



URBAN AGRICULTURE PLANNING & ZONING STUDY

PHASE 2

POSITIVE POLICIES FOR LOCAL FOOD SYSTEMS CHANGE

Prepared on behalf of the City of Kingston, the Kingston Common Council implementation of urban agriculture practices in Kingston, New York. This work was funded by the Local Economies Project and administered by Family of Woodstock. Researched and written by Hone Strategic LLC, an urban planning, historic preservation, and development advising firm located in Kingston New York.

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TABLE OF CONTENTS

TABLE OF CONTENTS	3
EXECUTIVE SUMMARY	5
INTRODUCTION TO PHASE 2	5
Strengthening Kingston’s Local institutional Climate	6
REPORT CONTENTS	7
1. KINGSTON’S FOOD AND FARMING LANDSCAPE	9
THE URBAN AGRICULTURE MOVEMENT IN KINGSTON	9
URBAN AGRICULTURE IN KINGSTON TODAY	12
FOOD JUSTICE AND SECURITY	13
POLICY CONTEXT	18
Zoning	18
Comprehensive Plan	19
INSTITUTIONAL CLIMATE: PARTNERS & STAKEHOLDERS	Error! Bookmark not defined.
FUTURE POTENTIAL FOR URBAN AGRICULTURE	20
2. RECOMMENDED ZONING AND RELATED ORDINANCE CHANGES	23
3. BEYOND ZONING: COMMON BARRIERS AND RECOMMENDATIONS	24
1. Site Selection and Suitability	25
2. Understanding Permits and Regulations	25
3. Practitioner Knowledge & Best Practices	26
4. Land Access	26
5. Soil Contamination	27
6. Language Barriers	28
7. Neighbor Conflicts	28
8. Economic Viability of Projects	29
4. FINAL RECOMMENDATIONS	29
5. REFERENCES	31

Photo and Picture Credits	32
6. APPENDICES	33
Appendix XX. Kingston’s Urban Farms and Gardens	50
Appendix XX. Partners and Stakeholders	53
Appendix XX. Stakeholders (& Contact Information)	60
Appendix XX. Kingston “City Streets without Water Mains”	64
Appendix XX. Kingston Urban Agriculture Zoning Conference Call	65
Appendix XX: Summary of Suggested Amendments and Policy Changes to Allow Urban Agriculture	34
Appendix A. Proposed Urban Agriculture Zoning	35
Agricultural Districts	71

EXECUTIVE SUMMARY

INTRODUCTION TO PHASE 2

Phase 1 of Kingston’s Urban Agriculture Planning and Zoning Study, published in 2014, proposed recommendations to incorporate local food production into Kingston's Comprehensive Plan, zoning, and related city policies.¹ The Kingston Urban Agriculture Committee (KUAC) was convened for the purpose of this project from a large group of individuals and organizations working on food production and food security issues.

This report, Phase 2, builds upon the previous report by recommending medium- and long-term organizational and policy actions to support urban agriculture in Kingston and create “Positive Policies for Local Food Systems Change.” Additionally, this report provides recommendations to support new and existing farmers through common non-policy barriers to urban agriculture and gardening.

The goals of this report are threefold:

- To encourage partnerships, capacity-building, communication, outreach, and education among the many individuals, community organizations, government agencies and private enterprises currently involved in some aspect of food production in our area.
- To provide recommendations to strengthen the local institutional climate for urban agriculture, including best practices for government and institutional policy changes and successful program approaches.
- **To recommend specific zoning language for urban agriculture to be adopted as part of the Kingston 2020 Comprehensive Plan Zoning Update.**

¹ Phase 1 of the Urban Agriculture Planning and Zoning Study can be downloaded at: grow-kingston.org/wp-content/uploads/2014/04/final-urban-ag-package-phase-1.pdf

Strengthening Kingston's Local institutional Climate

As highlighted in Phase 1, the strength of Kingston's local institutional climate is essential to the success of new urban agriculture ventures. This assertion is based on a review of best practices across the country, all of which suggest that the strength of the local institutional climate is the primary factor for the success of local urban agriculture efforts.² Supporting and promoting a positive vision for urban agriculture is the basis for strengthening the local institutional climate in Kingston. This approach challenges local institutions to assess and define their roles, attitudes, willingness, capacity, and networks to support urban agriculture.³ The Phase 1 report provided recommendations (pages 3-10) to help strengthen Kingston's local institutional climate around urban agriculture, which included:

Establish mechanisms to facilitate cooperation and partnerships between relevant city departments, food banks, and other community services to promote UA [urban agriculture]; fund and staff a formal municipal community garden program to manage UA initiatives throughout the city.

Develop evaluation criteria and review of parcel suitability for UA.

Form an Urban Agriculture Commission (this may begin as a committee of the CAC or continue as our ad hoc Urban Agriculture Committee) to review plans and policies and make recommendations on urban agricultural issues.

Growing the city's capacity to support a vibrant urban agriculture sector will require a coordinated effort that encourages collaboration among a growing community of practitioners and organizations, engagement in proactive policy development that removes barriers, and very strategic high-leverage investment. Rather than building a hierarchy, we recommend connecting existing resources through a networked approach. This report provides recommendations for policy, zoning, and best practices to strengthen the local institutional, political, and community climates towards agricultural activities in Kingston and to reduce barriers to these initiatives.

The primary audiences addressed in this report include:

- government entities and regulators (the “regulatory framework”), and
- the local institutions and organizations that support urban agriculture (the “support network”).

The success of new farmers and urban agriculture initiatives is dependent on the establishment of a supportive regulatory framework. Regulators include city and county governments, departments, and relevant committees that advise on, review, approve, or propose policies that directly impact urban agricultural activity. These initiatives are largely influenced and guided by community institutions and stakeholders in the local support network for urban farmers and advocate for farming-

² (Kaufman and Bailkey 2000)

³ (Kaufman and Bailkey 2000)

friendly policies. The coordination and collaboration of these three layers are critical to strengthening the city's local institutional climate.

REPORT CONTENTS

Section 1 provides an overview of the context for urban agriculture in Kingston, as well as an update of urban agricultural activities in Kingston since Phase 1 (published in 2014). Up-to-date lists of Kingston's urban gardens and farms, key stakeholders, and food justice programs are provided. A map showing all urban agriculture locations in the city is provided, as well as additional analyses to inform where future agricultural activity may be suitable.

Urban agriculture in Kingston is largely prohibited by antiquated zoning ordinances, and is a primary barrier for starting an urban garden and farm. Based on our analyses of existing conditions, trends, and barriers to agriculture, **Section 2** provides an overview to recommended zoning and related ordinance shown in its full text form in **Appendices A and B**. **Prior to adoption, this must be coordinated with the Kingston 2025 Comprehensive Plan Zoning Update, which is not complete as of this draft.** These recommendations are intended to inform the work being pursued by Shuster-Turner Associates, who are responsible for updating the city's overall zoning code. They are intended for inclusion in the proposed zoning changes for adoption by the City of Kingston's Common Council.

Specific recommendations for zoning include:

- definitions and use standards;
- agricultural uses;
- secondary and accessory structures;
- market farms;
- fences and screening, including temporary fences;
- residential gardens;
- gardening in public parks;
- signage;
- appearance standards;
- parking and loading requirements;
- composting and waste;
- weeds;
- municipal water; and
- allowances for prescribed burns.

Section 3 provides non-policy recommendations for local government and institutions to support local urban farmers or those just starting a farm or garden. Recommendations addressed in this section include how government and institutions can support farmers in selecting suitable land; navigating the permitting process for structures and sales; assessing levels of soil contamination; addressing language barriers and neighbor conflicts; and resources for financing an urban farm or garden.

Final recommendations for food system change, including studies and analyses, are provided in **Section 4**. The report concludes with "next steps" for supporting the growth of urban agricultural activity in Kingston as part of a broader movement for localizing food production and improving access to healthy foods for Kingston's residents.

Section 5 includes all appendices and additional materials referenced throughout the report, including references, maps, zoning, local resources, and stakeholder contributions.

1. KINGSTON'S FOOD AND FARMING LANDSCAPE

THE URBAN AGRICULTURE MOVEMENT IN KINGSTON⁴

The current urban agriculture movement in Kingston has been propelled by the work many citizen activists and local organizations throughout the past decade. These change agents have coalesced around pursuing healthier lifestyles in Kingston, and their interest in urban agriculture has resulted in several farming initiatives and gaining the support of elected officials and government agencies. The Urban Agriculture Committee of Kingston was formed in 2013 to support these efforts and commissioned a report on urban agriculture. The vision of the Urban Agriculture Committee is to create an environment in the City of Kingston that can increase the productivity, understanding, and economy of local food in a way that is healthy and beneficial to all its residents.

To date, three Kingston Common Council resolutions and a Mayoral proclamation show the executive and legislative intent and demonstration the commitment to systemic change. In 2015, the City of Kingston's Common Council adopted a new comprehensive plan, called Kingston 2025, superseding the City's previous comprehensive plan last updated in 1961. Led by a group of interested citizens, the Kingston Urban Agriculture Committee sought expert advice on how to proceed with amendments to these documents so that the City of Kingston can better support local food production and allow it to flourish. In 2017, the City of Kingston is working to amend the antiquated zoning code to align with the vision and goals of the new comprehensive plan, which does not currently contemplate agricultural activities, and in some cases may even prohibit them.

Citizens and organizations in the city are highly engaged in many urban agricultural activities, from community gardens to beekeeping. The Kingston Farmers' Market was established in 2000 and has become a very popular destination. It currently hosts 42 vendors at 40 year-round markets, attracting approximately 2000 people to each market. Another early development in Kingston's food culture shift was the opening of the Queens Galley in 2007, a soup kitchen with a philosophy of dignity: fresh, chef-prepared, waiter-staffed meals. It served 750,000 meals a year until it closed at the end of 2013. A number of other soup kitchens exist in Kingston; nine are identified in this report.



⁴ Adapted from Phase 1 Report.

The Kingston Land Trust, the Kingston Parks and Recreation Department, the Kingston City School District, and Cornell Cooperative Extension of Ulster County all began programs in 2008 and 2009 to support healthier food access and community farming, including a program that helped Kingston City School create gardens. In 2009 and 2010, respectively, the South Pine Street Farm and the YMCA Farm Project were established, and continue to operate as the city’s “anchor” gardens. These community farm projects focus on engaging youth and providing education to local community members about growing food, healthy eating, and cooking. In 2010, the Dig Kids program was established by the Kingston Land Trust (and later transferred to the Family of Woodstock and Kingston Cares) as an education program aimed at teaching Kingston’s youth about how to “grow food, learn farming practices, encourage entrepreneurship, beautification, pride and good health through hands on farming experiences.” The YMCA Farm Project also hosts a Little Farmers program for preschoolers and a summer camp called Camp Starfish for 5-12 year olds.



Kingston’s urban agriculture movement is continuously evolving and gaining support. These initiatives have become increasingly synchronized with local food justice and healthy living efforts. The following organizations have been lead coordinated efforts to improve access to healthy food in collaboration with Kingston’s farms and garden programs.



Live Well Kingston has been a leading force in promoting healthier lifestyles for Kingston’s residents. Centered around six wellness focus areas -- Eat Well, Work Well, Play Well, Age Well, Heal Well, Travel Well -- Live Well Kingston works to “facilitate policy, environmental, and systems changes that result in a healthy and active community.”⁵ The impetus for their work on “eating well” stems from the Ulster County Priority Health Indicator 2012 Report Card, which found that the leading causes of death in the county (heart disease and diabetes) were linked to diet. The childhood overweight and obesity rate in Kingston City Schools was 44 percent. Ulster County received a grade of “F” for child and adolescent rates of overweight and obesity.⁶ The “Eat Well” coalition has brought together partners and organizations from around the county to improve access to healthy foods. In 2017, the City of Kingston is working to hire a part-time Coordinator with the generous support of NoVo, to

⁵ livewellkingston.org/

⁶ www.plan4health.us/wp-content/uploads/2016/05/14.-APA-New-York-Metro-Chapter-1.pdf

assist with expanding the work and coordination of the Live Well focus teams.

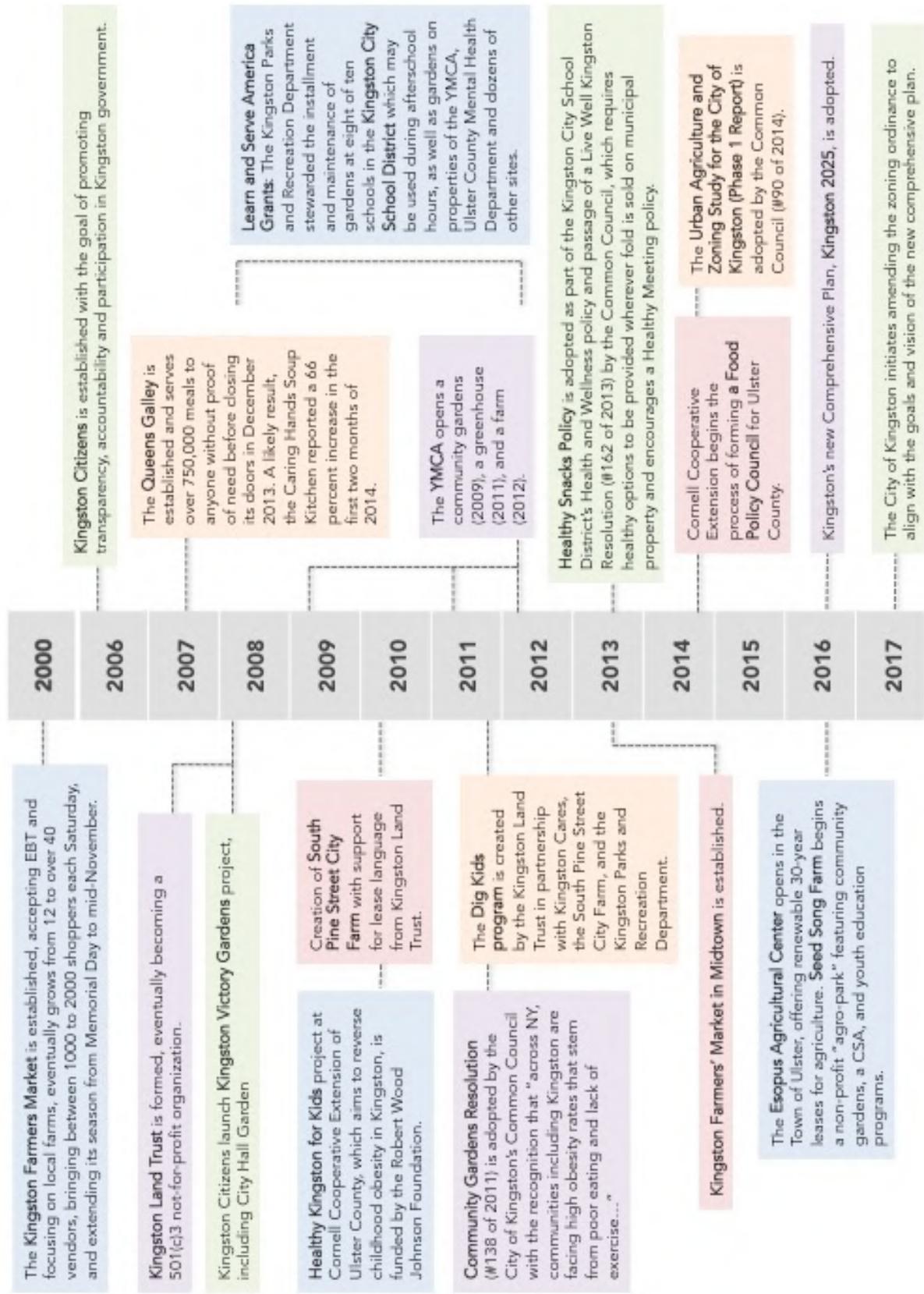
Cornell Cooperative Extension Ulster County's (CCEUC) Healthy Foods Task Force, which was formed by CCEUC's Healthy Kingston for Kids and Creating Healthy Places groups, has been another instrumental coalition in coordinating research and food justice initiatives in Kingston. In collaboration with Ulster Corps and the BOCES New Visions program, they coordinated a food vendor and food desert assessment for the City of Kingston in 2011-2012. In 2017, CCEUC developed a proposal to establish an Ulster County Food Systems Council, which would ultimately work coordinate the disjointed food-system and food-justice efforts throughout the county.

