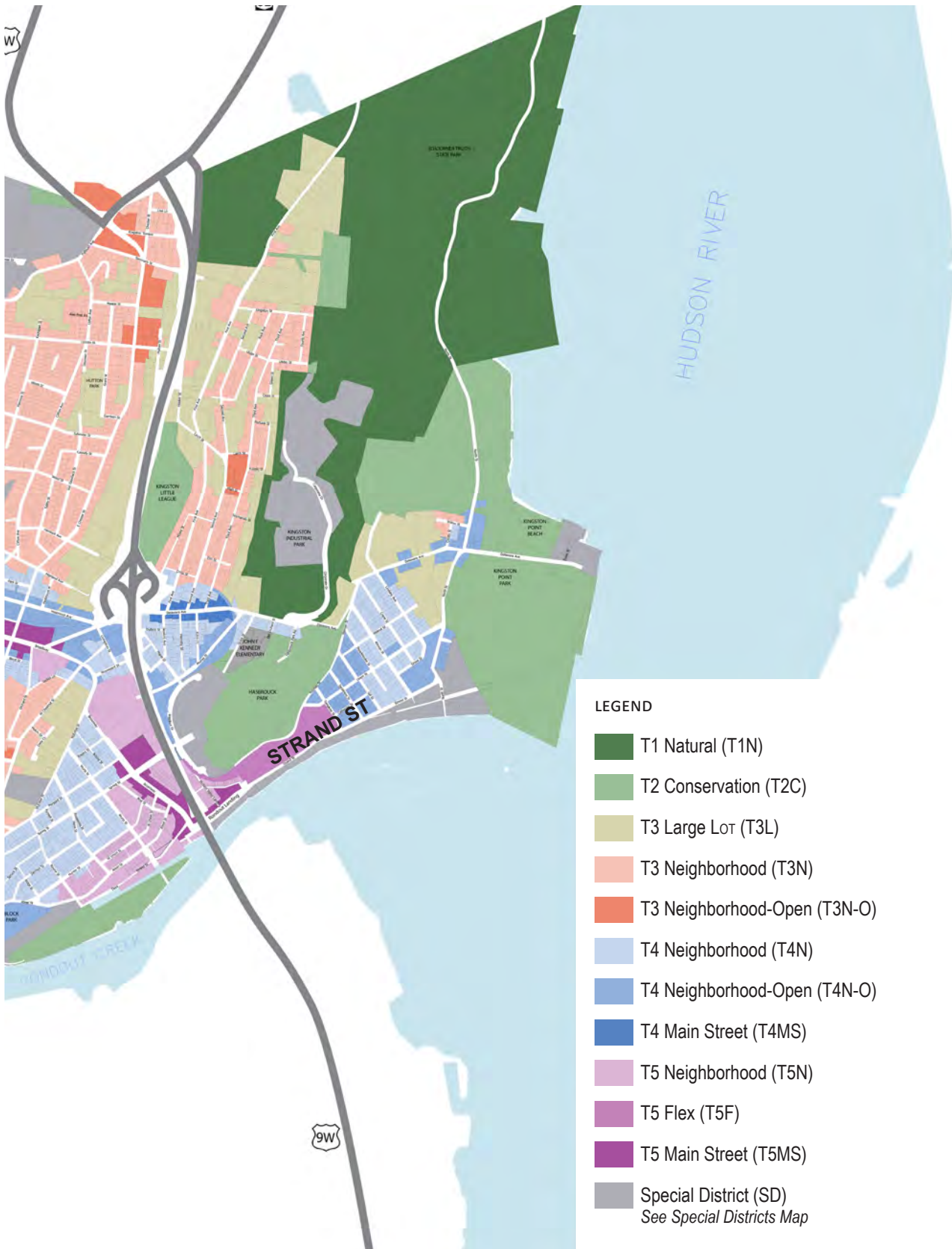
The following pages include small scale reproductions of the City of Kingston Regulating Maps. Digital versions are available from the City. The Regulating Maps are:

1. **KINGSTON REGULATING MAP (Figure 405.3.A):** The Kingston Regulating Map designates a Transect Zone for all parcels in the City. 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) Special Height Overlays, where greater building heights are permitted (see Sec 405.6 and 405.11); and
  - (c) Mandatory Shopfront areas, where a shopfront building FRONTAGE is required (see Sec 405.13).
3. **SPECIAL DISTRICTS MAP (Figure 405.3.C):** The Special Districts Map designates the Special District sub-districts and any site specific requirements for Special District areas, as well as identified public park spaces.
4. **FLOODPLAIN MAP (FIGURE 405.3.D):** The Floodplain Map identifies the extent of the 100- and 500-year floodplains of Esopus Creek, Rondout Creek, and the Hudson River.
5. **STREET TYPE MAP (Figure 405.3.E):** The Street Type Map designates the appropriate Street Types to guide future STREET improvements that support the intended context of the Transect Zones.

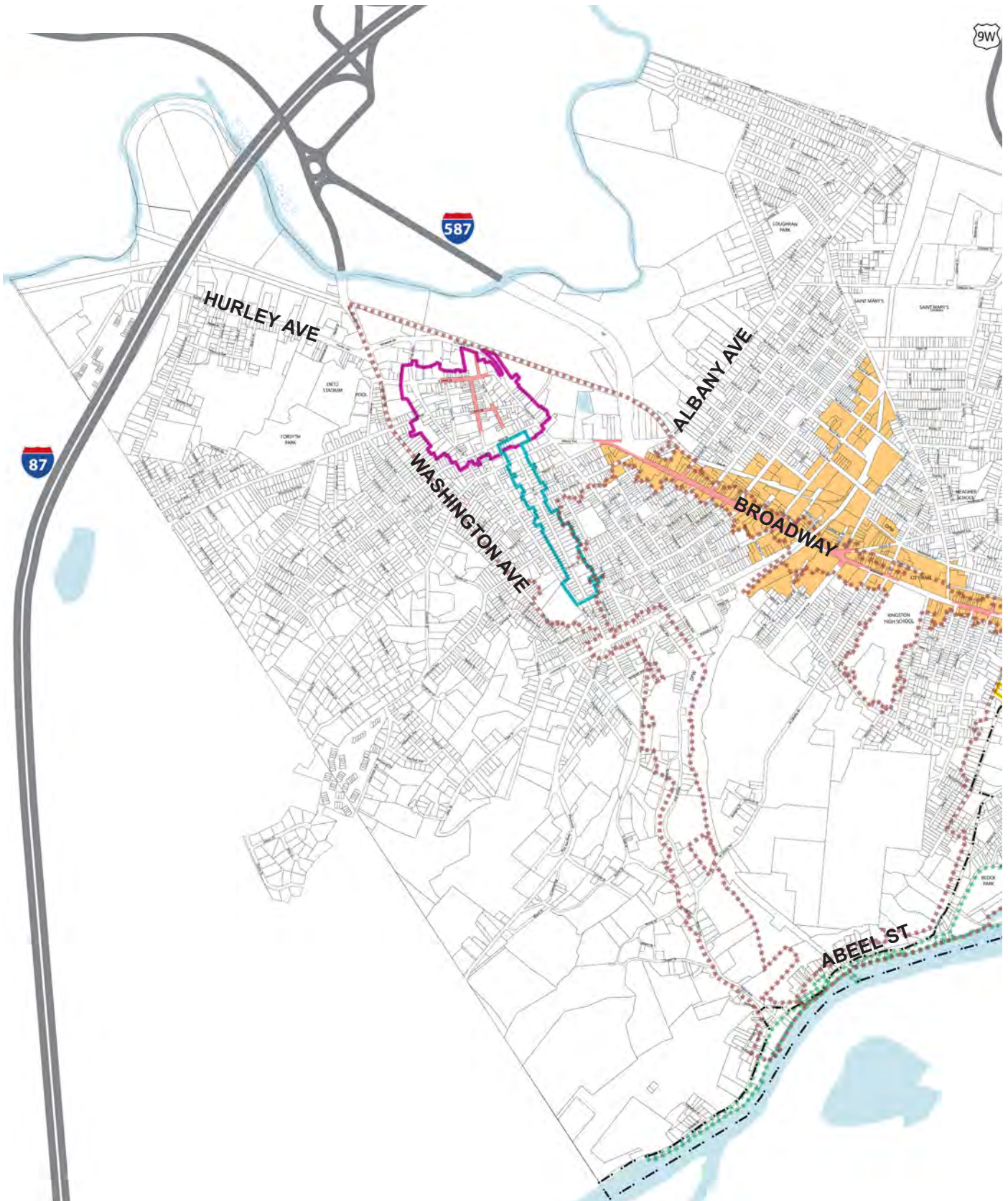
**FIGURE 405.3.A: KINGSTON REGULATING MAP**





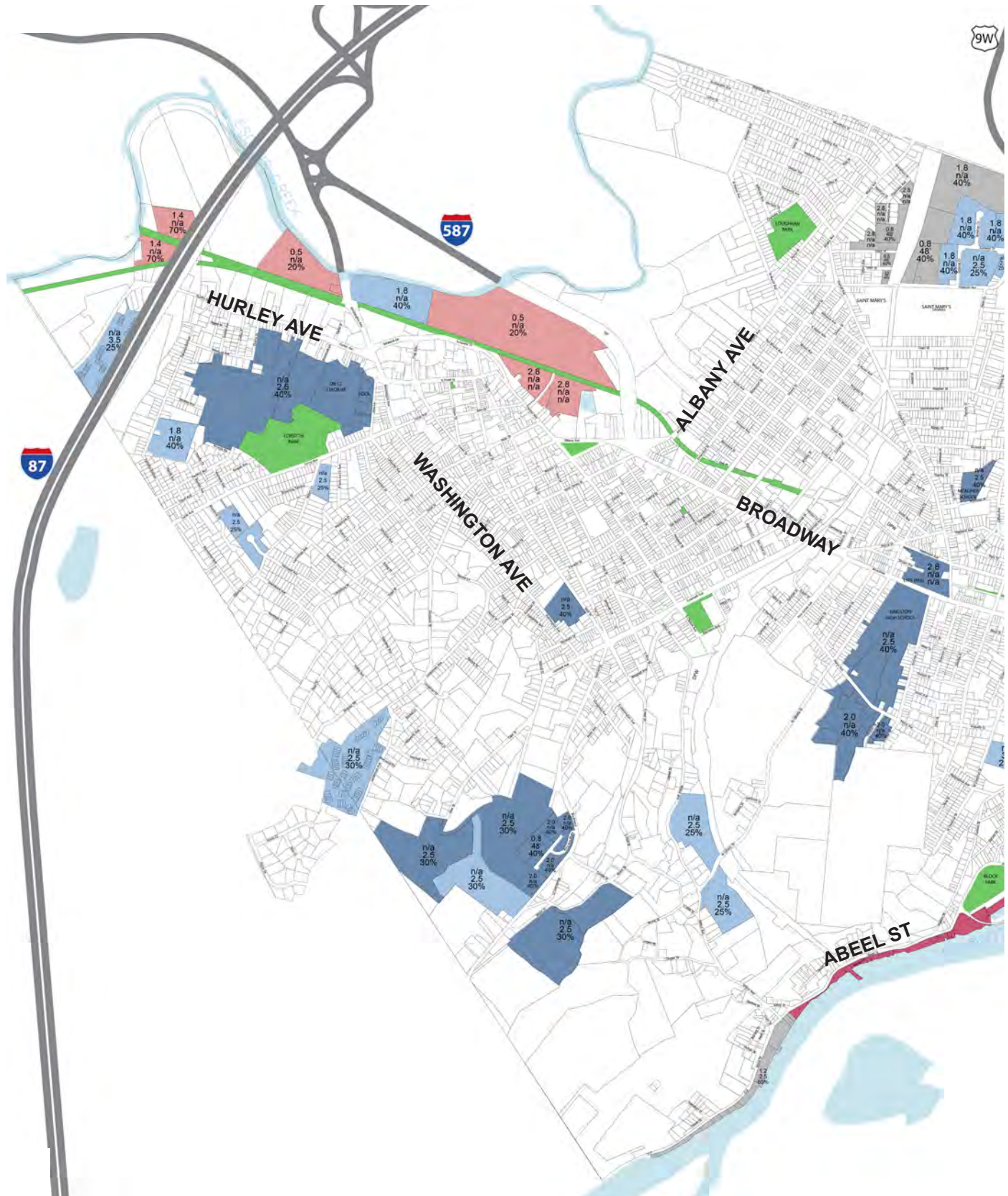


**FIGURE 405.3.B: SPECIAL REQUIREMENTS MAP**





**FIGURE 405.3.C: SPECIAL DISTRICTS AND PARKS MAP**



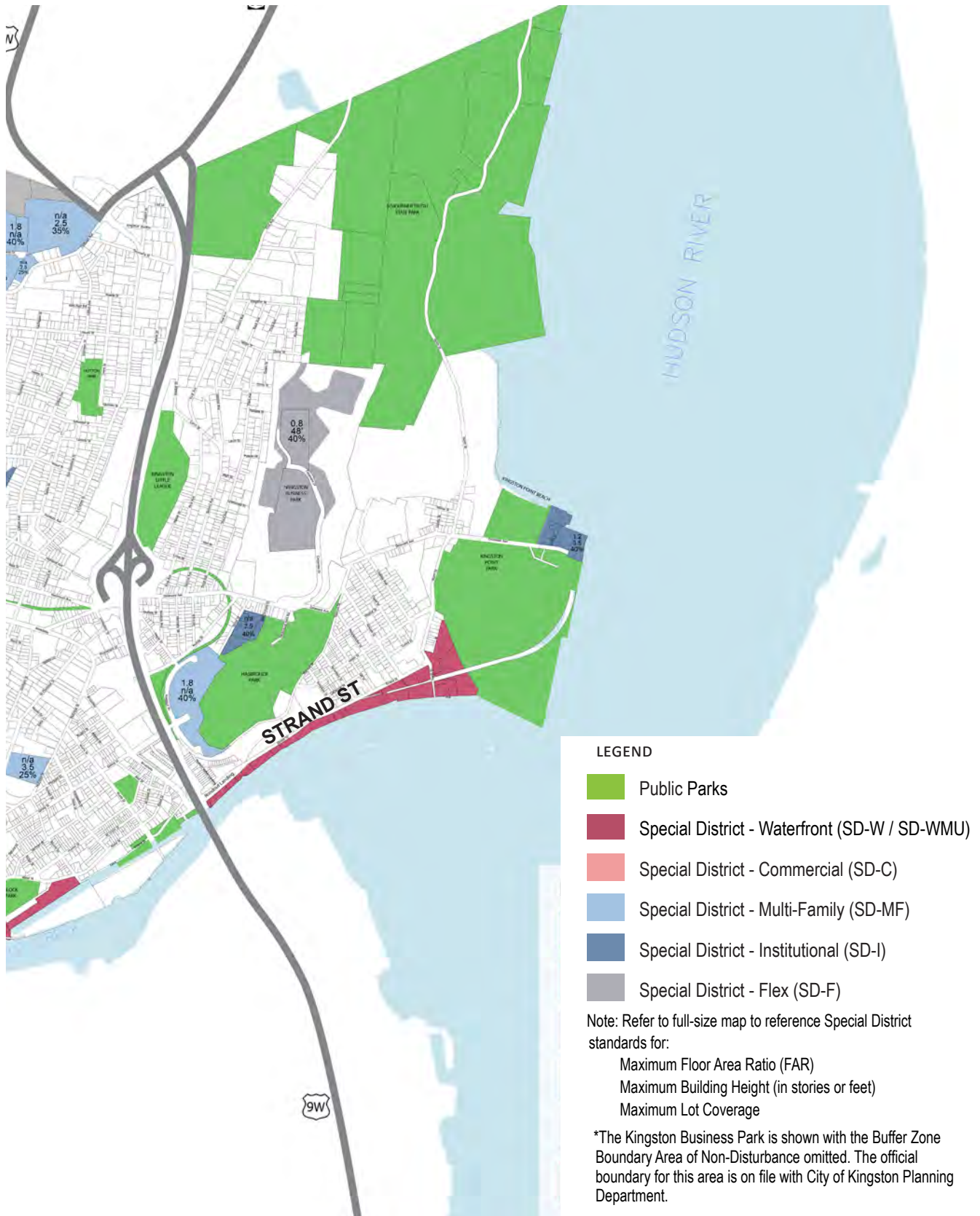
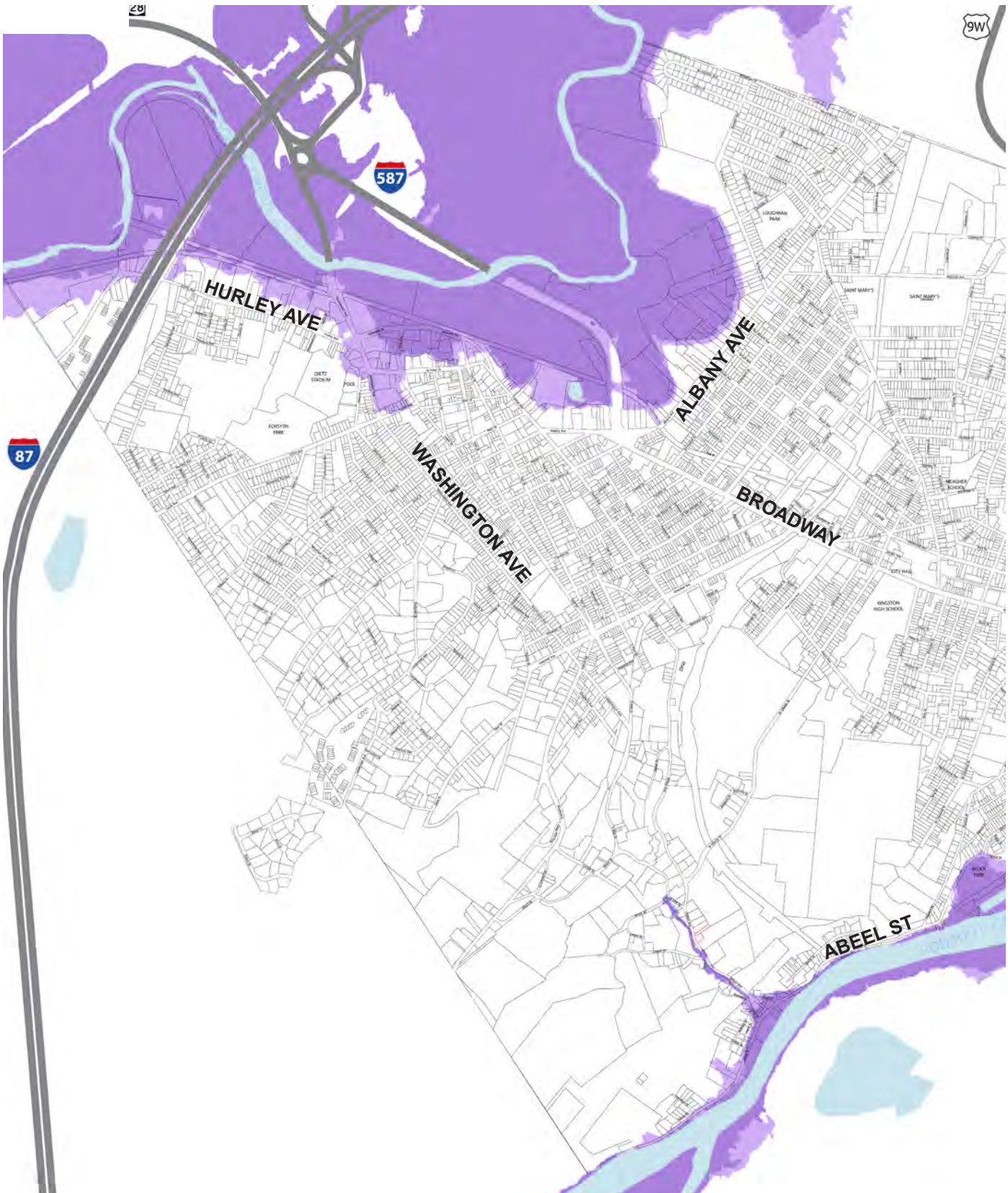
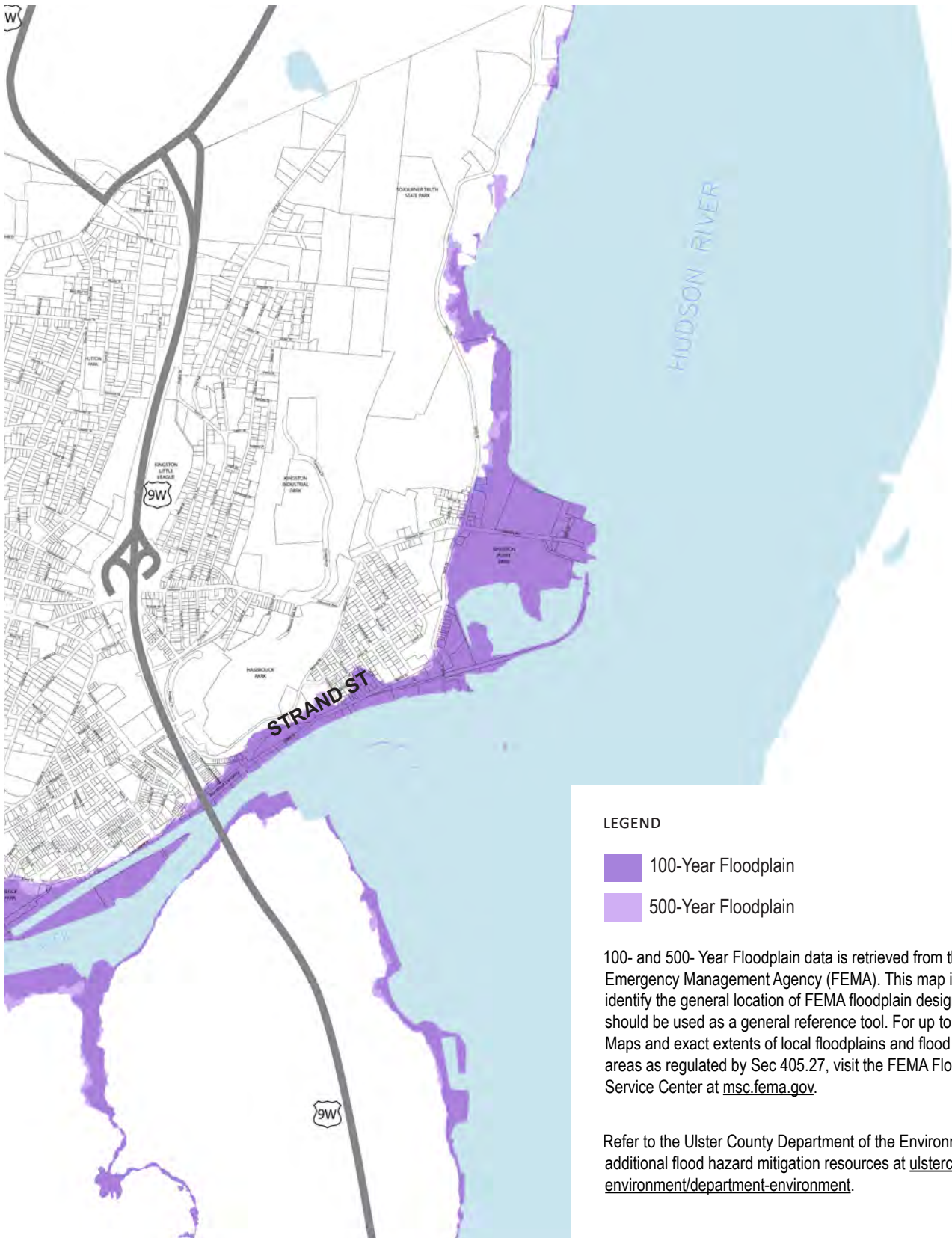
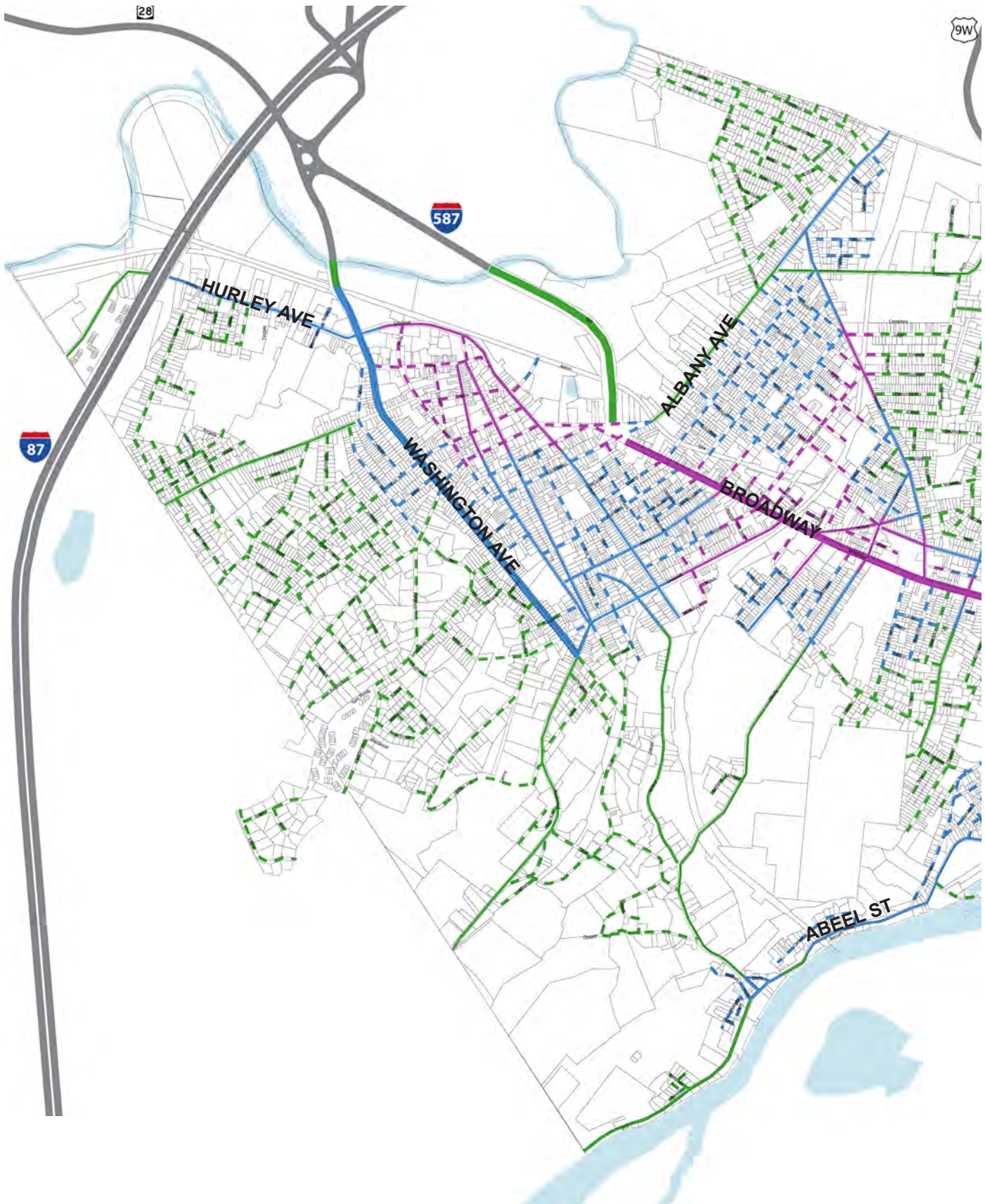


FIGURE 405.3.D: FLOODPLAIN MAP

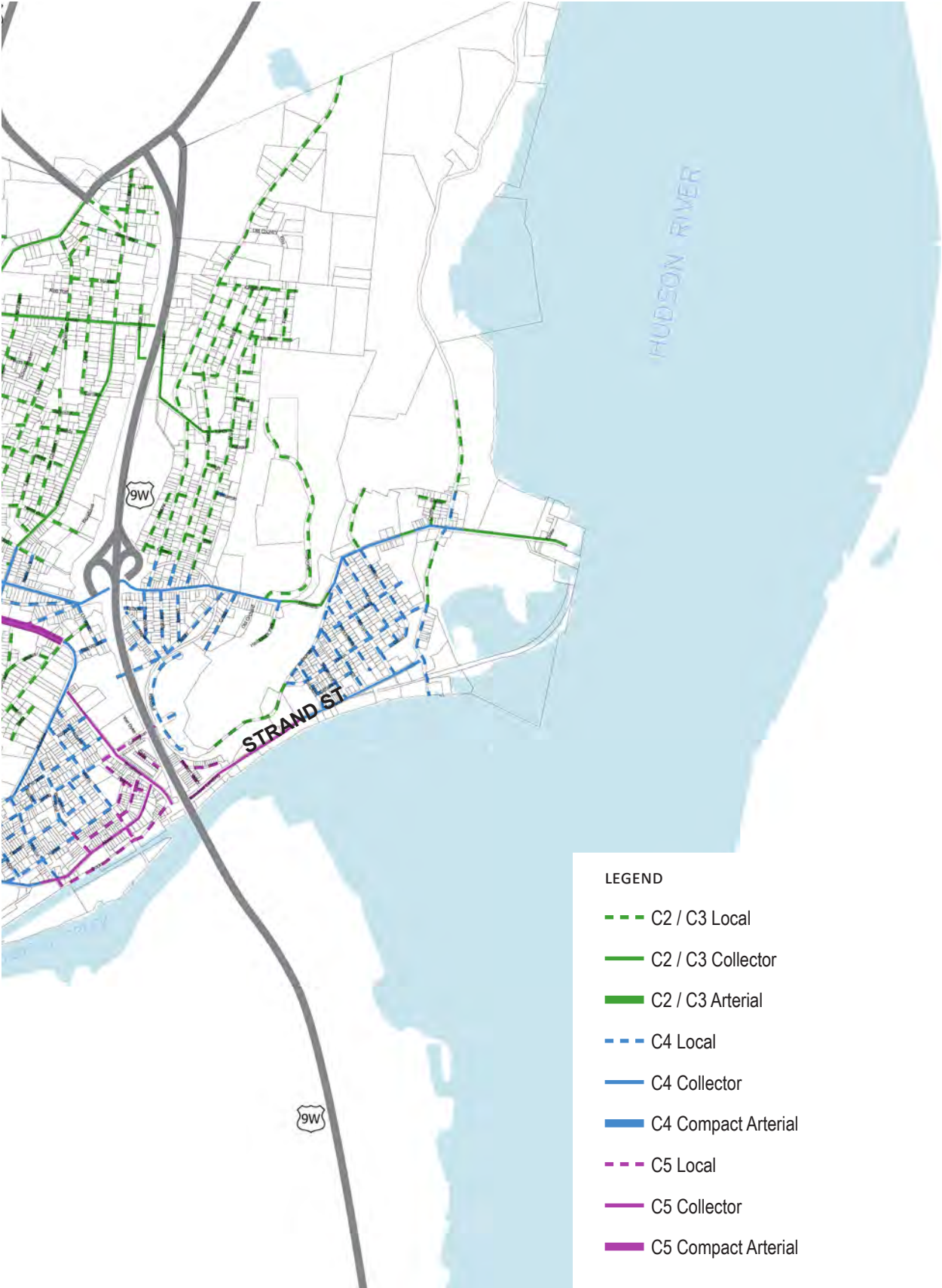




**FIGURE 405.3.E: STREET TYPES MAP**







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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).

**TABLE 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>
<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.	<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.	<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.	<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.	<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.
<b>General Use</b>	<b>General Use</b>	<b>General Use</b>	<b>General Use</b>	<b>General Use</b>
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 Neighborhood Business buildings and in the Open Sub-Zone.
<b>Primary Characteristics</b>	<b>Primary Characteristics</b>	<b>Primary Characteristics</b>	<b>Primary Characteristics</b>	<b>Primary Characteristics</b>
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
<b>Allowed Building Types</b>	<b>Allowed Building Types</b>	<b>Allowed Building Types</b>	<b>Allowed Building Types</b>	<b>Allowed Building Types</b>
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 Multiplex
Live/Work Building	Liner Building	Live/Work Building	Live/Work Building	Neighborhood Business
Stacked Flats	Live/Work Building	Stacked Flats	Stacked Flats	Rowhouse
	Stacked Flats	Courtyard	Neighborhood Business	Cottage Court
	Courtyard	Multiplex & Small Multiplex	Rowhouse	Duplex
	Multiplex & Small Multiplex	Neighborhood Business		Detached House
	Neighborhood Business	Rowhouse		Carriage House
	Rowhouse	Duplex		
	Carriage House	Detached House		
		Carriage House		

T3 Neighborhood	T3 Large Lot	T2 Conservation	T1 Natural	SD Waterfront *
				
<b>T3 Neighborhood &amp; T3 Neighborhood-Open (T3N &amp; T3N-O)</b>	<b>T3 Large Lot (T3L)</b>	<b>T2 Conservation (T2C)</b>	<b>T1 Natural (T1N)</b>	<b>Waterfront Mixed-Use (SD-WMU)</b>
<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>Intent:</b> To protect the integrity of existing, medium-large lot detached homes and reinforce their role within the City.</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>Intent:</b> Preservation of open spaces and natural resources.</p>	<p><b>Intent:</b> To allow for a walkable, mixed-use destination district that celebrates the rich cultural, historic, and natural resources of the waterfront, and furthers the policies of the Kingston Local Waterfront Revitalization Program (LWRP). District standards shape mixed-use development and public spaces that support a healthy relationship between people and the environment.</p>
<b>General Use</b>	<b>General Use</b>	<b>General Use</b>	<b>General Use</b>	<b>General Use</b>
<p>Primarily residential with smaller neighborhood-supporting commercial uses in Neighborhood Business buildings and in the Open Sub-Zone.</p>	<p>Primarily residential.</p>	<p>Primarily residential, with lot area reserved for conservation of natural resources.</p>	<p>Active and passive recreation, natural areas.</p>	<p>A mix of uses including commercial, cultural facilities, residential, public spaces, artisanal manufacturing and working waterfront.</p>
<b>Primary Characteristics</b>	<b>Primary Characteristics</b>	<b>Primary Characteristics</b>	<b>Primary Characteristics</b>	<b>Primary Characteristics</b>
<p>Detached</p>	<p>Detached</p>	<p>Detached</p>	<p>Open Space &amp; Natural Areas</p>	<p>Attached or Detached</p>
<p>Small-to-Medium Setbacks</p>	<p>Small-to-Large Setbacks</p>	<p>Medium-to-Large Setbacks</p>	<p>Limited Structures / Buildings</p>	<p>Buildings Close to ROW</p>
<p>Up to 2.5 Stories (3.5 with Bonus in T3N-O)</p>	<p>Up to 2.5 Stories</p>	<p>Up to 2.5 Stories</p>	<p>Building Placement Varies</p>	<p>No Side Setbacks</p>
<p>Parking to the Side or Rear</p>	<p>Parking to the Side or Rear</p>	<p>Parking to the Side or Rear</p>	<p>Large Setbacks</p>	<p>Height Varies</p>
<p>Stoop/Porch Frontages</p>	<p>Common Yard Frontages</p>	<p>Common Yard Frontages</p>		<p>(3 to 4 Stories + Bonus)</p>
<p>Waterfront Public Access</p>				
<b>Allowed Building Types</b>	<b>Allowed Building Types</b>	<b>Allowed Building Types</b>	<b>Allowed Building Types</b>	<b>Allowed Building Types</b>
<p>Small Multiplex</p>	<p>Small Multiplex</p>	<p>Duplex</p>	<p>Civic Buildings / Others as approved by City to support parks and open space uses.</p>	<p>Main Street Building</p>
<p>Neighborhood Business</p>	<p>Cottage Court</p>	<p>Detached House</p>		<p>Flex Building</p>
<p>Cottage Court</p>	<p>Duplex</p>	<p>Carriage House</p>		<p>Liner Building</p>
<p>Duplex</p>	<p>Detached House</p>			<p>Live/Work Building</p>
<p>Detached House</p>	<p>Carriage House</p>			<p>Stacked Flats</p>
<p>Carriage House</p>				<p>Courtyard</p>
				<p>Multiplex &amp; Small Multiplex</p>
				<p>Neighborhood Business</p>
				<p>Rowhouse</p>

\*Five additional Special Districts (SD-W, Waterfront; SD-C, Commercial; SD-MF, Multifamily; SD-F, Flex Industry; and SD-I, Institutional) are established with varying urban forms, primarily intended to allow for existing single-use areas to continue and prevent non-conforming lots, buildings and uses. See Sec 405.11 for details.

**TABLE 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
<b>Building Form</b>								
Front Build-to-Zone or Setback	0' min to 5' max	0' min to 15' max	0' min to 10' max	0' min to 5' max	CONTEXTUAL BTZ, or 5' min to 15' max		CONTEXTUAL BTZ, or 10' min / 25' max	
Frontage Occupancy	90% min	n/a	70% min	70% min	50% min		n/a	
Maximum Bldg Footprint	25,000 sf	no max	10,000 sf	6,000 sf		5,000 sf	4,000 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 BTZ, or 5' min to 15' max		CONTEXTUAL BTZ, 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	
<b>Lot Standards</b>								
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%	70%		50%	
<b>Building Heights</b>								
Principal Building Height (in stories)	2 min	no min	no min	no min	no min	no min	no min	no min
	4 max	4 max	3.5 max	3 max	3 max	2.5 max	2.5 max	2.5 max
Special Height Overlay (maximum, in stories)	6 max	6 max	4.5 max	n/a	n/a	n/a	n/a	n/a
Potential bonus height	2 stories	2 stories	2 stories	1 story	1 story	1 story	1 story	n/a
Accessory Building Height (in stories)	2.5 max	2.5 max	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)	
<b>Parking</b>								
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	

**Notes:**

1. MINOR OR MAJOR WAIVERS to dimensional standards that are consistent with the intent of this Chapter may be approved as described in 405.26.F.

	T3 Large Lot	T2 Conserve	T1 Natural	Special Districts					
	T3L	T2C	T1N	SD-W	SD-WMU	SD-C	SD-MF	SD-I	SD-F
<b>Building Form</b>									
Front Build-to-Zone or Setback	20' min	20' min	30' min	25' min	15' min to 25' max	10' min	30' min	n/a	10' min
Frontage Occupancy	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Maximum Bldg Footprint	4,000 sf	4,000 sf	n/a	n/a	20,000 sf	n/a	n/a	n/a	n/a
Side Setback (mid-block)	10' min	15' min	20' min	12' min	0' min	10' min	15' min	n/a	10' min
Side Setback (street)	20' min	20' min	30' min	n/a	n/a	10' min	15' min	n/a	10' min
Rear Setback (lot)	20' min	20' min	20' min	n/a *	n/a *	10' min	10' min	10' min	10' min
Rear Setback (alley)	20' min	20' min	20' min	n/a	n/a	10' min	10' min	10' min	10' min
Floor Area Ratio	n/a	n/a	n/a	1.2	n/a	See Special Districts Map			
<b>Lot Standards</b>									
Lot Width	50' min, no max	75' min, no max	no min or max	40' 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	no min or max	no min or max	100' min	100' min	n/a	100' min
Lot Coverage (% maximum)	30%	25%	n/a	60%	80%	See Special Districts Map			
<b>Building Heights</b>									
Principal Building Height (in stories)	no min	no min	no min	no min	no min	See Special Districts Map			
	2.5 max	2.5 max	2.5 max	2.5 max	3 max				
Special Height Overlay (maximum, in stories)	n/a	n/a	n/a	n/a	4 max	n/a	n/a	n/a	n/a
Potential bonus height	n/a	n/a	n/a	n/a	1 to 2 stories	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	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	n/a	n/a
<b>Parking</b>									
Location	Behind, Side	Behind, Side	n/a	Varies	Side, Under, Structured	Behind, Side, Front			
Front Setback	30' min	30' min	n/a	30' min	30' min	n/a	30' min	n/a	n/a
Side Setback (mid-block)	10' min	10' min	n/a	0' min	0' min	n/a	10' min	n/a	n/a
Side Setback (street)	15' min	15' min	n/a	n/a	n/a	n/a	15' min	n/a	n/a
Rear Setback (lot or alley)	10' min	10' min	n/a	30' min (water side)	30' min (water side)	n/a	10' min	n/a	n/a

\*A Waterfront Setback applies in the SD-W and SD-WMU; see Sec 405.11 for details.

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

	T5			T4			T3			T2	T1	Special Districts						Supplemental Use Standards
	T5-MS	T5-F	T5N	T4-MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C	T1N	SD-W	SD-W/MU	SD-C	SD-MF	SD-I	SD-F	
<b>Residential</b>																		
Accessory Dwelling Unit (see Sec 405.18)	P	P	P	P	P	P	P	P	P	P	-	-	P	-	-	-	-	-
Dwelling Unit	P	P	P	P	P	P	P	P	P	P	-	-	P	-	P	-	-	-
Home Occupation	P	P	P	P	P	P	P	P	P	P	-	-	P	-	P	-	-	Sec 405.21.C
<b>Lodging</b>																		
Bed-and-Breakfasts	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	-	-	SP	-	-	-	-	Sec 405.21.D
Boardinghouse	SP	SP	SP	SP	SP	SP	-	-	-	-	-	-	SP	SP	SP	-	-	Sec 405.21.E
Emergency Shelter	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	-	-	SP	SP	-	-	-	Sec 405.21.E
Lodging	P	P	P	P	-	-	-	-	-	SP	-	-	P	P	-	-	-	-
Residential Care Facility	P	P	P	P	P	SP	P	SP	SP	SP	-	-	P	SP	-	-	-	-
Short-Term Rental, Full (STR-F)	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	Sec 405.21.D
Short-Term Rental, Limited (STR-L) and Resident Occupied (STR-RO)	P	P	P	P	P	P	P	P	P	P	-	-	P	-	P	-	-	Sec 405.21.D
Transitional Housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	-	-	SP	SP	SP	-	-	Sec 405.21.E
<b>Commerce</b>																		
Neighborhood Business (see Sec 405.12.L)	P	P	P	P	P	P	P	P	-	-	-	-	P	P	-	-	P	Sec 405.21.F
General Commercial	P	P	P	P	P	SP	P	-	-	-	-	-	P	P	-	-	P	-
<i>General Commercial, with any of the following uses:</i>																		
Adult Uses	SP	SP	-	SP	SP	-	-	-	-	-	-	-	SP	P	-	-	P	Sec 405.21.G
Animal Boarding	SP	P	-	SP	SP	-	SP	-	-	-	-	-	SP	P	-	-	P	Sec 405.21.H
Auto-Oriented Services	-	SP	-	-	SP	-	SP	-	-	-	-	-	-	P	-	-	P	Sec 405.21.I
Controlled Substance Sales	P	P	P	P	P	SP	SP	-	-	-	-	-	P	P	-	-	P	-
Controlled Substance Sales / Consumption	P	P	P	P	SP	-	SP	-	-	-	-	-	P	P	-	-	P	-
Eating/Drinking Establishments	P	P	P	P	P	-	P	-	-	SP	-	-	P	P	-	-	P	-
<i>Eating/Drinking Establishments with any of the following uses:</i>																		
Auto-Oriented Services	-	SP	-	-	SP	-	SP	-	-	-	-	-	-	P	-	-	P	Sec 405.21.I
Controlled Substance Sales / Consumption	P	P	P	P	SP	-	SP	-	-	-	-	-	P	P	-	-	P	-
Outdoor Entertainment	P	P	SP	P	-	-	SP	-	-	-	-	-	P	P	-	-	P	Sec 405.21.J
Healthcare Services	P	P	P	P	P	-	P	-	-	-	-	-	P	P	-	P	-	-
Meeting Facilities	P	P	P	P	P	-	P	-	-	SP	-	-	P	P	P	P	-	-
General Office	P	P	P	P	P	-	P	-	-	-	-	-	P	P	-	P	-	-
<i>General Office with any of the following uses:</i>																		
Auto-Oriented Services	SP	SP	-	SP	-	-	SP	-	-	-	-	-	-	P	-	-	-	Sec 405.21.I
All Permitted Commerce uses with the following features:																		
Footprint greater than 15,000sf	SP	SP	SP	-	-	-	-	-	-	-	-	-	SP	P	P	P	P	-
Footprint greater than 10,000sf	SP	SP	SP	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-
Footprint greater than 6,000sf	P	P	P	SP	SP	-	SP	-	-	-	-	-	P	P	P	P	P	-

P = PERMITTED USE  
 SP = SPECIAL PERMIT

Notes:

- See Sec 405.2 for Permitted Use Definitions.
- See Sec 405.21 for Supplemental Use Standards, which provide site planning, development, and operating standards for certain uses that require special standards to ensure their compatibility with site features and existing surrounding uses.
- Existing uses that do not meet the above standards may be permitted as described in Sec 405.26.1.1 (Non-conforming Buildings and Uses).



	T5			T4			T3			T2	T1	Special Districts						Supplemental Use Standards
	T5-MS	T5-F	T5-N	T4-MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C	T1N	SD-W	SD-W/MU	SD-C	SD-MF	SD-I	SD-F	
<b>Civic / Civic Support</b>																		
Cultural Institution	P	P	P	P	P	SP	P	-	-	SP	-	-	P	P	-	P	-	-
Education	P	P	P	P	P	SP	P	-	P	SP	-	-	P	P	-	P	-	-
Surface Parking Lot (as a primary USE)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	-	-	SP	SP	SP	SP	Sec 405.21.K
Parking Structure	SP	SP	SP	SP	-	-	-	-	-	-	-	-	SP	SP	-	P	-	Sec 405.21.L
Parks and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
<i>Parks and Open Space with any of the following uses:</i>																		
Overnight Accommodations	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-
Staff Support Facilities	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-
Places of Worship	P	P	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	P	P	-
Public Transit Uses	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	SP	P	P	-
Public Utilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	-
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	-	-	-	-	-	-	-	-	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	P	-
<b>Industrial</b>																		
Agriculture	-	-	-	-	SP	SP	SP	SP	P	P	P	-	-	SP	-	-	P	-
Urban Agriculture	SP	P	P	SP	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec 405.21.M
Heavy Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SP	-
Light Industrial	SP	P	SP	SP	SP	-	-	-	-	-	-	P	SP	P	-	-	P	-
<i>Light Industrial with any of the following uses:</i>																		
Artisanal Manufacturing / Industry with Community Focus	P	P	P	P	SP	-	SP	-	-	-	-	P	P	P	-	-	P	-
Open Storage Area over 10,000sf	-	SP	-	-	-	-	-	-	-	-	-	SP	SP	SP	-	-	SP	-
Medium Industrial	-	SP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Open Storage	-	SP	-	-	SP	-	SP	-	-	-	-	SP	SP	SP	-	-	SP	Sec 405.21.N
Renewable Energy System (Small-Scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec 405.21.O
Telecommunications uses	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec 405.21.P
Warehousing		P										SP	SP				P	-
Water-Dependent uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-

P = PERMITTED USE  
 SP = SPECIAL PERMIT

Notes:

1. See Sec 405.2 for Permitted Use Definitions.
2. See Sec 405.21 for Supplemental Use Standards, which provide site planning, development, and operating standards for certain USES that require special standards to ensure their compatibility with site features and existing surrounding USES.
3. Existing USES that do not meet the above standards may be permitted as described in Sec 405.26.1.1 (Non-conforming Buildings and 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	

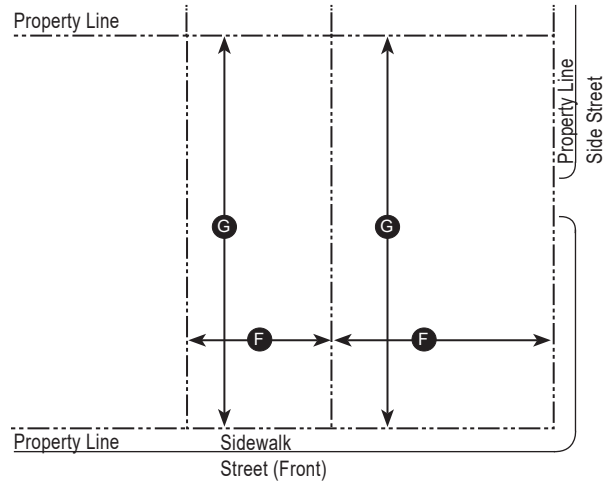
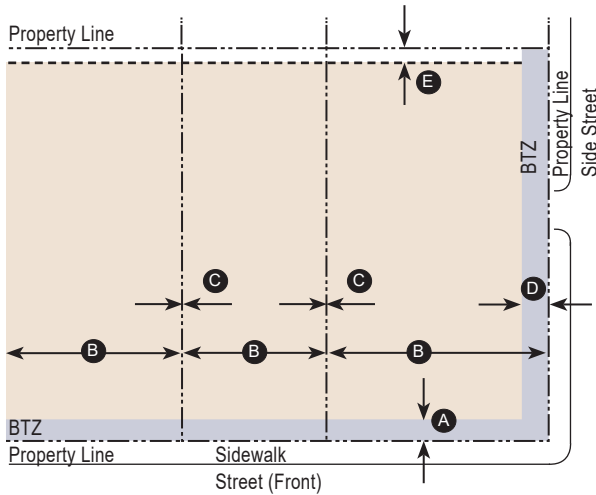


**3. T5 Neighborhood (T5N)**

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

### Key

- Property Line

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	n/a	70% 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

C. Lot Standards		T5MS	T5F	T5N
<b>F</b>	Lot Width	no min, 200' max		
<b>G</b>	Lot Depth	no min, 200' max		
	Lot Coverage (% maximum)	100%		

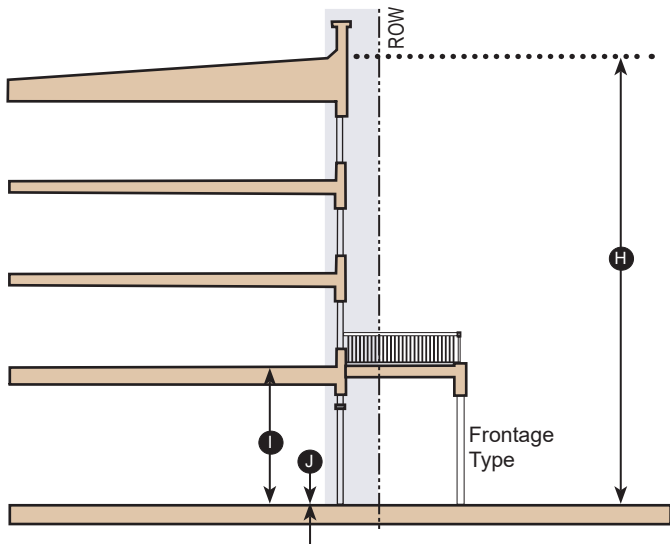
### NOTES:

- "Front" and "Side" orientation shall be determined by the Street Hierarchy in Sec 405.22.C.3.
- One or more PRINCIPAL BUILDINGS are permitted on a LOT. The PRINCIPAL BUILDING(S) PRIMARY FAÇADE shall be located within the BUILD-TO-ZONE. ALL PRINCIPAL BUILDINGS must have a PRINCIPAL ENTRANCE along the PRIMARY FAÇADE.
- Loading docks and other service entries shall not be located facing STREETS and public OPEN SPACES.
- 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.F). Maximum Building Footprint may be expanded by up to 100% for additions to existing buildings with a MAJOR WAIVER (See Sec 405.26.F).

