

TOWN OF JAMESTOWN

P.O. Box 377 93 Narragansett Ave. JAMESTOWN, RHODE ISLAND 02835

Planning Office (401) 423-7210

Approved as amended PLANNING COMMISSION MINUTES

November 15, 2023 7:00 PM Jamestown Town Hall 93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:02pm and the following members were present:

Michael Swistak - Chair

Duncan Pendlebury - Vice Chair

Rosemary Enright - Secretary

Diane Harrison

Bernie Pfeiffer

Dana Prestigiacomo

Not present: Mick Cochran

Also present:

Lisa Bryer - Town Planner Carrie Kolb - Planning Assistant Wyatt Brochu, Esq. - Ruggiero, Brochu & Petrarca

Bob Plain

Mary Meagher

II. Citizen's Non-Agenda Item

III. Correspondence

 Memo to Zoning Board for High Groundwater Table and Impervious Overlay District Section 82-314 - Sub-district A, Brian and Ada Haskell, AP 14, Lot 70; 66 Seaside Drive Correspondence recognized as received.

IV. New Business

1. No items at this time.

V. Old Business

1. Zoning Ordinance changes based on joint work session with Town Council on November 1, 2023 - review, discussion and/or action and/or vote

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ZONING ORDINANCE CHANGES PROPOSED

Assisted living facility. A non-institutional shared living environment which integrates shelter and service needs for functionally impaired and older persons who can maintain a semi-independent lifestyle and who do not require constant supervision or intensive health care as provided by an institution. Each congregate unit has its own bedroom and may have a separate and shared living room, kitchen, dining area or bathroom.

Bed and breakfast home. A single building or part thereof used only for residential <u>lodgingdwelling</u>, occupied by the owner thereof, and made available on an overnight basis for transient guests for compensation, and which adheres to the standards in Sec. 82-1202.

Lot coverage. That portion of the lot that is or may be covered by buildings and accessory buildings and accessory structures. See Sec 82-703

Major Recreational Equipment. See Recreational Equipment, Major, See Sec 82-706

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Bryer said that Commercial Waterfront East (CWe) and Commercial Waterfront West (CWw) now have their own columns on the table below. Bryer discussed all the changes made to the tables below.

Article 6. Application of District Regulations

	Permitted Uses							Tab	e 6-1	İ.				
Use	·		Di	strict	· .									
		Р	OS-I	OS-II	RR- 200	RR- 80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
I. RES	SIDENTIAL													
1.	Single-family dwelling	N	N	N	Y	Y	Υ	Ÿ	Υ	Υ	Y	Υ	Υ	ΥĪ
2.	Conservation Development*	N	N	N	Υ	Y	Υ	Y	N	N	N	N	N	N
3.	Two-family dwelling or duplex	N	N	N	N	N	N	S	Υ	Υ	Y	N <u>Y</u>	<u>Y</u> #	Υ
4.	Multifamily dwelling development/structure – See 1200	N	N	N	N	N	S	S	S	S	S	N	N	S
5.	Community residence	N	N	N	Y	Y	Υ	Υ	Υ	Υ	Y	¥ <u>N</u>	N	Y
6.	Family day care home	N	N	N	Y	Y	Υ	Y	Υ	Y	Y	Υ	Υ	Y
7.	Mobile Home/ Manufactured Home/Trailer Park	N	N	N	N	N	N	N	N	N	N	N	N	N
8.	Transient Trailer Park	N	N	N	N	N	N	N	N	N	N	N	N	N
9.	Mixed use +	N	N	N	N	N	N	N	N	Υ	Υ	Y	S	S
10.	Accessory Dwelling Unit – See 1201	N	N	N	Y	Y	Y	Υ	Υ	Υ	<u>₩</u> Y	N	N	N
11.	Compact Cottage Development – See 1203	N	N	N	N	¥ <u>S</u>	¥ <u>S</u>	Y	Υ	Y	N	N	N	N
<u>12.</u>	Assisted Living Facilities – See	N	N	N	N	<u>s</u>	<u>s</u>	<u>s</u>	<u>S</u>	Y	Y	<u>N</u>	<u>N</u>	N
II. LO	DGING										_			
1.	Motel or hotel	N	N	N	N	N	N	N	N	S	S	N	N	<u>SN</u>
2.	Bed and breakfast home - See	N	N	N	N	N	N	N	N	S	S	<u>\$N</u>	<u>\$N</u>	<u>S</u> N
III. AG	RICULTURAL	\top												
1.	Farm, Crops and Nurseries	Y	N	S	Y	Υ	Υ	Υ	Υ	Υ	Υ	N	N	N
2.	Farm, Livestock	Υ	N	S	Υ	Υ	S	S	N	N	N	N	N	N
3.	Keeping and raising of chicken hens accessory to permitted use – See 1207	Y	N	S	Y	Υ	<u>\$Y</u>	<u>\$Y</u>	<u>sy</u>	N	N	N	N	N
4.	Aquaculture	S	N	S	S	S	S	S	S	5	N	S	S	S
	OVERNMENT, EDUCATION, TUTIONAL													
1.	School or college	S	N	N	N	S	S	S	S	S	S	N	N	N
2.	Religious institution	N	N	N	N	S	S	S	S	S	S	N	N	N