Ulster Corps is a leader in coordinating volunteers and partners to improve the distribution and processing of local foods to soup kitchens and pantries throughout Ulster County, which lead to the establishment of their "Hunger Project." They have established relationships with Family of Woodstock, Rondout Valley Growers Association's Farm to Food Pantry Program, Woodcrest Community, Mohonk Consultations, Cornell Cooperative Extension, CRREO at SUNY New Paltz, Huguenot Street Farm, Phillis Bridge Farm, along with other local farms and food pantries, to coordinate volunteer activities from gleaning to storage. Ulster Corp was also instrumental in the development of a map that shows the locations of food pantries, soup kitchens, and UCAT bus lines throughout Ulster County.

The **Local Economies Project (LEP)** food justice initiative seeks to provide resources to organizations that work to eliminate food insecurity and help the most vulnerable and food insecure. Their grantmaking program provides funding to organizations that promote food justice and access, with a focus on serving people of color, women, and immigrants. LEP forged a relationship with the **Community Foundations of the Hudson Valley** to provide funding to food justice and access projects. In 2014, they worked together to establish a "Food Bank Farm Stand" program with the Food Bank of the Hudson Valley in order to increase local produce distribution to food pantries in the region. The People's Place in Kingston hosted the first food bank farm stand, which provides free local produce to qualifying families on a weekly basis. LEP also provided the Community Foundations with an award to distribute funding to local organizations working to eradicate injustices in the local food system.

While this list is not exhaustive, it demonstrates the number of local actors and organizations involved in creating a connected and equitable food system. Urban agriculture has been a critical component of this work, and can continue to support new opportunities for improved access, education, and affordability. The following timeline of urban agriculture activities demonstrates the momentum and collaboration among them.

A T O O B E H I P A P I R I O F O B O R O S E R I O S I T Y



URBAN AGRICULTURE IN KINGSTON TODAY

Kingston is home to several community-oriented urban farms and gardens. Most of Kingston’s farms and gardens are located in Midtown Kingston, where underutilized urban space is abundant and where there is a need for improved access to healthy foods. Active farms and community gardens include:

- YMCA Farm Project and Community Gardens
- South Pine Street City Farm
- Liberty Street Gardens
- Everette Hodge Community Center Children’s Garden
- Rondout Gardens Community Garden
- Esopus Agriculture Center (in Town of Ulster)
- Seed Song Farm (in Town of Ulster)
- George Washington Montessori School Community Garden

A full directory of farms and gardens in Kingston is located in Appendix XX, which includes an address, web address, and description of their garden and programs. While these are the active farms and gardens to the best of our knowledge, we acknowledge that some may be missing. Feedback is welcome on additional locations that are active, and an additional survey may be necessary to identify additional projects.

The two farms that “anchor” the urban agriculture community in Kingston are the YMCA Farm Project and the South Pine Street City Farm. These two farms, both non-for-profit, provide fresh, affordable produce to Kingston’s residents and offer educational programs for adults and youth on growing food and cooking. Many smaller community gardens also exist in Kingston’s Midtown neighborhoods, including school gardens and community gardens hosted by local nonprofits. The map below shows an overview of existing urban farms and community gardens in Kingston, including the Esopus Agricultural Center in the Town of Ulster, which borders Kingston.

FOOD JUSTICE AND SECURITY

According to a 2012 report on food security in Ulster County, NY, “approximately three in every twenty Ulster County residents, and nearly one in five children, at times lack adequate food to meet basic nutritional needs.”⁷ Urban agriculture is a mechanism that can be used to alleviate food insecurity, especially in urban centers. The United Nation’s Food and Agriculture Organization (FAO) defines food security as a condition when “all people, at all times, have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.”⁸ The production of fresh foods in low-income neighborhoods not only alleviates hunger, but also provides households with more nutritious and healthful options. Lower-income and food-insecure families tend to have more diet-related health problems, such as obesity and diabetes, due to limited access to affordable and fresh food options (which are often found in large grocery stores or markets on the urban fringe). Food options in low-income neighborhoods are typically

⁷ www.ulstercorps.org/collaborations/hunger-project/crreo-report-food-insecurity-in-ulster-county/

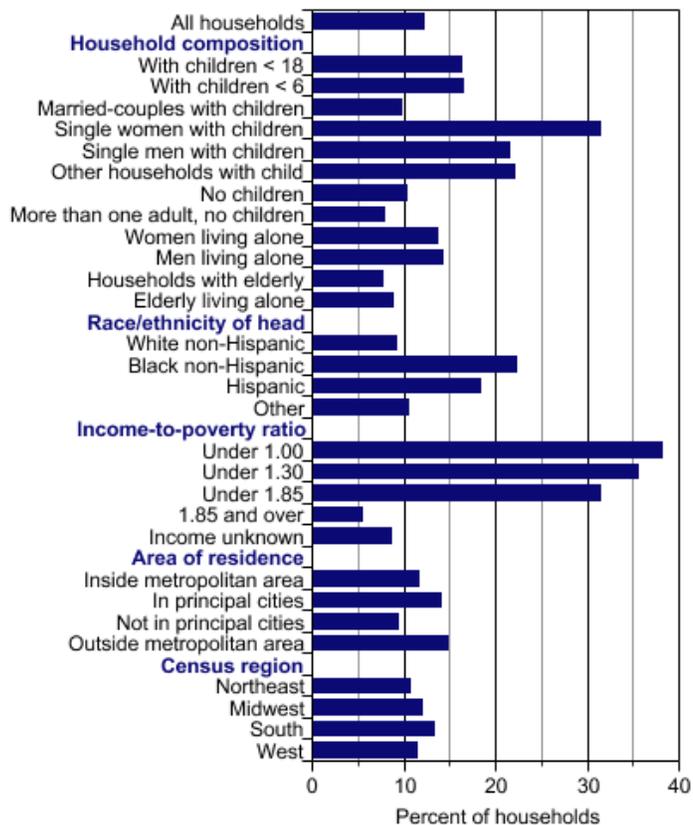
⁸ T. Lang, et al. (2009). *Food policy: integrating health, environment & society*. New York, NY: Oxford University Press.

limited to processed, non-perishable items from convenience or corner stores. There is a significant need to improve access to affordable, healthful food in areas of higher poverty to eliminate socioeconomic and health inequities.

Food insecurity in Kingston is consistent with national statistics (see chart below). Low-income households with incomes below 185 percent of the poverty threshold, those headed by single-parents with children, particularly children under 6 years old, and those that are black and hispanic, tend to have the highest rates of food insecurity (USDA 2016). The U.S.

Census Bureau (American Community Survey 2015 survey) estimates that 18.6% of Kingston’s total population lives in poverty. According to the U.S. Federal Poverty Guidelines, the 2015 poverty threshold for individuals (1 person in household/family) is \$11,770 and \$24,250 for a family/household of 4.⁹ Midtown’s neighborhoods have the highest concentrations of poverty in Kingston, where 23.4% of households have an income below the poverty level. Midtown includes two of Ulster County’s poorest census tracts (9520 and 9521), where nearly 25% of the population lives below the poverty level, with some block groups reaching as high as 44% and 37% of people in poverty. 39% of Midtown’s youth population (under the age of 18) live in poverty.¹⁰ Economic distress extends beyond poverty in Midtown, as 38% of households receive Food Stamps or SNAP.

Prevalence of food insecurity, 2016



Source: USDA, Economic Research Service, using data from the December 2016 Current Population Survey Food Security Supplement.

Meal and food assistance is an indicator of economic insecurity. In 2015, the Kingston City School District recognized the need to address food insecurity for children attending public schools in response to a study that reported an increase of students living in households experiencing economic distress (KSCD 2015). Approximately 60% of students in the school district receive free or reduced lunch, and all students attending Chambers, Edson, John F. Kennedy and George Washington Elementary Schools receive free lunch (KSCD 2015). There are 14 food pantries and soup kitchens serving Kingston’s

⁹ More information about poverty thresholds for different household sizes can be found at aspe.hhs.gov/2015-poverty-guidelines.

¹⁰ Data only available at the Census Tract level, which include Census Tracts 9519, 9520, and 9521.

food insecure populations. More than half of Kingston’s pantries and kitchens are located in and adjacent to Midtown Kingston, where food insecurity is prevalent among Midtown residents.

“We are living side-by-side in two worlds. Some of us shop for food regularly and conveniently in a range of venues, from full-service groceries to local farm stands. Others must obtain food wherever and however they can in a shadow system of food pantries, soup kitchens, and food distributions.”

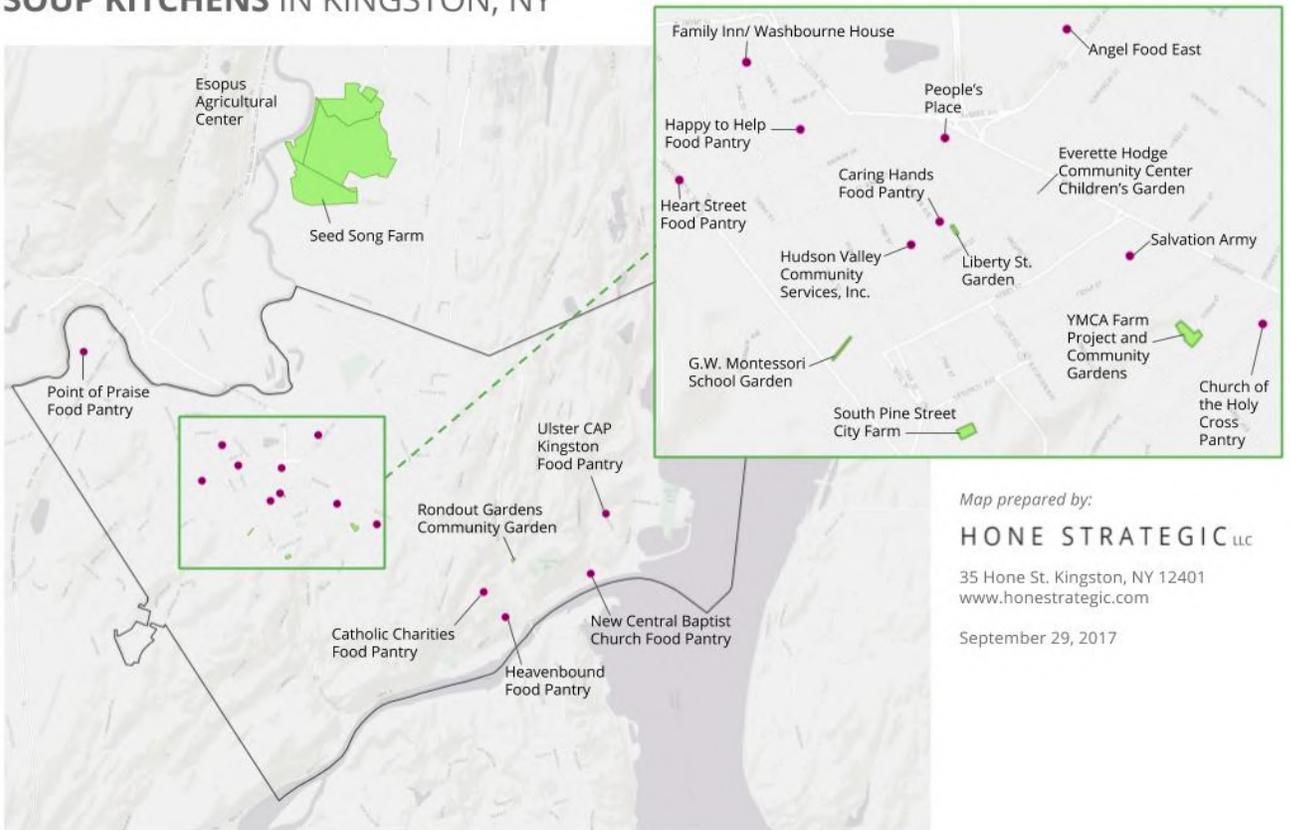
-Sue Books, SUNY New Paltz



Gleaning for local food pantries at Whirligig Farm, 2014 (Photo courtesy of Family of Woodstock)

Map XX, “Percentage of Households with Incomes Below the Poverty Level,” shows that most of Kingston’s urban farms and food pantries are clustered in Midtown Kingston, where there is a higher percentage of households living in poverty compared with the rest of the city. Promoting policies that allow more urban farms and community gardens to operate in areas where poverty is concentrated creates new opportunities for low-income households to save money on food and eat healthier meals.

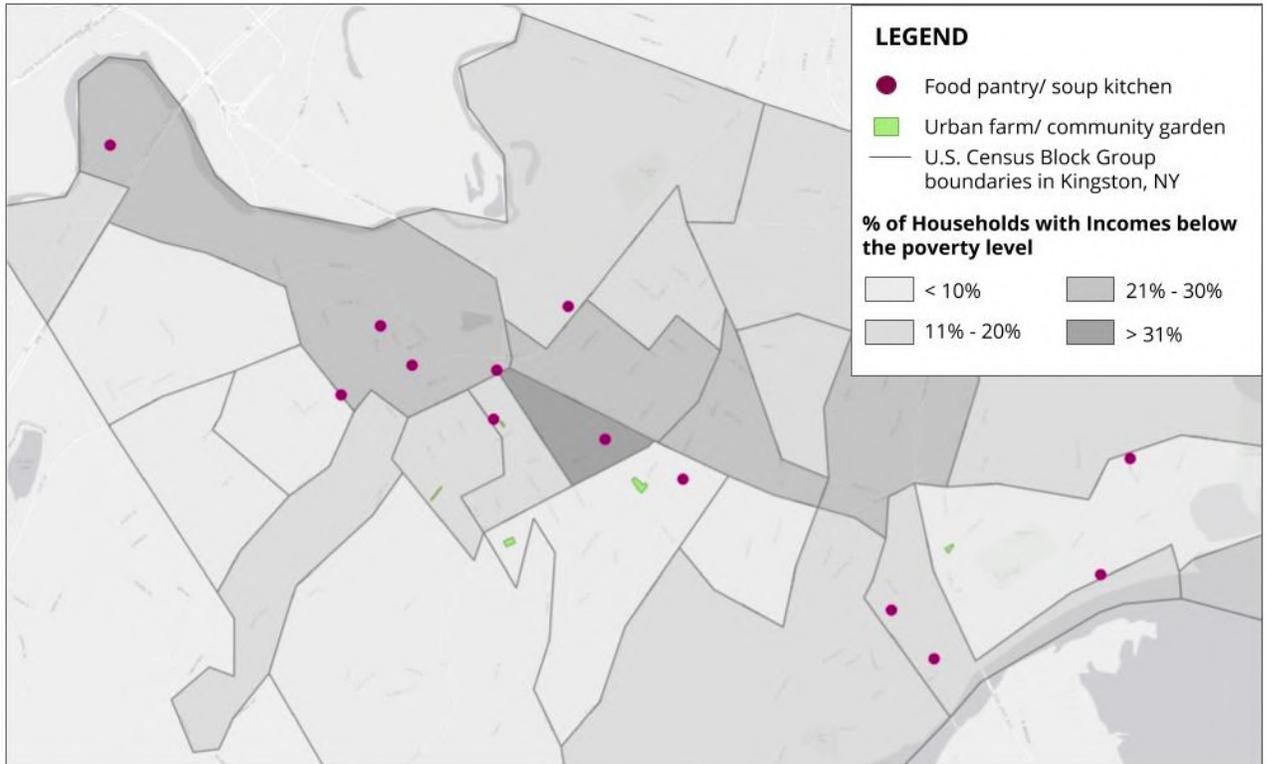
ACTIVE URBAN FARMS, COMMUNITY GARDENS, FOOD PANTRIES, AND SOUP KITCHENS IN KINGSTON, NY



Map prepared by:
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 September 29, 2017

Data Sources: ESRI, Google, Ulster County Real Property Tax Service Agency
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PERCENTAGE OF HOUSEHOLDS WITH INCOMES BELOW THE POVERTY LEVEL (2015)



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September 29, 2017

POLICY CONTEXT

The following policies set the parameters for urban agriculture in Kingston:

