

*“Although up till now we have failed to see it, reforming the current planning process is actually one of the last great civil rights issues in the United States.”<sup>1</sup>*

### **3. PHASE 1 ANALYSIS AND RECOMMENDATIONS:**

#### **Local Policy Barriers to Urban Agriculture**

*What do city zoning and related laws allow? What are the barriers in the current laws? What are some model ordinances and related resources from other cities? How can vacant, small, underutilized and inner-city lots be used? How can we revise inflexible zoning that impedes urban agriculture?*

There is very little language in Kingston’s zoning ordinance that mentions or allows activities on the scale of urban agricultural practice. Strictly speaking, if a zoning ordinance does not list a use, it is not allowed. While these activities might be occurring, this means that if neighbors complain, the city may enforce the zoning. In order to support and encourage urban agriculture on a broader scale, many cities in the United States are now allowing agriculture within some or all zones.

While the zoning ordinance has been updated to meet certain needs and changes in Kingston, the City’s Comprehensive Plan has not been updated for over 50 years. Like most traditional zoning codes written in the 20<sup>th</sup> century, many aspects of Kingston’s zoning are inflexible for the needs of a “walkable,” mixed-use community. For instance, parking requirements have created barriers to greater density and the development of housing has been limited in commercial districts. There are ways to overcome these barriers through careful planning and coordination of appropriately located shared-use parking areas.

One of the most influential urban thinkers of the past generation, Christopher Alexander advocated for a change in zoning in *A Pattern Language*<sup>1</sup>, to increase proximity, adjacency, and accessibility between home, work and leisure activities. Changing zoning to support urban agriculture is not intended to threaten the tranquility of residential districts. The “noxious” uses associated with livestock (e.g., noise, odor) would be regulated.

As noted above in the review of related State policies, Section 28-a of New York State General City Law enables cities “to undertake city comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens.” It furthermore states that “the participation of citizens in an open, responsible and flexible planning process is essential to the designing of the optimum city comprehensive plan.” We therefore highly recommend that the Phase 2 study incorporate a well-managed community outreach process to document and address concerns before recommending policy and zoning language.

#### **Zoning Analysis and Recommendations for Action**

For the sake of this analysis, urban agriculture is distinct from private, personal-use gardens in their scale and purpose. In Phase 2, we describe a practice of pairing landowners with farmers in exchange for farm shares. This would require zoning that permits the sale of goods from private gardens, a recommendation that is consistent with practices in the zoning ordinances shown below. These operations would require special permits to deal 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.

**For a full diagnosis of the code, see Appendix A: Challenges to Urban Agriculture in Kingston. A Detailed Analysis of Zoning Ordinance Provisions and Recommendations for Action.**

#### **ZONING TERMS**

- **Allowed or “As-of-Right”:** No public hearing required. May require **special permits** for certain uses.
- **Conditional:** Public hearing required. Adjacent properties are notified.
- **Primary Use:** The main use or activity on a property, occupying the majority of the lot.
- **Accessory Use:** A secondary use of a property, occupying no more than 25% of the lot.

<sup>1</sup> Christopher Alexander (1977), *A Pattern Language*. <http://www.patternlanguage.com/> (Last Accessed, January 31, 2014)

**Used Districts: Current Allowed Uses in Kingston**

The Kingston zoning ordinance and related ordinances do not have adequate, clear allowances for urban agriculture and gardening. No agricultural uses are currently allowed within the commercial and industrial districts or in residential lots under 5 acres.

Private property owners may have gardens and erect small accessory structures within specific limits on their property. The only place where food production for sale may occur is in residential districts on lots of at least five acres. The zoning refers to these as “Truck Gardens” (a term more typically used in other communities is “Market Gardens”). In these instances, no farm buildings or accessory structures can be any closer than 75 feet from any street or property line, and if it contains livestock, the building must be set back at least 200 feet.