Use			Di	strict										
		Р	OS-I	OS-II	RR- 200	RR- 80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
6.	Nursing or Convalescent home	N	N	N	N	S	5	S	S	S	S	N	N	S
7.	Emergency counseling service	N	N	N	N	N	N	N	N	S	S	N	N	N
3.	Fire or police station	S	N	N	N	S	S	S	S	Υ	Υ	N	N	N
9.	Government facility (except penal, utility or garage)	S	N	N	N	S	S	S	S	S	S	<u>5N</u>	\$ <u>N</u>	S <u>N</u>
10.	Government-owned penal, garage or utility facility	S	N	N	N	N	N	N	N	S	S	N	N	N
11.	Halfway house	N	N	N	N	N	N	N	N	N	N	N	N	N
12.	Charitable or fraternal organization	S	N	N	N	N	N	N	N	S	S	N	N	N
13.	Recreational ballfields	S	N	S	N	S	S	S	S	S	S	N	N	N
14.	Park and recreation use, including skateboard or ice rinks and playgrounds together with buildings, ancillary to the park use, such as bathrooms, educational space, and storage.	Υ	N	Υ	S	S	S	S	S	S	S	S	S	S
V. TR	ANSPORTATION AND UTILITIES					1.5								
1.	Off-street parking (accessory)	Y	N	S	Y	Y	Y	Y	Υ	Y	N	Y	Y	Y
2.	Off-street parking (commercial)	N	N	N	N	N	N	S	S	Υ	N	N	N	Υ
3.	Seasonal off-site marina parking	N	N	N	N	N	S	S	N	Υ	Y	Y	Y	N
4.	Off-site parking (municipal)	Y	N	N	Y	Y	Υ	Y	Y	Y	Y	Y	Υ	Υ
5.	Special event parking	Υ	N	S	N	Υ	Υ	Y	S	Υ	Y	N	N	N
6.	Boat and ship storage (noncommercial)	N	N	S	Y	Y	Y	Y	Y	Υ	Y	Υ	Y	N
7.	Motor freight terminal	N	N	N	N	N	N	N	N	N	N	N	N	N
8.	Bus passenger shelter	S	N	N	N	N	N	S	S	Y	Y	Υ	Υ	N
9.	Public and semipublic structure	S	N	N	S	S	S	S	S	Y	Y	N	N	N
10.	Power generating station (commercial)	N	N	N	N	N	N	N	N	N	N	N	N	N
11.	Sewage treatment plant (publicly owned)	S	N	N	N	N	N	N	N	N	N	N	N	N
12.	Transmission lines, towers or substations	S	N	N	S	S	S	S	S	S	5	N	N	N
13.	Incinerator, landfill or waste disposal facility	N		N	N	N	N	N	N	N	N	N	N	N
14.	Radio or TV studios	N -		N	N	N	N	N	N	S	Y	N	N	N
15.	Solid waste transfer station	S	N	N	N	S	N	N	N	N	N	N	N	N

