



**TOWN COUNCIL BUDGET WORK SESSION
AND SPECIAL MEETING**

**Jamestown Town Hall
Rosamond A. Tefft Council Chambers
93 Narragansett Avenue
Monday, March 11, 2024
5:00 P.M.**

THIS MEETING WILL BE CONDUCTED IN PERSON ONLY.

THIS MEETING WILL BE LIVE STREAMED: To view the meeting with no interaction:
<https://jamestownri.gov/watch-live-Town-meetings>

The public is welcome to participate in this Town Council meeting. Open Forum offers citizens the opportunity to clarify an item on the agenda, address items not on the agenda, or comment on a communication or Consent Agenda item. Citizens are welcome to speak to the subject of a Public Hearing, and are allowed to speak at the discretion of the Council President or a majority of Councilors present, or at other times during the meeting, in particular during New or Unfinished Business.

Anyone wishing to speak should use the microphone at the front of the room, stating their name and address for the record; comments must be addressed to the Council, not the audience. It is the Town Council's hope that citizens and Councilors alike will be respectful of each other's right to speak, tolerant of different points of view, and mindful of everyone's time.

Attachments for items on this meeting agenda are available to the public on the Town website at:
<https://jamestownri.gov/town-government/town-council/town-council-meetings-minutes/2023-meetings-minutes>

- I. ROLL CALL**
- II. CALL TO ORDER, PLEDGE OF ALLEGIANCE**
- III. TOWN COUNCIL BUDGET WORK SESSION for FY 2024/ 2025 (July 1, 2024 to June 30, 2025)**
 - A) Town Council Budget Work Session for FY 2024/ 2025; review and discussion:
 - 1) Operating Budget
 - 2) Capital Improvement Program

**The Zoning Ordinance Proposed Amendment Public Hearing
will begin at 6:30 p.m.**

IV. OPEN FORUM

Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act, and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibits the Town Council from discussing, considering or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.

- A) Scheduled request to address
- B) Non-scheduled request to address

V. PUBLIC HEARINGS, LICENSES AND PERMITS

- A) Public Hearing continued from February 12, 2024: Review, Discussion, and/or Action and/or Vote: Proposed Amendments to the Code of Ordinances regarding Chapter 82 – Zoning Ordinance, duly advertised in the December 28th (booklet insert), January 25th, February 1st, and February 8th, February 29th and March 7th editions of the Jamestown Press. This amendment includes a repeal of the existing Chapter 82 – Zoning Ordinance; and replacement by the proposed ordinance being considered for adoption, Chapter 82 – Zoning Ordinance.
 - 1) Memorandum from Town Planner Lisa Bryer regarding Zoning Ordinance Amendments related to the February 12, 2024 Public Hearing – Comments and Responses/Recommendations

VI. CONSENT

An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to the approval of each item as if it had been acted upon separately for review, discussion, and/or potential action and/or vote. A Consent Agenda item or items may be removed by the Town Council for review, discussion, and/or potential action and or vote.

- A) Adoption of Town Council Meeting Minutes
 - 1) February 12, 2024 (Special meeting)

VII. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS

The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion, and/or potential action and/or vote.

- A) Communications Received:
 - 1) Copy of the email to: Town Council
From: David Sission
Dated: January 19, 2024
Re: Proposed Zoning Change Sec 82-1201.2 Standard which is for Accessory Dwelling Units (ADUs).
 - 2) Copy of the letter to: Town Council
From: Jamestown Conservation Commission (JCC)
Dated: January 22, 2024
Re: JCC Advisory Review and Objection to Proposed Ordinance Section 82-1206- Communication Towers and Open Space

- 3) Copy of the letter to: Town Council
From: Richard Boren
Dated: January 22, 2024
Re: Proposed Zoning Ordinance
- 4) Copy of the letter to: Town Council
From: Chris Powell
Dated: February 3, 2024
Re: Proposed zoning ordinance – OS-I, OS-II
Communication Towers.
- 5) Copy of the letter to: Town Council
From: Alma Davenport
Dated: March 1, 2024, January 26, 2024, October 26, 2023
Re: Proposed zoning ordinance Section 82-1207.
Keeping of Chicken Hens; Grandfathering question
- 6) Copy of the letter to: Town Council
From: Joan Marie Caley
Dated: January 26, 2024
Re: Zoning Regulation Section 82-1207. Keeping of
Chicken Hens
- 7) Copy of the letter to: Town Council
From: Michael Dupre, Don Ocaso
Dated: November 20, 2023
Re: Proposed zoning amendment Section 82-1207.
- 8) Copy of the letter to: Town Council
From: Dennis Webster
Dated: February 12, 2024
Re: Comments on Proposed Zoning Ordinance

VIII. ADJOURNMENT

Pursuant to RIGL § 42-46-6(c) Notice of this meeting shall be posted on the Secretary of State's website and at the Town Hall and the Jamestown Philomenian Library. Notice is also posted at the Jamestown Police Station and on the Internet at www.jamestownri.gov.

ALL NOTE: If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, or contact the Town Clerk at 401-423-9800, via facsimile to 401-423-7230, or email to rfagan@jamestownri.net not less than three (3) business days prior to the meeting.

Posted on the RI Secretary of State website on March 7, 2024.



Office of the Town Planner MEMORANDUM

TO: The Honorable Town Council, Nancy Beye, President
Edward A. Mello, Town Administrator
FROM: Lisa W. Bryer, AICP, Town Planner
RE: Zoning Ordinance Amendments related to the
February 12, 2024 Public Hearing – Comments and
Responses/Recommendations
DATE: March 4, 2024

This Memo reviews comments made at the February 12 Zoning Ordinance Public Hearing as well as proposed changes based on those comments. Other written and oral comments were also received and are addressed below. As noted at the public hearing, the Planning Commission is working on a second round of amendments based on the 2023 legislative changes. It is anticipated the Planning Commission will be transmitting these amendments by the end of April.

The amendments are in order as they appear in the Zoning Ordinance. Some comments will require making the ordinance more restrictive, which will require re-advertising for an additional public hearing. Given that more amendments are on the way, the recommendation may be to wait till the next round of amendments on certain topics.

Sec. 82-104. Definitions

Recreational equipment, major. Equipment which includes but is not limited to travel trailers, pickup campers or coaches, motorized dwellings, recreational vehicles (RVs), tent trailers, power and sail boats larger than 15 feet in length, and boat trailers. Major recreational equipment does not include dinghies, prams, kayaks, canoes, rowboats or the like, nor does it include mobile homes in residential districts [See Sec 82-706](#).

Sec. 82-203. Procedures for Appeals, Special Use Permit and Variances

D. The Zoning Board shall render a decision within 15 days after the close of a public hearing.

Comment:

This time period is unreasonable.

Response/Recommendation:

This has been on the books since the state law changed in 2017. The recommendation is to keep the public hearing open until a decision is ready to be made.

Sec. 82-303. Expiration and Extension of Special Use Permits

Comment:

There have been no changes suggested in the new draft however, the comment is made questioning whether the language of 82-603 (current ordinance) permits the Zoning Board to vote and grant an additional one-year extension.

Response/Recommendation:

A special use permit shall expire one year from the date of granting by the zoning board unless the applicant exercises the permission granted or receives a building permit to do [so], and commences construction, and diligently pursues the construction until completed, or within one year of approval, the applicant applies for and receives an extension from the Zoning Board of Review.

