

Topic:	Overlay District; Affordable Housing; Mixed/Multiple Use
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	City of Kingston
Year (adopted, written, etc.):	2005
Community Type – applicable to:	Urban; Suburban
Title:	City of Kingston Mixed Use Overlay District
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Abstract

This law creates the Mixed Use Overlay District, which is intended to provide affordable multifamily housing to low income families.

Resource

City of Kingston NY Mixed Use Overlay District
Code of the City of Kingston NY
Chapter 405: Zoning
General Code

§ 405-27.1. Mixed Use Overlay District. [Added 1-4-2005, approved 1-5-2005]

A. Purposes and principles.

- (1) The Mixed Use Overlay Zoning Districts are intended to implement a City of Kingston Comprehensive Plan Element for the areas known as the "Stockade and Midtown Mixed Use Overlay Zoning Districts." (See attached maps.)
- (2) According to the Comprehensive Plan Element, the creation of the Mixed Use Overlay Zoning District has two underlying purposes.
 - (a) The first purpose is to adaptively reuse existing commercial and industrial buildings to provide rental multifamily housing, including affordable housing, to the present and future residents of the City of Kingston.
 - (b) The second purpose is to encourage mixed-use, mixed-income, pedestrian-based neighborhoods.

B. Proposals within the Mixed Use Overlay Zoning Districts are intended to be based on the following guidelines:

(1) Affordable housing.

- (a) Guidelines to provide affordable housing pertains to individual proposals to adaptively reuse commercial and industrial buildings for five or more residential units.
- (b) Of the five or more overall housing units created by individual proposals to adaptively reuse commercial and industrial buildings for residential purposes, 20% of those units will be dedicated for affordable housing.
- (c) The rental of affordable housing units will be calculated as not exceed 30% of a household's income.
- (d) The maximum income for a household to occupy an affordable housing unit will be 80% of the Ulster County median income, with adjustments for family size and be updated yearly.
- (e) Affordable housing units should be dispersed throughout the proposed housing project and be indistinguishable from market rate units.
- (f) Affordable housing units are phased in during the overall construction process.
- (g) Affordable housing units should remain affordable for the length of time the building in question contains residential units or remains residential.
- (h) Final choice of the tenants to occupy the affordable housing units lies with the owners of the adaptively reused commercial and industrial buildings or their representatives. Owners of the adaptively reused commercial and industrial buildings or their representatives can choose a potential tenant from a pool of income eligible tenants as kept by the Kingston Office of Community Development and/or the Kingston Housing Authority. In the case that the owners of the adaptively reused commercial and industrial buildings or their representatives identify a potential tenant to occupy an affordable housing unit, apart from the pool kept by the Kingston Office of Community Development and/or the Kingston Housing Authority, that potential tenant must be judged income eligible by the Kingston Office of Community Development or the Kingston Housing Authority before he or she occupies the affordable housing unit.

(i) The Kingston Office of Community Development will be responsible for ensuring the long-term affordability of the residential units within the Mixed Use Overlay Zoning Districts. This includes ensuring that 20% of the units within the appropriate adaptively reused commercial and industrial buildings are dedicated to affordable housing.

(2) Mixed-use, mixed-income, pedestrian--based neighborhoods.

(a) The adaptive reuse of buildings should encourage residential uses above retail or commercial uses.

(b) The safety, comfort and interest of pedestrians should be integrated into the adaptive reuse site plans.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING UNIT — A dwelling unit available at a cost of no more than 30% of the gross household income of households at or below 80% of the Ulster County Medium Income.

QUALIFIED AFFORDABLE HOUSING TENANT — An individual or family with household incomes that do not exceed 80% of the medium income with adjustments for household size.

D. The following uses are subject to the issuance of a special permit by the Planning Board in accordance with the provisions of § 405-32 of this chapter:

(1) The conversion of existing commercial or industrial buildings, or sections of them, into residential apartments and went/live spaces of which some will be dedicated as affordable housing. Such uses will be subjected to § 405-30, Site development plan approval.

(2) Site and building enhancements that promote a mixed-use, mixed-income, pedestrian-based neighborhood. Such uses will be subjected to § 405-30, Site development plan approval.

E. Provision of affordable units. The Planning Board shall deny any permit for development under this zoning chapter if the applicant for special permit approval does not comply, at a minimum, with following requirements for affordable units:

- (1) At least 20% of the residential units in the adaptive reuse of commercial or industrial buildings, of five or more units, shall be established as affordable housing units for rental to qualified affordable housing tenants.

F. Provisions applicable to affordable housing.

- (1) Siting of affordable units. Affordable housing units should be dispersed throughout the proposed adaptive reuse project.
- (2) Minimum design and construction standards for affordable units. Affordable housing units within the market rate units shall be integrated with the rest of the development and be indistinguishable from market rate units in design, appearance, construction and quality of materials.
- (3) Timing of construction of affordable units. Affordable housing units shall be provided coincident to the development of market rate units.

G. Development standards applicable to the adaptive reuse of commercial and industrial buildings that promote a mixed-use, mixed-income, pedestrian-based neighborhood. Intent: The safety, comfort and interest of pedestrians relates to the extent to which buildings face streets and public open spaces with entrances, windows and usable outdoor space.

- (1) Street level building spaces shall be limited to commercial activities with residential spaces allowed at the second or above floors.
- (2) Primary entrances of buildings shall face a street or small park.
- (3) Sheltering elements shall be included as part of the adaptive reuse site plans.
- (4) Shade trees shall be essential features of adaptive reuse site plans.
- (5) Human-scale lighting shall be essential features of adaptive reuse site plans.
- (6) Small parks should be encouraged as part of the adaptive reuse site plans.
- (7) Reinforce pedestrian connections between building and street, between buildings and through parking lots as part of the adaptive reuse site plans.
- (8) Minimize the dominance of parking, screen parking lots from the street and make

parking lots cooler as part of the adaptive reuse site plans.