

RESOLUTION 85 of 2021

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK,
AMENDING THE DEFINITION OF HOTEL IN THE CITY OF KINGSTON ZONING CODE

Sponsored By: Laws and Rule Committee: Alderman: Ventura
Morell, Scott-Childress, Worthington, Tallerman,
O'Reilly

WHEREAS, request has been made to amend the definition of "hotel" as stated in the City of Kingston Zoning Code so as the definitions are consistent throughout the Code and also consistent with the definition contained within the Ulster County Code; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, such request to amend the Zoning Code has been referred to the City of Kingston Planning Board, the Ulster County Planning Board and the Historic Landmarks Preservation Commission for associated review and comment.

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

SECTION 1. That the definition of "hotel" in Section 405-3 of the City of Kingston Code is hereby amended to provide:

"a building or portion of it which is regularly used and kept open for lodging of transient guests on an overnight basis. The term "hotel" or "motel" includes "short term rentals" an apartment hotel, motor court or inn, "tourist cabins", boarding house or club, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served, and shall include those facilities commonly known as "bed and breakfasts" and "short term rentals".

SECTION 2. That same is declared a Type 2 action pursuant to NYCRR Part 617.

SECTION 3. This resolution shall take effect immediately.

Submitted to the Mayor this 7th day of

May, 2021

Elisa Tinti

Elisa Tinti, City Clerk

Approved by the Mayor this 10th day of

May, 2021

Steven T. Noble

Steven T. Noble, Mayor

Adopted by Council on May 4, 2021

85

THE CITY OF KINGSTON COMMON COUNCIL

LAWS & RULES
COMMITTEE REPORT

DEPARTMENT: Common Council DATE: 4-21-21

Description: Declare the zoning code amendment of the definition of "Hotel" as a type 2 action under SEQRA and adopting findings of environmental significance as per attached.

Signature: _____

Motion by RSC

Seconded by RW

Action Required: _____

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

Negative Declaration of Environmental Significance: _____

Conditioned Negative Declaration: _____

Seek Lead Agency Status: _____

Positive Declaration of Environmental Significance: _____

<u>Committee Vote</u>	<u>YES</u>	<u>NO</u>
Jeffrey Ventura Morell, Chairman <i>[Signature]</i>	✓	
Patrick O'Reilly, Ward 7 <i>[Signature]</i>	✓	
Rennie Scott-Childress, Ward 3 <i>[Signature]</i>	✓	
Don Tallerman, Ward 5 <i>[Signature]</i>	✓	
Rita Worthington, Ward 4 <i>[Signature]</i>	✓	

CITY OF KINGSTON

Kingston Planning

planning@kingston-ny.gov

Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner



Steven T. Noble, Mayor

March 17, 2021

Ald. At Large Andrea Shaut, President
City of Kingston Common Council
City Hall – 420 Broadway
Kingston, New York 12401

Re: KINGSTON PLANNING BOARD RECOMMENDATION to Common Council
Zoning Text Amendment – Definition of “Hotel” – Resolution 28 of 2021

Dear Pres. Shaut:

This is to advise you that at the virtual meeting of the Kingston Planning Board, held on March 15, 2021, the Board reviewed the referral from the Common Council with regard to amending the Zoning Code by modifying the definition of the term “Hotel” to be consistent through the Zoning, other City Code Sections and also with Ulster County’s definition.

The Board concurred with amending the City Zoning Code to replace the existing definition of “Hotel or Motel” with the following:

Hotel: “A building or portion of it which is regularly used and kept open for lodging of transient guest on an overnight basis. The term “hotel” or “motel” includes short term rentals, an apartment hotel, motor court or inn, “tourist cabins”, boardinghouse or club, or similar hotel or motel type of accommodation by whatever name designated, whether or not meals are served, and shall include those facilities commonly known as “bed and Breakfasts” and “short term rentals”.

It was relayed to the Board through discussion with the City’s Assistant Corporation Counsel, that this definition change would not affect the current definitions for the various short term rental uses and that the districts in which these uses are allowed would not change.