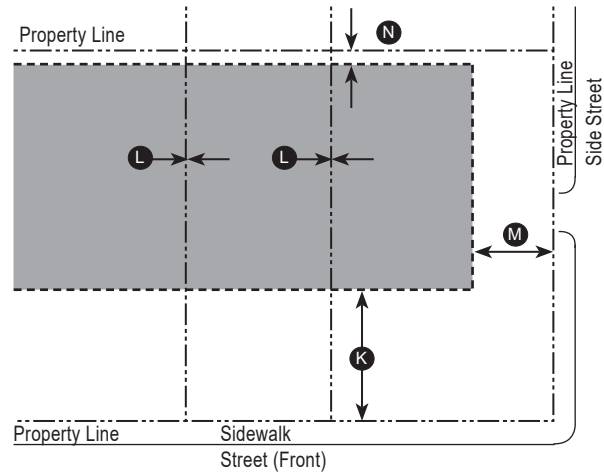
### NOTES:

- A parking garage with LINER BUILDING may exceed the maximum LOT WIDTH/ depth, with a MAJOR WAIVER (See Sec 405.26.F).
- LOTS larger than 2 acres shall follow the Large Site Standards (Article 7).
- Any existing LOT that exceeds the maximum lot size shall be considered a permitted non-conforming lot.
- 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, floodplains, streams and riparian areas, and mature trees (See Sec 405.26.F).
- Existing BUILDINGS that do not meet the Building Form standards may be reused and improved as described in Sec 405.26.1.1.c (Non-conforming Buildings and Uses).

## 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
	Principal Building Height <b>Broadway/Cornell Corridor Height Overlay</b> (in stories)	2 min	no min	no min
		6 max	6 max	4.5 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:**

1. See Sec 405.14.H for requirements.
2. See Special Requirements Map (Figure 405.3.B) to view the area of the Broadway/Cornell Corridor Height Overlay, where greater building heights are permitted.
3. Within 20' of the rear LOT LINE, buildings may not be more than a half-STORY taller than the allowed height of adjacent buildings.

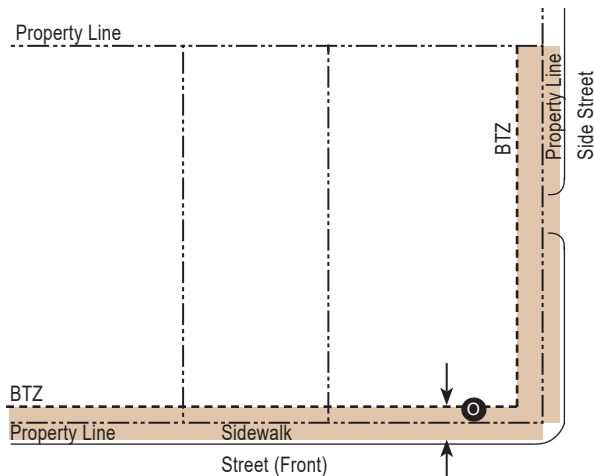
### E. Parking

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:**

1. Parking Setbacks apply to off-street above ground parking; structured parking may be located forward of the Parking Setback if the LINER BUILDING requirements of Sec 405.14.F are met.
2. See Sec 405.16 for additional parking requirements.
3. 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		X	X
Small Multiplex		X	X
Neighborhood Business		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

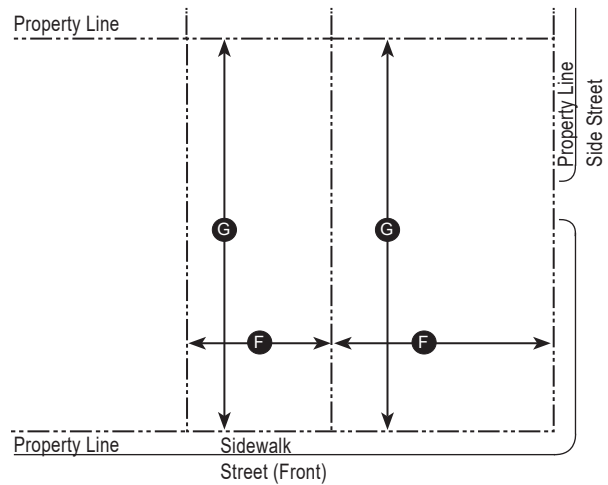
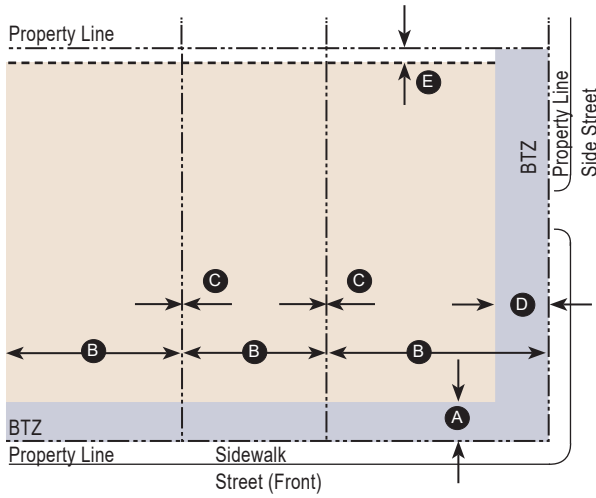
Up to 2.5 Stories (3.5 with Bonus)

Parking to the Side or Rear

Diverse Mix of Frontages

Note: Photos above are for illustrative purposes only.

# T4 NEIGHBORHOOD



**Key**  
 - - - - - Property Line  
 [Shaded Area] Potential Building Area (in addition to Build-to-Zone)  
 [Light Blue Area] Build-to-Zone (BTZ)

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

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

C. LOT Standards		T4MS	T4N-O	T4N
<b>F</b>	Lot Width	no min, 150' max		
<b>G</b>	Lot Depth	no min, 200' max		
	Lot Coverage (% maximum)	80%	70%	

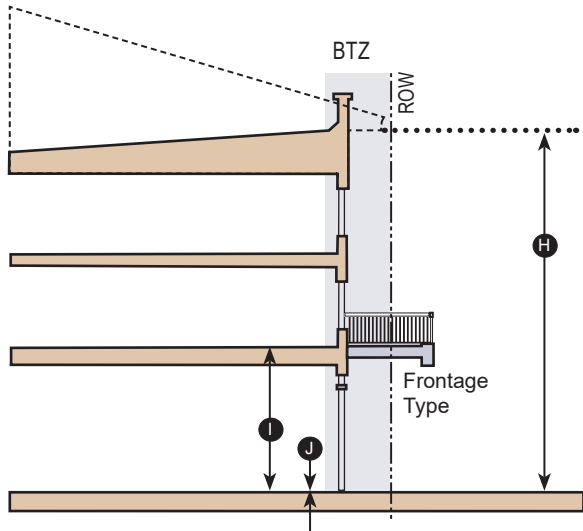
**NOTES:**

1. "Front" and "Side" orientation shall be determined by the Street Hierarchy Sec 405.22.C.3.
2. One or more PRINCIPAL BUILDINGS are permitted on a LOT. The PRINCIPAL BUILDING(S) 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.F).
3. All PRINCIPAL BUILDINGS must have a PRINCIPAL ENTRANCE along the PRIMARY FAÇADE.
4. Loading docks and other service entries shall not be located facing STREETS and public OPEN SPACES.
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.

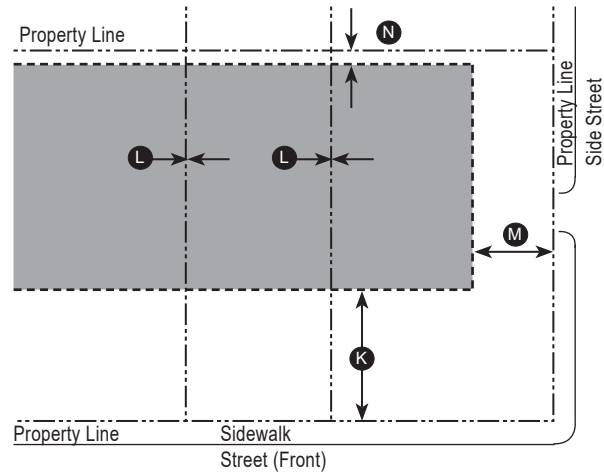
**NOTES:**

1. A parking garage with LINER BUILDING may exceed the maximum LOT WIDTH/depth, with a MAJOR WAIVER (See Sec 405.26.F).
2. LOTS larger than 2 acres shall follow the Large Site Standards (Article 7).
3. Any existing LOT that exceeds the maximum lot size shall be considered a permitted non-conforming lot.
6. 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.F). Maximum Building Footprint may be expanded by up to 100% for additions to existing buildings with a MAJOR WAIVER (See Sec 405.26.F).
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, floodplains, streams and riparian areas, and mature trees (See Sec 405.26.F).
8. Existing BUILDINGS that do not meet the Building Form standards may be reused and improved as described in Sec 405.26.1.1.c (Non-conforming Buildings and Uses).

## T4 NEIGHBORHOOD



**Key**  
 [Light Blue Box] Build-to-Zone (BTZ) [Orange Box] Building



**Key**  
 [Dashed Line] Property Line [Dotted Line] Setback Line  
 [Grey Box] Parking Area

D. Building Height		T4MS	T4N-O	T4N
H	Principal Building Height (in stories)	no min	no min	no min
		3 max	3 max	2.5 max
	Potential Bonus Height (Sec 405.20)	1 story	1 story	1 story
	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)		

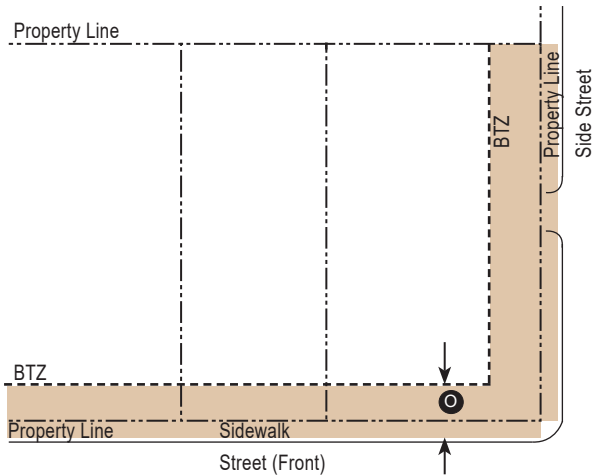
- NOTES:
- See Sec 405.14.H for requirements.
  - Within 20' of the rear LOT LINE, BUILDINGS may not be more than a half-STORY taller than the allowed height of adjacent BUILDINGS.

E. Parking		T4MS	T4N-O	T4N
Parking Placement				
	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:
- Parking Setbacks apply to off-street above ground parking; structured parking may be located forward of the Parking Setback if the LINER BUILDING requirements of Sec 405.14.F are met.
  - 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	
Stacked Flats	X		
Multiplex		X	X
Small Multiplex		X	X
Neighborhood Business	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**

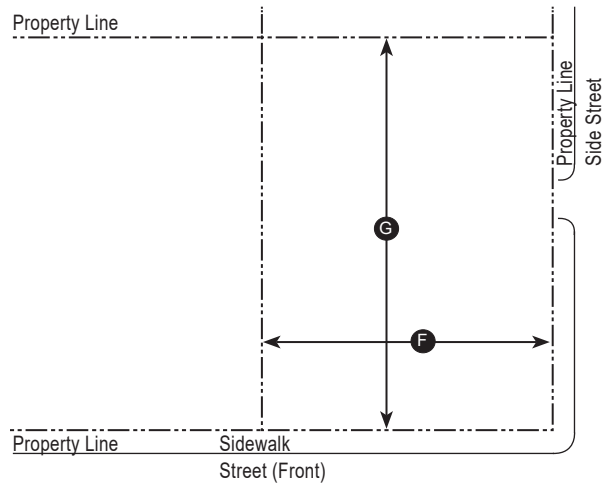
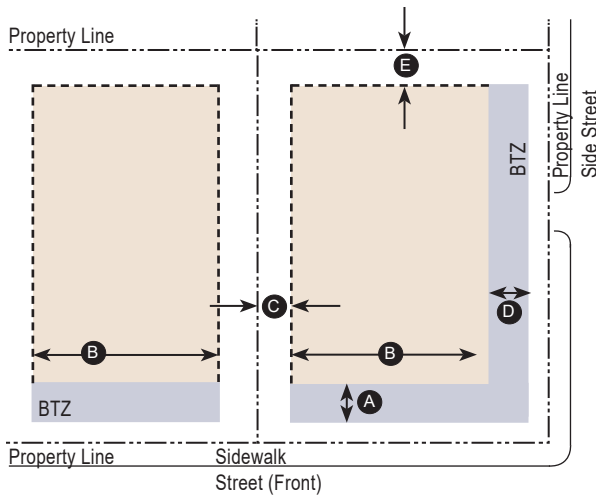
**A. T3 Transect Form Overview**



1. T3 Neighborhood	(T3N & T3N-O)
<p><b>(a) Intent</b></p> <p>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>(b) Primary Characteristics</b></p> <p>Detached</p> <p>Small-to-Medium Setbacks</p> <p>Up to 2.5 Stories (3.5 with Bonus in T3N-O)</p> <p>Parking to the Side or Rear</p> <p>Stoop/Porch Frontages</p>

Note: Photo above is for illustrative purposes only.

## T3 NEIGHBORHOOD



### Key

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

### Key

----- Property Line

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	4,000 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)	3' min	

### BUILDING FORM NOTES:

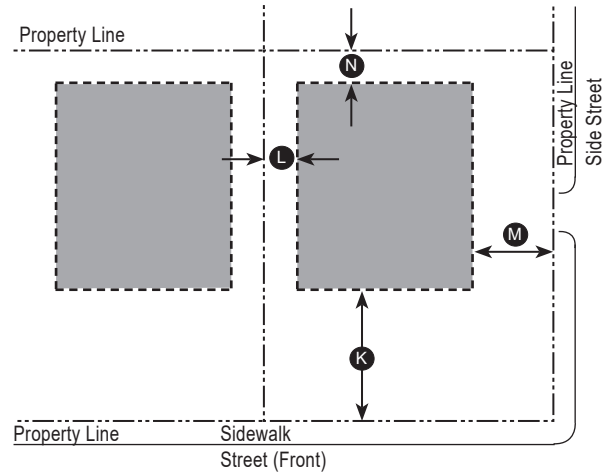
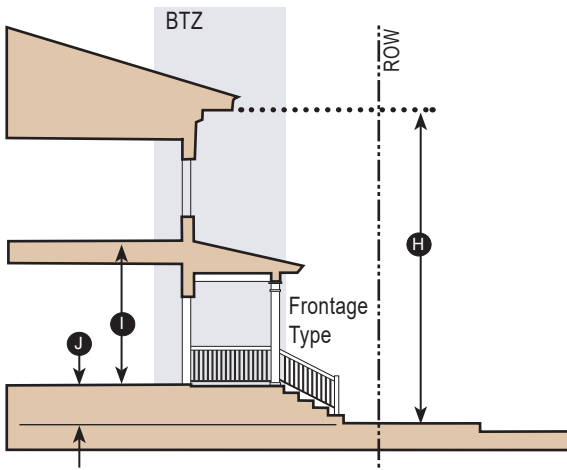
- "Front" and "Side" orientation shall be determined by the Street Hierarchy in Sec 405.22.C.3.
- All PRINCIPAL BUILDINGS must have a PRINCIPAL ENTRANCE along the PRIMARY FAÇADE.

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 & LOT STANDARD NOTES (continued):

- One or more PRINCIPAL BUILDINGS are permitted on a LOT. The PRINCIPAL BUILDING(S) 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.F).
- The Maximum Building Footprint shall not apply to CIVIC USES including houses of worship and schools. Maximum Building Footprint may be expanded by up to 100% for additions to existing buildings with a MAJOR WAIVER (See Sec 405.26.F).
- 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.
- 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.
- 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, floodplains, streams and riparian areas, and mature trees (See Sec 405.26.F).
- Existing BUILDINGS that do not meet the Building Form standards may be reused and improved as described in Sec 405.26.I.1.c (Non-conforming Buildings and Uses).
- LOTS larger than 2 acres shall follow the Large Site Standards (Article 7).
- Any existing LOT that exceeds the maximum lot size shall be considered a permitted non-conforming LOT.

## T3 NEIGHBORHOOD



**Key**  
 Build-to-Zone (BTZ)     Building

**Key**  
 Property Line     Setback Line  
 Parking Area

### 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	n/a
	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)	

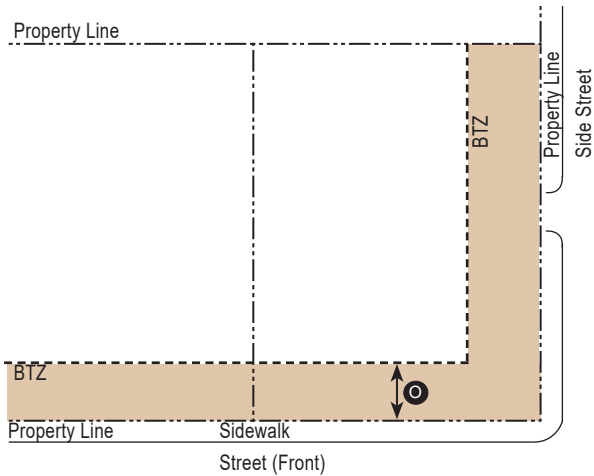
NOTES:  
 1. See Sec 405.14.H for requirements.

### 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:  
 1. See Sec 405.16 for additional parking requirements.  
 2. 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
Small Multiplex	X	X
Neighborhood Business	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)**

<b>(a) Intent</b>	<b>(b) Primary Characteristics</b>
To protect the integrity of existing, medium-large lot detached homes and reinforce their role within the City.	Detached
	Small-to-Large Setbacks
	Up to 2.5 Stories
	Parking to the Side or Rear
	Common Yard Frontages

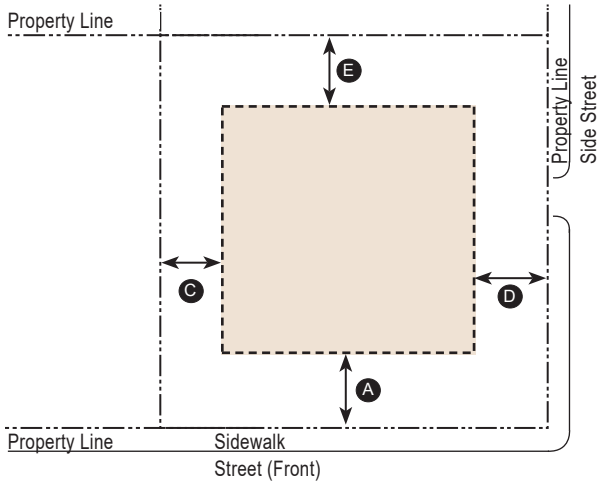


**2. T2 Conservation (T2C)**

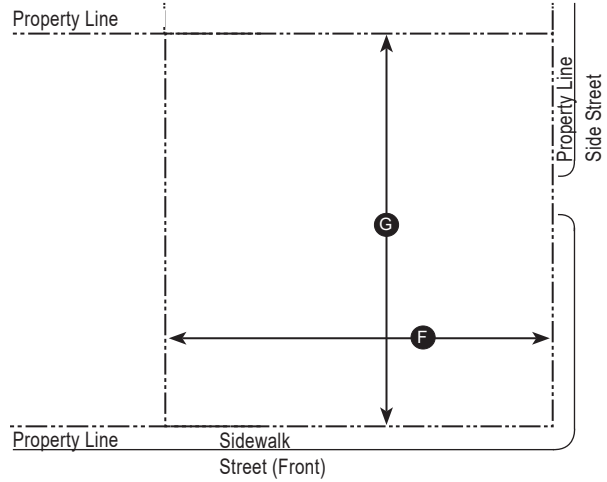
<b>(a) Intent</b>	<b>(b) Primary Characteristics</b>
To protect the integrity of existing natural land with low density detached homes as well as areas of steep slopes and natural vegetation, and reinforce their role within the City.	Detached
	Medium-to-Large Setbacks
	Up to 2.5 Stories
	Parking to the 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

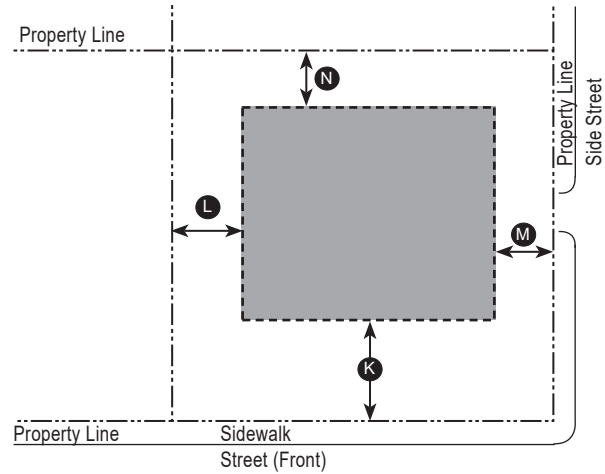
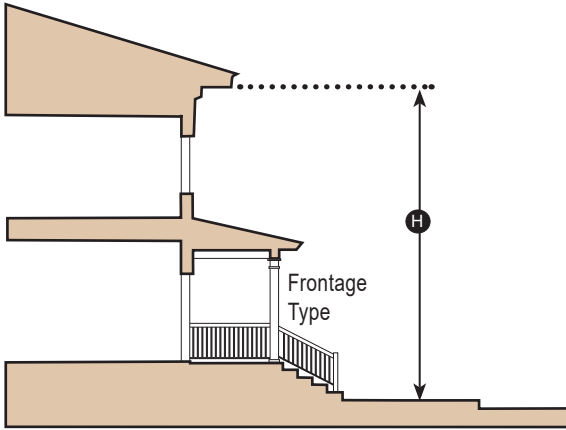
B. Building Form			
		T3L	T2C
A	Front Setback	20' min or Contextual Setback, see note 4	20' min
	Frontage Occupancy	n/a	
	Maximum Building Footprint	4,000 sf	
C	Side Setback (mid-block)	10' min or Contextual Setback, see note 4	15' min
D	Side Setback (street)	20' min or Contextual Setback, see note 4	20' min
E	Rear Setback (lot)	20' min	
	Rear Setback (alley)	20' min	
	Side or Rear Setback (accessory)	3' min	

C. LOT Standards			
		T3L	T2C
F	Lot Width	50' min, no max	75' min, no max
G	Lot Depth	100' min, no max	100' min, no max
	Lot Coverage (% maximum)	30%	25%

**BUILDING FORM & LOT STANDARD 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.F).
3. The Maximum Building Footprint shall not apply to CIVIC USES including houses of worship and schools. Maximum Building Footprint may be expanded by up to 100% for additions to existing buildings with a MAJOR WAIVER (See Sec 405.26.F).
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, floodplains, streams and riparian areas, and mature trees (See Sec 405.26.F).
6. Existing BUILDINGS that do not meet the Building Form standards may be reused and improved as described in Sec 405.26.I.1.c (Non-conforming Buildings and Uses).
7. LOTS larger than 2 acres shall follow the Large Site Standards (Article 7).

## T3 LARGE LOT & T2 CONSERVATION



**Key**  
 Building

**Key**  
 Property Line  
 Setback Line  
 Parking Area

### D. Building Height

		T3L	T2C
Ⓜ	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:**

- See Sec 405.14.H for requirements.

### E. Parking

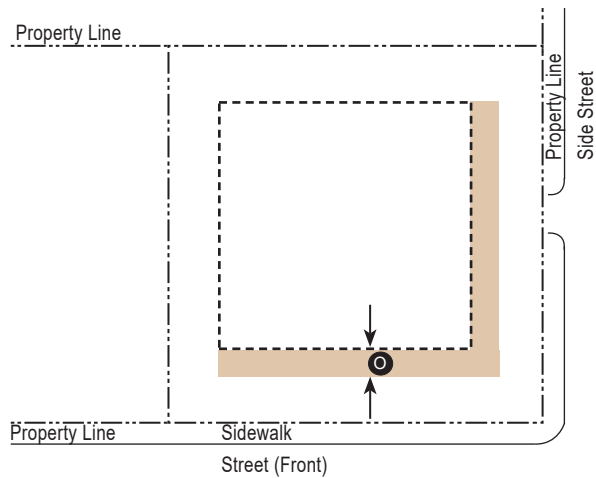
Parking Placement		T3L	T2C
	General Location	Behind, Side	
Ⓚ	Front Setback	30' min	
Ⓛ	Side Setback (mid-block)	10' min	
Ⓜ	Side Setback (street)	15' min	
Ⓝ	Rear Setback (lot or alley)	10' min	
Required Spaces		T3L	T2C
Residential uses		no minimum, 3 / unit max	
Lodging uses		no minimum, 2 / guest room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

- Above elements may encroach forward of the SETBACK, but may not encroach into the RIGHT-OF-WAY.
- See Frontage Standards (Sec 405.13) for dimensional requirements.

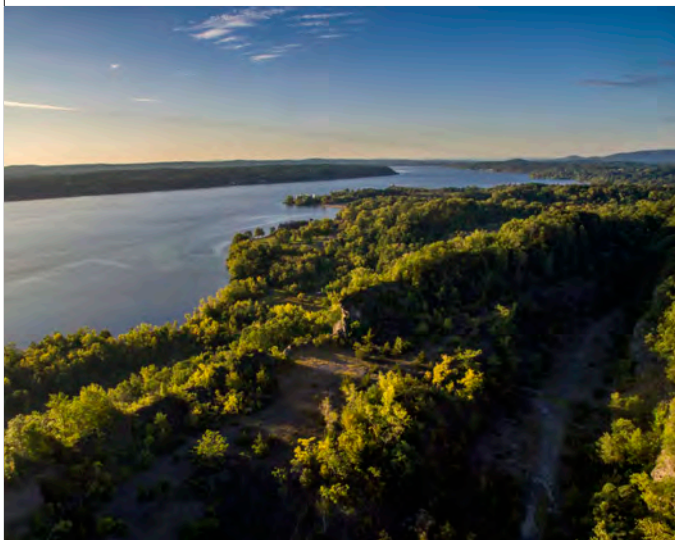
G. Allowed Building Types		
	T3L	T2C
Small Multiplex	X	
Cottage Court	X	
Duplex	X	X
Detached House	X	X
Carriage House	X	X

### NOTES:

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

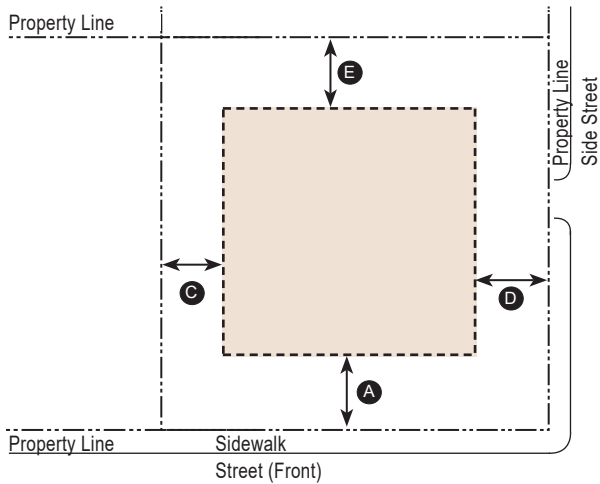
## SECTION 405.10 T1 NATURAL

### 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 Types in the T1 District shall be limited to CIVIC BUILDINGS or BUILDINGS that support the use of parks and open spaces.
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, floodplains, streams and riparian areas, and mature trees (See Sec 405.26.F).
4. Existing BUILDINGS that do not meet the Building Form standards may be reused and improved as described in Sec 405.26.I.1.c (Non-conforming Buildings and Uses).
5. See Sec 405.14.H for BUILDING HEIGHT requirements.

**SECTION 405.11 SD SPECIAL DISTRICTS**

**A. Special District Waterfront & Waterfront Mixed-Use Form Overview**



**1. Waterfront (SD-W)**

**(a) Intent**

To allow by-right water-dependent uses along the Rondout Creek waterfront. An overlay for Waterfront Mixed-Use is applicable to this area and provides an option for a greater variety of uses, with more intensive activity and development forms (see Sec 405.11.A.2).

**(b) Primary Characteristics**

- Detached
- Building Placement Varies
- Medium-to-Large Setbacks
- Up to 2.5 Stories
- Parking Placement Varies



**2. Waterfront Mixed-Use (SD-WMU)**

**(c) Intent**

The Waterfront Mixed-Use district is an overlay that may be approved by MAJOR SITE PLAN in the SD-W district. The intent is to allow for a walkable, mixed-use destination district that celebrates the rich cultural, historic, and natural resources of the waterfront, and furthers the policies of the Kingston Local Waterfront Revitalization Program (LWRP). District standards shape mixed-use development and public spaces that support a healthy relationship between people and the environment, allowing for increased building massing / height and a greater mix of uses in exchange for required public access along the waterfront. During the SITE PLAN approval process applicants shall demonstrate that site conditions will support the proposed development, including analysis of environmental constraints and bulkhead conditions.

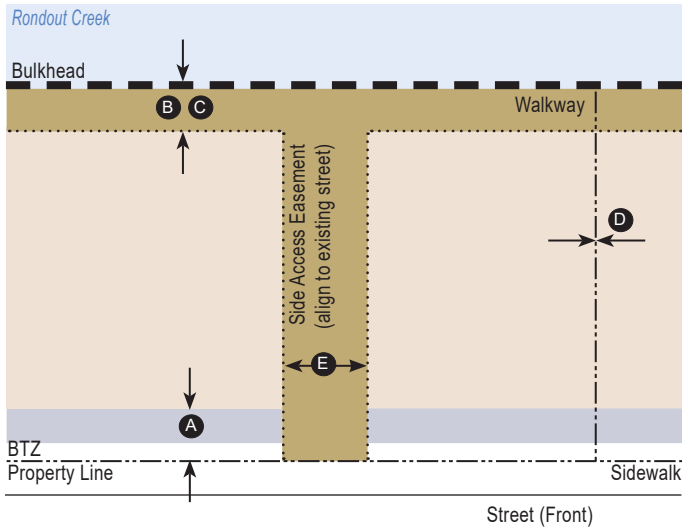
**(d) Primary Characteristics**

- Attached or Detached
- Buildings Close to ROW
- No Side Setbacks
- Height Varies (3 to 4 Stories + Bonus)
- Waterfront Public Access



Note: Photos above are for illustrative purposes only.

## SD SPECIAL DISTRICTS (WATERFRONT)



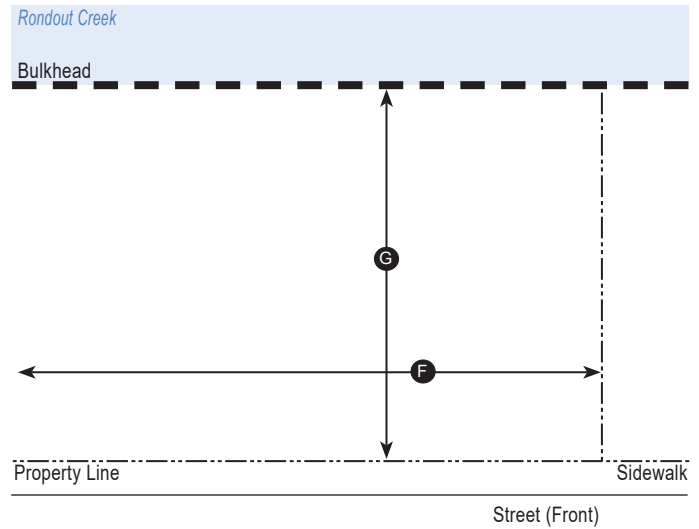
### Key

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

B. Building Form			
		SD-W	SD-WMU
A	Front Setback (SD-W) or Build-to-Zone (SD-WMU)	25' min	10' min to 25' max
B	Waterfront Setback	30' min	20' min
C	Waterfront Public Access Easement	n/a	20' min
	Frontage Occupancy	n/a	n/a
	Maximum Building Footprint	n/a	20,000 sf
D	Side Setback (mid-block)	12' min	0' min
E	Side Public Access Easement (aligns with existing street right-of-way intersections)	n/a	40' min
	Floor Area Ratio	1.2	n/a

### BUILDING FORM & LOT STANDARD NOTES:

- "Front" orientation shall be E Strand Street.
- "Waterfront" orientation shall be the Rondout Creek. The Waterfront Setback shall be measured from the bulkhead (or equivalent).
- In SD-W, one PRINCIPAL BUILDING is permitted per LOT.
- Building Placement and Public Access Standards may be adjusted to avoid impacts to sensitive natural features such as steep slopes, exposed rock formations, sensitive habitats, wetlands, floodplains, streams and riparian areas, and mature trees (See Sec 405.26.F).
- Existing BUILDINGS that do not meet the Building Form standards may be reused and improved as described in Sec 405.26.1.1.c (Non-conforming Buildings and Uses).



### Key

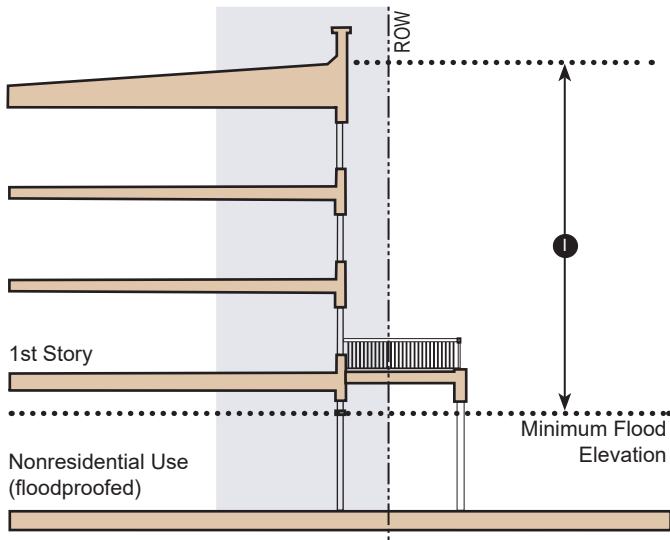
- Property Line

C. LOT Standards			
		SD-W	SD-WMU
G	Lot Width	40' min, no max	no min, no max
H	Lot Depth	no min, no max	no min, no max
	Lot Coverage (% maximum)	60%	80%

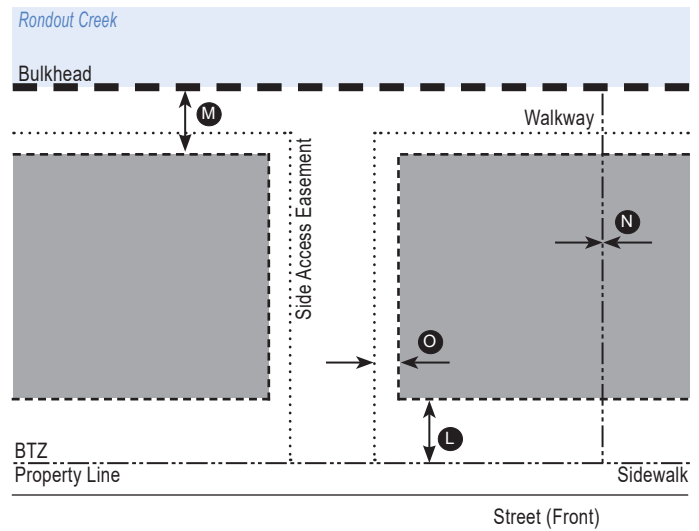
### SPECIFIC TO THE SD-WMU:

- One or more PRINCIPAL BUILDINGS are permitted on a LOT. The PRINCIPAL BUILDING(S) PRIMARY FAÇADE shall be located within the BUILD-TO-ZONE. All PRINCIPAL BUILDINGS must have a PRINCIPAL ENTRANCE along the PRIMARY FAÇADE.
- LOT area in front of the BUILD-TO-ZONE shall be designed as an extension of the public realm, providing pedestrian access to BUILDING entrances.
- The Waterfront Public Access Easement is located in the Waterfront Setback and shall contain a minimum 12' wide continuous walkway or trail.
- A Side Public Access Easement is required to provide public access to the existing street network and view corridors to Rondout Creek at the terminus of existing perpendicular intersecting public street RIGHT-OF-WAYS. Where no perpendicular streets exist, the distance between Side Public Access Easements along the waterfront shall not exceed 450'.
- Public Access Easements in the SD-WMU shall contain a walkway or trail, and should contain benches and streetscape furnishings, trees and landscaped/planted areas. A Side Public Access Easement may also include vehicular access to parking.

## SD SPECIAL DISTRICTS (WATERFRONT)



**Key**  
 Build-to-Zone (BTZ)      Building



**Key**  
 Property Line      Parking Setback Line  
 Parking Area      Access Easement

### D. Building Height

		SD-W	SD-WMU
<b>I</b>	Principal Building Height (in stories)	no min	no min
		2.5 max	3 max
	Potential Bonus Height (Sec 405.20)	n/a	1 story
	Accessory Building Height (in stories)	2.5 max	2.5 max
<b>East Strand Height Overlay</b>			
<b>I</b>	Principal Building Height <b>East Strand Height Overlay</b> (in stories)	no min	no min
		2.5 max	4 max
	Potential Bonus Height <b>East Strand Height Overlay</b> (Sec 405.20)	n/a	2 stories

**NOTES:**

- Overall building height shall be measured from the minimum flood elevation to the eave of the roof or roof deck (if flat). One level, up to 16' in height, is permitted below the minimum flood elevation and does not count as a story.
- See Special Requirements Map (Figure 405.3.B) to view the area of the East Strand Height Overlay, where greater building heights are permitted.
- See Sec 405.14.H for additional requirements.

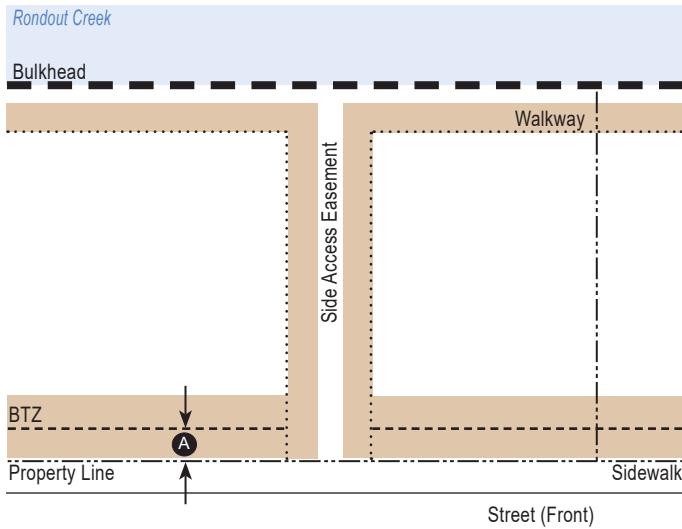
### E. Parking

Parking Placement		SD-W	SD-WMU
	General Location	Varies	Side, Under, Structured
<b>L</b>	Front Setback	30' min	30' min
<b>M</b>	Waterfront Setback	30' min	30' min
<b>N</b>	Side Setback (mid-block)	10' min	0' min
<b>O</b>	Side Setback (access easement)	n/a	10' min
Required Spaces		SD-W	SD-WMU
Residential uses per dwelling unit (DU)		1 / DU min, 3 / DU max	no minimum, 2 / DU max
Lodging uses per guest room (GR)		1 / GR min, 2 / GR max	no minimum, 1.5 / GR max
Commerce / Civic uses		1 space / 1000sf min, 4 spaces / 1,000sf max	no minimum, 4 spaces / 1,000sf max
Industrial uses			

**NOTES:**

- Parking Setbacks apply to off-street above ground parking. Structured parking may be located forward of the Parking Setback if the LINER BUILDING requirements of Sec 405.14.F are met.
- Parking below the first story shall be shielded from view of streets and pedestrian spaces with architectural articulation, landscaping or other appropriate screening. Parking below the first story may be located forward of the Parking Setback without a LINER BUILDING if appropriate screening is provided, with approval of a MINOR WAIVER (see Sec 405.26.F).
- Driveways are permitted forward of the parking SETBACK line.
- See Sec 405.16 for additional parking requirements, including access and landscape / screening standards.

## SD SPECIAL DISTRICTS (WATERFRONT)



**Key**  
 - - - - - Property Line      ■ Encroachment Area  
 - - - - - Build-to-Zone (BTZ)      ······· Access Easement

F. Encroachments		
Permitted Encroachments	SD-W	SD-WMU
<b>P</b> Maximum Encroachment		15'
Allowed Frontages (Sec 405.13)	X	
Awning / Marquee	X	
Balcony	X	
Other Architectural Elements (bay window, overhang, cornice, etc.)	X	
Signage	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		
	SD-W	SD-WMU
Wall Sign	1 per business	
Wall Mural Sign	1 per bldg	
Awning or Canopy	1 per awning	
Projecting or Hanging	1 per entry	
Window Sign	1 per shopfront	
Sidewalk Sign	1 per business	

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

H. Allowed Building Types		
	SD-W	SD-WMU
Main Street Building	n/a	X
Flex Building		X
Liner Building		X
Live/Work Building		X
Stacked Flats		X
Courtyard		X
Multiplex		X
Small Multiplex		X
Neighborhood Business		X
Rowhouse		X
Cottage Court		
Duplex		
Detached House		
Carriage House		

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

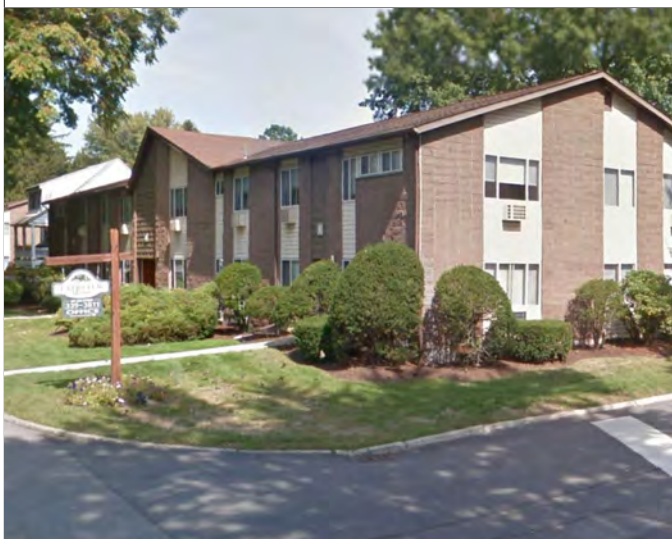
**SD SPECIAL DISTRICTS (COMMERCIAL, FLEX, MULTIFAMILY, INSTITUTIONAL)**

**J. Special District (Commercial, Flex, Multifamily, Institutional) Form Overview**



**1. Commercial (SD-C) & Flex (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. 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
	Parking Placement Varies



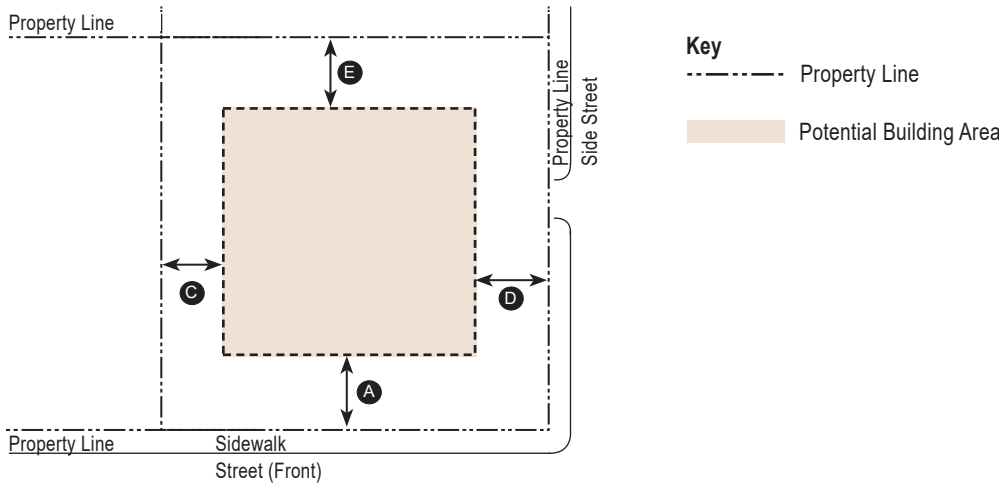
**3. Institutional (SD-I)**

(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 DISTRICTS (COMMERCIAL, FLEX, MULTIFAMILY, INSTITUTIONAL)**



K. Building Form					
		SD-C	SD-F	SD-MF	SD-I
<b>A</b>	Front Setback	30' min	10' min	30' min	n/a
<b>C</b>	Side Setback (mid-block)	10' min	10' min	15' min	n/a
<b>D</b>	Side Setback (street)	10' min	10' min	15' min	n/a
<b>E</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 Districts Map			
L. 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 Districts Map			
M. Building Height					
Principal Building Height (in STORIES)		See Special Districts Map			
Accessory Building Height (in STORIES)		2.5 max	2.5 max	2.5 max	2.5 max
N. 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 or more PRINCIPAL BUILDINGS are permitted on a 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.F).
4. See Sec 405.14.H for BUILDING HEIGHT requirements.
5. Minimum parking requirements shall be applied as described in Sec 405.16.C.
6. LOTS larger than 2 acres may 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, T5, and SD-WMU 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.F). 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.F).

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

Building Types	T5			SD	T4			T3			T2
	T5-MS	T5-F	T5N	SD-WMU	T4-MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C
Main Street Building	X	X		X	X						
Flex Building		X		X							
Liner Building	X	X	X	X	X						
Live/Work Building	X	X	X	X	X	X					
Stacked Flats	X	X	X	X	X						
Courtyard Building		X	X	X							
Multiplex		X	X	X		X	X				
Small Multiplex		X	X	X		X	X	X	X		
Neighborhood Business		X	X	X	X	X	X	X	X		
Rowhouse		X	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 Dimensions	
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.	

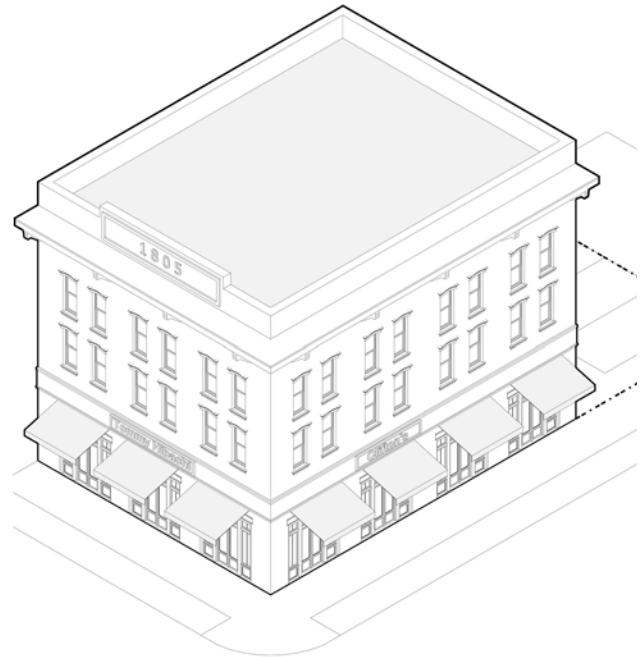


Figure 405.12.D: Examples of Main Street Buildings:



**E. FLEX BUILDING**

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

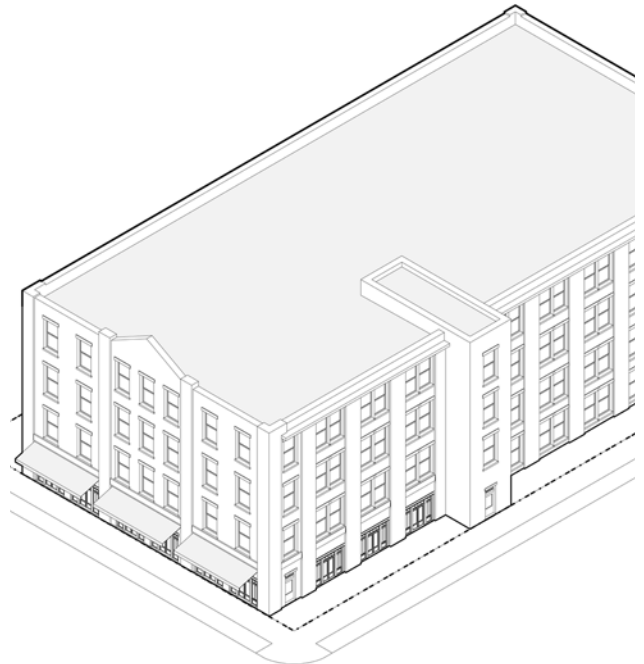
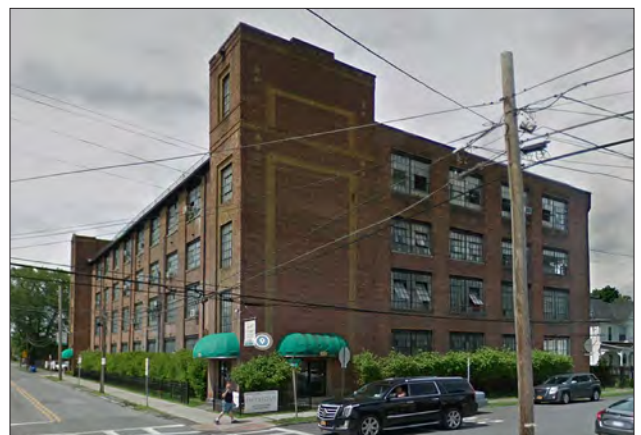


Figure 405.12.E: Examples of Flex Buildings:



**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 Dimensions	
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.	

