

**Town Council and Planning Commission
Joint Work Session
Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Wednesday, November 1, 2023
7:00 pm**

I. Roll Call Town Council Members

President Nancy Beye said that all Town Council Members were present

II. Roll Call Planning Commission Members

Chair Swistak said that all Planning Commission members were present except Dana Prestigiacomio

III. Call to Order, Pledge of Allegiance

The meeting was called to order at 7:04 pm.

IV. Joint Town Council and Planning Commission Work Session

A. Review and Discuss amendments to the Town of Jamestown Zoning Ordinance – Code of Ordinances Chapter 82

1. Presentation by Jeff Davis, Horsley Witten Group, Zoning Consultant
Jeff Davis for Horsley Witten gave a presentation (see attached)
2. Project information and proposed amendments

Vice President Meagher recognized that there were members of the Jamestown Affordable Housing Committee in the audience. She invited Bob Plain, Chair, to speak.

Bob Plain of 18 Calvert Place, spoke to the Council and Commission. The JAHC sent the Town Council a memo regarding ADUs. He addressed three changes proposed in the memo.

1. Remove the provision that one of the units has to be owner-occupied.
2. Remove that no ADUs can be larger than 50% of the main dwelling size.
3. ADUs should be allowed in Commercial Downtown District for residentially developed properties.

Commissioner Swistak said that Bob Plain has been to Planning Commission meetings. The Planning Commission is charged with protecting the rural character of Jamestown. The Planning Commission went into writing this section of the Town Ordinance cautiously. The State enacted laws that make ADUs available to almost everyone by right. This is a big change to our rural character. We need to ease into ADUs and consider water usage, density, and change of neighborhood. It is the time to be deliberate.

Councilor Randy White said that he can think of a primary residence on Marine Avenue that isn't more than 800 sq. ft. This would limit them to a 400 square foot ADU. He was concerned that it is impacting those we may want to help most.

Commissioner Swistak said that lot size and calculations can only be so big based on the size of the primary structure. He said that a small size house should be allowed to apply for a special permit.

Vice President Meagher said that she disagrees with Swistak because she doesn't agree with the notion that Jamestown has rural character.

Commissioner Cochran said that the situation is complicated because it is about density and water supply. The lot size and coverage may be more valid. He gave an example of a 1,200 sq ft house with 600 sq. ft ADU.

Commissioner Pendlebury said that the State legislation was not written to conform to Jamestown and its rural character. Do we want the density that the State Law says we should have? Can we support the increased density with our water supply? We need to take the first steps very carefully.

Vice President Meagher said that the town has constraints due to water and therefore number of people, and these are permitted by right. The Town can regulate with water and zoning restrictions.

Commissioner Cochran asked about the water plan. Vice President Meagher said the Town Council is the Water Board. Commissioner Cochran said that new water usage goes under the radar.

Vice President Meagher said that lot coverage is an issue because there are McMansions built on big lots with an 18,000 sq. ft house and a huge footprint.

Lisa Bryer, Town Planner, said that the Town adopted Accessory Family Dwelling Units (AFDU) in 2014. AFDUs got off to a slow start. The intent of the ordinance has been accomplished and most of the AFDUs built are truly for family members. However, during COVID residents wanted to have an accessory structure with an office and a kitchen. Bryer thinks that ADUs are going to be popular. In the ordinance, ADUs are required to be rented for 12 months and cannot be used as a Short-Term Rental.

Bryer explained that ADUs on only residentially developed lots in the Commercial Downtown district are important because we do not want a separate structure being built on commercial lots or lots that have gone through Development Plan Review and have been master-planned. The CD district allows for mixed-use, multifamily units or a duplex.

The question was raised if there should be another standard for a house less than 1,000 sq. ft? Bob Plain said that the language clearly states an ADU must be subordinate to the primary dwelling. He gave the example of his property in East Greenwich which is almost 800 sq. ft and the ADU is 710 sq. ft. He is concerned if the ordinance makes it hard to build an ADU then people will turn property into Short-Term Rentals.

Commissioner Swistak told the Town Council that the Planning Commission did not look at how many lots can accommodate ADUs.

Councilor Brine asked about the restriction on solar as a principal use. Commissioner Pendlebury explained that solar cannot be the primary use of land so that big open spaces do not get converted into solar arrays. Solar can be used to support the uses of a lot.

Vice President Meagher discussed the commercial waterfront zones. Commercial waterfront west is very different from commercial waterfront east. Update the Use Table 6-1 and separate CWe and CWw into two different columns, not a combined column like it is currently.

Discussion of Lodging and STR. Vice President Meagher discussed definitions. There is a dilemma with STR encroaching on residential character and the peaceful enjoyment of one's property. Lodging by definition is commercial. STR is not defined in the Zoning Ordinance, it is a separate ordinance in the Code of Ordinances (for enforcement purposes). Councilor Enright noted that if it is used in the STR ordinance, the definition should be included in that ordinance.