A special use permit granted by the zoning board may not be extended or enlarged beyond the limits authorized by the zoning board, except by the granting of a further special use permit by the zoning board.

Sec. 82-402. Zoning Certificates

Comment:

This section confuses the terms zoning certificate and building permit.

Response/Recommendation:

I recommend this be amended in the next round of amendments as it has not been discussed by the Planning Commission.

Sec. 82-600. Regulations of Structures and Land

Comment:

The commenter proposes that the old language in this section be re-inserted as follows:
“any use which is not specifically included in the use provisions of this section is prohibited unless the zoning officer rules that such use is included in an of the general classifications set forth herein”

Response/Recommendation:

I would like to get the response of our consultant/Solicitors to see if this language was removed due to it not being permissible under the new state laws.

Sec. 82-800. High Groundwater Table and Impervious Layer Overlay District

Comment:

There is a duplication of efforts, having these applications sent to both the Planning Commission and the Zoning Board. They recommend that it should only be sent to the Zoning Board if there is an appeal or the application is also seeking dimensional relief.

Response/Recommendation:

This topic has been discussed in the past and not put forward due to resident opposition as well as the strength of the decision being a special use permit. The Planning Commission and the Zoning Board have very different roles in the current process so I would like time to review this in detail with our Solicitors and the Planning Commission.

Table 6-1 Permitted Uses

Comment:

Accessory Solar Energy Systems is no longer needed as an A in OS-I since there are no uses which could utilize it.

Response/Recommendation:

Agreed: Recommend the following change.

Use		District												
		P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
20.	Accessory Solar Energy System – See 1204	A	AN	A	A	A	A	A	A	A	A	A	A	A

Sec. 82-602.2. Authorized Departures from Yard Regulations

Comment:

Take D. Fences and walls not exceeding six feet in height and make it its own number as noted below since it is not an authorized departure from a yard regulation.

Response/Recommendation:

This makes sense and I would recommend the following change:

Sec. 82-602.2 Authorized departures from yard regulations.

The space in a required front, side or rear yard shall be open and unobstructed with the following exceptions:

- A. Ordinary projections of windowsills, cornices and other structural features may extend not more than 12 inches into the space above a required yard.
- B. Landscape features such as trees, fences, shrubs and patio may be placed in any yard area.
- C. In C districts only, an outdoor telephone booth may be located in a front yard area provided

it is adjacent to a permitted curb parking area or an off-street parking facility.

~~C. Fences and walls not exceeding six feet in height in any district may be constructed in any yard.~~

Sec. 82-607 Fences and Walls

Fences and walls not exceeding six feet in height in any district may be constructed in any yard.

Sec. 82-702. Lighting.

Comment:

Residences should meet the new lighting codes when they need repair, replacement, etc.

Define Light Trespass.

Response/Recommendation:

Add new definition Light trespass: light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

See additional recommendation below.

A. Applicability.

- 1) New Installations. All exterior lighting installed after the effective date of this ordinance shall conform to the standards set forth herein.

- 2) Existing Installations. All exterior lighting installed prior to the effective date of this ordinance shall be exempt from the provisions of this ordinance until a light and/or light fixture must be repaired, modified, refurbished and/or replaced. At the occurrence of any of these several events, any light and/or light fixture, ~~with the exception of lighting and/or light fixtures installed on a structure and/or property devoted exclusively to single family residential use,~~ shall conform to the standards set forth herein.

Sec. 82-1200. Multi Family Dwellings

Comment:

That this section is too permissive.

Response/Recommendation:

The intent of the amendments in this section was to make them reasonable. They are currently so restrictive that this section is rarely used and requires multiple variances when utilized. For this reason, it has been amended.

Sec. 82-1201. Accessory Dwelling Units

Sec. 82-1201.2. Standards.

Comment:

82-1201 (K) does not make sense:

The ADU will comply with all applicable state and local regulations.

Response/Recommendation:

This requirement was intentional and no change is recommended.

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

Comment:

CCD should not be permitted in the dense R-8 Zoning District.

Response/Recommendation:

This use is dense by design and is appropriate in the R-8 Zoning District. The number of units are dictated by the space requirements listed in the ordinance. For example, a minimum of 6 units are required. A minimum of 3,000 square feet of open space are required per unit. This is a minimum of 18,000 square feet required for 6 units. In addition, space for the units, setbacks and parking must be calculated. In other words, it is permitted in the R-8 district, but an appropriately large lot must be used for a CCD.

Sec. 82-1206. Communications Towers

Comments:

There was a comment of support for cellular communication tower in the north end of Jamestown but they wondered if the recent law suit would impact this ordinance. The Solicitor did not comment due to the pending law suit. Another commenter noted that it was difficult to screen a Cell Tower as noted in 82-1206.

A comment about not allowing Cellular Communication Towers in OS-I and OS-II. Discussion about an example of a communication tower in OSII? Fort Getty would be an example. The commenter quoted from the Comprehensive Plan important to note "preservation of open space is not enough; the land must be appropriately managed."

A comment about regulating height instead of minimum separation between communication towers was made.

Response/Recommendation:

There is no harm in requiring screening of the tower infrastructure so no change is recommended in that section (6) shown below. When reviewing the tower on Carr Lane, the developer provided

graphics showing what the tower would like at different distances from far away to close up. And existing trees and screening do make a difference from street level when driving along the adjacent streets and even from homes in the area. It is understood that at some point in distance, screening is ineffective due to the overall height of the structure.

The use table 6-1 now reflects a “N” for OS-I and OS-II.

The height of the structure is prescribed by the location, topography, locality serviced and location of adjacent towers. The need for such height is part of the review process where they must prove the need for such height. See proposed changes below.

Sec. 82-1206.1 Development Standards for Communications Towers.

C. The following standards shall apply to all applications:

- 6) Communications towers shall be constructed and situated in such a manner as to fit in with the topography and features of the surrounding environment. Communications towers, [where possible, and their ground equipment](#) shall be completely screened from all adjacent properties and streets and appropriately camouflaged if required. Plantings shall be of such a height and density to ensure complete screening. Screening shall consist of plant and/or tree material accepted by the town's subdivision regulations or as accepted by the Zoning Officer. Screening shall comprise ten percent of the minimum established setback requirement but shall not be less than five feet in width unless located in or abutting a residential district or historic district which will require that it not be less than ten feet in width. Screenings may be waived by the zoning board of review on those sides or sections which are adjacent to undevelopable lands or lands not in public view. Existing vegetation shall be preserved to the maximum extent possible and may be used as a substitute for or supplement towards meeting the landscaped screening requirement. The owner of the property shall be responsible for all maintenance and shall replace any dead plantings within 30 days.

[12\) The height of any communication tower shall be justified by a communication tower professional, considering location, topography, population serviced, location of adjacent towers and any other relevant information.](#)

D. Abandonment or Decommissioning.

- 1) Removal Requirements. Any communications tower that has reached the end of its useful life or has been abandoned shall be removed by the [owner/operator](#). The owner/operator shall physically remove the system no more than 150 days after the date of discontinued operations. The applicant shall notify the Zoning Officer by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a) Physical removal of all communications towers, supports, structures, and related equipment from the site.
 - b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Officer may allow the owner to leave landscaping or designated below-grade foundations in order to

minimize erosion and disruption to vegetation.