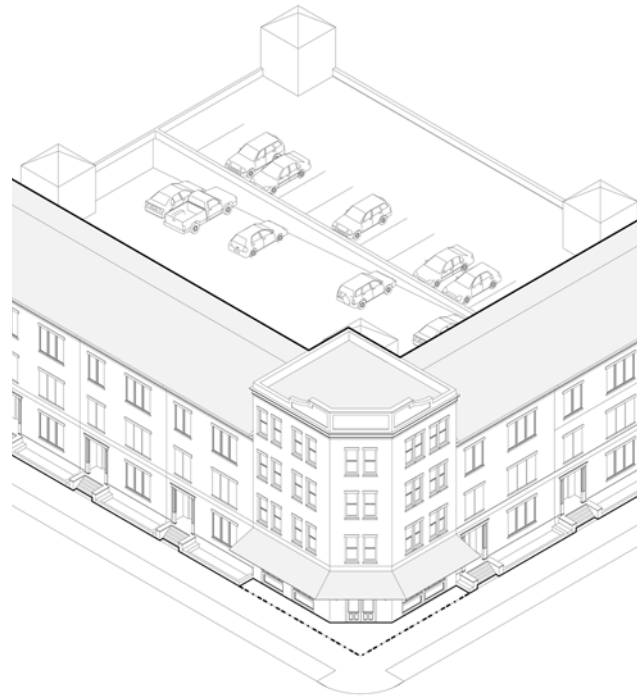


Figure 405.12.F: Examples of LINER BUILDINGS:



**G. LIVE/WORK BUILDING**

<b>1. Description</b>	
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.	
<b>2. Required Building Dimensions</b>	
Building Width	18' min / 50' max
<b>3. Allowed Intensity</b>	
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.	
<b>4. Allowed Frontage Types (Sec 405.13)</b>	
Shopfront, Forecourt, Dooryard, or Stoop are permitted.	
<b>5. Required PRIVATE OPEN SPACE Dimensions</b>	
Required behind the main body of the building	
Width	10' min
Depth	10' min
Area	100 sf min
<b>6. Required Pedestrian Access</b>	
Pedestrian access shall be provided from a front (preferred) or side street sidewalk.	
The commercial/flex space and DWELLING UNIT shall have separate entries.	

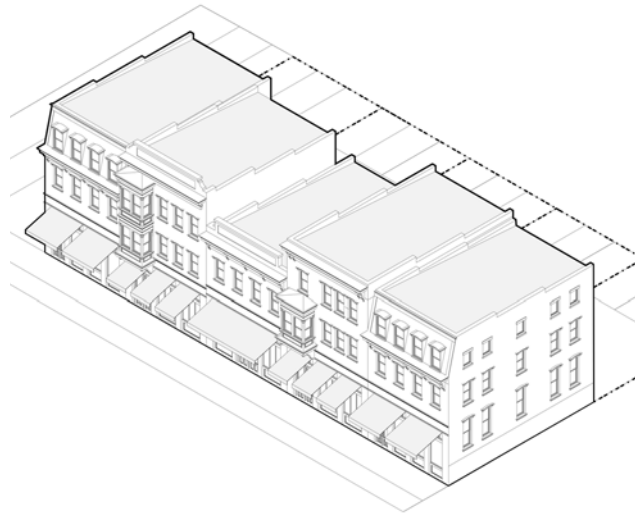


Figure 405.12.G: Examples of Live/Work Buildings:



**H. STACKED FLATS**

<b>1. Description</b>	
<p>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.</p>	
<b>2. Required Building Dimensions</b>	
Building Width	no min / 150' max <sup>1</sup>
<p><sup>1</sup> Buildings that meet the requirements for Wide Buildings (Sec 405.14.C.4) may be permitted as a MINOR WAIVER.</p>	
<b>3. Allowed Intensity</b>	
Number of units per building	unrestricted
<b>4. Allowed Frontage Types (Sec 405.13)</b>	
Forecourt, Dooryard, and Stoop are permitted.	
<b>5. Required PRIVATE OPEN SPACE Dimensions</b>	
No requirement	
<b>6. Required Pedestrian Access</b>	
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.	

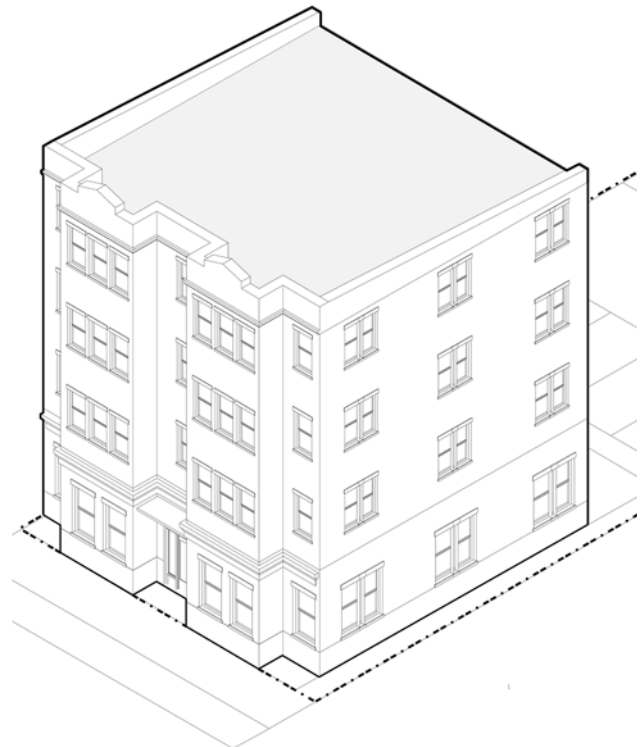


Figure 405.12.H: Examples of Stacked Flats Buildings:





**I. COURTYARD BUILDING**

<b>1. Description</b>	
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.	
<b>2. Required Building Dimensions</b>	
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
<b>3. Allowed Intensity</b>	
Number of units per building	unrestricted
<b>4. Allowed Frontage Types (Sec 405.13)</b>	
Forecourt, Dooryard, and Stoop are permitted.	
<b>5. Required PRIVATE OPEN SPACE Dimensions</b>	
No requirement	
<b>6. Required Pedestrian Access</b>	
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.	

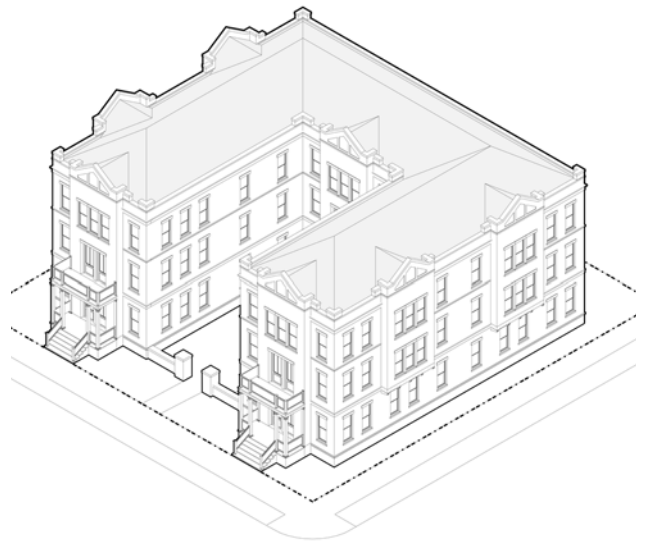


Figure 405.12.I: Examples of Courtyard Buildings:



**J. MULTIPLEX**

1. Description	
The 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 T4: 12 maximum T5: 18 maximum
4. Allowed Frontage Types (Sec 405.13)	
Common yard, PORCH, Stoop and Dooryard are permitted.	
5. Required PRIVATE OPEN SPACE Dimensions	
Width	10' min
Depth	10' min
Area	100 sf min.
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.	

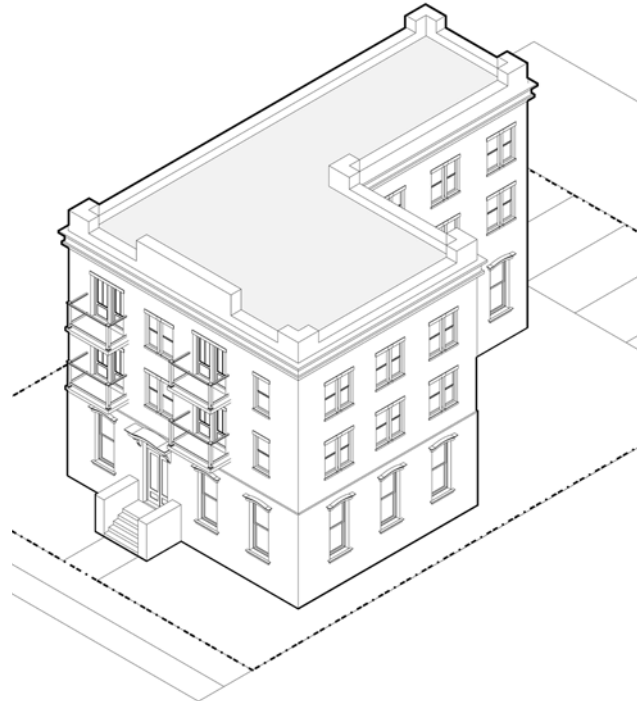


Figure 405.12.J: Examples of Multiplex Buildings:



**K. SMALL MULTIPLEX**

1. Description	
<p>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.</p>	
2. Required Building Dimensions	
Building Width	48' max
Building Depth	48' max
3. Allowed Intensity	
Number of units per building	3 minimum T3: 4 maximum <sup>1</sup> T4/T5: 6 maximum
<sup>1</sup> Up to 6 units may be permitted if at least 2 units are AFFORDABLE HOUSING UNITS as described in Sec. 405.19.	
4. Allowed Frontage Types (Sec 405.13)	
Common yard, PORCH, Stoop and Dooryard are permitted.	
5. Required PRIVATE OPEN SPACE Dimensions	
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 front street sidewalk. Each unit may have an individual entry. For corner LOTS, secondary access may be provided from the side street as well.	

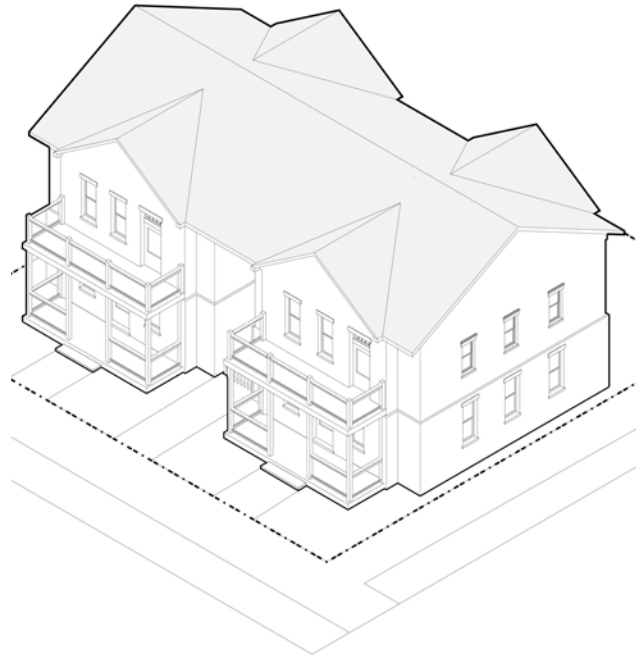


Figure 405.12.K: Examples of Small Multiplex Buildings:



**L. NEIGHBORHOOD BUSINESS**

1. Description	
A Neighborhood Business 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	
Ground Floor footprint / 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 Dimensions	
No requirement	
6. Required Pedestrian Access	
Must provide pedestrian access from the front street sidewalk.	

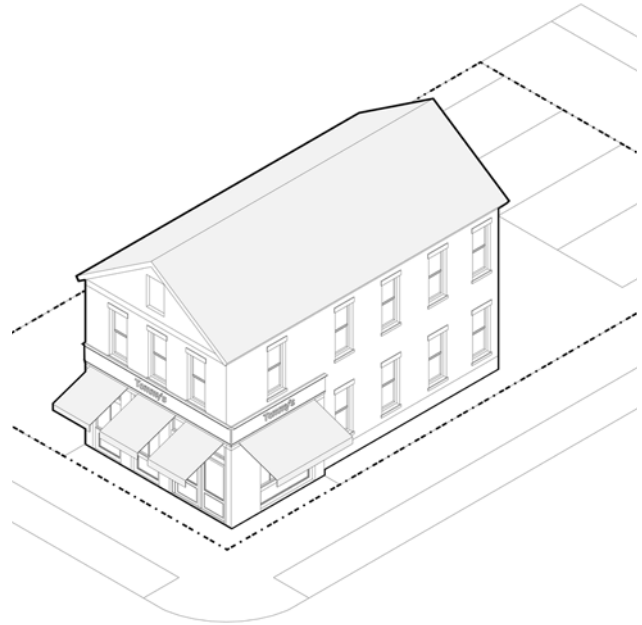


Figure 405.12.L: Examples of Neighborhood Business Buildings:



**M. ROWHOUSE**

<b>1. Description</b>	
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.	
<b>2. Required Building Dimensions</b>	
Building Width	18' min / 36' max
Rowhouses per run	2 min / 8 max
<b>3. Allowed Intensity</b>	
Number of units per rowhouse	1 per floor max
ADUs per rowhouse (Sec 405.18)	1 attached or detached
<b>4. Allowed Frontage Types (Sec 405.13)</b>	
PORCH, Stoop and Dooryard are permitted.	
<b>5. Required PRIVATE OPEN SPACE Dimensions</b>	
Required behind the main body of the building	
Width	10' min
Depth	10' min
Area	100 sf min
<b>6. Required Pedestrian Access</b>	
Each unit shall have an individual entry facing a street.	

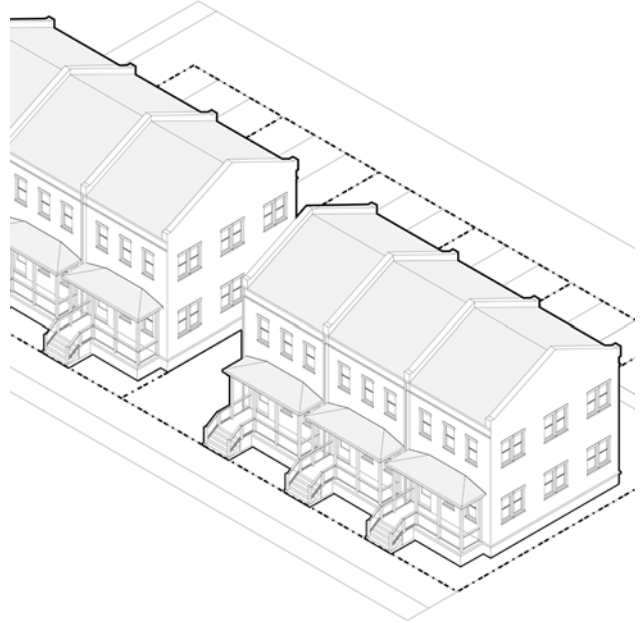
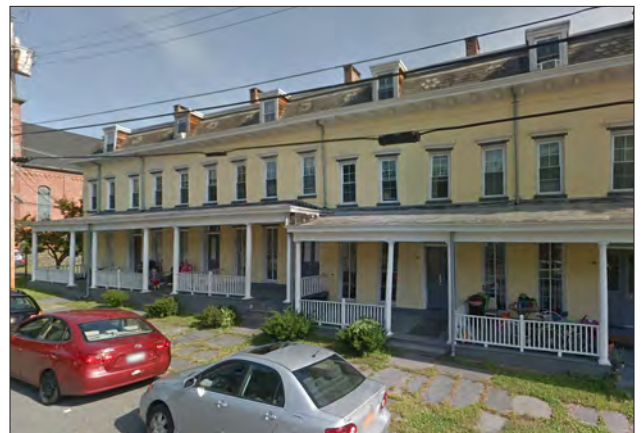


Figure 405.12.M: Examples of Rowhouse Buildings:



**N. COTTAGE COURT**

<b>1. Description</b>	
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.	
<b>2. Required Building Dimensions</b>	
Cottage footprint (per building)	500 sf min, 800 sf max
Cottage height	1.5 STORIES max
<b>3. Allowed Intensity</b>	
Number of units per building	1 max
Cottage buildings per LOT	3 min / 9 max
<b>4. Allowed Frontage Types (Sec 405.13)</b>	
Common yard, PORCH, Stoop and Dooryard are permitted.	
<b>5. Required PRIVATE OPEN SPACE Dimensions</b>	
Shared courtyard, accessible from the street	
Width	20' min
Depth	20' min
Area	400 sf min
<b>6. Required Pedestrian Access</b>	
Pedestrian access shall be from the central courtyard or the front street sidewalk.	



Figure 405.12.N: Examples of COTTAGE COURT Buildings:



**O. DUPLEX**

1. Description	
<p>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.</p>	
2. Required Building Dimensions	
Building width	50' max
3. Allowed Intensity	
Number of primary units per building	2 max
ADUs per LOT (Sec 405.18)	1 attached or detached <sup>1</sup>
<p><sup>1</sup> Up to 2 ADU per LOT (attached or detached) may be permitted by MAJOR WAIVER; see Sec 405.26.F.</p>	
4. Allowed Frontage Types (Sec 405.13)	
<p>Common yard, PORCH, Stoop and Dooryard are permitted.</p>	
5. Required PRIVATE OPEN SPACE Dimensions	
<p>Required behind the main body of the building</p>	
Width	15' min
Depth	15' min
Area	300 sf min
6. Required Pedestrian Access	
<p>Pedestrian access shall be from the front street sidewalk.</p>	

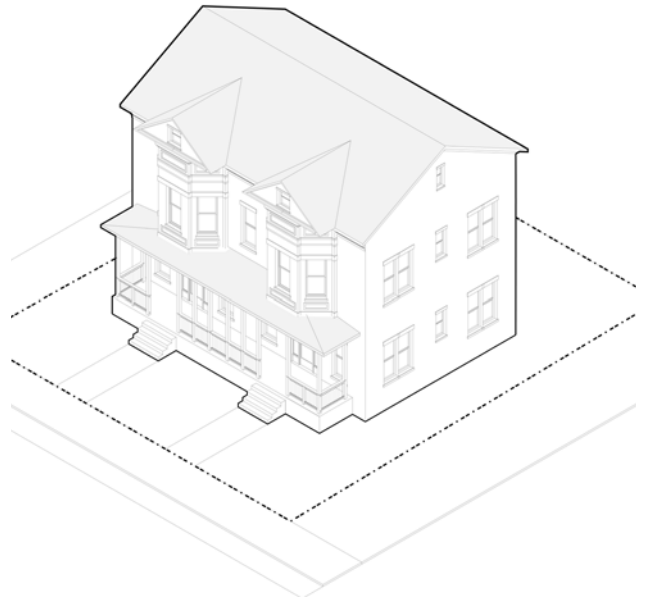


Figure 405.12.O: Examples of Duplex Buildings:



**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 LOT (Sec 405.18)	1 attached or detached <sup>1</sup>
<sup>1</sup> Up to 2 ADU per LOT (one attached and one detached) may be permitted by MAJOR WAIVER; see Sec 405.26.F.	
4. Allowed Frontage Types (Sec 405.13)	
Common yard, PORCH, Stoop, and Dooryard are permitted.	
5. Required PRIVATE OPEN SPACE Dimensions	
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 front street sidewalk.	

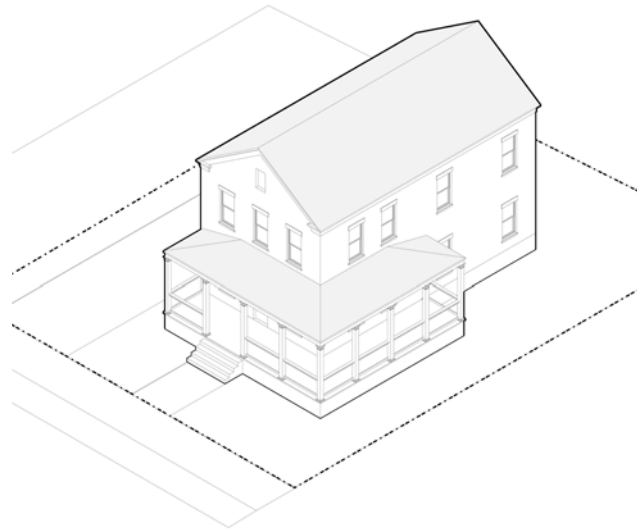


Figure 405.12.P: Examples of Detached HOUSE Buildings:





**Q. CARRIAGE HOUSE (ACCESSORY BUILDING)**

<b>1. Description</b>	
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 (ADU), 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.	
<b>2. Required Building Dimensions</b>	
Building width	36' max
Building depth	30' max
Separation from Main Building	10' min
<b>3. Allowed Intensity</b>	
ADUs per building (Sec 405.18)	1 max
Commerce USE floor area	500 sf max
Carriage Houses per LOT	1 max
<b>4. Allowed Frontage Types (Sec 405.13)</b>	
PORCH and Stoop are permitted.	
<b>5. Required PRIVATE OPEN SPACE Dimensions</b>	
Determined by the main building on the LOT; no additional private OPEN SPACE is required for a CARRIAGE HOUSE.	
<b>6. Required Pedestrian Access</b>	
Side street, ALLEY, or internal to the LOT. The main entrance shall not be through a garage.	

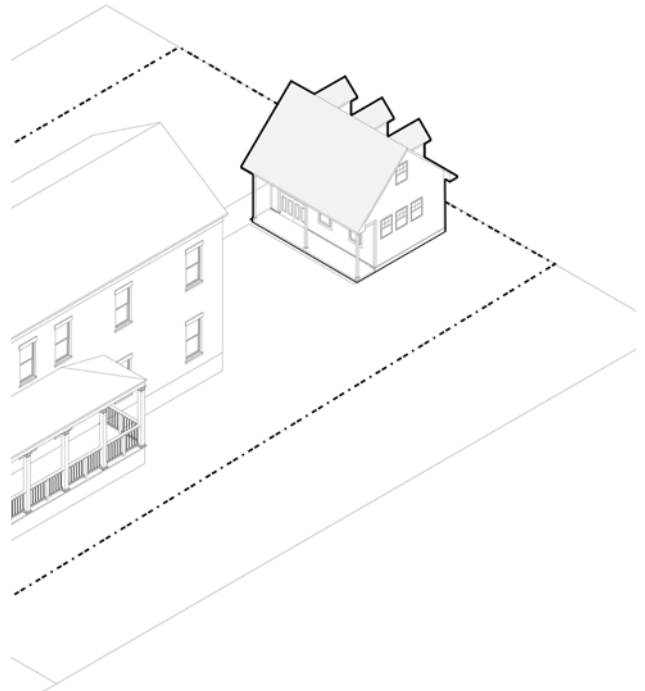


Figure 405.12.Q: Examples of Carriage House Buildings:



## 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).

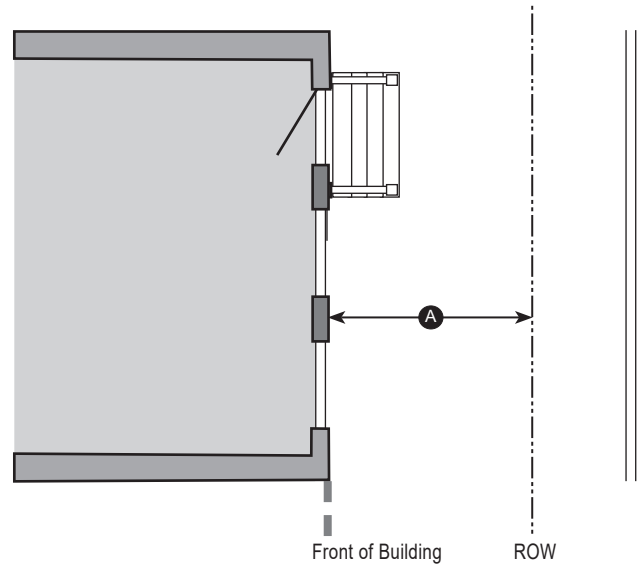
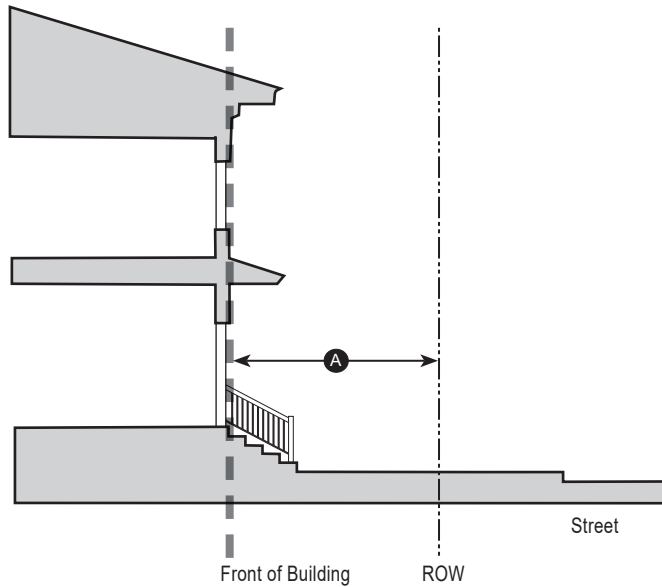
### B. APPLICABILITY

1. The Frontage Type Standards apply to all PRINCIPAL BUILDINGS in T2, T3, T4, T5, and SD-WMU Transect Zones. 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**

Frontage Types	Building Types (Section 405.12)													
	Main Street Building	Flex Building	LINER BUILDING	Live/Work Building	Stacked Flats	Courtyard Building	Multiplex	Multiplex: Small	Neighborhood Business	Rowhouse	Cottage Court	Duplex	Detached House	Carriage House
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 often unfenced and visually continuous with adjacent yards, supporting a common landscape.

#### B. Size

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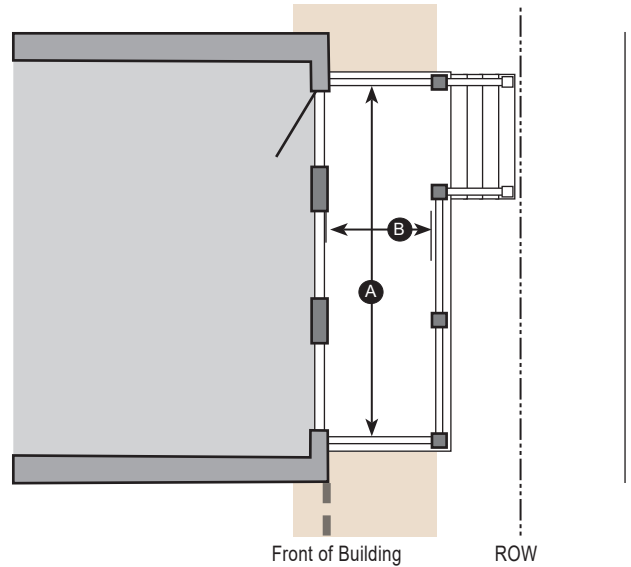
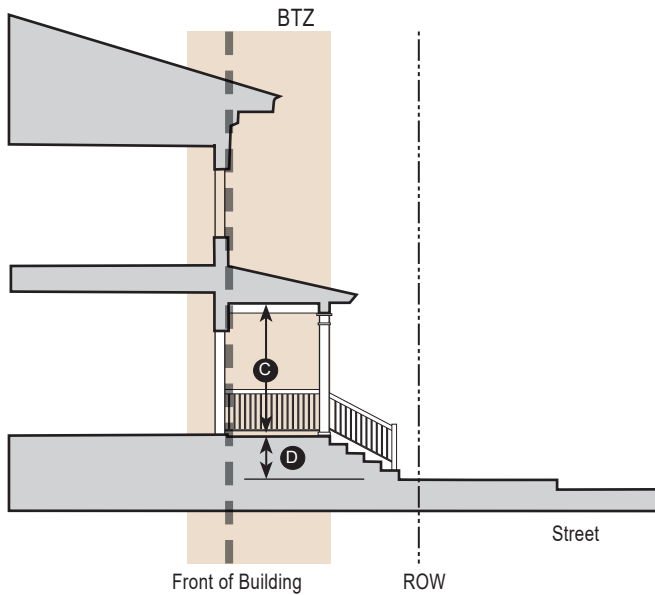
#### C. Miscellaneous

1. Common Yards may be used in conjunction with another Frontage Type, such as a PORCH or stoop.
2. 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)

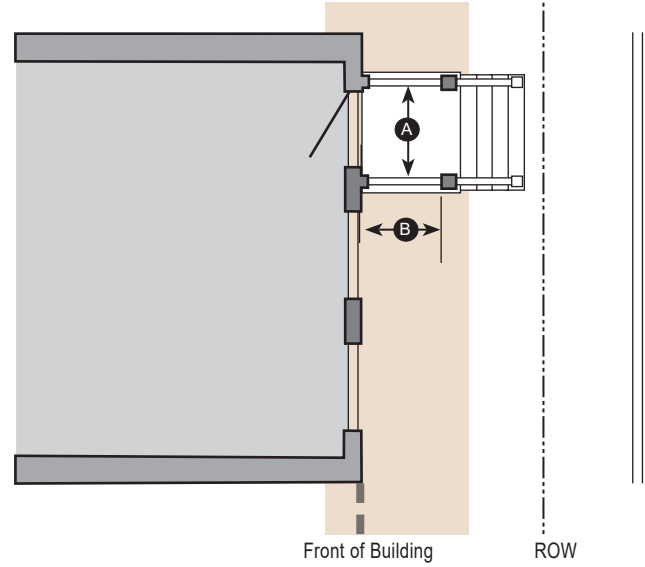
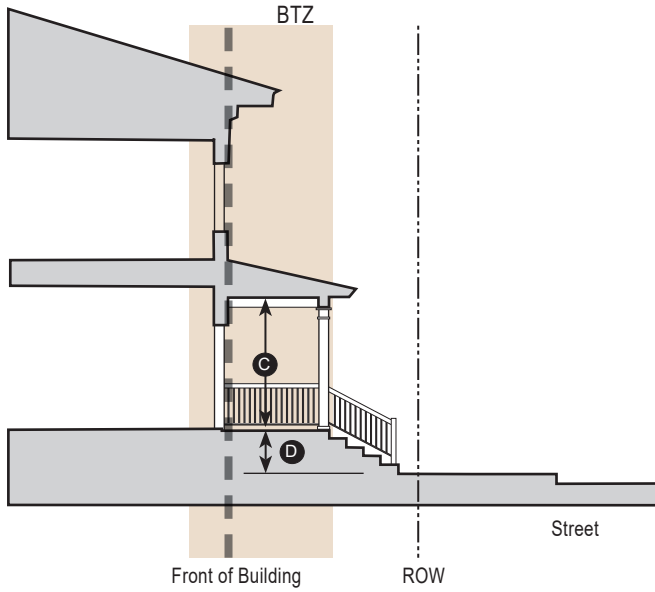
### C. Miscellaneous

1. In Transect Zones where FRONTAGE ENCROACHMENTS are allowed, a PORCH is a permitted ENCROACHMENT forward of the BUILD-TO-ZONE or SETBACK line. A porch / porch stairs may not extend into the public RIGHT-OF-WAY.
2. 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.	<b>A</b>
Depth, Clear	5' min., 8' max.	<b>B</b>
Height, Clear	8' min.	<b>C</b>
Height	1 STORY max.	
Finish Level Above Sidewalk	18" min.	<b>D</b>

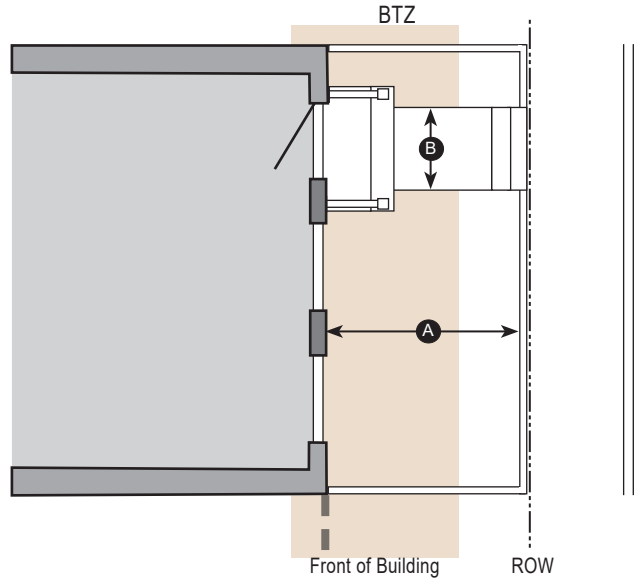
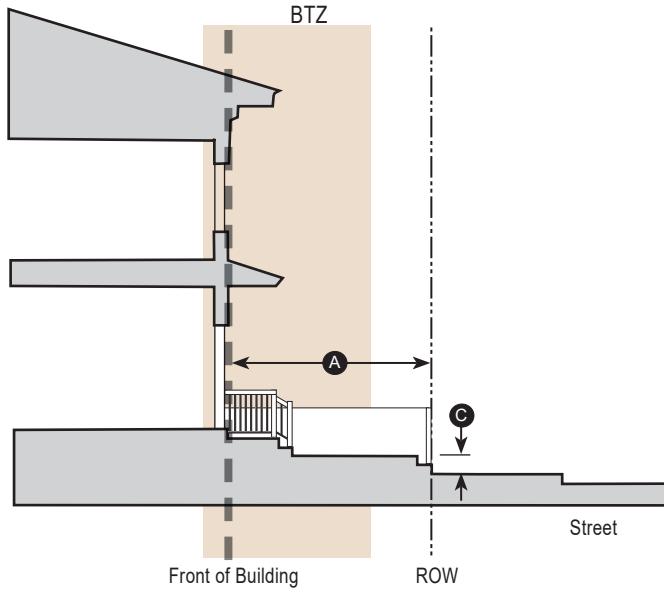
#### C. Miscellaneous

1. In Transect Zones where FRONTAGE ENCROACHMENTS are allowed, a stoop is a permitted ENCROACHMENT forward of the BUILD-TO-ZONE or SETBACK line. A stoop / stoop stairs may not extend into the public RIGHT-OF-WAY.
2. Stairs may be perpendicular or parallel to the building FAÇADE.



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.

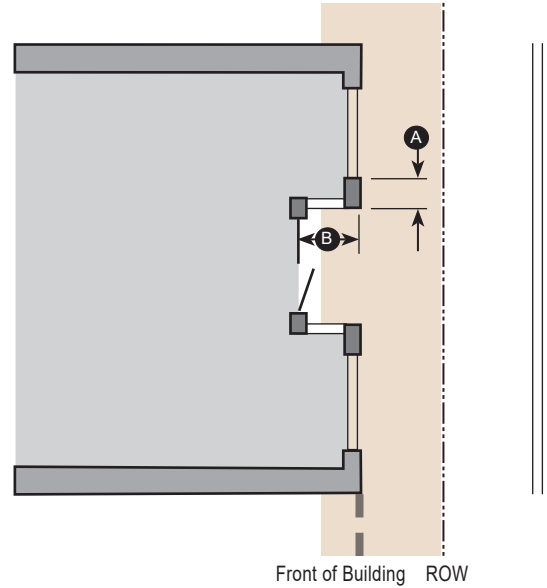
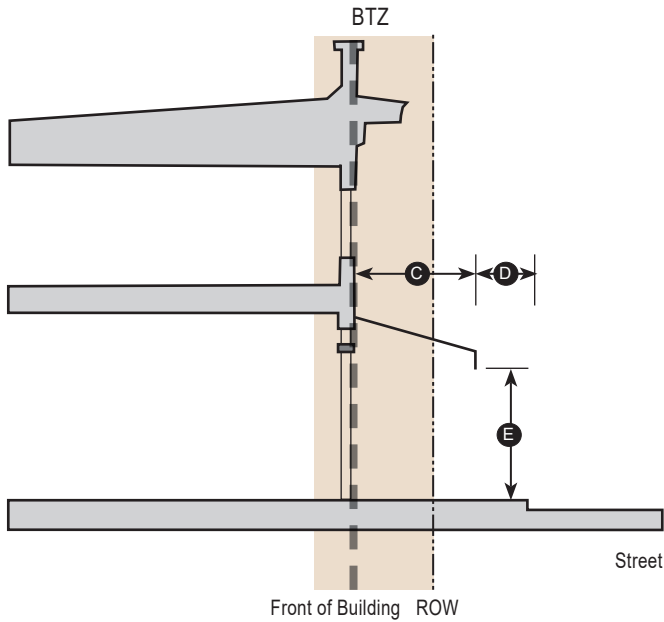
**B. Size**

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.	<b>A</b>
Ground Floor Transparency	See General Standards	
Door Recess	5' max.	<b>B</b>

**C. CANOPY OR AWNING**

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

**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.

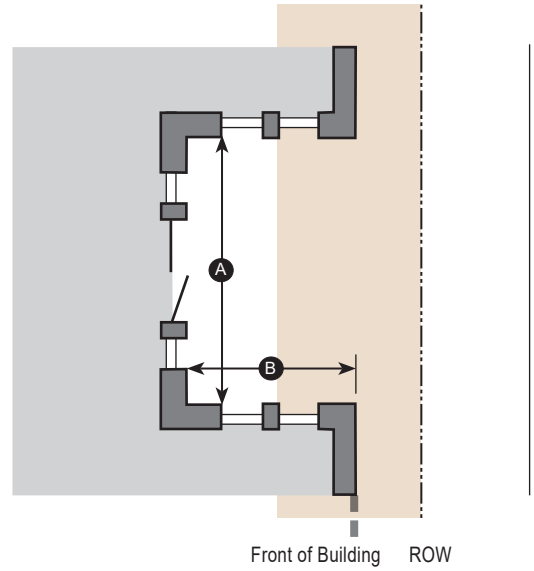
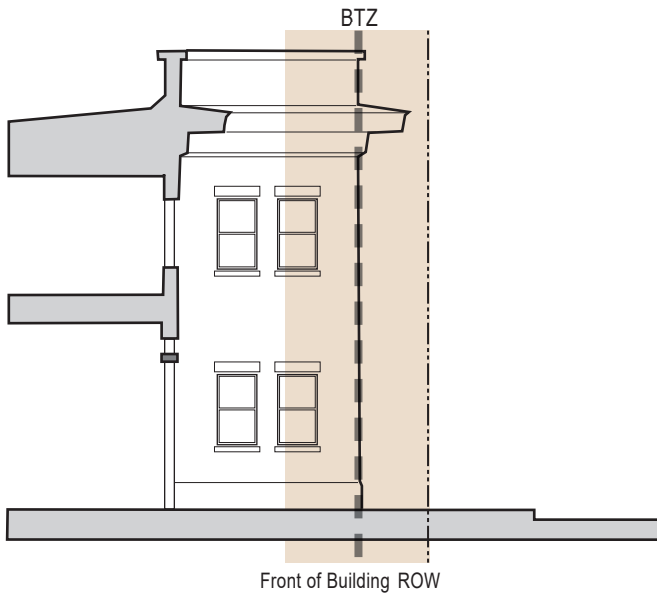
Open ended awnings are encouraged.

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**

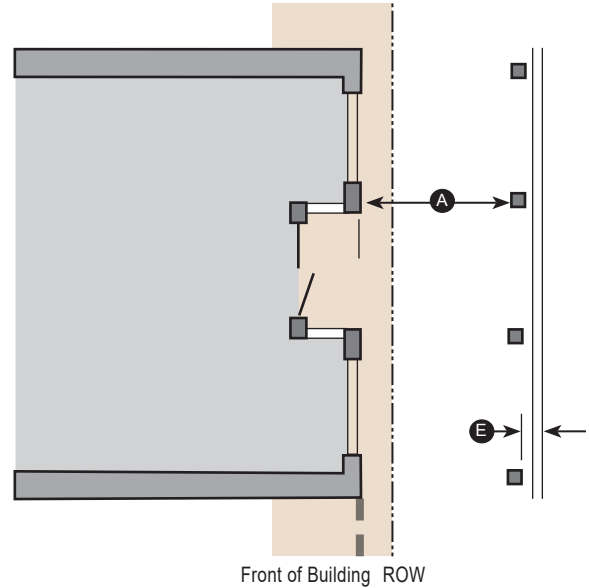
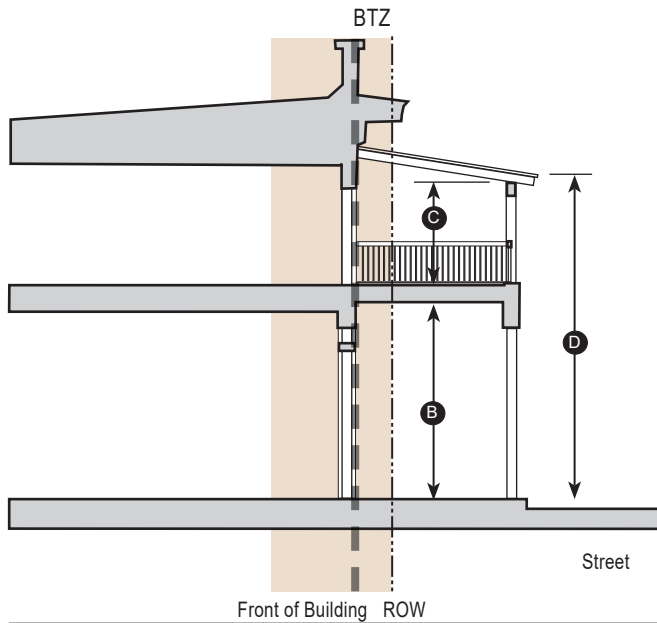
Forecourts are especially useful along larger, more auto-dominant thoroughfares in order to provide well-shaped, intimately sized public outdoor spaces.



Figure 405.13.B.6: Forecourt example



**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	2 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.

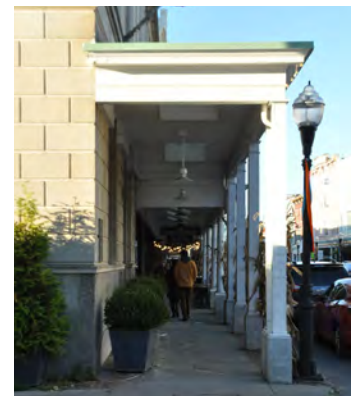


Figure 405.13.B.7: Gallery examples

## SECTION 405.14 ARCHITECTURE AND SITE DESIGN STANDARDS

### A. PURPOSE

A primary goal of these Architecture and Site Design Standards is authenticity — encouraging construction which is both timeless and functional. The character of new building FAÇADES 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 Architecture and Site 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 of Sec 405.14.C through 405.14.G apply to all PRINCIPAL BUILDINGS in T2, T3, T4, T5, and SD-WMU Transect Zones. The Architectural Standards of Sec 405.14.C through 405.14.G are encouraged (but not required) for Detached House, CARRIAGE HOUSE, Duplex or COTTAGE COURT Building Types. Design of structures should be compatible with the surrounding neighborhood, not necessarily discouraging other styles.
2. The Building Height Standards of Sec 405.14.H shall apply to all new or improved BUILDINGS.
3. The Site Design Standards of Sec 405.14.I through 405.14.K (Garden Walls, Fences and Screening; Lighting; Required Landscape) shall apply to all SITE PLAN applications.
4. Up to 10 percent DEVIATION in the dimensional standards of this Section may be granted as a MINOR WAIVER (see Sec 405.26.F).

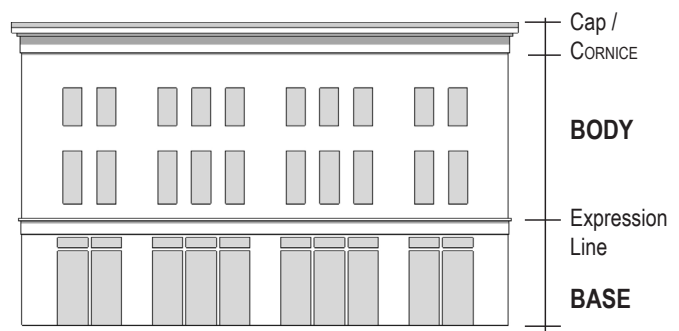


Figure 405.14.C.1.a: The Base, Body & Cap

### 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 three (3) 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 should 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.

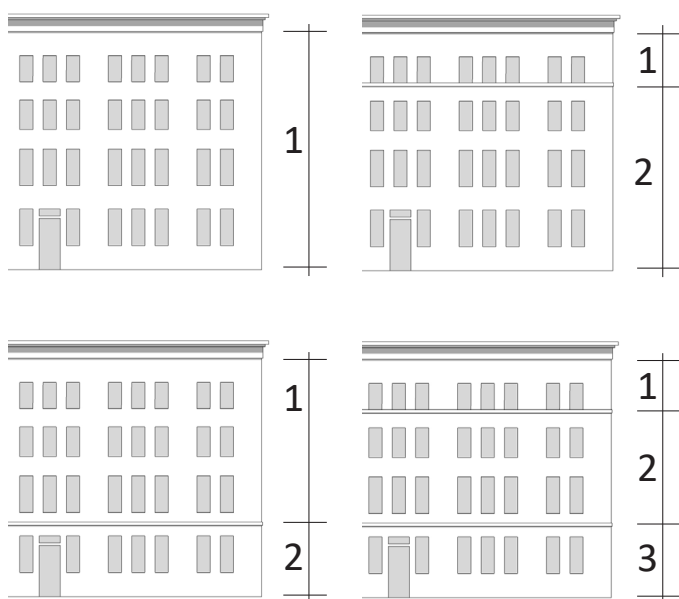


Figure 405.14.C.1.b: FAÇADES divided into 1, 2, and 3 horizontal layers

**2. Centerlines**

- (a) Structural centerlines are vertical lines not interrupted by fenestration (window and door openings). FAÇADES shall feature alternating structural centerlines and fenestration centerlines.
- (b) These centerlines shall extend from the top of a mass to the bottom of a mass.
- (c) Multiple windows and/or doors may be grouped symmetrically around a single fenestration centerline.
- (d) 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.
- (e) In designated Historic Districts, the size, proportion, and rhythm of windows should generally be similar to other buildings on the same BLOCK.

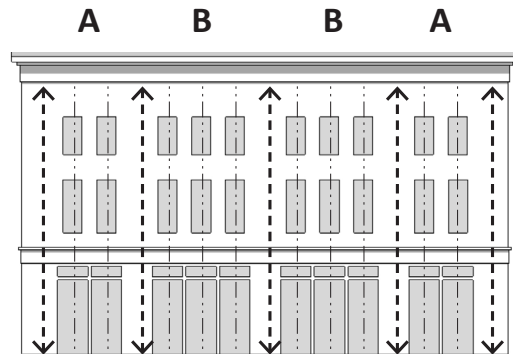


Figure 405.14.C.2: Structural and fenestration centerlines, showing how the solid and voids in the FAÇADE align vertically; and organization of the FAÇADE into vertical modules. The FAÇADE example here follows an ABBA pattern.

- 3. 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.

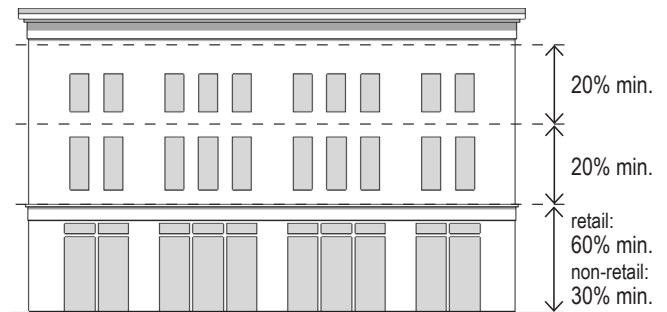


Figure 405.14.C.3: Example of compliant FAÇADE fenestration

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

- 4. Wide Buildings.** The primary FAÇADE of buildings wider than 150 feet shall be varied with a change of architectural expression.
- (a) 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.
  - (b) 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.F). 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.

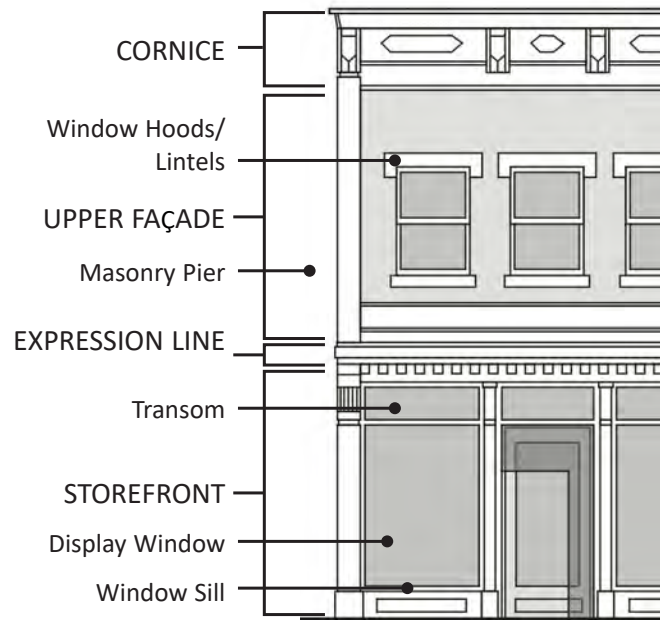


Figure 405.14.D: Anatomy of a storefront

#### 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 three 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 or their designee 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.
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.