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Use		_		strict		T	1	T	I	La		T 40.00		I = -
		Р	OS-I	OS-II	RR- 200	RR- 80	R-40	R-20		CL	CD	CWe	CWw	DC
19.	Heliport/Helistop++	N	N	N	N	N	N	N	N	N	N	N	N	N
20.	Accessory Solar Energy System – See 1204	Α	Α	Α	A	Α	Α	Α	Α	Α	А	Α	Α	Α
21.	Major Solar Energy System – See 1204	N S	N	N	N	N	N	N	N	N	N	N	N	N
22.	Communications Towers – See 1206	S	S	S	S	S	N	N	N	N	N	N	N	N
VI. C	OMMERCIAL, RETAIL													
A.	Heavy equipment													
1.	Lumber and building materials	N	N	N	N	N	N	N	N	Y	S	\$ <u>N</u>	\$ <u>N</u>	N
2.	Heating, plumbing, electrical or hardware	N	N	N	N	N	N	N	N	Υ	Υ	N	N	N
3.	Heavy equipment sales or rentals	N	N	N	N	N	N	N	N	S	S	N	N	N
В.	Food													
1.	Grocery, bakery, dairy, fruit and vegetable, meat and fish, etc.	N	N	N .	N	N	N	N	N	Υ	Υ	S	S	<u>\$N</u>
2.	Sale of produce raised on premise	N	N	S	Y	Υ	Υ	Y	Υ	Y	Y	N	N	N
3.	Packaged liquor stores	N	N	N	N	N	N	N	N	S	Y	N	N	N
C.	Eating and drinking places													
1.	Lunchroom or restaurant (no alcoholic beverages)	N	N	N	N	N	N	N	N	Υ	Υ	Υ	S	¥ <u>N</u>
2.	Tavern, bar or nightclub (alcoholic beverages)	N	N	N	N	N	N	N	N	N	S	N	N	N
3.	Lunchroom or restaurant (alcoholic beverages)	N	N	N	N	N	N	N	N	S	S	S	S	¥ <u>N</u>
4.	Drive-in restaurant (no alcoholic beverages)	N	N	N	N	N	N	N	N	N	N	N	N	N
D.	Motor vehicles													
1.	Motor vehicle dealers, including repairs conducted in a building	N	N	N	N	N	N	N	N	S	N	N	N	N
2.	Tire, battery and accessories sales	N	N	N	N	N	N	N	N	Y	Υ	N	N	N
3.	Fuel service station – see 1211	N	N	N	N	N	N	N	N	S	S	N	N	N
4.	Auto body or paint shop	N	N	N	N	N	N	N	N	S	N	N	N	N
5.	General auto repair	N	N	N	N	N	N	N	N	S	S	N	N	N
6.	Vehicle rental agency	N	N	N	N	N	N	N	N	S	S	N	N	N

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age o	Use		_											District
		P	OS-I	OS-		RR- 80	R-40	R-20	R-8	CL	CD	CWe	CWw	District DC
Ē.	Commercial recreation													
1.	Commercial recreation facilities	N	N	N	N	N	N	N	N	5	5	N	N	N
2.	Theater or concert hall	N	N	N	N	N	N	N	N	S	Υ	N	N	N
3.	Casino gambling, gaming, wagering or any gaming of any type	N	N	N	N	N	N	N	N	N	N	N	N	N
4.	Adult businesses	N	N	N	N	N	N	N	N	N	N	N	N	N
5.	Amusement or video arcades	N	N	N	N	N	N	N	N	N	N	N	N	N
6.	Golf course, including clubhouse, outdoor lawn tennis courts (unlighted), maintenance facility, all accessory to operation of a golf course	N	N	S	S	S	S	S	N	N	N	N	N	N
7.	Miniature golf, driving ranges, pitch and putt, etc.	N	N	N	N	N	N	N	N	N	N	N	N	N
8.	Tent or recreational vehicle camps	N	N	S	N	N	N	N	N	N	N	N	N	N
9.	Riding academies	N	N	N	S	S	S	N	N	N	N	N	N	N
10.	Roller, ice skating or skateboard rink	N	N	N	N	N	N	N	N	N	N	N	N	N
11.	Amusement parks	N	N	N	N	N	N	N	N	N	N	N	N	N
12.	Drive-in theater	N	N	N	N	N	N	N	N	N	N	N	N	N
13.	Marina	S	N	S	N	S	S	S	S	Y	Y	. Y	Y	N
14.	Boat and ship storage, and repair	S	N	N	ON.	S	S	S	S	Y	S	Y	Y	N
15.	Yacht clubs and beach clubs (no alcoholic beverages)	N	N	N	(N	S	S	S	S	S	S	N	N	S
16.	Yacht clubs and beach clubs (alcoholic beverages)	N	N	N	N	N	N	N	N	S	S	N	N	N
17.	Beach cabanas and bath (no alcoholic beverages)	N	N	N	N	S	S	S	S	S	N	N	N	N
F.	Miscellaneous retail													
1.	Retail, general	N	N	N	N	N	N	N	N	Y	Y	N	N	N
2.	Furniture, floor covering and furnishings	N	N	N	N	N	N	N	N	Y	Y	N	N	Y
3.	Radio, TV, records and tapes	N	N	N	N	N	N	N	N	S	γ	N	N	N
4.	Fuel oil, bottled gas, etc., including storage	Ŋ	N	N	N	N	N	N	N	S	S	S/A	S/A	N
5.	Marine supplies, bait and accessories	N	N	N	N	N	N	N	N	Υ	Υ	Υ	Υ	N
				• • •										