- 2) Abandonment. Absent notice of a proposed date of decommissioning or written note of extenuating circumstances, the communications tower shall be considered abandoned when it fails to operate for more than one year without the written consent of the Zoning Officer. When the Zoning Officer determines that abandonment has occurred, the Zoning Officer will send notice of this determination to the owner/operator. If the applicant fails to remove the communications tower in accordance with the requirements of this section within 150 days of this notice of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove it.

Use	District													
	P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC	
19. Heliport/Helistop++	N	N	N	N	N	N	N	N	N	N	N	N	N	N
20. Accessory Solar Energy System – See 1204	A	A	A	A	A	A	A	A	A	A	A	A	A	A
21. Major Solar Energy System – See 1204	S	N	N	N	N	N	N	N	N	N	N	N	N	N
22. Communications Towers – See 1206	S	<u>SN</u>	<u>SN</u>	S	S	N	N	N	N	N	N	N	N	N

Sec. 82-1207. Keeping of chicken hens.

Comments:

- Whether a permit should be required to keep chicken hens in densely populated areas.
- Complaint about the rats. “If you have chickens, you have rats”. How to deal with rats: Traps, rat poison; both unsafe for dense neighborhoods.
- Roosters. They are not permitted per the new ordinance, are existing roosters grandfathered?

Response/Recommendation:

After talking with residents who have chickens, roosters and who have had chickens, and understanding there are significant nuisance issues related to keeping of chicken hens I would recommend permitting this use only on lots greater than 1 acre by right and by special use permit on lots between ½ acre and 1 acre. In addition, prohibiting the keeping of chicken hens in the R-8 district. The proposed changes to the proposed Zoning Ordinance is as follows in strike-through and underline.

- A. General. The owner of any house lot containing at least one dwelling may keep or permit to be kept on the house lot within permitted zoning districts, no more than six chicken hens on lots ~~less than~~ between ½ and one acre (by special use permit), and 12 chicken hens 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.

- B. Roosters. Subsection A of this section shall be construed to prohibit the raising and/or keeping of roosters.
- C. Structures and Enclosures. All chicken hens must be provided with both a hen house (coop) and a fenced outdoor enclosure, subject to the following provisions:
 - 1) The hen house must be covered, predator-resistant and well-ventilated. It shall be no more than eight feet in height and a maximum of 64 square feet in area;
 - 2) The fence made of chicken wire or a stronger substance shall be no more than six feet in height;
 - 3) The hen house must provide a minimum of two square feet per chicken hen;
 - 4) The hen house must be kept clean, dry, and sanitary at all times;
 - 5) The hen house must be located upon a permeable surface that prevents waste run-off;
 - 6) The fenced enclosure must adequately contain the chicken hens at all times;
 - 7) The fenced enclosure must be kept clean and sanitary at all times;
 - 8) The hen house must provide the chicken hens with adequate protection from the elements and inclement weather and provide for the chicken hens good health and prevent any unnecessary or unjustified suffering;
 - 9) The hen house shall not be built onto any shared fence;
 - 10) The setbacks for the hen house and enclosed area shall be those for the principal dwelling located on the house lot.
- D. No chicken hens may be kept or raised within the dwelling.
- E. The owner of the hen(s) must be a resident of the dwelling located on the house lot.
- F. The raising of chicken hens shall be restricted to back yards or side yards; chicken hens shall not be permitted, at any time, on the part of the property directly abutting a road.
- G. The keeping of chicken hens pursuant to this section shall be primarily for the purpose of raising chicken hens and collecting the eggs produced thereof; this section shall not be construed to allow for the commercial slaughter and sale of any chicken hens for any purpose.
- H. Necessary euthanasia of chicken hens shall be performed by a veterinarian licensed to practice in the State of Rhode Island.

		P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
3.	Keeping and raising of chicken hens accessory to permitted use – See 1207	Y	N	S	Y	Y	Y	Y	Y N	N	N	N	N	N

Sec. 82-1208. Storage of fishery equipment.

Comments:

Concern with not allowing fishery equipment in front yard. Commenter keeps Lobster pots in the yard on Clarkes Village Road in R-40 zoning district. He keeps 5 lobster pots in the front yard. Lisa agrees that it should be looked at. Michael Swistak – Planning Commission. This use is under the “industrial” category. Does it apply to residential?

A comment was also made that the Town should do more to support the fisheries/aquaculture industry.

Response/Recommendation:

It seems that the conditions developed below and included in the proposed zoning update are adequate and reasonable to prevent nuisance to neighborhoods and neighbors. This use is, and has always been under the “industrial, non-manufacturing” category. The Use Table has been reviewed in this vein and amended accordingly for your consideration. The uses that have been changed to “Y” are due to the new conditions, which must be adhered to. The comment regarding storage in the front yard, would be addressed as an existing non-conforming use and as long as it is not increased in intensity, would continue to be permitted.

A. Conditions. Conditions apply in all zoning districts where this use is permitted, per Table 6-1.

- 1) Setbacks: Unless in active use in or adjacent to the water, all fishery equipment, must be located inside a building or enclosed structure or be set back within the accessory building setback from the nearest property line and not located within the “front yard.”
- 2) Odors: No fishery equipment shall cause or permit the emission of any substance or combination of substances which creates or contributes to an odor, in the ambient air, that constitutes a nuisance, so as to significantly impair the reasonable use of any other property.

Existing

	P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
11. Storage or transfer of fishery equipment (fishing industry, limited to storage and transfer) – See 1208	S	N	S	Y	Y	Y	S	S	Y	Y	Y	Y	N

Proposed

	P	OS-I	OS-II	RR-200	RR-80	R-40	R-20	R-8	CL	CD	CWe	CWw	DC
11. Storage or transfer of fishery equipment (fishing industry, limited to storage and transfer) – See 1208	S	N	S>	Y	<u>SY</u>	<u>NY</u>	N	<u>SN</u>	Y	<u>YS</u>	Y	Y	N

Sec. 82-1209. Underground storage tanks.

Comment:

Comment made that propane and underground storage tanks not be permitted in the property setback.

Response/Recommendation:

See below

All above ground and underground fuel storage tanks must meet the accessory structure setback for a single family dwelling. Underground Storage Tanks (USTs) are only allowed in the zoning districts specified in Table 6-1 Permitted Uses, with the following conditions:

- A. Propane Tank: Propane tanks are encouraged to be located above ground, ~~but~~ Propane tanks are allowed to be placed underground in any zoning district with the following conditions:
 - 1) Underground propane tanks must be designed for underground use and be installed and maintained according to manufacturer specifications.
 - 2) Underground propane tanks must be designed with cathodic protection or another method to help prevent tank corrosion.
 - 3) The outer surface of the underground propane tank must have a protective coating and be covered with a material that will not be harmful to the shell of the tank.
 - 4) Underground propane tanks must not be larger than 1,100 gallons.
- B. Design Standards: All new USTs other than propane tanks that meet the requirements of Sec. 82-1209.A above must receive a special use permit and meet the following design standards:
 - 1) The facility must have an appropriate method of leak detection.
 - 2) Fill-pipes on tanks must have means to collect spills from delivery hoses.
 - 3) The tanks must have overfill protection, such as automatic shutoff devices which activate at 90% UST capacity and restrict flow during deliveries.
 - 4) Tanks and/or piping installed must be double-walled with continuous interstitial monitoring.
 - 5) These requirements for USTs are intended to supplement and not to supersede any other applicable requirements of the State of Rhode Island.