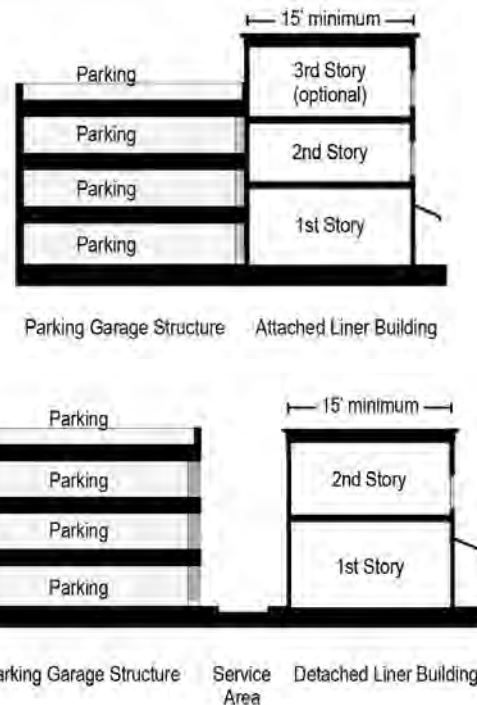


Figure 405.14.F: Attached and detached LINER BUILDINGS

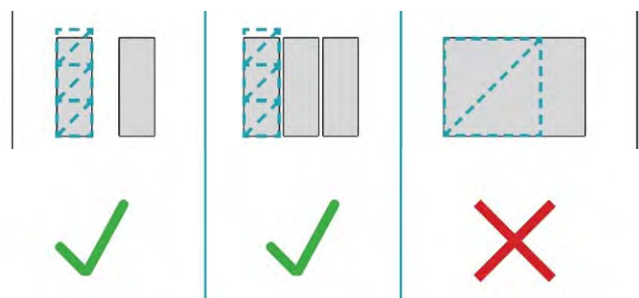


Figure 405.14.G.1: Vertical Window Proportion. Left, vertical window opening (permitted); center, grouping of vertically proportioned windows to fill a horizontal opening (permitted); right, horizontally proportioned window (not permitted)

- (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
  - (iv) Gambrel (limited to Small Multiplex, Duplex, Detached House, CARRIAGE HOUSE and accessory buildings)
  - (v) Mansard
- (b) The minimum slope for the primary roof area of a gabled or hip roof shall be 3:12, and the maximum slope shall be 12:12 (not including dormers, entry canopies, or similar accessory elements). The lower slope on a gambrel or mansard roof shall be greater than 12:12; it is historically appropriate for this slope to be close to vertical.
- (c) Gabled, hipped, gambrel and mansard roofs may either rise from a projecting eave, or from behind a parapet. Artificial mansard roofs applied to the front FACADE of a building are prohibited.
- (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.

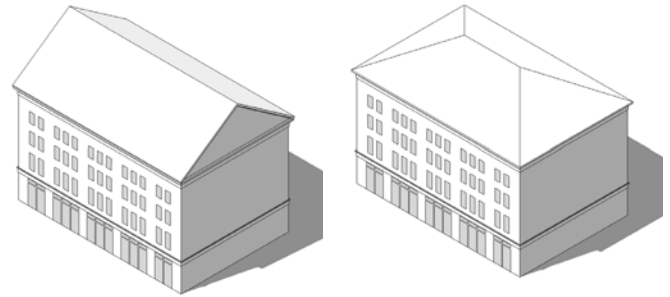


Figure 405.14.G.2.a.i: Gabled roof (left); Hipped roof (right)

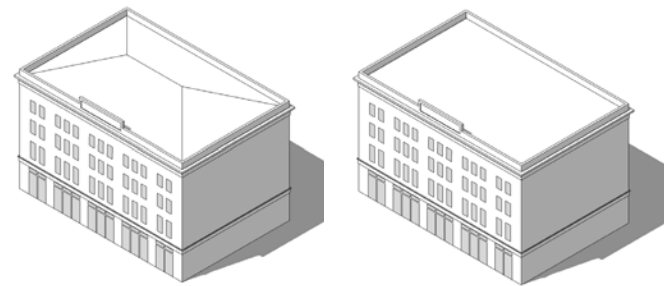


Figure 405.14.G.2.a.ii: Hipped roof with parapet (left); flat roof with parapet (right)

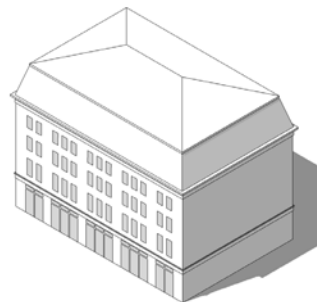


Figure 405.14.G.2.a.iii: Mansard roof

**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.



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

- (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.

**4. Columns**

- (a) All columns shall be either round or square in section.
- (b) All columns shall be spaced at regular intervals to the greatest extent possible, 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)

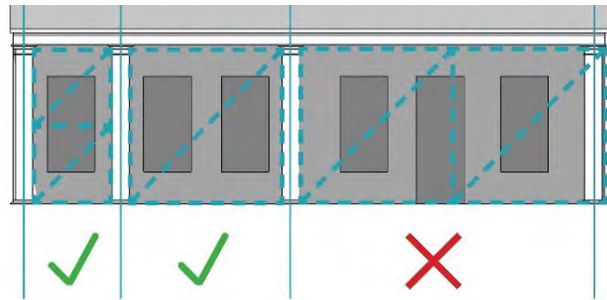


Figure 405.14.G.4.b: Vertical column spacing. Left, vertically proportioned opening (permitted); center, square opening (permitted); right, horizontally proportioned opening (not permitted).

**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 visibly 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.

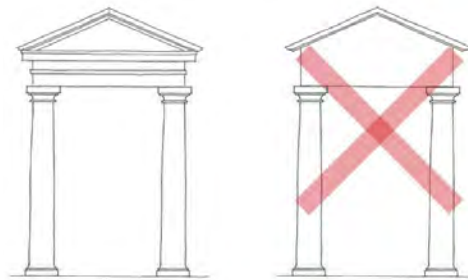


Figure 405.14.G.4.c: Columns spanned by a visually structural element

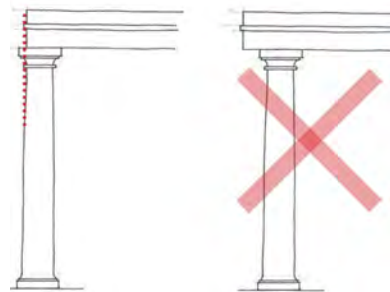


Figure 405.G.4.d: Alignment of column neck and face of entablature. A projecting cornice (as seen in Figure 405.14.G.4.c) could be included to shed water, snow, and ice.



## H. BUILDING HEIGHT

1. Overall BUILDING HEIGHT shall be measured vertically in STORIES, from the average grade adjacent to the front building facade to the eave of the roof or roof deck (if flat).
2. If the FIRST STORY is required to be elevated to meet minimum flood elevation standards, overall BUILDING HEIGHT shall be measured from such elevation to the eave of the roof or roof deck (if flat).
3. Measuring STORIES:

(a) A STORY is measured from finished floor level to the surface of the floor or eave of the roof above. 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.

(b) CELLARS, uninhabitable ATTICS, and underground parking shall not count as a STORY for the purposes of determining BUILDING HEIGHT.

(c) Mezzanines with a floor area less than or equal to 1/3rd of the floor area of the STORY above which they are located shall not count as a STORY in the building height measurement. Mezzanines with a floor area greater than 1/3rd of the floor area of the STORY above which they are located shall count as an additional STORY in the building height measurement.

4. When building height allows for half-STORIES:

(a) The half-STORY is calculated as the space under a sloping roof where the line of intersection of roof decking and exterior wall face is no more than five feet above the top floor level.

(b) Dormers, if present, shall not be individually more than 15' wide and collectively not more than 50 percent of the façade elevation in length.

5. When a lot slopes downward from the front lot line, an additional STORY in addition to the maximum number allowed is permitted only on the lower rear portion of the lot (see Figure 405.14.H).

6. The following are permitted above the top STORY:

(a) Small footprint towers and cupolas may extend above the designated height limit as described in Sec. 405.14.G.3.

(b) Non-habitable roof structures including chimneys, elevator penthouses, rooftop mechanical equipment, railings, parapet walls, and similar projections may exceed the building height limit, provided such structures do not exceed ten (10) feet above the eave of the roof or roof deck (if flat).

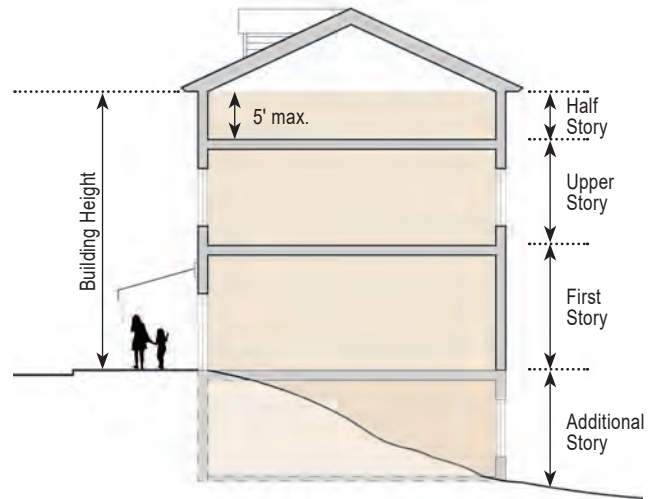


Figure 405.14.H: Building Height

## **I. 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 not along PROPERTY LINES at public street rights-of-way, including walls or fences along side (mid-block) and rear property lines, shall be a maximum of eight (8) feet in height.
- (c) Any fence, wood, stockade, chain link or any other type of fence shall have the smooth side or finished side facing to the outside of the property owner installing the fence. Fence posts shall be placed on the inside of the fence.
- (d) Barbed wire, plastic slats, or plastic screening fabric is prohibited for all uses except existing working waterfront or light and medium industrial uses in SD-F districts. Any barbed wire fencing shall be subject to the approval of the Planning Board, which is authorized to impose reasonable restrictions and limitations regarding height, materials and facing.

### **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, 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.F).
  - (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 shall not be visible from public streets, sidewalks, parks, or squares, but may be visible from ALLEYS. Specific to waste and recycling service area facilities:
  - (i) Driveways and aisles leading to waste and recycling service areas shall be unobstructed.
  - (ii) All waste collections and recycling containers shall be enclosed or screened so as not to be visible from the street RIGHT-OF-WAY or other publicly accessible areas, and shall be located on a concrete pad. The structure shall be enclosed on all sides, one of which includes a gate or door that can be secured.
  - (iii) 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.
  - (iv) The enclosure may consist of screen fencing of chain link with slats, solid wood, or masonry walls a minimum of one foot taller than the container and no taller than eight feet.
  - (v) 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.

**J. LIGHTING**

**1. Lighting Standards**

- (a) Lighting standards protect against glare, preserve the night sky, and reduce unnecessary energy use from over lighting. The lower Transect Zones (such as T1, T2) zones tend to be darker, while higher levels of outdoor lighting may be more suitable in mixed use areas (such as T4, T5).
- (b) The standards in Table 405.14.J describe the desired general ambient light levels across the Transect.
- (c) Light fixtures in the building FRONTAGE area shall be fully or partially shielded.
  - (i) “Fully Shielded Fixture” means an outdoor light fixture constructed and mounted so that the installed fixture emits no light above the horizontal plane. Fully shielded light fixtures must be shielded in and of themselves. Surrounding structures, like canopies, are not to be considered when determining if the fixture is fully shielded. Fully shielded fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.
  - (ii) “Partially Shielded Light Fixture” means an outdoor light fixture constructed and mounted so that the installed fixture emits some of its light above the horizontal plane. Light emitted at or above the horizontal plane (sideways or upwards) shall arise solely from incidental decorative elements or strongly colored or diffusing materials such as colored glass or plastic. Fixtures using spot or flood lamps are considered partially shielded if the lamps are aimed no higher than 45 degrees above the vertical plane beneath the fixture.

**TABLE 405.14.J:  
 LIGHTING  
 STANDARDS**

	T5			SD	T4			T3			T2	T1	SD				
	T5-MS	T5-F	T5N	SD-W/MU	T4-MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C	T1	SD-W	SD-C	SD-MF	SD-F	SD-I
Ambient Light Levels	medium				low			very low			none	medium / low					
Lighting level measured at the building FRONTAGE shall not exceed:	5.0 fc				2.0 fc			1.0 fc			0.5 fc	5.0 fc		2.0 fc			
Required Shielding	Partially Shielded light fixture or better						Fully Shielded light fixture or better					Partially Shielded light fixture or better					

**2. Street Lighting:** See Street Design Standards (Sec 405.22.C.9).

## K. LANDSCAPE STANDARDS

### 1. Required Landscaping

- (a) All portions of improved multifamily and nonresidential properties which are not used for buildings, structures, off-street parking and loading, permitted OPEN STORAGE, driveways, walkways or similar purposes shall be appropriately landscaped with grass, shrubs, community gardens / pollinator gardens, trees and other ground cover in such a manner as to minimize erosion and stormwater runoff and to maintain or improve the aesthetics of such development.
  - (b) Landscape strips shall be provided in TxN, T3L, T2C, and SD Districts where there are required setbacks of three feet or more along side or rear PROPERTY LINES of multifamily and nonresidential uses. Such landscape strips shall comply with the following minimum standards as well as all applicable requirements set forth elsewhere in this chapter:
    - (i) Said landscape strips shall be at least three feet wide and include evergreen planting and other landscaping of such type, height, spacing and arrangement as, in the judgment of the PLANNING ADMINISTRATOR or Planning Board (for Major SITE PLAN), will effectively screen the activity on the lot from neighboring uses. New trees shall have a caliper of not less than three inches from the base and shall be at least six feet high when planted.
    - (ii) Unless specifically required elsewhere in this chapter, an opaque wall or fence that meets the requirements of Sec 405.14.I and approved by the PLANNING ADMINISTRATOR or Planning Board (for Major SITE PLAN) may be substituted for part or all of the required landscape strips.
    - (iii) Where the existing topography and/or existing landscaping provides adequate screening, or the size of the side or rear setback is 25' or greater, the PLANNING ADMINISTRATOR or Planning Board (for Major SITE PLAN) may waive or modify the planting and/or landscape requirements of this chapter.
  - (c) In order to promote sustainable landscape practices, plant varieties shall be selected for resistance to drought, moisture, salt, urban conditions, or insects and other pests depending on the location of landscaping and the specific stressors anticipated for different areas of the SITE. Plants shall be selected so that landscaping can be maintained with minimal care and the need for watering, pesticides, or fertilizers can be minimized or eliminated. Native species should be used when feasible; use of any non-native plantings shall require a written justification for the selection. Tree species selection should reference available guidance from the Kingston Tree Commission.
  - (d) Maintenance. All fences, trees, plantings, shrubbery or other screening required by the Zoning Ordinance shall be maintained at all times at least to the same quality required of said items at the time they were initially installed.
  - (e) Penalties. If, after 30 days' notice, such fences, trees, plantings, shrubbery or other screening is not erected, replaced, repaired or maintained by or on behalf of such owner, the City Council may authorize the Department of Public Works to perform the necessary work and provide for the assessment of all costs and expenses so incurred by the City in connection with any action taken against the land on which such screening facilities are located. The costs and expenses so incurred shall be certified to the Tax Assessor and shall become a municipal lien against the property.
2. **Detention and Retention Areas.** Detention and retention areas should be designed without fencing and in a manner that does not call attention to its storm management function.
  3. **Steep Slopes.** Ground which has an incline of twenty-five (25) percent or more shall 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.F).

## SECTION 405.15 WATERFRONT OVERLAY STANDARDS

- A. PURPOSE.** The purpose of the Waterfront Overlay is to provide standards for public access to the shoreline, protect future development from flooding and sea-level rise, and continue to support a distinct waterfront area in the tidal waterfront areas of the Hudson River and Rondout Creek and other local waterbodies, as well as supplement the standards of the SD-W district and implement 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 waterfront areas.
- B. APPLICABILITY.** All areas within the Waterfront Overlay District boundary as identified on the Special Requirements Map (see Sec 405.3) or as identified below.
- C. PUBLIC ACCESS**
1. Public access to and along the Hudson River or Rondout Creek shall be incorporated into site design for new development in the Waterfront Overlay as follows:
    - (a) In the SD-WMU, public access is required within the waterfront setback and at the terminus of perpendicular intersecting public RIGHT-OF-WAYS along East Strand Street, Rondout Landing, or Abeel Street as described in the Building Form standards (Sec 405.11.B). Such access shall be in the form of a permanent easement or the granting of fee title to the City of Kingston.
    - (b) Outside of the SD-WMU, public access shall be incorporated into the design of a SITE PLAN as approved by the Planning Board. Public access shall include meaningful, permanent, safe, and unhindered access to and along the dry, non-submerged waterfront of the Hudson River or Rondout Creek for all members of the public, with the intent to provide a continuous public access system to and along the waterfront and/or public rights-of-way. A MAJOR WAIVER may be approved if such access is infeasible due to site constraints or incompatible with the proposed USE of the property (see Sec 405.26.F).
    - (c) Public access walkways or trails shall connect to existing walkways or trails on adjacent properties, and must connect to a public RIGHT-OF-WAY. Public access walkways or trails shall meet all requirements of the Americans with Disabilities Act.
    - (d) Required public access in the Waterfront Overlay 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.
    - (e) 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.
  2. Properties in the SD-WMU may be eligible for bonus height (up to the limits identified in the Transect Standards) based on the provision of publicly-accessible USABLE OPEN SPACE, as described in Section 405.20.
- D. DEVELOPMENT STANDARDS**
1. All properties within the Waterfront Overlay are subject to the requirements of the Flood Hazard Overlay District (see Sec 405.27 and the Special Requirement Map). In addition, new development in the Waterfront Overlay shall have the lowest floor with residential uses and all mechanical equipment elevated to at least one foot above the design flood elevation. The design flood elevation shall be the 500-year floodplain.
  2. Heavy Industrial uses are prohibited in the Waterfront Overlay and within 600' of Esopus Creek.
  3. OPEN STORAGE of goods and raw materials shall be screened from the public view with landscaping or fencing to the greatest extent possible. Visual impacts associated with OPEN STORAGE and other similar operations shall be minimized. Permitted fencing materials in the Waterfront Overlay include wood, metal, brick, and/or stone. See Sec 405.21.N for additional standards. A MINOR WAIVER for relief from this requirement may be approved if the goods and materials consist of cultural exhibits/displays or maritime attractions that positively contribute to the waterfront pedestrian setting (see Sec 405.26.F).

4. Due to their high visibility and public nature, building FACADES facing the Rondout Creek or Hudson River shall comply with Architectural Standards (Sec 405.14) for facades facing STREETS or public space. Exceptions to the FACADE composition requirements of Sec 405.14.C for the portion of the building FACADE below the first story may be granted with approval of a MINOR WAIVER (see Sec 405.26.F). The approval of this exception shall require architectural articulation, landscaping or other appropriate screening that shields views of parking or blank walls at the ground level from the waterfront, STREETS and pedestrian spaces.
5. Construction or placement of any on-site sewage disposal system, including individual sewage disposal systems, shall be prohibited within the Waterfront Overlay and within 600' of Esopus Creek.
6. 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.
7. Significant tree stands, or areas of contiguous mature trees greater than 5,000 square feet in size where over half of the canopy is provided by trees with a DBH greater than 18 inches, shall be preserved unless otherwise diseased within the Waterfront Overlay and within 600' of Esopus Creek. Every tree removed above 18" DBH shall be replaced by trees with a total DBH equivalent to that of the removed tree.
8. The stockpiling or storage of road salt shall not be permitted as a primary or ACCESSORY USE within the Waterfront Overlay and within 600' of Esopus Creek.
9. Modification of, or interference with rock outcroppings or other significant geologic features should be avoided or minimized through use of pilings or other minimally invasive techniques.
10. Floodplains, banks 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 and T2 districts within the Waterfront Overlay and within 600' of Esopus Creek.
11. New development shall exhibit the use of best practices in sustainable site design, recognizing the challenges of Sea-Level Rise within the Waterfront Overlay and within 600' of Esopus Creek. This may include:
  - (a) Nature-based shoreline stabilization and restoration techniques should be utilized where feasible with future waterfront development. Nature-based shorelines help protect against erosion, provide habitat for aquatic species, improve water quality, and can outperform hardened shorelines during storm events. Where nature-based shorelines are not practical, bulkheads and other hardened shoreline designs may be utilized.
  - (b) Grading strategies to elevate development SITES as well as nearby streets, sidewalks and other public infrastructure should be explored where feasible. Strategies should demonstrate consideration of impacts to surrounding parcels, and that the proposed improvements will enhance surroundings and not produce adverse impacts.
  - (c) New development should be accompanied by new, enhanced or restored natural areas, floodable parks, increased tree canopy or other natural site features to increase resiliency.

## SECTION 405.16 OFF-STREET 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;
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.

TABLE 405.16.C.1: AUTOMOBILE PARKING REQUIREMENT	T5			SD	T4			T3			T2	SD									
	T5-MS	T5-F	T5N	SD-WMU	T4-MS	T4N-O	T4N	T3N-O	T3N	T3L	T2C	SD-W	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																					

- (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.F).
- (b) Maximum parking requirements are intended to limit parking facility size which impacts walkability and impervious ground cover, and shall be applied to off-street parking lots and parking structures. Residential uses with 3 or less units are exempt from this requirement.
- (c) In Special District areas (not including SD-WMU), minimum required parking may be located off-street on the same LOT as the USE it serves. Required parking may also be located on-street or in an off-street 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.
- (d) Accessibility. All vehicle parking lots and parking structures must conform with the Federal Americans with Disabilities Act (ADA), and should conform to the Public Right-of-Way Accessibility Guidelines (PROWAG). At least one accessible space shall be provided for all development with 4 or more units. If no on-site parking area is provided, required accessible parking may be located nearby on-street or in a common parking lot, as approved by the PLANNING ADMINISTRATOR (for MINOR SITE PLANS) or Planning Board.

2. Bicycle parking shall be provided in all Transect Zones per Table 405.16.C.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	No minimum requirement. 2 spaces or 1 space for every 2,500 sq. ft., whichever is greater, up to a maximum of 30 spaces, is encouraged.

- (a) Anchors: All spaces provided shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock.
  - (b) Location: Bicycle parking shall be located as close to a building’s principal entrance as the closest on-site automobile parking space. Required bicycle parking may be located in the street RIGHT-OF-WAY, within 600 feet of the building entrance, with approval of the City Engineer.
3. **Parking Supply and Demand Reduction Strategy.** A Parking Supply and Demand Reduction Strategy shall be prepared for Major SITE PLAN projects that include PRINCIPAL BUILDING(s) with a single building footprint of 10,000 square feet or greater or a total gross floor area that exceeds 50,000 square feet. The Supply and Parking Demand Reduction Strategy shall be approved by the Planning Board as part of the Major SITE PLAN review process, and include the following:
- (a) A description of anticipated parking demand for the project, and how the demand will be met, including:
    - (i) Number of on- and off-site vehicle parking spaces or shared vehicle parking arrangements.
    - (ii) Number of on- and off-site bicycle parking spaces.
    - (iii) Accommodations for pedestrians, cyclists, motorists, transit riders, and the mobility-impaired.
  - (b) A description of the strategies that will be employed to reduce parking demand, including strategies to reduce single-occupancy vehicle trips and vehicle miles travelled by site users, and strategies to promote walking, cycling, ridesharing, and transit. Parking reduction strategies may include, but are not limited to:
    - (i) Walking, cycling, ridesharing, and transit promotion and education.
    - (ii) Shared parking arrangements.
    - (iii) Enhanced bicycle parking and services (above the minimum required).
    - (iv) Support for car-share and bike-share services and facilities.
    - (v) Carpooling or vanpooling programs or benefits.
    - (vi) Free or subsidized transit passes, transit-to-work shuttles, or enhanced transit facilities (such as bus shelters).
    - (vii) Guaranteed ride home (GRH) programs.
    - (viii) Provision for alternative work schedules (i.e., flextime, compressed work week, staggered shifts, telecommuting).
    - (ix) Promotion of “live near your work” programs.
    - (x) Roadway improvements adjacent to the site that will encourage walking, cycling, ridesharing, and transit.



**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.

Angle	Drive Aisle Width (one-way) <b>A</b>	Drive Aisle Width (two-way) <b>A</b>	Space Width <b>B</b>	Space Length <b>C</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).

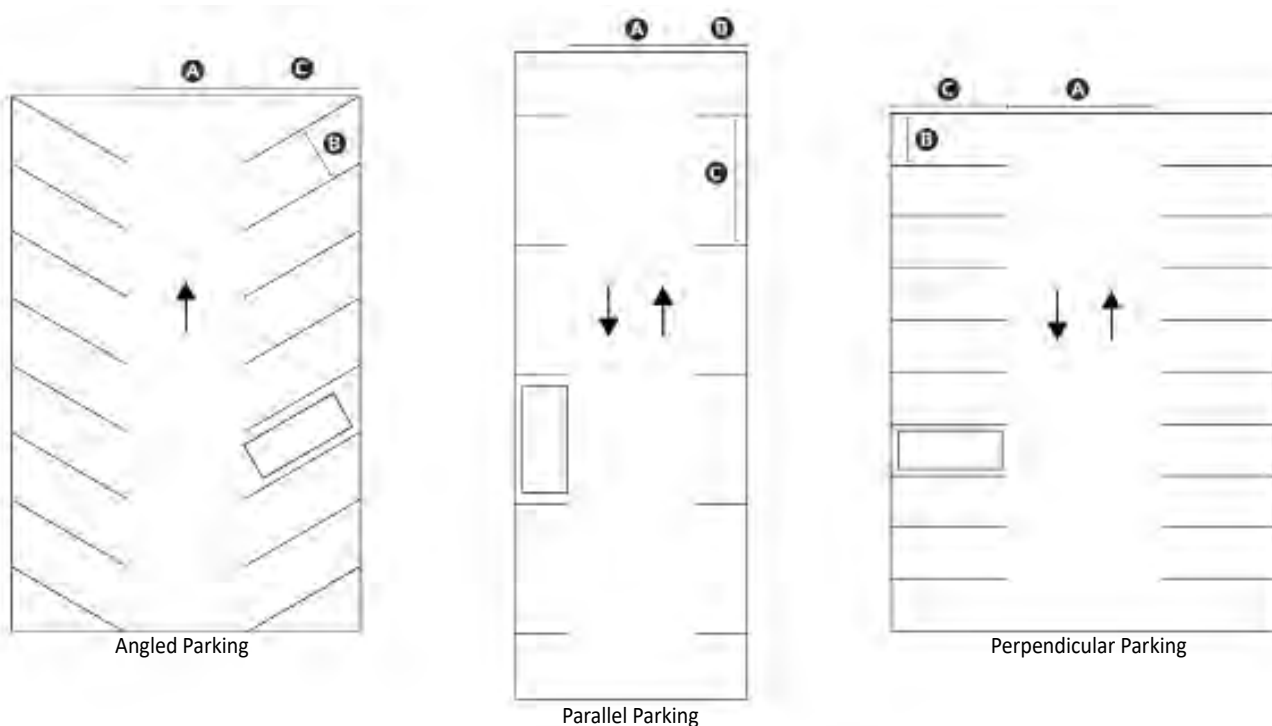


Figure 405.16.D: Parking Dimensional Standards

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

1. Except in Special District (SD) areas, off-street parking shall be located behind the PRINCIPAL FAÇADE of buildings whenever possible.
2. 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.
3. Curb cuts: One curb cut is permitted per LOT; an exception may be permitted as a MINOR WAIVER (See Sec 405.26.F). Shared driveways between parcels are encouraged. Curb cuts are not permitted if an ALLEY is present. The maximum width of curb cuts shall be 10' for 1 to 6 unit residential buildings and 20' for all other uses.
4. 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 planting areas at either end of the row. Each planting area shall include at least one tree. Where the length of a parking aisle exceeds 25 spaces, additional landscaped planting areas shall be installed at regular intervals. This interval shall not be more than every 13 spaces. The width of landscaped planting areas perpendicular to adjacent spaces shall be no less than 6 feet. The use of green infrastructure to aid in stormwater management is encouraged for parking lots. Bioswales, rain gardens, tree planting pits, and other similar features can be included in the landscape planting area space requirement. Green stormwater infrastructure can be designed to capture sheetflow from adjacent surfaces through gaps in curbs.
  - (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) A STREETSCREEN is a freestanding wall, fence, hedge or planter built along the frontage line, or coplanar with the façade, for the purpose of masking a parking lot from view from pedestrians on the street. A STREETSCREEN is encouraged for all surface parking lots visible from a STREET or public space; a STREETSCREEN is required for surface parking lots in T5MS or T5N districts, or for a surface parking lot located 10' or less from a RIGHT-OF-WAY.
      - 1) All STREETSCREENS along PROPERTY LINES at public street rights-of-way shall be a minimum of three (3) feet and a maximum of four (4) feet in height, and shall comply with the standards in 405.14.I.
      - 2) STREETSCREENS shall have openings no larger than necessary to allow automobile and pedestrian access.
      - 3) 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.E).
- 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 three 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 J and L 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. Electronic message / LED display signs are prohibited in historic districts; see Sec 405.17.I for additional standards.
  6. 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.

7. **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 T1, T2C, T3L, T3N or T4N 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.
8. 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, SD-WMU, and may apply to 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 maybe 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 windows 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), except for marquee signs or for electronic signs that meet the requirements of 405.17.I.
  - (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**



a. Wall Signs		
Area (max)	60 sf	<ol style="list-style-type: none"> <li>i. 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.</li> <li>ii. One wall sign is permitted per each street-facing building frontage.</li> <li>iii. 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.</li> <li>iv. Wall signs must not project more than twelve inches (12") from the building face.</li> <li>v. Wall signs that are painted on the wall surface are eligible for a 200% bonus in area with approval of a <b>MINOR WAIVER</b> (see Sec 405.26.F).</li> </ol>
Thickness (max)	12 in	
Quantity	1 per shopfront	



### b. Projecting Signs

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

- i. Description. A projecting sign is a type of building sign that projects outward from the FAÇADE, typically at a ninety-degree angle.
- ii. 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.
- i. 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.
- ii. Maximum distance from building wall to sign must not exceed one foot and six inches (1'-6").
- iii. Projecting signs shall not extend more than five feet (5 ft.) from the building wall and within two feet of the curb line.
- iv. 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.
- v. Signs must be stabilized so as not to swing.
- vi. Signs must have a minimum clearance from the sidewalk of eight feet (8 ft.).
- vii. A projecting marquee sign is a type of projecting sign used to mark a landmark BUILDING, such as a theater, hotel, or assembly hall, and may be permitted to exceed the area/size limits of this section with a MINOR WAIVER. A projecting marquee sign is a vertical sign located either along the BUILDING face, where it projects perpendicular to the FAÇADE, or at the corner of the BUILDING, where it projects at a 45 degree angle. Projecting marquee signs often have neon lettering in conjunction with painted lettering; one projecting marquee sign is permitted per BUILDING.



### c. Marquee Signs

Width (max)	100% of the building entrance, plus 5 ft on either side
Height (max)	8 ft
Quantity	1 per building

- i. Description. A marquee is a sign attached to the top or the face of a permanent roof-like structure constructed over a ground floor main entrance.
- ii. One marquee sign is permitted per BUILDING. A projecting marquee sign may be located above or on the same BUILDING.
- iii. A marquee sign may be erected over a main entrance only, and may be no wider than the entrance over which it is erected, plus five feet on each side.
- iv. A marquee sign should be supported solely by the BUILDING to which it is attached, and is often lit from within.
- v. Marquee signs must have a minimum clearance from the sidewalk of twelve feet (12 ft.).



### d. Hanging Signs

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

- i. 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.
- ii. One sign per shopfront allowed.
- iii. Signs shall not exceed ten square feet (10 sf) in area and shall have an eight foot (8 ft.) minimum clearance from the sidewalk.
- iv. Hanging signs cannot exceed four feet (4 ft.) in width and six inches (6 in.) in thickness.
- v. Hanging signs should be mounted so that they do not swing.





**e. Awning Signs**

Width (max)	75% of AWNING valence	<ul style="list-style-type: none"> <li>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.</li> <li>ii. A maximum of one sign is allowed per shopfront and the area must not cover more than 75% of the awning valence.</li> <li>iii. An awning sign may only be externally illuminated.</li> </ul>
Quantity	1 per shopfront	



**f. Canopy Signs**

Thickness (max)	9 in	<ul style="list-style-type: none"> <li>i. Description. A canopy sign is a type of building sign that is attached above, below, or to the face of a canopy.</li> <li>ii. Canopy signs are limited to a maximum one sign per canopy face.</li> <li>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.</li> <li>iv. Depth of canopy signs must not exceed nine inches (9").</li> <li>v. Exposed raceways must not extend above height of letters.</li> <li>vi. Cabinet signs are not permitted on canopy signs.</li> </ul>
Height (max)	2 ft	
Width (max)	75% of canopy width	
Quantity	1 per shopfront	



**g. Window Signs**

Area (max)	25% of window area	<ul style="list-style-type: none"> <li>i. Description. A sign intended to be painted on, applied to, or displayed in, a storefront window or door area.</li> <li>ii. One window sign is permitted per shopfront.</li> <li>iii. A maximum of twenty-five percent (25%) of a window can be used for window signs.</li> </ul>
Quantity	1 per window	



**h. Sidewalk Signs**

Area (max)	8 sf	<ul style="list-style-type: none"> <li>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.</li> <li>ii. Sidewalk Signs shall be no larger than eight square feet (8 sf) per face and four feet (4 ft.) in height.</li> <li>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.</li> <li>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.</li> <li>v. The number of signs shall be limited to one per sidewalk per street-level business frontage.</li> <li>vi. Sidewalk Signs shall not be placed within three feet (3 ft.) of an adjacent property line.</li> <li>vii. Sidewalk Signs shall be appropriately secured and anchored in place in a manner suitable to the Department of Public Works.</li> </ul>
Height (max)	4 ft	
Quantity	1 per shopfront	

**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.
4. ROOF SIGNS that do not correspond to the activities occurring on site shall be considered BILLBOARDS and subject to the prohibitions of 405.17.J.

**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, T5 and SD-WMU 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.
4. 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 otherwise applicable regulations pertaining to size and location herein.

**I. ELECTRONIC SIGNS.**

1. ELECTRONIC SIGNS are permitted in SD-C districts; the design standards of 405.17.I.3 through 405.17.I.10 shall apply.
2. ELECTRONIC SIGNS are prohibited in historic districts, as well as in T1, T2, T3, T4N, and T5N Transect Zones. ELECTRONIC SIGNS may be permitted in T5MS, T5F, T4MS, T4N-O, and SD-WMU with the following limits:
  - (A) SIGNS shall be mounted to the building facade; freestanding MONUMENT SIGNS are prohibited.
  - (b) Panelized SIGNS shall be limited to a maximum size of 9 square feet.
  - (c) The design standards of 405.17.I.3 through 405.17.I.10 shall apply.
3. If a sign is greater than 9 square feet, no more than 50% of the total square footage may be devoted to ELECTRONIC SIGNAGE.
4. Only one ELECTRONIC SIGN may be permitted per building, and a minimum distance of 500 feet shall be required between one ELECTRONIC SIGN and another ELECTRONIC SIGN.
5. ELECTRONIC SIGNAGE shall contain a static message only, and shall not have movement, or the appearance or the illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign including the movement or any appearance of movement of any illumination or the flashing, scintillating, or varying of light intensity.

6. ELECTRONIC SIGNS shall not exceed a brightness level of 0.3 footcandle above ambient light as measured at the nearest property line and the illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety.
  7. All ELECTRONIC SIGNS shall have and utilize the following technology:
    - (a) An ambient light monitor with automatic dimming technology, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article. Certification must be provided to the City demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the City in its reasonable discretion, at the owners expense, to ensure that the specified brightness levels are maintained at all times.
    - (b) A default mechanism that will cause the sign to revert immediately to black screen if the sign malfunctions.
  8. With the exception of "time and temperature" messages, any ELECTRONIC SIGN message or electronic picture shall be displayed for no less than five minutes without change.
  9. Any change of message shall be completed with a transition period of one second or less, without pauses, and all parts of the message shall change simultaneously.
  10. ELECTRONIC SIGNS shall not include any audio message or generated sounds.
  11. **Enforcement.** To assure that light emanating from any ELECTRONIC SIGN does not adversely affect neighboring properties or visually interfere with motorists, pedestrians and neighboring property owners, the BUILDING SAFETY OFFICER or their designee shall have the authority to require changes to any ELECTRONIC SIGN that, in the opinion of the BUILDING SAFETY OFFICER, is malfunctioning or operated in a manner that causes or creates excessive glare or intensity of light, visual interference or blind spots. Such changes may include, but are not limited to, requiring that the ELECTRONIC SIGN be turned off, or requiring the installation of lower wattage bulbs, or requiring that the device be fitted with shields to deflect light, or such other changes as may be required to eliminate the offending condition. Failure to implement the changes as directed by the BUILDING SAFETY OFFICER shall be a violation of this section, and of any permit or approval granted under this section.
  12. **Pre-existing ELECTRONIC SIGNS.** An ELECTRONIC SIGN installed with a sign permit prior to the effective date of the adoption of this chapter, is permitted to remain until the sign is replaced, provided however, such sign shall conform to the requirements of this subsection if these requirements can be complied with without replacing the sign. A pre-existing ELECTRONIC SIGN is required to comply with all sign regulations that were in effect at the time the sign permit was issued.
  13. **Nonconforming ELECTRONIC SIGNS.** Nonconforming ELECTRONIC SIGNS shall be brought into conformity with this code no later than six months from the date of adoption of this section.
- J. TEMPORARY SIGNS.** The erection, installation or maintenance of TEMPORARY SIGNS, as defined herein, is hereby prohibited, except for the following:
1. A TEMPORARY SIGN, not exceeding 15 square feet in area, which is erected by a municipal, charitable, political or nonprofit organization is permitted for a period not to exceed 30 days.
  2. A single TEMPORARY SIGN, not exceeding 32 square feet in area, which announces anticipated occupancy of a SITE or building or identifies the contractors, architects, engineers, etc., on a building under construction, shall be permitted until a building is completed and a certificate of occupancy is issued.
  3. Banners for special announcements, such as grand openings for businesses, with a limit of 30 days may be placed on the exterior of any building. All banners must be dated. All other TEMPORARY SIGNS made of cardboard, paper, canvas or similar impermanent materials may not be placed on the exterior of any building.
  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.



**K. 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.

**L. 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.
2. A sign preexisting the date of adoption of this chapter, and determined to be nonconforming in accordance with Subsection L.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.

**M. DESIGN GUIDELINES.** The following additional design guidelines shall be used by the PLANNING ADMINISTRATOR or Planning Board (for Major SITE PLANS) 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 should 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.

#### N. PIKE PLAN CANOPY DESIGN STANDARDS

1. These guidelines shall apply only to businesses which occupy the ground or street levels of the buildings in the area where the Pike Plan Canopies are present.
2. Each business shall be entitled to two (2) signs to identify and locate its establishment. One (1) on the front of the canopy parallel to the street, and one (1) under the canopy perpendicular to the street.
3. Flashing, moving, or intermittently illuminated signs or advertising signs are prohibited.
4. No internally lighted or neon signs are permitted.
5. Minimum and maximum distances and dimensions are graphically displayed below.

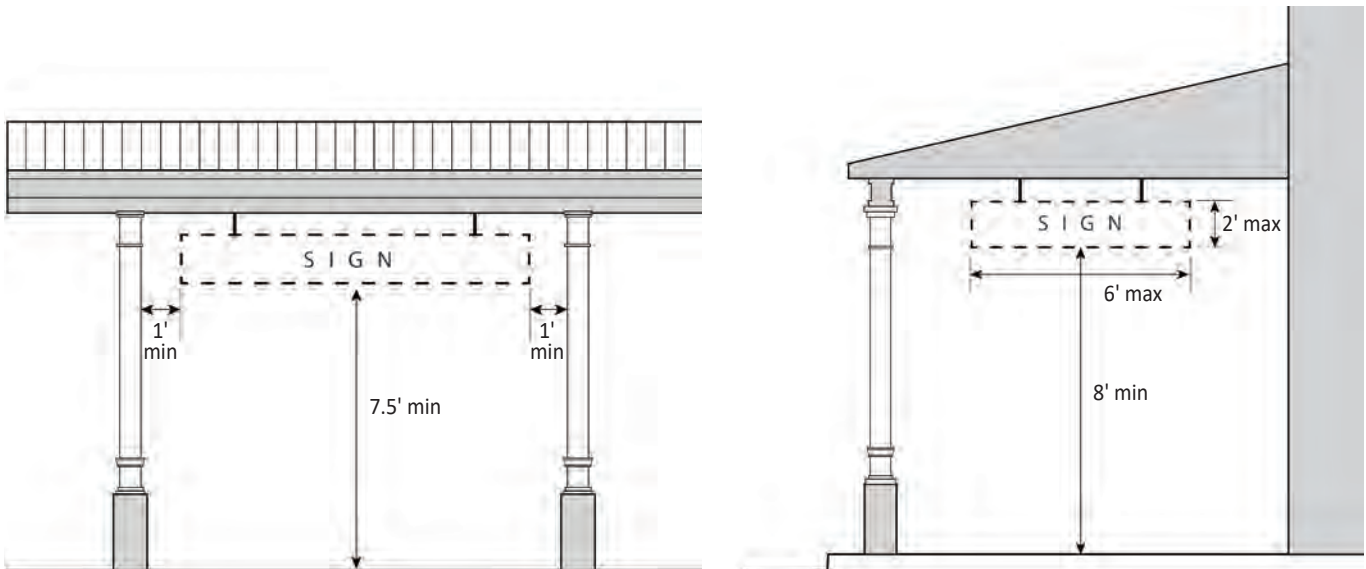


Figure 405.21.N: Pike Plan Canopy Design Standards

## 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 benefit the City as a whole by increasing affordable and flexible housing options. ADUs also provide direct benefits to nearby property owners and surrounding neighborhoods. They afford property owners opportunities to generate income through leasing, thereby increasing property value while keeping property ownership viable for homeowners on fixed or limited incomes. ADUs also promote community stability by providing independent living space for a property owner's adult family members or caregivers, increasing opportunities for homeowners to age in place and maintain multi-generational family living arrangements.

### B. ADU REQUIREMENTS.

1. The ADU may not be sold separately from the primary 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, TRAILERS, or other wheeled and transportable structures may not be used as ADUs. MODULAR HOMES or tiny homes that are built to Building Code standards, and not on wheels, may be used as ADUs.
6. The maximum size of an attached ADU is 1000 square feet; and the ADU shall be less than 50% of the square footage of the primary unit. 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.
11. SHORT-TERM RENTALS are not permitted in 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 development (including new buildings, substantial rehabilitation of existing structures, adaptive reuse or conversion of a nonresidential use to a residential use, or any combination of these elements) that includes seven or more overall rental housing units, a portion of the units shall be dedicated to AFFORDABLE HOUSING UNITS, as described in Table 405.19:

TABLE 405.19: AFFORDABLE HOUSING	Project Size	Required Affordable / Workforce Housing Units	Maximum Rent
<b>Rental Units</b>	7 to 19 units	10% minimum AFFORDABLE HOUSING UNITS	The monthly rent including utilities shall not exceed 30% of the figure that represents 80% of AMI.
	20 to 49 units	10% minimum AFFORDABLE HOUSING UNITS <b>AND</b>	The monthly rent including utilities shall not exceed 30% of the figure that represents 80% of AMI.
		5% minimum WORKFORCE HOUSING UNITS	The monthly rent including utilities shall not exceed 30% of the figure that represents 120% of AMI.
	50 or more units	10% minimum AFFORDABLE HOUSING UNITS <b>AND</b>	The monthly rent including utilities shall not exceed 30% of the figure that represents 80% of AMI.
		10% minimum WORKFORCE HOUSING UNITS	The monthly rent including utilities shall not exceed 30% of the figure that represents 120% of AMI.
	Bonus Height Incentive (any number of units) See Sec 405.20	At least 50% of the area of each bonus story, and 20% minimum of the total units shall be AFFORDABLE HOUSING UNITS	The monthly rent including utilities shall not exceed 30% of the figure that represents 80% of AMI.

- (i) The Affordable Housing requirement may be satisfied through one of the following methods:
  - 1) Inclusion of AFFORDABLE or WORKFORCE HOUSING UNITS as described in 405.19.A.1(a); or
  - 2) Payment-in-lieu as described in 405.19.A.1(h).
- (b) Required AFFORDABLE or WORKFORCE HOUSING UNITS are the percentage of total units in the development. When calculating required units, any fraction at or above 0.5 shall be rounded up to the nearest whole number, and any fraction below 0.5 shall be rounded down. For example, projects with 7 to 9 total DWELLING UNITS will provide one AFFORDABLE HOUSING UNIT.
- (c) The Maximum Rent for an AFFORDABLE or WORKFORCE HOUSING UNIT is based on current Area Median Income (AMI), as defined and updated by the U.S. Department of Housing and Urban Development (HUD) with adjustment for household size.
- (d) Eligible Households:
  - (i) AFFORDABLE HOUSING UNIT: A household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 80% of the Area Median Income for the actual size of the household [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)], and which household can afford the maximum rent specified in Table 405.19.
  - (ii) WORKFORCE HOUSING UNIT: A household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger

who are full-time students), does not exceed 120% of the Area Median Income for the actual size of the household [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)], and which household can afford the maximum rent as specified in Table 405.19

- (e) AFFORDABLE OR WORKFORCE HOUSING UNITS shall be dispersed throughout the proposed development and shall be indistinguishable from market-rate units in design, access, appearance, construction, and quality of materials, as determined by the PLANNING ADMINISTRATOR (for MINOR SITE PLANS) or the Planning Board (for Major SITE PLANS).
- (f) Projects shall not be segmented or phased to avoid compliance with these provisions. In cases where projects are completed in phases, AFFORDABLE OR WORKFORCE HOUSING UNITS shall be provided concurrently with and in proportion to the development of market rent units. For projects with 20 or more units, the proportionate amounts of AFFORDABLE HOUSING UNITS defined by size and number of bedrooms within the total amount of AFFORDABLE HOUSING UNITS shall be similar to the proportionate amounts of non-AFFORDABLE HOUSING UNITS defined by size and number of bedrooms within the total amount of non-AFFORDABLE HOUSING UNITS in the project.
- (g) AFFORDABLE OR WORKFORCE 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.
- (h) **Payment-in-lieu:** The City of Kingston Common Council will adopt criteria setting forth the parameters that the Council will use to consider a request for a payment-in-lieu of providing AFFORDABLE and WORKFORCE HOUSING UNITS. Once these criteria are adopted, a developer may request to make a payment-in-lieu of providing on-site AFFORDABLE and WORKFORCE HOUSING UNITS. Authorization for a payment-in-lieu will be subject to the discretion of the Common Council. The per-unit fee shall be set in a fee schedule established by resolution of the Common Council. The fee, which is due prior to the issuance of a Certificate of Occupancy, will be deposited into an Affordable Housing Fund. The City of Kingston Common Council will adopt criteria setting forth the parameters for how the Affordable Housing Fund will be administered.

## B. ADMINISTRATION

### 1. Rental Units

- (a) Final choice to offer tenancy to occupy the AFFORDABLE OR WORKFORCE HOUSING UNITS lies with the owners of the property or their representatives.
- (b) Prior to the entry of an agreement to rent an AFFORDABLE OR WORKFORCE 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. Such documentation shall include written verification of income. Continued eligibility shall be monitored by the property owner and tenants shall be required to submit documentation on a yearly basis throughout the occupancy; eligibility shall allow for a twenty-percent increase in annual income based on the gross household income originally held by the tenant while occupying the unit.
- (c) Property owners shall make all documents and records outlined herein available to the City of Kingston upon request. The City of Kingston reserves the right to review and audit these records to confirm compliance with the provisions set forth herein.

- 2. The deed, certificate of occupancy and/or rental agreement, as appropriate, for each AFFORDABLE OR WORKFORCE HOUSING UNIT shall contain language, satisfactory to the City of Kingston Corporation Counsel in form and substance, which states that the subject dwelling is an AFFORDABLE OR WORKFORCE HOUSING UNIT as defined in Sec 405.19, and is subject to all restrictions and limitations as set forth therein.

### 3. Approval Process

- (a) Any SITE PLAN approval which includes 7 or more units shall include compliance with these requirements.
- (b) In calculating whether a covered development contains a total of 7 or more dwelling units for the purposes of this Section, the development includes all land at one location on a single tax parcel or adjacent tax parcels owned or controlled by the applicant. If an applicant submits approval requests for subdivision plans, site plans, or building permits that result in 6 or fewer units, they shall not avoid the requirements of this Section.

Approval of the application shall be subject to the condition that any future application on said property will be subject to this Section. This condition shall be noted on the initial application and subject to a deed restriction to be filed on the official land records of the property.

- (c) The failure to comply with these requirements, upon notice, may result in the revocation of SITE PLAN approval. 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.
- 4. **Transitional Provisions:** If a unit was subject to affordable housing standards under the previous zoning provisions but is not subject to the affordable housing provisions of this form-based code, that unit shall remain subject to affordability restrictions until the current tenant vacates the property.
- 5. The City of Kingston Director of Housing Initiatives or their designee shall monitor activity under this article and shall provide a report annually to City of Kingston Common Council, setting forth findings, conclusions, and recommendations for changes that will render the program more effective. The Housing Director or their designee may also designate a board, commission or other organization to monitor compliance.

**C. AFFORDABLE HOUSING INCENTIVES**

The following incentives are provided in order to encourage property owners to create AFFORDABLE HOUSING UNITS that meet or exceed the minimum number of AFFORDABLE HOUSING UNITS required in Sec 405.19.A.

- 1. **Bonus Height for Affordable Housing:** See Sec 405.20.A.
- 2. **Expedited Review:** All applications for development that include 10% AFFORDABLE HOUSING UNITS shall be entitled to attend at least one pre-application meeting with the PLANNING ADMINISTRATOR and Director of Housing Initiatives or their designees to help guide the project through the approvals process.
  - (a) The purpose of the preapplication meeting will be to expedite the development application review process through the early identification of issues, concerns, code compliance and coordination matters that may arise during the review and approval process; and the establishment of a comprehensive review process outline, proposed meeting schedule and conceptual timeline.
  - (b) The Director of Housing Initiatives or their designee will be assigned to act as a direct conduit to the City through the approvals process. Municipal departments and approval bodies shall endeavor to honor the proposed meeting schedule and conceptual timeline established as an outcome of the preapplication meeting to the greatest extent possible during the review and approval process, subject to the demonstrated cooperation of applicant to adhere to same.
- 3. **Potential Fees Discount:**
  - (a) SITE PLANS that include AFFORDABLE HOUSING UNITS are eligible for a discount in the SITE PLAN application fee as follows:

Percentage of Total Units	Discount
100% AFFORDABLE HOUSING UNITS	75%
more than or equal to 75% AFFORDABLE HOUSING UNITS	50%
more than or equal to 50% AFFORDABLE HOUSING UNITS	40%
more than or equal to 20% AFFORDABLE HOUSING UNITS	30%
more than or equal to 10% AFFORDABLE HOUSING UNITS	20%

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

## SECTION 405.20 BONUS HEIGHT INCENTIVE

### A. BONUS HEIGHT FOR AFFORDABLE HOUSING

1. Parcels in T3N-O, T4, T5, and SD-WMU Transect Zones may be eligible for bonus height (up to the limits identified in the Transect Standards), based on the provision of AFFORDABLE HOUSING UNITS (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 UNITS.
2. In any case in which an applicant agrees to provide affordable housing as described above, the Planning Board 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.