This Board recommendation incorporates the position with it that the Common Council act swiftly to move forward with action to adopt language defining how municipal agencies are to regulate and oversee the various forms of lodging under the umbrella of the new “Hotel” definition, and not to wait for a comprehensive rewrite of the current Zoning Code, which the Board also endorses to be moved forward.

CITY OF KINGSTON
Kingston Planning
planning@kingston-ny.gov

Suzanne Cahill, Planning Director
Kyla Dedea, Assistant Planner



Steven T. Noble, Mayor

Although not a part of the Planning Board discussion, Planning Staff would advise that the Common Council will need to undertake a SEQR review, first classifying the Action, followed by determining how to proceed under SEQR. Note that zoning changes which are Citywide and/or affect more than 25 acres of land, would result in the action being a Type I action.

If there are any questions, please do not hesitate to contact our office to discuss.

Sincerely,

Suzanne Cahill
Planning Director

CC: Ald. J. Ventura-Morell, W1, Chairman L&Rs
E. Tinti, City Clerk
W. Platte, PB Chairman
D. Gartenstein, Assist. Corp. Counsel

REFERRAL RESPONSE



ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number

2021053

Municipality

Kingston City

Local File Number

Resolution
28 of 2021

Referring Agency

Local Governing Body

Type of Referral

Zoning Statute Amendment

Name of Applicant

City of Kingston

Name of Project

Resolution 28 of 2021

Project Location

Citywide

Description

Amend definition of "Hotel"

UCPB Decision

Required Modifications

See Attachments



Referral Officer

Representing the Ulster County Planning Board

Date Received

3/3/2021

Date Reviewed

4/7/2021

Form Date

4/8/2021

Status

Reviewed



Dennis Doyle, Director

RECOMMENDATION

Elisa Tinti, City Clerk
City of Kingston
420 Broadway
Kingston, N.Y. 12401

REFERRAL NO: 2021-053
DATE REVIEWED: 04/07/21

Re: Resolution 28 of 2021 – Zoning Statute Amendment

Summary

The City of Kingston is amending the way it regulates short-term rentals by updating the definition section of its zoning statute regarding “hotels or motels” to simply “hotels” and including short-term rentals within the definition of a “hotel” use. The City’s zoning statute currently only allows these hotels in the C-1, C-2, C-3, O-3, RF-R, and RF-H zoning districts and this remains unchanged.

The following materials were received for review:

- Referral Form
- Definition of Hotel or Motel
- Resolution of 28 of 2021
- Proposed amendments

Discussion

The City has chosen a creative means to regulate short-term rentals (STR) by including them as part of the definition of Hotel. While elegantly simple, the change does miss some key considerations this Board has suggested being included in regulating short-term rentals in zoning statutes. It should be noted that UCPB takes the amendment to read that short-term rental would be precluded from the zoning districts where hotels are not permitted.

There also may be some unintended consequences and questions that arise from this solution such as:

- how will the City treat existing STR’s in districts where they are no longer permitted or are STR’s in these districts still allowed;
- how is the STR/hotel use applied to mixed-use and multi-family buildings in the zones where allowed; and
- how does this impact those single-family homes in these districts particularly does this encourage their conversion to “hotel” use.?

The County Planning Board believes that STR regulations should address three broad categories 1. Public safety, 2. Protection of the quality of life in the areas they are located, 3. the availability of housing for residential use, and a disincentive to convert housing for solely STR use. It is unclear how the definition of a hotel “A building or portion of it which is regularly used and kept open for lodging of transient guests on an overnight basis” even when restricted to the districts in question can meet these goals. It is in these areas as

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Zoning Statute Amendment

well as more specific regulations typically enacted for short-term rentals that are at the core of the County Planning Board's comments.

Recommendations

Regulations for Short-Term Rentals

Registration with the County – Required Modification

A requirement to register with the County regarding the "Hotel & Motel Room Occupancy Tax" should be added to the statute. This is not currently cited nor found in Chapter 277: Hotels, Motels, Inns, Rooming Houses, and Boardinghouses. The registration information can be found at <https://ulstercountyny.gov/finance/hotel-motel-room-occupancy-tax>

Prohibition on Multi-Family – Required Modifications

The UCPB has consistently recommended that multi-family dwellings and accessory dwellings be prohibited from containing short-term rentals. Failure to do so erodes the available and more affordable housing stock. In areas of the County before the enactment of short-term rental laws, landlords have and continue to convert long-term rental units to STR's as they generate a higher profit.