Sec. 82-1408. Illumination.

Comment:

The prohibition of interior lighted signs as noted should be clear.

Response/Recommendation:

I believe it is clear. The definition and prohibition section is listed below.

Sign, interior-lighted. Signs illuminated by an interior lighting source that projects through a translucent sign material; provided that neon signs which do not fall within the definition of

interior-lighted signs are permitted in accordance with Sec. 82-1408.

Sec. 82-1403. General prohibitions.

The following signs are prohibited in all zoning districts, unless otherwise conditioned below:

- A. Animated signs. Temporary signs erected for the purposes of protecting public health and safety pursuant to Sec. 82-1402.E may be animated where conducive to those purposes.
- B. Billboards.
- C. Interior-lighted signs.
- D. Posted signs.
- E. Roof signs.
- F. Trailer signs.

Additional Comments:

Comment:

There were several comments about the ordinance being re-organized and not being able to have a “red-lined” version of the ordinance for before and after comparison sake. Additionally, it was noted that more meetings should be provided to review these changes.

Response/Recommendation:

It was noted that this process has been going on for 7 years and the Planning Commission held 24 meetings, 2 advertised public workshops, an advertised joint workshop between the Planning Commission and the Town Council and this advertised Public Hearing. It was also noted that the ordinance, in many instances, was the same, but was reorganized for ease of the user. The consultant provided a user guide that was provided for the joint workshop. Note, the presentation for each workshop and public hearing noted the changes to each section and were discussed. No changes are recommended in this regard.

Comment:

Demolition. Complaint that it is too easy to get a demolition permit (generally for a historic structure): “You just need to get a permit and demolish. There is no waiting period.” Commenter thinks there should be a 6-month waiting period for demolition. 3 Houses have come down on Ocean Avenue, another one on Clinton Avenue. Once these houses come down, mega houses are built, in very small areas. We need an Architectural Board of Review to review these demolition permits – have to show what the new house looks like.

Response/Recommendation:

This issue has been raised before by the Planning Commission, during the discussion on historic districts in 2014. The issue of historic districts, particularly in Shoreby Hill did not have enough traction to go forward at the time. It may be time for another discussion of this topic. No recommended changes to the proposed Zoning Ordinance at this time.

Jamestown Zoning Ordinance: Table of Contents Comparison

Current Articles and Sections	Where Are They Now?
ARTICLE 1: Introduction	ARTICLE 1: Introduction
Sec. 82-100. Preamble	Same
Sec. 82-101. Purpose	Same
Sec. 82-102. Consistency statement	Same
Sec. 82-103. Definitions	Sec. 82-104. Definitions
Sec. 82-104. Regulation	Sec. 82-103. Regulation
ARTICLE 2: Zoning Districts and Zoning Map	ARTICLE 5: Zoning Districts and Zoning Map
Sec. 82-200. Zoning Districts	All same, just article change
Sec. 82-201. Official zoning map	
Sec. 82-202. Interpretation of zoning districts	
ARTICLE 3: Application of District Regulations	ARTICLE 6: Application of District Regulations
Sec. 82-300. Regulation of structures and land	Same
Sec. 82-301. Uses and districts	Same
Sec. 82-302. District dimensional regulations	Same
Sec. 82-303. Number of residential structures per lot	Same
Sec. 82-304. Screening of residential areas	Sec. 82-701. Screening of residential areas
Sec. 82-305. Exceptions to height regulations	Sec. 82-602.1 Exceptions to height regulations
Sec. 82-306. Authorized departures from yard regulations	Sec. 82-602.2 Authorized departures from yard regulations
Sec. 82-307. Front yards on through lots	Sec. 82-602.3 Front yards on through lots
Sec. 82-308. Setback from freshwater wetlands	Sec. 82-802. Setback from freshwater wetlands
Sec. 82-309. Vision clearance at street corners	Sec. 82-604. Vision clearance at street corners
Sec. 82-310. Reduction of street frontage regulations	Sec. 82-602.4 Reduction of street frontage regulations
Sec. 82-311. Maximum size of accessory structures	Sec. 82-700. Accessory structures
Sec. 82-312. Lighting	Sec. 82-702. Lighting
Sec. 82-313. Development within open space zones	Sec. 82-601.1 Development within open space zones
Sec. 82-314. High groundwater table and impervious layer overlay district	Sec. 82-800. High groundwater table and impervious layer overlay district
Sec. 82-315. Temporary/Portable Residential Storage Containers	Sec. 82-705. Temporary/Portable Residential Storage Containers
Sec. 82-316. Swimming Pools and Tennis Courts	Sec. 82-703. Swimming Pools and Tennis Courts
Sec. 82-317. Community flood plain ordinance for special flood hazard areas	Sec. 82-801. Community flood plain ordinance for special flood hazard areas

ARTICLE 4: Administration and Enforcement	ARTICLE 4: General Administration and Enforcement
Sec. 82-400. Zoning enforcement officer	Same
Sec. 82-401. Building permit required	Same
Sec. 82-402. Zoning certificates	Same
Sec. 82-403. Publication of zoning certificates	Same
Sec. 82-404. Zoning certificates--Relationship to other codes, regulations, and ordinances	Same
Sec. 82-405. Expiration of a zoning certificate	Same
Sec. 82-406. Work previously authorized	Same
Sec. 82-407. Penalty for violation	Same
Sec. 82-408. Appeal of a decision of the zoning enforcement officer	Same
Sec. 82-409. Maintenance of the zoning ordinance	Same
Sec. 82-410. Project review fees	Sec. 82-1008. Project review fees
Sec. 82-411. Technical Review Committee	Sec. 82-410. Technical Review Committee
ARTICLE 5: Zoning Board of Review	ARTICLE 2: Zoning Board of Review
Sec. 82-500. Establishment and procedures	All same, just article change
Sec. 82-501. Powers and duties of zoning board of review	
Sec. 82-502. Use of powers	
Sec. 82-503. Procedure[s] for appeals, special use permits and variances	
Sec. 82-505. Reapplication to zoning board	
Sec. 82-506. Appeals--Participation in zoning hearing	
Sec. 82-507. Same--Appeals to superior court	
ARTICLE 6: Special Use Permits and Variances	ARTICLE 3: Special Use Permits and Variances
Sec. 82-600. Considerations of the zoning board	All same, just article change
Sec. 82-601. Special use permits authorized by this ordinance [chapter]	
Sec. 82-602. Burden on the applicant	
Sec. 82-603. Expiration and extension of special use permits	
Sec. 82-604. Continuation of special use permits	
Sec. 82-605. Variances authorized by this ordinance [chapter]	
Sec. 82-606. Conditions for granting a variance	
Sec. 82-607. Variances--Additional restrictions	
Sec. 82-608. Expiration of variances	
Sec. 82-609. Modifications granted by building official	