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Use	01.10		Dis	strict										
		Р	OS-I	OS- II	RR- 200	RR- 80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
8.	Sale of home crafts products manufactured on premises	N	N	N	S	S	S	S	S	Υ	Υ	S	S	S
9.	Marijuana growing, processing, cultivating, testing, and sales, including but not limited to: marijuana compassion center; licensed marijuana cultivator; marijuana processing and testing; marijuana wholesale and retail sales; (Excludes state medical marijuana program for individual qualified patient cardholder, primary caregiver, and licensed medical marijuana cooperative); and Cannabis establishments. +++	N	N	N	N	N	N	N	N	N	N	N	N	N
	VII. COMMERCIAL SERVICES													
A.	Professional office													
1.	General commercial office or bank	N	N	N	N	N	N	N	N	Y	Υ	N	N	S
2.	Temporary real estate office or model home**	N	N	N	N	S	S	S	S	5	S	N	N	S
3.	Home occupation – See 1211	N	N	N	Υ	Y	Υ	Y	Υ	Y	Υ	Υ	Υ	Y
4.	Freestanding automated teller machine (ATM)	N	N	N	N	N	N	N	N	S	S	S	S	N
5.	Day care center	N	N	N	N	N	N	N	S	Υ	Y	N	N	N
В.	Personal services													
1.	Personal Services, General	N	N	N	N	N	N	N	N	Υ	Υ	N	N	N
2.	Caterer	N	N	N	N	N	N	N	N	S	S	N	N	S
3.	Kennels	N	N	N	N	N	N	N	N	N	N	N	N	N
4.	Boarding of animals (excluding dogs)	N	N	N	S	S	N 	N	N	N	N	N	N	N
VIII	. INDUSTRIAL, NON- MANUFACTURING													
1.	Earth removal	N	N	N	N	N	N	N	N	N	N	N	N	N
2.	Extractive industries	N	N	N	N	N	N	N	N	N	N	N	N	N
3.	Welding/sheet metal	N	N	N	N	N	N	N	N	S	S	N	N	N
4.	Wholesale business and storage of nonhazardous materials in a building	N	N	N	N	N	N	N	N	S	S	N	N	N
5.	Self-Storage Facilities	N	N	N	N	N	N	N	N	N	N	N	Ň	N

