

**Revisions  
To  
ARTICLE IV  
District Regulations**

1. §405-9, §405-10, and §405-11 shall be deleted and replaced by the sections below.
  
2. §405-12, §405-13, and §405-14 shall be deleted and designated as “reserved”.

NOTE: It will also be necessary to amend §405-4. Districts enumerated, to delete the RRR, RR, R-1, R-2, R-3, R-4, R-5 and R-6 Districts and replace them with RS (Residence Single Family), RM-1 (Residence Medium Density) and RM-2 (Residence High Density)

**§405-9 Schedule of Residential Uses**

- A. The Schedule of Residential District Use Regulations is hereby incorporated into and made part of these zoning regulations and shall be referred to as the “Use Schedule”. No structure or land shall be used except as provided in the Use Schedule. Uses which are not permitted are prohibited, unless specifically stated elsewhere by this local law.
  
- B. Supplementary standards which apply to specific uses are referenced in the Use Schedule and set forth in §405-10.
  
- C. The Use Schedule indicates those uses in each district which are permitted by right and those which require a special permit.
  
- D. Any use permitted by special permit shall require site plan approval in accord with §405-\_\_\_\_. Certain uses permitted by right shall also require site plan approval in accord with §405-\_\_\_\_.

E. Lot and bulk requirements for each district are to be found in §405-11 and the Schedule at the end of this chapter.

**SCHEDULE OF RESIDENTIAL DISTRICT USE REGULATIONS**

USES PERMITTED BY RIGHT	DISTRICTS			SUPPLEMENTARY REGS: See §405.10
	RS	RM-1	RM-2	
One family dwelling	X	X	X	A
Two family dwelling		X	X	
Three family dwelling			X	
Dwellings for 4 or more families, including townhouses			X	R
Office use in multiple dwellings		X	X	
Cemeteries	X	X	X	
Places of Worship	X	X	X	B
General Hospitals, nursing and convalescent homes	X	X	X	C
Farms, truck gardens, greenhouses, nurseries and arboretums	X	X	X	D
<b>USES PERMITTED BY SPECIAL PERMIT</b>				
Professional Offices and/or Restaurants within a residential structure			X	S
Radio, television and other electronic transmission stations/towers and public utility transmission lines	X	X	X	E
Rooming Houses and Boarding Houses		X	X	Q
Cluster Development	X			F
Nursery or preschool educational establishments or day-care centers	X	X	X	G
Libraries, museums and/or art galleries	X	X	X	H
Golf, tennis or swimming clubs	X	X	X	I
Annual membership clubs	X	X	X	N
Family day-care homes	X	X	X	J
Agency group homes, agency community residences, intermediate care facilities	X	X	X	K
Renting out of not more than two rooms	X	X	X	L
Accessory apartments	X			M
Adult day-care centers	X	X	X	O
Residential Care/Assisted Living Facilities	X	X	X	P
3/21/17				

**§405-10 Supplementary Standards for Residential Districts**

- A. One-family dwellings, not to exceed one such dwelling on each lot.
- B. Places of Worship, including parish houses and religious school buildings, and public and private schools and children's homes on land not less than five acres in size, including uses customarily accessory thereto, subject to the following requirements:
  - (1) Notwithstanding any other provisions contained in this chapter, no building shall exceed a height of 42 feet, nor shall the number of stories at any point along the periphery of such building exceed three.
  - (2) No building or part thereof shall be erected nearer than 50 feet to any street line or property line.
  - (3) The sum of all areas covered by all principal and accessory buildings shall not exceed 25% of the area of the lot.
  - (4) Any private school permitted under this subsection shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such.
  - (5) All parking and service areas shall be screened from the view of all adjoining residential properties by an opaque fence, wall or hedge of a height not less than six feet nor more than 10 feet. The design and location of such screen shall not be subject to approval by the Planning Board.
- C. General hospitals and nursing and convalescent homes, meeting the requirements of the county or state agency having jurisdiction, intended primarily for the care and treatment of residents of the City of Kingston and adjacent municipalities, provided that:
  - (1) Such hospital does not care mainly for patients suffering from alcoholism, drug addiction or mental disorders.
  - (2) No new building for hospital or nursing or convalescent home purposes shall be erected nearer than its height or 60 feet, whichever is the greater distance, to any street or property line, nor shall any lot on which such facility is erected have an area of less than five acres, except that this provision shall not apply to lands owned by existing hospitals.

