

**Town of Jamestown, RI  
Final Proposed Amendments to the Zoning Ordinance August 26, 2015  
Conservation Development**

**NOTE:** New language is indicated in *bold italics*. Deleted language is indicated as a ~~strikethrough~~.

<b>Section</b>	<b>Proposed Amendment</b>
<p>Article 1, Section 82-103. Defini- tions</p>	<p>Add the following new definitions in their proper numerical order :</p> <p><i>Conservation Development - A residential land development project which allows a community to guide growth to the most appropriate areas within a parcel of land to avoid impacts to the environment and to protect the character-defining features of the property. See Jamestown Subdivision and Land Development Regulations.</i></p> <p><i>Conventional Subdivision - A residential subdivision in which all land being subdivided is dedicated to either development lots or street right of way. Not a Conservation Development.</i></p> <p><i>Conventional Yield Plan - A plan of a conventional subdivision or land development project (as opposed to a Conservation Development) that depicts the maximum number of single family building lots or dwelling units that could reasonably be built on a parcel of land under current zoning, taking into account the presence of physical constraints to development, such as wetlands, or other land unsuitable for development.</i></p> <p><i>Land Suitable for Development - Land suitable for development means any land area other than Land Unsuitable for Development.</i></p> <p><i>Onsite Wastewater Treatment System (OWTS) –Any system of piping, tanks, dispersal areas, alternative toilets or other facilities designed to function as a unit to convey, store, treat or disperse wastewater by means other than discharge into a public sewer system.</i></p>
<p>Article 1, Section 82-103. Defini- tions</p>	<p>Amend the following definition as indicated:</p> <p>(82) <u>Land Development Project</u> - A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units or structures, including, but not limited to, planned development, and/or <del>cluster</del> <i>conservation</i> development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the ordinance [this chapter].</p>

	<p>(83) Land unsuitable for development - <b><i>Land unsuitable for development means land which has environmental constraints or physical constraints to development and</i></b> shall be defined as follows:</p> <p>1) Wetlands as defined in G.L. 1956, § 2-1-18 et seq., and intertidal salt marshes as defined by G.L. 1956, § 46-23-1 et seq. as the same is or may be from time to time amended, and in any rules or regulations adopted pursuant thereto.</p> <p>For the purposes of delineating <del>suitable</del> land <b><i>suitable for development</i></b> for the computation of the maximum number of dwelling units, land encompassed by any setback requirement or banks, as set forth in G.L. 1956, § 2-1-18 et seq., need not be excluded from consideration as developable land area. <b><i>For conservation developments, the regulations in Sec. 82-1607 shall apply.</i></b></p> <p>2) <b><i>Coastal features and coastal wetlands as defined herein.</i></b></p> <p>2) 3) Land located within <del>zone A8</del> <b><i>Special Flood Hazard (SFHA)</i></b> as <b><i>defined in 82-317 herein</i></b> or shown on the <del>Town of Jamestown</del> <b><i>Newport County</i></b> flood insurance rate map, and any revisions thereto.</p> <p>3) 4) An area of the tract proposed to be developed equal to 20 percent of that portion of a tract which is located in an R20 district; ten percent of that portion of a tract which is located in an R40 district; and five percent of the portion of a tract which is located in an RR80 district, as an allowance for public streets or in the alternative the area of any public street rights-of-way actually designed for the proposed <del>multifamily dwelling</del> project in accordance with applicable subdivision regulations.</p>
<p>Article 1, Section 82-103. Defini- tions</p>	<p>Delete definition No. 31 <u>Cluster</u> and renumber all remaining definitions in their proper numerical order.</p>
<p>Article 3, Applica- tion of District Regula- tions</p>	<p>Table 3-1 entitled <u>Permitted Uses</u>, Subsection I – RESIDENTIAL is amended by deleting use no. 2 Single-family cluster* and replacing it with a new use no. 2 as follows:</p> <p><b><i>2 Conservation development*</i></b></p> <p>Further amend this new row to indicate that Conservation Development is a permitted use (Y) in the RR-200, RR-80, R-40, and R-20 zoning districts, and a prohibited use (N) in all other zoning districts.</p> <p>Delete the note marked with a single asterisk after the phrase “single-family</p>