The result is that only a small handful of properties in Kingston may legally grow food for sale. The majority of residential parcels in Kingston are under .25 acres. On these 5+ acre residential sites where the zoning does permit agriculture (RRR, RR, R-1, R-2, R-3, R-4, and R-5, but not R-6, RT, other mixed use residential areas, or any commercial or manufacturing areas), agricultural uses are as referred to in the zoning as follows:

- “(5) Farms, truck gardens, greenhouses, nurseries and arboretums on lots having an area of at least five acres, including the sale on the premises of produce grown thereon, provided that:
- (a) Except as hereinafter provided, any farm building, other than dwellings and buildings accessory thereto, and the heating plant of any greenhouse shall be distant at least 75 feet from any street line or property line.
  - (b) Farm buildings devoted to or intended for the housing of livestock, horses, rabbits, hares, guinea pigs, ducks, geese, live poultry or fowls of any kind shall be erected at least 200 feet from any street or property line.
  - (c) No odorous fertilizer shall be stored within a distance of 75 feet of any street or property line.”

**Recommendations:**

The City should consider whether agricultural uses should be allowed more broadly. The first step should be to discuss with the Planning Department or Community Development Department as well as the elected officials the need to update these procedures. Working with city officials, a public education and input process should be undertaken to determine that uses that are best and under what circumstances. This process would be most sensible as part of the current could be part of the Kingston 2025 Comprehensive Plan and zoning overhaul. Separate amendments to the code are not feasible or recommended. Typically, detailed and broad changes to zoning should take at least a year, involve at least three different means of community input (e.g., meetings, surveys, interviews) and may require a consultant if city staff does not have time or expertise.

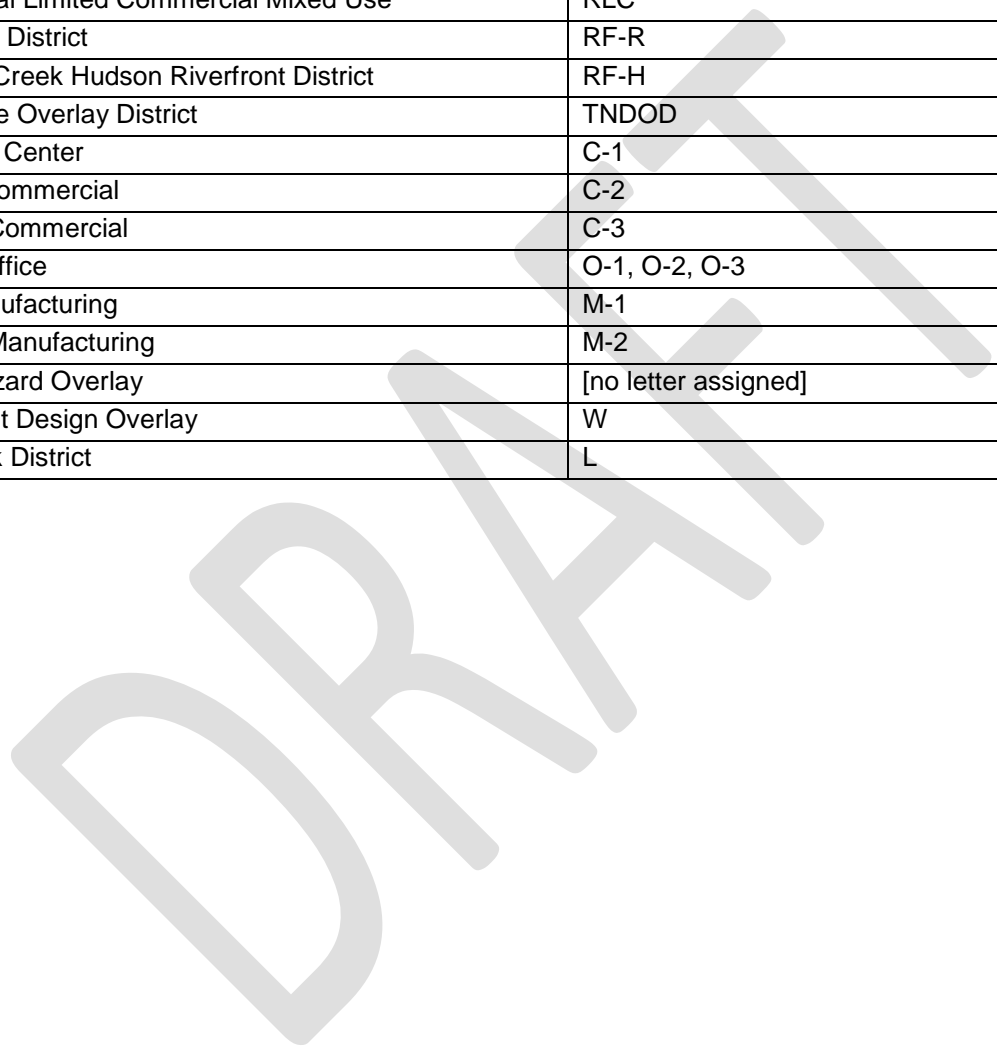
Notable examples of urban agricultural zoning codes and the related language have been useful models for this report:

- **Cleveland, OH** allows agriculture as a principal use on all vacant residentially zoned lots (City of Cleveland Zoning, Ch. 337.02, 337.23, 337.25, 2010)
- **Seattle, WA** allows urban agriculture in all residential zones (City of Seattle Ordinance 123378, 2010).
- **San Francisco, CA** allows urban agriculture (including sales) in residential districts, neighborhood commercial districts, and other districts, with limitations but not complete prohibitions on, compost area placement, fencing, mechanized equipment use, site upkeep, sales, drop-offs, and pick-ups (City of San Francisco, Ordinance 66-11, 2011).

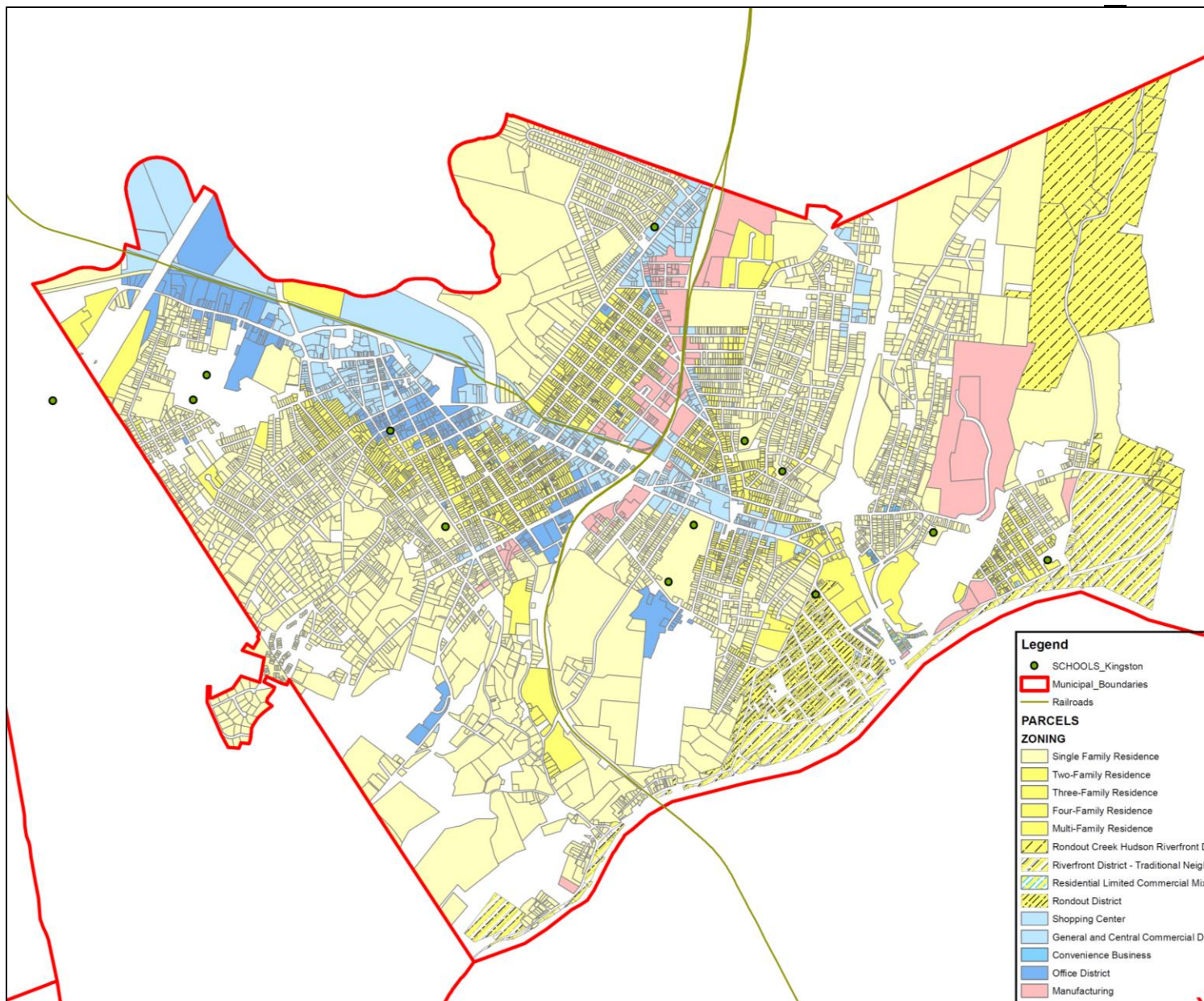
**Zoning Designations in Kingston**  
The local zoning ordinance guides permissions and restrictions for land use in Kingston. Typically, zoning has regulated commercial, residential, and industrial development by height limit, lot size, and setbacks. The zones in Kingston generally fall into four categories: Residential, Commercial, and Industrial. There are also certain mixed-use areas and “overlay zones” to regulate specific needs, such as landmark preservation or flooding areas, which are incorporated into residential and commercial areas.