Zoning

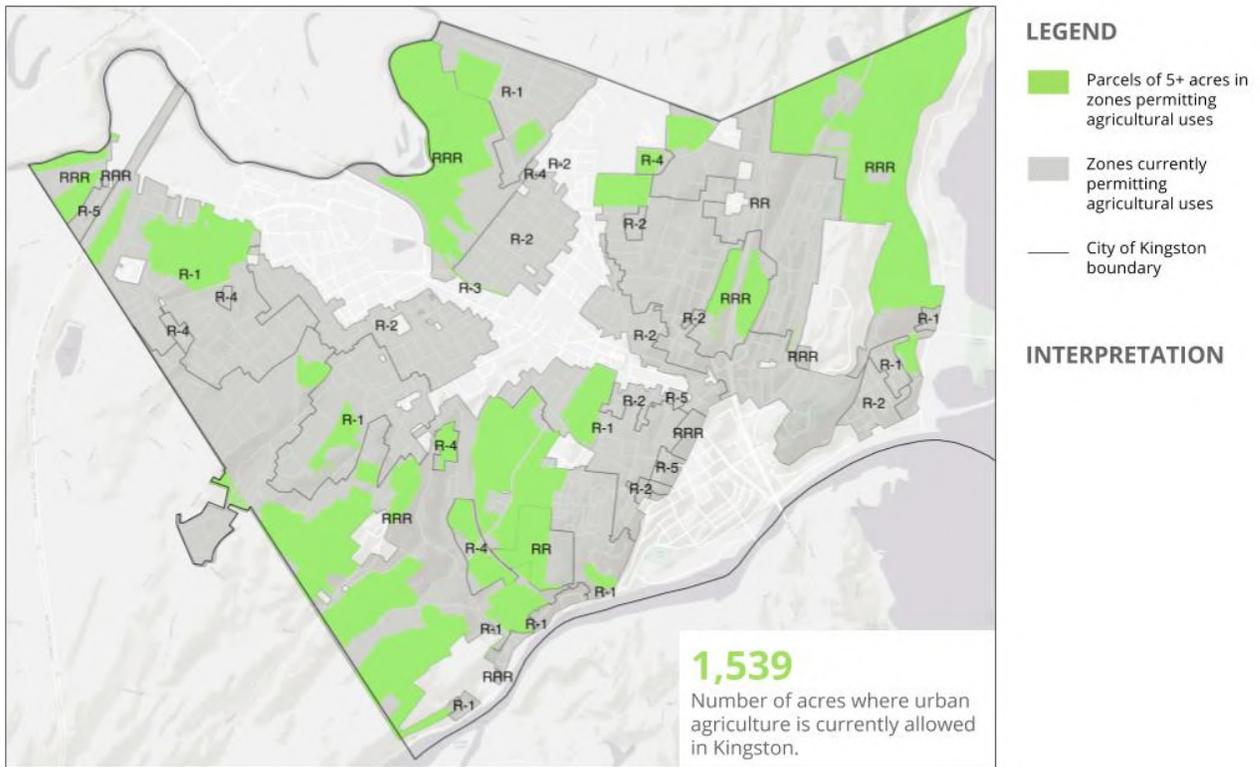
Agricultural uses are currently not allowed within commercial and industrial district or in residential lots under five acres. Of the 8,147 parcels in the city, **only 57 are residential lots of 5 acres or more, on a total of 1,539 acres, the only lots where farming is allowed. Agricultural activity is only permitted on lots greater than five acres in RRR, RR, R-1, R-2, R-3, R-4, and R-5 zones, but not in R-6, RT, other mixed use residential areas, or any commercial or manufacturing areas** (see full-sized map of where agriculture is currently allowed in **Appendix XX**). The majority of residential parcels in Kingston are less than a quarter acre, and thus only a small handful of properties in Kingston may legally grow food for sale. The prevalence of food insecurity has given rise to numerous food pantries, the majority of which are located in Kingston's poorest areas. Likewise, most of the community gardens have been locating in these neighborhoods.

Recommendations

The City should allow commercial food production more broadly. While this is not a panacea for the lack of fresh food access and food insecurity, it would allow for more economic activity to take place, with certain limits according to character, use, health and safety. As we discuss below, food insecurity is the highest in Kingston's most diverse and low-income areas, also identified as "Potential Environmental Justice Areas" (PEJAs). "Environmental justice refers to equity in the distribution of environmental benefits and in the prevention and reduction of environmental burdens across all communities." (Purifoy 2014).

Food Policy Councils (FPCs) have emerged in North America since the 1970s in response to the GAPS in the food policy arena. FPCs are typically made up of stakeholders from the five well-defined sectors in the food system: production, consumption, processing, distribution, and waste recycling. Working at the intersection of food justice and environmental justice, FPCs have the potential for making profound changes in the local food system (ibid). In 2013, Cornell Cooperative Extension of Ulster County (CCEUC) and the Health Alliance of the Hudson Valley (HAHV) sponsored a food policy council workshop, led by Mark Winne, a noted food systems consultant. With its Creating Healthy Places grant, CCEUC gathered a broad coalition of food system representatives, but the funding needed to form the FPC was not available, so the project was tabled. With the recent disbanding of the Healthy Ulster Council, including the Healthy Ulster Healthy Eating Working Group, there has been renewed interest in establishing an Ulster County FPC.

AREAS PERMITTING URBAN AGRICULTURE IN KINGSTON, NY*



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* As of September 2017

Comprehensive Plan

Kingston's recently adopted comprehensive plan, titled *Kingston 2025* (adopted in 2016), which prioritizes urban agriculture as a method for enacting local and regional food systems change (Objective 1.3). The plan identifies the following four strategies for achieving this goal:

Strategy 1.3.1: Inform the public to the benefits of Urban Agriculture.

Strategy 1.3.2: Incorporate urban agriculture into the new zoning code.

Strategy 1.3.3: Institute design review for urban agriculture projects.

Strategy 1.3.4: Allow urban agriculture in City parks.

The comprehensive plan sets the policy framework for guiding the development of and amendments to the city's zoning ordinance. The current zoning is aligned with the previous comprehensive plan, which was last amended in the 1960s. In 2017, the City of Kingston is working to amend its zoning code to better

accommodate agriculture and gardening activities throughout the city, in alignment with the goals outlined in the comprehensive plan. Our zoning recommendations can be found in Section 2.

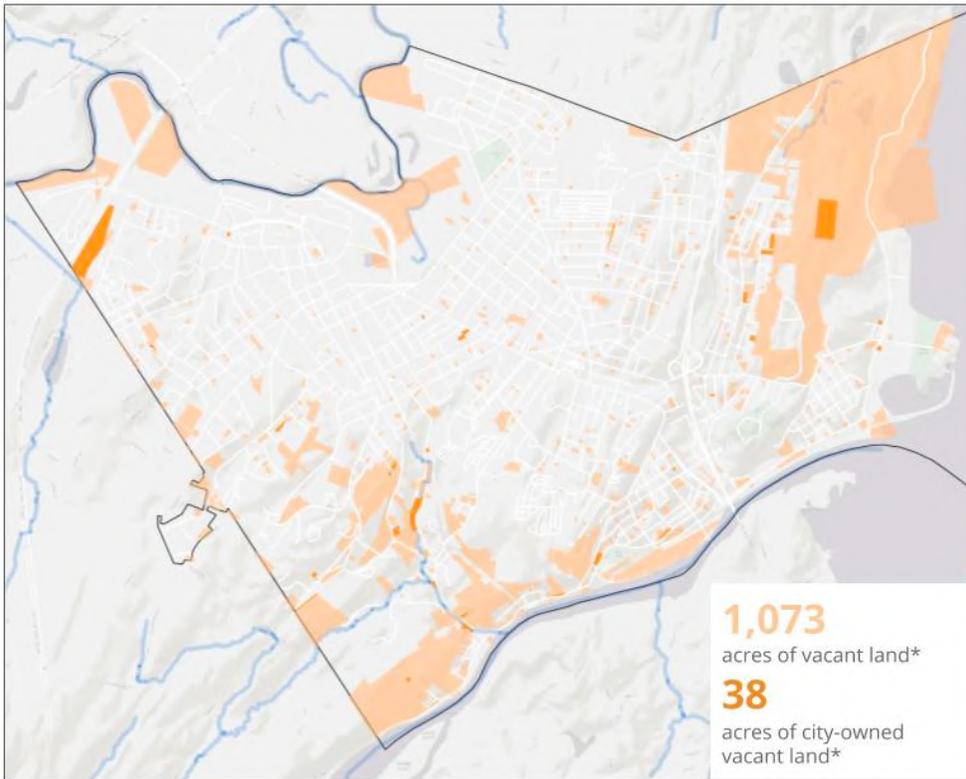
FUTURE POTENTIAL FOR URBAN AGRICULTURE

Kingston's comprehensive plan (2016) suggests broadening areas where agricultural activity is permissible to include small residential lots, commercial, mixed-use, manufacturing, and waterfront districts. Despite the intentions and work of Kingston's organizations to support urban agriculture, the current zoning cannot support further expansion. Where might urban farms and community gardens expand if they were not constrained to a specific land use but rather based on land characteristics and context? What is preventing this?

An update to Kingston's antiquated zoning ordinance can accommodate changes in current permissible land use and allowed activities on the land. A coordinated effort is needed to identify what changes must be made to support future urban farming and community garden projects, and identify locations where these activities can be supported. The following two maps identify all vacant and underutilized land in the City of Kingston, which could be considered as potential sites for a farm or garden. Not all land classified as vacant is necessarily suitable for urban agriculture, but could be considered as initial site for community gardens. Additionally, there are many privately-owned parcels that could also be considered for farming or gardening, but this would be up to the discretion of the landowner.

Kingston has 1,073 acres of land classified as vacant that could be suitable for agriculture (note: only of parcels greater than or equal to 5000 sq ft). While most of the large swaths of land are located on the outer edges of the city, there are many smaller lots in the city's Midtown and Downtown urban cores. Of this vacant land, there are 38 acres are vacant land owned by the City of Kingston. The second map shows the potential for where urban ag can expand beyond the current zoning. It highlights where agriculture is currently permissible under the zoning (in green), and shows a side-by-side visual of vacant land over 5000 sq. ft. that may be able to accommodate agricultural. For example, there are many opportunities for small-scale urban farms or gardens along Midtown Kingston's Broadway corridor and residential neighborhood, as well as near the Rondout waterfront.

POTENTIAL FOR **URBAN AGRICULTURE** IN KINGSTON, NY



LEGEND

- Vacant land*
- Vacant land owned by the City of Kingston *
- City of Kingston boundary

* Classified as "vacant" by Ulster County Real Property Tax Service Agency. This number includes parcels that are greater than or equal to 5000 sq. ft., the standard minimum amount of land need for an urban farm or community garden)

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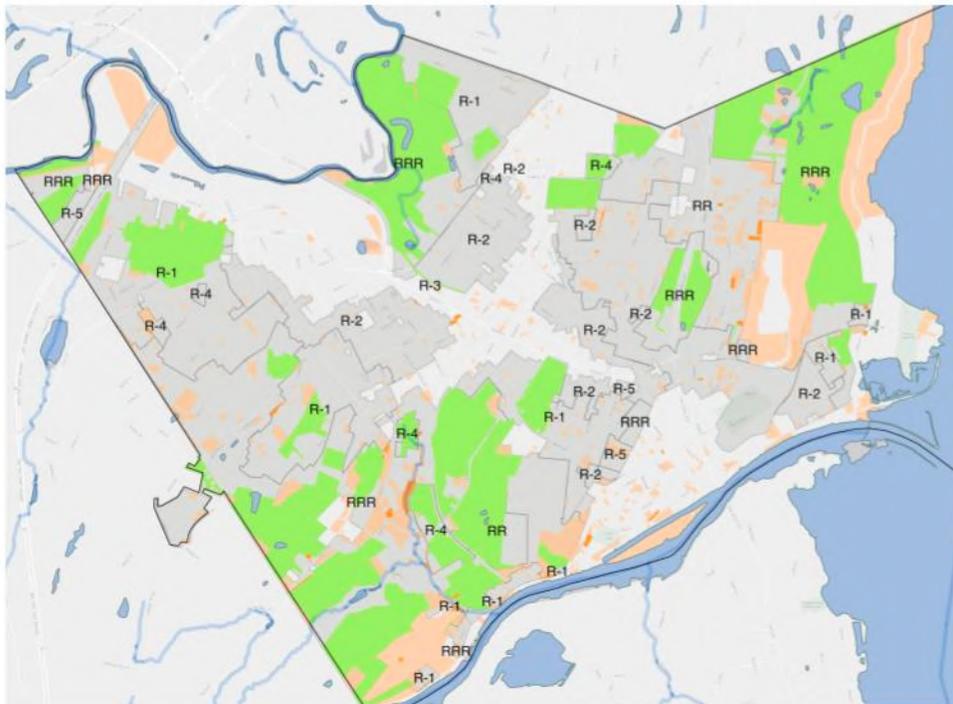
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URBAN AGRICULTURE IN KINGSTON, NY: EXISTING CONDITIONS AND AREAS FOR EXPANSION



LEGEND

- Parcels of 5+ acres in zones permitting agricultural uses
- Zones currently permitting agricultural uses
- Vacant land*
- Vacant land owned by the City of Kingston *
- City of Kingston boundary

* Classified as "vacant" by Ulster County Real Property Tax Service Agency. This number includes parcels that are greater than or equal to 5000 sq. ft., the standard minimum amount of land need for an urban farm or community garden)

1,539 Number of acres where urban agriculture is currently allowed **1,073** Acres of vacant land* **38** Acres of city owned land*

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Disclaimer: Map is not to scale. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

2. RECOMMENDED ZONING AND RELATED ORDINANCE CHANGES

The recommended zoning and ordinance language is provided in Appendix XX, “[TITLE]”. These additions and revisions are modeled after [Boston’s zoning code], and have been modified to align with proposed changes to Kingston’s zoning code. Revisions to ordinances should be coordinated with the Kingston 2025 Comprehensive Plan and zoning update. Specific recommendations in that report address:

- Definitions and Use Standards:
- Secondary/Accessory Uses
- Agricultural Uses
- Market Farms and Farm Stands
- Fences and Screening
- Temporary Fences
- Residential Gardens
- Signage
- Appearance Standards
- Parking Requirements
- Composting
- Loading Requirements
- Weeds
- Garbage
- Municipal Water
- Prescribed Burn
- Gardening in Municipal Parks
- Odors

3. BEYOND ZONING: COMMON BARRIERS AND RECOMMENDATIONS

Policy and zoning changes alone cannot address all barriers to starting and maintaining an urban farm or garden. From finding suitable land to navigating the permitting process, this chapter provides recommendations for local government and institutions to support farmers through these processes. Topics addressed in this guide include:

- Site selection, suitability, and approval
- Permitting process for structures and selling produce
- Lack of practitioner knowledge on best practices
- Accessing land
- Soil contamination
- Language barriers
- Neighbor conflicts
- Economic viability of projects

We recommend that the City of Kingston collaborate with local organizations to create and regularly maintain an up-to-date guide or website with resources for new or prospective urban farmers based on these recommendations. The following section highlights topics that should be addressed and provides recommendations beyond policy and zoning for city officials to consider as part of a comprehensive strategy to support urban agricultural activities.

1. Site Selection and Suitability

The most common barriers to starting an urban farm are finding a suitable plot of land in the city that can support agricultural activity and making sure agricultural activity will be compatible with the existing land uses of the neighborhood. This section provides advice and resources for finding a plot of land and assessing its suitability for agriculture.

Recommendations

1. Designate the City of Kingston's Parks and Recreation Department as the contact for community members looking for available areas in the city's parks and open spaces for a community garden.
2. Partner with the Kingston Land Trust to identify available land for farming. The Land Trust is launching a new land-matching program, which will connect prospective farmers looking for land to farm with private landowners looking for land stewards.
3. Identify land suitability criteria consistent with Kingston's new zoning. Provide links to resources that can help new farmers navigate this process.
4. Develop an easy-to-read guide on how to find land that meets the new zoning criteria for agriculture. Create a map to identify where these areas are.
5. Consider creating an incentive program for new farmers that chose to locate their urban farm or community garden in a DEC-designated Environmental Justice Area, low-income neighborhood or food desert, or a vacant lot.

2. Understanding Permits and Regulations

Navigating the process for permit approvals and understanding local regulations is often a burden for new urban farmers. Agricultural operations typically require special permits when the scale and size of operations, the structures associated with them, parking needs, and the potential for sale and distribution have implications for the neighborhood at large.