	<p>cluster” and replace it with the following new note:</p> <p><b><i>*The provisions of this table notwithstanding, the uses permitted in a conservation development in any zoning district where permitted, shall be governed by the provisions of Article 16 of this Ordinance</i></b></p>
<p>Article 3, Section 82-302. District dimen- sional regula- tions Table 3-2</p>	<p>Add the following new footnote to Table 3-2 as follows:</p> <p><b><i>**The provisions of this Table notwithstanding, for the purposes of calculating minimum lot size, maximum lot coverage, maximum building height, minimum yard dimensions, setbacks for accessory buildings , and the maximum number of lots or dwelling units permitted in a conservation development in any zoning district where permitted, the provisions of Article 16 - Conservation Developments, of this Ordinance shall apply.</i></b></p>
<p>Sec. 82- 310</p> <p>Reduc- tion of street frontage regula- tions</p>	<p>Section 82-310 entitled <u>Reduction of Street Frontage Regulations</u> is amended as follows:</p> <p><b><i>A. Street frontage regulations in any R district may be reduced to not less than 60 feet for those lots entirely fronting on culs-de-sac at the end of dead-end streets.</i></b></p> <p><b><i>B. Upon approval of the Planning Commission as part of a conservation development only as provided in the Subdivision and Land Development Regulations, the lot frontage and lot width variations listed below may be permitted by the Planning Commission.</i></b></p> <ol style="list-style-type: none"> <li><b><i>1. In residential RR-200, RR-80, R-40 and R-20 zoning districts, the Planning Commission is authorized to reduce the lot frontage and lot width of newly created lots on any public or approved private street to a minimum of forty (40) feet.</i></b></li> <li><b><i>2. Open space lots, within an approved conservation development, may have zero frontage on a street, as long as the Planning Commission approves access to the open space by easement or other means.</i></b></li> <li><b><i>3. As part of the application to the Planning Commission for flexible lot frontage and width, a “conventional yield plan” as defined herein, shall be required. No more buildable lots shall be allowed using flexible lot frontage and width provisions than are allowed by using conventional frontage and width provisions.</i></b></li> <li><b><i>4. The Planning Commission may require the use of shared driveways as a condition of reducing lot frontage and width for proposed new lots in a conservation development; or as a way of reducing curb cuts onto public roads. In this instance legal access easements shall be required for those properties sharing driveways.</i></b></li> </ol>

**ARTICLE 16**

## CONSERVATION DEVELOPMENTS

### *Sec. 82-1600 Purpose.*

*The purposes of this section, entitled Conservation Developments, are:*

- A. To conserve open land by setting aside from development those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, wetlands, reservoirs and their drainage areas, and agricultural lands;*
- B. To preserve historical, agricultural and archaeological resources;*
- C. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of streets, utility runs, and the amount of paving required for residential development;*
- D. To provide for a diversity of lot sizes and layouts;*
- E. To provide housing choices for various age and income groups and residential preferences to maintain population diversity in the community;*
- F. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally important resources as set forth in the Comprehensive Plan,*
- G. To provide reasonable incentives for the creation of a greenway / trail system within the Town;*
- H. To implement land use, housing, environmental and open space policies as set forth in the Comprehensive Plan;*
- I. To protect areas with productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;*
- J. To create neighborhoods with direct visual and/or physical access to open land, with amenities in the form of neighborhood open space, and strong neighborhood identities;*
- K. To provide for the maintenance of open land set aside for active or passive recreational use, stormwater drainage or conservation;*
- L. To conserve and create scenic views and preserve the rural character of the Town, particularly along existing streets;*
- M. To provide buffers between new developments and existing neighborhoods, delicate natural features and habitats, and,*
- N. To encourage low impact development (LID) techniques to control and reduce stormwater impacts.*

**Sec. 82-1601. Applicability**

**A. In accordance with the standards set forth in this section, the Planning Commission shall require all major subdivisions or land development projects to be developed in the form of a conservation development, whether a subdivision or not, except as provided in subsection B., below, only in the RR-200, RR-80, R-40 and R-20 zoning districts.**

**B. If an applicant requests approval of a major conventional subdivision, the Planning Commission shall first require the applicant to submit a plan(s) of a conservation development for the property proposed for development, following the requirements and procedures for conservation developments provided in this section. As a comparison, the applicant shall also submit plan(s) for the conventional type of development requested. If the Commission finds that the conventional subdivision meets the general purposes of the Subdivision and Land Development Regulations and is consistent with the Comprehensive Plan, and after consideration of the purposes of conservation developments set forth in Section 82-1600 herein, the Commission may permit the application to be reviewed in a form other than conservation development. For major subdivisions or land development projects, the Commission may make this determination at the pre-application meeting, but no later than the master plan stage of review.**