The matrix below identifies the zoning designations in the City of Kingston.

<b>Title</b>	<b>Symbol</b>
One-Family Residence	RRR, RR, R-1
Two-Family Residence	R-2
Three-Family Residence	R-3
Two-Story Multiple Residence	R-4
Three-Story Multiple Residence	R-5
Multiple Residence	R-6
Rondout District	RT
Residential Limited Commercial Mixed Use	RLC
Riverfront District	RF-R
Rondout Creek Hudson Riverfront District	RF-H
Mixed Use Overlay District	TNDOD
Shopping Center	C-1
Central Commercial	C-2
General Commercial	C-3
Limited Office	O-1, O-2, O-3
Light Manufacturing	M-1
General Manufacturing	M-2
Flood Hazard Overlay	[no letter assigned]
Waterfront Design Overlay	W
Landmark District	L



This map illustrates the zoning divisions throughout Kingston. [NOTE: DRAFT MAP]



### **Permits and Approvals**

The zoning ordinance does not allow for staff approval (e.g., planning, building department) of applications. The lack of flexible approval procedures for certain items that could be clearly spelled out in the zoning results in higher transaction costs for the applicant and the municipality. Some municipalities have created a process called “design review” by which planning staff can approve minor exterior changes and improvements to properties as a quicker means, which would translate to more affordable, timely approvals of urban agricultural land uses and associated buildings. Not all improvements that appear to be small in scope should be approved by staff. The potential implications to the surrounding area should be anticipated in the zoning, but a waiver of full Planning Board review is possible if the zoning can enumerate the conditions for staff design review and approval.

**Recommendations:** Institute design review for urban agriculture projects. Allow sketch plans and site drawings without a professional seal, which helps lower the transaction cost. Without clear guidance about layout requirements and options, these can be more difficult for a typical applicant to properly produce. A design pattern book is recommended.

### **Use Listing and Definitions**

The zoning ordinance does not have definitions dealing with agriculture such as farms, “truck gardens” (commonly called “market gardens,” farms raising produce meant to be sold locally), greenhouses, nurseries

and arboretums (allowed use in certain districts –see “use districts” recommendations), leaving it unclear what types of agricultural uses are allowed. Agricultural and gardening uses are not defined or listed as possible uses in Kingston’s zoning with the exception of one property type – the single family residence 5 acres or larger. In this case, a market garden (referred to as a “truck garden” in the zoning) is permitted with setbacks of 75 feet for accessory structures and 200 feet for livestock. The one term in the definitions section that seems to be related to urban farming is “roof garden.” However, this refers to an entertainment venue or restaurant on a rooftop.

**Recommendations:** If new regulations are considered, well-crafted definitions of the uses allowed must be included. See a list of proposed definitions in Appendix B.