Recommendations

1. Create a streamlined "design review" process in which planning staff can approve minor exterior changes and improvements to properties. To date, Kingston's zoning ordinance does not allow for staff approval (e.g., planning, building department) of applications. Adoption of such a process would translate to more affordable, timely approvals of urban agricultural land uses and associated buildings.
2. Consider exemptions for structures under a certain size (e.g. cold frames, trellises, rain barrels) to streamline the permitting process.¹¹

¹¹ Source: Nihart, A., Robb, W., and Hyman, J. (September 2012). Burlington Urban Agriculture Task Force Report to Burlington City Council. Retrieved from livewellcolorado.org/wp-content/uploads/2015/10/12_UrbanAgTaskForceReport.pdf.

3. Allow exemptions from home occupation requirements for home-based food processing and food sales if food is grown and sold on site and the operation is small-scale (e.g. makes less than \$1000 per year).¹²
4. Once the new zoning is adopted, create and publish a checklist that clearly identifies all permits and regulations.

3. Practitioner Knowledge & Best Practices

Lack of practitioner knowledge on best practices for operating urban farms and gardens poses significant challenges for new farmers. With urban agriculture as a fairly new activity in urban areas, access to information, educational opportunities, and mentors may be weak or nonexistent. While Ulster County has a robust agricultural community, resources for starting a small city farm or garden in Kingston may be limited due to the small scale and unique nature of such projects.

Recommendations

1. Work to connect new or prospective farms with existing local resources. Cornell Cooperative Extension, Kingston Land Trust, and Hudson Valley Farm Hub are three examples of local organizations that offer resources on research-based best practices. Providing a list of local and national resources on the city's website or in a resource guide can help overcome this barrier by creating a "one-stop shop."
2. Establish a community organization or urban farmer support network to encourage information sharing and mutual support. Such a group could facilitate educational workshops, share resources on best practices, and encourage community-building and information-sharing among local farmers. An example model for this is Burlington Permaculture, a community organization in Burlington, VT that "facilitates education on permaculture and gardening by connecting neighbors, offering workshops, and sharing resources. The group aims to build a community and knowledge base in support of urban agriculture and a sustainable community in general" (Nihart, Robb, and Hyman 2012). More information about Burlington Permaculture can be found at: burlingtonpermaculture.weebly.com/.

4. Land Access

Many sites within a city can be considered for urban farms and gardens, such as publicly and privately owned land or vacant lots. Land acquisition methods are equally diverse, as land for urban agriculture can be purchased, leased, shared, or donated. However, new farmers may experience difficulty gaining access to land, whether by acquiring a site through a purchase or lease, or finding land that will support long-term agricultural tenure. This section of the resource guide details the different models for accessing land for agriculture, including direct purchase, land leases, land-matching, donations, and land-sharing.

¹² Source: Nihart, A., Robb, W., and Hyman, J. (September 2012). Burlington Urban Agriculture Task Force Report to Burlington City Council. Retrieved from livewellcolorado.org/wp-content/uploads/2015/10/12_UrbanAgTaskForceReport.pdf.

Recommendations

1. Be proactive in making land available for agricultural purposes. Options could include hosting stakeholder meetings to initiate land matching or land trust programs, drafting a model for shared-use agreements, or creating a database of city-owned properties that could accommodate a community garden. Seek collaborations with local organizations and institutions to launch and facilitate these initiatives.
2. Create a central repository of land in Kingston that is available and suitable for urban community gardens or farms. Maintenance of such an inventory could be coordinated by the Kingston Land Trust, as an extension of their Land Matching Program. Work with the Department of Parks and Recreation to identify public spaces in the city's parks that could accommodate community gardens.
3. Contemplate the role of the Kingston Land Bank as a mechanism for increasing access to available land for urban agriculture. Cities around the nation have developed creative ways for reducing parcel vacancy through land banks and redevelopment authorities. See the example below about Houston, TX's LARA program.

Land Tenure Challenges: Land Assemblage Redevelopment Authority, Houston, TX



“An urban farm in Wilmington, Delaware, via Flickr.”
Photo Credit: TC DAVIS

As a way to address land vacancy and abandonment in Houston, the city created “LARA,” a land assemblage redevelopment agency. For as low as \$1, the city leases and sells land, or “LARA Lots” to promote affordable housing developments and creative reuse of land, such as new community gardens.¹³ However, community garden projects may only be leased for 5-year periods.¹⁴ Short term leases pose challenges to justifying investments in urban agriculture projects and ensuring long-term land tenure.

5. Soil Contamination

One of the largest barriers to starting a farm or garden in a city is the possibility of soil contamination. Whether real or perceived, soil contamination can determine the viability of an agricultural project. Many new urban farmers are unfamiliar with methods to determine contamination, the types of testing and remediation methods, costs of soil testing and remediation, and knowledge of alternative farming techniques

¹³ www.houstoniamag.com/articles/2014/8/27/planned-houston-has-big-plans-for-urban-farming-august-2014

¹⁴ www.houstontx.gov/lara/lots_and_gardens.html

for contaminated sites. This section provides resources for assessing land to make sure that it is safe for growing.

Recommendations

1. All publically-owned sites identified as suitable for urban agriculture, regardless of prior land uses, should be reviewed by an environmental professional to avoid liability issues.
2. Coordinate soil screening outreach events, which can include pop-up events where residents can bring soil samples to test for lead. The NYS Department of Health hosts such events, and they have been implemented in Staten Island, Newburgh, and Albany, and Utica.¹⁵
3. Refer local farmers with the Environmental Laboratory Approval Program, where they can look up local NYS-certified laboratories for testing soils.¹⁶
4. Coordinate further technical assistance suggestions with the Ulster County Cornell Cooperative Extension.

6. Language Barriers

Efforts should be made to improve access of information and participation of local residents. Kingston has a large Spanish-speaking population, and accommodations should be made to improve community understanding, support, and access.

Recommendations

- Provide translated publications, resources, and other informational materials into Spanish and other predominant languages spoken, as necessary.
- Provide a translator for bilingual assistance during new farmer training workshops or programs being held in the city.
- Encourage new farmers to incorporate translations into their signage and publicity materials.

7. Neighbor Conflicts

When operating a farm or garden in a predominantly residential or commercial area of city, neighbors may inevitably complain of land-use related nuisances, such as noise from machinery, or smells from composting and fertilizer. City government and local organizations are well equipped to resolve complaints and conflicts.

Recommendations

1. Develop a mediation mechanism. The city or a local reputable organization should be tasked with creating a “mediation mechanism” to solve neighbor or community conflicts that are not regulated

¹⁵ www.health.ny.gov/environmental/outdoors/garden/soil_screening.htm

¹⁶ www.wadsworth.org/regulatory/elap/certified-labs

through zoning or municipal ordinances (Nihart, Robb, and Hyman 2012). This would allow issues that arise to be assessed on an individual basis, instead of creating restrictive zoning to avoid issues.

2. Designate a neutral third party organization with capacity to oversee conflict resolution and mediation. NeighborSpace is a Chicago-based nonprofit urban land trust that oversees community gardens throughout the city. Their “Conflict Resolution Plan” could serve as a model for the City of Kingston, in which an organization (e.g. the Kingston Land Trust) could be identified as a resource for neighbor conflicts or act as neutral third party to mediate conflicts or disputes related to urban agriculture.¹⁷
3. Create a resource or webpage with information for urban growers and farmers about how to be a good neighbor and deal with conflict. The New Jersey State Agriculture Development Committee created a brochure called “Farmer-to-Farmer Advice for Avoiding Conflicts ... With Neighbors and Towns,” which identifies anecdotal strategies by and for farmers to avoid conflict with non-farming neighbors.¹⁸ The key themes of the brochure center around fostering positive relationships with neighbors, communication and courtesy, education, mitigating conflict, working with local officials, and maintaining a positive image for their farm.

8. Economic Viability of Projects

Provide resources for financing an urban farm and creating a business plan to ensure the long-term economic viability of projects. This would include information for estimating start-up and annual costs, from land acquisition, to site preparation, to buying and maintaining tools, and administrative costs.

Recommendations

- The City can play a vital role in connecting local farmers with state and federal grant opportunities. The resource guide provides a number of grant opportunities available to commercial farmers. The city could also be proactive in applying additional grant opportunities for studies or projects that support community gardens or improving local food access.

4. FINAL RECOMMENDATIONS

(JSB)

Phase 2 Recommendations: Medium- and longer-term organizational and policy actions to support

¹⁷ NeighborSpace’s Conflict Resolution Plan: neighbor-space.org/get-involved/documents/conflict-resolution-plan/

¹⁸ Check out the “Farmer-to-farmer advice for avoiding conflicts with neighbors and towns brochure at sustainable-farming.rutgers.edu/wp-content/uploads/2014/09/Farmer-to-Farmer-Advice-for-Avoiding-Conflicts.pdf.

urban agriculture in Kingston and create Positive Policies for Local Food Systems Change

1. Develop a framework for identifying land in the city that may be suitable for urban agriculture (**see box to right; also Appendix XX for example criteria**). This assessment can help the city identify priority areas for agriculture and assist farmers with finding appropriate sites for commercial farming enterprises or small community gardens.

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6. APPENDICES

Appendix A: Summary of Suggested Amendments and Policy Changes to Allow Urban Agriculture

Appendix B: Proposed Urban Agriculture Zoning

Appendix XX. Partners and Stakeholders

Appendix XX. Stakeholder Contact Information

Appendix XX. Kingston “City Streets without Water Mains”

Appendix XX. Stakeholder Conference Call Meeting Minutes

Appendix XX: Appendix XX. Agricultural Districts

Appendix A: Summary of Suggested Amendments and Policy Changes to Allow Urban Agriculture

Excerpt from the Kingston Urban Agriculture Planning and Zoning Study (2014, 3-9)

Topic	Suggested Amendment
Use Districts	The City should consider whether agricultural uses should be allowed more broadly. This process would be most sensible as part of the Kingston 2025 Comprehensive Plan and zoning overhaul. Separate amendments to the code are not feasible or recommended.
Use Standards and Definitions	Add definitions of all allowed agricultural or gardening uses, and make sure they are compatible with any state laws.
Appearance Standards	To assure that UA is perceived as a benefit to the community, appearance standards should be developed throughout the city and reviewed as part of site plans and special permits.
Signage	Allow for signs of the appropriate size and height that communicate what the site is, fit in with the surrounding area, and are affordable.
Residential Gardens	Add zoning lot definition and amend to allow zoning lot as a single lot under zoning.
Secondary/ Accessory Agricultural Use	Allow agriculture or gardening as a second use referencing case law, (state and federal laws on educational and religious uses in particular). A public input process may be necessary.
Fences and Screening	Determine whether a fence or landscaping is needed to protect privacy and health of neighbors. This could be done on a case-by-case basis.
Temporary Fences	Lengthen temporary fence time period to that of the growing season for garden or agricultural areas.
Fences	Allow affordable, appropriate fences for gardens.
Market Farms and Right-to-Farm	Have counsel to review state right-to-farm legislation and determine if current regulations on market farms comply. Change if need be.
Parking Requirements	Define number of spaces needed for use that would not disturb neighbors. This could be done on a case-by-case basis.
Loading Requirements	Decide whether loading space(s) are needed. This could be done on a case-by-case basis.
Composting	Allow composting. A public education component may be necessary.
Weeds	Exclude food crops from the weeds definition in any weed or nuisance ordinance.
Garbage	Define containers required and party responsible for pick-up of garbage at urban agricultural or gardening sites in refuse ordinance.
Municipal Water	Allow urban agricultural or gardening uses to hook up to municipal water. This may be a policy change rather than an ordinance amendment.
Prescribed Burn	Amend fire or air pollution ordinance to allow a controlled burn with a permit and certain conditions.
Gardening in Municipal Parks	Allow for growing and harvesting of crops from a community garden in a municipal park.

Appendix B: Proposed Urban Agriculture Zoning

Table of Contents

Section XX-1	Statement of Purpose
Section XX-2	Definitions
Section XX-3	Applicability
Section XX-4	Urban Farms
Section XX-5	Regulations
Section XX-6	Comprehensive Farm Review
Section XX-7	Soil Safety
Section XX-8	Composting
Section XX-9	Accessory Keeping of Hens [NOT INCLUDED AT THIS TIME. SECTION RESERVED FOR FUTURE USE.]
Section XX-10	Accessory Keeping of Honey Bees
Section XX-11	Aquaculture, Aquaponics, Hydroponics, and Freight Containers
Section XX-12	Farmers' Markets and Farm Stands
Section XX-13	Abandonment
Section XX-14	Severability
Appendix A.1	Zoning Districts Corresponding to General Zoning Categories Referred to in Article XX

SECTION XX-1. Statement of Purpose

The purpose of this Article is to establish zoning regulations for the operation of Urban Agriculture activities and to provide standards for the siting, design, maintenance and modification of Urban Agriculture activities that address public safety, and minimize impacts on residents and historic resources in the City of Kingston.

SECTION XX-2. Definitions

The words and phrases used in this Article, whether or not capitalized, shall have the meanings set forth in Article XX, except as set forth in this Section XX or as otherwise specified in this Article. For the purposes of this Article, the following words and phrases shall have the meanings indicated:

Aquaculture: The cultivation of marine or freshwater food fish, shellfish, or plants under controlled conditions.

Aquaponics: The integration of aquaculture with hydroponics, in which the waste products from fish are treated and then used to fertilize hydroponically growing plants.

Beekeeper: A person or persons managing and maintaining Honey Bees in a Hive or Hives.

Coldframe: A temporary, unheated outdoor structure, no higher than thirty-six (36") inches, used for protecting seedlings and plants from the cold. Coldframes may be erected for up to 6 months during any given calendar year.

Colony: A natural group of Honey Bees having a queen or queens.

Community garden: A privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users for personal or group consumption, for donation, or for sale. Community gardens may be principal or accessory uses and may also be located on a roof or within a building or accessory structure (e.g., Greenhouse or Hoophouse). Community gardens may be divided into separate plots

for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

Compost: Relatively stable decomposed organic matter for use in agricultural and other growing practices, usually consisting of materials such as grass, leaves, yard waste, worms, and also including raw and uncooked kitchen food wastes, but specifically excluding bones, meat, fat, grease, oil, raw manure, and milk products.

Composting: A process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can safely be used as fertilizer.

Comprehensive Farm Review: An evaluation by the staff of the City of Kingston Planning Department for the overall design and siting of an Urban Farm and Farm Structures. Activities defined as Urban Agriculture must conform to the Zoning Code, specifically this Article XX, in all other respects, and must be processed and approved by the Building Safety Division of the City of Kingston.

Contractor Yard, Landscape or Construction: A yard used for the outdoor storage of a construction or landscape contractor's vehicles, equipment, and materials, including plant materials and contained soil.

Controlled-environment agriculture (CEA) is a technology-based approach toward food production. The aim of CEA is to provide protection and maintain optimal growing conditions throughout the development of the crop. Production takes place within an enclosed growing structure such as a Greenhouse, Freight Container, or building.

Farm Area: The area of a Lot designated for activities and uses defined as Urban Agriculture.

Farmers' Market: A public market, with or without temporary structures, administered by a market manager and held multiple times per year to connect and mutually benefit Local farmers, communities and shoppers. Vendors may include Local farmers, farmers' cooperatives and producers selling any of the following: whole produce; value-added agricultural products such as jams, jellies, and pickles; prepared food; all agricultural, horticultural and aquacultural products including but not limited to whole produce; plants; flowers; meats; dairy products; shellfish and finfish; and other food-related products.

Farm Stand: A Farm Structure such as a table, stall or tent, in use during that Urban Farm's growing season, and operated by a sole vendor for the sale of agricultural or horticultural products.

Farm Structures: Structures that may include but are not limited to sheds (tool and packing), compost bins, shade pavilions, Farm Stands, trellises or other vertical supports for growing crops, and structures used to extend the growing season such as Greenhouses, Hoophouses, Coldframes, Freight Containers, and similar structures.

Freight Container: A standardized reusable steel box previously used for the storage and movement of materials and products within an intermodal freight transport system and repurposed for a Controlled Environment Agriculture (CEA) use, such as Hydroponics and/or Aquaponics

Garden Center: See Greenhouse

Green Infrastructure (GI): A set of approaches and technologies that maintain, restore or mimic the natural flow of water in the landscape.