ARTICLE 7: Nonconforming Uses	ARTICLE 9: Nonconforming Uses
Sec. 82-700. General intent	All same, just article change
Sec. 82-701. Completion of construction	
Sec. 82-702. Prior illegal establishment	
Sec. 82-703. Restrictions on nonconforming uses	
Sec. 82-704. Alteration of a nonconforming use	
Sec. 82-705. Alteration of a nonconforming structure	
Sec. 82-706. Reconstruction of a nonconforming structure	
Sec. 82-707. Discontinuance of nonconforming use	
Sec. 82-708. Single nonconforming lots of record	
Sec. 82-709. Merger of contiguous nonconforming lots of record	
ARTICLE 8: Regulations for RR-200 Zoning Districts	Sec. 82-803. Regulations for RR-200 Zoning Districts
Sec. 82-800. Exempted activities	
Sec. 82-801. Development plan approval required	
Sec. 82-802. Review by planning commission	
Sec. 82-803. Minimum development standards	
ARTICLE 9: Newsrack Regulations	Sec. 82-704 Newsracks
Sec. 82-900. General	
Sec. 82-901. Permit required	
Sec. 82-902. Permissible locations	
Sec. 82-903. Size requirements	
Sec. 82-904. Fixed newsracks	
Sec. 82-905. Discontinued use	
ARTICLE 10: Multifamily Dwellings	Sec. 82-1200. Multifamily Dwellings
Sec. 82-1000. Purpose	Sec. 82-1200.1. Purpose
Sec. 82-1001. Special use permit required	Sec. 82-1200.2. Special use permit required
Sec. 82-1002. Development plan review	Sec. 82-1200.3 Development plan review
Sec. 82-1003. Action on development plan	Incorporated into new Article 10. Development Plan Review
Sec. 82-1004. Development plan requirements	Incorporated into new Article 10. Development Plan Review
Sec. 82-1005. Change of approved development plan	Incorporated into new Article 10. Development Plan Review
Sec. 82-1006. Standards of development	Sec. 82-1200.4. Standards of development
Sec. 82-1006.1. Permitted uses	Sec. 82-1200.4.A Permitted uses
Sec. 82-1006.2. Dimensional regulations	Sec. 82-1200.4.B Dimensional regulations
Sec. 82-1006.3. Density regulations-- Multifamily dwelling projects	Sec. 82-1200.4.C Density regulations-- Multifamily dwelling projects
Sec. 82-1006.4. Same--Multifamily structures	Sec. 82-1200.4.D Density--Multifamily structures

Sec. 82-1006.5. Open space requirements	Sec. 82-1200.4.E Site Design
Sec. 82-1006.6. Landscaping and screening	Sec. 82-1200.4.E Site Design
ARTICLE 11: Jamestown Village Special Development District	Same
Sec. 82-1100. Purposes and Intent	Same
Sec. 82-1101. Applicability	Same
Sec. 82-1102. Public Roads Standards within the Jamestown Special Development District	Sec. 82-1103.2. Property Frontage
Sec. 82-1103. Site and Building Plans	Incorporated into a checklist for Development Plan Review
Sec. 82-1104. Affordable Housing	Sec. 82-1105. Low and Moderate Income Housing
Sec. 82-1105. Pre-Existing Conditions	Removed
Sec. 82-1106. Special Requirements	Sec. 82-1104. Special Requirements Sec. 82-1106. Pre-Existing Sub-Standard Lots
Sec. 82-1107. Building Placement	Sec. 82-1103.1. Building Placement
Sec. 82-1108. Building Form	Sec. 82-1103.4. Building Design Sec. 82-1103.2. Property Frontage (also, follow Pattern Book & Design Guidelines)
Sec. 82-1109. Building Function	Removed
Sec. 82-1110. Parking and Density Calculations	Removed
Sec. 82-1111. Parking Locations and Standards	Sec. 82-1103.3. Parking Areas
Sec. 82-1112. Landscape Standards	Sec. 82-1103.5. Landscape Design
Sec. 82-1113. Natural Drainage Standards	Incorporated into Sec. 82-1103.5. Landscape Design
Sec. 82-1114. Signage Standards	Sec. 82-1103.6. Signage Standards
Sec. 82-1115. Architectural Standards	Removed (follow Pattern Book & Design Guidelines)
ARTICLE 12: Parking Regulations	ARTICLE 13: Parking Regulations
Sec. 82-1200. General requirements	Sec. 82-1300. General requirements
Sec. 82-1201. Submission	Sec. 82-1301. Submission
Sec. 82-1202. Location	Sec. 82-1302. Location
Sec. 82-1203. Minimum off-street parking requirements	Sec. 82-1303. Minimum off-street parking requirements
Sec. 82-1204. Parking standards	Sec. 82-1304. Parking standards
Sec. 82-1205. Shared parking	See new concept under Sec. 82-1307. No net loss of parking
Sec. 82-1205.1 Procedure for approval of shared parking	See new concept under Sec. 82-1307. No net loss of parking
Sec. 82-1205.2 Zoning enforcement officer maintains records	See new concept under Sec. 82-1307. No net loss of parking
Sec. 82-1205.3 Discontinued use	Sec. 82-1305 Discontinued use
Sec. 82-1206. Off-street loading requirements	Sec. 82-1306. Off-street loading requirements
Sec. 82-1207. Screening of residential areas	Sec. 82-701. Screening of residential areas
Sec. 82-1208. Parking or storage of commercial and major recreational equipment	Sec. 82-706. Parking or storage of commercial and major recreational equipment

Sec. 82-1209. Storage of motor vehicles	Sec. 82-707. Storage of motor vehicles
ARTICLE 13: Sign Regulations	ARTICLE 14: Sign Regulations
Sec. 82-1300. General intent	Sec. 82-1400. General intent
Sec. 82-1301. Building permit required	Sec. 82-1401. Building permit required
Sec. 82-1302. Exempt signs	Sec. 82-1402. Building permit not required
Sec. 82-1303. General prohibitions	Sec. 82-1403. General prohibitions
Sec. 82-1304. Signs permitted for special permit uses	Sec. 82-1404. Signs reviewed as part of an application for a Special Use Permit
Sec. 82-1305. Regulations for commercial districts	Sec. 82-1405. Regulations for commercial districts Sec. 82-1406. Signs on town-owned property
Sec. 82-1306. Regulations for residential districts	Sec. 82-1407. Regulations for residential districts
Sec. 82-1307. Special permit signs	Removed. See Sec. 82-1407. Regulations for residential districts, E. Temporary residential signs
Sec. 82-1308. Political signs	Removed. See Sec. 82-1407. Regulations for residential districts, E. Temporary residential signs
Sec. 82-1309. Illumination	Sec. 82-1408. Illumination
Sec. 82-1310. Nonconforming signs	Sec. 82-1409. Nonconforming signs
Sec. 82-1311. Maintenance required	Sec. 82-1410. Maintenance required
ARTICLE 14: Accessory Apartments	Sec. 82-1201. Accessory Dwelling Units
Sec. 82-1400. Restrictions	
ARTICLE 15: Bed and Breakfast Homes	Sec. 82-1202. Bed and Breakfast Homes
Sec. 82-1500. Generally	
Sec. 82-1501. Requirements for permit	
Sec. 82-1501.1 Site plan requirements	
Sec. 82-1501.2 Minimum standards for approval	
ARTICLE 16: Single-Family Cluster Land Development Projects	ARTICLE 15: Conservation Developments (adopted 2015)
Sec. 82-1600. Purposes	
Sec. 82-1601. Permissible activities	
Sec. 82-1602. Cluster development required	
Sec. 82-1603. Maximum number of dwelling units	
Sec. 82-1604. Minimum dimensional regulations	
Sec. 82-1605. Location of structures	
Sec. 82-1606. Open space within a cluster development	
Sec. 82-1607. Structures upon open space	
Sec. 82-1608. Ownership of open space	
Sec. 82-1609. Subdivision approval required	