### B. BONUS HEIGHT FOR NEW PUBLIC USABLE OPEN SPACE IN THE WATERFRONT

1. Parcels in the SD-WMU Zone may be eligible for bonus height (up to the limits identified in the Transect Standards), based on the provision of public USABLE OPEN SPACE, as approved by the Planning Board, provided:
  - (a) The developer constructs and dedicates a public USABLE OPEN SPACE with a parcel dimension not less than 5,000sf, and
  - (b) The USABLE OPEN SPACE is publicly accessible and privately maintained; and
  - (c) The USABLE OPEN SPACE meets the standards set in Sec 405.24; and
  - (d) The total footprint of bonus area shall be equal to 1.5 times the area of the public USABLE OPEN SPACE provided. For example, a new public USABLE OPEN SPACE of 5,000sf would allow for up to 7,500sf Gross Floor Area in bonus stories.
2. USABLE OPEN SPACE within a public access easement may qualify for bonus height if such space complies with the requirements of 405.20.B.1.
3. In any case in which an applicant agrees to provide USABLE OPEN SPACE as described above, the Planning Board 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.
4. An applicant in the SD-WMU may utilize Bonus Height for Affordable Housing or Public USABLE OPEN SPACE, but in no case shall the total number of bonus stories in any building exceed the number of stories permitted in Article 3.

## 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. 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. A HOME OCCUPATION shall not emit any noxious, hazardous, or offensive noise, odor, heat, vibration, smoke, or any other objectionable emissions, beyond a volume that would be considered typical of a residential neighborhood.
3. OPEN STORAGE, including material, equipment, and vehicles, is prohibited within a front or side yard. OPEN STORAGE in a rear yard shall be screened by a minimum six-foot tall fence.
4. No alteration shall be made that changes the character and appearance thereof as a residential BUILDING.
5. No more than 20% of the floor area of the PRINCIPAL BUILDING, and no more than 500 square feet of floor area of an ACCESSORY BUILDING, shall be devoted to the activity.
6. One unlighted sign of no more than 3 sq feet is permitted per HOME OCCUPATION.
7. The following are prohibited from being operated as a HOME OCCUPATION: ADULT USES; Firearms-related occupations; CONTROLLED-SUBSTANCE SALES / CONSUMPTION.

### D. BED-AND-BREAKFAST / SHORT-TERM RENTALS

#### 1. Bed-and-Breakfast

- (a) The maximum length of stay for any guest shall be thirty consecutive days. In no way may the establishment be used as a boardinghouse, as provided in Sec 405.21.E.
- (b) When the premises is in use as a bed-and-breakfast, staff or the owner-operator shall be on the premises to check-in guests and be available for support services 24 hours per day.
- (c) The maximum number of rooms which may be rented is five.

#### 2. Short Term Rentals

- (a) 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.
- (b) With proof of payment of applicable fees and registration with the Building Safety Department, a host may receive one of three types of SHORT TERM RENTAL permits, following the standards described in (c) below:
  - (i) SHORT-TERM RENTAL, full permit (**STR-F**), a short-term rental permit for one DWELLING UNIT.
  - (ii) SHORT-TERM RENTAL resident occupied permit (**STR-RO**), a short-term rental permit for a portion of a DWELLING UNIT, with a full-time resident living within the same unit.
  - (iii) SHORT-TERM RENTAL limited permit (**STR-L**), a short-term rental permit for one DWELLING UNIT that is used as a short-term rental for fewer than 30 days per year.
- (c) SHORT TERM RENTAL standards
  - (i) There shall be a limit of one SHORT TERM RENTAL unit per LOT.
  - (ii) SHORT TERM RENTAL permit types are permitted by Transect Zone as identified in Table 405.5.C, Transect District Permitted Uses Summary.



- (iii) STR-F permits shall be limited to 1% of the City's housing units based on the latest American Community Survey data.
  - (iv) A STR shall host no more than two guests per bedroom and is limited to a maximum capacity of six people per dwelling. Children ten years of age and under are not counted as guests.
  - (v) Upon approval of an STR permit, the City will assign a registration number to the STR property. The registration number must be included in all STR listings and advertisements, both in print and online.
  - (vi) A BUILDING or portion thereof that is not entitled to be operated as a SHORT TERM RENTAL pursuant to this zoning Chapter, but was entitled to operate as a SHORT-TERM RENTAL prior to the adoption of this zoning Chapter, may continue to so operate for an indefinite period of time until abandonment of the SHORT TERM RENTAL use, change in ownership, or revocation of the SHORT TERM RENTAL permit in accordance with the procedures set forth by the Building Safety Department.
- (d) SHORT-TERM RENTALS are not permitted in ACCESSORY DWELLING UNITS.
- (e) Penalties for noncompliance. Any person operating a SHORT-TERM RENTAL in violation of the standards of this Section shall be subject to penalties in accordance with the Fee Schedule of the City of Kingston and to all other enforcement measures authorized in this Chapter or by other applicable law. Each nightly booking for noncompliance shall be considered a separate offense.

## **E. BOARDINGHOUSE, TRANSITIONAL HOUSING, AND EMERGENCY SHELTERS**

### **1. Operations Plan**

- (a) For each BOARDINGHOUSE, TRANSITIONAL HOUSING facility, or EMERGENCY SHELTER, an operations plan must be provided that addresses the following elements to the satisfaction of the City. If there is a state agency providing funding and oversight for the facility, the Operations Plan should match the requirements established by that agency.
- (i) Roles and responsibilities for key staff, including the on-site manager;
  - (ii) Site/facility management, including a security and emergency plan;
  - (iii) Site/facility maintenance, including a regular litter patrol in the immediate vicinity of the SITE;
  - (iv) Occupancy policies, including resident responsibilities and a code of conduct that includes, at a minimum, a prohibition on the on-site use or sale of alcohol and illegal drugs and threatening or unsafe behavior;
  - (v) Procedures for maintaining accurate and complete records;
  - (vi) A multi-modal transportation plan identifying access to public transit and the bicycle network;
  - (vii) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and
  - (viii) Proof of annual inspection by the City of Kingston Building Safety Department.
- (b) Additionally, a TRANSITIONAL HOUSING facility, or EMERGENCY SHELTER Operations Plan shall also include provisions for provision of human and social services, including staffing plan and outcome measures.

### **2. General Standards**

- (a) EMERGENCY SHELTERS, TRANSITIONAL HOUSING, and BOARDINGHOUSES shall ensure compliance with all applicable municipal, county, state and health department laws and regulations. The sponsor and/or managing agency shall permit regular inspections by local agencies and/or departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.
- (b) All rooms shall have adequate space, light, electricity, heating, emergency egress, a smoke detector, and access to adequate sanitation and eating facilities pursuant to the International Residential Code (IRC).
- (c) Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
- (d) Compliance with all adopted fire and building codes is required.

- 3. BOARDINGHOUSE:** A residential establishment in which lodgers rent one or more rooms on a nightly basis, and sometimes for extended periods of weeks, months, and years.
  - (a) The maximum number of roomers or boarders shall be 12 and the maximum number of rooms shall be 10.
  - (b) There shall be no more than two people occupying a room as a roomer or boarder, and such room shall have a minimum of 80 square feet of floor space per occupant. Double occupancy shall be limited to 20% of the total rooms available in the BOARDINGHOUSE.
  - (c) At all times when the premises is in use as a BOARDINGHOUSE, a qualified full-time manager shall be available 24/7 to provide support services. The full-time manager shall be defined as the property owner that lives on the property or another individual that is not a resident of the primary building.
  - (d) A minimum distance of 500 ft from parcel line to parcel line is required between BOARDINGHOUSE facilities.
  - (e) There shall be an annual permit fee as set forth in a fee schedule to be established by resolution of the Common Council of this City.
- 4. TRANSITIONAL HOUSING:** A facility providing short-term housing, typically for less than 24 months, and appropriate supportive services to those in need to facilitate movement to independent living.
  - (a) The number of residents shall be limited to 14.
  - (b) On-site supervision must be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed.
  - (c) A minimum distance of 500 ft from parcel line to parcel line is required between other TRANSITIONAL HOUSING facilities and EMERGENCY SHELTERS.
  - (d) The sponsor and/or managing agency shall designate points of contact and provide contact information to the Kingston police department.
- 5. Emergency Shelters:** A facility whose primary purpose is to provide a temporary shelter for unhoused populations in general, or for specific populations of the unhoused, and which does not require occupants to sign leases or occupancy agreements.
  - (a) The number of residents shall be limited to 25.
  - (b) A minimum distance of 500 ft from parcel line to parcel line is required between other TRANSITIONAL HOUSING facilities and EMERGENCY SHELTERS.
  - (c) On-site supervision must be provided at all times.
  - (d) The sponsor and/or managing agency shall designate points of contact and provide contact information to the Kingston police department.
  - (e) All functions associated with the facility, including adequate waiting space, must take place within a building or on the SITE proposed to house the facility.

#### **F. NEIGHBORHOOD BUSINESS**

1. The Ground Floor of a NEIGHBORHOOD BUSINESS shall contain a retail or service USE, up to the floor area limits in Sec. 405.12.L. Upper floors may contain residential or GENERAL OFFICE USES.
2. EATING/DRINKING ESTABLISHMENT USES allowed by Transect Zone in Table 405.5.C may be a permitted ground floor USE in a NEIGHBORHOOD BUSINESS if the seating area is limited to 20% of the total commerce floor area.
3. Specific to a NEIGHBORHOOD BUSINESS in T4N or T3N districts:
  - (a) The ground floor shall contain neighborhood-oriented businesses (retail and service USES that primarily serve the immediate nearby residential areas). An EATING/DRINKING ESTABLISHMENT with seating area limited to 20% of the total commerce floor area may be allowed by Special Permit.
  - (b) Hours of operation shall be limited to 7am to 10pm daily, including deliveries and trash pick up from private haulers.

### G. 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.

### H. ANIMAL BOARDING

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

### I. AUTO-ORIENTED SERVICES

1. Drive-through facilities, including space for vehicle storage or idling, shall not be located between buildings and adjacent streets. Vehicle access for a drive-through shall be restricted to the rear of the property.
2. No gasoline or oil pump or service appliance, unless within a building, shall be within 15 feet of any street line. See "A" in Figure 405.21.I.
3. Pedestrian walkways shall have clear visibility and be emphasized by enhanced paving or markings when they intersect the drive-in or drive-through aisles.
4. All service areas, trash storage areas, and mechanical equipment shall be screened from ground-level view from adjacent properties and public RIGHT-OF-WAYS.
5. At least one trash receptacle shall be installed per drive-through facility or per fuel pump island.
6. 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, TxN-O, T3L or T2C district. See "B" in Figure 405.21.I.
7. A six-foot tall wall or fence shall be provided along the boundary line of any property located within a TxN, TxN-O, T3L or T2C district and an auto-oriented service USE. See "C" in Figure 405.21.I.
8. 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.

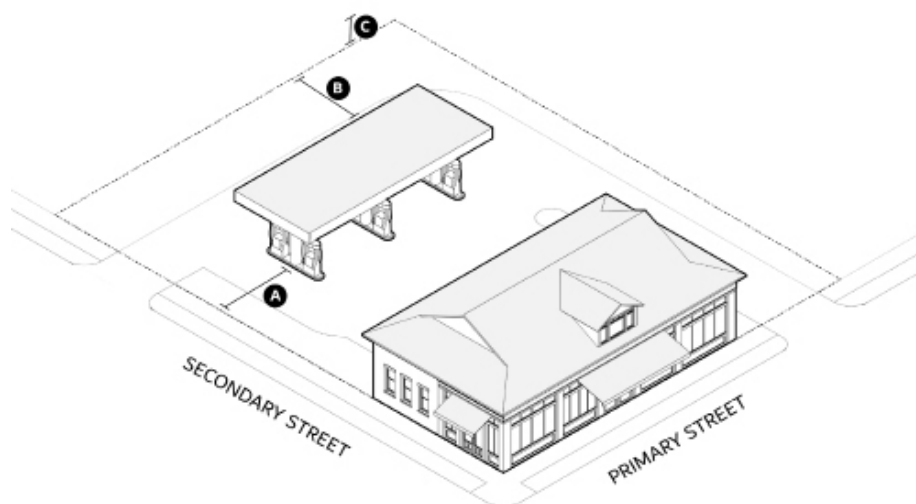


Figure 405.21.I: Auto-Oriented Use Example

9. No driveway to or from any automobile service station shall be within 200 feet (measured along the street line on that side of the street on which such automobile service station has its main frontage and on which such driveway would cross) of the boundary line of any school, church, park, playground, hospital, public library, institution for dependents or children or any place of public assembly designed for the simultaneous use of 100 persons or more, regardless of the district where either premises is located.
10. All automobile parts, wrecked or damaged motor vehicles or similar articles shall be stored within an approved enclosed area. Major repair work may be carried on outdoors where it is impracticable to do such work within a building, but in no case shall any vehicles requiring such work be stored outdoors for a period exceeding 30 days. Gasoline or oil sales, changing of tires and other similar automobile servicing shall not be considered to be major repair work.
11. No automobile service station and no gasoline or oil pump or automotive service appliance (excluding electric vehicle charging stations), unless within a building, shall be permitted to be established on a lot that is within 1,000 feet of another lot on which there is an existing automobile service station or outdoor gasoline or oil pump or automotive appliance or of another lot for which a building permit has been issued for the erection of such a station, pump or service appliance. This requirement shall in no way be construed to cause any existing use to become nonconforming, except that if such a use has been discontinued for any reason for a period of over one year or has been changed to or replaced by a conforming use, such use shall be subject to the provisions of Article 3 hereof.

#### **J. 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 T3N or T3L district.

#### **K. SURFACE PARKING LOT**

1. Surface parking lots shall be an accessory use to a PRINCIPAL BUILDING on a LOT unless approved by Special Permit.
2. Surface parking lots with an impervious area of more than 5,000sf within 500 feet of streams, creeks, rivers, wetlands and/or located within the 100-year floodplain must provide for the retention and filtration of stormwater runoff from the impervious surface for a 10-year, 24-hour storm event in bioswales, rain gardens, or other stormwater facility that provides for the bioretention and biofiltration of stormwater on SITE.
3. Impermeable paving areas shall be limited to 10,000 sf in size in T5, T4, T3, and SD-WMU districts.
4. Impermeable paving is discouraged in T3L, T2C and T1 districts. The use of pavers, gravel/compacted earth, or other permeable alternatives should be utilized when possible.
5. The landscape standards of Sec 405.16.F shall apply.

#### **L. 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.

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

1. General Use and Site Plan Standards
  - (a) Buildings and structures, including those for the storage of compost and refuse, shall comply with the dimensional standards of the underlying district. In addition, placement of farm structures should respect significant landscape features on the SITE, such as rock outcroppings, drainage areas, and mature trees.

- (b) Chemicals, pesticides, and fertilizers or other garden waste shall be prevented from draining onto adjacent properties or street RIGHT-OF-WAYS.
  - (c) 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.
  - (d) Composting, equipment storage, and disposal areas should not be located in the front or side street yard, unless there are special circumstances that make it necessary. While a driveway may be allowed in the front yard, the parking zone shall only be permitted where described in the Transect Standards (Article 3).
  - (e) URBAN AGRICULTURE farms shall be used in such a manner in which at no time shall they constitute a nuisance or a hazard to the surrounding neighborhood. URBAN AGRICULTURE farms shall be maintained in a healthy growing condition, especially in the off-season.
  - (f) URBAN AGRICULTURE uses are permitted in rooftop locations. In the T5MS and T4MS districts, URBAN AGRICULTURE shall be limited to a rooftop garden, or a community garden as outlined in Sec 405.24.D.1.
  - (g) Composting is prohibited as a primary use on a LOT. The raising of chickens or bees as the primary use on a LOT is permitted by Special Permit in SD-F, T2C and T1 districts, and prohibited as the primary use on a LOT in all other districts.
  - (h) Cannabis shall be grown in accordance with guidance from the New York State Office of Cannabis Management and screened from view. Such screening can include trees, shrubs, and perennial borders and/or screening walls and fences. Any fencing shall meet the requirements of Sec 405.14.I.
2. Composting on URBAN AGRICULTURE lots
- (a) Composting as an accessory use shall be used primarily to support on-site operations, and shall comprise no more than seven and a half (7 ½) percent of the lot area.
  - (b) Maximum height of composting structures or bins shall not exceed ten (10) feet.
  - (c) Compost bins and structures shall be set back five (5) feet from all property lines.
3. Accessory Beekeeping on URBAN AGRICULTURE lots
- (a) All beekeeping shall comply with applicable state and local laws and regulations.
  - (b) Specific to T5, T4, and T3N/T3N-O districts: The maximum number of hives on any given LOT shall be two (2). Up to five (5) hives per LOT may be allowed by Special Permit. Hives shall not be located in the front yard or in a side yard that abuts a street.
  - (c) Specific to T3L, T2, T1 and SD districts: The maximum number of hives on any given LOT shall be five (5).
  - (d) No hive shall exceed five (5) feet in height excluding the hive stand, and twenty (20) cubic feet in size.
  - (e) No hive shall be located closer than ten (10) feet from a public street or sidewalk.
  - (f) All hives shall include a nearby supply of water in a shallow container with dry pebbles.
  - (g) Applicants shall demonstrate the hives can be located so that the movement of bees will not interfere with pedestrian traffic or persons residing on or adjacent to the hive premises. For any hive that is within twenty (20) feet of the doors and/or windows of a principal building on an abutting lot, the hive opening must face away from doors and/or windows, or a flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the hive such that the Honey Bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the hive and shall extend at least two (2) feet in width on either side of the hive opening.
4. Accessory Keeping of Chickens on URBAN AGRICULTURE lots
- (a) The keeping of chickens shall comply with Chapter 151; additional provisions provided in this section apply specifically to an URBAN AGRICULTURE USE. In case of conflict, the provisions of this Section shall apply.
  - (b) The number of chickens kept on a single property shall not exceed 12. The keeping of roosters is prohibited.

- (c) All chickens shall be provided shelter within a chicken coop with a maximum footprint no larger than 150sf and may be provided an additional fenced enclosure area for the purposes of free-ranging, i.e., feeding and exercise.
- (d) All chicken coops and enclosures shall be constructed and maintained in such a manner as will safely and securely house chickens and shall be kept free of rodent infestation at all times. Runoff from a chicken enclosure shall not negatively impact adjacent properties.
- (e) All chicken coops and enclosures shall be in the rear or side yard of the property on which they are located and shall be set back a minimum distance of 5' from the side and rear property line.
- (f) Coops and enclosures shall be kept no closer than 15 feet to any dwelling on an adjacent lot.
- (g) Chickens may not leave the permitted property outside the confines of a cage or enclosure used for their transportation.

5. Aquaculture on URBAN AGRICULTURE lots

- (a) Facilities greater than 750sf, and freight containers of any size shall require a Special Permit.
- (b) Applicants must comply with applicable federal and state regulations for water use and discharge, and for the possession, propagation, culture, sale and disposition of living marine organisms.

6. Fencing and Screening

- (a) Any composting, loading or disposal areas that abut a public street, public OPEN SPACE, or residential USE shall be screened from view. Such screening can include trees, shrubs, and perennial borders and/or screening walls and fences. Any fencing shall meet the requirements of Sec 405.14.I.
- (b) In T5, T4, and T3 areas, perimeter fencing is limited to a maximum height of four (4) feet along street lot lines, and eight (8) feet along the interior side or rear lot line and shall not include electrified, barbed, razor wire, or plywood sheeting. The use of un-coated metal chain link is discouraged.
- (c) In T5, T4, and T3 areas, any material or equipment stored outdoors shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public OPEN SPACE.

7. Lighting.

- (a) Lighting should be limited to that required for operational and safety purposes of any activity defined as URBAN AGRICULTURE so as not to create a nuisance through excessive brightness to abutting residential uses. For SITES abutting residential uses, applicant shall supply a lighting schedule and plans to mitigate fugitive light.

**N. OPEN STORAGE**

- (a) No OPEN STORAGE shall be permitted in any district of the City of Kingston, unless approved by Special Permit in the T5F, T4N-O, T3N-O, SD-C, SD-F, or SD-W districts.
- (b) Open Storage is subject to the following standards:
  - (i) Open Storage is prohibited in the front yard area (between the building and the street).
  - (ii) Open Storage in a side or rear lot area shall be screened from public view to the maximum extent possible by landscaping or a fence meeting the requirements of Sec 405.14.I.
  - (iii) A display lot for new or used car dealerships may be permitted, without screening, as an Auto-Oriented Service use.

**O. SMALL-SCALE RENEWABLE ENERGY SYSTEMS**

- 1. SMALL-SCALE RENEWABLE ENERGY SYSTEMS have minimal or limited impacts on surrounding uses and are intended to supply renewable energy to an individual building, or contribute to block-scale resiliency efforts. Examples include:
  - (a) Roof-mounted solar energy systems (a photovoltaic system of electricity generating solar panels mounted on the roof of a structure or consisting of the roof material itself) with a footprint of up to 100% of the building footprint on which the system is attached.

- (b) Ground-mounted solar energy systems (a photovoltaic system of electricity generating solar panels mounted on the ground) with a footprint not greater than 600sf.
  - (c) Roof-mounted wind turbines (an electricity generating wind turbine mounted on the roof of a structure), with a maximum height of no more than 10' from the highest point of the structure on which the turbine is attached to the bottom of the rotor blade assembly. A height greater than 10', or multiple turbines per building, shall require a Special Permit.
  - (d) Ground-mounted wind turbines (an electricity generating wind turbine mounted on the ground) may be permitted in T3L, T2C, T1 and SD districts; maximum one per lot, with a maximum height of no more than 30' measured to the bottom of the rotor blade assembly. Multiple turbines per lot, or placement in a T5, T4, T3N or T3N-O district, shall require a Special Permit.
  - (e) Other types of renewable energy systems including Hydropower, Geothermal Heat Pumps, and Solar Water Heaters, as long as the combined footprint of above ground components are not greater than 200sf.
- 2. Any system that exceeds the above limits shall be considered a LARGE-SCALE RENEWABLE ENERGY SYSTEM.
  - 3. All above ground SMALL-SCALE RENEWABLE ENERGY SYSTEMS equipment/components are subject to the setbacks of the underlying Transect Standards. Ground-mounted SMALL-SCALE RENEWABLE ENERGY SYSTEMS and their associated support systems (ex. guy line anchors) are subject to a 15' front setback, and a side and rear setback of 5'.
  - 4. SMALL-SCALE RENEWABLE ENERGY SYSTEMS shall comply with applicable state and local laws and regulations.

**P. 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. OPEN 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.
- 8. Telecommunication facilities shall reduce visual impacts to surrounding areas. New facilities are encouraged to be located on existing structures or buildings. Multiple facilities at lower heights or just above the tree line rather than larger facilities that create a greater visual impact are encouraged.

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# 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.
2. Private driveways or means of access to specific BUILDINGS or locations that do not intersect with another STREET more than once, and therefore is not part of a larger interconnected STREET network, shall be exempt from the standards of this Article.

**SHALL** ! In this section, *shall* will be used when a guideline is particularly important and is expected to be followed unless justified through a deviation as described in Sec. 405.23.C.

VS

**SHOULD** ! *Should* will be used when a guideline is not as critical as a 'shall' in every instance but is still important and expected to be followed unless other conditions prohibit its implementation.

### 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 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.

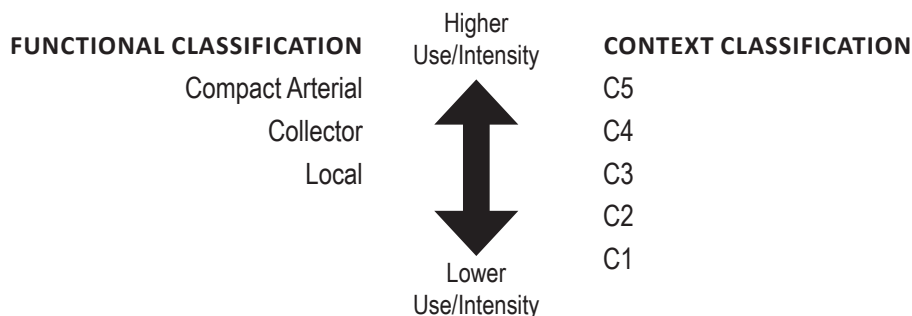
To achieve this, access by all modes, from each classified street or road to adjacent land use/BUILDINGS should be considered essential. Access limitations should primarily be considered in rural context areas.

- (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 generally 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; the orientation of surrounding lots shall also be considered. 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 vehicle drivers intuitively read intersections as shared spaces. The following sight triangle standards shall apply in addition to any New York State minimum sight distance requirements:

- (a) The visibility of pedestrians and bicyclists can be improved by lowering target speed, prohibiting parking within 25 feet of the intersection corner, improving street lighting, providing raised crosswalks/intersections, and locating stop bars well in advance of a crosswalk.

- ! (b) Streetscape objects within a sight triangle that would obstruct a driver’s view **shall** be modified in order to provide a clear sight triangle. At all street intersections, no obstruction to vision (other than buildings, posts, columns or trees) exceeding 30 inches in height above street level shall be erected or maintained within 25 feet distant from a cross street edge line extended through the intersection. Trees may remain within sight triangles if all limbs below 5 feet in height above the elevation of the adjacent roadway are removed.
- ! (c) In most cases, new buildings **should** not be subject to SETBACK requirements intended to increase sight triangle visibility at intersections in C5 and C4 areas.

### 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 (such as 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:

- ! (a) Streets **should** 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;
- ! (b) 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;
- ! (c) 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;
- ! (d) Traffic signals **shall** be timed primarily for the convenience and safety of pedestrians and bicyclists; and,
- ! (e) Pedestrian exposure to vehicles and crossing distances may be reduced through the use of refuge islands, bump outs (on roads with 4+ lanes), 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:

- (a) 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, textured pavement, and speed radar trailers.
- (b) C4 and C5 context: slower driving speeds can be achieved with interventions that are more compatible with livable, WALKABLE and bikeable urban centers; these include lane narrowing, curb extensions/ bump outs, adding on-street parking, or installing street trees, roundabouts, textured pavement (in non-residential areas), raised crosswalks or traffic tables.

### 9. Street Lighting

- ! (a) A combination of pedestrian-scaled street light fixtures (up to 15' in height) and intersection street light fixtures (25' to 40' in height, typical) may be required to ensure a well-lit street. Pedestrian-scaled fixtures **should** be used on all C4/C5 streets; intersection-scaled lighting may be used in addition to pedestrian-scaled lights.
- ! (b) Light fixtures **should** be closely spaced, generally not more than sixty (60) feet on center in C4/C5 areas and eighty (80) feet in C2/C3 areas to provide appropriate levels of illumination.
- ! (c) All street lighting fixtures **shall** be partially or fully shielded (see Sec 405.14.J).
- ! (d) Street lights **should** be aligned with street tree placement. Placement of fixtures shall be coordinated with the organization of sidewalks, landscaping, street trees, building entries, curb cuts, signage, etc.

## 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. Street designs shall follow this guidance to inform elements of preliminary engineering and design.
2. Street Design Considerations:
  - ! (a) In addition to vehicle travel lane dimensions designated for each street type, PUBLIC FRONTAGE elements (such as sidewalks and planters/street trees) **shall** be provided as specified in Table 405.23.A. The goal is to provide the maximum pedestrian elements feasible within the existing building-to-building width.
  - ! (b) Mature, healthy trees in the RIGHT-OF-WAY **shall** be preserved unless justified through a deviation as described in Sec. 405.23.C. Tree removal shall conform to the guidelines of the Tree Commission and the standards of § 373-9 (Tree removal and restoration). Every tree removed from a public RIGHT-OF-WAY **should** be replaced by smaller trees with a total combined DBH equivalent to that of the removed tree.
  - ! (c) The location of new bicycle facilities (such as on-street lanes or separated lanes) **should** be informed by City plans such as the Comprehensive Plan and the Pedestrian and Bicycle Master Plan.
  - ! (d) On-street Parking **should** be prioritized in C4 and C5 settings, where described as “preferred” in Table 405.23.A. The need for parking should be balanced with other competing RIGHT-OF-WAY needs (such as connecting the bike network) and provided as space permits. Parking may alternate with planting areas along the street.
  - (e) Where the standards of this Section are not practical, professional engineering judgment and proposed modifications may be applied by the City Engineer through the deviation process described in Sec. 405.23.C.
3. The Street Type Map designates the appropriate street types for existing streets 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).

### 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 width of 45' minimum and include street trees, unless one of the following apply:
  - (a) A MINOR WAIVER may be approved to accommodate existing physical constraints (such as existing BUILDINGS or natural features).
  - (b) If the new street is pedestrian- and/or bike-only, the minimum RIGHT-OF-WAY width may be less than 45' but street trees are required unless existing constraints prevent their planting.
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.

3. The design standards in Table 405.23.A 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.

**Table 405.23.A Design Standards Matrix**

	C2 / C3			C4			C5		
	LOCAL	COLLECTOR	ARTERIAL	LOCAL	COLLECTOR	COMPACT ARTERIAL	LOCAL	COLLECTOR	COMPACT ARTERIAL
<b>Street Design Standards</b>									
Target Speed	20-25mph	25-45mph	25-50mph	20-25mph	25-30mph	25-30mph	20-25mph	25mph	25mph
Lanes <sup>4</sup>	2 Lanes, 9-11ft	2-4 Lanes, 10-12ft	2-4 Lanes, 10-12ft	2 Lanes, 9-10ft	2-4 Lanes, 10-11ft	2 Lanes, 10-11ft	2 Lanes, 9-10ft	2-4 Lanes, 10ft	2 Lanes, 10ft
On-street Parking	Optional	Optional	Not Permitted	Optional	Preferred	Preferred	Preferred	Preferred	Preferred
Corner Radius	10-15ft	15-30ft	25-30ft	10-15ft	10-15ft	10-15ft	10-15ft	10-15ft	10-15ft
Bicycle Treatment <sup>1</sup>	Shared Lanes	On-Street Lanes / Separated Lanes  5' min (each way)	On-Street Lanes / Separated Lanes  5' min (each way)	Shared	Separated Lanes / On-Street Lanes  5' min (each way)	Separated Lanes / On-Street Lanes  5' min (each way)	Shared	Separated Lanes / On-Street Lanes / Shared  5' min (each way)	Separated Lanes / On-Street Lanes / Shared  5' min (each way)
Sidewalk Width	none / 5' min	none / 5' min	5'-10'+	5' min	6' - 8'+	6'-10'+	6'-10'	6'-12'+	6'-12'+
Edge Drainage	Swale / Curb	Swale / Curb	Swale / Curb	Curb	Curb	Curb	Curb	Curb	Curb
Street Trees <sup>2</sup>	Natural / Opportunistic	Natural / Opportunistic	Natural / Opportunistic	30' o.c. typ. Allee, when possible	30' o.c. typ. Allee, when possible	30' o.c. typical Allee	30' o.c. typ. Allee, when possible	30' o.c. typical Allee	30' o.c. typical Allee
Planting Area	Planting Strip, 4' min / 5'+ preferred	Planting Strip, 4' min / 5'+ preferred	Planting Strip, 4' min / 6'+ preferred	Planting Strip, 4' min / 5'+ preferred	Planting Strip or Tree Grate, 4' min / 5'+ preferred	Planting Strip or Tree Grate, 4' min / 5'+ preferred	Planting Strip or Tree Grate, 4' min / 5'+ preferred	Planting Strip or Tree Grate, 4' min / 5'+ preferred	Tree Grate, 4' min / 5'+ preferred

**NOTES:**

1. Bike lanes should be made wider than minimum widths wherever possible; if sufficient space exists, buffered bike lanes should be provided. In C4 and C5 contexts, separated bike lanes are preferred. Separated bike lanes are vertically separated from moving traffic (placed above the curb) or horizontally separated by a buffer or planting strip.
2. An Allee of trees are planted in a straight, evenly spaced row alongside travel lanes. Trees may be planted closer than the typical spacing, where desired.
3. All dimensions are measured to face-of-curb.
4. A one-way street may have 1 lane, which may exceed the widths in this table with approval of the City Engineer.

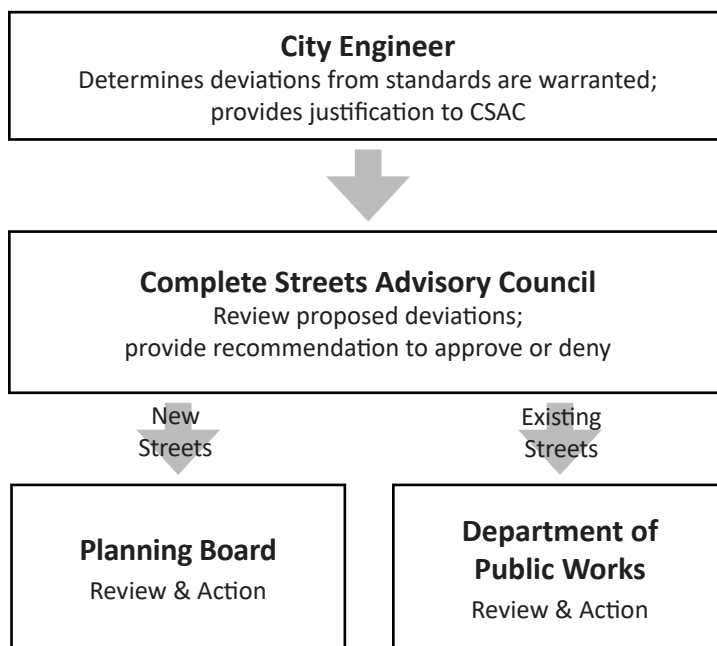
**C. STREET DESIGN STANDARDS ADMINISTRATION**

**1. Purpose.** This Section provides a clear and comprehensible design review process for designing new STREETS and improving existing STREETS within the jurisdiction of the City of Kingston, to ensure street design is compatible with surrounding context reflected by land use patterns and zoning districts.

**2. Street Design Approval**

- (a) The City Engineer shall categorize all STREET design projects as either the creation of a new STREET or the retrofitting of an existing STREET.
  - (i) New STREETS shall be all STREETS developed within an existing public or private RIGHT-OF-WAY where regular and formalized public access was previously not provided for, such as an unimproved (i.e. unpaved) driveway or access lane, or any newly proposed public or private RIGHT-OF-WAY.
  - (ii) Existing STREETS shall mean all improved (i.e. paved) STREETS within an existing public RIGHT-OF-WAY. General maintenance (including paving or repairs) shall not be considered the retrofitting of an existing STREET.
- (b) **New Streets:** The City Engineer, in coordination with the PLANNING ADMINISTRATOR, will review and recommend to accept or reject proposed cross sections based on a determination of consistency with the standards and intent of this Article and the dimensions provided in Table 405.23.A. Deviations from the standards shall be considered as described in (d), below. Final approval will be determined by the Planning Board as part of the MAJOR SITE PLAN approval process (see Article 8).
- (c) **Existing Streets:** The City Engineer, in coordination with the PLANNING ADMINISTRATOR, will review and decide to accept or reject proposed cross sections based on a determination of consistency with the standards and intent of this Article and the dimensions provided in Table 405.23.A. Deviations from the standards shall be considered as described in (d), below.
- (d) **Deviations:** When it is necessary to deviate from the standards of this Article due to existing physical, cultural, or other constraints, a justification for the deviation will be provided by the City Engineer and reviewed by the Complete Streets Advisory Council (CSAC); final review and action will be determined by the Planning Board (for new streets) or the Department of Public Works (for existing streets). The process for a Street Design Deviation is shown below in Figure 405.23.C.

**Figure 405.23.C: REVIEW AND APPROVAL PROCESS FOR STREET DESIGN DEVIATION**



C5 URBAN CENTER - COMPACT ARTERIAL

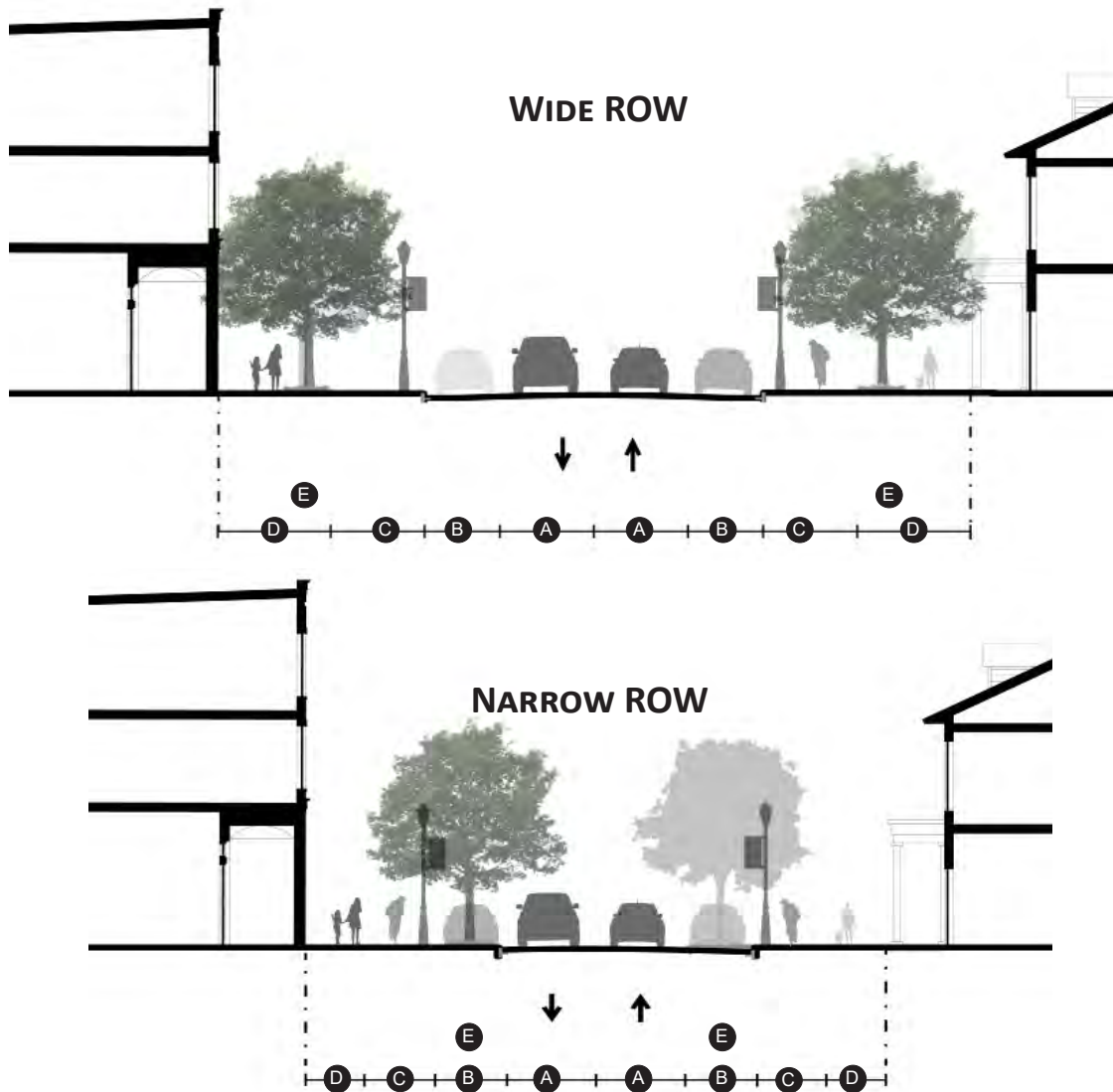


Figure 405.23.B.1: Sample C5 Compact Arterial Wide ROW (top) and Narrow ROW (bottom)

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

C5 URBAN CENTER - COLLECTOR

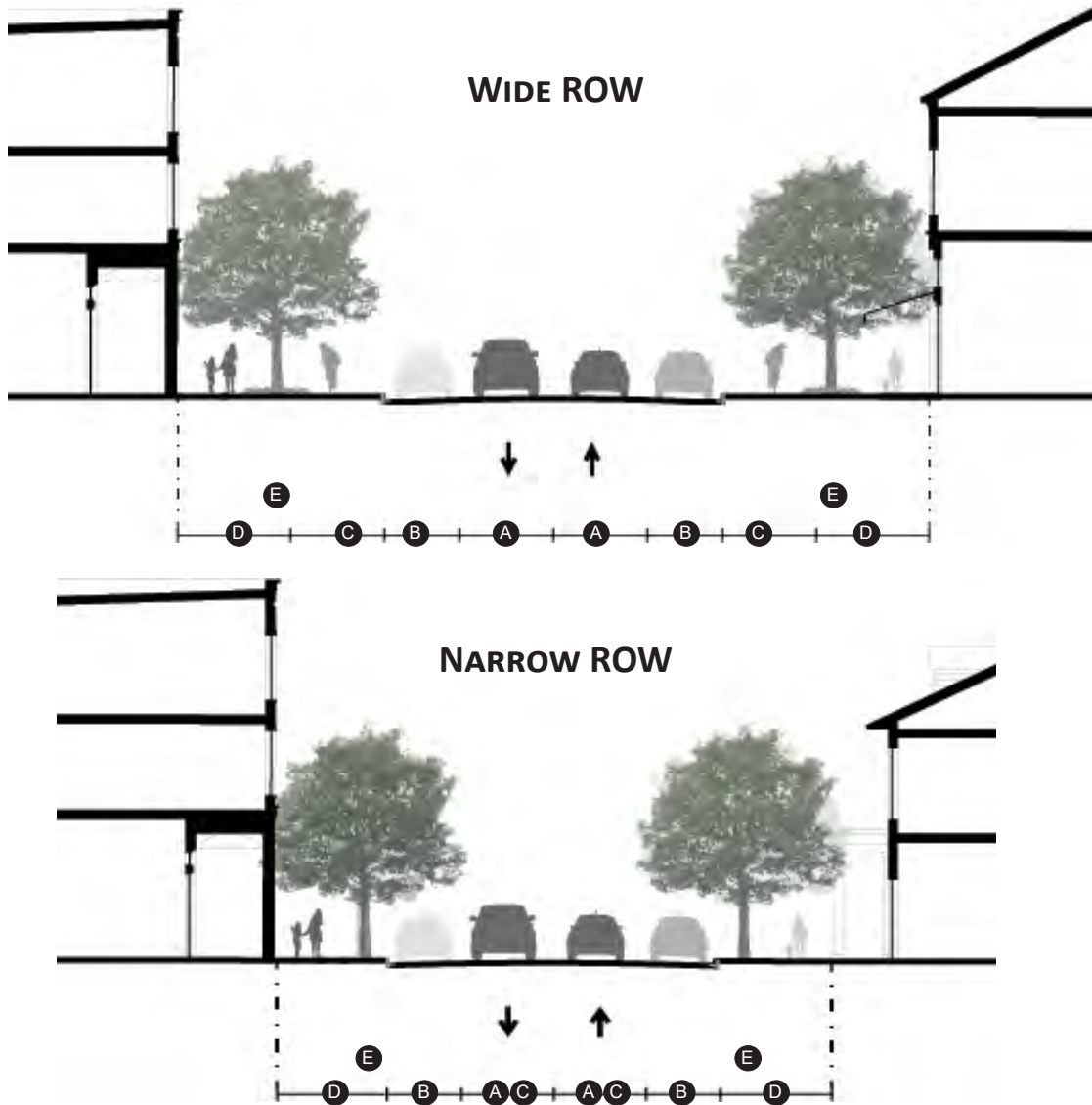


Figure 405.23.B.2: Sample C5 Collector Wide ROW (top) and Narrow ROW (bottom)

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 (soil cells encouraged) or Planting Strip with street trees, may include rain gardens	5' Tree Grates (soil cells encouraged)
Edge / Radius / Drainage	Vertical curb / 15' radius	Vertical curb / 15' radius



C5 URBAN CENTER - LOCAL

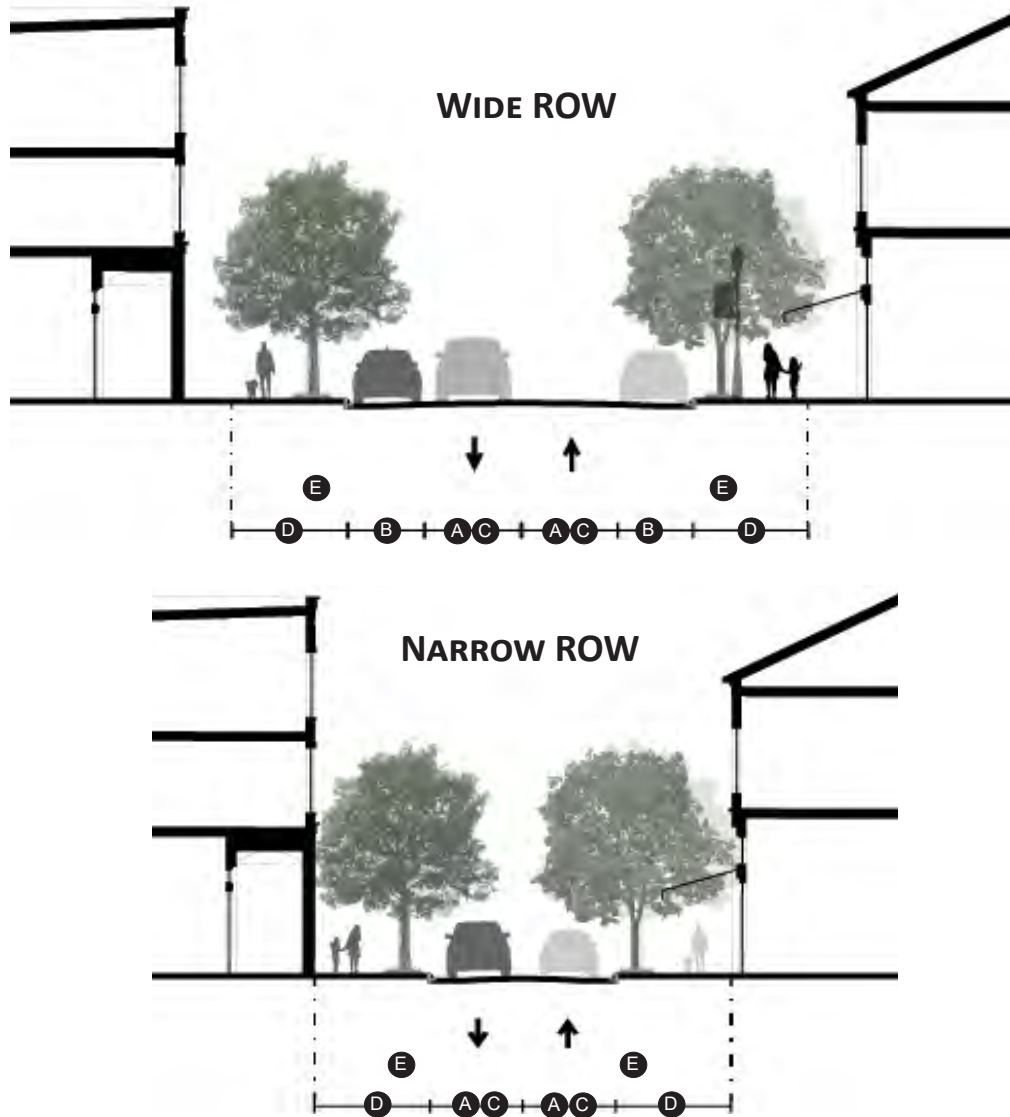


Figure 405.23.B.3: Sample C5 Local Wide ROW (top) and Narrow ROW (bottom)

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 (soil cells encouraged)	5' Tree Grates (soil cells encouraged)
Edge / Radius / Drainage	Vertical curb / 15' radius	Vertical curb / 15' radius

C5 URBAN CENTER - LOCAL

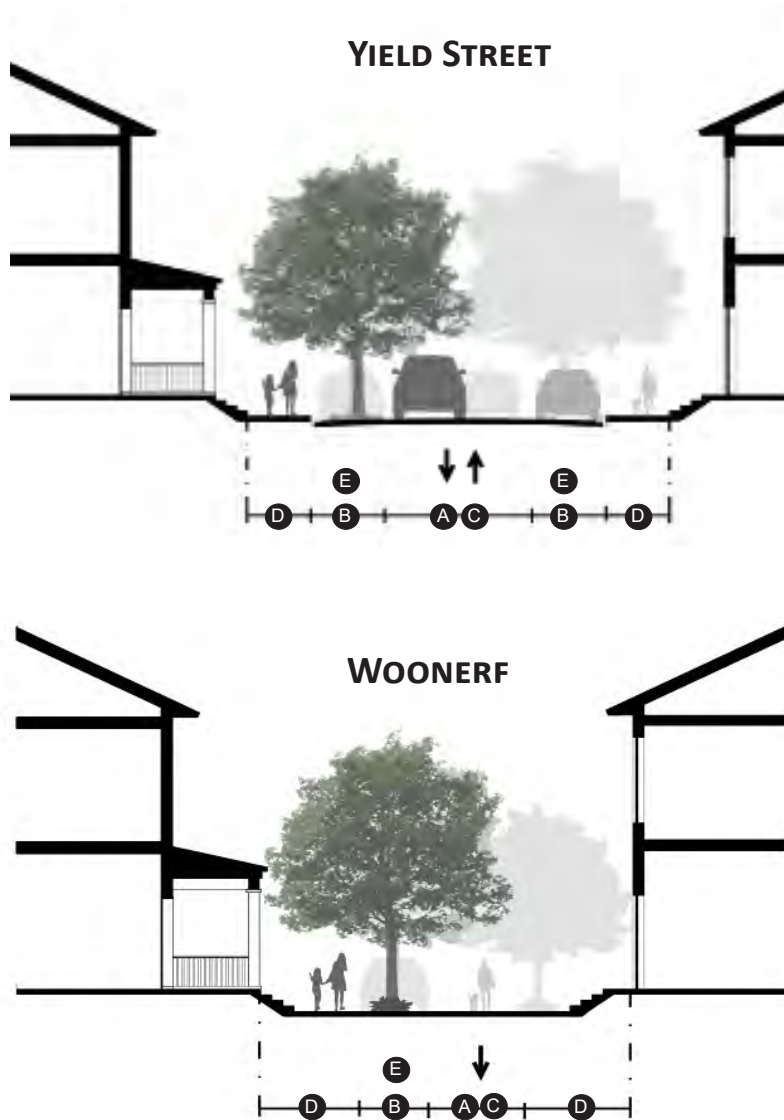


Figure 405.23.B.4: Sample C5 Yield Street (top) and Woonerf (pedestrian-dominant street) (bottom)

