

MEMO

TO: Kingston Zoning Committee

FROM: Shuster/Turner

RE: Combined Historic Preservation/Landmarks Commission

DATE: April 10, 2017

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As per the discussion and agreement at the last meeting of the Committee on March 27, we have begun to prepare a proposal to combine and reorganize the duties and responsibilities of the Landmarks Preservation Commission and the Heritage Area Commission. The objective is to establish one body to handle the related but diverse functions of the two existing Commissions and to remove duplication, inconsistencies and confusion between the two.

Set forth below is an outline of the necessary steps to achieve the above objectives. The proposed amendments to the City Code will combine the provisions of Article IV of Chapter 22, "Heritage Area Commission," and Article II of Chapter 398, "Waterfront Consistency Review" with the Historical and Architectural Review functions of the Landmark Commission set forth in Chapter 264. This revision and reorganization will be carefully coordinated with provisions of Chapter 405, the Zoning Law. Upon agreement as to the basic approach, the detailed language for the proposed legislation must be drafted.

HERITAGE/LANDMARKS PRESERVATION COMMISSION

A. REVISION OF CHAPTER 264 of CITY CODE

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Chapter 264, "Historic Landmark Preservation Commission" will be substantially revised to include all functions and powers of both the Landmarks Preservation Commission and the Heritage Area Commission. The chapter will be organized as set forth in the following outline:

1. Purpose and Intent

In summary, the purpose and intent of this section is:

- a. To identify, preserve and protect the historic , architectural, cultural and economic resources of the City
- b. To create a clear, organized, efficient process to achieve the intent of this section.
- c. To establish and designate one entity to carry out the diverse responsibilities authorized by this section.

2. Commission Membership and Procedures

A nine member commission shall be appointed to include persons with relevant professional qualifications, interests, knowledge of the City and geographic dispersion.

3. Powers and Duties of Commission

a. Designation and Preservation of Historic Structures and Districts

The Commission will perform the existing functions of the Landmarks Preservation Commission as set forth in Article IX of the Zoning Law and Chapter 264 (Historic and Architectural Design Districts) of the City Code. These include recommendations for designation of historic landmarks or landmark districts and review of actions which may affect such sites or districts. Conflicts or inconsistencies between the two sections of the Code will be resolved.

b. Design Review

The Commission will be responsible for the architectural design review function now distributed among three agencies (Planning Board, Landmarks Preservation and Heritage Area) for the three different design overlay districts established in the Zoning Law. Cross references will be made to the Urban Core Design Standards proposed in the Zoning Law.

Design review in designated historic districts will be the sole responsibility of the Commission. Decisions by the Commission in designated historic districts may be appealed to the Common Council. Design review by the Commission in other design overlay districts will be advisory to the Planning Board, where site plan approval or issuance of a special permit is required, or to the Code Enforcement Officer where only a building permit is required.

c. Advice and Management of the Kingston Heritage Area

The Commission will continue to provide the broad range of advice to the Mayor and Common Council regarding the New York State Kingston Heritage Area. Such responsibilities are set forth in the Urban Cultural Park Management Plan and will be summarized in this section.

d. Consistency Determination Regarding City LWRP

The Commission will make recommendations to any board, agency, department or office of the City which is considering approving, funding or directly undertaking an action in the designated coastal waters of New York State to determine if such action is consistent with the policies set forth in the Kingston Local Waterfront Revitalization Program (LWRP).

B. OTHER REVISIONS TO THE CITY CODE

- 1. Article IX of the Zoning Law, Historic Landmarks Preservation Commission, will be substantially reorganized to reflect the revised Chapter 264 of the City Code. However, the basic duties and responsibilities of the Landmarks Commission will remain essentially the same so as to preserve its status as a Certified Local Government (CLG).**
- 2. Two sections of the City Code will be superceded by the proposed new commission structure described above and must be removed from the City Code.**

Article IV of Chapter 22, "Heritage Area Commission", and

Article II of Chapter 398, "Waterfront Consistency Review"