**C. The Planning Commission may not require an application for a minor conventional subdivision to be submitted as a conservation development. Applications seeking approval of either a minor conventional subdivision or a minor conservation development shall be at the discretion of the applicant.**

**D. Administrative subdivisions and subdivisions that create lots which are not for the purpose of present or future development (e.g., open space lots) shall not be required to be developed as a conservation development.**

**Sec. 82-1602. Utilities required in R-20 zoning districts.**

**In R-20 zoning districts, all conservation developments must be provided with public water and sewer service. Privately owned wells and Onsite Wastewater Treatment Systems (OWTS) shall not be allowed for individual lots in a conservation development in this zoning district.**

**Sec. 82-1603. Permitted residential uses.**

**The following residential uses are permitted by right (Y) in a conservation development, unless otherwise noted:**

- A. Single-family dwelling (in RR-200, RR-80, R-40 and R-20 districts)**
- B. Two-family dwelling or duplex (in R20 district only)**
- C. Multi-family dwelling structure, 3-12 units (in R20 district only)**
- D. Multi-family dwelling project (in R20 district only)**

- E. Accessory Dwelling Units (in R20 district only) shall be permitted per Sec. 82-1104 .  
These units shall not count towards the maximum number of dwellings allowed in a conservation development.*
- F. Accessory Family Dwelling Units shall be permitted per Zoning Ordinance Article 14.  
These units shall not count towards the maximum number of dwellings allowed in a conservation development.*
- F. Community residence*
- G. Family day care home*

***Sec. 82-1604. Affordable housing in conservation developments.***

*The maximum number of dwelling units permitted in a conservation development shall be increased for the development of affordable housing as provided in Article 17. Where a conservation development of 4 or more dwelling units is submitted to the Planning Commission for review and approval, the Commission shall require at least twenty percent (20%) of the units to qualify as Affordable Housing, as defined in this Ordinance. All the provisions of Section 82-1705 entitled Inclusionary Zoning shall apply, including density bonus provisions. Lot dimensional requirements and the minimum amount of required open space shall be modified by the Planning Commission in order to accommodate the increased number of total housing units. Provided, however that any reduction in the minimum amount of required open space shall be the least amount required to accommodate the increase in density.*

***Sec. 82-1605. Permitted open space uses.***

*The open space in a conservation development shall be devoted only to conservation purposes; for park and passive recreation uses; or for the preservation and management of agricultural, habitat or forestry resources. The following provisions shall apply:*

- A. Any agricultural use listed in Table 3-1 – Permitted Uses in Subsection III – Agricultural Uses. Uses marked with a Y are permitted by right; uses marked with an S are permitted by special use permit; uses marked with an N are prohibited in a conservation development*
- B. In all conservation developments, the uses listed below shall be permitted by right within the open space areas.*
  - Reservations for the production or protection of wildlife, including conservation lands, wildlife preserves, forest management activities and woodlots.*
  - Passive recreation, hiking trails and walking trails.*
- C. In all zoning districts where conservation developments are permitted, stormwater drainage areas may also be allowed in open space areas subject to the approval of the Planning Commission in accordance with the applicable provisions of the Subdivision and Land Development Regulations.*

***D. Buildings, structures, parking areas or other impervious improvements which are accessory to and subordinate to a permitted open space use may be located on any open space lot provided that, in all cases, they occupy no more than two (2) percent of the total open space area of the conservation development.***

***E. The required amount of open space in a conservation development shall be as provided in sub-section 82-1609.B of this Article, below.***

***Sec. 82-1606. Maximum number of dwelling units.***

***The maximum number of dwelling units permitted in a conservation development shall not exceed the number of single family lots (or dwellings) which could reasonably be expected to be developed upon the conservation development site under a Conventional Yield Plan as defined in Article 1 herein, and as further described in Article V.A.8 (Basic Maximum Number of Dwelling Units) of the Subdivision and Land Development Regulations.***

***Sec. 82-1607. Land unsuitable for development.***

***Land unsuitable for development as defined in Section 82-103 may be included as part of any lot in a conservation development, but may not be included in the calculation of minimum lot area as provided in Table 1 of Sec. 82-1608, below. In addition, land unsuitable for development may be included as part of any open space area, but may not be included in the calculation of minimum required open space as provided in Table 2 of Sec. 82-1609, below.***

***Sec. 82- 1608. Lot dimensional requirements.***

***The dimensional regulations provided in Table 1 below shall apply to all lots in a conservation development proposed as building lots for single or two-family dwellings.***

***Sec. 82-1609. Open space in conservation developments.***

***Every conservation development shall provide protected open space in accordance with the following requirements and standards:***