Discussion over the next steps ensued. President Beye would like to have another workshop. Councilor Randy White asked if they could make the tweaks and then hold a public hearing. Vice President Meagher asked if a public hearing could be held and make the tweaks at the hearing. Councilor Mike White believes we need to move this to a public hearing. Town Solicitor Peter Ruggiero said to settle on the version that you want to submit to the public and have a public hearing on the version that you are ready to vote on.

Councilor Randy White asked if solicitors have been involved in the process. Commissioner Swistak said that Wyatt Brochu attends all the Planning Commission meetings. Ursillo, Teitz, and Ritch completed a legal review of the Zoning amendments with the Horsley Witten Group.

V. Open Forum

President Beye opened the floor up for public comment.

Christian Infantolino, Esq of 28 Reservoir Circle spoke on the following points:

1. Section 82-104 Definitions:

- Substantial Modification: What is the process for determining 50% replacement cost? (i.e. your cost may be different from my cost). Who is the authority deciding if it meets the 50% requirement? What is the standard for the 50% replacement?
- Patio: There is no definition for Patio. This becomes an issue with Lot coverage and setbacks. If a patio is elevated does it count as coverage? What is the difference between a deck and a patio (setback and coverage)?

2. Article 7

- Section 82-700 Accessory Structures (D): This provision puts an absolute ban on accessory structures in front yards. Infantolino stated that he is curious as to why we need this prohibition, especially because there are exceptions for waterfront property and there are many homes on the island that are not waterfront but also have accessory structures in the

front yard. Also, we already have dimensional requirements for accessory structures, which is the control mechanism, and if a variance is needed, then it can still be obtained so long as it meets the criteria. An absolute ban is not necessary and the dimensional regulations should govern the location.

- Height Language for Accessory Structures: The 5' difference language is very confusing, especially because there are already dimensional regulations in the dimension table.
- Section 82-703 Swimming Pools: The language of this provision is still confusing and it is hard to tell where to measure the setback, the fence, the playing surface, etc. If the playing surface, then what is the playing surface? The lines, the hardtop?
- Section 82-706 (4): What is the purpose of the 10' setback if the vehicle is located on the property? If the vehicle or trailer is in a driveway, why does it need to be pushed in 10'? Why can cars park directly on the property line, or even on the street, but my trailer needs to be pushed back 10', especially if it is in a private driveway?

3. Article 8

- Section 82-800 J(1) (c)(D): High groundwater: These provisions create new criteria that an applicant will need to provide evidence for on the record to obtain the Special Use Permit. How is an applicant supposed to know what the "availability and capacity of existing and planned public and or private service facilities."? There is no way for an applicant to provide this kind of testimony.
- Same sections creating extra criteria: What "goals and patterns of land use" are being referred to in these criteria? Where in the comp plan does it lay out the criteria and plans for the high-ground water district?
- Section 82-800(K)": Infantolino said that this needs the most attention and is likely to be completely removed in its entirety. This provision is trying to make a dimensional variance a "USE" variance (i.e. under this provision a house in the shores that wants to put a one-foot expansion on its deck will not be able to do so because it is virtually legally impossible to obtain a use variance). The standard to obtain a USE Variance is "No other beneficial use." If you cannot prove this, and it is very rarely proven, you will not get the variance. Also, this section refers back to subsection G. Subsection G is not a use prohibition, rather it is merely a prohibition section and not a prohibition on USES.

4. Article 10

- Section 1004.3: This provision now makes every single application for a special use permit to obtain a planning commission recommendation prior to moving to zoning. This is extremely burdensome to both the applicant and the Town. This also adds at least another 3 weeks to an applicant's process, at a minimum from a procedural standpoint. This also begs the question if the applicant is now going to get hit with 2 application fees and 2 mailing fees on top of the increased amount of time to get a permit.
- Section 1007.1: Looks like a requirement for certified mail for notices. I believe that zoning has gone to regular USPS mailing. The mailing requirement for notices should be the same.

5. Article 11

- Section 82-1103.2(D): you account for waterfront lots in every district except for the R8 and R20. What about waterfront lots not in the overlay district?

6. ADU: Infantolino thinks that the Affordable Housing Committee made very good points. He thinks that it is extremely dangerous to leave the “max size” of the ADU to a variance. Although variances are part of the ordinance, if it is already known that there are issues, the Town should not just say “Well let's just settle and let the citizens apply for a variance.” There are legal standards that are not met just because the Town wanted to put a smaller number and then tell the citizens to apply for a variance.

He believes that the Owner-Occupied requirement should be removed. This is virtually impossible to enforce and some of the properties are occupied as second homes, etc. He also believes that ADU should be allowed to be a minimum of 500 square feet for a 1 bedroom and 1000 square feet for a 2 bedroom. This is not a lot of space.

Chris Walsh of 15 Rosemary Lane asked why 6 hens regardless of lot size? Bryer said if you are a farm, then you have the state definition of farm and are not restricted. The 6 hens are for a residential lot.