ARTICLE 17: Low and Moderate Income Housing	ARTICLE 16: Low and Moderate Income Housing
Sec. 82-1700. Comprehensive permit for low and moderate income housing	
Sec. 82-1701. Application fees	
Sec. 82-1702. Limitation on applications	
Sec. 82-1703. Municipal Subsidy	
Sec. 82-1704. Affordable Housing Incentives	Sec. 82-1704. Low and Moderate Income Housing Incentives
Sec. 82-1705. Inclusionary Zoning	
ARTICLE 18: Amendment	ARTICLE 17: Amendment
Sec. 82-1800. Consistency with comprehensive plan	All same, just article change
Sec. 82-1801. Procedure for adoption or amendment	
Sec. 82-1802. Review by planning commission	
Sec. 82-1803. Notice and hearing requirements	
ARTICLE 19: Legal Status	ARTICLE 18: Legal Status
Sec. 82-1900. Severability	All same, just article change
Sec. 82-1901. Effective date	

Draft Jamestown Zoning Ordinance: A Reader's Guide to Major Proposed Changes

This document is a companion piece to the 'Table of Contents Comparison' document that shows where topics from the existing zoning ordinance are addressed in the draft zoning ordinance. This reader's guide goes a step further by showing the full, proposed Table of Contents and summarizing the major proposed changes by topic or noting where certain topics have had minor edits or no substantive change.

Section	Status
Art. 1. Introduction	
Sec. 82-100. Preamble	No substantive change
Sec. 82-101. Purpose	No substantive change
Sec. 82-102. Consistency statement	No substantive change
Sec. 82-103. Regulation	No substantive change
Sec. 82-104. Definitions	
Sec. 82-104.1 General Definitions	<p>Much "housekeeping" was done on this section.</p> <ul style="list-style-type: none"> • 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.
Sec. 82-104.2 Flood Plain Definitions	Definition for "height" changed per the amendments made related to flood hazard areas in 2020.
Art. 2. Zoning Board of Review	
Sec. 82-200. Establishment and procedures	No substantive changes to this Article
Sec. 82-201. Powers and duties of zoning board of review	
Sec. 82-202. Use of powers	

Sec. 82-203. Procedure[s] for appeals, special use permits and variances	Time frames for decision making have been edited per state law.
Sec. 82-204. Reapplication to zoning board	
Sec. 82-205. Appeals-- Participation in zoning hearing	
Sec. 82-206. Same--Appeals to superior court	
Art. 3. Special Use Permits and Variances	
Sec. 82-300. Considerations of the zoning board	No substantive changes to this Article
Sec. 82-301. Special use permits authorized by this ordinance	
Sec. 82-302. Burden on the applicant	
Sec. 82-303. Expiration and extension of special use permits	
Sec. 82-304. Continuation of special use permits	
Sec. 82-305. Variances authorized by this ordinance	
Sec. 82-306. Conditions for granting a variance	
Sec. 82-307. Variances-- Additional restrictions	
Sec. 82-308. Expiration of variances	
Sec. 82-309. Modifications granted by building official	

Art. 4. General Administration and Enforcement	No substantive changes to this Article
Sec. 82-400. Zoning enforcement officer	
Sec. 82-401. Building permit required	
Sec. 82-402. Zoning certificates	
Sec. 82-403. Publication of zoning certificates	Edited to allow for posting to the Town's website as well as a newspaper.
Sec. 82-404. Zoning certificates-- Relationship to other codes, regulations, and ordinances	
Sec. 82-405. Expiration of a zoning certificate	
Sec. 82-406. Work previously authorized	
Sec. 82-407. Penalty for violation	
Sec. 82-408. Appeal of a decision of the zoning enforcement officer	
Sec. 82-409. Maintenance of the zoning ordinance	
Sec. 82-410. Technical Review Committee	
Art. 5. Zoning Districts and Zoning Map	No substantive changes to this Article
Sec. 82-500. Zoning districts	
Sec. 82-501. Official zoning map	
Sec. 82-502. Interpretation of zoning districts	
Art. 6. Application of District Regulations	

Sec. 82-600. Regulation of structures and land	No substantive change
Sec. 82-601. Uses and districts	<ul style="list-style-type: none"> • 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.
Sec. 82-601.1. Development within open space zones	No substantive change
Sec. 82-602. District dimensional regulations	No substantive change
Sec. 82-602.1. Exceptions to height regulations	No substantive change
Sec. 82-602.2. Authorized departures from yard regulations	No substantive change
Sec. 82-602.3. Front yards on through lots	No substantive change
Sec. 82-602.4. Reduction of street frontage regulations	No substantive change
Sec. 82-603. Number of residential structures per lot	No substantive change
Sec. 82-604. Vision clearance at street corners	No substantive change
Sec. 82-605. Specific to R-40 zoning district lots	This section compromises a former note under the dimensional regulations for the R-40 zone.
Sec. 82-606. Specific to R-80 zoning district lots	This section mimics a former note under the dimensional regulations for the R-40 zone but applies it to the R-80 zone (lots of 40,000 SF or less can comply with the dimensional standards for the R-40 zone).

Art. 7. Misc. Structure and Site Regulations	<i>New</i> This is a new Article that compiles several existing sections and an expanded section on Lighting.
Sec. 82-700. Accessory structures	<ul style="list-style-type: none"> • Thresholds now apply to gross floor area of accessory structures rather than the footprint. • Maximum accessory structure size now caps out at 1,000 SF rather than 1,200 SF. • Caps height of accessory structures to either no taller than or 5 feet lower than the principal building. • Explicitly prohibits accessory structures in front yards, except by special use permit for waterfront lots, through lots, and corner lots.
Sec. 82-701. Screening of residential areas	No substantive change
Sec. 82-702. Lighting	<p>This section has been expanded and is based on a similar ordinance passed by the Town of Charlestown, RI in 2012. In brief, all new lighting installations, and existing installations that meet certain thresholds, are held to standards for . . .</p> <ul style="list-style-type: none"> • Prevention of light trespass to neighbors and into the sky. • Focus of light only on areas where it is needed/allowed. • Limitation of height of light poles. • Waterfront lighting. • Architectural, landscape, canopy, and service lighting (all primarily focused on preventing light trespass).
Sec. 82-703. Swimming Pools and Tennis Courts	Requires safety enclosures not only for swimming pools but for “any other in-ground man-made water feature more than two feet deep with an impervious bottom.”
Sec. 82-704. Newsracks	No substantive change
Sec. 82-705. Temporary/Portable Residential Storage Containers	No substantive change
Sec. 82-706. Parking or storage of commercial and major recreational equipment	No substantive changes – moved from the Parking Regulations
Sec. 82-707. Storage of motor vehicles	No changes – moved from the Parking Regulations
Art. 8. Special Regulations	<i>New</i>