### **Appearance Standards**

Other than the historic districts’ overlay zoning, the ordinance provides few guidelines to assure compatibility with surrounding neighborhoods.

**Recommendations:** In other districts, the ordinance provides few guidelines to assure compatibility with surrounding neighbors. This may not hinder the physical appearance of urban agricultural. However, 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. (See design review recommendations in zoning recommendations.)

### **Signage:**

Signage tends not to be a specific feature in urban agriculture zoning. Pittsburgh specifically prohibits signage on urban accessory sites, whereas it is not prohibited in the cases of primary uses.<sup>2</sup>

**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.

### **Accessory Uses and Structures:**

Uses can be primary or principal (the main use) or accessory (secondary use). Kingston’s zoning defines “Building, Accessory” as “A building detached from and subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.” Accessory structures are permitted on residential property with specific restrictions that might require adjustment under revisions to the code for urban ag. Kingston’s zoning enumerates accessory uses permitted with the main use and others that require a special permit (i.e., prior approval). Examples of this may include processing produce at the farm site or building a storage facility. These and other accessory uses should be considered in the redrafting of Kingston’s zoning code. Regulations governing the setbacks of accessory buildings are complicated – in each district they are noted in the bulk use table at the end of the zoning chapter (405). However, “The sum of all areas covered by all principal and accessory buildings shall not exceed 25% of the area of the lot,” which could limit an urban farm on a vacant residential lot. However, the regulations do not restrict the number or square footage (only “area”) of accessory buildings. Also, this section requires that a principal building must exist on the site in order for an accessory building to be built or remain.

**Recommendations:** In terms of urban agriculture, define “garden house,” “tool house,” and “greenhouse” in the zoning definitions section. Allow accessory structures on sites with no principal structure, in the case of urban agricultural uses. In residential areas where the lot is vacant, urban ag activities could involve the construction of a shed, small greenhouse, hoop house or similar structure if it is the only structure on the lot.

### **Residential Gardens:**

**Adjacent Lots:** The zoning ordinance does not recognize adjacent lots owned by the same property owner as a single lot. (Only in the case of attached dwellings on adjacent lots §405-37, B).

**Recommendations:** Add definitions of all allowed agricultural or gardening uses (examples in Appendix B) and make sure they are compatible with any New York State laws, especially Right to Farm legislation. Add zoning lot definition and amend to allow zoning lot as a single lot under zoning.

### **Front Yard Gardens**

Front yard gardens have become visible areas of contention in many cities, which have responded in varying ways. Some permit them everywhere, others prohibit them completely (Sacramento, see Box 3.1). In the

<sup>2</sup> Pittsburgh Code, Use Regulations, Section 911.04.A.2 , Pittsburgh, PA.

[http://www.pittsburghpa.gov/dcp/files/urbanagriculture/City\\_of\\_Pittsburgh\\_Urban\\_Agriculture\\_Zoning.pdf](http://www.pittsburghpa.gov/dcp/files/urbanagriculture/City_of_Pittsburgh_Urban_Agriculture_Zoning.pdf) (Last accessed January 10, 2014).

middle ground, many cities limit certain types of plantings, for example, Kansas City, MO, forbids row crops for sale on front lawns.<sup>3</sup> Cleveland, OH does not permit chain link fences in residential districts unless there is an urban agricultural use.<sup>4</sup>

**Recommendations:** This highlights the reasons for community input in the planning process. Every community has its own sense of place; zoning codes are not “one size fits all,” and should be tailored based on the feedback from citizens. The outreach for this Phase 1 report was limited by the size and scope of the project. For issues that raise the most community concern, such as appearance, livestock, perceived or real nuisances, and contaminated sites, the Phase 2 study should incorporate a well-managed community outreach process to document and address concerns before recommending policy and zoning language.

### Box 3.1: Front Yard Gardens

Some communities restrict landscaping in front yards. In Sacramento, California, for example, residents were limited in the percentage of space they could use for cultivating fruits and vegetables in their front yards (but were successful in amending their zoning ordinance to eliminate that restriction). Sacramento, Calif. Zoning Code § 17.68.010(A)(1).<sup>5</sup>



Two stories from South Florida have resonated across the country. In the case of Orlando, Florida (photo, left), the city is rewriting its rules to allow vegetable gardens in the front yard, although a fence requirement may make gardening prohibitive for some property owners, effectively limiting their ability to farm.