It was decided that the Planning Commission will discuss the changes proposed tonight at their next meeting on November 15. The Planning Commission will submit recommended changes to the Town Council for their November 20 meeting. The Town Council will order it advertised at that meeting and set the Public Hearing in the second or third week in December.

VI. Adjournment Planning Commission

A motion to adjourn at 9:28 pm was moved by Commissioner Enright and seconded by Commissioner Cochran. All in favor.

VII. Adjournment Town Council

A motion to adjourn at 9:28 pm was moved by President Beye and seconded by Councilor Randy White. All in favor.

Attest:

Carrie Kolb

Jamestown Zoning Update

Town Council & Planning Commission Work Session

November 1, 2023

7:00 – 9:00 PM

Jamestown Town Hall

Let's Catch Up . . .

- A lot of work has been done over the past 6 years!
- Today and next month, we remind the community what changes are proposed and why

Brief Timeline

- Late 2017 – Project Kick Off.
- 2018 – 2019 – Worked with PC and Staff to discuss and draft all sections covered in our contract .
- October 2019 – January 2020 – First full draft - also dealt with other issues brought up by staff:
 - Keeping of Hens
 - Communications Towers
 - Other Staff housekeeping concerns
- March 2020 – Well, you know . . . the long pause began.

Brief Timeline

- August 2021 – January 2022 - Legal review of current zoning and full redraft.
- June 2022 – March 2023 – Updates based on 2022 RI General Assembly changes, including ADUs and Cannabis.
- March and April 2023 – Planning Commission held public meetings on the full draft revisions.
- Summer 2023 – Final revisions approved by the Planning Commission.

Tonight's Discussion

- Definitions
- Use Table
- R40/R80 Lot dimensions
- Accessory Structures
- Lighting
- Special Regulations
 - High Groundwater Table
 - Setbacks from freshwater wetlands
 - RR-200
- Development Plan Review
- Jamestown Village Special Development Overlay District

Tonight's Discussion, cont.

- Use Performance Standards
 - Multi-family Dwellings
 - Accessory Dwelling Units
 - Bed & Breakfast
 - Cottage Development
 - Solar
 - Wind
 - Communications Towers
 - Chickens
 - Fishery Equipment
 - Underground Storage Tanks
 - Home Occupations
- Parking Regulations
- Sign Regulations
- LMI Housing

Plus, Housekeeping from
2022 RIGL

Definitions

- **Much "housekeeping" was done on this section**
- A definition has been added for every use in the Table of Permitted Uses.
- Definitions have been updated to match current state and federal definitions/law, as relevant.
- Some definitions for archaic uses (like Guesthouses) have been deleted.
- Edits to make definitions consistent with changes to other sections of the zoning ordinance.
- Basic typos and text edits.

Flood Plain Definitions

Definition for "height" changed per amendments made related to flood hazard areas in 2020



Examples of Definition Additions

- Aquaculture
- Bioretention Facility
- Commercial Recreation Facilities
- Elevation
- Emergency Counseling Service
- Farm, Crop & Nursery
- Farm, Livestock
- Heavy Equipment Sales or Rentals



Examples of Definition Additions

- Nursing or Convalescent Home
- Personal Services
- Principal Use
- Professional Office
- Recreation Hall
- Retail, General
- Substance Abuse Treatment Facility



Substantial Edits to Existing Definitions

- Bioswale
- Building Height
- Day Care Center
- Frontage Line

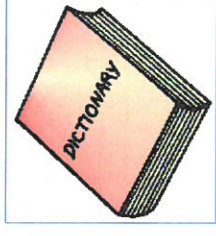


Table of Permitted Uses

Much “housekeeping” was done on this section

- Some archaic uses have been deleted.
- Some names of uses have been changed to match the terminology used in Definitions.
- Some uses with identical or very similar use allowances have been combined (for example, Swimming pools, Recreation halls, and Tennis courts are now all “Commercial recreation facilities”).
- Use of recreational cannabis has been added to the list of prohibited uses along with all forms of medical marijuana, since Jamestown residents opted not to allow recreational cannabis uses in a vote in November 2022.

R40/R80 Dimensions

- Currently, lots of 20,000 SF or less in the R-40 district can comply with the dimensional standards for the R-20 zone.
- A similar caveat has been added for the R-80 district . . .
 - Lots of 40,000 SF or less in the R-80 district can comply with the dimensional standards for the R-40 zone.

Article 7 - Misc. Structure and Site Regulations

New Section!

This is a new Article that compiles several existing sections and an expanded section on Lighting. Most have no substantive changes.

- Accessory structures
- Screening of residential areas
- Lighting
- Swimming Pools and Tennis Courts
- Newsracks
- Temporary/Portable Residential Storage Containers
- Parking or storage of commercial and major recreational equipment
- Storage of motor vehicles

Accessory Structures

Lot Size	Maximum Size of Accessory Buildings
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 (<i>now 900</i>)
>40,000 square feet	1,000 square feet (<i>now 1,200</i>)

Numbers edited to eliminate gaps ↑

SUP for accessory structures in excess of 1,000 square feet (*now 1,200*)

Accessory Structures

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

Now 50% of gross living area, above or below grade.