<p>Sec. 82-800. High groundwater table and impervious layer overlay district</p>	<p>This is a new Article that combines four existing sections/subsections. This section is significantly reorganized, but the vast majority of the standards have remained the same. The most important substantive changes are:</p> <ul style="list-style-type: none"> • How the Town determines whether Sub-district A or Sub-district B applies to a particular lot. • The thresholds for which development activities are reviewed. • New requirement that operation and maintenance plan for stormwater systems be recorded with the final approval.
<p>Sec. 82-801. Community flood plain ordinance for special flood hazard areas</p>	<p>No substantive change</p>
<p>Sec. 82-802. Setback from freshwater wetlands</p>	<p>This section has been updated to note that as of July 1, 2022 this section does not apply to new applications and that the State's new wetlands rules and regulations apply for any applications from that date forward.</p>
<p>Sec. 82-803. Regulations for RR-200 Zoning Districts</p>	<p>300-foot setback requirement for sewage disposal systems has been deleted. Such setbacks are now set by the statewide rules and regulations noted above. Per UTRs review, setbacks for buildings and parking areas can remain here.</p>
<p>Sec. 82-803.1. Exempted activities</p>	
<p>Sec. 82-803.2. Development plan approval required</p>	
<p>Sec. 82-803.3. Review by planning commission</p>	
<p>Sec. 82-803.4. Minimum development standards</p>	
<p>Art. 9. Nonconforming Uses</p>	<p>No substantive changes to this Article</p>
<p>Sec. 82-900. General intent</p>	
<p>Sec. 82-901. Completion of construction</p>	
<p>Sec. 82-902. Prior illegal establishment</p>	
<p>Sec. 82-903. Restrictions on nonconforming uses</p>	

Sec. 82-904. Alteration of a nonconforming use	
Sec. 82-905. Alteration of a nonconforming structure	
Sec. 82-906. Reconstruction of a nonconforming structure	
Sec. 82-907. Discontinuance of nonconforming use	
Sec. 82-908. Single nonconforming lots of record	
Sec. 82-909. Merger of contiguous nonconforming lots of record	
Art. 10. Development Plan Review	<p><i>New</i></p> <p>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. Major components of the Article include:</p> <ul style="list-style-type: none"> • Review is 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 are reviewed by the Planning Commission. • This Article lays out 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. • This Article is designed to utilize the expertise of the Town's TRC and to be consistent with existing TRC procedures.
Sec. 82-1000. Purpose	
Sec. 82-1001. Applicability	
Sec. 82-1002. Coordination with Zoning Board of Review	
Sec. 82-1003. DPR Process	

Sec. 82-1004. Development Plan Review Thresholds	
Sec. 82-1004.1. Planning Commission as DPR Approving Authority	
Sec. 82-1004.2. TRC as DPR Approving Authority	
Sec. 82-1004.3. Planning Commission as Advisory Review	
Sec. 82-1005. Standards of Approval	
Sec. 82-1006. Appeal	
Sec. 82-1007. Review of Applications	
Sec. 82-1007.1. Submission of Material	
Sec. 82-1007.2. Contents of Application	
Sec. 82-1007.3. Final Action	
Sec. 82-1007.4. Revisions to the Plan	
Sec. 82-1007.5. Time Limit on Approval	
Sec. 82-1008. Project review fees	This section was carried over from the current Sec. 82-410. No substantive change.
Art. 11. Jamestown Village Special Development District	<p>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:</p> <ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none"> • Clarify and/or update design standards to provide the Town with more enforceable standards where appropriate. <p>With these objectives in mind, the following list represents the highlights of this draft:</p> <ul style="list-style-type: none"> • This Article is significantly re-organized in an effort to make it easier to follow. The updated language, for example, groups review thresholds and design standards into their own subsections in a manner HW hopes will be easier to follow. <ul style="list-style-type: none"> ○ 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. • HW recommends that this district be officially designated as an overlay district. This does not change its function at all. It just gives it the correct name based on state law. • 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, a good deal of “narrative” language was removed, as it is not needed in the context of a zoning ordinance. • The graphics for this section have been redrawn.
Sec. 82-1100. Purposes and Intent	
Sec. 82-1101. Applicability	
Sec. 82-1102. Review Thresholds Sec. 82-1102.1. Planning Commission as DPR Approving Authority	
Sec. 82-1102.2. TRC in an Advisory Capacity	
Sec. 82-1102.3. TRC as DPR Approving Authority	

Sec. 82-1103. Jamestown Village Special Development Overlay District Design Standards	
Sec. 82-1103.1. Building Placement	
Sec. 82-1103.2. Property Frontage	
Sec. 82-1103.3. Parking Areas	
Sec. 82-1103.4. Building Design	
Sec. 82-1103.5. Landscape Design	
Sec. 82-1103.6. Signage Standards	
Sec. 82-1104. Special Requirements	
Sec. 82-1105. Low and Moderate Income Housing	<p>This subsection is currently titled "Affordable Housing." The name change is suggested to match the terminology used 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. Other significant changes include . . .</p> <ul style="list-style-type: none"> • 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.
Sec. 82-1106. Pre-existing Sub-Standard Lots	
Sec. 82-1106.1. Development of Undersized Lots – R-8 and R-20 Districts	
Art. 12. Use Performance Standards	<p><i>New</i> This is a new Article that compiles several existing sections as well as new sections on Cottage Communities, Solar Energy, and Wind Energy.</p>

<p>Sec. 82-1200. Multifamily Dwellings</p>	<p>This section has been changed significantly. Some of the edits were designed to make this section clearer and easier to read. Major changes beyond formatting and readability include:</p> <ul style="list-style-type: none"> • 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. • Currently, the minimum lot size for a multi-family dwelling is required to increase per bedroom. HW recommends this increase be based on number of units rather than number of bedrooms. • Further, 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. • 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. Instead, multifamily building design shall be consistent with the Jamestown Downtown Pattern Book Design Guidelines.
<p>Sec. 82-1200.1. Purpose</p>	
<p>Sec. 82-1200.2. Special use permit required</p>	
<p>Sec. 82-1200.3. Development plan review</p>	
<p>Sec. 82-1200.4. Standards of development</p>	
<p>Sec. 82-1201. Accessory Dwelling Units</p>	<p>This section is an update of the existing section on Accessory Family Dwelling Units. ADUs remain a permitted use and has been amended to conform with State Law.</p>
<p>Sec. 82-1201.1. Description</p>	
<p>Sec. 82-1201.2. Purposes</p>	
<p>Sec. 82-1201.3. Where</p>	

allowed	
Sec. 82-1201.4. General requirements and standards	
Sec. 82-1201.5. Requirements and standards specific to accessory family dwelling units	
Sec. 82-1201.6. Requirements and standards specific to LMI accessory dwelling units	
Sec. 82-1201.7. Application procedures	
Sec. 82-1201.8. Reapplication for accessory family dwelling units	
Sec. 82-1201.9. Recording	
Sec. 82-1201.10. Failure to comply	
Sec. 82-1201.11. Alternative to reintegration for accessory family dwelling units	
Sec. 82-1201.12. Public records	
Sec. 82-1202. Bed and Breakfast Homes	<p>A few policy changes have been made to this section:</p> <ul style="list-style-type: none"> • 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. UTRs legal review confirmed this decision. • The limit on gross floor space dedicated to guest rooms has been removed. • Size minimums for guest rooms have been eliminated.
Sec. 82-1202.1. Generally	