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-	of 16 Use		T			WIN / WY W 1947 1	72/11-17-							Distri
						A STREET, IN SECTION AND								
	Ì	Р	OS-I	OS-	RR-	RR- 80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
- 1					200									
9.	Open or enclosed storage of hazardous materials	N	N	N	N	N	N	N	N	N	N	N	N	N
10.	Storage or transfer of fishery products	N	N	N	N	N	N	N	N	S	S	Υ	Υ	N
11.	Storage or transfer of fishery	S	N	S>	Y	s	N	N	s	γ	Y	Y	Υ	N
	equipment (fishing industry, limited to storage and transfer) – See 1208	3		3-	•		N		3	'		0	·	
12.	Underground storage tanks – See 1209	N	N	N	N	N	N	N	N	S/A	S/A	S/A	S/A	N
	IX. INDUSTRIAL, MANUFACTURING													
1.	Manufacturing industries except those specifically regulated herein	N	N	N	N	N	N	N	N	N	N	N	N	N
2.	Fish packing or processing	N	N	N	N	N	N	N	N	N	N	S/A	S/A	N
3.	Petroleum refining and related industries	N	N	N	N	N	N	N	N	N	N	N	N	N
4.	Ship and boat building including sales	N	N	N	N	N	N	N	N	S	N	Υ	Υ	N
5.	Acetylene gas	N	N	N	N	N	N	N	N	N	N	N	N	١
6.	Ammonia or bleach	N	N	N	N	N	N	N	N	N	N	N	N	N
7.	Asphalt	N	N	N	N	N	N	N	N	N	N	N	N	ŗ
8.	Glue	N	N	N	N	N	N	N	N	N	N	N	N	١
9.	Rubber	N	N	N	N	N	N	N	N	N	N	N	N	١
10.	Smelter, blast furnace or blooming mill	N	N -	N	N	N	N	N	N	N	N	N	N	ı
11.	Pulp mill	N	N	N	N	N	N	N	N	N	N	N	N	1
12.	Wooden boat building	N	N	N	N	N	N	N	N	Υ	S	Y	Υ	1

Based on the comments at the joint meeting, the regulation in 82-1207 has been amended to regulate number of hens based on size of lot. In turn, the "S" has been changed to "Y" in the R-40, R-20 and R-8 districts. The discussion for this will be under section 1207.

3.	Keeping and raising of chicken	Υ	N	S	Υ	Υ	<u>sy</u>	<u>sy</u>	<u> </u>	N	N	N	N	N
l	hens accessory to permitted													
1	use – See 1207		1								ļ			

Sec. 82-604. Vision clearance at street corners.

At street intersections in all districts, no building or structure shall be erected and no vegetation shall be maintained between a height of 2.5 feet and seven feet above street level of the triangle formed by the two <u>street-pavement edge</u> lines and a third line joining points on the <u>street-pavement edge</u> line of 25 feet from the intersection.

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Article 7. Misc. Structure and Site Regulations

Sec. 82-700. Accessory structures.

The following shall apply to the floor area of all Accessory Structures:

Lot Size	Maximum Size of Accessory
0 – 8,000 square feet	600 square feet
>8,000-20,000 square feet	700 square feet
>20,000 – 40,000 square feet	850 square feet
>40,000 square feet	1,000 square feet

In addition, the following shall apply to all Accessory Structures:

A. In no case shall any accessory structure have a gross floor area which is greater than 50% of the above grade gross floor area of the principal building.

- B. The following height standards will apply, depending on the height of the principal building on the lot in keeping with Table 6-2:
 - Where the principal building is no higher than one story, the height of an accessory structure shall not exceed the height of the principal building.
 - Where the principal building is higher than one story, the height of an accessory structure shall not exceed a point 5 feet lower than the height of the principle building.
- C. Agricultural buildings structures within the RR-80 and RR-200 are exempt from these provisions.
- D. Accessory Structures are prohibited permitted in front yards but must meet the principal building setback and receive approval by the TRC. In cases where the primary setback cannot be achieved in the Jamestown Village Special Development District, the secondary front setback may be utilized only after review and recommendation by the TRC and a dimensional variance received by the zoning board. In cases where the primary setback cannot be achieved in the R-40, R-80, RR-200 zoning districts, approval by the TRC is required. The primary setback cannot be achieved in the R-40, R-80, RR-200 zoning districts, approval by the trace in the required of the zoning board grants a special use permit per Article 3. In addition to the considerations of the zoning board found in Sec. 82-300, the TRC and zoning board will consider the standards of the Jamestown Pattern Book and Design Guidelines for Building in the Village, including but not limited to the guidance for garages and ancillary structures, and whether efforts will be made to screen the accessory structure from any public ways or neighboring residential uses. Such a special use permit shall only be considered for waterfront lots, through lots, and corner lots.

Sec 82-703. Swimming Pools, and Tennis Courts, Decks and Patios

A. Swimming Pools and any other in-ground man-made water feature with an impervious bottom (measured at the water <u>surfaceedge</u>), <u>including impervious decks and patios associated with swimming pools</u>, Tennis <u>or other permanent ball</u> Courts, <u>including the outer fence of tennis or other permanent ball</u> courts or other permanent ball courts (measured by playing surface) shall meet setbacks for accessory <u>buildings structures</u> and shall be included as part of the Lot Coverage calculation. This section shall include

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decks associated with swimming pools. Driveways used also for court activities shall not be regulated under this section.