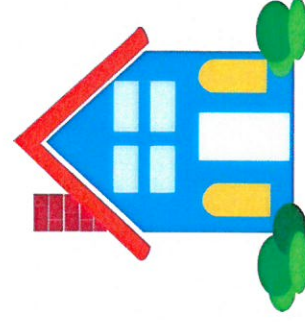


2,000 SF Gross Floor Area
 1,500 SF Above Grade Gross Floor Area
 30,000 SF Lot
 =
 750 SF Accessory Structure (1/2 of 1,500)
Not 850 SF allowed in the chart
Not 1,000 SF – 1/2 of 2,000 SF

Accessory Structures

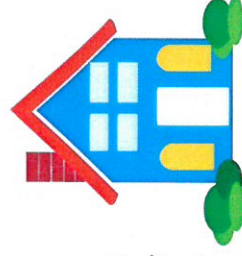
HEIGHT: For principal buildings 1+ story in height, the height of an accessory structure is no more than 5 feet lower than the height of the principal building.

Now, no taller than principal building.



22 FT high principal building ←

17 FT high accessory structure →



Lighting - Background

- State's lighting regulations only apply to lighting installed by or for State agencies.
- New lighting section based on Charlestown's "dark sky" lighting ordinance, but term "dark sky" not used for Jamestown.
- New/Updated Definitions.



Lighting - Applicability

Applicability

- Applies to all new exterior lighting.
- Applies to existing exterior lighting when it must be repaired, modified, refurbished and/or replaced.

Voluntary Actions for ALL Lighting

- Install replacement lamps that prevent light pollution and glare.
- Security lighting should be motion activated.
- *All government-owned lights are urged to comply immediately.*

Lighting - Standards

Generally, light is targeted where it is needed, and not beyond.

- Prevent glare, light trespass and light pollution.
- Particular protection adjacent to residential.
- Cut-off or shielded/recessed fixtures.
- Directed from top downward (not upward or sideways).
- Height of no more than 15-20 feet.
- Waterfront lights: Generally, avoid directing lights to the water.

Article 8 – Special Regulations

New Section!

This is a new Article that compiles four existing sections/subsections.

- High groundwater table and impervious layer overlay district
- Community flood plain ordinance for special flood hazard areas
- Setback from freshwater wetlands
- Regulations for RR-200 Zoning Districts



High Groundwater Table and Impervious Layer Overlay District

Significantly reorganized, but vast majority of standards remain the same. The most important substantive changes are:

1. How the Town determines whether Sub-district A or Sub-district B applies to a particular lot.
2. The thresholds for which development activities are reviewed.

High Groundwater Table and Impervious Layer Overlay District

Determination

- Presume Sub A and 8% maximum impervious if no evidence available
- Field observation required
 - Test holes verified by a RIDEM Class IV soil evaluator
 - Submit evidence of test results to zoning enforcement officer
- Zoning enforcement officer determines Sub A, Sub B or neither

High Groundwater Table and Impervious Layer Overlay District

Review Thresholds

- 200 SF or greater in Sub A: PC review through DPR, then SUP through ZBR
- < 200 SF in Sub A: Administrative DPR
- Sub B: Administrative DPR

Setbacks from Freshwater Wetlands

- This section has simply been updated to note that as of July 1, 2022, this section does not apply to new applications.
- Per RIGL, the State's new wetlands rules and regulations apply for any applications from that date forward.
- The existing setbacks will stay in place for any applications made prior to July 1, 2022.



Regulations for RR-200 Zoning District

After much discussion, this is largely the same.

- 300-foot setback requirement for sewage disposal systems has been deleted.
- Such setbacks are now set by the statewide rules and regulations.
- Per legal review, setbacks for buildings and parking areas can remain here.

Article 10 - Development Plan Review

New Section!

Currently, Jamestown's ordinance calls for Development Plan Review (DPR) in specific instances and staff applies something very similar to DPR to many applications.

However, the Town does not have a single DPR ordinance and set of procedures. *This new Article provides that.*



Article 10 - Development Plan Review

Major components of the Article include:

- Review split into two "tiers." Smaller projects receive Administrative review by Town staff (through the Town's Technical Review Committee or TRC). Over a certain threshold, larger or more complicated projects reviewed by the PC.
- Consistent review procedures (timing for review, recording decisions, etc.) and application contents (i.e., site plan checklists) so that it's very clear what applicants should expect.
- Designed to utilize the expertise of the Town's TRC and to be consistent with existing TRC procedures.

Article 11 - Jamestown Village Special Development Overlay District

This section has been revised significantly. Most of the policy direction of this Article remains the same. The revisions were largely made with the following objectives:

- Ensure that the Development Plan Review (DPR) process for the village area works with the currently proposed town-wide process.
- Trim down language that may be extraneous or redundant.
- Provide more and clearer connections to the design guidelines.
- Clarify and/or update design standards to provide the Town with more enforceable standards where appropriate.