- (3) Notwithstanding any other provisions contained in this chapter, no building shall exceed a height of 35 feet nor shall the number of stories at any point along the periphery of such building exceed three.
  - (4) The sum of all areas covered by principal and accessory buildings shall not exceed 25% of the area of the lot.
- D. Farms, truck gardens, greenhouses, nurseries and arboretums on lots having an area of at least five acres, including the sale on the premises of produce grown thereon, provided that:
- (1) Except as hereinafter provided, any farm building, other than dwellings and buildings accessory thereto, and the heating plant of any greenhouse shall be distant at least 75 feet from any street line or property line.
  - (2) Farm buildings devoted to or intended for the housing of livestock, horses, rabbits, hares, guinea pigs, ducks, geese, live poultry or fowls of any kind shall be erected at least 200 feet from any street or property line.
  - (3) No odorous fertilizer shall be stored within a distance of 75 feet of any street or property line.
- E. Radio, television and other electronic transmission stations and towers and public utility transmission lines, unit substations or other utility installations and disc antennas or devices of similar nature, provided that the establishment of the particular use in the area is necessary for the operation of the public utility system or required to supply utility service to the local area and the Planning Board determines that there is no other reasonable location in a less restricted district that can be utilized for the purpose.
- F. Cluster developments, subject to the requirements of §405.35 of this chapter.
- G. Nursery or preschool educational establishments or day-care centers, subject to the following requirements:
- (1) The applicant shall have obtained all licenses, certifications or approvals that may be required by federal, state or local law.
  - (2) For each child registered, there shall be a minimum of 35 feet of floor space exclusive of halls, bathrooms and kitchens.

- (3) For each child enrolled, there shall be provided not less than 75 square feet of usable exterior open space. The Planning Board may authorize the substitution of interior space available for recreation purposes if it determines that the aggregate space to be provided is adequate.
  - (4) No permanently installed play equipment shall be located in any required front or side yard.
  - (5) Any outdoor play area shall be located either not nearer than 30 feet from any lot in an RRR through R-3 District or shall be screened therefrom by a device found sufficient by the Planning Board to ensure visual and auditory privacy to such adjacent properties.
- H. Libraries museums and/or art galleries on lots having an area of not less than 20,000 square feet, provided that no building is erected nearer than 50 feet to any street or property line.
- I. Golf, tennis or swimming clubs, subject to the following requirements:
- (1) The site shall have an area of not less than two acres.
  - (2) No building or part thereof and no parking or loading area shall be located within 150 feet of a street line or of a property line of a lot in an RRR through R-3 District.
- J. Family day-care homes, authorized by the New York State Department of Social Services.
- K. Agency group homes, agency community residences, intermediate care facilities or family care homes and adult care facilities, subject to the following:
- (1) The special permit shall be reviewed every two years.
  - (2) Total occupants shall not exceed one for each 1,000 square feet of lot area.
  - (3) Said home shall not be located within 1,200 feet of any other lot on which another agency community residence or boarding, lodging or rooming house or other similar use is located. Said distance shall be measured from those points on the periphery of the lots on which such houses are located or proposed to be located nearest to each other.
  - (4) Said home shall not erect any sign that identifies or advertises the use or occupancy of the home.