Greenhouse: A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants

for personal use and/or for subsequent sale. A Greenhouse may or may not be a permanent structure. Garden Centers are not Greenhouses. Garden centers, which may include a nursery or Greenhouse as an accessory use, import most of the items sold, such as plants, potting soil, and garden equipment. Garden Centers shall be considered “stores of a generally recognized retail nature” for regulatory purposes.

Ground Level Urban Farm: The use of a lot on the ground plane for Urban Agriculture for commercial purposes, whether for profit or nonprofit.

Hive: A manufactured receptacle or container prepared for the use of Honey Bees that includes movable frames, combs and substances deposited into the Hives by Honey Bees.

Home Garden: A garden at a single-family or multifamily residence used for food production by the residents of the property, guests of the property owner, or a gardening business hired by the property owner. Home gardens include the front, side, or back yard, rooftop, courtyard, balcony, window sills, fence, and walls.

Honey Bee: A subset of bees in the genus *Apis*, primarily distinguished by the production and storage of honey and the construction of perennial, colonial nests out of wax.

Hoophouse or High Tunnel: An outdoor structure made of flexible PVC piping or other material covered with translucent material (not glass), constructed in a “half-round” or “hoop” shape, generally tall enough for a person to enter standing up and built for the purpose of the cultivation of plants for personal use and/or for subsequent sale.

Hydroponics: A method of growing plants without soil, using mineral nutrient solutions or water, or in an inert medium such as perlite, gravel, or mineral wool. The products are intended for distribution to retailers, restaurants and consumers.

Local: The Kingston Farmers’ Market uses a 50-mile radius to determine eligibility for participation in the market, and that seems to be a common distance used in the local movement. The use of this term varies and will depend on the products being sold at a given market. **In this Article, “Local” means...**

Open Air Rooftop Farm: An unenclosed area of a rooftop that is used for Urban Agriculture for commercial purposes, whether for profit or nonprofit.

Orchard: The establishment, care, and harvesting of a group of more than ten (10) fruit or nut bearing trees. The products of an orchard may or may not be for commercial purposes. An orchard as a principal use is considered an Urban Farm.

Peri-Urban Agriculture: The production of food on relatively large areas of open land within the city limits.

Rainwater Catchment System: A method of catching rainwater runoff from the roof of a structure into rain gutters that channel into a rain barrel, drum, or cistern.

Raised Bed: A method of cultivation in which soil is placed over a geotextile barrier, and raised and formed into three (3) to four (4) foot wide mounds. The soil may be enclosed by a frame generally made of untreated wood. Raised beds are not considered a Structure.

Roof Level Urban Farm: The use of a roof for Urban Agriculture for commercial purposes, whether for profit or nonprofit.

Rooftop Greenhouse: A permanent structure located on a roof made of glass, plastic, or fiberglass in which plants are cultivated year round.

Run. An outdoor enclosure generally made of wire mesh.

Urban Agriculture: The production of food in a city at a household, community, or commercial scale and can involve a range of activities including the cultivation of plants, keeping animals, and aquaculture. Urban agriculture can address issues as broad as food security, community and economic development, environmental sustainability, and conservation of open space. Urban Agriculture includes the use of a Lot for the cultivation of food and/or horticultural crops, Composting, Aquaponics, Aquaculture and/or Hydroponics. Such use may include the Accessory Keeping Bees where Allowed by Underlying Zoning.

Tree Farm: Any parcel of land used to raise or harvest more than ten (10) trees for wood products or Christmas trees, or for transplant, where forest products are sold on-site or transported to market. A Tree Farm as a principal use is considered an Urban Farm.

Urban Farm: A private, nonprofit, or public farm used primarily for commercial or educational agriculture.

Urban Farm. Ground Level. Large: A Ground Level Urban Farm with a Farm Area greater than one (1) acre that is used for Urban Agriculture for commercial or educational purposes, whether for profit or nonprofit.

Urban Farm. Ground Level. Medium: A Ground Level Urban Farm with a Farm Area greater than or equal to a tenthousand and (10,000) square feet but no greater than one (1) acre that is used for Urban Agriculture for commercial or educational purposes, whether for profit or nonprofit.

Urban Farm. Ground Level. Small: A Ground Level Urban Farm with a Farm Area less than ten-thousand (10,000) square feet that is used for Urban Agriculture for commercial or educational purposes, whether for profit or nonprofit.

Urban Farm. Roof Level. Large: A Roof Level Urban Farm with a Farm Area greater than one (1) acre that is used for Urban Agriculture for commercial or educational purposes, whether for profit or nonprofit.

Urban Farm. Roof Level. Medium: A Roof Level Urban Farm with a Farm Area greater than or equal to five-thousand (5,000) square feet but no greater than one (1) acre that is used for Urban Agriculture for commercial or educational purposes, whether for profit or nonprofit.

Urban Farm. Roof Level. Small: A Roof Level Urban Farm with a Farm Area less than five-thousand (5,000) square feet that is used for Urban Agriculture for commercial or educational purposes, whether for profit or nonprofit.

Urban Garden: A Zoning Lot, as defined in this Article, up to one acre of land, used to grow and harvest food or non-food crops for personal or group use. The products of an urban garden may or may not be for commercial purposes.

Vertical Agriculture: An exterior building wall or other vertical structure designed to support the growing of agricultural or horticultural crops.

Zoning Lot: A tract of land comprising a single tax lot or two or more adjacent tax lots within a block.

SECTION XX-3. Applicability.

No Urban Agriculture activity shall be conducted, or Farm Structure erected, except in compliance with the provisions of this Article. The provisions of this Article apply to all Urban Agriculture activities, whether such activity is a primary use or Accessory Use.

The provisions of this Article shall not apply to the following:

1. Any Urban Agriculture activity for which an appeal to the Zoning Board of Appeals has resulted in a variance or other zoning relief prior to the first notice of hearing before the Common Council’s adoption of this Article, and
2. Any Urban Agriculture activity conducted or Farm Structure erected pursuant to a building permit issued prior to the first notice of hearing before the Common Council’s adoption of this Article.

Notwithstanding the above, any replacement of either such Urban Agriculture activity or Farm Structure described in Sections XX (Applicability) 1 and (Applicability) 2 with another Urban Agriculture activity or Farm Structure must comply with all the requirements of this Article.

SECTION XX-4. Urban Farms

1. Urban Farms, Ground Level.

ZONING*	USE STANDARDS: Urban Farm, Ground Level		
	Small: (less than 10,000 SF)	Medium: (10,000 SF – 1 acre)	Large: (greater than 1 acre)
Residential (R-, R-, R-)	Allowed	Allowed	Special Use Permit
Commercial (C-, C-, C-, O-)	Allowed	Allowed	Special Use Permit
Manufacturing (M-, M-)	Allowed	Allowed	Allowed

*See Appendix A for all Zoning Districts corresponding to these zoning categories

- (a) Urban Farm, Ground Level. Use standards. The primary activity to be performed on an Urban Farm shall be the cultivation of plants and horticultural crops; other activities may be subject to permitting.
 - i. Urban Farm, Ground Level, Small.
Small Ground Level Urban Farms are Allowed in all Districts.
 - ii. Urban Farm, Ground Level, Medium.
Medium Ground Level Urban Farms are Allowed in all Districts.
 - iii. Urban Farm, Ground Level, Large.
Large Urban Farms are Allowed in all Manufacturing Districts.
Large Ground Level Urban Farms require a Special Use Permit in all other Districts.
- (b) Maximum Height of Farm Structures.
Farm Structures, including but not limited to Hoophouses, sheds and shade pavilions, shall be subject to the applicable height limits in the Underlying Zoning.
- (c) Setbacks for Farm Structures.
 - i. Subject to Article XX (Accessory Uses), all Farm Structures shall be set back ____ (XX) feet from all property lines in all Districts.
- (d) Design Review. The following Farm Structures on an existing and/or expanded Ground Level Urban Farm are subject to the Project Review pursuant to _____

- i. Any proposed Freight Container in any District except Manufacturing;
 - ii. Any proposed Farm Structure greater than 300 square feet located on an existing Ground Level Urban Farm or proposed Ground Level Urban Farm not undergoing **Comprehensive Farm Review (See Section XX)**, and located in a **[design overlay district]**; and
 - iii. For all other Districts not within a **[design overlay district]**, any proposed Farm Structure greater than 750 square feet located on an existing Ground Level Urban Farm or proposed Ground Level Urban Farm not undergoing **Comprehensive Farm Review (See Section XX)**.
- (e) **Signage.** The following regulations shall apply to signage used for Ground Level Urban Farms:
- i. **Types of Signage:**
 - a. All Ground Level Urban Farms shall be required to post one (1) identification sign, not exceeding **six (6) square feet** in total area, attached at a height of no more than four (4) feet high to a structure or fence stating only the name of the Ground Level Urban Farm and contact information.
 - b. One (1) temporary sign shall be Allowed for a Farm Stand and may be displayed during sales hours but must be removed from the premises and stored inside a structure when the Farm Stand is not in operation. Temporary Farm Stand signs shall not encroach upon sidewalks, driveways and/or other rights of way, and shall be displayed so as not to create a nuisance or hazard.
 - ii. **Sign Design Review**
 - a. Ground Level Urban Farms subject to **Comprehensive Farm Review (See Section XX)** shall provide, as part of their CFR submittal, a signage plan showing proposed signage and related architectural features on the sign frontage (See Section **XX-4.5(a)v**).
 - b. Urban Farms not subject to Comprehensive Farm Review (See Section XX) and exceeding the requirements of Section XX-4.1(e)i.a shall be subject to Article 405-XX of the Kingston Zoning Code.

2. Urban Farms, Roof Level.

USE STANDARDS: Urban Farm, Roof Level				
ZONING*	Open Air			Rooftop Greenhouse
	Small: (less than 5,000 SF)	Medium: (5,000 SF – 1 acre)	Large: (greater than 1 acre)	Any Size
Residential (R-, R-, R-)	Allowed	Special Use Permit	Special Use Permit	Special Use Permit
Commercial (C-, C-, C-, O-)	Allowed	Allowed	Allowed	Allowed
Manufacturing (M-, M-)	Allowed	Allowed	Allowed	Allowed

*See Appendix A for all Zoning Districts corresponding to these generalized zoning categories

2.1 Rooftop Greenhouse.

- (a) **Use standards.** The primary activity to be performed on an Urban Farm shall be the cultivation of plants; other activities may be subject to permitting.
 - i. Rooftop Greenhouses are Allowed in Manufacturing and Commercial Districts.
 - ii. Rooftop Greenhouses are Allowed by Special Use Permit in Residential Districts unless they are less than 5,000 square feet.

(b) Maximum Height. Rooftop Greenhouses shall be no higher than twenty-five (25) feet from the roof surface. HISTORIC DISTRICTS? SIGHT LINES?

2.2 Urban Farm, Roof Level.

- (a) Use standards. The primary activity to be performed on an Urban Farm, or within a Farm Structure, shall be the cultivation of plants; other activities may be subject to permitting.
 - i. Urban Farm, Roof Level, Small. Small Roof Level Urban Farms are Allowed in all Districts.
 - ii. Urban Farm, Roof Level, Medium. Medium and Large Roof Level Urban Farms are Allowed by Special Permit in Residential Districts. Medium Roof Level Urban Farms are Allowed in Commercial and Manufacturing Districts.
 - iii. Urban Farm, Roof Level, Large. Large Roof Level Urban Farms are Allowed by Special Use Permit in Residential Districts. Large Roof Level Urban Farms are Allowed in Commercial and Manufacturing Districts.
- (b) Maximum Height of Farm Structures. Farm Structures, including but not limited to Hoophouses, sheds and shade pavilions, shall be subject to the applicable height limits in the Underlying Zoning except for **Rooftop Greenhouses (See Section XX-5.1(b))**.
- (c) Design Review. The following Farm Structures on an existing and/or expanded Roof Level Urban Farm are subject to the **Design Component of Small Project Review** pursuant to subsection (b) (iv) of **Section XXE- 2.1** of the Kingston Zoning Code (Design Review Required by Underlying Zoning):
 - i. Any proposed Farm Structure that is visible from a public street or public open space in any District, other than Manufacturing, which does not abut a Residential District.

SECTION XX-5. Regulations.

The Kingston Planning Department may promulgate regulations to administer this Article.

SECTION XX-6. Comprehensive Farm Review.

- 1. Purpose of Comprehensive Farm Review. The purpose of the Comprehensive Farm Review (“CFR”) requirement of this Section XX-6 is to ensure that Urban Farms, subject to Comprehensive Farm Review, and Farm Structures are sited and designed in a manner that is sensitive to the surrounding neighborhood. In addition, any Urban Agriculture activities that are designed as part of a new building, including but not limited to Rooftop Agriculture, should be integrated into the overall design and architecture of the new building through Comprehensive Farm Review.
- 2. Applicability of Comprehensive Farm Review. Comprehensive Farm Review shall be required for the following:
 - (a) Any Proposed Ground Level or Roof Level Urban Farm, or Rooftop Greenhouse, as set forth in the following tables:

ZONING*	USE STANDARDS: Urban Farm, Ground Level		
	Small: (less than 10,000 SF)	Medium: (10,000 SF – 1 acre)	Large: (greater than 1 acre)
Residential (R-, R-, R-)	Allowed/ No CFR ²	Allowed/ No CFR	Special Use Permit
Commercial (C-, C-, C-, O-)	Allowed/ No CFR ²	Allowed/ No CFR	Special Use Permit
Manufacturing (M-, M-)	Allowed/ No CFR ^{1,2}	Allowed/ No CFR ^{1,2}	Allowed/ CFR

1. Exception: Any Ground Level Urban Farm in any Manufacturing (without Residential) District where the property abuts a Residential District
2. Any Ground Level Urban Farm in a Mixed Use Overlay Design District, Historic District, or Heritage Area.

USE STANDARDS: Urban Farm, Roof Level				
ZONING*	Open Air			Rooftop Greenhouse
	Small: (less than 5,000 SF)	Medium: (5,000 SF – 1 acre)	Large: (greater than 1 acre)	Any Size
Residential (R-, R-, R-)	Allowed/ No CFR ^{2,3}	Special Use Permit	Special Use Permit	Special Use Permit
Commercial (C-, C-, C-, O-)	Allowed/ No CFR ^{2,3}	Allowed/ CFR	Special Use Permit	Special Use Permit
Manufacturing (M-, M-)	Allowed/ No CFR ^{2,3}	Allowed/ No CFR ^{1,2,3}	Allowed/ CFR	Allowed/ CFR

1. Exception: Any Roof Level Urban Farm in any Manufacturing (without Residential) District where the property abuts a Residential District
2. Any Roof Level Urban Farm in any District that contains a Farm Structure visible from a public street or public open space.
3. Any Roof Level Urban Farm in a Mixed Use Overlay Design District, Historic District, or Heritage Area.

- (b) Any existing Ground Level Urban Farm greater than 10,000 sf that proposes to expand the land area devoted to Urban Agriculture by thirty (30%) percent or more; and
- (c) Any existing Roof Level Urban Farm greater 5,000 sf that proposes to expand the roof area used for Urban Agriculture activities by thirty (30%) percent or more.