- B. All swimming pools and any other in-ground man-made water feature more than two feet deep with an impervious bottom shall be provided with a safety enclosure which shall comply with the following:
 - 1. The top of the safety enclosure shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool or water feature. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier which faces away from the swimming pool or water feature.
 - 2. Openings in the barriers shall not allow passage of a 4-inch diameter sphere.
 - C. Lighting of private tennis courts or other permanent ball courts is permitted only by Special Use Permit per Articles 2 and 3 of this Ordinance.
 - D. Impervious Decks and Patios 12" above proposed grade shall be included as part of the Lot Coverage calculation.

Sec. 82-706. Parking or storage of commercial and major recreational equipment.

Requirements for parking or storage of commercial and major recreational equipment are as follows:

A. <u>IOn any residentially developed lot</u>, parking lot, driveway, or garage located in a residential district, no more than one commercial vehicle may be stored overnight. Such vehicle or bus shall be no more than <u>1.1/2 tons rated capacity10,000 gross vehicle weight</u>. In an RR-200 or RR-80 district, registered farm vehicles and trucks may be stored provided they are 30 feet from any lot line.

Article 10. Development Plan Review

Sec. 1004.1. Planning Commission as DPR Approving Authority

The Planning Commission shall review and provide a decision on the following applications:

- A. Proposal for any new multi-family, commercial, industrial, or mixed-use building.
- B. Exterior addition with a gross floor area of 1,000 square feet or more to an existing structure.
- C. Accessory Dwelling Units as allowed in Sec. 82-1201.
- B. Any substantial modification of a municipal property.
- D.C. Any application as noted in Sec. 82-410.C.
- E.D. Any development proposals specifically designated for DPR by the Planning Commission specific to individual districts or uses including, but not limited to, the Jamestown Village Special Development District, the High Groundwater Overlay, and Wind Energy Facilities.
- F.E.Any application that is referred to the Planning Commission by the Administrative Officer or the TRC.

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Sec. 1007. Review of Applications.

Sec. 1007.1. Submission of Material.

- A. Submittal and certification: An application for DPR shall be submitted to the Administrative Officer and certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission.
- B. Applications that require review before the Planning Commission: Within 30 days of the receipt of a complete DPR application, the Planning Commission shall hold a public hearing upon the plan.

 Notice of hearing shall be sent by first class mail to the applicant, and to at least all Oowners of real property in or within 200 feet of the perimeter of the proposed project shall be notified by certified mail of the hearing. The notice shall also include the street address of the subject property. Such mailings shall be paid for and mailed by the applicant. This also includes applications reviewed by the Planning Commission in an advisory role to the Zoning Board of Review for any variance or Special Use Permit.

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- C. Accessory Dwelling Units as allowed in Sec. 82-1201.
- D. Any substantial modification of a municipal property.
- D.E. Any application as noted in Sec. 82-410.C.
- E.F. Any development proposals specifically designated for DPR by the Planning Commission specific to individual districts or uses including, but not limited to, the Jamestown Village Special Development District, the High Groundwater Overlay, and Wind Energy Facilities.
- F.G. Any application that is referred to the Planning Commission by the Administrative Officer or the TRC.

Sec. 1007. Review of Applications.

Sec. 1007.1. Submission of Material.

A. Submittal and certification: An application for DPR shall be submitted to the Administrative Officer and certified as complete or incomplete by the Administrative Officer within a fifteen (15) day

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period from the date of its submission.

B. Applications that require review before the Planning Commission: Within 30 days of the receipt of a complete DPR application, the Planning Commission shall hold a public hearing upon the plan.

Notice of hearing shall be sent by first class mail to the applicant, and to at least all Oowners of real property in or within 200 feet of the perimeter of the proposed project shall be notified by certified mail of the hearing. The notice shall also include the street address of the subject property. Such mailings shall be paid for and mailed by the applicant. This also includes applications reviewed by the Planning Commission in an advisory role to the Zoning Board of Review for any variance or Special Use Permit.