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 (soil cells encouraged) or Planting Strip with street trees, may include rain gardens	Varies, may include rain gardens, community gardens, flower beds, etc.
Edge / Radius / Drainage	Vertical curb / 15' radius	Flush curb / 15' radius / rain gardens, permeable paving

C4 URBAN GENERAL - COMPACT ARTERIAL

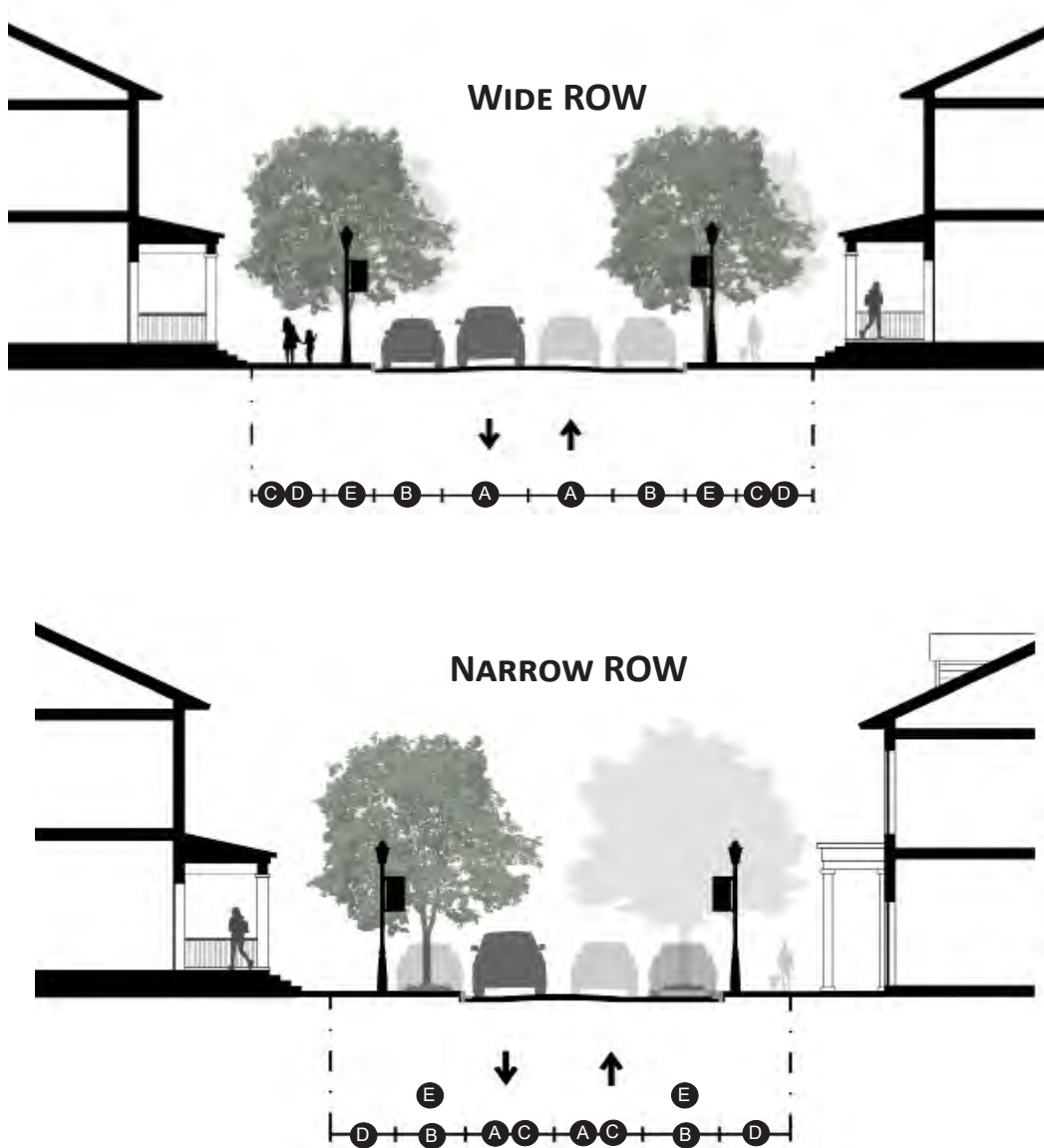


Figure 405.23.B.5: Sample C4 Compact Arterial Wide ROW (top) and Narrow ROW (bottom)

Sample Elements	Wide ROW	Narrow ROW
ROW Width	65'	50'
Ⓐ Vehicle Lanes	2 lanes, 10' each	2 lanes, 10' each
Ⓑ Parking Lanes	8', both sides	8' (optional, may alternate with planting area)
Target Speed	25 mph	25 mph
Ⓒ Bike Facility	9.5' Multi-Use Path	Shared Lane
Ⓓ Sidewalk		7'
Ⓔ Planting area	5' Tree Grates (soil cells encouraged) or Planting Strip with street trees, may include rain gardens	5' Tree Grates (soil cells encouraged) or Planting Strip with street trees, may include rain gardens
Edge / Radius / Drainage	Vertical curb / 15' radius	Vertical curb / 15' radius

C4 URBAN GENERAL - COLLECTOR

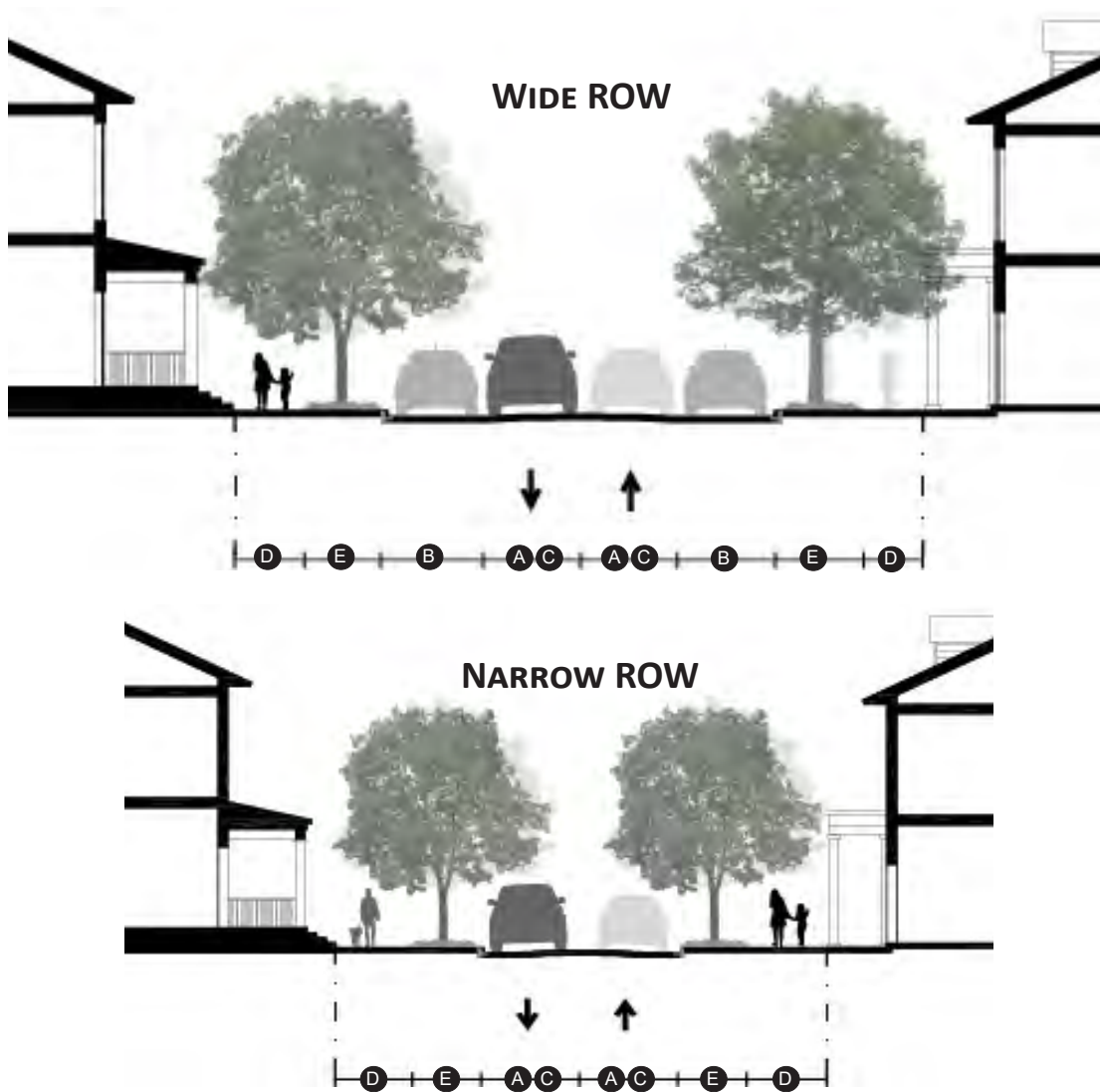


Figure 405.23.B.6: Sample C4 Collector Wide ROW (top) and Narrow ROW (bottom)

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" Continuous Planting Strip with street trees, may include rain gardens	7' Continuous Planting Strip with street trees, may include rain gardens
Edge / Curb Radius	Vertical curb / 15' radius	Vertical curb / 15' radius

C4 URBAN GENERAL - LOCAL

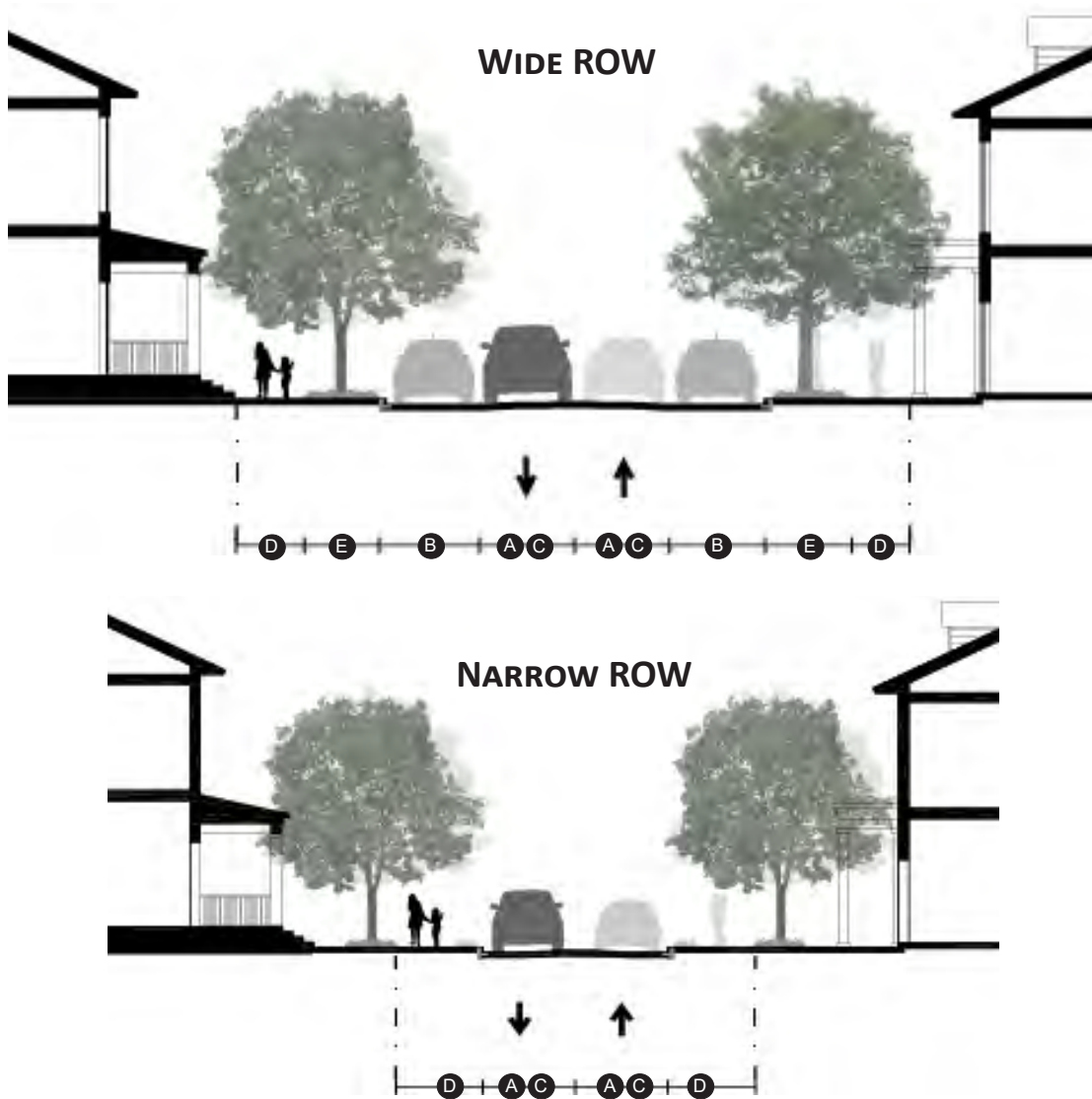


Figure 405.23.B.7: Sample C4 Local Wide ROW (top) and Narrow ROW (bottom)

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' Continuous Planting Strip with street trees, may include rain gardens	3' min. Planting Area
Edge / Curb Radius	Vertical curb or rain garden / 15' radius	Vertical curb or rain garden / 15' radius

C4 URBAN GENERAL - LOCAL

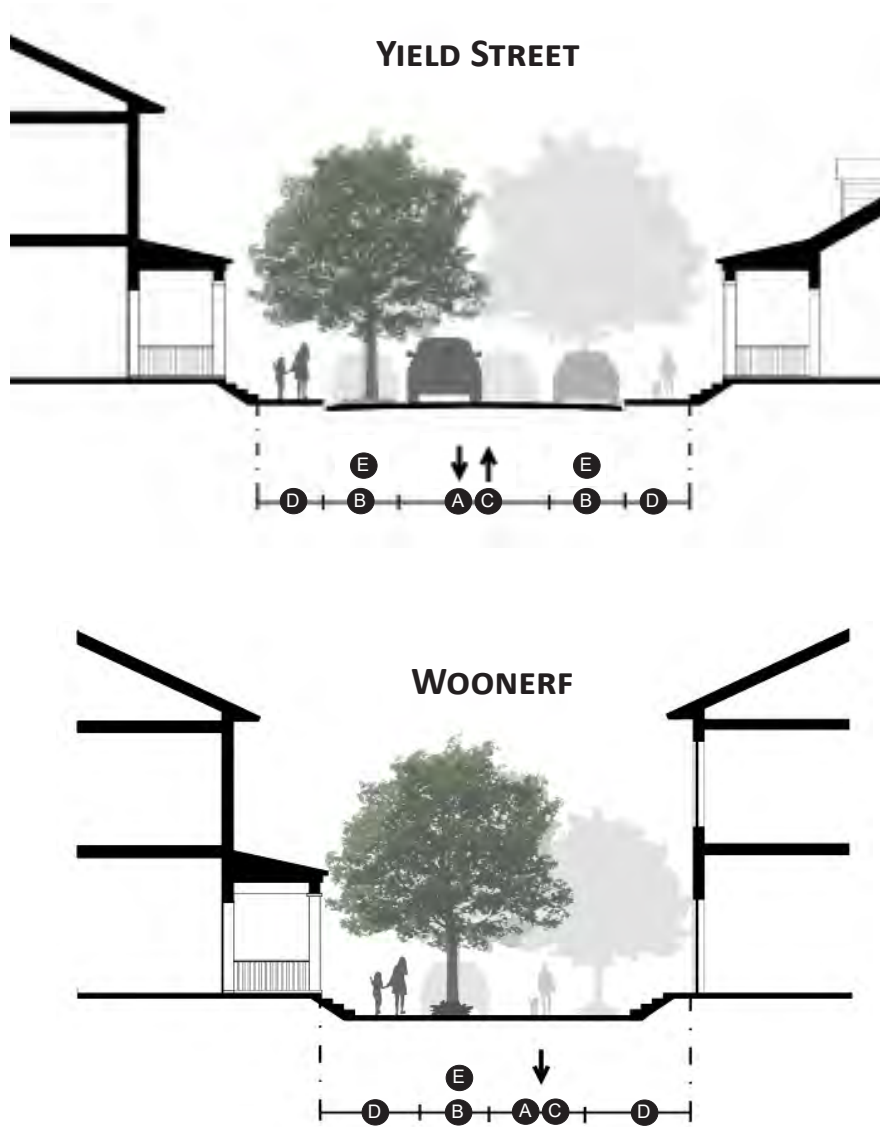


Figure 405.23.B.8: Sample C5 Yield Street (top) and WOONERF (pedestrian-dominant street) (bottom)

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 or Planting Strip with street trees, may include rain gardens	Varies, may include rain gardens, community gardens, flower beds, etc.
Edge / Radius / Drainage	Vertical curb or rain garden / 15' radius	Curbless / 15' radius / rain gardens, permeable paving

C3 SUBURBAN - COLLECTOR

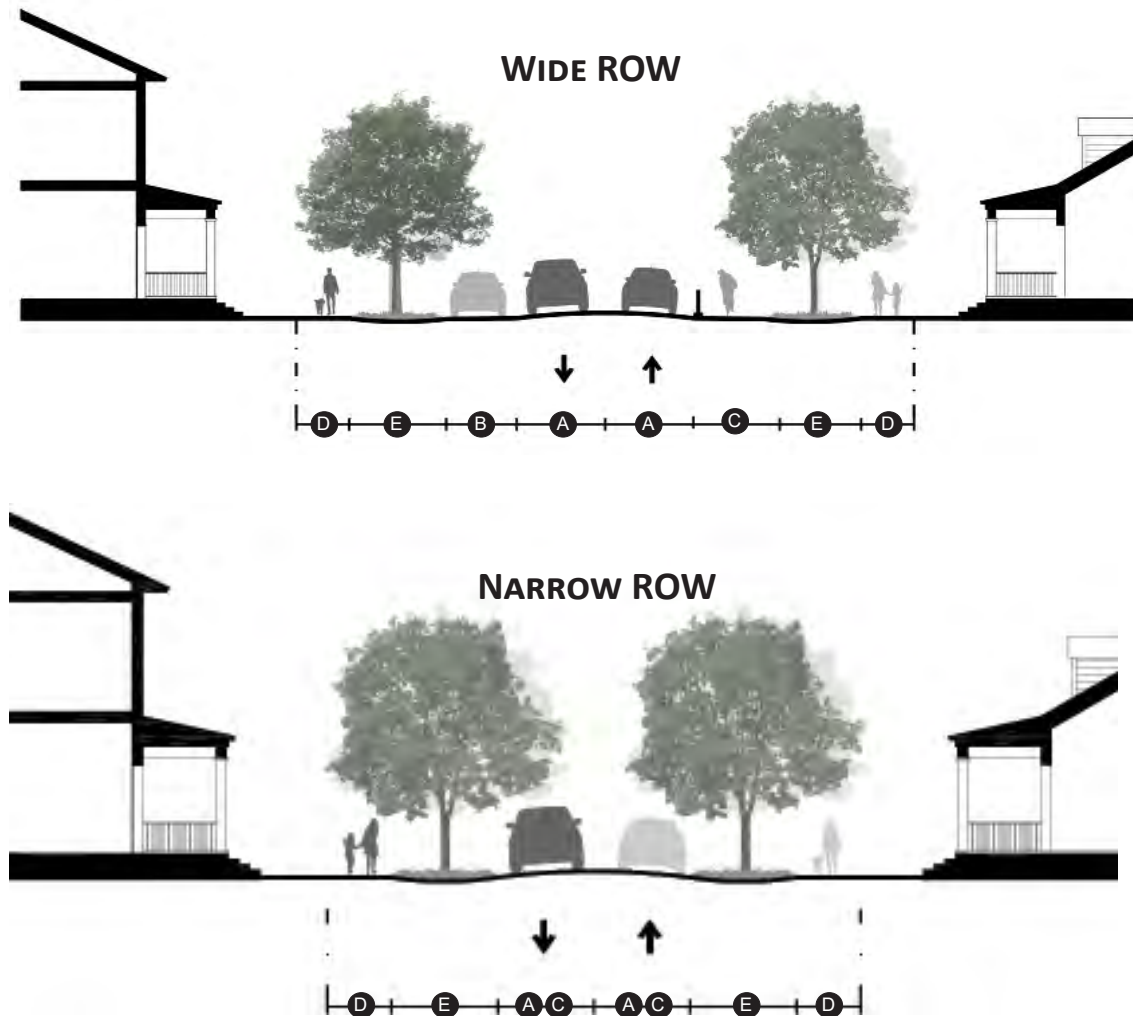


Figure 405.23.B.9: Sample C3 Collector Wide ROW (top) and Narrow ROW (bottom)

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' Continuous Planting Strip with street trees, may include rain gardens	10' Continuous Planting Strip with street trees, may include rain gardens
Edge / Curb Radius	Vertical curb or swale / rain garden / 15' radius	Vertical curb or swale / rain garden / 15' radius

C3 SUBURBAN - LOCAL

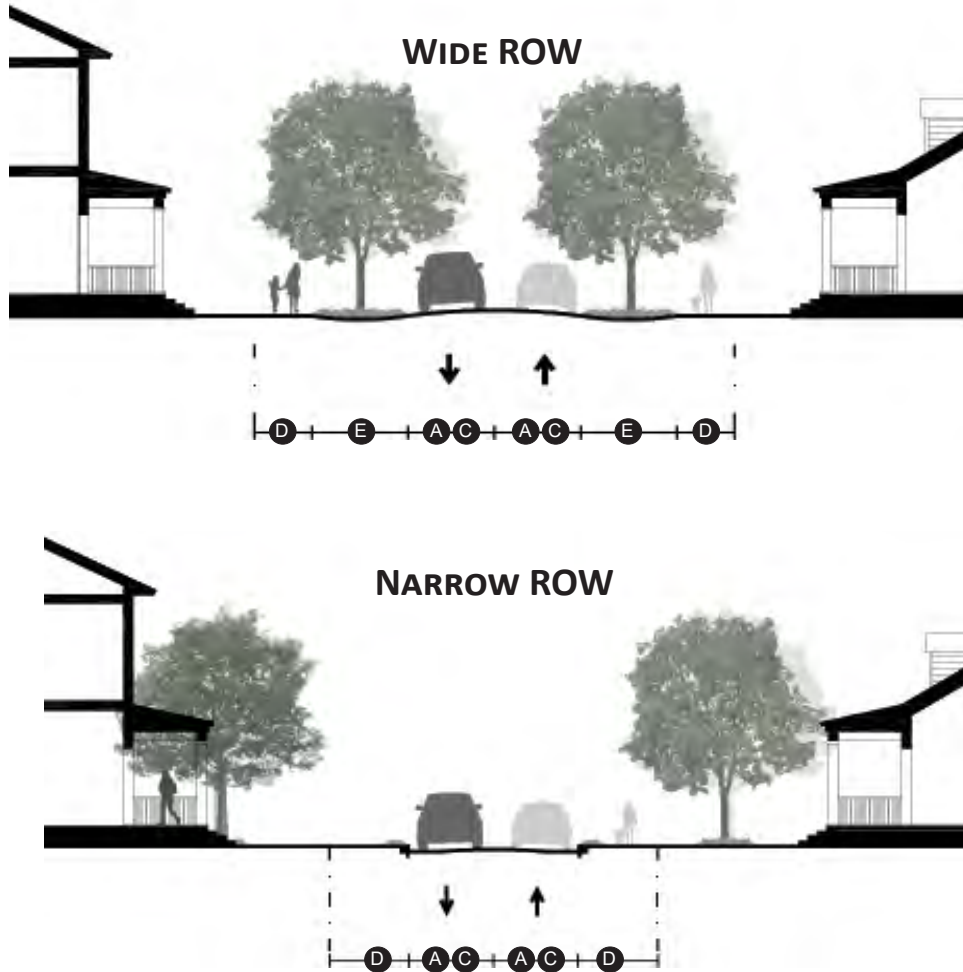


Figure 405.23.B.10: Sample C3 Local Wide ROW (top) and Narrow ROW (bottom)

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' Continuous Planting Strip with street trees, may include rain gardens	3' min. Planting Area
Edge / Curb Radius	Vertical curb or swale / rain garden / 15' radius	Vertical curb or swale / rain garden / 15' radius



C2 RURAL- COLLECTOR

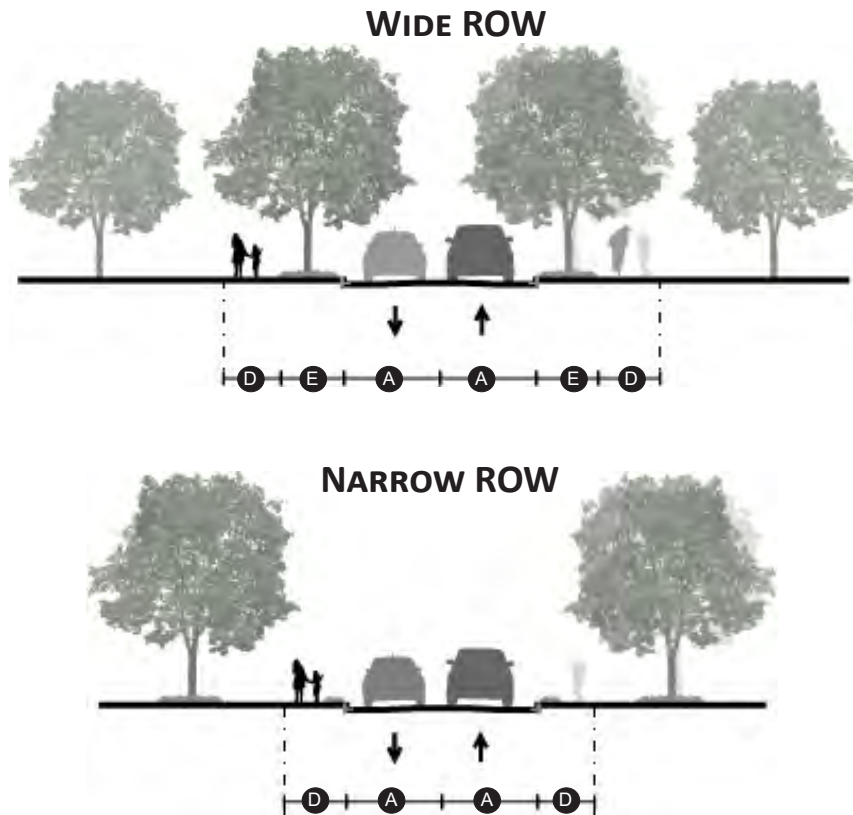


Figure 405.23.B.11: Sample C2 Collector Wide ROW (top) and Narrow ROW (bottom)

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" Continuous Planting Strip with street trees, may include rain gardens	N/A
Edge / Curb Radius	Vertical Curb / 25' radius	Vertical Curb / 25' radius

C2 RURAL- LOCAL

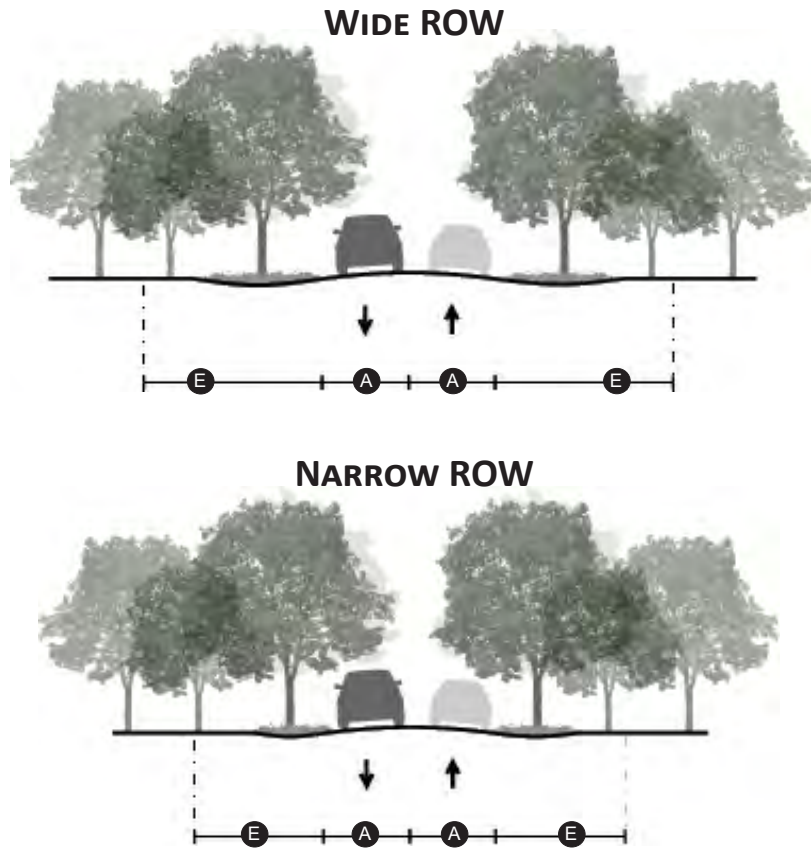


Figure 405.23.B.12: Sample C2 Local Wide ROW (top) and Narrow ROW (bottom)

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" Continuous Planting Strip with street trees, may include rain gardens	6' 6" Continuous Planting Strip with street trees, may include rain gardens
Edge / Curb Radius	Swale or Curb / 25' radius	Swale or Curb / 25' radius

## ARTICLE 6 USABLE OPEN SPACE STANDARDS

### SECTION 405.24 USABLE OPEN SPACE STANDARDS

#### 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 USABLE OPEN SPACES and trails that are integrated into new development which provide for neighborhood gathering and recreation in a safe, comfortable, WALKABLE environment; and natural resource protection, including the use of green infrastructure to manage stormwater and reduce flooding concerns. These standards encourage the best location, usefulness and improvement of neighborhood USABLE OPEN SPACE.

Open space, as defined in adopted City plans, is undeveloped or minimally developed land that can be publicly and privately owned and serves such purposes as recreational parks and trails, protection of steep slopes, scenic viewpoints, water bodies and waterway protection, floodplain protection, agricultural use, forests and urban forest, and preservation of historic and archeological sites. Open space protection is included in the Kingston 2025 Comprehensive Plan and the Open Space Plan. This article is specific to USABLE OPEN SPACE integrated into new development. The standards of this Section could also be used as guidelines to inform improvements to existing and future publicly-owned OPEN SPACES.

#### B. APPLICABILITY

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

#### C. STANDARDS

##### 1. Required USABLE OPEN SPACE

- (a) At least ten (10) percent of the gross area of a SITE 5,000 square feet or greater that includes residential development will be comprised of USABLE OPEN SPACE. This shall include large SITES designed as a Conservation Village Plan (CVP) or Walkable Neighborhood Plan (WNP) as defined in Article 7. Residential developments of 3 or less units are exempt from this requirement.
- (b) Required USABLE OPEN SPACE shall meet the description of one or more of the USABLE OPEN SPACE types (Sec 405.23.D), and will meet the design standards of 405.24.C.2.
- (c) Required PRIVATE OPEN SPACE per building type (Sec 405.12) is included as part of the 10% minimum required USABLE OPEN SPACE.
- (d) Landscaped trails through a development may count toward the USABLE OPEN SPACE requirement.
- (e) A roof space may be substituted for ground USABLE OPEN SPACE, provided that such space is available and accessible to all residents of any BUILDING(S) on the SITE by means of access other than stairs.
- (f) Steep slopes, waterways, or otherwise inaccessible natural areas utilized for required USABLE OPEN SPACE may apply to up to half of the ten (10) percent minimum through a MINOR WAIVER (see Sec 405.26.F).
- (g) A reduction in the amount of required USABLE OPEN SPACE may be approved as a MAJOR WAIVER for SITES with restrictive lot dimensions or physical constraints.

##### 2. USABLE OPEN SPACE Design Standards. USABLE OPEN SPACES (excluding steep slopes, waterways, or otherwise inaccessible natural areas) shall meet the following design standards:

- (A) USABLE OPEN SPACE will be maintained and include amenities such as shade and landscaping; benches and trash receptacles shall be provided for all spaces 2,000sf and greater.
- (b) Required USABLE OPEN SPACE will include at least 20 percent shade through the preservation or 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. It is preferred that trees be used in place of shade structures when feasible. Tree species selection should reference available guidance from the Kingston Tree Commission.

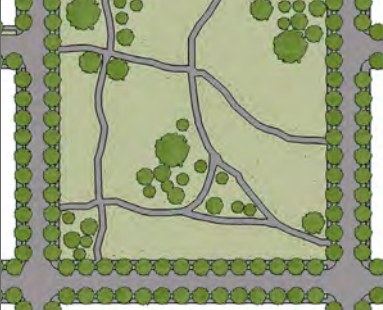

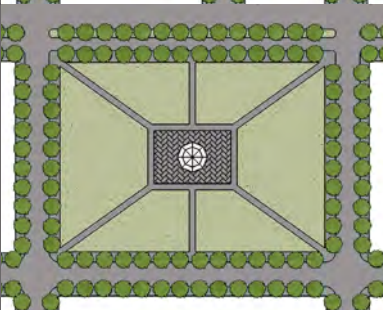
- (c) Required USABLE OPEN SPACE should not be fenced (excluding PLAYGROUNDS and community gardens).
- (d) Specific to USABLE OPEN SPACE in a CVP or WNP:
  - (i) USABLE OPEN SPACE may be located in any transect.
  - (ii) USABLE OPEN SPACE shall be located to encourage use by all residents on the SITE:
    - 1) At least eighty (80) percent of all LOTS shall be located within a walking distance of 800 feet from a USABLE OPEN SPACE.
    - 2) Buildings should face shared USABLE OPEN SPACE, including trails; backing buildings onto a shared USABLE OPEN SPACE in a CVP or WNP shall be prohibited unless there is a demonstrated design constraint that is specifically approved as a MINOR WAIVER (Sec 405.26.F).

**D. OPEN SPACE TYPES & REQUIRED DIMENSIONS**

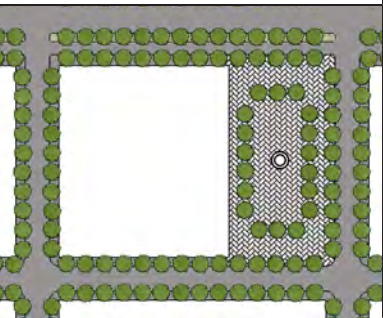
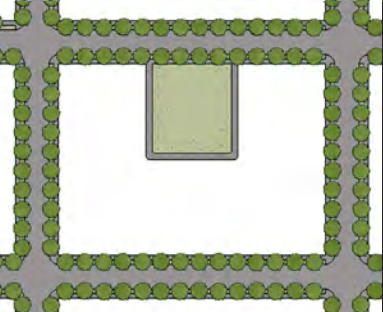
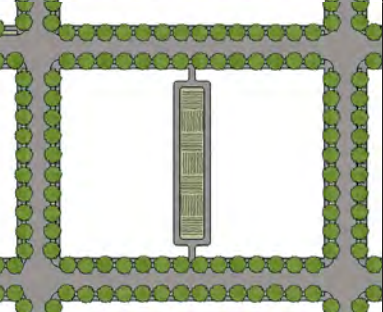
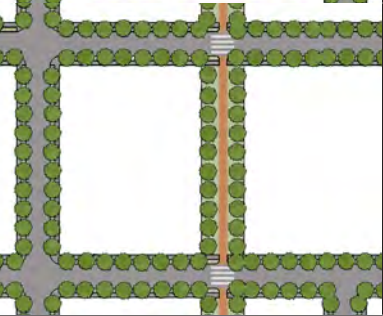
**1. OPEN SPACE TYPES & DIMENSIONS**

- (A) USABLE OPEN SPACES (excluding steep slopes, waterways, or otherwise inaccessible natural areas) shall adhere to the descriptions and dimensions in Table 405.24.D.1. These types and dimensions can also be used as guidelines to inform improvements to existing and future publicly-owned OPEN SPACE.

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

		Descriptions	Size Requirements	Public Street Access
<b>OPEN SPACE Types</b>				
<b>Park</b>		<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. Vegetation that attracts and provides habitat for pollinators is encouraged. 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
<b>Green</b>		<p>A green is an OPEN SPACE consisting of lawn or vegetated ground cover and informally arranged trees and shrubs, typically furnished with paths, benches, and open shelters. Vegetation that attracts and provides habitat for pollinators is encouraged. 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.
<b>Square</b>		<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 or vegetated ground cover, trees, and shrubs planted in formal patterns and it is typically furnished with paths, benches, and open shelters. Vegetation that attracts and provides habitat for pollinators is encouraged.</p> <p>Squares are typically located in T4 and T5 Transect Zones.</p>	Area: 5,000sf min. Depth: 70' min Width: 70' min	Streets required on at least 3 sides of the square's perimeter.

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

	Descriptions	Size Requirements	Public Street Access
 <p><b>Plaza</b></p>	<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. Vegetation that attracts and provides habitat for pollinators is encouraged.</p> <p>Plazas are typically located in T4 and T5 Transect Zones.</p>	<p>Area: 4,000sf min.                      Depth: 50' min                      Width: 70' min</p>	<p>Streets required on at least 1 side of the plaza's perimeter.</p>
 <p><b>Pocket Park / Playground</b></p>	<p>A Pocket Park is an OPEN SPACE available for informal activities in close proximity to neighborhood residences. Landscape design may vary; shade trees should be included.</p> <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>Pocket Parks and PLAYGROUNDS may be located in any Transect Zone. Vegetation that attracts and provides habitat for pollinators is encouraged.</p>	<p>Area: no min;                      typically 2,000sf to 1 acre</p>	<p>n/a</p>
 <p><b>Community Garden</b></p>	<p>A community garden is a grouping of garden plots available to nearby residents for small-scale cultivation. Vegetation that attracts and provides habitat for pollinators is encouraged.</p> <p>Community Gardens may be located in any Transect Zone.</p>	<p>Area: no min;                      typically 1,000sf to 1 acre</p>	<p>n/a</p>
 <p><b>Trails</b></p>	<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. Vegetation that attracts and provides habitat for pollinators is encouraged.</p>	<p>Trail Width (paved area):                      T1/T2: 12' min                      T3/T4/T5: 10' min</p>	<p>n/a</p>

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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 clustering development and 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, clustered 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. Transect Zones:

- (a) The provisions of this Article apply to new development on SITES greater than 2 acres in size in the T2, T3, T4, and T5 Transect Zones when any of the following occur:
  - (i) New or modified vehicular access to SITE;
  - (ii) New building; and/or
  - (iii) Renovation or addition over 50% of existing building area.
- (b) 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) The Large Site Standards do not apply to the T1 zone.

**2. Special Districts:** The provisions of this Article may be utilized, but are not required, for new development on SITES greater than 2 acres in size in the SD-C, SD-MF, SD-F and SD-I zones. The Large Site Standards do not apply to SD-W/SD-WMU zones.

**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**

- (a) 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.
- (b) 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. Additional guidance is provided in 405.25.C.2.b.

TABLE 405.25.C.1: TRANSECT ZONE ALLOCATION			
Base Zone	Permitted Neighborhood Design Plan	Transect Zone	Transect Zone Proportion <sup>1,4</sup>
T2C	CVP	T1	50% min. (includes area preserved due to steep slopes)
		T2 / T3L	0-20%
		T3N / T3N-O	10-30%
		T4-MS / T4N / T4N-O <sup>2</sup>	10-40%
T3L	CVP	See T2C	See T2C
T3 (T3N & T3N-O)	CVP	See T2C	See T2C
	WNP	T1	no min. / no max.
		T3N / T3N-O	30-80% <sup>3</sup>
		T4-MS / T4N / T4N-O	0-50%
T4 (T4-MS, T4N, T4N-O)	WNP	T1	no min. / no max.
		T3N / T3N-O	0-50%
		T4-MS / T4N / T4N-O	20-80% <sup>3</sup>
		T5N	0-30%
T5 (T5-MS, T4N, T5-F)	WNP	T1	no min. / no max.
		T3N / T3N-O	0-30%
		T4-MS / T4N / T4N-O	0-50%
		T5-MS / T5-F / T5N	20-80% <sup>3</sup>
SD	CVP OR 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> If 80% of the proposed housing units are AFFORDABLE HOUSING UNITS, a CVP may include 10% to 40% T5N with approval of a MAJOR WAIVER. Within a CVP, buildings in a T5N district shall be limited to 3 stories plus one bonus story.			
<sup>3</sup> Development SITES less than 5 acres may be up to 100%, if at least two allowed Building Types are used			
<sup>4</sup> Any portion of a SITE immediately adjacent to the Hudson River or Rondout Creek (within 100’ of the waterfront) shall be limited to T1 or SD-WMU. The 50% minimum T1 requirement in a CVP shall apply to the gross SITE area; the remainder of the SITE shall use the Transect Zone Proportions in Table 405.25.C.1.			



Figure 405.25.C.1.a  
 EXAMPLE CONSERVATION VILLAGE  
 PLAN (CVP)



Figure 405.25.C.1.b  
 EXAMPLE WALKABLE NEIGHBORHOOD  
 PLAN (WNP) ON A T3 SITE

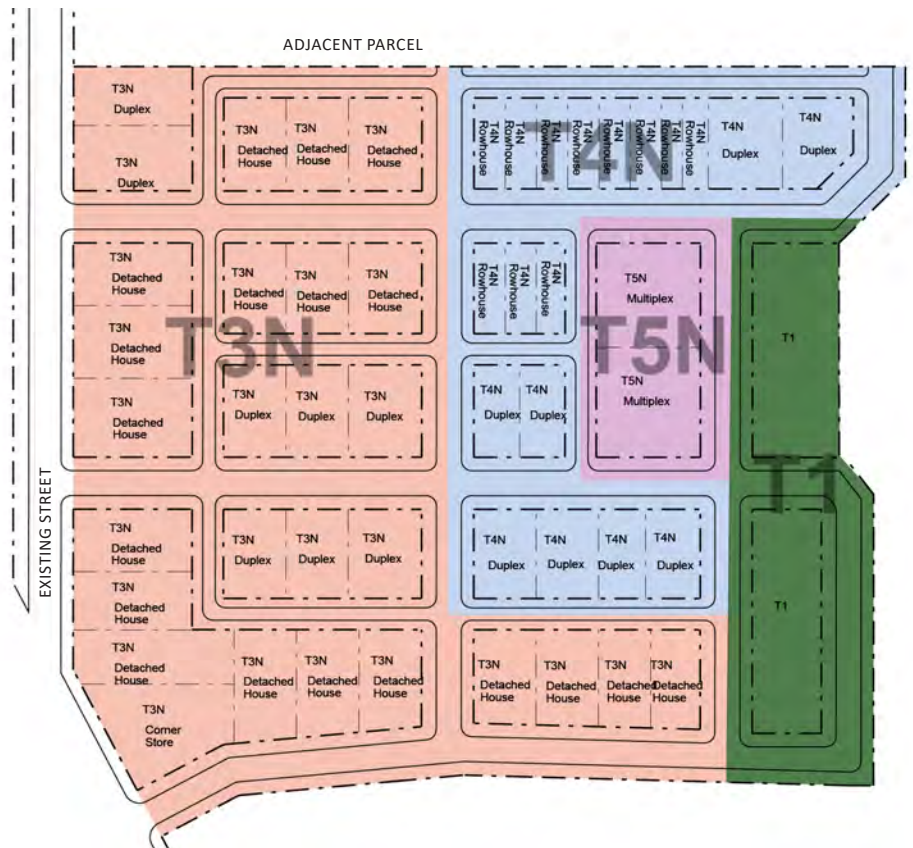


Figure 405.25.C.1.c  
 EXAMPLE WALKABLE NEIGHBORHOOD  
 PLAN (WNP) ON A T4 SITE

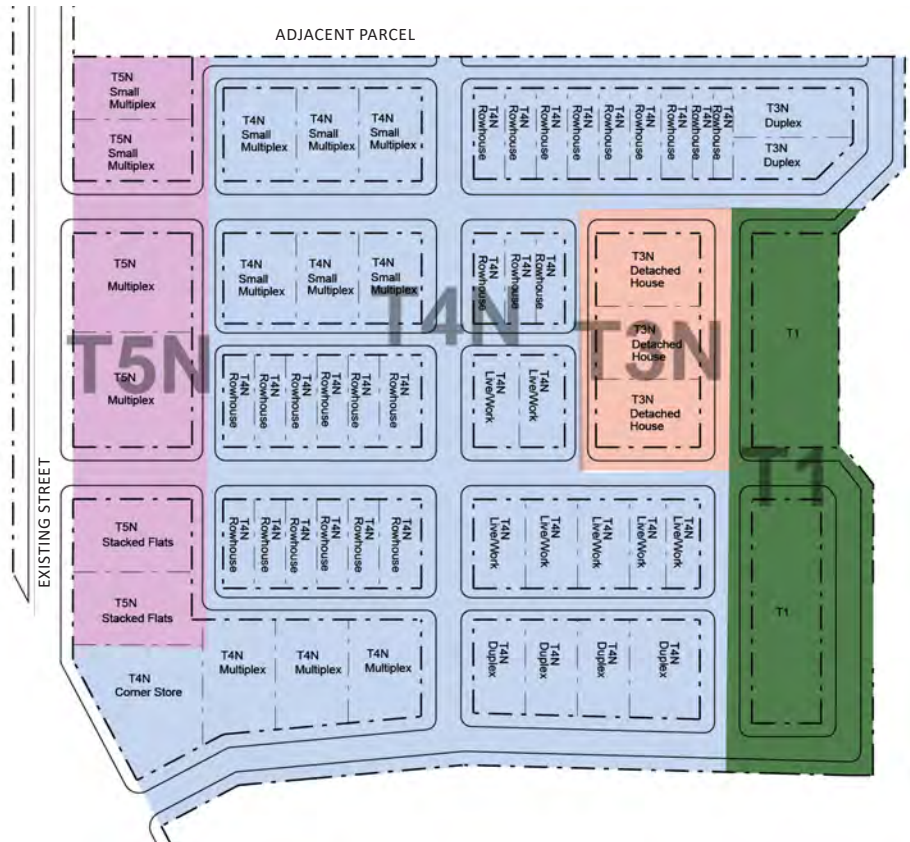
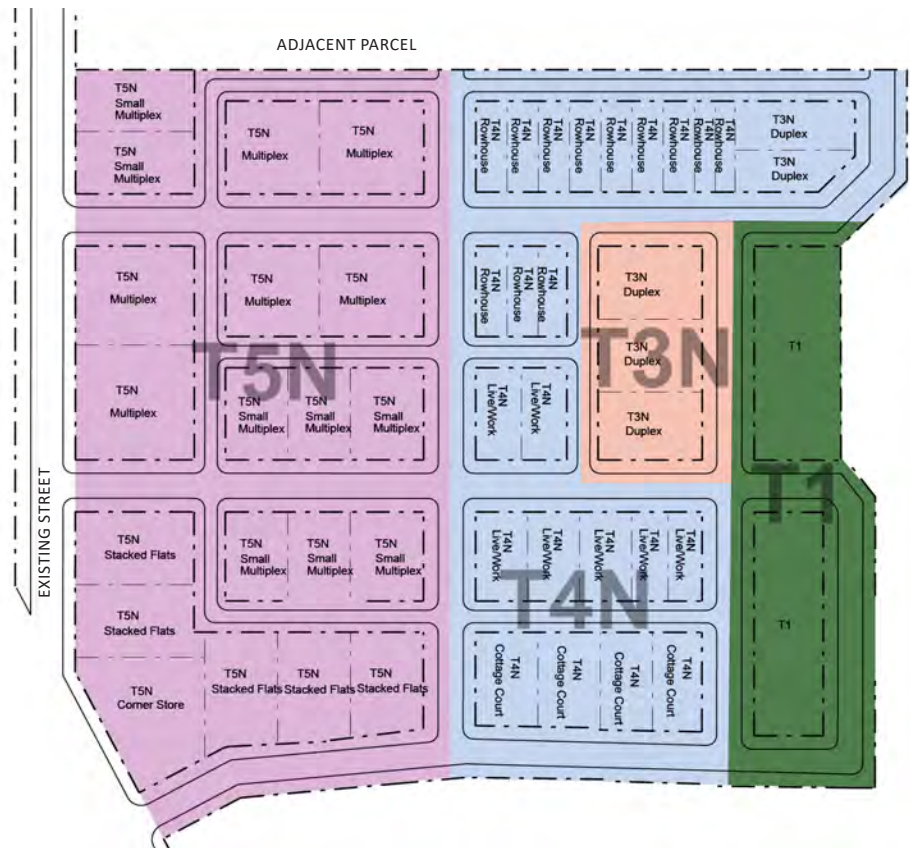


Figure 405.25.C.1.d  
 EXAMPLE WALKABLE NEIGHBORHOOD  
 PLAN (WNP) ON A T5 SITE



## 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 USABLE 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, USABLE OPEN SPACE types, Building Types, trees and landscaping on a project neighborhood plan per Sec 405.25.C.3.
- (b) Transect Zone Assignment Concepts
  - (i) Each CVP or WNP must clearly identify the proposed assignment of transect zones within the entire SITE. The allocation of multiple transect zones will produce desirable variation within each SITE including a mix of land uses and building types.
  - (ii) Assignment of transect zones shall exhibit consideration of recommendations in other applicable City plans, including the City's Comprehensive Plan and Open Space Plan.
  - (iii) The following guidelines shall be followed when proposing transect zones:
    - 1) Compatible intensities should face across streets. Changes in transect zones should generally occur along rear alleys or lanes or along natural area edges.
    - 2) T5 transect zones should be located in occasional nodes, typically along or near arterial or collector streets.
    - 3) T4 transect zones may be located along or near arterial or collector streets.
    - 4) T4, T3, and T2 transect zones should adjoin neighborhoods of similar intensity or natural areas.
    - 5) T2 and T1 transect zones should be applied to natural features that are worthy of preservation, including areas of steep slopes, exposed rock formations, sensitive habitats, wetlands and floodplains, and mature trees. The City of Kingston Open Space Plan shall be referenced for guidance on the location of preservation areas.
    - 6) Minimum required T1 areas in a CVP should consist primarily of contiguous land areas and not fragmented remnants, to promote preservation of habitat and natural features.
    - 7) Where new development will abut an existing neighborhood, the new development should establish similar or compatible transect conditions at its edges.
- (c) Natural Infrastructure Conservation
  - (i) Within CVPs, a minimum of 50% of the SITE shall be permanently allocated to a T1 Natural Zone.
  - (ii) Development shall meet the Steep Slope Standards in Sec 405.14.K.3.
- (d) 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.F). 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.