Article 11 - Jamestown Village Special Development Overlay District

Highlights of edits include . . .

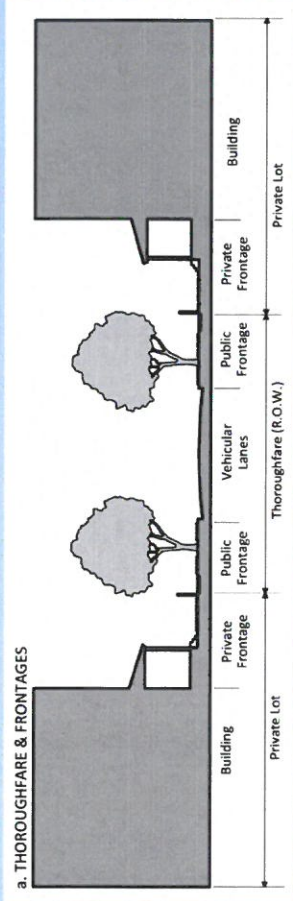
- Significantly re-organized to make it easier to follow.
- Review thresholds and design standards are grouped into their own subsections to be easier to follow.
 - The review thresholds for DPR are collected into a single section.
 - Design standards are grouped into a single section and then reorganized into six subcategories.
- District is now officially designated as an “overlay district”
 - This does not change its function at all. Just gives it the correct name based on state law.

Article 11 - Jamestown Village Special Development Overlay District

Highlights of edits continued . . .

- In several instances, language that referred to other sections of the zoning was removed.
 - For example, HW removed language that stated buildings need to comply with the height restrictions in the dimensional table.
 - Where we thought standards like these simply state the obvious, we removed them.
- Likewise, much “narrative” language was removed, as it is not needed in the context of a zoning ordinance.
- The graphics for this section have been redrawn.

Article 11 - Jamestown Village Special Development Overlay District



Example of a redrawn graphic

Article 11 - Jamestown Village Special Development Overlay District

Highlights of edits continued . . .

- “Affordable Housing” section retitled “Low and Moderate Income Housing”
- Name change matches terminology in State law, which refers to deed restricted affordable housing that legally counts toward the Town’s 10% affordable housing goal.
- All references to “affordable housing” have been changed to Low and Moderate Income (LMI) housing.
- Deed restrictions are no longer a minimum of 99 years, but whatever minimum is set by the State (currently 30 years).
- Information on Accessory Dwelling Units has been moved to Sec. 82-1301 Accessory Dwelling Units.

Article 12 – Use Performance Standards

New Section!

This is a new Article that compiles several existing sections as well as new sections:

- Multifamily Dwellings
- Accessory Dwelling Units
- Cottage Communities
- Solar Energy
- Wind Energy
- Communications Towers
- Keeping of Chicken Hens
- Storage of Fishery Equipment
- Underground Storage Tanks
- Home Occupations
- Fuel Service Stations

Designed to expand over time as performance standards are needed for certain uses.

Cross referenced in the *Table of Permitted Uses* so that applicants know what uses have specific performance standards.

Some standards existed in Definitions and were moved to this section.

Multifamily Dwellings

This section has been changed significantly. Some of the edits were designed to make it clearer and easier to read.

Major changes beyond formatting and readability include:

- This section has been integrated with the new Art. 10 for DPR. Existing references to DPR procedures have been moved to Art. 10.
- Minimum square footages for bedrooms has been eliminated.



Multifamily Dwellings

- Currently, minimum lot size for a multi-family dwelling is required to increase per bedroom. In this draft the increase is based on number of units.
- When a zoning ordinance requires a parcel of land to significantly expand as units are added to the parcel, this can create an unusually large lot amidst other smaller lots.
- The visual effect can be strange and inadvertently create the result everyone is trying to avoid: development that's out of character with the neighborhood.
- This draft keeps the provision for adding extra square footage on to the minimum lot size. However, the numbers are adjusted to a level HW thinks is better from a design perspective and more economically feasible.

Multifamily Dwellings

- HW recommends removing the R-80 as a zone where multi-family dwellings are allowed. High land costs in Jamestown, along with the need for a larger lot size for multi-family dwellings, probably makes such development too cost prohibitive.
- Building design standards have largely been removed, as the Planning Commission decided that issues of design should be guidelines rather than standards.
 - This draft simply encourages applicants to follow the Jamestown Downtown Pattern Book Design Guidelines.

Accessory Dwelling Units (ADU)

This section is an update of the existing section on Accessory Family Dwelling Units. Changes made in response to amendment to the ADU law passed by the RI General Assembly in 2022.

- Affordable ADU standards from Article 11 - Jamestown Village Special Development Overlay District have been eliminated.
 - The new law now prescribes how ADUs may be counted as LMI units.
- ADUs would be allowed by right on residential lots of 20,000SF or more or in the footprint of an existing house or accessory structure (garage, etc.).
- With standards for size, parking, etc.