In the case of Miami shores, the zoning doesn't allow vegetables and the village council members believe their ordinance will stand up in court.<sup>6</sup>

### Community Gardens:

Although the Common Council passed a resolution in support of community gardens, there is no mention of them in the zoning or other City of Kingston ordinances. Community gardens are not allowed as an accessory use on a lot.

**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.

### Hoop Houses:

Hoop houses, which consist of curved metal “hoops” covered in plastic, permit the vegetables to grow in winter without an additional heat source. Kingston's zoning isn't clear about this, except that the dimensions. Provided these are built to the dimensions identified in the zoning, they do not require approval by the Planning Board.

**See recommendation under Accessory Structures.**

### Air Pollution:

Chapter 135 of the Zoning: Air Pollution and Smoke Control regulates air pollution in Kingston, but makes no mention of open fires or controlled burning typically used as a means of clearing agricultural land. Controlled burn is preferred over chemicals for clearing. New York State Environmental Law Section 215, Open Fires

<sup>3</sup> Chapter 88, Zoning and Development Code, Ordinance No. 100299, Kansas City, MO.

<http://cityclerk.kcmo.org/liveweb/Documents/Document.aspx?q=gwQ25M6kFLBpQAH2KArtCVQTuNiMyZkVhPHNtnlPCMYJ%2b2FvKs5bOtLbpVG3Tq5a> (Last accessed, January 14, 2014).

<sup>4</sup> Ch. 337.02, 337.23, 337.25 adopted in 2010, Cleveland, OH.

<http://planning.city.cleveland.oh.us/zoning/pdf/AgricultureOpenSpaceSummary.pdf> (Last accessed, January 14, 2014).

<sup>5</sup> Cited in *Seeding the City*.

<sup>6</sup> <http://www.npr.org/blogs/thesalt/2013/12/16/249342738/in-florida-a-turf-war-blooms-over-front-yard-vegetable-gardening>

subsection 215.3, "Exceptions and restricted burning" allows "(b) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period" and § 215.3(k), "(k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species."

**Animals and Fowl:**

The keeping of animals (e.g., chickens, bees, goats) is only allowed in the residential lots of five (5) acres or more, as noted above. The ordinances Ann Arbor (Michigan), Cleveland and Seattle limit the number of animals, establish where animals can be kept, and how far structures and pens must be from property lines and adjacent houses. Some cities require licenses to be renewed on an annual or biannual basis. Ann Arbor requires a petition from all neighboring property owners giving their permission for the applicant to keep chickens.

**Recommendations:** This is a "hot button" issue that could thwart the adoption of other important changes to the zoning to facilitate urban agriculture in the short term. The experience of Flint, Michigan –where the need and interest urban agriculture was well-established, demonstrates that policy changes such as this take time and should be preceded by public input:

*"...an inclusive and community-based approach is essential for giving validity and legitimacy to proposed revisions or plans. Policymakers want to hear from a broad cross-section of the public. Proposed policies should reflect, as well as possible, the wishes and concerns of the community. Proposed new or amended policies will require numerous edits and amendments to address resident concerns, such as how to regulate chicken keeping."*<sup>7</sup>

**Market Gardens:**

Market gardens, the term widely used to mean farms raising produce meant to be sold locally, are referred to as "Truck Gardens" in the Kingston zoning, although "Truck gardens" are not defined in the definitions section. State laws dealing with the "Right-to-Farm" may apply.

**Recommendation:** Counsel should review the New York State Right-to-Farm legislation and determine if current regulations on market farms comply. Change if need be.

**Fences and Screening:**

The restrictions on fencing are not onerous in Kingston's zoning. Affordable materials are allowed (e.g., chain link, except in Landmark (L) overlay areas). For urban agriculture, the needs for fencing height and type could exceed the limits in certain districts (e.g., 4 feet in the front and 6.5 feet on the sides in residential areas).