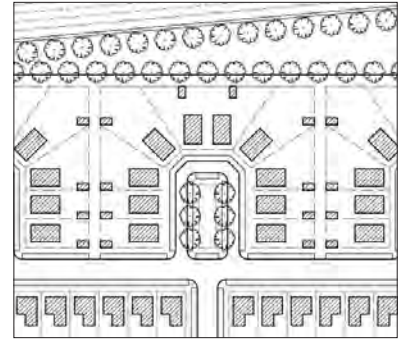


Figure 405.25.D.3: Example of a "close"

(E) 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 and T3N-O, 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 T4 and T5, 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.F).
- (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 USABLE 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; a Public Hearing shall be required as part of the approval process. If a CVP or WNP is approved, the information on the project regulating map shall be transferred to the Kingston Regulating Map (Article 2).

## 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, neighbors directly affected by land use determinations, 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 BUILDING SAFETY OFFICER or their designees 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).
5. With good cause, the PLANNING ADMINISTRATOR may suspend any of the response, approval, or disapproval timelines referenced in this Article.
- 6. Appeal.** An aggrieved party may appeal a decision made in accordance with this Article within 30 days of the filing of the decision. An aggrieved party is defined as the applicant or an interested party with legal standing.

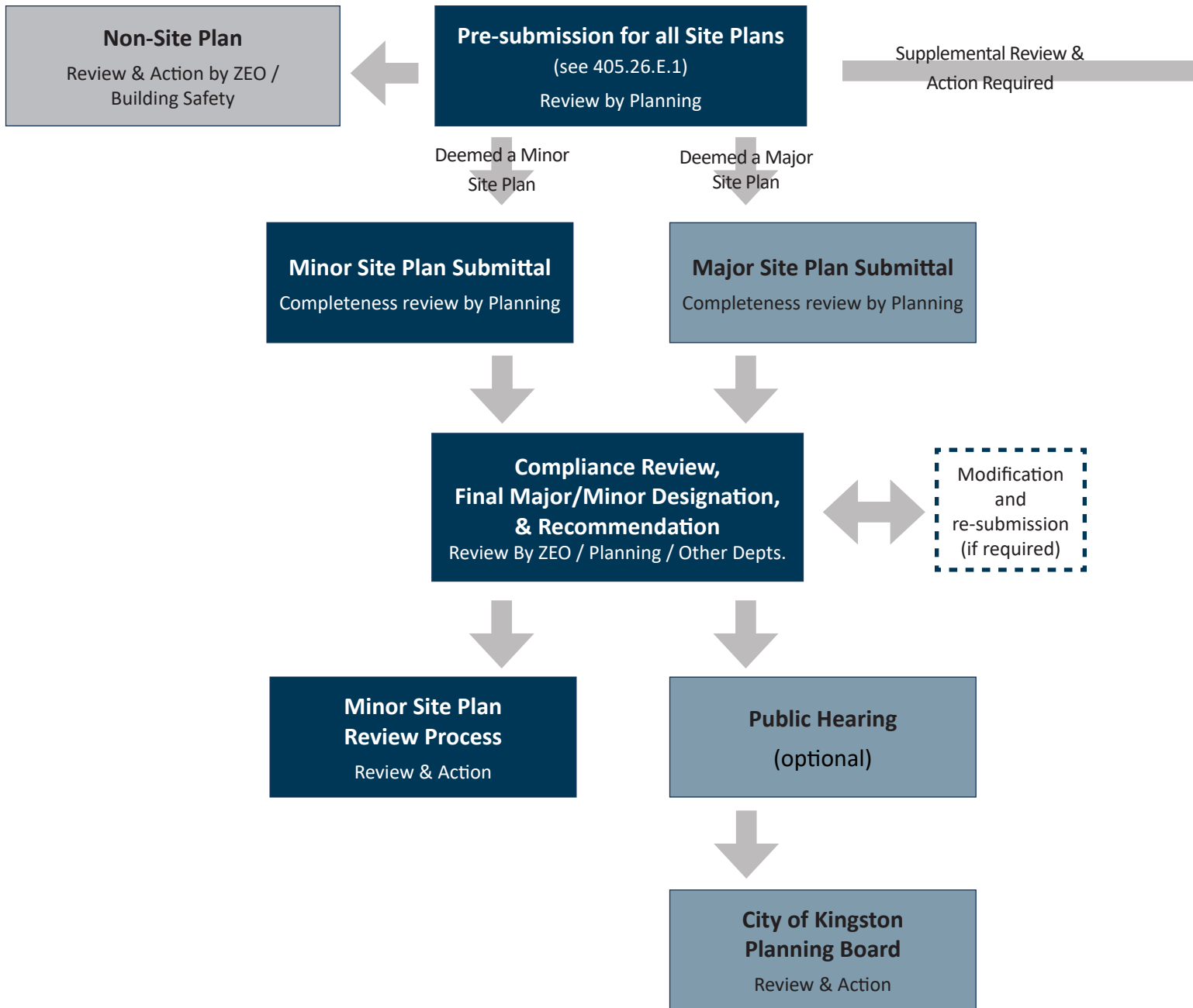
#### B. SITE DEVELOPMENT APPROVAL

1. The PLANNING ADMINISTRATOR shall deem all SITE PLAN submittals a MINOR SITE PLAN or Major SITE PLAN.
  - (a) MINOR SITE PLAN Applicability
    - (i) Developments that are deemed to be SEQR Type II; and
    - (ii) Development of land less than 2 acres in size consisting of one or two LOTS.
    - (iii) Special Use Permit requests shall follow the Major SITE PLAN administrative review and approval process.
  - (b) Major SITE PLAN Applicability
    - (i) Development of land and structures beyond applications defined as MINOR SITE PLANS.
  - (c) Any MINOR SITE PLAN may be changed to a MAJOR SITE PLAN at the discretion of the PLANNING ADMINISTRATOR.
2. Site Development Approval shall proceed as described in Sec 405.26.E (Site Plan Approval and Supplemental Regulations) with additional requirements described in 405.26.C or 405.26.D.

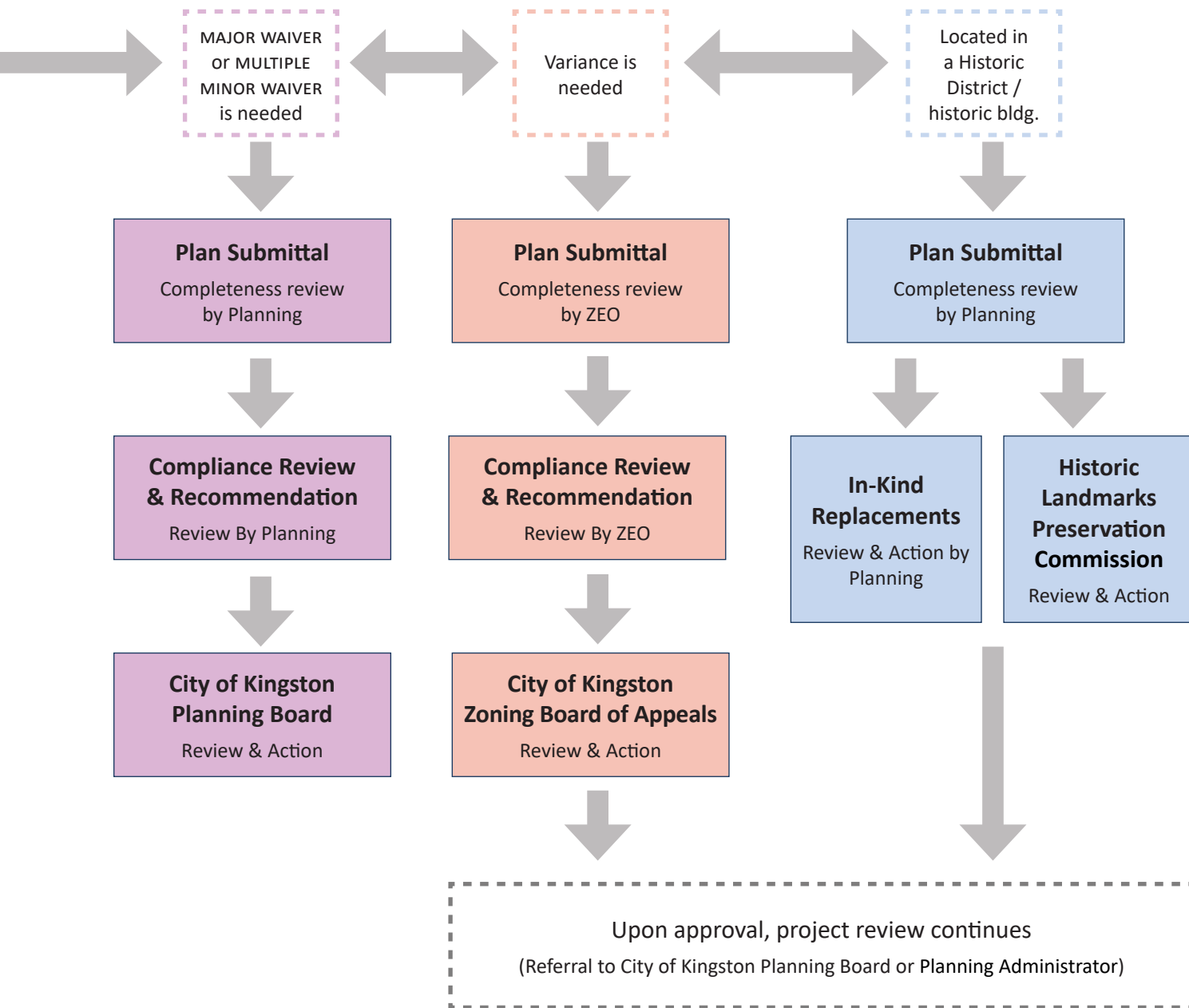
#### C. MINOR SITE PLAN REVIEW PROCESS

1. MINOR SITE PLAN REVIEW PROCESS
  - (a) There shall be a Minor Site Plan Review process through which the PLANNING ADMINISTRATOR 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.
  - (b) The PLANNING ADMINISTRATOR shall solicit recommendations from the BUILDING SAFETY OFFICER, the Planning Department, Department of Housing Initiatives, City Engineering Office, Corporation Counsel, and Building Safety Departments and shall provide adequate public notice in making determinations as part of the MINOR SITE PLAN REVIEW PROCESS.
  - (c) Administrative approval of a MINOR SITE PLAN shall require substantial compliance of the standards within this Chapter.
  - (d) 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 their 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.



2. MINOR SITE PLAN Administrative Review and Approval Process.

- (a) A MINOR SITE PLAN application shall follow Sec 405.26.E with the following exceptions:
  - (i) The presubmission process shall be handled by the PLANNING ADMINISTRATOR.
  - (ii) Any requested waivers shall be within the PLANNING ADMINISTRATOR'S purview as defined in Sec 405.26.F.
  - (iii) Once a complete application is reviewed by the PLANNING ADMINISTRATOR as well as other appropriate City Officials, a determination shall be made by the PLANNING ADMINISTRATOR.
  - (iv) The PLANNING ADMINISTRATOR 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, Sec 405.27.

**D. MAJOR SITE PLAN REVIEW PROCESS**

1. A Major SITE PLAN application shall follow Sec 405.26.E.
2. A majority of the PLANNING BOARD may require a public hearing to be held before Major Site Plan approval. A public hearing is required for all CVPs or WNPs as part of a Major SITE PLAN Review (see Article 7).
3. Development of land and structures within a Historic District shall follow Sec 405.26.L.
4. Development of land and structures within the Flood Hazard Overlay District shall follow Article 9, Sec 405.27.

**E. SITE PLAN APPROVAL AND SUPPLEMENTAL REGULATIONS**

**1. Site Development Approval**

- (a) Site development plan approval , either via the MINOR SITE PLAN or Major SITE PLAN submittal process shall be required for:
  - (i) The erection or enlargement of all buildings, in all transects, other than one-, two- or three-family residences, and associated accessory structures; or
  - (ii) Any change in USE or intensity of USE which will affect the characteristics of the SITE, including but not limited to parking, loading, drainage, access or utilities; or
  - (iii) Any application for a Special Use Permit.
- (b) In all cases where any amendment of any such plan is proposed, the applicant must also secure the approval of the amendment via the MINOR SITE PLAN or Major SITE PLAN submittal process. No building permit may be issued for any building within the purview of this section until an approved site development plan or amendment of any such plan has been secured by the applicant and presented to the BUILDING SAFETY OFFICER. No certificate of occupancy may be issued for any building or use of land within the purview of this section unless the building is constructed or used, or the land is developed or used, in conformity with an approved site development plan or an amendment of any such plan. The PLANNING ADMINISTRATOR shall certify on each site development plan or amendment to a site development plan whether or not the plan meets the requirements of this chapter, other than those enumerated in sections of this chapter regarding site development plan approval.
- (c) **Objectives.** In reviewing SITE PLANS, consideration shall be given to the public health, safety and welfare; the residents or users of the proposed development and of the immediate neighborhood in particular; and the appropriate conditions and safeguards as may be required to further the expressed intent of this chapter and the accomplishment of the following objectives, in particular:
  - (i) The project is consistent with the Comprehensive Plan of the City.
  - (ii) The project complies with all applicable standards of this Code.
  - (iii) The project will promote building design that responds to the surrounding neighborhood and



demonstrates respect for surrounding historic resources, while allowing for a diversity of architectural styles and original and distinctive design approaches.

- (iv) The project will provide for the adequate protection of significant natural, cultural, heritage, and scenic assets on or near the SITE.
  - (v) The project will ensure safe and efficient access for all SITE users, including pedestrians, cyclists, transit passengers, the mobility impaired, and motor vehicles, as applicable; and contributes to existing pedestrian-oriented rights-of-way in relation to the public realm and streetscape.
  - (vi) The project will be located, designed, and/ or managed to meet its anticipated travel demand, and will include reasonable efforts to minimize single-occupancy vehicle trips, reduce vehicle miles travelled, and promote transportation alternatives.
  - (vii) That all existing trees over eight inches in diameter, measured three feet above the base of the trunk, shall be retained to the maximum extent possible. The project will include native plant materials, and will be planted so as to maximize prospects for healthy growth.
  - (viii) That all plazas and other paved areas intended for use by pedestrians use decorative pavements and plant materials so as to prevent the creation of expanses of pavement, and all connections to City systems are in accordance with City standards.
  - (ix) That the site plan and external building design accommodate the needs of the handicapped and are in conformance with the state standards for construction concerning the handicapped. When applicable, build in fair housing, inclusionary, and equal opportunity initiatives of the City of Kingston to promote access to community assets such as quality education, employment and transportation for all, without consideration of race, gender, religion, age, sexual orientation, national origin or ethnic background.
  - (x) The project will make for the most efficient use of land and municipal services, utilities, and infrastructure and the site plan and building design will maximize the conservation of energy.
  - (xi) The project is sufficiently served by or provides services, utilities, and infrastructure. All improvements and connections to City systems, be constructed and maintained in accordance with City standards, and as required by the Department of Public Works, Water Department, Fire Department, Building Safety Division and Parks and Recreation.
- (d) Procedure.**
- (i) Presubmission.
    - 1) Prior to the submission of a formal site development plan, the applicant shall review with Planning and/or its designated representative the proposed site development plan to determine which of the subsequent requirements may be necessary in developing and submitting the required site development plan.
    - 2) Where the SITE is within an Historic District, the applicant should also meet with the Kingston Historic Landmark Preservation Commission and/or its designated representative to determine the extent to which the proposed development may conform or conflict with the standards of the Commission and this chapter and to discuss the possible diminution or elimination of any conflicts.
    - 3) Within six months following the presubmission conference, the site plan and any related information shall be submitted as prescribed by Planning. The site plan shall be accompanied by a fee in accordance with the schedule of fees of the City of Kingston. If not submitted within this six-month period, another presubmission conference may be required.
    - 4) Planning shall certify on each original or amended site plan whether or not the application is complete in accordance with Subsection (f) below or as may be modified during the presubmission conference and whether the plan meets the requirements of all the provisions of this chapter, other than those of this section regarding site plan review. Planning shall act to certify the application or return it to the applicant for completion or revision within 45 days of submission by the applicant. Planning shall make a determination as to whether the project shall follow the Minor or Major Site Plan review process in accordance with Section 405.26.C and 405.25.D.

(ii) Major Site Plan Procedure.

- 1) Following certification by Planning as a Major SITE PLAN, the application shall be submitted to the Planning Board as prescribed, which shall be considered the official submission date.
- 2) Simultaneously with its submission to the Planning Board, the certified application may be forwarded to the Chief of Police, Fire Chief, Health Department, Superintendent of Public Works, Plumbing Inspector and, where required, to the County Planning Board, County Highway Department and any other agency that the Planning Director deems appropriate.
- 3) Planning may hold a public hearing on the site plan if it determines the project is a Major SITE PLAN and a majority vote of the Planning Board requests a public hearing. A public hearing is required for all CVPs or WNP's as part of a Major SITE PLAN Review (see Article 7). If such a hearing is held, it shall be held within 62 days of the official submission date of the application, and notice shall be given at least five days prior to the date of such hearing by publication in the official City newspaper.
- 4) The Planning Board shall act to approve, approve with conditions or disapprove any such Major SITE PLAN within 62 days after the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the board. Conditional approval by the Planning Board shall include written findings upon any site plan element found contrary to the provision or intent of this chapter. In reviewing the application, the Planning Board shall consider whether a proposed plan will conform to the intent and requirements of this chapter and/or what revisions are appropriate. In reviewing site plans, the Planning Board shall comply with the provisions of the State Environmental Quality Review Act. The decision of the Planning Board shall be filed in the office of the City Clerk within five business days of the rendering of the decision. All conditions must be satisfied prior to issuance of a building permit.
- 5) Amendments to a previously approved site plan shall be acted upon in accordance with this code.
- 6) Following approval of the site plan by the Planning Board, the applicant shall file with the City Clerk a performance bond to cover the full cost of any required improvements in an amount set by the Planning Board upon advice of the City Engineer. If the value of improvements is less than \$25,000, unless the Planning Board determines that improvements of lesser costs are important to the health and welfare of the City or the immediate area, the Planning Board may waive the bonding requirements. Said bond shall be in a form satisfactory to the Corporation Counsel of the City of Kingston and may be in cash or in the form of surety company bonds and, if a surety company bond, shall be in the amount of 100% of the estimated cost or, if a cash bond, 50% of the estimated cost, as certified by the City Engineer, of proposed screening and landscaping, including planting and maintenance thereof for a minimum of one year and a maximum of three years at the discretion of the Planning Board, stormwater drainage systems, public and private streets and drives, water and sanitary sewer systems, outdoor lighting and off-street parking areas, loading areas, means of vehicular access and egress to and from the SITE onto public streets and recreation areas, including playgrounds and garbage collection stations and fire alarm systems (if any), signage, and any related site improvements as deemed appropriate by the City Engineer. Said bond shall be conditioned upon the property owner's or developer's completing said work enumerated herein and set forth on the approved site plan in a manner satisfactory to the City Engineer of the City of Kingston and upon the proper functioning of said systems for a period of one year from their completion. In default thereof, said bond or deposit shall be forfeited, and the City Engineer shall use the amount thereof to complete any incomplete portion of said work, return the site to original conditions, or to make repairs as are necessary to assure proper functioning of said improvements; provided, however, if any amount of money remains after the City has completed said work, such excess money will be returned to the surety or the person putting up the required deposit. Said surety bond or cash deposit may be reduced by resolution of the Planning Board upon the certification of the City Engineer that one or more particular items required by the Planning Board have been satisfactorily completed. If a fifty-percent cash bond has been posted, such reduction shall be in the ratio that the completed item or items bear to the total estimated costs of the required improvements. The installation of all improvements shall be under the direct supervision of a registered architect or professional engineer.

While periodic reductions may be authorized by the Planning Board, Certified As-Built Plans must be submitted for final release of monies.

- (e) **Time limit on validity of approval.** Approval of a site plan shall be valid for a period of one year from the date thereof for the purpose of obtaining a building permit. Failure to secure a building permit during this period shall cause the site plan approval to become null and void. Upon application, the time limit on the validity of the approval may be extended to not more than two years from the date of the original approval. The time limit on the validity of the approval may be extended further with demonstration of extenuating circumstances that caused the delay and mutual consent between the applicant, the PLANNING ADMINISTRATOR, and Corporation Counsel.
- (f) **Required submissions.** All maps submitted must be at a scale of not less than 30 feet to the inch. Where the SITE is within an Historic District, an additional copy of such information and letters, and a copy of any additional data required by the Planning Board, must be submitted at the same time to the Kingston Historic Landmark Preservation Commission. The information to be submitted, and which in total constitutes a site development application and plan, includes at a minimum:
- (i) Application Forms as prescribed
  - (ii) Evidence of SITE control
  - (iii) The names of all owners of record of all adjacent property and the section, lot, and block number of the property, all as shown on the City's Official Assessment Maps.
  - (iv) Existing Transect Zone boundaries, and any Special Requirements identified on the Regulating Maps (Article 2).
  - (v) Boundaries of the property, build-to-zone or setback lines, as required in the Transect Standards (Article 3).
  - (vi) A survey showing all lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest minute or closer if deemed necessary by the surveyor. The error of closure shall not exceed 1 to 10,000.
  - (vii) A copy of any covenants or deed restrictions that exist or are intended to cover all or any part of the tract.
  - (viii) Relationship of the subject property to adjacent public infrastructure, including sidewalks, roadways, street lighting, street trees, traffic control devices, RIGHT-OF-WAY signs, catch basins, culverts and inlets, parks and dedicated open spaces, water and sewer services, and any other structures in the RIGHT-OF-WAY.
  - (ix) The location and detail of existing utilities, sewer and water lines, culverts and drains on the property, with pipe sizes, grades and directions of flow.
  - (x) Existing and proposed contours with intervals of five feet or less, referred to a datum satisfactory to the Board.
  - (xi) Location of any existing water bodies, wetlands, floodplains, shoreline buffers, steep slopes (slopes in excess of 10%), federal or state designated significant habitats on and within 200 feet of the SITE, designated local, state, or national landmark or historic district on and within 200 feet of the SITE and other significant existing features.
  - (xii) Context of development within 100 feet of the SITE, including location and scale of principal buildings, and SITE ingress and egress points.
  - (xiii) The name of development, data, north point, scale, date and the name and address of the record owner, engineer, architect, land planner or surveyor preparing the site development plan.
  - (xiv) Aerial photo base map with site plan overlay. Aerial photos at a minimum of 50 cm resolution showing existing conditions shall be provided such as but not limited to aerial photos obtainable on Ulster County Parcel Viewer, NYS DEC Natural Resources Mapper, Google Earth, or others. (Can be obtained free of charge online from several sources).
  - (xv) The proposed use or uses of land and buildings and the proposed location of buildings.
  - (xvi) A written narrative to describe the proposal, with highlights to describe how the proposed improvements meet the intent of the code. Any waivers being requested shall be identified in the narrative.

- (xvii) Existing and proposed improvements on the SITE, including structures, easements, vehicular and pedestrian access, established trees (eight inch DBH or more), fences or walls, lighting, parking and loading facilities, and signs, as applicable.
- (xviii) Identification of the proposed Building and Frontage Type(s) in the proposal (Sec 405.12 and 405.13).
- (xix) Detailed architectural drawings, including proposed building materials and elevations or diagrams to demonstrate compliance to applicable provisions of Sec 405.14.
- (xx) The location of all proposed waterlines, valves and hydrants and of all sewer lines or alternative means of water supply and sewage disposal and treatment.
- (xxi) Proposed screening and landscaping shown on a planting plan prepared by a qualified landscape architect or architect, including a schedule of the type, sizes, and amounts of landscaping to be proposed.
- (xxii) Proposed stormwater drainage system, designed by engineer or qualified architect.
- (xxiii) All proposed lots, easements and public and community areas. All proposed streets with profiles indicating grading and cross-sections showing the width of roadways, locations and widths of sidewalks and the location and size of utility lines, according to the standards and specifications contained in Article 5 and the street improvement specifications of the Department of Public Works, City of Kingston. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest 10 seconds or closer if deemed necessary to the surveyor. The error of closure shall not exceed 1 to 10,000.
- (xxiv) Such other information as the PLANNING ADMINISTRATOR or City Planning Board may deem necessary for proper consideration of the application, such as reports, illustrative renderings, or other relevant documentation prepared by appropriate professionals. At the presubmission meeting, the PLANNING ADMINISTRATOR may provide a checklist of applicable code standards and identify needed materials to demonstrate compliance.

**(g) Waiver of required information.** Upon findings by the PLANNING ADMINISTRATOR or Planning Board that, due to special conditions peculiar to a site plan, certain information normally required as part of the site plan is inappropriate or unnecessary or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the Board may vary or waive the provision of such information, provided that such variance or waiver will not have detrimental effects on the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the site plan submission, Regulating Plans, Master Plan or this chapter.

## 2. Special Permits

The Planning Board may authorize, by resolution, the issuance of a special permit only for those uses in a transect where this chapter requires such a permit. In authorizing the issuance of a special permit, the Board shall take into consideration the public health, safety and welfare and shall prescribe appropriate conditions and safeguards to insure the accomplishment of the following objectives. Unless otherwise provided, all special permits shall be valid for a period determined by the Board.

### (a) Objectives.

- (i) That all proposed structures, equipment or material shall be readily accessible for fire and police protection.
- (ii) That the proposed use is of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
- (iii) The proposed use is consistent with the spirit and intent of this Code.
- (iv) The proposed use will not result in the destruction, loss, or damage or any featured determined to be of significant natural, scenic, or historic importance.

**(b) Procedure.** The procedure for a special permit shall be the same as set forth in the General City Law § 27-b.

- (c) **Application.** Every application for a special permit shall contain the relevant items outlined in § 405.26.E.1.f, as determined during the presubmission conference.
- (d) In authorizing the issuance of a special permit, it shall be the duty of the Planning Board to attach such conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the general objectives of this chapter. The Board may require that special permits be periodically renewed. Such renewal shall be granted following due public notice and hearings and may be withheld only upon a determination that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been, or are no longer being, complied with. In such cases, a period of 60 days shall be granted the applicant for full compliance prior to the revocation of said permit. Any use for which a special permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:
  - (i) The provision in this chapter under which such permit was issued is still in effect.
  - (ii) Such permit was issued in conformity with the provisions of this chapter.
  - (iii) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
  - (iv) All applicable provisions of this chapter not otherwise varied by the special permit approval are adhered to.
- (e) No special permit shall be authorized for any activity in a historic district until such application shall have been referred to the Landmark Preservation Commission in accordance with the site plan procedure outlined in Sec. 405.26.E.1.d.
- (f) No use allowed by special use permit may be enlarged or increased in intensity without approval of a new special use permit. Special permit renewals without an enlargement or increase in intensity shall be reviewed by the PLANNING ADMINISTRATOR. Special permit renewals with a proposed enlargement or increase in intensity shall require review by the Planning Board.
- (g) Any special permit renewals rejected by the PLANNING ADMINISTRATOR can be appealed to the Planning Board.

### 3. Sign Permits and Administrative Procedures

#### (a) Sign Approval and Permit

- (i) Signs shall not hereafter be erected, structurally altered, enlarged or relocated within the City, except as specifically exempted in Subsection iii below, unless approval has been obtained from the PLANNING ADMINISTRATOR. A permit from the BUILDING SAFETY OFFICER shall be issued following submission, review and approval of an application by the PLANNING ADMINISTRATOR in accordance with the requirements set forth below and payment of the fee in accord with the City's adopted schedule therefor.
  - (ii) The BUILDING SAFETY OFFICER shall not issue a permit for those signs requiring approval by the Planning Board, unless such approval has been granted. Furthermore, any type of sign within the Stockade District or any designated Landmark Overlay District or landmark SITE shall be subject to approval by the Landmark Preservation Commission, in accord with the procedures set forth in Sec 405.26.L, prior to issuance of a permit.
  - (iii) A permit shall not be issued for any type of new sign if any other sign exists on the premises which does not conform to all requirements of this chapter, unless such existing sign was granted and is still entitled to a legally valid variance. This provision shall not apply to the repainting or refurbishing of an existing sign.
- (b) Form of application.** Application for a sign permit shall be made on a form designed for that purpose and provided by the PLANNING ADMINISTRATOR and shall include but not be limited to:
- (i) A scale drawing of the sign which shows content and proposed location of the sign on the premises, property lines, structure locations and other signage on the property.
  - (ii) A scaled drawing, with appropriate notes, describing the content, colors and construction of the sign and, where appropriate, the method of attachment to the building.
  - (iii) A description or sample of the predominant material of which the proposed sign will be made.

(iv) A description of the proposed method, if any, of sign illumination.

**(c) Review by PLANNING ADMINISTRATOR.** The PLANNING ADMINISTRATOR shall review all sign applications with respect to all quantitative factors and, in the case of those types of signs requiring no other review, approve, disapprove or approve with modifications the permit therefor within 45 days of receipt of the application.

**(d) Review by Planning Board or Landmark Preservation Commission.**

(i) The Planning Board shall review any signage that is part of a Major SITE PLAN. In the case of a sign that requires approval of either the Planning Board or the Landmark Preservation Commission, the PLANNING ADMINISTRATOR shall refer the application, including a finding as to compliance with all quantitative factors, to the appropriate body at least 15 days prior to its next regular meeting. The Planning Board or Landmark Preservation Commission shall act to approve, disapprove or approve with modifications within 45 days of receipt of the application. In their review, the Planning Board and the Landmark Preservation Commission shall be guided by the design guidelines set forth in Sec 405.17 as well as any other applicable standards.

(ii) After approval or approval with conditions by the Planning Board or Landmark Preservation Commission of those signs requiring such approval, the PLANNING ADMINISTRATOR shall issue a permit therefor in accordance with all applicable requirements.

#### **4. Referral to Ulster County Planning Board**

**(a) Conditions of referral**

(i) The Ulster County Administrative Code (UCAC), Section §A7-5 established the Ulster County Planning Board (UCPB). §A7-7A. grants the UCPB authority to review land use actions as enumerated under Article 12-B of New York State General Municipal Law (GML). In addition §A7-7B. gives the UCPB "...the power to review, with the right to render advisory reports only, other land use and land subdivision elsewhere in Ulster County in accordance with General Municipal Law Article 12-B." This extends the UCPB review authority beyond the 500-foot jurisdiction found in GML 239 -m and -n to all locations within Ulster County. In response, the UCPB has developed a two-tiered approach for referrals based on project location either within or outside the 500 foot jurisdiction.

(ii) Boundaries for determining proximity criteria (within or outside of 500 feet):

- 1) The boundary of any other municipality (also requires referral to adjoining municipality).
- 2) The boundary of any existing or proposed county or state park or other recreation area.
- 3) The right-of-way of any existing or proposed county or state road, parkway or other controlled-access highway.
- 4) The existing or proposed right-of-way of any stream or drainage channel owned by the county for which the county has established channel lines.
- 5) The existing or proposed boundary of any county or state-owned land on which a public building or institution is located.

**(b) Referral Requirements**

(i) Referral shall be required based on project location either within or outside the 500 foot jurisdiction, as defined by the Ulster County Planning Board "Referral Exception Agreement, Schedule B", as may be amended.

**(c) Timing and Final Action Report**

(i) A "Major Referral" includes the following actions and referral types: Type I Actions, Comprehensive Plans, Zoning Statute or Map amendments, or other Special Authorizations. A Major Referral shall be referred to the UCPB 30 calendar days before the UCPB meeting. All other actions shall be referred 12 calendar days before the UCPB meeting.

(ii) The Planning Board is required to send the UCPB a record of its decision within thirty (30) days of taking final action.

**F. AUXILIARY APPROVALS**

**1. Waiver:**

- (a) The PLANNING ADMINISTRATOR shall review and may grant MINOR WAIVERS from the standards of this Chapter for minor design variations in circumstances stipulated in Table 405.26.F.
- (b) 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.F.
- (c) If a design variation is not stipulated in Table 405.26.F, the design variation shall be deemed a MAJOR WAIVER. Design variations are considered:
  - (i) Deviations to numeric dimensional standards of this Chapter.
  - (ii) Deviations to Sec 405.12 (Building Type Standards); Sec 405.13 (Frontage Type Standards) and Sec 405.14 (Architecture and Site Design Standards).
- (d) Where variations are needed, a waiver request letter shall be submitted in writing and must clearly identify and describe the waiver being proposed, accompanied by any plans or other necessary visual representation as specified for the circumstances outlined by Table 405.26.F.
- (e) The PLANNING ADMINISTRATOR may provide a recommendation whether or not a waiver should be permitted to the Planning Board, based upon a specific and individualized determination that the proposed waiver is consistent with the regulations and intent of this Chapter.
- (f) 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.

<b>Table 405.26.F: Defined MINOR WAIVERS and MAJOR WAIVERS</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>Sections 405.6 through 405.11</b>	Avoid impacts to sensitive natural features such as steep slopes, exposed rock formations, sensitive habitats, wetlands and floodplains, and mature trees	Building placement standards may be adjusted by the minimum extent needed to avoid impact to sensitive natural features.	n/a	No, Planning Administrator
<b>Sections 405.6 through 405.11 Transect Zones</b>	Consistency with planning, design and compatibility intent set forth in each Transect Zone	10% max. DEVIATION in numeric dimensional standards (excluding building height).	n/a	No, Planning Administrator
<b>Sections 405.6 through 405.11 Transect Zones</b>	Support the adaptive reuse of existing structures.	n/a	Maximum building footprint may be expanded by up to 100% of the size of the existing building footprint for new additions.	Yes, Planning Board
<b>Section 405.6.B T5 Urban Center &amp; Section 405.7.C T4 Neighborhood Maximum Building Footprint</b>	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

Note: Required Findings shall be based on the intent of this Chapter or non-self imposed hardship.

<b>Table 405.26.F: 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 405.11 Special District Waterfront</b>	Architectural articulation, landscaping or other appropriate screening that shields views of parking or blank walls at the ground level from the waterfront, STREETS and pedestrian spaces.	Parking permitted below the first story without a liner building	n/a	No, Planning Administrator
<b>Section 405.12 Building Type Standards</b>	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
<b>Section 405.12 Building Type Dimensional Standards</b>	Consistency with planning, design and compatibility intent set forth in each Transect Zone	10% max. DEVIATION in numeric dimensional standards.	n/a	No, Planning Administrator
<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).	n/a	No, Planning Administrator
<b>Section 405.12.O &amp; P</b>	Consistency with planning, design and compatibility intent set forth in each Transect Zone	n/a	Up to 2 ADU per LOT (one attached and one detached).	Yes, Planning Board
<b>Section 405.14. Architecture and Site Design Standards</b>	Consistency with planning, design and compatibility intent set forth in each Transect Zone	10% max. DEVIATION in numeric dimensional standards.	n/a	No, Planning Administrator
<b>Section 405.14.C Facade Composition</b>	Architectural articulation, landscaping or other appropriate screening that shields views of parking or blank walls at the ground level from the waterfront, STREETS and pedestrian spaces.	Exceptions to the FACADE composition requirements for the portion of FACADE below the first story.	n/a	No, Planning Administrator
<b>Section 405.14.D.5 Shopfronts</b>	Site constraints	Shopfront entrances at intervals greater than 50' apart.	n/a	No, Planning Administrator
<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.	n/a	No, Planning Administrator
<b>Section 405.14.K.3 Steep Slopes</b>	Physical constraints	n/a	Development on ground which has an incline of ten (10) percent to twenty-five (25) percent.	Yes, Planning Board
<b>Section 405.15.C Waterfront Overlay, Public Access</b>	Site constraints or incompatible USES	n/a	No public access on parcels outside of the SD-WMU.	Yes, Planning Board

Note: Required Findings shall be based on the intent of this Chapter or non-self imposed hardship.



<b>Table 405.26.F: 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 405.15.D Waterfront Overlay Standards</b>	Proposed outdoor storage consists of cultural exhibits/ displays or maritime attractions that positively contribute to the waterfront pedestrian setting.	Exceptions to required screening of outdoor storage areas.	n/a	No, Planning Administrator
<b>Section 405.16.C Parking Requirements</b>	Unique site or USE circumstances	n/a	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.	n/a	No, Planning Administrator
<b>Section 405.16.F Parking Lot Landscape Standards</b>	Unique site or USE circumstances	n/a	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.	n/a	No, Planning Administrator
<b>Section 405.23.B ROW Width</b>	Physical constraints (existing buildings or natural features)	New street ROW width less than 45'.	n/a	No, Planning Administrator
<b>Section 405.24.C.1 Minimum Usable Open Space</b>	Restrictive lot dimension or physical constraints (existing buildings or natural features)	n/a	Less than 10% USABLE OPEN SPACE provided	Yes, Planning Board
<b>Section 405.24.C.1.f Steep Slopes, Floodplain or other natural areas</b>	Providing improved, usable access to natural features.	50% max allocation of overall 10% min public USABLE OPEN SPACE.	n/a	No, Planning Administrator
<b>Section 405.24.C.2 Usable Open Space in a CVP or WNP</b>	Design constraint, such as restrictive lot dimension or physical constraints (existing buildings or natural features).	Backing buildings onto a shared USABLE OPEN SPACE.	n/a	No, Planning Administrator
<b>Section 405.25.2.1 Transect Zone Allocation</b>	80% of proposed housing units meet the requirements of Sec 405.19 for affordable housing.	n/a	10% to 40% of the CVP may be T5N.	Yes, Planning Board
<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.	n/a	No, Planning Administrator
<b>Section 405.25.2.D Block Size</b>	Topographic or site constraints.	BLOCKS larger than set standards per transect.	n/a	No, Planning Administrator

Note: Required Findings shall be based on the intent of this Chapter or non-self imposed hardship.

2. **Variance:** See Sec 405.26.K

3. **Special Use Permit:** See Sec 405.26.E.2

#### 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 review body.

#### 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, at the request of the applicant, 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, the Planning Administrator may require associated studies and surveys to 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. ADMINISTRATION AND ENFORCEMENT**

##### **1. Building permits.**

- (a) No building or structure in any district shall be erected, placed on a lot or structurally altered, and no building or structure in an Landmark Overlay District shall be altered with respect to the design, arrangement, texture, nature or quality of material, color, detail or general appearance of a visible portion of any exterior facade thereof, without a building permit duly issued upon application to the BUILDING SAFETY OFFICER, and then only in compliance and conformity with all the terms and conditions of such permit.
- (b) Every application for a building permit shall be made on forms provided by the BUILDING SAFETY OFFICER and shall be accompanied by such fee as may be prescribed from time to time. Except in the case of alterations of a building which do not increase the exterior size thereof, such application shall also be accompanied by two copies of a plot plan drawn to scale consisting of the following. (Where a site plan approval or a special permit is necessary, two copies of all maps and supporting documents shall be submitted; see § 405.26.E.1 or 405.26.E.2, respectively.)
  - (i) A survey made by a licensed surveyor showing the actual shape, dimensions, radiuses, angles and area of the lot on which the building is proposed to be erected or of the lot on which it is situated, if an existing building, except that in the event the structure to be erected is less than 500 square feet, the BUILDING SAFETY OFFICER may waive the requirement that a survey made by a licensed surveyor be furnished, provided that the bounds of the lot are clearly defined on the SITE. In such case, a plot plan shall be provided.
  - (ii) The section, block and lot numbers as they appear on the official City Assessment Map.
  - (iii) The exact size, height and location on the lot of the proposed building or buildings or alteration of an existing building and the location on the lot of other existing buildings, if any, on the same lot.
  - (iv) The location, nature and dimensions of all yards, access driveways, off-street parking, planting and screening.
  - (v) The minimum distance between the subject building and all property lines and other existing buildings on the same lot.
  - (vi) The existing and intended use of all buildings, existing or proposed, the use of land and the number of dwelling units the buildings are designed to accommodate.
  - (vii) Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this chapter.
- (c) No building permit shall be issued for a building to be used for any use in the district where such use is allowed by a special permit by the Planning Board unless and until the issuance of such permit has been duly authorized by said Board. In instances where site development plan approval is required, no building permit shall be granted until a final approval is secured. Where the property concerned is in a Landmark (L) District,

no building, demolition or special permit shall be issued until the Historic Landmarks Preservation Commission shall have reported its findings, pursuant to §405.26.L hereof, with respect to whether the proposed work will adversely affect any Landmark (L) District or whether any building or special permit should be subject to specified conditions, in which case any building or special permit shall be explicitly made subject to such specified conditions. This provision shall exempt all in-kind restoration/rehabilitation work, pointing using historic color collection palettes, minor modifications or alterations to the exterior, signage when in compliance with the regulations herein, as determined by the Planning Administrator to be suitable for a determination of impact issued on an administrative level. No certificate of compliance or occupancy shall be issued until the conditions of the preservation permit and/or building permit have been met. In the event of an application for a building permit for demolition, the BUILDING SAFETY OFFICER must notify the Historic Landmark Preservation Commission and must await its report before issuance of said demolition permit. Absent a report from the Commission within 14 days of notification, the BUILDING SAFETY OFFICER shall proceed as though Commission approval had been given.

- (d) If a building permit is denied, the BUILDING SAFETY OFFICER shall state in writing the reasons for such denial.

## **2. Certificate of occupancy.**

- (a) The following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the BUILDING SAFETY OFFICER:
  - (i) Occupancy and use of a building hereafter erected, structurally altered or moved, or any change in the use of an existing building.
  - (ii) Occupancy, use or any change in the use of any land.
- (b) No certificate of occupancy shall be issued for any use of a building or of land allowed by special permit by the Planning Board as specified in § 405.26.E.2 of this chapter unless and until the issuance of such special permit has been duly authorized by said Board. Every certificate of occupancy for which a special permit has been issued or in connection with which a variance has been granted by the Board of Appeals shall contain a detailed statement of such special permit or variance and of any conditions to which the same is subject.
- (c) Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made on forms provided by the BUILDING SAFETY OFFICER after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter or of any variance granted by the Board of Appeals or special permit issued by the Planning Board. Such certificate shall be issued within 10 days after receipt of said application, but only if all requirements of this chapter and of all other applicable ordinances or codes in effect are complied with.
- (d) If the proposed use is in conformity with the provisions of this chapter and of all other applicable laws and ordinances, a certificate of occupancy for the use of vacant land or for a change of use shall be issued by the BUILDING SAFETY OFFICER within 10 days after receipt of a written application therefor.
- (e) Every application for a certificate of occupancy or a temporary certificate of occupancy shall be accompanied by a fee in accordance with the Fee Schedule of the City of Kingston. Copies of such certificate will be made available upon payment of a fee to be prescribed by the Building Department.
- (f) Every certificate of occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law, of this chapter, of all other applicable codes or ordinances of the City and, if applicable, with all provisions of any variance granted by the Board of Appeals or special permit issued by the Planning Board.
- (g) Upon written request by the owner, and upon payment of a fee in accordance with the Fee Schedule of the City of Kingston, the BUILDING SAFETY OFFICER shall, after inspection, issue a certificate of occupancy for any building or use therefor or of land existing at the time of the adoption of this chapter or of any applicable amendment thereof, certifying such use (including, if applicable, the number of employees), whether or not the same and the building conforms to the provisions of this chapter.
- (h) A record of all certificates of occupancy shall be kept in the office of the BUILDING SAFETY OFFICER, and copies shall be furnished, on request, to any agency of the City or to any persons having a proprietary or tenancy interest in the building or land affected, upon payment of required fee.

**3. Duties of BUILDING SAFETY OFFICER and/or ZONING ENFORCEMENT OFFICER.**

- (a) It shall be the duty of the duly appointed BUILDING SAFETY OFFICER and/or ZONING ENFORCEMENT OFFICER to enforce the provisions of this chapter and of all rules, conditions and requirements adopted or specified pursuant thereto, literally.
- (b) The BUILDING SAFETY OFFICER and/or ZONING ENFORCEMENT OFFICER shall have the right to enter any building or land at any reasonable hour in the course of their duties. The BUILDING SAFETY OFFICER and/or ZONING ENFORCEMENT OFFICER shall maintain files of all applications for building permits and plans submitted therewith and for certificates of occupancy they have issued, which files and records shall be open to public inspection.
- (c) Said BUILDING SAFETY OFFICER and/or ZONING ENFORCEMENT OFFICER shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and of the action taken consequent on each such complaint, which records shall be public records.

**4. Penalties for offenses.**

- (a) A violation of any provisions of this chapter shall constitute the offense of nuisance. Any person who files any application or request for a certificate or permit and who willfully or knowingly makes any false statement therein or who, upon request for further information relating to such application or request, willfully or knowingly furnishes false information shall be deemed to have violated the section of this chapter relating to such application or request.
- (b) Following written notice, served by registered mail or by personal service, to the effect that a violation of any provisions of this chapter exists and that it must be rectified within a stated period of time established by the BUILDING SAFETY OFFICER and/or ZONING ENFORCEMENT OFFICER, the BUILDING SAFETY OFFICER and/or ZONING ENFORCEMENT OFFICER may, if said violation has not been rectified within the stated period of time, issue an appearance ticket for City Court for said violation. For any and every such violation, the owner, general agent or contractor of a building or premises or part thereof where such violation has been committed or shall exist and the general agent, architect, builder, contractor or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist shall, upon conviction, be subject to a penalty of not more than \$500, unless otherwise provided for in this chapter, and/or imprisonment for a term not to exceed 30 days and, in addition, shall pay all costs and expenses incurred by the City in determining such violation. Each and every day that any such violation continues shall constitute a separate offense unless otherwise provided for in this chapter.
- (c) Penalties shall be collected and violations of this chapter shall be prosecuted in the manner prescribed by law or ordinance effective in the City of Kingston.
- (d) Nothing in this chapter shall prevent any property owner or resident of the City, the City itself, any board or agency of the City or any persons residing on or owning property outside the City from availing themselves of any lawful remedy in preventing or abating any violation of any provision of this chapter. Whenever any person who engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this chapter, the Corporation Counsel may make application to any court having jurisdiction for an order granting the entry of a money judgment against the owner, general agent or contractor of a building or premises or a part thereof or the general agent, architect, builder, contractor or any other person who is convicted of a violation of this chapter for the penalty imposed and the costs and expenses incurred by the City in determining such violation and/or for an order enjoining such act or practice or requiring such person to remove the violation or directing the restoration entirely, or as nearly as may be practicable, of any improvement or any exterior architectural feature thereof or improvement parcel affected by or involved in such violation, and upon a showing that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction or restraining order or other appropriate order shall be granted without bond.
- (e) In addition to any criminal penalties available or imposed for violations of this chapter and any injunctive relief available or obtained to abate or restrain violations of this chapter, any person violating this chapter shall be liable for a civil penalty not to exceed \$500 plus the cost of determining the violation for each violation. Each day that a condition which violates this chapter continues shall constitute a separate violation and subject the person violating this chapter to an additional civil penalty.

#### K. BOARD OF APPEALS

1. **Purpose.** A Zoning Board of Appeals shall be maintained and operate in accordance with Article 5-A of the New York State General City Law, §§ 81, 81-a, 81-b. The Zoning Board of Appeals shall have all of the authority, jurisdiction and duties granted to such board by §§ 81, 81-a, 81-b and any other applicable state law, and shall fulfill its duties in accordance with those grants of authority and in accordance with this Zoning chapter.
2. **Establishment and membership.** Pursuant to § 81 of the New York State General City Law there is hereby established a Zoning Board of Appeals consisting of five members appointed by the Mayor. All members of the Zoning Board of Appeals shall be residents of the City of Kingston. The members of the Board serving at the time this chapter is passed shall continue in office as members of the Board hereby established.
  - (a) The Mayor shall choose two of these members to serve one-year terms; two of these members to serve two-year terms; and one member to serve a three-year term.
  - (b) The Mayor shall designate one of the Zoning Board of Appeals members as Chairperson to preside at all meetings and hearings and to fulfill the authorized duties of that office. In the absence of the Chairperson, the Zoning Board of Appeals may designate another member of the Zoning Board of Appeals to serve as Acting Chairperson. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such time as the Zoning Board of Appeals may determine. Such Chairperson or, in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
  - (c) Pursuant to § 81(11)(a) of the New York General City Law, alternate Zoning Board of Appeals member positions for the City of Kingston Zoning Board of Appeals are hereby established for use when a regular member cannot participate due to a conflict of interest. Under New York Municipal Home Rule Law, alternate Zoning Board of Appeals members shall also serve in place of a regular member who is absent. Alternate members shall be appointed by the Mayor.
    - (i) The Mayor shall appoint up to three alternate Zoning Board of Appeals members.
      - 1) The first appointment shall be for a period of three years.
      - 2) The second appointment shall be for a period of two years.
      - 3) The third appointment shall be for a period of one year.
      - 4) Thereafter, all appointments shall be for a period of three years.
    - (ii) The Chairperson shall designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board, or by absence. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Zoning Board of Appeals. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.
    - (iii) All provisions relating to Zoning Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, compatibility of office and service of other boards, shall also apply to alternate members.
  - (d) No person who is a member of the Common Council shall be eligible for membership on the Zoning Board of Appeals.
3. **Terms of members now in office.** Members now holding office for terms which do not expire at the end of a calendar year shall, upon the expiration of their term, hold office until the end of the year, and their successors shall then be appointed for terms which shall be equal in years to the number of members of the Board.
4. **Training requirements.**
  - (a) Each member of the Zoning Board of Appeals and each alternate member shall complete a minimum of four hours of training each year, designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over onto succeeding years in order to meet this requirement. Such training shall be approved by the Common Council and may include, but is not limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar

entity. Training may be provided in a variety of formats, including but not limited to electronic media, video, distance learning and traditional classroom training.

- (b) To be eligible for reappointment, a member or alternate member must have completed the training approved by the City.
- (c) The training requirement may be waived or modified by resolution of the Common Council when, in the Council's judgment, it is in the best interest of the City to do so.
- (d) No decision shall be voided or declared invalid because of a failure to comply with this requirement.

**5. Vacancies.** Members of the Zoning Board of Appeals shall continue to serve until a successor is appointed. In the event a vacancy occurs, other than by the expiration of a term, the Mayor shall appoint a new member for the remainder of the unexpired term.