Heads up! State law did not change in 2023 but is likely to be amended again in 2024.

Compact Cottage Development

New section!

This is a new section that allows for clusters of small (1,200 SF or less) cottage homes to be built around common open space courtyards. Standards for such communities include:

- Permitted in the RR-80, R-40, R-20, R-8, and CL districts
- Maximum density: 15 units per acre
- Minimum of 6 and maximum of 30 total dwelling units
- Maximum building footprint: 900 SF
- Maximum building height: 18 feet



Bed & Breakfast

A few policy changes have been made to this section.

- Currently only one meal is allowed to be served to guests per day. The proposal allows multiple meals per day but limited to “transient guests.” In other words, the facility cannot serve as a restaurant.
- The current two-year renewal requirement by the Town Council has been removed. Bed and Breakfasts will be approved by the Zoning Board and then are subject to state requirements and local permits.
- The limit on gross floor space dedicated to guest rooms has been removed.
- Size minimums for guest rooms have been eliminated.

Compact Cottage Development

Other standards address:

- Size, location, and access to shared open space: At least 250 SF of common open space per dwelling but no less than 3,000 SF total
- Architectural design standards
 - Variation in design
 - Porches required, of a usable size
 - Limited fence height
- Parking standards (number of spots required – 1.5 per unit, design of parking lots and garages, landscaping and setbacks, etc.)
- Shared open space maintenance criteria



Image Source: Union Studio Architects

Solar Energy Systems & Facilities

New section!

This is a new section that sets standards for solar energy systems, to ensure that they are good neighbors.

Accessory Solar Energy Systems

- When built on roofs or other structures, allowed by right in all zoning districts.
- When ground-mounted, coverage limit of 20% of net buildable area.

Solar as a Principal Use

- Is prohibited throughout the Town.

Wind Energy Facilities

New section!

This is a new section that sets standards for wind energy systems, to ensure that they are good neighbors.

Standards for All Wind Energy Facilities

- Permitted in all zoning districts except the OS-I with SUP
- DPR from the PC then SUP from the ZBR
- Permitted on any town-owned property regardless of zoning district
- Building-mounted or –integrated wind energy facilities are allowed by right in all zoning districts

Wind Energy Facilities

Standards for all Wind Energy Facilities

- **Appearance, color, and finish:** Per FAA safety requirements
- **Shadow/flicker:** Applicant must prove no significant adverse impacts on neighboring or adjacent uses
- **Sound:** No more than 5 dB(A) increase over the site's pre-construction ambient sound levels
- **Clearing of trees and other vegetation:** Strictly limited to what is necessary
- **Location of mechanical equipment and related structures:** Per applicable zoning. Place within tower or screen with vegetation whenever possible

Wind Energy Facilities

Standards for all Wind Energy Facilities

- **Setbacks:** At least 1.5x the maximum tip height of the turbine from and property line. At least 3x from existing residential or commercial structure.
- **Height:** No more than 350 feet
- **Security and safety:** Must be securely fenced, but with passage for small wildlife. Designed to prevent unauthorized access. Access for emergency vehicles. Public safety preparedness and response plan required.
- **Signage:** No more than 4 square feet. Can only display name, address and emergency contact information, and 'no trespassing'

Wind Energy Facilities

Standards for all Wind Energy Facilities

- **Lighting:** Turbine lighting limited to that required by state or federal law. Other components limited to safety and operational purposes and must comply with Town's lighting ordinance.
- **Operations and maintenance:** Must be properly maintained. Must submit a plan for emergency shutdowns and inventory of on-site chemicals/solvents. Include owner/operator contact info.
- **Abandonment or decommissioning:** Must be removed no more than 150 days from end of operations and stabilized/revegetated. If abandoned, Town may remove using financial surety from the applicant

Communications Towers

New section!

This is a new section modified from what North Kingstown uses.

- Prohibited in Historic Districts except by use variance
- Preference to use existing structures or town-owned sites.
- **Setbacks:** One foot for each one foot of tower height – or 1.5 feet when abutting residential or historic district. Supporting equipment setbacks at least 25-35 feet. Supporting buildings set back at least 15-25 feet.
- **Screening:** Plant/tree screening required and camouflage is encouraged.
- **Security, Lighting, Signage:** Similar to Wind and Solar
- **Separation between Towers:** Ranges from 2,500 feet to 3 miles depending on the size and type of Tower.

Keeping of Chicken Hens

New section!

This is a new section modified from what Barrington uses.

- Up to 6 chicken hens allowed on any residential lot containing at least one dwelling.
- **Roosters:** Keeping of roosters is prohibited.
- **Structures and Enclosures:** Standards for size, strength, maintenance of hen houses.
- **Location:** Restricted to back or side yards. Prohibited within the dwelling.
- **Slaughter:** Commercial slaughter is prohibited.