- (5) Where residents are permitted to own or operate an automobile, one off-street parking space shall be provided for each resident for whom the facility is designed and each employee while on duty, and such parking shall not be located in any required yard.
  - (6) Said home shall be registered with the City Clerk, and the following information shall be not be located in any required yard.
  - (7) Said home shall be registered with the City Clerk, and the following information shall be filed and kept up-to-date:
    - (a) The name of the operating agency.
    - (b) The name(s) of resident supervisor(s).
    - (c) The maximum number of persons that will live in the facility.
    - (d) The appropriate licenses and certifications.
- L. Renting out of not more than two rooms by a resident family, provided that no sign advertising the availability of such rooms shall be displayed.
- M. Accessory apartments.
- (1) Purpose and intent. It is the specific purpose and intent to allow accessory apartments on properties with large one-family houses, except where enforceable deed covenants prohibit the same, to provide the opportunity and encouragement for the development of small, rental housing units designed, in particular, to meet the special housing needs of single persons and couples with limited income, both young and old, and of relatives of families presently living in the City. Furthermore, it is the purpose and intent of this provision to allow the more efficient use of the City's existing stock of dwellings to provide economic support for present resident families of limited income and to protect and preserve property values.
  - (2) Owner occupancy required. The owner(s) of the one-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises. The special permit and any conditions shall apply to the property.
  - (3) Location and age. An accessory apartment may be located in the principal dwelling, provided that such principal dwelling existed prior to January 1,

1982, contains a minimum of 2,000 square feet of habitable space and conforms to the other requirement of this chapter, unless a variance therefor shall have been granted by the Zoning Board of Appeals.

- (4) Apartment size. The minimum floor area for an accessory apartment shall be 300 square feet, but in no case shall it exceed 25% of the habitable area of the dwelling in which it is located or 600 square feet, whichever is less, unless, in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the specific circumstances of the particular building.
- (5) Number of accessory apartments and dwelling units per lot. There will be no more than one accessory apartment nor a total of two dwelling units permitted per lot.
- (6) Exterior appearance. The entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a one-family residence.
- (7) Water and sewer service. Prior to the issuance of a building permit for the establishment of an accessory apartment in a principal dwelling building, approval of the proposed method of water supply and sewage disposal shall be obtained from the Ulster County Department of Health and the City Water Department.
- (8) Off-street parking.
  - (a) Off-street parking spaces shall be provided based upon the total number of bedrooms in both the principal dwelling unit and the accessory apartment according to the following schedule:

<b>Number of Bedrooms</b>	<b>Number of Required Spaces</b>
0-3	3
4 or more	4

- (b) Off-street parking shall be so arranged that no additional curb cut is necessary.

N. Clubs and recreational uses.

(1) Annual membership clubs, other than golf, tennis or swimming clubs, incorporated pursuant to the provisions of the Not-For-Profit Corporation Law of the State of New York, catering exclusively to members and their guests, and private playgrounds swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that the following shall be prohibited:

(a) Outdoor entertainment, live or mechanical.

(b) The use of outdoor public-address systems for any purpose.

(c) Exterior lighting, other than that essential for the safety and convenience of the users of the premises.

(d) An artificially illuminated sign or signs in excess of 12 square feet.

(2) No building erected under the provisions of this subsection shall be located nearer than 50 feet to any street or property line.

O. Adult day-care centers.

P. Residential care/assisted living facilities. The special permit shall not be issued or renewed for a period longer than one year.

Q. Rooming houses and boardinghouses, subject to the following requirements:

(1) No rooming house or boardinghouse which furnishes rooming or boarding accommodations for hire within the same shall exist or be maintained within the City without a special permit, which shall be issued by the Planning Board of the City of Kingston, as hereinafter provided.

(2) No special permit shall be issued hereunder and any special permit heretofore or hereafter issued shall be subject to revocation, unless the applicant or holder of such permit fully complies with the following requirements:

(a) The applicant shall be the individual owner of such premises.

(b) At the time of the issuance of such special permit and at all times when said premises are used as a rooming house or boardinghouse, the owner thereof shall maintain his residence in and shall actually reside in said premises or there shall be a permanent resident of the City of

Kingston who shall be the resident agent responsible for the management of the rooming house and boardinghouse.

