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Municipality:	City of Kingston
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Title:	City of Kingston Rondout Creek & Hudson Riverfront Districts Ordinance
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Abstract

This law creates the Rondout Creek and Hudson Riverfront Districts, in order to afford priority to water dependant uses, achieve public access to the coastal area, control development, and to implement the policies and purposes of the City of Kingston Local Waterfront Revitalization Program. This law also sets up a permit and special permit system, for person's seeking to build or conduct certain activities within these protected districts.

Resource

City of Kingston NY Rondout Creek and Hudson Riverfront Districts
Code of the City Of Kingston NY
Chapter 405: Zoning
General Code

§ 405-25. RF-R Rondout Creek and RF-H Hudson Riverfront Districts. [Added 7-7-1992; approved 7-8-1992]

- A. Purpose of districts. The purpose of the Riverfront District RF-R Rondout Creek and RF-H Hudson Riverfront District is to afford priority to water dependent uses, achieve public access to the coastal area, control development, create distinct Hudson River and Rondout Creek waterfront districts and to implement the policies and purposes of the City of Kingston Local Waterfront Revitalization Program. Further, it is the purpose of the districts to provide opportunities for permanent public views and access to the Hudson River and Rondout Creek and to encourage the phase out of certain uses which are incompatible with and detract from the Hudson River and Rondout Creek waterfront areas.

B. Uses permitted by right in the RF-R and RF-H Districts. A building may be erected, reconstructed, altered, arranged, designed or used, and a lot or premises may be used, for any of the following purposes by right and for no other:

(1) The manufacture, assembly or repair of marine products such as boats, sails and hardware. The open storage prohibition of § 405-30 (elimination of certain nonconforming uses) shall not apply here.

(2) Charter boat operation.

(3) Mariculture and aquaculture activities.

(4) Fishing/marine supply stores.

(5) Wholesale and retail fish stores.

(6) Community centers when part of coastal public access, urban cultural park or recreational access.

(7) Municipal parks, playgrounds and beaches.

(8) Scientific, historic, artistic and educational activities and uses which, by their nature, require access to coastal waters.

(9) Structures needed for navigational purposes.

C. Zoning use incentives.

(1) In order to recognize that the Kingston waterfront area is attractive for a variety of uses which are not water dependent while at the same time achieving the goals of the Kingston Local Waterfront Revitalization Program, the following uses are allowed in the RF-R Rondout Creek District and RF-H Hudson Riverfront District by special permit whenever the owner dedicates meaningful, permanent public access along and where appropriate, across the property to the dry shore area. The Planning Board shall have the authority to waive the requirement to provide meaningful permanent public access when the property does not have direct water frontage. Further, any of the uses permitted by right as listed in Subsection B above may be allowed in conjunction with any of the uses listed below: [Amended 10-3-2000; approved 10-13-2000]

(a) Restaurants.

- (b) Hotels and bed-and-breakfasts.
 - (c) Retail stores.
 - (d) Offices.
 - (e) Dwellings for one or more families, including townhouses in accordance with provisions of the Lot and Bulk Schedule, and § 405-30, Site development plan approval. Such uses shall be subject to the restriction in § 405-13A(4). Further, any of the uses permitted by right as listed in Subsection B above may be allowed in conjunction with this use.
- (2) "Meaningful, permanent public access" is defined as safe and unobstructed access to and along the dry, nontidal or nonsubmerged shore areas for all members of the public to attempt to provide a continuous public access system to and along the waterfront and/or public rights-of-way. Such access shall be in the form of a permanent easement or the granting of fee title to the City of Kingston. Access 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.
- D. Special permit uses. The following uses are permitted in both the RF-R Rondout Riverfront District and the RF-H Hudson Riverfront District subject to the issuance of a special permit by the Planning Board, in accordance with provisions of § 405-32 of this chapter:
- (1) Annual membership clubs other than tennis, marinas 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, subject to the requirements of § 405-10B(6). Such clubs shall not contain transient or permanent dwelling units.
 - (2) Mass transit. Historic and/or alternative modes of transport; structures that facilitate public access; and are set back from the waterfront.
 - (3) Flooding and erosion protective structures.
 - (4) Structures needed for public educational, recreational activities and boat launches.