Storage of Fishery Equipment

New section!

This is a new section. Conditions apply in all zoning districts where this use is permitted.

- **Setbacks:** Unless in active use, equipment must be located inside or be within the accessory building setback from the nearest property line. Prohibited in front yards.
- **Odors:** No odor in the ambient air may constitute a nuisance, i.e. significantly impair the reasonable use of any other property.

Underground Storage Tanks (UST)

New section!

- **Propane Tanks:** Allowed underground so long as they meet safety design specifications, are not located in front yards, and no larger than 1,100 gallons.
- **Other types of UST:** Must seek a SUP, meet the requirements for propane tanks, and also meet additional standards for leaks and spills.

Home Occupations

New section!

This is a new section that takes the standards for home occupations from the Definitions section and moves them into this Use Performance Standards section. Policies are largely the same.

- **Name:** Changed from Customary Home Occupations to simply Home Occupations
- **Area:** Limit of 200 SF changed to 25% of GFA or 500 SF, whichever is less.

Parking Regulations

Much of the Parking regulations remain the same.

It seems that the regulations themselves are reasonable, given the realities of limited land availability for parking in the commercially zoned parts of town.

Much of the issues related to parking seem to come from enforcement.

Parking Regulations

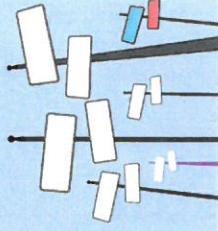
Changes to this Article include:

- **Compact Cars:** Allowance of smaller spaces eliminated (larger vehicles end up using these spaces anyway).
- **Minimum off-street parking requirements:** Largely the same, but "Type of Use" has been expanded and clarified so that as many uses in the Table of Permitted Uses as possible are specifically tied to a parking requirement.
- **"No net loss of parking" policy.** Acknowledges that strict adherence to parking requirements in the commercially zoned parts of town could stifle business development. Approvals would rather be based on demonstrating that a development will result in *no net loss* of total parking spaces available.

Sign Regulations

Reed et al v. Town of Gilbert, AZ

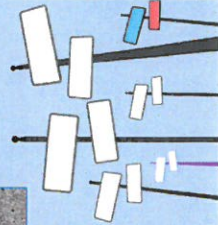
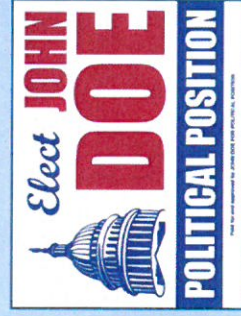
- Commercial signage regulations must be **content neutral**.
- Quick Test: *Do you have to read the content of a sign in order to enforce your regulations?*



Sign Regulations

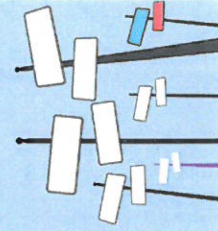
Reed et al v. Town of Gilbert, AZ

- Cannot have different size, location, timing standards based on content (e.g. political, advertising, real estate, etc.)

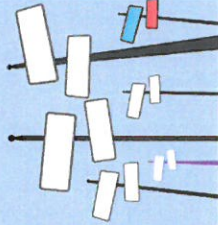
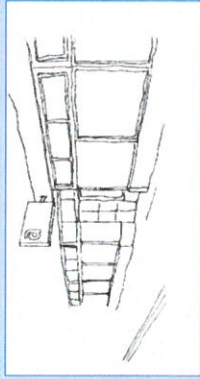
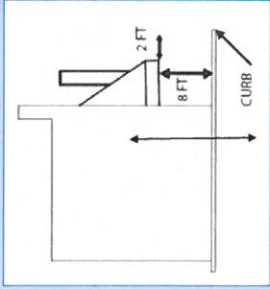


Sign Definitions

- All definitions listed together at the beginning of the Section
- Example images inserted for each definition, and/or methods for calculating sign area.
- Definition added for "Sandwich Board"



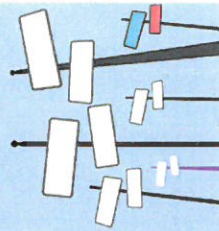
Sign Definitions: Graphics



Building Permit Not Required

“Exempt Signs” changed to “Building Permit not Required”

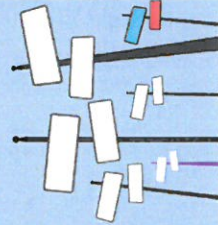
- Not counted toward total # of signs allowed
- No permit required, but still subject to design standards



Building Permit Not Required

Changes Under this Section:

1. Residential Wall signs of no more than 2 SF, regardless of content
2. Yard sale signs removed
3. Signs explicitly for public health and safety (government, traffic, hazards, etc.)
4. For church/school/public uses, one ground sign and one wall sign
5. Fuel Pumps