- (c) The maximum number of roomers or boarders shall be 12 and the maximum number of rooms shall be 10.
- (d) 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.
- (e) Rooming houses and boardinghouses legally operating with a special permit at the time of the adoption of this chapter, as amended, which may be nonconforming uses under this chapter shall be entitled to the issuance of a special permit under compliance with all of the provisions of this chapter, except Subsections B(2)(b)[1], [2], [3] and [4] of this subsection, upon applications made prior to and for the permit year December 31, 1994. After said date, no special permit shall be issued to any applicant unless such applicant fully complies with all of the provisions of this chapter, including said B(2)(b)[1], [2], [3] and [4] of this subsection.
- (f) All rooming houses and boardinghouses shall be heated by a central heating plant or permanently installed electric baseboard panel heating. No portable heating units are allowed.
- (g) No cooking or storage of foodstuffs shall be permitted in any room other than a kitchen.
- (h) In all parts of such building, artificial lighting shall be provided by means of electric current and each electric circuit shall be provided with a circuit breaker or fuse which shall meet the requirements of the New York Board of Fire Underwriters. Each new application shall be accompanied by a New York Board of Fire Underwriters' certificate. This certificate shall not be more than one year old. Thereafter, on renewal applications, a current New York Board of Fire Underwriters' certificate shall be required at least once each five years. Any fees involved in

obtaining this current New York Board of Fire Underwriters' certificate shall be borne by the applicant.

- (i) No sinks shall be installed or used in any sleeping room, but basins, however, shall not be used for washing of clothes and dishes or any unsanitary purposes.
- (j) Bathroom facilities shall be maintained for the owner-occupant separate and apart from bathroom facilities for the roomers and boarders.
- (k) The owner or resident agent of every room house and boardinghouse shall change supplied bed linens and towels therein at least once each week or prior to the letting of any room to any occupant. The owner or resident agent shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- (l) All garbage and kitchen wastes in every rooming house and boardinghouse shall be immediately disposed of as needed in such a way as not to be or become offensive or unsanitary.
- (m) All sleeping rooms shall be numbered with raised figures not less than three inches in height placed on the outside of the door to each room, and no two rooms shall bear the same number.
- (n) Each and every floor on which rooms are occupied by roomers and boarders shall be equipped with a fire extinguisher in good working condition readily accessible for use at all times and approved by the Fire Prevention Bureau of the City of Kingston.
- (o) No room shall be occupied by roomers or boarders in the third floor or attic of any dwelling unless the building complies fully with the New York State Multiple Residence Law. In a wood-frame dwelling, no room shall be occupied by roomers or boarders in the third floor or attic.
- (p) Off-street parking must be provided on the premises at the rate of one space per occupant based on maximum possible occupancy, plus one space for each employee.
- (q) All rooming houses and boardinghouses with special permits shall be subject to inspections at all reasonable hours by properly authorized

- representatives of the City of Kingston. Failure to comply with this provision shall constitute grounds for immediate revocation of the permit.
- (r) Every rooming house and boardinghouse and every part of the premises shall be at all times kept clean and free from dirt, filth and rubbish and in a sanitary condition. Cleaning and renovation shall be secured as may be ordered by the Building Safety Division of the Fire Department.
  - (s) No sign shall be erected that identifies or advertises the use of the rooming house or boardinghouse for such purpose.
  - (t) Said use shall conform and be maintained in harmony with the overall character and appearance of the surrounding neighborhood.
  - (u) No rooming house or boardinghouse permitted pursuant to this subsection shall be located less than 1,200 feet from an existing rooming house or boardinghouse.
- (3) Any person maintaining such a rooming house or boardinghouse shall keep upon such premises a register showing the names of all persons residing or living in or upon said premises, as well as the room occupied by each and shall exhibit the same to any member of the Police Department or the Fire Department of the City or his deputy, or any member of the Building Safety Division of the Fire Department of the City of Kingston, at any reasonable time upon demand, and the failure to so exhibit the same shall constitute a violation and be punished in accordance with §405-52.
  - (4) For rooming houses and boardinghouses only, there shall be an annual special permit fee of \$200 per building plus a charge per room of \$20 for each room over four rooms per building which issued as an accommodation for hire. The fee for any special permit required by the provisions of this chapter shall be at the levels fixed from time to time by resolution of the Common Council of the City of Kingston or by local law.
  - (5) No special permit shall be issued or renewed for a longer period than one year, and all permits shall expire one year following the date of issuance. All applications, properly filled out, must be filed with the Planning Board of the City of Kingston at least 30 days prior to the expiration of the previous special