3. Abutter Notification. In connection with Comprehensive Farm Review, the Kingston Planning Department shall notify Abutters, the Mayor's Office, the relevant neighborhood group or association (if applicable), and the relevant Ward Alderperson within five (5) days of its receipt of all final materials required under such review for all Ground Level and Roof Level Urban Farms and Rooftop Greenhouses listed in Section XX-4.2. A fourteen (14) day public comment period concerning the Ground Level Urban Farm, Roof Level Urban Farm and/or Rooftop Greenhouse shall commence upon the issuance of this notice. As long as all information required for a Complete Application is received, Kingston Planning Department approval of Comprehensive Farm Review shall take no longer than forty-five days (45) days. Upon completion and approval of Comprehensive Farm Review, the Kingston Planning Department shall submit its approval to the Building Safety Division.
4. Kingston Historic Landmarks Preservation Commission (HLPC). Any proposed Ground Level or Roof Level Urban Farm or Rooftop Greenhouse on Historic Properties and/or Historic Districts, is subject to review by the Kingston HLPC as set forth in this Section XX-6.4. Within five (5) days of its receipt of the application, the Kingston Planning Department shall transmit a copy of the application to the Kingston HLPC for its review. The Kingston HLPC may, within thirty (30) days after its receipt of the application, file with the Kingston Planning Department a report with recommendations, together with maps, plans, and other materials to aid the Kingston Planning Department in determining consistency with the design requirements and guidelines set forth in Section XX-6.6 (Design Guidelines) and Section XX-6.7 (Design Requirements) of this article. The Kingston Planning Department shall not transmit its findings to the Building Safety Division until the Kingston Planning Department has received and considered the Kingston Landmarks Commission report with recommendations, provided that if the Kingston Planning Department has not received such report within thirty (30) days, it may transmit the Director's certification to the Building Safety Division without such report.
5. Information Required to be a Complete Application for Comprehensive Farm Review.
 - (a) The information required for Comprehensive Farm Review shall include:
 - i. At minimum, a sketch plan showing planted areas, footprints for all Farm Structures, driveways, parking areas, and landscape buffers; and
 - ii. At minimum, a sketch drawing for Farm Structures; and
 - iii. Photographs of existing site and adjacent properties to provide site context; and
 - iv. Proposed plans for irrigation, and controls for storm water runoff as required by City of Kingston Code, Article II, Chapter 268, Illicit Discharges, Activities, and Discharges to MS4, and Chapter 353, Stormwater Management and Erosion and Sediment Control; and
 - v. Proposed signage plan showing proposed signage and related architectural features on the sign frontage (See Section XX-4.1(e)).
 - (b) Such submission materials shall describe or illustrate the dimensions, location and appearance of:
 - i. All Proposed Urban Agriculture activities, materials used, screening, fencing, landscaping, and the like, in a manner that is sensitive to the surrounding area; and
 - ii. Any existing buildings which will remain along with the Proposed Urban Agriculture activities, if applicable, and any Farm Structures within the visible context of such activity.
6. Design Guidelines. This subsection establishes the following design guidelines for all Proposed Urban Farms subject to Comprehensive Farm Review.
 - (c) Site Plan.
 - i. Site planning, including location of Farm Structures, vehicular access, and parking areas, should be designed to enhance the street frontage and surrounding buildings and spaces. In addition, Placement of Farm Structures should respect significant landscape features on the site, such as rock outcroppings, drainage areas, and mature trees.
 - ii. Vehicular access and egress to and from an Urban Farm should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
 - iii. Composting, equipment storage, and disposal areas should not be located in the front setback, unless there are special circumstances that make it necessary. While a driveway may be Allowed in the front setback, the parking zone shall only be permitted within the side or rear setbacks of

the property. a. Composting which is accessory to an Urban Farm shall be used primarily to support onsite operations, and shall comprise no more than seven and a half (7 ½) percent of the Lot area (See Section XX-8.1(e)).

(d) Structures.

- i. New Farm Structures should be compatible with the size, scale and material of the surrounding built and natural environment.

(e) Perimeter Fencing.

- i. Materials. Any perimeter fencing for Ground Level Urban Farms may be made of one or more materials, such as masonry (piers or walls), metal pickets, decorative metal, post and rail, wrought iron, shadow box, vinyl coated chain link, or board-type wood. The use of un-coated metal chain link fencing is discouraged. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
- ii. Prohibitions. Materials may not be used where not permitted by other articles of the City of Kingston Zoning Code.

(f) Screening.

- i. Walls and Fences. Screening walls and fences may be made of one or more materials, such as masonry (piers or walls), decorative metal, shadow box, or board-type wood. The use of un-coated metal chain link fencing is discouraged. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
- ii. Landscape Screening. Street-facing landscape elements, such as fencing, street trees, plantings and signage, should be compatible with the surrounding architecture and environment provided pursuant to this Section XX-6 may be all deciduous or all evergreen, or a mixture of both types. Shrubs shall be densely planted. Trees required by this Section XX-6 may be evergreen or a combination of deciduous and evergreen, and of a sufficient size to provide adequate screening. Existing mature trees and shrubs shall be maintained unless this is not possible.

(d) Lighting.

- i. Lighting for Ground Level Urban Farms, Roof Level Urban Farms, and Rooftop Greenhouses should be limited to that required for operational and safety purposes of any activity defined as Urban Agriculture so as not to create a nuisance through excessive brightness to abutting residential uses. For Ground Level Urban Farms, Roof Level Urban Farms and Rooftop Greenhouses abutting residential uses, Applicant shall supply a lighting schedule and plans to mitigate fugitive light.

(e) Materials.

- i. For Greenhouses, at least seventy percent (70%) of all roofs and walls should consist of transparent materials.
- ii. For Hoophouses, materials should consist of flexible PVC or metal tubing and transparent or translucent plastic covering. Hoophouses shall be secured to the ground.

7. Design Requirements. This subsection establishes the following design requirements for Proposed Urban Farms subject to Comprehensive Farm Review.

(a) Screening and Buffering.

- i. Any Composting, loading or disposal areas that abut
 - a. A public street,
 - b. A public park, or
 - c. A Residential District or Residential Use shall be screened from view as provided. Such screening can include trees, shrubs [See Section XX-6.6(d)ii], and perennial borders and/or screening walls and fences [See Section XX-6.6(d)i]. Any fencing shall not be less than fifty

- (50%) percent opaque and shall be no less than three (3) feet and no more than six (6) feet high.
- ii. Any material or equipment stored outdoors shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

(b) Maintenance.

- i. All Urban Farms required to comply with this Article shall be maintained exclusively for the activities defined as Urban Agriculture so long as a use requiring them exists.
- ii. Urban Farms shall be used in such a manner in which at no time shall they constitute a nuisance or a hazard to the surrounding neighborhood. Urban Farms shall be maintained in a healthy growing condition, especially in the off-season.
- iii. There shall be no parking of vehicles or equipment between a fence, hedge or other landscape screening and the public way, such as the street or sidewalk. Inside storage of any materials, supplies, or products is preferred.

SECTION XX-7. Soil Safety.

1. All new Urban Farms using existing, on-site soil will be required to comply with the **Soil Safety Protocol** issued by the City of Kingston **(X-REF SECTION)**.

SECTION XX-8. Composting.

1. Accessory Composting.

- (a) Use standards. Accessory Composting shall be Allowed where any Ground Level Urban Farm or Roof Level Urban Farm is permitted.
- (b) City Requirements.¹⁹
- (c) Maximum Height.
 - i. Maximum height of Composting structures or bins shall not exceed ten (10) feet for Ground Level and Roof Level Urban Farms in any District.
 - ii. On a Roof Level Urban Farm, any Composting must be contained within an enclosed bin that does not have direct contact with flammable materials.
- (d) Setbacks.
 - i. Subject to Article 10 (Accessory Uses), compost bins, structures and windrows shall be set back five (5) feet from all property lines on Ground Level Urban Farms in all Districts.
 - ii. Compost bins, structures and windrows shall not be located in the front yard or in a side yard that abuts a street in all Residential and Commercial Districts.
- (e) Lot Coverage.
 - i. Composting which is accessory to an Urban Farm shall be used primarily to support onsite operations, and shall comprise no more than seven and a half (7 ½) percent of the Lot area (See Section XX-1.6(a)iii.a.

2. Composting as Primary Use.

- (a) Use standards.
 - i. When the primary use to be performed on a Lot is Composting, the activity shall be Conditional in all Manufacturing Districts and Forbidden in all other Districts.

¹⁹ New York State and federal laws give localities the responsibility for planning and implementing materials management strategies. Mayor Noble intends to implement a citywide composting program. This section should be cross-referenced in future drafts.

- (b) Setbacks.
 - i. Subject to Article 10 (Accessory Uses), compost bins, structures and windrows shall be set back five (5) feet from all property lines on Ground Level Urban Farms in all Districts.
 - ii. Compost bins, structures and windrows shall not be located in the front yard or in a side yard that abuts a street in all Residential and Commercial Districts.

SECTION XX-9. Accessory Keeping of Hens. [NOT INCLUDED AT THIS TIME.]
SECTION RESERVED FOR FUTURE USE.]

SECTION XX-10. Accessory Keeping of Honey Bees.

1. Use standards. For proposed ground level or roof level Hives, see Underlying Zoning for applicable use standards.
 - a. Use Regulation Table in specific Article.
 - b. Where the Accessory Keeping of Bees is a Conditional Use in the applicable Underlying Zoning, the Zoning Board of Appeals shall not grant a Special Use Permit for the Accessory Keeping of Honey Bees unless the remainder of Section XX-10 is met.
2. Maximum Number of Hives.
 - a. The maximum number of Hives on any given Lot or roof for personal consumption of Honey Bee products shall be two (2).
3. Maximum Height and Size.
 - a. No Hive shall exceed five (5) feet in height and twenty (20) cubic feet in size on any Lot or roof.
4. Specific Ground Level Beekeeping Requirements.
 - a. Setbacks.
 - i. Where there is a wall, fence or similar barrier between the subject property and adjacent property, no setback from the property line is required. Where there is no wall, fence or similar barrier between subject property and adjacent property, Hives shall be set back five (5) feet from the property line.
 - ii. Hives shall not be located in the front yard or in a side yard that abuts a street in all Residential and Commercial Districts.
 - iii. No Hive shall be located closer than ten (10) feet from a public sidewalk.
 - b. Hive Placement and Flyways.
 - i. For any ground level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:
 - a. The Hive opening must face away from doors and/or windows; or
 - b. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the Honey Bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.
5. Specific Rooftop Beekeeping Requirements.
 - (a) Setbacks.
 - i. Hives shall be set back six (6) feet from the edge of the roof.
 - (b) Hive Placement and Flyways.
 - i. For any roof level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:
 - a. The Hive opening must face away from doors and/or windows; or
 - b. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the Honey Bees fly upward and away from neighboring properties. The flyway shall be located within three (3)

feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.

6. Compliance with State and Local Laws.

(a) All beekeeping shall comply with applicable State and local laws and regulations.

SECTION XX-11. Aquaculture, Aquaponics, Hydroponics, and Freight Containers.

1. Aquaculture and Aquaponics.

	Primary	Accessory (up to 750 sf)		Accessory (>750 sf)	
AQUACULTURE / AQUAPONICS	Use Standard	Use Standard	Exception: Freight Containers	Use Standard	Exception: Freight Containers
Residential (R-, R-, R-)	Forbidden	Allowed	Forbidden	Special Use Permit	Forbidden
Commercial (C-, C-, C-, O-)	Special Use Permit	Allowed	Special Use Permit	Special Use Permit	Special Use Permit
Manufacturing (M-, M-)	Allowed	Allowed	Allowed	Allowed	Allowed

- i. Aquaculture and Aquaponics Facilities as a Primary Use.
 - i. Aquaculture and Aquaponics facilities as a primary use are Allowed in Manufacturing Districts, as well as in the following Commercial Districts:
WC -Waterfront Commercial
 - ii. Aquaculture and Aquaponics facilities as a primary use require a Special Use Permit in Institutional, Commercial (Exception: WC), and Commercial Districts.
 - iii. Aquaculture and Aquaponics facilities as a primary use are Forbidden in Residential Districts.
 - ii. Aquaculture and Aquaponics Facilities Up to 750 Square Feet.
 - i. Aquaculture and Aquaponics facilities up to 750 square feet are Allowed in all Districts with the following exceptions:
 - a. Freight Containers of any size require a Special Use Permit in Commercial Districts.
 - b. Freight Containers of any size are Forbidden in Residential Districts.
 - iii. Aquaculture and Aquaponics Facilities Greater Than 750 Square Feet.
 - i. Aquaculture and Aquaponics facilities greater than 750 square feet are Allowed in Manufacturing Districts.
 - ii. Aquaculture and Aquaponics facilities greater than 750 square feet require a Special Use Permit in Commercial and Residential Districts with the following exception:
 - a. Freight Containers of any size are Forbidden in Residential Districts.
2. Hydroponics.
- (a) Hydroponics Facilities as a Primary Use.

	Primary		Accessory	
AQUACULTURE / AQUAPONICS	Use Standard	Exception: Freight Containers	Use Standard	Exception: Freight Containers
Residential (R-, R-, R-)	Special Use Permit	Forbidden	Allowed	Forbidden
Commercial (C-, C-, C-, O-)	Allowed	Special Use Permit	Allowed	Special Use Permit
Manufacturing (M-, M-)	Allowed	Allowed	Allowed	Allowed

- i. Hydroponics facilities as a primary use are Allowed in all Manufacturing, Commercial, and Commercial Districts with the following exception:
 - a. Freight Containers of any size as a primary use require a Special Use Permit in Institutional, Commercial, and Commercial Districts.
 - ii. Hydroponics facilities as a primary use require a Special Use Permit in Residential Districts with the following exception:
 - a. Freight Containers of any size are Forbidden in all Residential Districts.
 - (b) Hydroponics Facilities as an Accessory Use.
 - i. Hydroponics facilities as an Accessory use are Allowed in all Districts with the following exceptions:
 - a. Freight Containers of any size require a Special Use Permit in Commercial Districts.
 - b. Freight Containers of any size are Forbidden in Residential Districts.
3. Applicability with Federal and State Regulations. Applicant must comply with applicable federal and State regulations for water use and discharge, and for the possession, propagation, culture, sale and disposition of living marine organisms.
4. Design Review. Except when part of an Urban Farm subject to Comprehensive Farm Review as per Section XX-6.2, any of the following types of Aquaculture, Aquaponics or Hydroponics facilities shall be subject to the Design Component of Small Project Review pursuant to subsection (b) (iv) of Section 80E-2.1 of the Kingston Zoning Code (Design Review Required by Underlying Zoning):
- (a) Any proposed Freight Container of any size in any District except Manufacturing; and
 - (b) Any proposed Aquaculture, Aquaponics or Hydroponics facility greater than 300 square feet, in a Neighborhood Design Overlay District; and
 - (c) Any proposed Aquaculture, Aquaponics or Hydroponics facility greater than 750 square feet in any District that is not located in a Neighborhood Design Overlay District.

SECTION XX-12. Farmers’ Markets and Farm Stands.

- 1. Farmers’ Markets.
 - (a) Use standards. Farmers’ Markets shall be subject to the following use standards:
 - i. Farmers’ Markets on a Lot or Lots are Allowed where Retail is Allowed by the applicable Underlying Zoning.
 - ii. Farmers’ Markets on a Lot or Lots require a Special Use Permit where Retail is not Allowed by the applicable Underlying Zoning.
 - (b) Permitting Requirements.
 - i. The operation of a Farmers’ Market requires a permit from the City of Kingston’s Building Safety Division and Ulster County Department of Health.

2. **Farm Stands.** Up to one (1) Farm Stand may be constructed given the following regulations:
 - (a) **Use standards.**
 - i. Accessory Farm Stands selling and/or distributing only horticultural and agricultural products are Allowed where Urban Farms are Allowed [See Section XX-4.1(a)] provided that a single stand does not exceed two-hundred (200) square feet in total floor area.
 - ii. Accessory Farm Stands require a Special Use Permit in all other Districts where Retail is not Allowed by the applicable Underlying Zoning.
 - (b) **Placement and Safety.**
 - i. Accessory Farm Stands shall not encroach upon sidewalks, driveways and/or other rights of way, and shall be erected so as not to create a nuisance or a hazard.

SECTION XX-13. Abandonment.

1. **Removal Requirements.** Any Small Urban Farm, Medium Urban Farm or Large Urban Farm which has been abandoned shall be cleared and restored to its original state. The owner/operator shall physically remove all Farm Structures no more than one hundred and eighty (180) days after the date of discontinued operations. More specifically, site clearing shall consist of:
 - (a) Physical removal of all Farm Structures, farm equipment and machinery;
 - (b) Disposal of all Composting and agricultural waste in accordance with local and state waste disposal regulations; and
 - (c) Stabilization of re-vegetation of the site as necessary to minimize erosion. The Building Safety Division may allow the owner to leave landscaping in order to minimize erosion and disruption to vegetation.
2. **Abandonment.** The former Small Ground Level or Roof Level Urban Farm, Medium Ground Level or Roof Level Urban Farm, Large Ground Level or Roof Level Urban Farm site shall be considered abandoned when it fails to operate for more than one year without the written consent of the Building Safety Division. The Building Safety Division shall determine what proportion of the site is inoperable for the facility to be considered abandoned. If the applicant fails to remove the Farm Structures, farm equipment, including raised beds and soil, and farm machinery in accordance with the requirements of this Section within one hundred and eighty (180) days of abandonment, the Building Safety Division shall have the authority to enter the property and conduct all removal activities.

SECTION XX-14. Severability.