Sec. 82 Sec. 82-1103. Jamestown Village Special Development Overlay District Design Standards

- C. Frontage R-8, R-20, CW, CL, CD and P Districts
 - 1. Buildings on corner lots shall have two Private Frontages as shown in Table 11-1.a.
 - For waterfront lots, the applicant shall propose whether the street frontage, the waterfront, or both should serve as the primary frontage for the purposes of designating layers.

Discussion ensued regarding Accessory Dwelling Units (ADUs).

Bob Plain, 18 Calvert Place, asked that both primary and ADU be allowed to be rented long term because long term rentals increase economic diversity. He explained that not doing so incentivizes Short-term Rentals.

Commissioner Swistak said that a boom in ADUs could disrupt a neighborhood. He would like to move forward slowly, and not create dense living areas.

Mary Meagher, 23 Melrose Avenue, gave the example that the Village district is denser by design. Commissioner Enright said that since the 19th century people would live in a shack on their property in the summer and rent out the big/main house.

Discussion of the use town water relating to ADUs ensued. In the summer months, especially July and August, there are approximately 3,500 bedrooms in the village district for 8,000 people. The water treatment facility and septic treatment facility has to provide a supply based on the number of bedrooms.

A vote was taken to determine if both the principal dwelling and ADU can be rented for long-term occupancy through a long-term lease (one year or more).

Aye: Commissioner Enright, Commissioner Pendlebury, Commissioner Pfeiffer and Commissioner Prestigiacomo.

Nay (one must be owner occupied and not both rented): Commissioner Swistak and Commissioner Harrison.

4-2 vote.

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Article 12. Use Performance Standards

Sec. 82-1201. Accessory Dwelling Units

Sec. 82-1201.2. Standards.

An accessory dwelling unit may be permitted, by right, in any residential zoning district with the following limitations:

- A. Accessory dwelling units are only allowed on a lot with one single-family or with a duplex dwelling as the principal dwelling and must-should appear to be clearly subordinate to that the principal dwelling. The ADU shall be no more than permitted to be 1/2 the size of the existing home or in the case of a duplex shall be no more than 2/3 the size of the larger duplex unit. In any case, the ADU shall not be larger than 800 square feet, or larger, as permitted by Section 82-700 Accessory Structures.
- B. Only one ADU may be allowed per lot by right:
 - i. On any lot with a total lot area of twenty thousand (20,000 s.f.) or more for which the primary use is residential; or
 - ii. Within the existing footprint of the principal dwelling or existing secondary attached or detached structure and does not expand the footprint of the structure.
- C. Accessory dwelling units located within or attached to the principal dwelling shall meet all the requirements of Sec. 82-602 - District dimensional regulations, as they pertain to the principal dwelling.
- D. Accessory dwelling units located in a new or existing accessory structure:
 - Shall meet the requirements of Sec. 82-602 District dimensional regulations, as they
 pertain to the principal dwelling, except for height which shall be maintained at or below
 the maximum requirement for accessory <u>buildings-structures</u> of 25 feet;
 - Shall meet all applicable requirements for accessory structures in Section 82-700 Accessory Structures;
 - 3) Except that in no case can an ADU be located in the front yard. ADUs are not eligible for the special permits described in Sec. 82-700.D. Accessory structures;
 - 4) A special use permit shall be sought for an ADU in a detached structure on the lot where that detached structure does not meet the setbacks required for the primary structure.
- E. All new or expanded detached ADUs shall have architectural detailing compatible with the main structure, including roof shape, window patterns, proportions and materials per 82-1106.1.C. All new detached ADUs shall be designed in a way that does not compete in scale or volume with the primary building mass.
- F. Units located within or attached to the principal dwelling may be accessible either through the same means of ingress and egress as the principal dwelling or a separate entrance located to the side or the rear.
- G. Either the principal dwelling or the ADU must be owner occupied unless both dwelling units are made available for long-term occupancy through a long-term lease (one-year or more). The owner may occupy the ADU and may only rent the principal dwelling if it is made available for long-term occupancy through a long-term lease (one year or more).
- H. At least one (1) off-street parking space will be provided in addition to the required parking spaces of the primary use.
- I. ADUs shall not be offered or rented for tourist or transient use or through a hosting platform (as such terms are defined in RIGL 42-63.1-2. as a short-term rental).
- J. ADUs that meet these regulations and are not part of a larger development proposal shall be