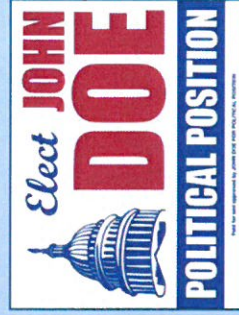


Building Permit Not Required

Changes Under this Section: Real Estate and Construction Signs

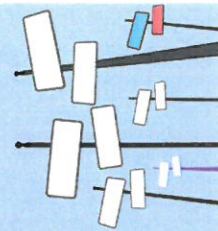


Stays up until property is sold or project is finished



Traditionally stays up until election is over + X days

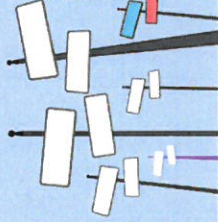
But CAN feasibly set a time limit common to ALL temporary signs



Commercial District Signs

New Standards for Sandwich Boards

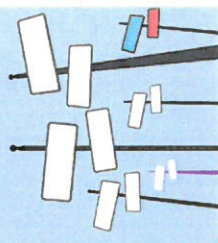
- One per business, per lot
- Not allowed in public right-of-way
- May ONLY be displayed during operating hours
- Must be weighted and secure, but NOT permanently anchored
- No electrical or moving parts
- If abutting residential, follow residential setbacks



Commercial District Signs

Temporary Commercial Signs

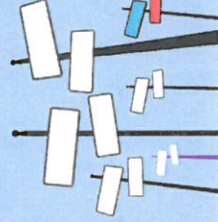
- Temporary signs, banners, posters and special promotions, except posters intended for window display, are prohibited for commercial uses.
- Sandwich boards are not considered commercial district signs.



Commercial District Signs

Signs for gasoline stations, garages, and commercial boating facilities

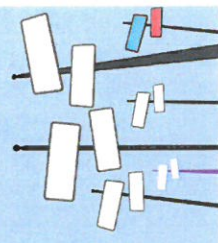
- HW recommends deleting these standards, as they violate Reed.
- There should not be signage differences for gas stations vs. other commercial uses.
- Instead, any commercial use allowed multiple wall signs of up to 16 SF in the aggregate.



Residential District Signs

Temporary Residential Signs

- Up to 12 SF in area at any one time
- No one sign larger than 4 SF
- May only be displayed for up to 60 days from the granting of a permit
- Content of signs will not be a consideration, but traditionally this includes: notices for special events, yard sales, political signs, etc.



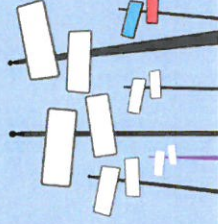
Residential District Signs

Customary Home Occupations (Including Bed & Breakfast)

- Wall sign does not require a permit
- Ground or projecting sign does

Real Estate Development & Subdivision Signs

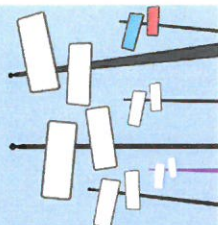
- Will not be regulated here, but under the Town's Subdivision and Land Development Regulations



Residential District Signs

Real Estate Open House Signs and Political Signs

- Many Reed problems
- Simply allow as a Temporary Residential Sign



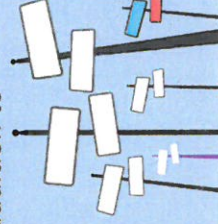
Nonconformity

- Existing signs prior to adoption of this section
- Any alteration of a nonconforming sign (other than routine maintenance) shall require that the sign conform to this Article

Illumination

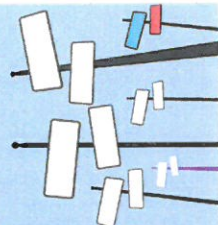
Neon Signs

- Limited to commercial establishments
- Limit of three per establishment clarified to be *in addition to* limit on total # of signs



Maintenance

- Kept in good repair, clean, neatly painted, and free from all hazards so as to not endanger the public health or safety
- If Zoning Enforcement Officer deems any sign to be faded, torn, broken, or in general disrepair, the sign will be considered in violation and must be removed, repaired or replaced.



Low and Moderate Income Housing

This section has been changed to comply with current State law.

- Name changed from Affordable Housing to Low and Moderate Income Housing to match terminology used in State law.
- All references to “affordable housing” have been changed to Low and Moderate Income (LMI) housing.
- “Inclusionary zoning” requirement changed from 20% to 25% LMI housing units. This matches the requirement for Comprehensive Permit developments.
- Standards for “fee in lieu” changed significantly to comply with State law. Calculated based on affordable sales price for a family of 4 making 80% AMI minus the per unit development costs for such a home, as calculated by RIHousing.

Discussion



Any thoughts or comments?



Housekeeping from RIGL 2022

For ZBR . . .

- 4 members, including alternates, is a quorum.
- A majority of members present is needed to pass a vote.
- ZBR has 65 days to hear and decide on an appeal, special use permit, or variance, and 15 days after the close of a hearing to render a decision.

For PC . . .

- A majority of members present is needed to pass a vote.