The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

APPENDIX A: Zoning Districts Corresponding to General Zoning Categories Referred to in Article XX. [TO BE INSERTED AND CROSS-REFERENCED PENDING ADOPTION OF NEW ZONING CATEGORIES]

Appendix XX. Kingston's Urban Farms and Gardens



The Kingston YMCA Farm Project

507 Broadway Kingston, NY 12401

www.kingstonymcafarmproject.org

The Kingston YMCA Farm Project is an organic, educational farm located at the YMCA in Midtown Kingston. It runs a seasonal farm stand and bicycle-powered mobile market to provide fresh, local foods to Midtown's residents and workers. The Farm also provides educational programs and employment opportunities for children and teens.



South Pine Street City Farm

27 South Pine Street Kingston, NY 12401

www.southpinestreetcityfarm.org

The South Pine Street City Farm is a quarter acre, organic farm located in Midtown Kingston. The farm grows organic produce for their seasonal farm stand, and offers educational programs and workshops. They host **the Dig Kids** program, an urban farming program created to teach youth how to grow food, learn farming practices, encourage entrepreneurship, and promote healthy lifestyles.



Seed Song Farm and Center

160 Esopus Ave, Kingston, NY 12401

www.seedsonfarm.org/

Located at the Esopus Agricultural Center, Seed Song Farm produces sustainably-grown vegetables, herbs, berries, flowers, and forest products, through CSA shares and local farmers' markets. Its adjoining Seed Song Center is a 503(c)3 nonprofit organization that provides educational and cultural programs on sustainable agriculture and agroecology.



Liberty Street Garden at Clinton Avenue United Methodist Church

122 Clinton Ave, Kingston, NY 12401

kingstonmidtownrising.org/liberty-street-garden/

The Liberty Street garden is a community garden offering seasonal plots to community members. It is maintained by members of Midtown Rising and volunteers.



Everette Hodge Center Children's Garden

15 Franklin Street, Kingston, NY

www.kingston-ny.gov/content/8401/10588/12707/default.aspx

The Hodge Center has a small 4 x 4 raised bed in front of the building that is maintained by children participating in the Dig Kids program. It is an example of how small, urban spaces can beautify streetscapes, education youth, and provide fresh produce.



George Washington Elementary School Community/School Garden

67 Wall St, Kingston, NY 12401

www.kingstoncityschools.org/news.cfm?story=65023&school=1519

Located next to the school's playground, the garden hosts ten 10 x 10 foot garden areas, eight of which are community plots and two of which are designated for G.W. students.



Rondout Gardens Community Garden

37 Rondout Dr. Kingston, NY 12401

Rondout Gardens is a 131-unit low income housing apartment community owned by the Kingston House Authority. It has 20 four-by-eight-foot garden beds available at no cost to community residents. Throughout the years, maintenance has been supported by the Ulster County Cornell Cooperative Extension, the Bruderhof religious community, and numerous volunteers.



Esopus Agricultural Center

154-160 Esopus Ave, Kingston, NY 12401

nefarmaccess.com/selected-project-profiles/kingston-agricultural-center/

The Esopus Agricultural Center was formed in 2016 as a project to acquire and protect prime farmland. The 214-acre parcel is located in the Town of Ulster (next to Kingston) and provides 30-year renewable leases to Alewife Farm, Rosette Salad Company, Seed Song Farm, and Stone Ridge Orchard.

Appendix XX. Partners and Stakeholders

The following list of stakeholders are actively involved community organizations that contribute to developing policies and programs that support urban agriculture and food justice in Kingston.



Boys and Girls Club of Ulster County

139 Greenkill Ave. Kingston, NY 12401

www.bgclubsulstercounty.org/

The Boys and Girls Club of Ulster County serves the region's at-risk youth through the provision of programs focused on character and leadership development, educational and career development, health and life skills, the arts, and sports, fitness and recreation. The Kingston office maintains garden beds on site and has arranged a composting program with Uptown Kingston restaurants.



Caring Hands Soup Kitchen

122 Clinton Avenue, Kingston, NY 12401

clintonavenueumc.com/about-us/caring-hands-soup-kitchen

The Caring Hands Soup Kitchen is located at the Clinton Avenue United Methodist Church in Midtown Kingston. It has been feeding hungry people in the community Monday through Friday at noon and works with Kingston City Schools to help feed Title 1 and homeless children. It also has a GED program, sponsored by BOCES, recovery meetings through Narcotics Anonymous, a free legal clinic and advocate services. All of these programs are a direct result of the soup kitchen and most meet right after lunch. It uses produce grown in Liberty St. Community Garden.



Center for Creative Education

15 Railroad Ave. Kingston, NY 12401

cce4me.org/

The Center for Creative Education provides innovative, high quality programs in dance, music, fitness, theater, spoken word, computer arts technology and the visual arts, with a special emphasis on serving low income, minority, and at-risk children and youth. They recently started a hydroponics project on Broadway in Midtown Kingston, and are working on the development of an edible neighborhood project.



City of Kingston Conservation Advisory Council

420 Broadway Kingston, NY 12401

kingston-ny.gov/kingstoncac

The mission of Kingston's CAC is to "Ensure the conservation of the City of Kingston's natural resources and the enhancement and protection of its environment while fostering unified action on environmental matters." The CAC is a key municipal partner in supporting urban farming and community garden activities.



City of Kingston Office of Community and Economic Development

420 Broadway Kingston, NY 12401

kingston-ny.gov/content/8399/8469/8547/default.aspx

The City of Kingston is in the process of establishing the Kingston City Land Bank, Inc., which will provide a mechanism to deal with properties that have been abandoned, dilapidated or otherwise condemned. This program will be located in the Office of Community and Economic Development, will help to put properties back on the tax rolls, and may contribute to building recreational space in the city. The land bank model has been a successful tool for acquiring land for community gardens and farms in cities around the country.



City of Kingston Parks and Recreation

467 Broadway Kingston, NY 12401

www.kingston-ny.gov/parksandrecreation

The City's Parks and Recreation Department offers environmental education programs in Kingston's parks. While community gardening is not a core program of this department, Parks and Recreation seeks to establish more opportunities for gardening in the City's parks and forge partnerships with local organizations such as the Kingston Land Trust and Healthy Kids for Kingston. The 2013 Parks and Recreation Master Plan recommends policy changes to encourage more opportunities to create community gardens and plant native fruit trees in the city's parks.



Community Foundations of the Hudson Valley

280 Wall Street, P.O. Box 3046 Kingston, NY 12402

communityfoundationshv.org/home

The Foundation endowment of approximately \$60 million and administers more than 530 grants of over \$3.2 million annually. With grants from the Local Economies Project, Ralph E. Ogden Foundation, and others the foundation offered grants \$25,000 to nonprofit organizations in Dutchess, Orange, Putnam and Ulster counties to increase access to local, farm fresh food for individuals who are considered food insecure.



Everette Hodge Community Center (Kingston Cares)

15 Franklin St. Kingston, NY 12401

www.kingston-ny.gov/content/8401/10588/12707/default.aspx

Managed by the City of Kingston Parks and Recreation Department and Family of Woodstock's Kingston Cares program, the Everett Hodge Center is an anchor institution that provides educational, environmental, youth and community programs and health and human services. Their small Children's garden is part of Kingston's growing community garden landscape.



Family of Woodstock

166 Albany Ave. Kingston, NY 12401

www.familyofwoodstockinc.org/

Family of Woodstock, Inc. is a multi-program human service agency providing services throughout Ulster County, including a 24-7 hotline, emergency shelters, and food pantries. Among their achievements include improving the distribution of donated produce and food from local farmers to the county's food pantries and their continued support of educational programs that improve access to healthy foods for children, such as the Dig Kids.

Hudson Valley Bee Habitat

On June 6, 2017, ArtPlace America announced that Hudson Valley Bee Habitat's Kingston Bee-Line is one of 70 finalists for the 2017 National Creative Placemaking Fund (NCPF). ArtPlace selected these 70 proposals from 987 applications, making HVBH's project one of just 7% of the projects across the country to make this cut.



Hudson Valley Current

hudsonvalleycurrent.org/

The Hudson Valley Current is a regional local currency program that promotes economic strength and community self reliance, builds community pride, and provides benefits for local business and citizens. The organization hosted two "Satisfy Hunger" fundraising dinners, at which ticket buyers and 100 Family of Woodstock participants shared a meal.



Kingston Citizens

www.kingstoncitizens.org/

Established in 2006, Kingston Citizens is a community-based group committed to improving the quality of life of Kingston residents through accountability and transparency of local government. Their work to raise awareness about policy issues pertaining to urban agriculture, such as zoning and ordinance changes, has engaged Kingston's residents to make a difference in their communities.



Kingston City School District

61 Crown St. Kingston, NY 12401

www.kingstoncityschools.org/

In 2008, the district was awarded a Learn and Serve America grant to pay for the development of school gardens. With the support of Healthy Kids for Kingston and the City's Community Garden Committee, food gardens have been installed at select Kingston City Schools to effect policy and environmental change at the municipal and school levels. While an up-to-date inventory of all school gardens is needed, some such as the George Washington Elementary School garden offers opportunities for students and local community members to learn about growing food.

KINGSTON FARMERS MARKET

Kingston Farmers Market

278 Wall St, Kingston, NY 12401

kingstonfarmersmarket.org/

Since 2000, the Kingston Farmers Market in Uptown has lead the path for connecting Kingston's residents with local farmers. Now with a weekly market hosting over 40 vendors, the KFM sees 1000 to 2000 shoppers each Saturday, and has extended its season from Memorial Day to mid- November. The KFM offers a unique opportunity to connect urban farmers with the local food retail markets.



Kingston Land Trust

PO Box 2701 Kingston, NY 12402

www.kingstonlandtrust.org/

The Kingston Land Trust works to protect and preserve Kingston's open space and natural resources. They work with organizations and individuals to support community gardens throughout the city, and have launched a land-matching program to connect land and farmers. The Land Trust was an instrumental partner in starting and supporting the Pine Street City Farm.



Live Well Kingston

232 Plaza Rd. Kingston, NY 12401

livewellkingston.org/

Live Well Kingston is a city-endorsed coalition of organizations, businesses and individuals that work together to improve the environment, culture, and opportunities in Kingston, NY for residents to lead healthier lives. Their Eat Well Focus Team develops, implements and supports policy, systems and environmental change by supporting and promoting local efforts to improve access to healthy foods throughout the community. They coordinate with gardening/urban agriculture efforts and organizations addressing food insecurity and healthy eating in Kingston.



Local Economies Project

43 Crown St. Kingston, NY 12401

localeconomiesproject.org/

LEP's mission is to "build an equitable and ecologically resilient food system in the Hudson Valley – one that meets the economic and social needs of our communities while working in partnership with natural systems." They develop programs, provide grant funding, and act as a convener in the regional food and farm economy.



Midtown Rising

122 Clinton Ave. Kingston, NY 12401

kingstonmidtownrising.org/

Midtown Rising is a coalition of residents and community groups working together to improve Midtown Kingston. They maintain the Liberty St. Garden at Clinton Ave. UMC, which offers community plots to local residents and hosts community potluck dinners.



People's Place

17 St James St, Kingston, NY 12401

www.peoplesplaceuc.org/

People's Place is a non-profit food pantry and thrift store serving Kingston's residents. They offer several programs that connect local farming with food access, including: Victory Over Hunger, where people can donate their community garden plot's yield to the food pantry; the Bag Summer Hunger program, offering breakfast and lunch to school age children in the summer; and a farm stand, fresh bounty program, and food pantry aimed at providing fresh, healthy food options.



Ulster Corps

PO Box 34 Stone Ridge, NY 12484

www.ulstercorps.org/

UlsterCorps is a county-wide resource dedicated to fostering a culture of volunteerism, collaborative work and community service. Their initiatives works to coordinate volunteers for programs that work to reduce hunger and food waste, such as gleaning and research. Their Healthy Foods Task Force created maps of local food pantries and bus routes, and identified food desert areas in the City of Kingston to address the need for more healthy food options.



Ulster County Cornell Cooperative Extension

232 Plaza Rd, Kingston, NY 12401

ulster.cce.cornell.edu/

CCEUC is a 501(c)(3) non-profit educational organization part of the Cooperative Extension land grant system that offers environmental, agricultural, and healthy living programs, resources, and support services in Ulster County. The extension has recently expanded to provide workshops on starting an urban farm.

Appendix XX. Stakeholders (& Contact Information)

Last, First Name	Title	Org/Affiliation	Contact Info
Bernstein, Bob	Managing Director	Northeast Farm Access, LLC	
Brannen, Sarah	Associate Director	Local Economies Project	sbrannen@newwf.org
Cowles, Rick	Interim Athletic Director	Kingston City Schools	rcowles@kingstoncityschools.org 845-943-3736
Cowles, Rick	Interim Athletic Director	Kingston City Schools	rcowles@kingstoncityschools.org 943-3736
Dewan, Deborah Meyer	Executive Director	Rondout Valley Growers Association	deborah.dewan@rondoutvalleygrowers.org Mobile:914-489-1565 Office:845-626-1532
Farr, Julia	Executive Director	Kingston Land Trust	julia@kingstonlandtrust.org
Fay, Joseph	CEO		jfay@bgclubsulstercounty.org
Felker, Brent	Residential Farmer	69 Glen Street, Kingston	brentfelker@gmail.com
Frank, (Farmer)	Farmer	CCE	
Hawkins, Trish	Farmer	South Pine Street City Farm	trishhawk3@gmail.com

Hein, Christine	Executive Director	People's Place www.peoplesplaceuc.org/	director@peoplesplacekingston.org
Hereth, Susan	Education Director		susan@kingstonymcafarmproject.org
Herzog, Melinda	Program Leader	Cornell Cooperative Extension, Healthy Communities Program	mmh62@cornell.edu 845-340-3990, ext. 342
Hettara, Danielle	Farmer (Residential?)	Has goats in Kingston (Albany Ave.)	<Danielle@hettarafarm.com>
Hewitt, Chris	Executive Director	Hudson Valley Current	845-616-7834 hudsonvalleycurrent@gmail.com
Hinchey, Suzy	Title?	Community Action	shinchey@uccac.com
Hyland, Jim	The Farm Bridge	Founder and CEO	jim@thefarmbridge.com 845-383-1761
Iversen, Creek	Director / Farmer	Seed Song Farm & Center	info@seedsonfarm.org (845) 902-8154
Kirschner, Heidi	CEO	YMCA	hkirschner@ymcaulster.org
Kondrat, Katy	Market Manager	Kingston Farmer's Market	katy@kingstonfarmersmarket.org
Lowrie, Dave	Title?	Affiliation?	davelowrie@live.com
Malsatzki, Christian	Agriculture Program Leader	Cornell Cooperative	845-340-3990x316 cpm78@cornell.edu
Martin, Rebecca	Director	Kingston Citizens	rebecca@kingstoncitizens.org 845/750-7295

McEvoy, Kevin	Member, Kingston CAC Trustee, Kingston Land Trust	Kingston CAC Kingston Land Trust	laeassoc@earthlink.net
McLendon, Beth	Director	Ulster Corps	beth@ulstercorps.org 845-687-9408
Mickelson, John	Consultant	Geospatial and Ecological Services	845-893-4110 john.mickelson@yahoo.co m
Miller, Karen	Community Gardener	Rondout Gardens/Liberty Street Midtown Rising	
Mozian, Laurie	Co-Chair	Eat Well Kingston	(845) 338-2500 ext. 4061 or Laurie.Mozian@hahv.org
Newcomb, Melody	Residential Farmer	N. Manor Ave	
Noble, Julie	Chair (CACC)	Kingston Conservation Advisory Council	JulieLNoble@kingston- ny.gov (845) 481-7339
Olsen, Allen	Title?	Kingston City Schools	aolsen@kingstoncityschool s.org
Robb, Meridith	Administrative Director	Center For Creative Education	admin@cce4me.org
Scruggs, Jordan	Organizer, Founder	Midtown Rising	stjames.umc.outreach@g mail.com
Sheehan- Lopez, Katie	Co-lead (f Eat Smart Kingston) and Nutrition Educator (Eat Smart NY)	Eat Smart NY/Ulster County Cornell Cooperative Extension	kms369@cornell.edu 845-340-3990 x334
Solian, Allison	RAPP Youth Educator	Relatives as Caregivers/ Ulster County Cornell Cooperative Extension	aar66@cornell.edu
Washington, Dennis	Program Director / Kingston		DWashington@bgclubsulst ercounty.org