(5) Marinas and related uses such as sale of marine supplies, services, fuel, equipment or annual membership clubs which are water dependent. The following standards shall apply to all new marina project proposals as well as projects for expansion of existing marinas:

(a) In general, all new marina proposals or expansion of existing marinas shall, as appropriate, include sufficient parking, parklike surroundings, toilet facilities, and marine pumpout facilities.

(b) In evaluating proposals for new marina construction, the City of Kingston will favor those proposals which involve alternative ways of providing for the needs of boaters. In order of preference, these alternatives are:

[1] Dry stack facilities with the minimum number of wet slips needed to provide efficient operation;

[2] Rehabilitation and alteration of existing marinas;

[3] Open water facilities;

[4] Upland basin marinas through excavation, provided that water quality and other environmental considerations can be maintained; or

[5] Any combination of these four approaches.

(c) The Planning Board shall require a secured bond or money in escrow that will be sufficient to hire an independent contractor to complete any conditions imposed or to effect any limitations or to restore the project area to its original condition in the event of a failure by the applicant to comply with the conditions or limitations of the special permit. The amount of bonds or escrow posted shall be as approved by the Planning Board.

(d) To the extent feasible, marina basins shall be designed for maximum tidal flushing and circulation due to both river/creek currents and the action of wind while maintaining safe levels of wave action within the protected basin. Minimum design criteria to promote a flushing include:

[1] Basin and channel depths shall not be deeper than the prevailing depths in the water body to which they connect.

[2] Basin and channel depths shall gradually increase toward open water

or basin entrances.

[3] Openings shall be provided at the opposite ends of enclosed basins to establish flow-through circulation. Only one opening must be navigable. The other opening or openings shall be as large as practicable to promote circulation. Culverts or other enclosed conduits may be used in place of open channels.

[4] The configuration chosen shall minimize or prevent the formation of stagnant water zones that tend to collect debris or cause shoaling or flushing problems.

- (e) Marinas shall be located in areas where minimal physical attributes required by marinas already exist and where minimal initial and subsequent maintenance dredging will be required. Such physical attributes include natural depths at or exceeding minimal navigable depths, low rates of sediment transport and sufficient tidal action to promote flushing. Dredging shall be limited to the minimum dimensions necessary for the project. The City may authorize dredging or other marina activities only on a seasonally restricted basis in the Rondout Significant Fish and Wildlife Habitat. Marinas shall not be permitted in areas that would require frequent maintenance dredging that would harm aquatic life or would prevent the relocation of benthic organisms. Such areas would include those which would require maintenance dredging more often than once every five years.
- (f) Applicants must demonstrate that there is an adequate water supply to serve all of the projects needs.
- (g) Sewage pumpout facilities shall be provided at new marinas and expansion of existing marinas at a minimum rate of one pumpout station for every 100 wet slips, or fraction thereof.
- (h) Adequate rest room facilities for the exclusive use of marina patrons will be required to discourage any overboard discharge of sewerage from boats and to protect water quality. The number of toilets required for any given marina shall be determined by the nature and size of the marina and by its specific site locations.
- (i) The applicant must demonstrate adequate capacity to properly dispose of or treat all sanitary wastes generated by the project.