Required Modification

Multi-family dwellings and the apartments in them should be precluded from being utilized as STR's.

Non-Owner Occupied Units

In most Ulster County municipalities the creation of non-owner occupied short-term rentals have been either prohibited or the municipality has placed a cap on how many non-owner occupied units are allowed or limited them to specific locations.

Required Modification

The UCPB recommends that for existing buildings in residential use within the districts where STR's would be permitted that non-owner-occupied "hotels" be prohibited. In this manner, the unintended consequences of existing housing stock converted to STR's can be avoided.

Responsible Party

Regulations for short-term rentals, especially for non-owner occupied units, have minimum requirements for the age, maximum distance, response time, and contact information of the owner or other responsible agent in the event violations or emergencies occur and to be on file with the Building inspector/fire and rescue service.

Required Modifications

The City should consider laws that regulate the management of short-term rentals, both owner and non-owner-occupied, indicate potential violations for failure to comply with said regulations, and provide renters with documentation to ensure the quality of life issues. For example, the Town of Gardiner is producing a "Good Neighbor Brochure" that is an advisory document prepared by the Town Board for STR occupants to facilitate the success of the STR, other land uses, and the guest and neighbor experiences by sharing the general rules of community conduct, private property considerations and the safety of residents and guests."

Single-Family Homes - Other Districts - Advisory Comment

As noted in the discussion, the addition of short-term rental to the definition for Hotel effectively eliminates them from many zones, including all residential zones in the City. While the UCPB is not opposed to this limitation, there are existing short-term rentals in these areas and the City will need to further regulate how these existing units will be handled. Based on the legislation proposed they would become nonconforming

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Zoning Statute Amendment*

uses. We would note that with prohibitions on non-owner occupancy and use of newly created accessory dwelling units, the Board is not opposed to continuing to allow STR's in these districts.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

Cc: Gio Gagliardi – UCPB
Suzanne Cahill – City Planner

FINAL ACTION REPORT FORM



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

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

Name of Project: Resolution 28 of 2021

Referral Number: 2021053

UCPB Decision: Required Modifications

Local Agency Final Action:

Approve Disapprove

Member Vote: Yes: No:

County Planning Board Decision - Reviewed no County Impact

Concurs with County Planning Board Modifications or Disapproval

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

Required Submittals Attached

Resolution Attached

Required Submittals:

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

Local File Number: Resolution 28 of 2021

Municipality: Kingston City

Referring Agency: Local Governing Body

Type of Referral: Zoning Statute Amendment

Name of Applicant: City of Kingston

Project Location: Citywide

Description: Amend definition of "Hotel"

Local Officer: _____

Date: _____

~ For Ulster County Planning Board Use Only ~

Local Board Decision:

Original Date Received: 3/3/2021

Original Review Date: 4/7/2021

Final Action Date Received:

Status: Reviewed

Return Form to:

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

Need Help? Telephone: 340-3340

Form Revised 09/26/2000 UCPB

UCPB Date Stamp

CITY OF KINGSTON, NEW YORK, COMMON COUNCIL
 HONORABLE ANDREA SHAUT, PRESIDENT

01/01/2020-12/31/2021

COMMITTEE: L&R

DATE: 5/3/21

RESOLUTION TITLE *Resolution #85 of 2021 Amending the definition of Hotel in the City of Kingston Zoning Code*

OFFERED BY: ALDERMAN _____
 SECONDED BY: ALDERMAN _____

ALDERMAN	YES	NO	ABSENT	REASON
1. JEFFREY VENTURA MORELL (D)	}			
2. DOUGLAS KOOP (D)				
3. REYNOLDS SCOTT-CHILDRESS (D)				
4. RITA WORTHINGTON (D)				
5. DONALD TALLERMAN (D)				
6. TONY DAVIS (D)				
7. PATRICK O'REILLY (D)				
8. STEVEN SCHABOT (D)				
9. MICHELE HIRSCH (D)				

TOTALS CARRIED 9-0 DEFEATED _____

ELISA TINTI
 CITY CLERK