Washington, Omari	Farmer	In discussions with KCS about school gardens	
Weiss, Megan	Program Manager	The Dig Kids/ Hodge Center (Kingston Cares)	mweiss@kingston-ny.gov
Wimbish, KayCee	Project Director and Farmer	YMCA Farm Project	kaycee@kingstonymcafarmproject.org
Zenie, Joel	Farmer		(845) 532-0011
Ziegenfuss, Meagan	Community Coordinator	Kingston City School District	845-943-3095

Appendix XX. Kingston “City Streets without Water Mains”

Street	Description
Abeel Street	500 ft from City Line
Albert Street	Off S. Wall Street
Amherst Street	Off O'Reilly Street
Belmont Street	Off O'Reilly Street
Boulevard Ct.	Off Boulevard
Brook Street	Lebert Street to end
Canfield Street	Off Dedrick Street
Chapel Street	Brook Street to end
Condie Street	Off Boulevard
Donovan Place	Off Delta Place
Granit Court	Off Boulder
Hazel Street	Between Emerick St. and Stephan St.
Hutton Street	Off Lincoln
Kingston Terrace	Off E. Chester Street
Kukuk Lane	Off Hurley Avenue
Linderman Ave.	Hillcrest to City Line
Lisa Lane	Off E. Chester Street
North Street	Brick yard to City Line
Ohio Street	Off Marys Avenue
Peter Street	Off Hoffman
Pulaski Street	Off 4th Avenue
Sherwood Drive	Off Linderman
South Wall Street	Mid section (1500 feet)
Susan Street	Summer Street to End
Syzmanski Street	Off 3rd Ave.
Tammany Street	E. Chester Street to Arterial
Taylor Street	Off Hurley Avenue
Terrance Street	Off Peter Street
Ulster Street Ext.	Off Ulster Street
Valentine Ct.	Off Valentine Avenue
Vernon Avenue	Off Joy's Lane

Source:

Judith A. Hansen, Superintendent
 Kingston Water Department
 111 Jansen Avenue
 PO Box 1537
 Kingston, NY 12401
 845-331-0175 X301

Appendix XX. Kingston Urban Agriculture Zoning Conference Call

Kingston Urban Agriculture Zoning Conference Call

Monday, July 10, 2017, 2:00 pm - 3:30 pm

Participants

Jennifer Schwartz Berky, Hone Strategic LLC

Michaela Sweeney, Hone Strategic LLC

Kevin McEvoy, KLT and CoK CAC, laeassoc@earthlink.net

John Mickelson, CoK CAC NRI Consultant, john.mickelson@yahoo.com

Paul Smart- Hudson Valley Current,

Katie-Sheehan Lopez, CCEUC, kms369@cornell.edu

Julia Farr, KLT, julia@kingstonlandtrust.org

KayCee Wimbish, YMCA Farm, kaycee@kingstonymcafarmproject.org

Susan Hereth, YMCA Farm, susan@kingstonymcafarmproject.org

Brent Felker, Farmer, brentfelker@gmail.com

Megan Ziegenfuss, Kingston City Schools, MZiegenfuss@kingstoncityschools.org

Deborah Dewan - Rondout Valley Growers, deborah.dewan@rondoutvalleygrowers.org

Meeting Minutes

1. Introductions

2. Agenda Overview (Jennifer)

- a. Overview of zoning and other barriers to urban agriculture and proposed recommendations. (Referred to Table 2 from Urban Agriculture Planning and Zoning Report, 2014, page 3-9, distributed before the meeting. See below.)
- b. Stakeholder commentary and questions.
- c. Please take the follow-up survey, where you can fill in any further information you'd like to share (using your name or anonymously) so they can also be included in our report and zoning recommendations. If you prefer, you can just email them directly to us, or we can set up a call if your concerns are very detailed. The link to the survey will be emailed within the next day.

3. Zoning Issues

- a. Jennifer: Reviewed summary of Suggested Amendments and Policy Changes to Allow Urban Agriculture Topic (see chart attached to email/ pg. 3-9 of Urban Agriculture Planning and Zoning Study)
 - i. **Use Districts**

1. Our recommendations: The City should consider whether agricultural uses should be allowed more broadly. This process would be most sensible as part of the Kingston 2025 Comprehensive Plan and zoning overhaul. Separate amendments to the code are not feasible or recommended.
2. Types of Gardens: Residential Gardens, Roof Gardens, Community Gardens, and Commercial (including Non-profit) Food Production Enterprises
3. John: Where is ag currently allowed? Jennifer: Under the zoning code, farming is only allowed in residential districts on parcels of 5 acres or more acres; it is not allowed in any commercial or manufacturing areas; approximately 67 residential lots meet this criteria. There are lots of urban farming initiatives going on in Kingston. Neighbors can take legal action if the activity not permitted by law.
4. KayCee: The area surrounding the YMCA is not residential, but farm is operating (total land of YMCA - just under: $\frac{1}{3}$ acre - main, $\frac{1}{4}$ acre community garden, children's raised beds). Kevin looked it up during the call and we verified: The Y is in an "M-1: Light Manufacturing" zone.
5. Brent: He is working on co-operative farming on 2.7 acres in residential district; goods cannot be visible from the street nor be displayed for sale. He sent the section of the code for our info after the call: ecode360.com/6727317. (Thank you, Brent!)

b. Use Standards and Definitions

- i. Our recommendations: Add definitions of all allowed agricultural or gardening uses, and make sure they are compatible with any state laws.

c. Appearance standards (i.e. in historic districts)

- i. Our recommendations: To assure that UA is perceived as a benefit to the community, appearance standards should be developed throughout the city and reviewed as part of site plans and special permits.
- ii. KayCee: the YMCA received complaint about white PVC piping
- iii. Julia: complaints about growing mugwort growing for rabbits in Midtown; issue of visibility, no signage to explain.

d. Signage

- i. Our recommendations: Allow for signs of the appropriate size and height that communicate what the site is, fit in with the surrounding area, and are affordable.

e. Residential gardens (privately owned and operated; no items for sale)

- i. Our recommendations: Add zoning lot definition and amend to allow zoning lot as a single lot under zoning.
 1. E.g. Front yard gardens
- ii. Susan: Someone has chickens on Marius and another has bees on Albany Avenue. No rules in Kingston that she knows of that prohibit bees. Danielle got variance for her farm stand. She had chickens, ducks and sheep on over

- 5 acres. Is there a law looking at density of animals?
- iii. Deborah: Bob Somers at Ag and Markets is the most knowledgeable on Right-to-Farm laws. He can tell us about other urban areas in NYS that have dealt.
 - iv. Kevin: not really any issues with residential gardens; Binnewater Ice Company block with light manufacturing and residential/ mixed zoning block
- f. **Secondary and Accessory uses** (E.g. sheds & hoop houses)
- i. Our recommendations: Allow agriculture or gardening as a second use referencing case law, (state and federal laws on educational and religious uses in particular). A public input process may be necessary.
 - ii. KayCee: YMCA is hoping to get a full size greenhouse in the future (30 feet); hoophouses (Jessica Clark) were there before the farm project
 - iii. Kevin: South Pine's hoophouse: they needed to make it a non-permanent structure, could be disassembled fast if wasn't in compliance
 - iv. Kaycee: didn't have to get a variance; Danielle had to get a variance for the farmstand - we will ask Danielle (follow-up)
- g. **Fences and screening/ Temporary fencing**
- i. Our recommendations:
 1. Determine whether a fence or landscaping is needed to protect privacy and health of neighbors. This could be done on a case-by-case basis.
 2. Lengthen temporary fence time period to that of the growing season for garden or agricultural areas.
 3. Allow affordable, appropriate fences for gardens.
 - ii. Julia: called the city about pine street city farm for fencing information; the CoK has specific recommendations that are standard (4 ft in front, 6 feet sides and back with maintenance and other requirements; Jennifer: we will confirm setback rules.).
- h. **Market Farms and the Right to Farm**
- i. Our recommendations: Have counsel to review state right-to-farm legislation and determine if current regulations on market farms comply. Change if need be.
 - ii. Right-to-farm laws supercede local laws
- i. **Parking and Loading**
- i. Our recommendations:
 1. Define number of spaces needed for use that would not disturb neighbors. This could be done on a case-by-case basis.
 2. Decide whether loading space(s) are needed. This could be done on a case-by-case basis.
- j. **Composting**
- i. Our recommendations: Allow composting. A public education component may be necessary.
 1. Julie Noble is seeking grants for municipal composting --follow up with Kristen Wilson and Julie
- k. **Weeds**

- i. Our recommendations: Exclude food crops from the weeds definition in any weed or nuisance ordinance. Many crops are considered weeds; regulations may apply to property upkeep, especially in front lawn areas
 - ii. Julia: growing food crops for animals are often considered weeds.
- l. Garbage**
- i. Our recommendations: Define containers required and party responsible for pick-up of garbage at urban agricultural or gardening sites in refuse ordinance.
 - ii. Deborah: CoK has a very active farmer's market. While not food production, it deals with a lot of waste food. Check with them to see what they do.
- m. Public Complaints**
- i. Jennifer: Need for outreach and education in the community about urban farming; need to prepare for public hearing comments
- n. Municipal Water**
- i. Our recommendations: Allow urban agricultural or gardening uses to hook-up to municipal water. This may be a policy change rather than an ordinance amendment.
 - ii. Julia: are there regulations for municipal water attachment systems or cisterns? Jennifer: CAC has been encouraging rain barrels ; CoK does not allow downspouts because has overburned stormwater overflow system; generally encouraged to reduce flooding (Jennifer will followup with more information); we need to look into whether permits are required
 - iii. Research municipal water for commercial purposes versus private
- o. Prescribed burns**
- i. Our recommendations: Amend fire or air pollution ordinance to allow a controlled burn with a permit and certain conditions.
 - ii. Currently not in Kingston's zone; is this problematic? Is this needed?
 - iii. Kevin: DEC regulations; smoke and health hazards
- p. Allowing growing and harvesting in community gardens in municipal parks**
- i. Our recommendations: Allow for growing and harvesting of crops from a community garden in a municipal park
 - ii. Fruit trees are currently forbidden on city streets in CoK; can get messy/sanitary, maintenance and liability issues.
 - iii. Julia: did Master's thesis on fruit trees. Plans for edible trees along the Greenline. In NYC serviceberry or juneberry, considered an ornamental, now helpful for bioswales, etc. For streets that drop fruit, there are maintenance and vermin issues. For those, such as pears, that don't drop, could be exceptions. Issue of the city's capacity to maintain trees. Need to take a nuanced approach, e.g. public-private collaboration with organizations to maintain fruit trees
 - iv. Julia: gardening in municipal parks; are there any foraging regulations in Kingston parks? We need to explore this potential issue.
- q. Animals and Livestock**
- i. Previous controversies -- chickens, bees, goats, ducks, etc.

- ii. Issue of density, conditions in which they are kept, conditions need to maintained
 - iii. Complaints about “animal cruelty”
 - iv. Susan: Zoning laws about density of animals per size of yard? Jennifer: Kingston does not have these regulations
- r. **Stormwater requirements**
- i. Many detailed requirements but the city; want to make sure these are coordinated with initiatives such as green infrastructure, farming, other problems, etc.; this goes beyond zoning; page 42 information about stormwater districts, sediment control

4. Beyond Zoning

- a. Julia: sublets South Pine Farm land to farmers; **KLT land matching program** to help private landowners lend land for urban agriculture and can help with acquiring of land. Lot of people looking for farms/farmers -- KLT is the connector
- b. **Soil contamination:**
 - i. KayCee: General rule of thumb-- if there was ever a building there (which is likely), then there will be contamination and should be doing raised bed
 - ii. YMCA land used to be a dump, so put down barriers and raised beds
 - iii. Julia: Fruit trees don't bring up heavy metals into their fruit, so can be planted in questionable areas
 - iv. Jennifer: bioremediation- questions of disposal
- c. **Language barriers/ diversity of participants**
 - i. Kaycee: Diversity of participants in community gardens: some Spanish speaking workers that have been there for years; years ago, workers justice center folks reserved plots (LeAnne left)-- connection lost; however, continued outreach to Spanish speaking community
 - ii. Julia: “Comida and Tierra” program- Spanish series about food and land - platform for talking about community issues and participating community; right now in the trust and relationship building phase; 3 conversations so far (latest meeting--about 20 native and 30 nonnative spanish speakers); next greenline meeting, will be hosting this group to get people involved and how they can contribute --very forward looking, and currently building the potential for this program
 1. Next meeting at Mi Casita (720 Broadway) on July 24th, 6:00pm
 2. Will have bilingual translators
 3. Trying to make Kingston more inclusive (15% spanish speaking population)
 4. Jennifer: hand out brief postcard-style questionnaire at next Comida y Tierra meeting.
- d. **Economic Considerations: Hobby or need?**
 - i. KayCee: YMCA- farming is more about experience, not for economic necessity (not true for everybody, but may be true for some)
- e. **Local institutional climate**

- i. Jennifer: fragmentation of hard-working organizations; many under-resourced orgs gov and nonprofits; want to have dialog about how we can work about this together ; survey to assess relationships
- ii. KLT, CCE, CAC agreed to participate in these follow-up conversations
- iii. John Mickelson & Open Space Plan: would like to stay involved as a short-term “adjunct” until October
- iv. Julia: Who will coordinate future urban agriculture initiatives and discussions?
 1. Eat Well Kingston, Urban Ag Committee? There should be some way for us to stay in touch
 2. KLT is happy to house this!

5. Concluding remarks:

- a. Jennifer asked everyone to take the follow-up survey if they can think of additions to these issues. It has the same format as the issues on this call. If people prefer, they can schedule phone call or email us comments instead.
- b. In the next 2 months, we want to wrap up our zoning recommendations.

Agricultural Districts

What is an agricultural district?

From: www.agriculture.ny.gov/AP/agsservices/agricultural-districts.html

*The State Legislature enacted the New York Agricultural Districts law, Article 25-AA of the Agriculture & Markets Law [PDF](#), in 1971 to protect and promote the availability of land for farming purposes. Subsequent amendments have broadened its scope and **protections for farmers**. The law provides for a locally initiated mechanism at the county level in the creation, modification and approval of Agricultural Districts.*

Accordingly, counties manage the preliminary stages of creation or modification of an Agricultural District. Thereafter, the Commissioner of Agriculture and Markets certifies that a district meets the purpose and intent of the Agricultural District Law after the county submits a resolution approving or modifying a district.

Farmers interested in adding land or removing land from a locally approved, state certified Agricultural District should start by contacting their county planning representative. A list of contacts working on Agricultural District reviews is provided below along with an Agricultural District master map-link for each county.

Review of existing Agricultural District reviews are conducted every eight years from the anniversary date of district formation. During this eight year review period (Section 303-a) parcels may be added or removed from the district. In periods between these 8-year review processes, new viable agricultural lands may be added to an existing Agricultural District during the county-designated an annual, open enrollment period (Section 303-b).

The NYS Department of Agriculture and Markets partners with the Institute for Resource Information Sciences (IRIS) at Cornell University to actively maintain and update geospatial map data. Cornell University's Geospatial Information Repository (CUGIR) provides open and free access to geospatial data and metadata for New York State, as well as federal agencies with special emphasis on natural features relevant to agriculture, ecology, natural resources, and human-environment interactions. Subjects such as landforms and topography, soils, hydrology, environmental hazards, agricultural activities, wildlife and natural resource management are appropriate for inclusion in the CUGIR catalog. To access the CUGIR library, and to obtain KML, SHP and/or PDF versions of the Agricultural District maps, visit cugir.mannlib.cornell.edu/index.jsp.

Local Laws and Agricultural Districts: How Do They Relate?

From: www.dos.ny.gov/lg/publications/Local_Laws_and_Agricultural_Districts.pdf

Counties, towns and villages in New York State have broad powers to enact laws to govern their own affairs. However, State laws impose certain restrictions on local government authority. One such restriction is found in Section 305-a of the Agriculture and Markets Law which contains the following mandate: "Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and

goals set forth in this article [Article 25-AA of the Agriculture and Markets Law], and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened.” This guidance document has been prepared by the New York State Department of Agriculture and Markets to assist municipalities in drafting local laws and ordinances which may affect farming in an agricultural district. It should not be substituted for legal advice from a municipality’s attorney. This publication also offers guidance to farmers and landowners within an agricultural district on the application of Section 305-a.