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- reviewed by the Zoning/Building Official and shall not, by themselves, be reviewed as minor land developments, major land developments, or special use permits.
- K. On any lot serviced with an on-site wastewater treatment system (OWTS), if the ADU results in an increase in the total number of bedrooms, the State Permitted OWTS shall meet the total bedroom demand or the owner shall have the existing or any new system approved by RIDEM.
- L. The ADU will comply with all applicable state and local regulations.
- M. Length of occupancy. All ADUs and Accessory Family Dwelling Units formerly granted though this Ordinance, if rented, must be made available for long-term occupancy through a long-term lease (one-year or more).

Sec. 82-1203. Compact Cottage Development (CCD)

Sec. 82-1203.6. Dimensional Requirements

- A. A CCD may be developed with dwelling units on separate lots, a single lot, or a combination thereof.
- B. No detached accessory <u>buildings structures</u> shall be allowed except as development facilities such as storage sheds, garages, utility structures, or similar common facilities.
- C. Dwelling units shall be separated by a minimum of ten (10) feet from the side edge of one building to another. Where attached architectural features such as eaves, window bays, bulkheads, etc. project into the space between residences, the ten (10) foot separation shall be measured from the outside edge of these features.
- D. Dwelling units not abutting or oriented towards a right-of-way shall have a front yard oriented towards the common open space.
- E. The total habitable floor area, as defined in Sec. 82-104 of the Zoning Ordinance, of each cottage unit shall not exceed 1,200 square feet. No building footprint, excluding any enclosed porch area, shall exceed 900-800 square feet. Habitable floor area in a two-story cottage for the second floor shall not exceed 350400 square feet.
- F. The distance between the front building edge and the right of way or the edge of the common space shall be at least fifteen (15) feet.
- G. The building height for all structures shall not exceed eighteen-twenty-two (1822) feet.
- H. The nearest building in the cottage community shall not be closer than 50 feet from the lot line of any abutting residential use.

Sec. 82-1207. Keeping of chicken hens.

A. <u>General</u>. The owner of any house lot containing at least one dwelling may keep or permit to be kept on the house lot no more than six chicken hens on lots less than one acre, and 12 on lots between one acre and two acres and 20 on lots larger than two acres. Lots qualifying as farms have no restrictions on the number of chicken hens.

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Article 14. Sign Regulations Sec. 82-1407. Regulations for residential districts.

E. <u>Temporary residential signs</u>. Temporary signs, banners, posters and special promotions, except posters intended for window display, will <u>require a temporary sign permit from the zoning enforcement—officerbe permitted by right</u>. The content of such signs has no bearing on the requirements of this section, but such signs traditionally include notices for special events, yard sales, political signs, or other signs expressing the views of the property owner(s). Any property may display such signs up to 12 square feet in cumulative area, with no one sign being larger than 4 square feet. No such sign shall be displayed for more than <u>60-45</u> days <u>after the issuance of a permit</u>. Sandwich boards are not considered temporary residential signs.

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VI. Reports

- 1. Planner's Report
 - A. Future meetings topics and applications

This agenda item was not discussed.

VII. Approval of Minutes - review, discussion and/or action and/or vote

1. October 18, 2023

A motion was moved by Commissioner Enright and seconded by Commissioner Harrison to approve the minutes from the October 18, 2023 meeting with minor changes as amended. All in favor.

Page 2: Paragraph 1: Sentence 5: remove "the" now reads "Haskell described proposed..."

2. November 1, 2023

A motion was moved by Commissioner Enright and seconded by Commissioner Harrison to approve the minutes from the joint public workshop with the Town Council and Planning Commission on November 1, 2023 meeting with minor changes as amended all. All in favor.

Page 1: Paragraph 2: Sentence 4: to read "The State enacted laws that make..."

Page 2: Paragraph 10: Sentence 4: change "in" to "into" to read "...into Short-Term Rentals."

Page 3: Paragraph 2: Sentence 2: to read "...solar cannot be the primary use of land so that big open spaces..."

VIII. Adjournment

A motion to adjourn at 10:01 was moved by Commissioner Enright and seconded by Commissioner Harrison. All in favor.

Attest:

Carrie Kolb