**6. Removal of members.** The Mayor shall have the power to remove any member or alternate member of the Zoning Board of Appeals for cause. Cause for removal of a member or alternate member may include one or more of the following:

- (a) Failure to complete mandatory training requirement.
- (b) Failure to attend 80% of scheduled meetings without a documented medical and/or emergency excuse approved by the Chair of the Commission.
- (c) Any person or persons jointly or severally aggrieved by any decision to remove for cause may apply to the Ulster County Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within 30 days after the filing of a decision by the Mayor to remove.

**7. Rules and Operations.**

- (a) The Zoning Board of Appeals will have the power to adopt, for its procedure and government, rules not inconsistent with law or ordinance.
- (b) Meetings
  - (i) Meetings of the Zoning Board of Appeals will be held at least once each month, except in the month of August, at fixed dates established at the first meeting held in the first month of January each year. Additional meetings may be held at the call of the Chair and at such other times as the Zoning Board of Appeals may determine.
  - (ii) Minutes of the Zoning Board of Appeals proceedings and documentation of findings for its decisions must be maintained in the office of the ZONING ENFORCEMENT OFFICER.
  - (iii) The Mayor shall assign a secretary to the Zoning Board of Appeals to handle the clerical work for the board and other duties pertaining to the functions of the board.
  - (iv) The Corporation Counsel may advise and assist the Board at all meetings. The Board may call on other City departments for assistance in the performance of its duties, and it will be the duty of such other departments to render such assistance to the Board as may be reasonably required.

**8. Powers and duties.** The Zoning Board of Appeals shall have all the powers and duties prescribed by § 81-b of Article 5-A of the New York State General City Law and by this chapter, which are more particularly specified as follows:

- (a) Orders, requirements, decisions, interpretations and determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the ZONING ENFORCEMENT OFFICER. To that end, the Zoning Board of Appeals shall have all the powers of the enforcement officer from whose order, requirement, decision, interpretation or determination the appeal is taken.
- (b) Filing requirement. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Zoning Board of Appeals shall be filed in the office of the city clerk within five business days and shall be a public record.
- (c) Assistance to the Zoning Board of Appeals. Subject to § C13-3J of the Charter of the City of Kingston, the Zoning Board of Appeals shall have the authority to call upon any department, agency or employee of the City of Kingston for such assistance as shall be deemed necessary and as shall be authorized by the Mayor.



- (d) Filing of administrative decision and time of appeal.
- (i) Each order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of the zoning local law or ordinance shall be filed in the office of such administrative official within five business days from the day it is rendered, and shall be a public record. Alternately, the legislative body of the City may, by resolution, require that such filings instead be made in the City Clerk's office.
  - (ii) An appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the administrative official, by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- (e) Public Hearing. The Zoning Board of Appeals shall fix a reasonable time for hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the City of Kingston at least five days prior to the date of the hearing. The cost of sending or publishing the notice shall be borne by the appealing party and shall be paid to the Zoning Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
- (i) Notice to park commission and county planning board or agency or regional planning council. At least five days before such hearing, the Board of Appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within 500 feet of the property affected by such appeal; and to the county planning board or agency or regional planning council, as required by § 239-m of the General Municipal Law and § A-7 of the Ulster County Administrative Code which notice shall be accompanied by a full statement of such proposed action, as defined in Subdivision 1 of § 239--m of the General Municipal Law.
  - (ii) In any application or appeal for a variance, the Clerk of the Zoning Board of Appeals shall provide written notice of the public hearing, along with the substance of the variance appeal or application, to the owners of all property abutting, or directly opposite, that of the property affected by the appeal; and to all other owners of property within 100 feet of the property which is subject of the appeal. Such notice shall be provided by certified mail at least five days prior to the date of the hearing.
- (f) Compliance with the State Environmental Quality Review Act. The Zoning Board of Appeals shall comply with the provisions of the New York State Environmental Quality Review Act ("SEQRA") under Article 8 of the Environmental Conservation Law and its implementing regulations.
- (g) Time to Render Decision. The Zoning Board of Appeals shall make its decision on the appeal within 62 days after the close of the public hearing. The time in which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Zoning Board of Appeals. In the event that a decision is not rendered within 62 days, absent an extension entered by mutual consent, the appeal will be deemed granted.
- (h) Voting requirements.
- (i) Decision of the Board. Except as in the case of a rehearing as set forth in § 405.26.K.10 of this article, every motion or resolution of the Zoning Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the Zoning Board of Appeals as fully constituted regardless of vacancies or absences. Where an action is subject to referral to the County Planning Board, the provisions of § 239-m of the New York State General Municipal Law and § A-7 of the Ulster County Administrative Code shall apply.
  - (ii) Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the Zoning Board of Appeals is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement officer within the time allowed in Subsection I above, the appeal is denied. The Zoning Board of Appeals may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed being subject to the rehearing process, as set forth in § 405.26.K.10 of this article.

- (i) Filing of decision. The decision shall be filed in the office of the City Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

#### **9. Variances.**

The Zoning Board of Appeals is empowered to authorize, in accordance with General City Law § 81b(3) and (4), upon denial of a building permit, a variance from the terms of this chapter. In determining an application for a variance pursuant to the standards below, the applicant may introduce and the Board may consider evidence regarding the impact of the requested variance on the public interest where, owing to exceptional and extraordinary circumstances, there are practical difficulties or unnecessary hardships in the way of the carrying out of the strict letter of this chapter.

- (a) Use Variances. The Zoning Board of Appeals, upon appeal from the decision or determination of the enforcement officer, shall have the power to grant use variances, authorizing a use of land which otherwise would not be allowed or would be prohibited by the terms of this chapter.
  - (i) No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under this Zoning chapter for the particular district where the property is located:
    - 1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
    - 2) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
    - 3) The requested use variance, if granted, will not alter the essential character of the neighborhood; and
    - 4) The alleged hardship has not been self-created.
  - (ii) The Zoning Board of Appeals, in granting the use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and, at the same time, preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.
- (b) Area Variances. The Zoning Board of Appeals, upon appeal from the decision or determination of the enforcement officer, shall have the power to grant area variances.
  - (i) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Zoning Board of Appeals shall also consider:
    - 1) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
    - 2) Whether the requested area variance is substantial;
    - 3) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
    - 4) Whether the alleged difficulty was self-created. This consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
  - (ii) The Zoning Board of Appeals, in granting of the area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (c) The Zoning Board of Appeals shall, in granting both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Zoning chapter and

Comprehensive Plan for the City of Kingston, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

- (d) Once granted, variances run with the land and, once granted, every subsequent owner of the property shall have the benefit thereof unless the ZBA imposes time-based restrictions and/or conditions to the contrary.

#### **10. Rehearing.**

A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination not previously reheard may be made by any member of the Zoning Board of Appeals. A unanimous vote of all members of the Zoning Board of Appeals then present at the meeting is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original public hearing. Upon such rehearing, the Zoning Board of Appeals may reverse, modify or annul its original order, decision or determination. The vote must be unanimous of all the members of the Zoning Board of Appeals that are present at the meeting, provided the Zoning Board of Appeals finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

#### **11. Proceedings.**

- (a) The powers and duties of the Board of Appeals shall be exercised in accordance with its own rules of conduct and procedure, which rules shall be consistent with and pursuant to all the provisions of City law applicable thereto.
- (b) In addition, at least 10 days before the date of any public hearing, the Clerk of the Zoning Board of Appeals shall transmit to the Planning Office of the City of Kingston and, where the property concerned is in a Landmark Overlay District, to the Kingston Historic Landmark Preservation Commission, a copy of any appeal or application, together with a copy of the notice of such hearing. The Planning Board or Historic Landmark Preservation Board may submit to the Zoning Board of Appeals an advisory opinion on said appeal or application at any time prior to the public hearing, and such opinion shall be made part of the official record thereof.
- (c) The Building Department shall give notice of a variance application or zoning change request by first-class mail at least 10 days prior to the public hearing to all properties contiguous and adjacent to the applicant's property. "Adjacent" shall be deemed to include the properties across any streets or roadways as if the street or roadway did not exist. A sign or signs will be posted on the applicant's property by Building Department at the expense of the owner/applicant 10 days prior to the public hearing.

### **L. HISTORIC LANDMARKS PRESERVATION COMMISSION**

#### **1. Creation; composition and terms.**

There is hereby created a Commission to be called the "Historic Landmarks Preservation Commission of the City of Kingston." This Commission shall consist of seven members, to be appointed by the Mayor of the City of Kingston for terms of office of three years, which shall be so arranged that approximately 1/3 of the terms shall expire each year. Upon adoption of this article, present members shall serve until expiration of their terms. Members of the Commission may be reappointed for succeeding terms.

#### **2. Membership qualifications.**

One member of the Commission shall be a licensed practicing architect. One member shall be an owner of a City designated building or an owner in a City historic district. All other members shall be residents of the City of Kingston at the time of their appointment and throughout their membership, with a knowledge of and interest in the historic background of the City and the trends of its future development, with demonstrated concern for the material, economic and cultural development of the City through the principles for which the Commission is created.

#### **3. Appointments and vacancies.**

The Commission shall, prior to 30 days before the expiration of the terms of each class of Commissioners, submit to the Mayor of Kingston a list of eligible and qualified candidates, which the Mayor may consider in making a selection of successors.

#### **4. Rules of procedure.**

The Commission shall establish its own rules of procedures, provided that all regular and special meetings be open to the public except when a member of the Commission requests that part or all of the meeting shall be held in executive session, which shall be permitted in accordance with the applicable Open Meetings Law.

#### **5. Costs of operation; budget requests.**

The cost of operation of the Commission shall be funded by the City of Kingston. The Commission shall submit its budget and all requests for appropriations to the Mayor of the City of Kingston, annually on or before a date specified by the Mayor.

#### **6. Powers and duties.**

(a) The Commission shall have the following powers and duties:

- (i) To recommend to the Common Council that it establish certain landmarks or Landmark (L) Districts. A landmark or Landmark (L) District may be or may include an exterior or publicly accessible interior and may include areas comprising all or portion of:
  - 1) One or more City blocks;
  - 2) One or both sides of a street;
  - 3) One or more plots of unimproved land;
  - 4) Any other real property.
- (ii) To review all applications for building permits, all outwardly physical installations and all appeals and applications transmitted to the BUILDING SAFETY OFFICER which may affect any landmark or Landmark (L) District, and to make determinations accordingly, which shall be binding in accordance with § 405.26.J.1.c.
- (iii) To apply or impose in accordance with the standards set forth in § 405.26.L.8 herein, with respect to the construction, reconstruction, alteration or demolition of such building or the performance of work thereon, regulations, limitations, determinations or conditions which are more restrictive than those prescribed or made by or pursuant to other provisions of law applicable to such activities, work or use.
- (iv) At its discretion and with the property owner's consent, to cause to be prepared and placed upon or near any landmark or Landmark (L) District a suitable plaque declaring that fact.
- (v) The Commission may make such investigations and studies of matters relating to the protection, enhancement, perpetuation and restoration of landmarks as the Commission may, from time to time, deem necessary or appropriate for the effectuation of the purpose of this article and may submit reports and recommendations as to such matters to the Mayor and other agencies of the City government. In making such investigations and studies, the Commission may hold such public hearings as it may deem necessary or appropriate.
- (vi) To make all appropriate arrangements for the general transaction of its business, including the receipt and disbursement of funds, and to retain or employ professional consultants, secretaries, clerks or other such personnel as may be necessary to assist the Commission in carrying out its duties with such funds as may be made available to it by the Common Council in its sole judgment and discretion.

(b) Any and all applications shall be considered and decided by a majority vote of the total membership of the Commission at a duly called meeting of the Commission.

#### **7. Landmark or Landmark District designation procedure.**

- (a) The Commission shall consider for a landmark or Landmark District designation real property proposed by motion of any Commission member or by owner of such property or by written request signed by 10 residents of the City of Kingston.
- (b) The criteria for the designation of landmarks shall particularly favor such designation where the proposed landmark or Landmark District:
  - (i) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community;

- (ii) Is identified with historic personages or with important events in national, state or local history;
  - (iii) Embodies distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or
  - (iv) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized.
- (c) Notice of a proposed designation, including the amendment of a prior designation or proposed designation, shall be sent by the Commission by certified mail or personal delivery to the last owner of record, as the names and addresses shall appear on the records of the Assessor of the City of Kingston, briefly describing the proposal for designations and the date, time and location of the public hearing by the Commission to consider the proposed designation. The notice required hereunder shall be sent at least 14 days prior to the public hearing. Once the Commission has issued notice of a proposed designation, no building permits or demolition permits shall be issued by the BUILDING SAFETY OFFICER until the Commission has made its decision.
- (d) The Commission shall also cause notice of the proposed designation to be published at least once, at least 14 days prior to the public hearing, in a newspaper having general circulation in the City of Kingston.
- (e) The Commission shall hold a public hearing to consider all proposals for the designation of any property as a landmark. The Commission and any other interested parties may solicit expert testimony and offer other evidence relevant to the designation of the proposed landmark.
- (f) Following the public hearing, the Commission shall forward to the Common Council of the City of Kingston and to the proper owners its recommendations concerning designation of a landmark or a Landmark District. The designation shall be effective upon ratification by the Common Council. Pending ratification, the proposed landmark or Landmark District shall have interim protection.
- (g) Emergency designation. The Commission shall forward to the Common Council of the City of Kingston and to the owners (if known) and also to the persons in charge of all property affected thereby its recommendations, if any, for the designation of a landmark or Landmark (L) District, together with notice of its finding of need for immediate designation of a landmark or Landmark (L) District. It shall forward copies of its recommendation to the BUILDING SAFETY OFFICER's office, with notice of its finding of need for immediate designation, and, in that case, such recommendations shall be deemed to be in full force and effect, pending public hearing, Commission recommendation and final action by the Common Council, and the BUILDING SAFETY OFFICER shall perform their respective functions and duties as though the recommendations of the Commission have been adopted in their entirety by the Common Council. A designation by the Commission on a finding of immediate need shall be effective from the date of mailing or personal delivery of the notice of designation to the owner of the property (if known) in the same manner as the notice requirements of Subsection (c) hereof and shall expire 90 days thereafter if the Common Council shall have failed to act within said period. The notice shall specify the recommendations of the Commission, its reasons therefor and the right of appeal as contained in § 405.26.L.14.

## **8. Landmarks and Landmark (L) Districts.**

- (a) Legislative intent.
  - (i) The purpose of this section is to provide for the promotion of the educational, cultural, economic and general welfare of the public through the protection, enhancement, perpetuation and preservation of landmarks and Landmark (L) Districts. The legislative body declares that it is in the public interest to ensure that the distinctive landmarks and Landmark (L) District shall not be injuriously affected, that the value to the community of those buildings having architectural and historical worth shall not be impaired and that said districts be maintained and preserved to promote their use of the education, pleasure and welfare of the citizens of the City of Kingston and others.
  - (ii) The Stockade (Area) District of Kingston, consisting of eight blocks bounded by Clinton Avenue, Main Street, Green Street and North Front Street, together with protective perimeter, is the site of the Stockade ordered built by Peter Stuyvesant in 1658 and successive extensions under English rule. In this area, there were two conflicts with Esopus Lenni Lenape people, one in 1659-1660 and one in 1663 - 1664. It is also the location of the founding of the first government of the State of New York in 1777, burned by the

British that same year. This area contains architecture dating back to the 17th and 18th Century including the corner of Crown and John Streets with four pre-Revolutionary stone houses, one on each corner of the intersection. In addition to the distinctive pre-Revolutionary stone houses, the district has 19th Century structures in Federal Period, Greek Revival, Italianate and Second Empire and Queen Anne styles as well as the mid-19th Century stone Old Dutch Church, a National Landmark.

- 1) This area, which represents an important heritage relative to the Dutch and English Colonial periods, is defined on the Regulating Map and is declared to be a Landmark District (and a Historic and Architectural Design Overlay District).
  - 2) This area contains the architecture of the past 300 years, and new development must not be allowed to erode the best of the architectural spaces and cultural organizations of the past.
- (iii) The Rondout Landmark District consisting of the area as shown on the Regulating Map. The Rondout Historic District encompasses the area sloping down to and featuring the waterfront on Rondout Creek. Rondout was rapidly transformed from farmland into a thriving maritime village after the opening in 1828 of the Delaware and Hudson Canal with its terminus here. Plentiful jobs on the canal, in boatyards and shipping, in industries such as brick and cement manufacturing as well as bluestone, drew a melting pot of immigrants whose imprint is still visible in the rich legacy of commercial buildings, cast-iron storefronts, homes and churches in the district despite losses due to urban renewal in the 1960's.
- (iv) The Fair Street Landmark District consisting of the area as shown on the Regulating Map. Starting in the mid-19th Century, a long line of distinguished residences representing several architectural styles were erected along Fair Street extending out from the Stockade District as affluent people began moving out from the Stockade District and building substantial structures. The tree-shaded street has significant examples of the Italianate, Second Empire, Queen Anne, and Colonial Revival architecture.
- (v) The Chestnut Street Historic District consisting of the area as shown on the Regulating Map. The district encompasses both West and East Chestnut Streets offering splendid examples of various architectural styles including Italianate, French Second Empire, Queen Anne, Colonial Revival, and Italian Renaissance many set on expansive lawns. In the 19th Century on West Chestnut Street at the top of the hill above Rondout, several of the most affluent and powerful business people in Rondout built large homes, some with magnificent views of the Hudson River and Catskill Mountains.
- (b) Applicability and guidelines. This section shall apply to all buildings, structures, outbuildings, walls, fences, steps, topographical fixtures, earthworks, landscaping, paving and signs of a landmark or Landmark District. No changes in any exterior architectural feature, including but not limited to, construction, reconstruction, alteration, restoration, removal, demolition or painting, shall be made except as hereinafter provided. To assist in the conservation action, several specific guidelines are included:
- (i) Because of the visual importance of the Old Dutch Church steeple, no new structure may rise within the Stockade District above the base of the steeple, which is 62 feet above the curb level.
  - (ii) Many of the most important buildings in Landmark Districts are stone, wood or brick, with only two or three surface materials used on any building. There are almost no large areas of glass or polished metal. For this reason, design criteria references in § 405.26.L.9 and as specified by the Historic Landmarks Preservation Commission to match this condition are placed on all restoration and construction.
    - 1) Site design. In determining building setbacks for new construction, the Commission may require new buildings to be set behind existing building lines to give emphasis to existing structures of historic or aesthetic merit or to allow for suitable landscaping. New construction shall be compatible with the district in which it is located.
    - 2) Landscaping and paving. Landscaping may be required by the Commission, and is deemed an important element of site development.
      - a) Evergreen materials may be required for screen functions.
      - b) Recommendations may be made to the Commission by a landscape architect or designer approved by the Commission.
      - c) Bluestone, slate or brick may be prescribed for sidewalks.

- d) Maintenance of plant material shall be the responsibility of the owner, including responsibility to keep growth trimmed and trained, to meet the Commission requirements.
  - 3) Parking. Parking areas shall be partially screened from public view, with appropriate walls, structures, fences or landscaping.
  - 4) Maintenance. Preventive maintenance is required in order to assure that these buildings, spaces, elements and details are preserved. Deliberate neglect and/or lack of preventative maintenance that presents an issue of public safety or rapid deterioration of a structure shall be a violation of this article.
- (c) Relation to underlying zoning districts. The underlying zoning districts shall apply within the landmark or Landmark District as follows:
- (i) The zone regulations shall apply within the landmark or Landmark District with respect to: limitations on height, except as noted above, building spacing, yard and parking requirements.
  - (ii) Other provisions of these regulations related to land use shall remain in force; all other controls shall remain in force to the extent they do not conflict with the intent and purpose of this section.

**9. Review procedure.**

- (a) No person shall carry out any exterior or historically designated publicly visible interior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a Landmark District nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district without first obtaining a preservation notice of action from the Landmarks Commission and a notification to the applicant to obtain a building permit, if necessary. A preservation notice of action does not obviate the need for a building permit.
- (b) Criteria. In making such determinations, the Commission shall consider:
  - (i) The effect of the proposed work in changing, destroying or affecting the exterior features of the landmark or Landmark (L) District upon which such work is to be done;
  - (ii) The relationship between the results of such work and the exterior architectural features of other neighboring improvements;
  - (iii) The factors of aesthetic, historical and architectural values and significance, architectural style, design, arrangement, texture, material and color;
  - (iv) The special character and aesthetic interest that any structure involved adds to the area; and
  - (v) The difficulty or impossibility of reproducing any structure involved because of its design, texture, material, position or detail.
- (c) All applications shall be considered by the Commission on at least the following points, these points to be used as a basis, where relevant, for establishing relationships to the external features of buildings in the immediate neighborhood: The building height in relation to surrounding buildings; the relationship to nearby roof shapes; the relationship between the width to height of the front elevation; the size, proportion and spacing of openings within the facade and elevations exposed to view; the rhythm of spacing of buildings and building elements on the street; the design and placement of entrances and projections; the relationships of materials, textures and colors; the relationship of architectural details; the continuity of walls; the relationship of landscape elements; the appropriateness of paving; and the effect on existing or historically significant spaces.
- (d) It shall be the further duty of the Commission to exercise judgment in accord with the basis of decisions stated herein and maintain the desirable character of the landmark or Landmark District and prevent construction, reconstruction, alteration or demolition out of harmony with existing buildings insofar as character, material, color, line and detail are concerned, and thus to prevent degeneration of property, to safeguard public health, promote safety and preserve the beauty of the character of the landmark or Landmark District.
- (e) It shall be the further duty of the Commission to exercise judgement in accord with the guidance of the US Secretary of the Interior Standards for Rehabilitation.

**10. Preservation permit for change in exterior architectural features.**

- (a) The preservation notice of action required by this section shall be in addition to, and not in lieu of, any building permit that may be required by any other ordinance of the City of Kingston, New York. In the event of overlapping reviews, the most restrictive review shall apply.
- (b) Prior to the commencement of any work requiring a preservation notice of action, the owner shall file an application for a preservation notice of action, which shall be made, in writing, in duplicate, to the Commission and shall contain the following:
  - (i) The name, address, telephone number and signature of the owner.
  - (ii) The name, address, telephone number and signature of the applicant.
  - (iii) The location of the building, structure or land; the exterior architectural features which are proposed to be changed.
  - (iv) The elevations of the proposed change.
  - (v) A perspective drawing.
  - (vi) Samples of colors or materials to be used in the proposed change.
  - (vii) Where the proposed change includes signs or lettering, all dimensions and colors, a description of materials to be used and the method of illumination, if any, and showing the location on the building or property.
  - (viii) Photographs of existing conditions may be required.
  - (ix) Whatever additional information the Commission deems necessary to evaluate the application.
- (c) Prior to submitting a formal application, the applicant or their representative may meet with the Commission and/or its staff to informally discuss plans for alterations of exterior features. In order to avoid unnecessary expense and delay, a sketch or schematic design for the construction, alteration or repair of any regulated activity may be presented to the Commission. A preliminary design should show the relation to adjacent structures and spaces. The Commission may advise or recommend alteration and changes in the application.
- (d) Procedure to be followed for a preservation notice of action.
  - (i) Within a reasonable time after a completed formal application is filed with the Commission, but in any event within 90 days after such filing or within such further time as the applicant may, in writing, allow, the Landmarks Commission shall conduct a public meeting to approve or deny the application or approve the application with modifications. At said public meeting, opportunity shall be provided to proponents and opponents to present their views.
  - (ii) All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by mail and a copy filed with the Building Department for public inspection. The Commission's decision shall state the reasons for denying or modifying any application. Approval to proceed will be documented by the issuance of a preservation notice of action. The conditions upon which the preservation notice of action is issued will be stated, in writing, on the preservation notice of action. During work upon any preservation notice of action, if a modification is sought, such must be approved by an amended preservation notice of action issued by the Commission. Compliance will be necessary to obtain a final certification of occupancy or certificate of compliance from the Building Department. The preservation notice of action shall be valid for one year. At all times during this term, the preservation notice of action shall be prominently posted in public view pursuant to local law governing building permit posting.
- (e) Inspection. If, upon inspection, the Historic Landmarks Preservation Commission (HLPC) determines that the work is not in conformity with the preservation notice of action, the HLPC shall notify the Building Department, in writing. No certificate of occupancy or certificate of compliance shall be issued thereupon until the work is altered to be in conformity with the preservation notice of action.

**11. Hardship.**

- (a) An applicant whose preservation notice of action for a proposed demolition or alteration has been denied



may apply for relief on the grounds of hardship. The hardship shall not be self-inflicted. In order to prove the existence of hardship, the applicant shall establish that:

- (i) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - (ii) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  - (iii) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (b) Hardship application procedure.
- (i) After receiving written notification from the Commission of the denial or approval with modifications of a preservation notice of action, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists. The Commission may hold a public hearing on the hardship application, at which an opportunity will be provided for the proponents and opponents of the application to present their views.
  - (ii) The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
  - (iii) All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City Clerk's office for public inspection. The Commission's decision shall state the reasons for granting or denying the hardship application.
  - (iv) In the event of the Commission's denial based on hardship application, the applicant may apply to the City of Kingston Zoning Board for review of said application, applying Landmark Ordinance criteria.

## **12. Demolition by neglect.**

- (a) In its review to determine that demolition by neglect is occurring and upon consultation with the Building Department, the Commission shall consider all of the foregoing criteria and shall also attempt to confer with the owner or person in charge of the real property concerned. It shall also review any communication it shall receive which indicates that demolition by neglect is or may be occurring in any landmark or Landmark District. In the event that the Commission finds that such demolition is or may be taking place, it shall direct a letter to the Building Department to notify the owner or person in charge of this finding, stating the reasons therefor and requesting that the owner or person in charge immediately take appropriate steps to cause such demolition to cease, and to confer with the Commission in connection therewith. Should the owner or person in charge fail to satisfy the Commission that all necessary steps are or will be promptly taken, the Commission shall request the Building Department to notify the Corporation Counsel of the City of Kingston and request the consideration of the proceedings pursuant to § 405.26.J.4.d hereof.
- (b) No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Landmarks Preservation Commission, produce a detrimental effect upon the character of the property itself. Examples of such deterioration include:
  - (i) Deterioration of exterior walls or other vertical supports.
  - (ii) Deterioration of roofs or other horizontal members.
  - (iii) Deterioration of exterior chimneys.
  - (iv) Deterioration or crumbling of exterior stucco or mortar.
  - (v) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.
  - (vi) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.
  - (vii) Interior structural members shall be protected and maintained to resist and prevent deterioration.
  - (viii) Unheated attics, spaces below flat roofs and crawl spaces shall be ventilated to minimize deterioration.

- (ix) Interior and exterior chimneys and flues shall be maintained safe, sound and smoketight.
- (x) Interior ceilings, walls, floors and stairways shall be maintained in a safe and sound condition.

**13. Enforcement.**

- (a) All work performed pursuant to a preservation notice of action and/or building permit issued under this article shall conform to any requirements included therein. In the event that the Commission finds that work is not being performed pursuant to said preservation notice of action or building permit, it shall notify the owner or person in charge of this building, stating the reasons therefor and requesting that the owner or person in charge immediately take appropriate steps to conform to said preservation notice of action or building permit and to confer with the Commission in connection therewith. Should the owner or person in charge fail to satisfy the Commission that all necessary steps are or will be immediately taken, the Commission shall request the Building Department to take appropriate action.
- (b) Similarly, should both a preservation notice of action and a building permit be issued, the BUILDING SAFETY OFFICER shall have all powers conferred upon him pursuant to the Zoning Ordinance to enforce the preservation notice of action, including, but not limited to, stop-work orders.

**14. Appeals.**

Any aggrieved party by an action of the Commission in disapproving or limiting a preservation notice of action application may bring an appeal to the Zoning Board of Appeals.

**M. AMENDMENTS**

1. Authority to amend. This chapter or any part thereof, including the Zoning Map, may be amended, supplemented or repealed, from time to time, by the Common Council, pursuant to statute. Such amendment may be initiated in one of the following ways:
  - (a) By the Common Council on its own motion.
  - (b) By adoption by the Planning Board of a resolution proposing an amendment to the Common Council.
  - (c) By the filing of a petition in accord with the requirements set forth in § 405.26.M.2 below.
2. Procedures for petitions.
  - (a) Form of petition. All petitions for amendment shall be presented to the City Clerk for referral to the Common Council at the next regular meeting of said Common Council. A petition for amendment shall contain information describing the nature of the proposed amendment, a description of the land or district affected and any other information or material pertinent to the determination of the matter. The City Clerk may prescribe forms for the filing of said petitions. Each petition for amendment shall be accompanied by a fee in accordance with the Fee Schedule established by the Common Council, payable to the City Comptroller.
  - (b) Resubmittal of petition. If an amendment is disapproved by the Common Council, no petition for essentially the same amendment shall be considered within a period of one year from and after the date of such disapproval.
  - (c) Withdrawal of petition. Any petition for amendment may be withdrawn at any time by the filing of a verified petition of withdrawal signed by not less than a majority of the number of persons who signed the original petition. Any petition for amendment withdrawn by the petitioner subsequent to notice of public hearing shall preclude consideration of substantially the same amendment for a period of one year from and after the date said petition for withdrawal is filed with the City Clerk.
3. Required actions on petitions.
  - (a) Petition for resolution. Whenever the owners of 50% or more of the frontage in any district or part thereof shall present a petition duly signed and acknowledged to the Common Council requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Common Council to vote upon said petition within 90 days after the filing of the same by the petitioners with the City Clerk.
  - (b) Protest petition. If a protest against a proposed amendment, supplement or repeal is presented to the Common Council duly signed and acknowledged by the owners of 20% or more of the area of land included in

such proposed change, or by the owners of 20% or more of the area of land immediately adjacent, extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least 3/4 of the Common Council.

- (c) Planning Board proposal. It shall be the duty of the Common Council to vote upon such amendment, supplement, change or repeal, as proposed by the Planning Board, within 90 days from the date the proposal is received by the Common Council.

#### 4. Referrals.

##### (a) Referral to the Planning Board.

- (i) Procedure. All proposed amendments originated by petition or by motion of the Common Council shall be referred by the Common Council to the Planning Board for a report and recommendations thereon. If the Planning Board shall not have made its final report thereon within 45 days of reference thereto, the Common Council may proceed to final action.
- (ii) Planning Board report. In preparing a report on a proposed amendment, the Planning Board shall consider the following:
  - 1) Whether such change is consistent with the objectives and purposes of the district(s) to be affected.
  - 2) The nature and location of uses and buildings to be affected and the manner in which they will be affected.
  - 3) Whether uses permitted by the proposed change will be appropriate in the affected area(s).
  - 4) The affect of the change on existing or proposed public facilities and services such as schools, streets, utilities, etc.
- (iii) Effect of negative report. Should the Planning Board object to the proposed amendment or change, it shall not become effective except by the favorable vote of a majority plus one of all members of the Common Council.

- (b) Referral to the Historic Landmark Preservation Commission. Any proposed amendment which might affect any property in an L Landmark Overlay District or the activities of the Historic Landmark Preservation Commission shall be referred by the Common Council to said Commission for a report and recommendations thereon. If the Commission shall not have made its report thereon within 45 days of reference thereto, the Common Council may proceed to final action.

##### (c) Referral to the County Planning Board.

- (i) Matters to be referred. Any change in the district classification of, or the regulations applying to, real property lying within a distance of 500 feet of the following shall be referred to the Ulster County Planning Board prior to final action, in accord with § 239-l and 239-m of the General Municipal Law.
  - 1) The boundary of any other municipality (also requires referral to adjoining municipality).
  - 2) The boundary of any existing or proposed county or state park or other recreation area.
  - 3) The RIGHT-OF-WAY of any existing or proposed county or state road, parkway or other controlled-access highway.
  - 4) The existing or proposed RIGHT-OF-WAY of any stream or drainage channel owned by the county for which the county has established channel lines.
  - 5) The existing or proposed boundary of any county or state-owned land on which a public building or institution is located.
- (ii) County Planning Board recommendation. If the Ulster County Planning Board fails to report its recommendation within 30 days after receipt of a full statement of such referred material, the Common Council shall construe such inaction as approval of the proposed zoning action and may act without such a report.
- (iii) Affect of negative report. If the Ulster County Planning Board disapproves the proposed amendment or

recommends modification thereof the proposed amendment shall not become effective except by a vote of a majority plus one of all members of the Common Council and after the adoption of a resolution fully setting forth the reasons for such action.

5. Public hearing.

- (a) The Laws and Rules Committee of the Common Council shall conduct a public hearing on all proposed amendments as provided by § 83 of the General City Law. The City Clerk shall cause notice of such hearing to be published in the official newspaper of the City, which shall specify the nature of any proposed amendment, the land or district affected, and the date and place of the public hearing. Each applicant or their authorized representative, upon written notification, shall be present at any meetings and public hearings concerning determination of the application.
- (b) If the proposed amendment is an amendment to the Zoning Map, the City Clerk shall cause notice of such hearing to be mailed to the property owners of each property located within the area proposed to be rezoned and to the property owners of each parcel contiguous to the area proposed to be rezoned. For purposes of this section “contiguous” shall be read to include properties on the opposite side of any street, abutting, or included within the area to be rezoned.

6. Distribution of copies of decision.

- (a) Upon approval of any amendment by the Common Council, copies thereof shall be transmitted by the City Clerk to the Planning Board, the Historic Landmark Preservation Commission, the Zoning Board of Appeals and the Ulster County Planning Board.

**N. INTERPRETATION**

1. Interpretation of provisions.

- (a) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. Except where specifically provided to the contrary, it is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of a building or premises or requires larger open spaces than are imposed or required by any other statute, ordinance, rule, regulation or permit or by any easement or agreement, the provisions of this chapter shall control.
- (b) In the event of a conflict in the terminology of any section or part thereof of this chapter, the more restrictive provisions shall control.

**O. VALIDITY AND EFFECT**

1. Validity.

- (a) Should any section or provision of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. The Common Council hereby declares that it would have passed this chapter and each section and subsection thereof, irrespective of the fact that any one or more parts, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.
- (b) Should this chapter in its entirety be decided by the courts to be unconstitutional or invalid, the Zoning Ordinance of the City of Kingston, adopted on November 12, 1963, with its amendments, shall be deemed to have remained in effect.

2. When effective.

- (a) This chapter shall take effect immediately.

## ARTICLE 9 SUPPLEMENTAL TO THE FORM BASED CODE

### SECTION 405.27 FLOOD HAZARD OVERLAY DISTRICT

- A. Findings.** The Common Council of the City of Kingston finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the City of Kingston and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this section is adopted.
- B. Statement of purpose.** It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
  4. Control filling, grading, dredging and other development which may increase erosion or flood damages;
  5. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
  6. Qualify for and maintain participation in the National Flood Insurance Program.
- C. Objectives.** The objectives of this section are to:
1. Protect human life and health;
  2. Minimize expenditure of public money for costly flood control projects;
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
  6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
  7. Provide that developers are notified that property is in an area of special flood hazard; and
  8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- D. Definitions.** Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

#### APPEAL

A request for a review of the local administrator's interpretation of any provision of this section or a request for a variance.

#### AREA OF SHALLOW FLOODING

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

### **AREA OF SPECIAL FLOOD HAZARD**

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the “base floodplain” or “one-hundred-year floodplain.” For purposes of this section, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard.”

### **BASE FLOOD**

The flood having a one-percent chance of being equaled or exceeded in any given year.

### **BASEMENT**

That portion of a building having its floor subgrade (below ground level) on all sides.

### **BUILDING**

See “structure.”

### **CELLAR**

Has the same meaning as “basement.”

### **CRAWL SPACE**

An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

### **DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

### **ELEVATED BUILDING**

A nonbasement building (i) built, in the case of a building in Zone A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zone A1-A30, AE, A, A99, AO, AH, B, C, X, or D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zone V1-V30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

### **FEDERAL EMERGENCY MANAGEMENT AGENCY**

The federal agency that administers the National Flood Insurance Program.

### **FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)**

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community’s Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

### **FLOOD ELEVATION STUDY**

An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

### **FLOOD HAZARD BOUNDARY MAP (FHBM)**

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

**FLOOD INSURANCE RATE MAP (FIRM)**

An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk-premium zones applicable to the community.

**FLOOD INSURANCE STUDY**

See “flood elevation study.”

**FLOOD or FLOODING**

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (a) The overflow of inland or tidal waters;
  - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
2. “Flood” or “flooding” also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

**FLOODPLAIN or FLOOD-PRONE AREA**

Any land area susceptible to being inundated by water from any source (see definition of “flooding”).

**FLOODPROOFING**

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY**

Has the same meaning as “regulatory floodway.”

**FUNCTIONALLY DEPENDENT USE**

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

**HIGHEST ADJACENT GRADE**

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**HISTORIC STRUCTURE**

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

**LOCAL ADMINISTRATOR**

The person appointed by the community to administer and implement this section by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

**LOWEST FLOOR**

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this section.

**MANUFACTURED HOME**

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

**MANUFACTURED HOME PARK OR SUBDIVISION**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL**

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**MOBILE HOME**

Has the same meaning as "manufactured home."

**NEW CONSTRUCTION**

Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

**ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD**

Has the same meaning as "base flood."

**PRINCIPALLY ABOVE GROUND**

At least 51% of the actual cash value of the structure, excluding land value, is above ground.

**RECREATIONAL VEHICLE**

A vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOODWAY**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Subsection F(4)(b) of this section.



### **START OF CONSTRUCTION**

The date of permit issuance for new construction and substantial improvements to existing structures, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a SITE, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

### **STRUCTURE**

A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

### **SUBSTANTIAL DAMAGE**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

### **SUBSTANTIAL IMPROVEMENT**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

### **WAIVER**

A grant of relief from the requirements of this section which permits construction or use in a manner that would otherwise be prohibited by this section.

## **E. General provisions.**

1. Lands to which this section applies. This section shall apply to all areas of special flood hazard within the jurisdiction of the City of Kingston, Ulster County.
2. Basis for establishing the areas of special flood hazard.
  - (a) The areas of special flood hazard for the City of Kingston, Community Number 360858, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
    - (i) Flood Insurance Rate Map Panel Numbers 36111C0460E, 36111C0470E, 36111C0480E, 36111C0490E whose effective date is September 25, 2009, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.
    - (ii) A scientific and engineering report entitled "Flood Insurance Study, Ulster County, New York, All Jurisdictions," dated September 25, 2009.
  - (b) The above documents are hereby adopted and declared to be a part of this section. The Flood Insurance Study and maps are on file at the Office of the City Engineer, City Hall, 420 Broadway, Kingston, New York 12401.
3. Interpretation and conflict with other laws.
  - (a) This section includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

- (b) In their interpretation and application, the provisions of this section shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this section are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or local laws, the most restrictive, or that imposing the higher standards, shall govern.
4. Severability. The invalidity of any section or provision of this section shall not invalidate any other section or provision thereof.
  5. Penalties for noncompliance. No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this section and any other applicable regulations. Any infraction of the provisions of this section by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Kingston from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this section for which the developer and/or owner has not applied for and received an approved variance under Subsection H will be declared noncompliant and notification will be sent to the Federal Emergency Management Agency.
  6. Warning and disclaimer of liability. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City of Kingston, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

#### **F. Administration.**

1. Designation of the local administrator. The BUILDING SAFETY OFFICER or their designee is hereby appointed local administrator to administer and implement this section by granting or denying floodplain development permits in accordance with its provisions.
2. The floodplain development permit.
  - (a) Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Subsection E(2), without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to, plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
  - (b) Fees. All applications for a floodplain development permit shall be accompanied by an application fee to be established from time to time by resolution of the Common Council. In addition, the applicant shall be responsible for reimbursing the City of Kingston for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.
3. Application for a permit. The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.
  - (a) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- (b) The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
  - (c) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Subsection G(2)(c), Utilities.
  - (d) A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in Subsection G(4), Nonresidential structures.
  - (e) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Subsection E(2), when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
  - (f) A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
  - (g) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.
4. Duties and responsibilities of the local administrator. Duties of the Local Administrator shall include, but not be limited to, the following:
- (a) Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
    - (i) Review all applications for completeness, particularly with the requirements of Subsection F(3), Application for a permit, and for compliance with the provisions and standards of this section.
    - (ii) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building SITES will be reasonably safe from flooding. If a proposed building SITE is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Subsection G, Construction standards, and, in particular, Subsection G(1)(a), Subdivision proposals.
    - (iii) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Subsection G, Construction standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.
    - (iv) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
  - (b) Use of other flood data.
    - (i) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a

federal, state or other source, including data developed pursuant to Subsection F(3)(g), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this section.

- (ii) When base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this section.
- (c) Alteration of watercourses. The local administrator shall:
  - (i) Notify adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
  - (ii) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (d) Construction stage.
  - (i) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, the local administrator shall obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the SITE. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a SITE for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
  - (ii) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
- (e) Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.
- (f) Stop-work orders.
  - (i) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in Subsection E(5) of this section.
  - (ii) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this section and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in Subsection E(5) of this section.
- (g) Certificate of compliance.
  - (i) In areas of special flood hazard, as determined by documents enumerated in Subsection E(2), it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this section.
  - (ii) [A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
  - (iii) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Subsection F(4)(e), Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

- (h) Information to be retained. The local administrator shall retain and make available for inspection copies of the following:
  - (i) Floodplain development permits and certificates of compliance;
  - (ii) Certifications of as-built lowest floor elevations of structures, required pursuant to Subsection F(4)(d)[i] and (d)[ii], and whether or not the structures contain a basement;
  - (iii) Floodproofing certificates required pursuant to Subsection F(4)(d)[i], and whether or not the structures contain a basement;
  - (iv) Variances issued pursuant to Subsection H, Variance procedures; and
  - (v) Notices required under Subsection F(4)(c), Alteration of watercourses.

**G. Construction standards.**

1. General standards. The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Subsection E(2).
  - (a) Subdivision proposals: The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
    - (i) Proposals shall be consistent with the need to minimize flood damage;
    - (ii) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
    - (iii) Adequate drainage shall be provided to reduce exposure to flood damage.
  - (b) Encroachments.
    - (i) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
      - 1) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
      - 2) The City of Kingston agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Kingston for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Kingston for all costs related to the final map revision.
    - (ii) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Subsection E(2), no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
      - 1) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
      - 2) The City of Kingston agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City of Kingston for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Kingston for all costs related to the final map revisions.
2. Standards for all structures.
  - (a) Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(b) Construction materials and methods.

- (i) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (ii) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (iii) For enclosed areas below the lowest floor of a structure within Zone A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
  - 1) Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
    - a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
    - b) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
  - 2) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

(c) Utilities.

- (i) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (ii) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (iii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
- (iv) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

3. Elevation of residential structures. The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in Subsection G(1)(a), Subdivision proposals, and (1)(b), Encroachments, and (2), Standards for all structures:

- (a) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- (b) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (c) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Subsection E(2) (at least two feet if no depth number is specified).

- (d) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
4. Nonresidential structures. The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in Subsection G(1)(a), Subdivision proposals, and (1)(b), Encroachments, and (2), Standards for all structures:
- (a) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
    - (i) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
    - (ii) Be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
  - (b) Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
    - (i) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
    - (ii) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection G(4)(a)[iii].
  - (c) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection G(4)(a)[iii], including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
  - (d) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
  - (e) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.
5. Manufactured homes and recreational vehicles. The following standards, in addition to the standards in Subsection G(1), General standards, and (2), Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard:
- (a) Recreational vehicles placed on SITES within Zones A1-A30, AE and AH shall either: (1) be on SITE fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet the requirements for manufactured homes in Subsection G(5)(b), (c), and (d). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.
  - (b) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - (c) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
  - (d) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Subsection E(2) (at least two feet if no depth number is specified).

## H. Waiver procedure.

### 1. Planning Board

- (a) The Planning Board as established by the City of Kingston shall hear and decide appeals and requests for waivers from the requirements of this section.
- (b) In considering the grant of a waiver, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section and:
  - (i) The danger that materials may be swept onto other lands to the injury of others;
  - (ii) The danger to life and property due to flooding or erosion damage;
  - (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iv) The importance of the services provided by the proposed facility to the community;
  - (v) The necessity to the facility of a waterfront location, where applicable;
  - (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (vii) The compatibility of the proposed use with existing and anticipated development;
  - (viii) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
  - (xi) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the SITE; and
  - (xii) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
  - (xiii) The City of Kingston Climate Action Plan as adopted when the request for waivers is made and any recommendations of the Climate Action Committee (CAC)
- (c) Upon consideration of the factors of Subsection H(1)(b) and the purposes of this section, the Planning Board may attach such conditions to the granting of waivers as it deems necessary to further the purposes of this section.

### 2. Conditions for waivers.

- (a) Generally, waivers may be considered for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Items [i] through [xii] in Subsection H(1)(b) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for granting the waiver increases.
- (b) Waivers may be granted for the repair or rehabilitation of historic structures upon determination that:
  - (i) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure; and
  - (ii) The waiver is the minimum necessary to preserve the historic character and design of the structure.
- (c) Waivers may be granted for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
  - (i) The criteria of Subsection H(2)(a), (d), (e) and (f) are met; and
  - (ii) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.



- (d) Waivers shall not be granted within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e) Waivers shall only be granted upon a determination that the waiver is the minimum necessary, considering the flood hazard, to afford relief.
- (f) Waivers shall only be granted upon receiving written justification of:
  - (i) A showing of good and sufficient cause;
  - (ii) A determination that failure to grant the waiver would result in exceptional hardship to the applicant; and
  - (iii) A determination that the granting of a waiver will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (g) Any applicant to whom a waiver is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that: (1) the issuance of a waiver to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the records as required in Subsection F(4)(h) of this section.

## SECTION 405.28 SUPPLEMENTARY REGULATIONS

### A. TRAILERS and Storage Units

1. The storage or parking and use of a TRAILER by any persons is hereby prohibited in each and all of the districts enumerated in Article 3 of this chapter, except that:
  - (a) Storage or parking of TRAILERS may be conducted in garages, provided that such TRAILER is not placed in use and the doors thereof are kept securely locked.
  - (b) Storage and parking of one TRAILER on a residential lot may be permitted, provided that such TRAILER is not placed in use, is secured in place within the required setback lines of the residential district and the doors thereof are kept securely locked. Notwithstanding the provisions hereinbefore contained in this chapter, a TRAILER parked on the premises of a City resident may be occupied for a period not exceeding 48 hours by a guest of the resident, provided that said TRAILER'S location complies with setback requirements of Chapter 405 and is not less than 10 feet from any building or other vehicle. Upon application to the Building Department, the resident may apply for a permit to allow said guests to remain on the premises for an additional period of 144 hours. Upon receiving such application, the BUILDING SAFETY OFFICER shall make the necessary inspections and issue or deny such permit.
  - (c) A temporary permit for the placing and use of a TRAILER on a lot may be issued by the BUILDING SAFETY OFFICER in connection with any construction for which a building permit has been issued. Such permit shall be for a period of not greater than six months but may be renewed at the discretion of the BUILDING SAFETY OFFICER if work on said construction is processed diligently.
2. The placement and/or use of shipping containers and/or nonmotorized storage trailers for storage purposes by any persons is hereby prohibited in each and all of the districts enumerated in Article 3 of this chapter, except that:
  - (a) A temporary permit for the placing of a shipping container and/or nonmotorized storage trailer may be issued by the Building Department on application from an individual homeowner. Such permits shall be issued for a period of time not to exceed up to 48 hours. Extensions can be granted for good cause shown for successive periods of up to 48 hours, up to a total period of seven days.

**B. Citizen's band radio antennas.**

1. Purpose. This section provides for the installation of citizen's band radio antennas and antenna support structures for the enjoyment and convenience of the residents of the City of Kingston, while providing for the maximum protection of the health, safety and aesthetic sensibilities of the residents.
2. Definitions. As used in this section, the following terms shall have the meanings indicated:

**ANTENNA**

Any device or equipment that receives or sends electromagnetic waves for the purpose of citizen's band radio communications.

**ANTENNA HEIGHT**

The overall vertical length of the antenna support structure above grade or, if such system is located on a building or other object, then the overall vertical length includes the height of the building or object upon which the structure is mounted.

**ANTENNA SUPPORT STRUCTURE**

Any structure, mast, pole, tripod or tower, whether attached to a building or other object, guyed or freestanding, utilized for the purpose of supporting an antenna or antennas for the purpose of transmission or reception of electromagnetic waves for the purpose of citizen's band radio communications.

3. Permit required. It shall be unlawful for any person to install, construct or increase the height of any antenna or antenna support structure, which shall be deemed an accessory structure, without first obtaining a building permit, except that no permit shall be required if the height of the antenna or antenna support structure, excluding the height of any building or object to which it is attached, is less than 12 feet in height. Said exclusion shall not apply to freestanding antennas or antenna support structures which must obtain a permit regardless of height.
4. Application. Application for a required building permit shall be made upon such forms requested by the City and shall have attached thereto the following items:
  - (a) A site plan for the antenna or antenna support structure depicting its placement in relation to:
    - (i) Property lines and permanent easements.
    - (ii) All structures on the SITE and all structures of any adjacent property within 10 feet of the property lines.
    - (iii) All utility poles, above and below ground utility lines, trees and other natural or artificial structures.
    - (iv) The location, nature and extent of any proposed fencing, buffering, plantings or other screening measures.
  - (b) Manufacturer's specifications for the antenna or antenna support structure and details of footings, guys and braces.
  - (c) A copy of the applicant's homeowner or renter's insurance policy for freestanding antennas.
  - (d) All FCC, NEC, FAA and other state, federal or local permits or approvals which may be required for the construction and installation of the antenna.
5. Location.
  - (a) No more than one antenna or antenna support structure per residence shall be located on any lot and shall be located in the rear yard at ground level.
  - (b) No antenna or antenna support structure shall be located on any lot unless located so as to have a rear and side lot line setback equal to the height of the antenna or structure. Measurements of side and rear lot line setback shall be taken at the base of the antenna or structure at ground level.
  - (c) Antennas and support structures shall be so designed and constructed that guyed wires or other accessories shall not cross or encroach upon any street or public space or over any telephone or electric power lines or encroach upon any other privately owned property. Antennas, wires and support structures shall be placed so as not to present a hazard to children and other passers by.
  - (d) Antennas and antenna support structures shall not be illuminated in any way unless such lighting is a requirement of the Federal Aviation Administration or other controlling agency.

- (e) Ground-mounted antenna support structures may be erected only in a rear or side yard.
6. Height limitation. Any antenna installed at a fixed location must comply with either one of the following requirements:
- (a) The highest point must not be more than 20 feet higher than the highest point of the building or tree on which it is mounted; or
  - (b) The highest point must not be more than 60 feet above the ground.