**Recommendations:** Temporary fencing should be treated as a separate category and the time periods allowed for temporary fences should incorporate the growing season for garden and agricultural areas. For permanent fences, allow affordable, appropriate materials for gardens and consider height restrictions. 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.

**Parking and Loading:**

In the residential lots where farming is currently allowed, the zoning only specifies the general standards for on- and off-street parking, loading, screening, and lighting. The zoning has formulas for off-street parking based on ratios (§405-34, J.). Relevant ratios include:

Retail sales	1 space for each 300 square feet of floor area
Wholesale, storage and warehousing	1 space for each 3,000 square feet of gross floor area or 1 space for each employee on the largest shift, whichever is greater
Off-street loading facilities	1 berth per 5,000 Square Feet of Gross Floor Area, 2 berths per 10,000 SF/GFA, and 1 additional berth per each 20,000 SF/GFA

<sup>7</sup> Leon Chou (2010), "Assessing the local food supply capacity of Detroit, Michigan." Journal of Agriculture, Food Systems, and Community Development. Volume 1, Issue 2

**Recommendations:** Define the number of parking and loading spaces needed for the use. In residential areas, determine the number that would not disturb neighbors. This could be done on a case-by-case basis. See the example in Appendix D, Best Practices section for parking and loading from Minneapolis.

***Municipal Water:***

Municipal water is available to urban agricultural uses, but the water department would likely meter the usage. These costs could be prohibitive to urban farmers.

**Recommendations:** 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:***

Prescribed or controlled burning is a management tool in rural agriculture and in the conservation of certain natural landscapes. In an urban area, controlled burning could present a nuisance, but is a better alternative than the use of chemicals. New York State Environmental Law permits the on-site burning of agricultural wastes” but only on sites of five acres or more and within a limited timeframe.

**Recommendation:** Examine whether regulations could be updated to allow controlled burns to clear and/or maintain land.

***Gardening in Municipal Parks***

There currently appears to be no allowance for food gardens in municipal parks. The Draft Kingston Recreation Master Plan identifies Cornell Park as “the park is a good candidate site for a community garden and some fruit trees” (page 35).

**Recommendation:** Community gardens could be construed as a recreational use. If the City wants to allow community gardens in recreational areas, the uses should be explicitly listed and defined.

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**Summary of Suggested Amendments and Policy Changes to Allow Urban Agriculture**

<b>Topic</b>	<b>Suggested Amendment</b>
Use Districts	The City should consider whether agricultural uses should be allowed more broadly. This process would be most sensible as part of the current could be 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 like that in Action D 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.

## Recommendations for Phase I: Removal of Barriers to Urban Agriculture

### Integration with Comprehensive Planning and Zoning, Capacity Building and Partnerships

The Kingston Urban Agriculture Committee formed as a result of these changes and is committed to supporting the goals and recommendations of this report, including integrating these goals into the City's comprehensive plan, revisions to the zoning code, revisions to the general ordinance, outreach on urban agriculture policies, education on urban agriculture resources, encouraging communities of practice, adopting a mediation mechanism, coordinating with organizations and government agencies, incorporating food and agriculture into local planning efforts, participating in the Food Policy Advisory Council of Ulster County, and supporting access to land.

In addition to the zoning considerations recommended above, the following steps are recommended for successful implementation of urban agriculture activities in Kingston and inclusion in the Comprehensive Plan and zoning for the city. Most of these recommendations **do not** require funds for implementation. Some require coordination and commitment by city departments and organizational partners.

The success of an urban agriculture program requires:

- 1) **Commitment:** A commitment by the City of Kingston, either by the support of the Comprehensive Plan Committee and Planning Department or via Common Council resolution to adopt and integrate the proposed recommendations into comprehensive planning, zoning and related ordinances, and City programs.
- 2) **Comprehensive Plan Integration:** Addition of recommended urban agriculture objectives in this report. Consultation with stakeholders, including Comprehensive Plan Committee and potentially affected groups (see UA Stakeholders, above). Review and integration of recommendations (with or by consultant, if possible). Approval by Comprehensive Plan committee and adoption by Common Council are recommended. Specific language for the Comprehensive Plan could include recommendations to:
  - a. **Adopt a formal policy on UA.** Our recommendations will be to incorporate this into the Comprehensive Plan under the vision statements regarding environmental, health, and social benefits for the city and as part of the objectives and specific plan/policy language dealing with environment and open space.
  - b. **Provide access and support** for the administration of public urban ag sites and zoning review of private sites that is just, equitable, and sensitive to the needs and characteristics of the community, including the following measures:
    - i. Develop an inventory management plan to expand the inventory and administer the use of the sites;
    - ii. Make the data accessible to community groups, educators, farmers, and residents interested in using the land identified.
    - iii. Develop use-specific evaluation criteria collaboratively with relevant city bureaus; and raise awareness of how UA contributes to the city's sustainability.
  - c. **Develop institutional supports.**
    - i. Establish mechanisms to facilitate cooperation and partnerships between relevant city departments, food banks, and other community services to promote UA; fund and staff a formal municipal community garden program to manage UA initiatives throughout the city.
    - ii. Develop of evaluation criteria and review of parcel suitability and in developing criteria more completely.
    - iii. Form (eventually) of 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, similar to its Urban Forestry Committee.
- 3) **Zoning and Related Ordinance Changes:** Revisions to ordinances should be coordinated with the Kingston 2025 Comprehensive Plan and zoning update. Specific recommendations in this report address: use definitions; appearance standards; signage; secondary/accessory agricultural uses; fences and screening; market farms; Right-to-Farm allowances; parking requirements; loading requirements; composting; garbage (solid waste) weeds; municipal water; prescribed burning; and gardening in municipal parks.
- 4) **Capacity Building:** Within the City of Kingston government departments to implement the coordination and organizational support proposed in this report; strengthening of the Conservation Advisory Council

with a committee that can support these recommendations; strengthening of the Kingston Urban Agriculture Committee to provide coordination and support for this effort for

- a. The production and dissemination of educational materials with the help of organizational partners
  - b. Its work with local agencies and organizations on both urban agriculture and other local food system issues.
- 5) **Partnerships with Supportive Organizations:** Partnerships among the City, the Kingston Urban Agriculture Committee, supportive organizations, and local experts to leverage resources and expertise in support of policy implementation and project coordination.
- 6) **Coordination of Information, Education, and Outreach:** A coordinated effort on the part of city offices, departments, leaders to work with organizational partners in the community that support urban agriculture. Working with partners, use the information referenced in this report and best practices resources for information, education and outreach to support a UA program.

Kingston is in a dynamic phase of its development. There has been significant growth in community leadership. The challenge for Kingston is to harness this energy in a collaborative fashion. In our region, there are three times more non-profit organizations as the national average (Marist, Urban Institute). In Kingston and Ulster County, they tend to be very small and can be unsustainable as a result of limited and variable funding. According to extensive research on nonprofit trends by the Urban Institute, the growth of the non-profit sector is rapid, but potentially unsustainable.<sup>8</sup> Experts in the nonprofit and development sectors have increasingly focused on mergers and collaborations as a means of avoiding failure. The Dyson Foundation, our region's leading philanthropist, focuses its organizational grants on this principle as a means of supporting capacity and community development. This is prompted by a recognition by the philanthropic community nationwide that collaboration is critical to the success of communities, whether their resources are limited or not.

Where resources are scarce, organizations within communities should attempt to leverage one another's resources. The recommendations in the upcoming Phase 2 report, which will be elaborated in section 4 and 5 of this report as they are issued, emphasize the importance of partnerships among the City, the Kingston Urban Agriculture Committee, and the other supportive organizations and groups based on their resources and expertise to help implement policies and projects for urban agriculture. The listing below offers a brief description of each organization, its core strengths, and possible ways each can collaborate to create a stronger **local institutional climate** for urban agriculture.

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<sup>8</sup> Even during and after the recession, from 2007 to 2010, nonprofit employment grew 4 percent and wages increased 6.5 percent, while they decreased in the business sector by 8.4 percent and 8 percent, respectively, and increased only 1 percent and 4.8 percent, respectively, for government. However, in 8 of the past 10 years, the nonprofit sector spent more than it earned. The gap between revenues and outlays was \$65 billion in 2008, 2009, and 2010.