- (j) An ample number of signs must be provided to identify the location of public rest rooms and of pumpout facilities. Signs must also fully explain the procedures and rules governing the use of the pumpout facilities. Pumpout facilities shall be available to all boaters, regardless of whether they are patrons of the marina.
- (k) Dedicated parking spaces shall be provided at a minimum rate of 0.60 spaces/slip plus whatever additional spaces are required for employees and required by this Code for separate retail activities on premises.
- (l) Rainfall runoff becomes polluted with oils, greases, organic and inorganic wastes and other potentially harmful substances. It is the intent of the City of Kingston to limit, to the extent feasible, the introduction of these contaminants into the waters surrounding the City. Therefore, new parking areas shall utilize porous pavements or other approved measures to reduce rainfall runoff. New marina projects must incorporate best management practices in their design, including, but not limited to, the following:
 - [1] Maximize pervious land surface and vegetative cover to minimize stormwater runoff and to prevent polluted waters from reaching adjacent waters and wetlands. Direct runoff away from adjacent waters and wetlands to the extent feasible by site grading or other methods.
 - [2] Runoff from parking lot maintenance, fueling and washdown areas must be provided and treated in a manner that prevents oils, grease and detergents from reaching adjacent waters and wetlands. Accepted treatment methods include oil and grease filtering catch basins, retention areas and exfiltration systems.
- (m) Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste. A maximum spacing of 100 feet between receptacles shall be maintained on all piers and docks.
- (n) The underwater positions of piers and docks, including piles, shall not be constructed using creosote-treated lumber.
- (o) All marinas shall institute spill prevention emergency response plans. Automatic cutoffs for hoses in the event of an accident are mandatory.

E. Accessory uses in both the RF-R and RF-H Districts shall be limited to the following:

(1) Parking.

(a) Off-street parking in accordance with the requirements of § 405-34.

(b) No parking shall be located within 10 feet of the waterfront in the RF-R Rondout Creek District except where public access is provided and there it shall be 25 feet. No parking shall be located within 25 feet of the waterfront in the RF-H Hudson Riverfront District.

(2) Signs in accordance with the requirements of § 405-36.

(3) A garden house, toolhouse, playhouse, greenhouse or swimming pool incidental to a permitted or special use, subject to the requirements of § 405-9C(4).

(4) Keeping of customary household pets, but excluding the commercial breeding or keeping of the same.

(5) Fences, hedges or garden walls limited as in § 405-9C(8).

F. Lot and bulk requirements. All lot and bulk requirements for all districts are to be found in the schedule at the end of this chapter. The exceptions to these requirements are as follows:

(1) Bulk regulations. The following regulations shall apply to all construction within the RF-R Rondout Riverfront District:

(a) Building height and setback.

[1] No building or structure shall be erected within 10 feet of the Rondout Creek, Abeel Street or East Strand except for a marina building, fuel service building or dock, or a marina service building requiring direct connection to the waterfront to service boats. Such buildings shall not exceed 15 feet in height.

[2] No portion of a building or structure, other than a water dependent use, shall be erected from within 11 to 25 feet of the Rondout Creek and exceed 25 feet in height.

[3] No building or structure shall be erected to a height in excess of 35 feet (maximum 2 1/2 stories) from 25 to 100 feet of the Rondout Creek.

[4] Beyond 100 feet from the Rondout Creek, building height with structural parking within the building may be increased to a height of 42 feet (maximum of 3 1/2 stories) above grade. Further, maximum height shall in no case exceed 65 feet above mean high tide level. The maximum length of elevation parallel to the waterfront shall be reduced 25% if height is increased above the permitted height.

(2) Bulk regulations. The following regulations shall apply to all construction within the RF-H Hudson Riverfront District:

(a) Building height and setback.

[1] No building or structure shall be erected within 10 feet of the Hudson River or North Street, except for a marina building, fuel service building or dock, a marina service building requiring direct connection to the waterfront to service boats. Such building shall not exceed 15 feet in height.

[2] No portion of a building or structure, other than a water dependent use, shall be erected from within 11 to 50 feet of the Hudson River and exceed 25 feet in height.

[3] No building or structure shall be erected to a height in excess of 42 feet (maximum 3 1/2 stories) from 50 feet to within 100 feet of the Hudson River.

[4] Beyond 100 feet from the Hudson River, building height with structural parking within the building may be increased to a height of 55 feet above grade. Further, maximum height should in no case exceed 65 feet above mean high tide level.

[5] "Height" shall be defined as the vertical distance from grade to the level of the highest point of the roof if the roof is flat or mansard, or to the mean level between the eaves and the highest point of the roof if the roof is of any other type. Where the roofs are of varying height, the arithmetic average height of the roofs shall be used.

(b) Floor area ratio (FAR). When a FAR applies to construction within this district, area devoted to structured parking shall not be regarded as contributing to the total floor area.