permit hereunder or for subsequent renewals thereof is hereby established for the whole or part of the calendar year.

- (6) Every applicant of a rooming house or boardinghouse shall submit with his application to the Planning Board the following information which is to be filed both with the City Clerk and the Fire Officer:
  - (a) The name, address and phone number of the owner or operating agency of the rooming house or boardinghouse.
  - (b) The name, address and phone number of the permanent resident of the City of Kingston who shall be the resident agent responsible for the management of said rooming house or boardinghouse.
  - (c) A description of the property by street number, the number of apartments in each rooming house or boardinghouse, the number of rooms in each apartment, the number of rooms for sole occupancy and the maximum possible occupancy.
  - (d) The number of persons occupying each room and/or apartment.
  - (e) A plan or diagram of the lot containing the rooming house or boardinghouse and of each floor in the building, showing all dimensions, doors, windows, closets, water closets bathrooms, staircases and means of exit.
  - (f) Proof of annual inspection by the Ulster County Department of Health.

R. Dwellings for four or more families, including townhouses. In addition to the provisions of the Lot and Bulk Schedule and §405-30, such uses shall be subject to the following restrictions.

- (1) Length of building. No building shall exceed a length of 160 feet.
- (2) Distance between buildings. The following minimum distances between buildings shall be observed:
  - (a) Between a principal building, other than a one-family dwelling, and a one-story accessory building, 20 feet.
  - (b) Between any two other buildings, a distance equal to the average height of such buildings at the points where such buildings are nearest one to the other.

- (3) Office use in multiple dwellings, except that not more than one professional office or studio, other than accessory to a use otherwise permitted, shall be permitted for each 25 dwelling units or major fraction thereof on the lot. Such office or studio shall be only on the street floor of any building and on the floor immediately above the street floor only if there is access to such office or studio from other than a public hall.

S. Professional offices and/or restaurants within a residential structure, limited as follows:

- (1) Not more than two floors in parts thereof may be used for such purposes.
- (2) Such uses shall be accessible by means other than a public hall leading to residential uses.
- (3) Not more than 1/3 of the floor space of a structure may be used for such purposes.
- (4) Restaurants shall have a minimum service area of 1,000 square feet.
- (5) Drive-in restaurants or restaurants that provide window service or restaurants that have only counter service are not permitted.

**§405-11 Neighborhood Context Bulk Regulations in Single Family Districts**

Development in single family residential districts, whether on individual lots or in approved subdivisions, should conform to the density, spacing and pattern of development (i.e., the context) of the surrounding neighborhood. The standards set forth below shall apply to properties in the single-family residential districts with regard to lot area, lot width and front building setback. The objective of these standards is that new homes should fit into the existing neighborhood in an unobtrusive and compatible manner.

- A. Lot Area: The area of any proposed lot or lots shall not have an area less than 90% of the average area of all lots in the immediate area, the larger portion of which is within 200 feet of the perimeter of the subject property, or 20,000 square feet, whichever is less.
  
- B. Building Setback: The front setback of any building need not be greater than the average setback of the four closest buildings, or those within 500 feet, on the same side of the street.
  
- C. Lot Width: The lot width of any proposed lot shall not be less than 90% of the average width of the four closest lots, or those within 500 feet, on the same side of the street, or 100 feet, whichever is less.