- A. The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.***
- B. The minimum amount of required open space area shall be based on a percentage of the land suitable for development in the entire conservation development as provided in Table 2 below. None of the minimum required open space area shall be devoted to land unsuitable for development as defined herein.***

<i>Table 2</i>		
<i>Zoning District</i>	<i>Minimum Percentage of Land Suitable for Development to be Dedicated as Open Space</i>	
<i>RR-200</i>	<i>70%</i>	
<i>RR-80</i>	<i>60%</i>	
<i>R-40</i>	<i>50%</i>	
<i>R-20</i>	<i>Both Public Sewer and Public Water Required</i>	<i>50% - All Single Family Units</i>
		<i>50% - All Two Family Units</i>

- C. Open space provided by a conservation development for public or common use, shall either (1) be conveyed to and accepted by the Town for park, open space, agricultural, or other permitted use or uses; or (2) be conveyed to and accepted by a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or (3) be conveyed to and accepted by a corporation or trust owned or to be owned by the owners of lots or units within the development or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units; or (4) remain in private (non-common) ownership if the use is limited to agriculture, habitat or forestry. In accordance with the Comprehensive Plan and this Zoning Ordinance, it is determined that private ownership may be necessary for the preservation and management of the agriculture, habitat or forest resources. In such cases, the Planning Commission, as part of its review of a conservation development, shall make positive findings as part of the record, setting forth the basis for such ownership.*
- D. The Planning Commission may limit or restrict the amount of open space that may remain in private ownership where necessary to contribute to a connecting greenway system or to provide public access to open space, as provided in the Comprehensive Plan.*
- E. All open space land provided by a conservation development or other land development project shall be subject to a management plan approved by the Planning Commission that will specify the permitted uses for the open space.*
- F. In any case where the land is not conveyed to the Town, a restriction, in perpetuity, enforceable by the Town and by any owner of property in the land development project in which the land is located shall be recorded providing that the land shall be kept in the*



*authorized condition(s) and not be built upon or developed except as approved by the Planning Commission.*

- G.** *All open space, regardless of whether it is conveyed to the Town, shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions, and by the grant of a conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended to at least one entity other than the Town, which entity shall be a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection.*
- H.** *The perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions and by the grant of a conservation or preservation restriction to the Town, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended and/or homeowner restrictive covenants. The Planning Commission or Administrative Officer shall approve the form and content of all deed restrictions at the time of final approval of the subdivision. Every deed restriction providing a maintenance guarantee shall contain the following provision:*

*"If the owners, or their successors or assigns fail to maintain the open space or any improvements thereon, the Town may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action at law or in equity against the owners or their successors or assigns."*

**Sec. 82- 1608. Lot Dimensional Requirements**

**Table 1 - Lot Dimensional Requirements in a Conservation Development**

<b>Type of Water Supply &amp; Sewage Disposal Infrastructure Provided</b>	<b>Minimum Lot Size</b>		<b>Maximum Lot Coverage (%)</b>	<b>Maximum Height (feet)</b>		<b>Minimum Yard Dimensions (feet)</b>				<b>Accessory Buildings</b>	
	<b>Area (square feet)</b>	<b>Width<sup>1</sup> (feet)</b>		<b>Principal Building</b>	<b>Accessory Building</b>	<b>Front</b>	<b>Crn. Side</b>	<b>Side</b>	<b>Rear</b>	<b>Side</b>	<b>Rear</b>
<b>Single Family Dwellings – RR-200, RR-80 and R-40 Zoning Districts</b>											
<b>On-Site Well &amp; OWTS</b>	20,000	100	25	35	25	30	25	10	30	10	10
<b>Single Family Dwellings – R-20 Zoning Districts</b>											
<b>Both Public Water &amp; Public Sewer Present</b>	7,500	70	35	35	25	20	15	10	30	7	10
<b>Two-Household Dwellings - R-20 Zoning Districts</b>											
<b>Both Public Water &amp; Public Sewer Present</b>	20,000 <sup>2</sup>	100	25	35	25	30	25	10	30	10	10

**Notes:**

- 1. The Planning Commission may authorize modifications to the lot width as provided in Sec. 82-310 of this Ordinance.*
- 2. Each lot contains two dwelling units. The total number of permitted two-household dwelling structures in a conservation development would be one-half the number of single family dwelling units. See Sec. 82-*

***3. Where multifamily dwellings of three or more units per structure are proposed to be developed upon a single lot, including attached townhouse or condominium projects, the dimensional provisions of Article 10 shall apply.***