<p>Sec. 82-1202.2. Requirement for permit</p>	<p><i>New</i> 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. Such homes can be attractive options for retirees, small families, single parent households, single person households, dual owner households, etc. Standards for such communities include minimum and maximum densities; size, height, setbacks, and other dimensions of each home; size, location, and access to shared open space; architectural design standards; parking standards (number of spots required, design of parking lots and garages, landscaping and setbacks, etc.); and shared open space maintenance. Such development will only be allowable when connected to public water and sewer.</p>
<p>Sec. 82-1203. Compact Cottage Development (CCD)</p>	<p><i>New</i> This is a new section that sets standards for solar energy systems to ensure that they are good neighbors. The section allows for accessory solar energy systems built on roofs or other structures by right in all zoning districts, placing a coverage limit of 20% of net buildable area for any accessory ground-mounted systems. Major standalone solar energy systems are prohibited. Standards have been established for things including: glare; clearing of trees and other vegetation; location of mechanical equipment; ground cover; protection of farmland; and setbacks and height.</p>
<p>Sec. 82-1204. Solar Energy Systems and Facilities</p>	
<p>Sec. 82-1204.1. Purpose and Intent</p>	
<p>Sec. 82-1204.2. Applicability</p>	
<p>Sec. 82-1204.3. General requirements</p>	
<p>Sec. 82-1204.4. Development Standards</p>	
<p>Sec. 82-1205. Wind Energy Facilities</p>	<p><i>New</i> This is a new section that sets standards for wind energy systems, to ensure that they are good neighbors. Wind energy is allowed as an accessory use throughout the Town, and standards have been established for things including: appearance, color, and finish; shadow/flicker; sound; clearing of trees and other vegetation; location of mechanical equipment and related structures; setbacks and height; security and safety; signage and lighting; operations and maintenance; and abandonment or decommissioning.</p>
<p>Sec. 82-1205.1. Purpose and Applicability</p>	

Sec. 82-1205.2. Review Process for All Wind Energy Facilities	
Sec. 82-1205.3. General Requirements for All Wind Energy Facilities	
Sec. 82-1206. Communications Towers	New This is a new section modified from what North Kingstown uses. HW had provided three examples of how other communities handle communications towers and this is the one that the Planning Commission liked best.
Sec. 82-1206.1. Development Standards for Communications Towers	
Sec. 82-1207. Keeping of Chicken Hens	New This is a new section modified from what Barrington uses. This was originally written with the assumption that properties of greater than one acre could keep more chickens as well as other types of livestock. If that is not pursued, this should be amended to allow 6 hens on any size parcel.
Sec. 82-1208. Storage of Fishery Equipment	New Storage and transfer of fishery "Product" and "Equipment" have always been regulated in the use table. This new section provides standards. This is a new section drafted by HW and staff to make sure fishery equipment is stored inside or setback like an accessory structure and does not cause nuisance odors.
Sec. 82-1209. Underground Storage Tanks	New This is a new section that provides more lenient standards for underground propane storage tanks and stricter standards for all other USTs.
Sec. 82-1210. Home Occupations	New 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. This is a best practice recommended by UTR's legal review.
Sec. 82-1211. Fuel Service Stations	New This is a new section that takes the standards for fuel service stations from the Definitions section and moves them into this Use Performance Standards section. This is a best practice recommended by UTR's legal review.

<p>Art. 13. Parking Regulations</p>	<p>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. Changes to this Article include:</p> <ul style="list-style-type: none"> • Allowance of smaller spaces for compact cars has been eliminated (larger vehicles end up using these spaces anyway). • Minimum off-street parking requirements are largely the same, but the information in the "Type of Use" column 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. • One change being considered by the Planning Commission is to establish a "no net loss of parking" policy. Such a policy would acknowledge that strict adherence to parking requirements in the commercially zoned parts of town could stifle business development. Approvals could rather be based on demonstrating that a development will result in no net loss of total parking spaces available.
<p>Sec. 82-1300. General requirements</p>	
<p>Sec. 82-1301. Submission</p>	
<p>Sec. 82-1302. Location</p>	
<p>Sec. 82-1303. Minimum off-street parking requirements</p>	
<p>Sec. 82-1304. Parking standards</p>	
<p>Sec. 82-1305. Discontinued use</p>	
<p>Sec. 82-1306. Off-street loading requirements</p>	
<p>Sec. 82-1307. No net loss of parking</p>	
<p>Sec. 82-1307.1. Procedure for no net loss of parking</p>	
<p>Art. 14. Sign Regulations</p>	<p>This section has been updated significantly, primarily to be in compliance with a recent U.S. Supreme Court decision that all sign regulations must be "content neutral." In other words, you shouldn't need to read a sign in order to enforce sign regulations. Major changes include . . .</p>

	<ul style="list-style-type: none"> • Expanded definitions for every sign type. • New graphics/drawings depicting the types of signs and how to calculate sign area, etc. • Generally speaking, regulations based on the content of the sign (e.g. real estate signs, political yard signs, yard sale signs, etc.) have been eliminated and replaced with regulations for size, number, location, etc. that can be applied regardless of the content of the sign. • Standards have been added for “sandwich board” signs, a very common sign type in Jamestown.
Sec. 82-1400. General intent	
Sec. 82-1401. Building permit required	
Sec. 82-1402. Building permit not required	
Sec. 82-1403. General prohibitions	
Sec. 82-1404. Signs reviewed as part of an application for a Special Use Permit	
Sec. 82-1405. Regulations for commercial districts	
Sec. 82-1406. Signs on town-owned property	
Sec. 82-1407. Regulations for residential districts	
Sec. 82-1408. Illumination	
Sec. 82-1409. Nonconforming signs	
Sec. 82-1410. Maintenance required	
Art. 15. Conservation Developments	This article was adopted in 2015 and is a significant restructuring of the former article on Single-Family Cluster Land Development Projects
Sec. 82-1500. Purposes	
Sec. 82-1501. Applicability	

Sec. 82-1502. Utilities Required in R-20 Zoning Districts	
Sec. 82-1503. Permitted Residential Uses	
Sec. 82-1504. Affordable Housing in Conservation Developments	
Sec. 82-1505. Permitted Open Space Uses	
Sec. 82-1506. Maximum Number of Dwelling Units	
Sec. 82-1507. Land unsuitable for development	
Sec. 82-1508. Lot dimensional requirements	
Sec. 82-1509. Open Space in Conservation Developments	
Art. 16. Low and Moderate-Income Housing	<p>This section has been changed to comply with current State law.</p> <ul style="list-style-type: none"> • First of all, the name of this section has been changed from Affordable Housing to Low and Moderate Income Housing. The name change is suggested to match the terminology used 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. • The "inclusionary zoning" requirement has changed from 20% to 25% of housing units needing to be set aside as LMI. This matches the requirement for Comprehensive Permit developments. • Standards for "fee in lieu" of LMI housing have been changed significantly to comply with State law which says that this will be calculated based on the affordable sales price for a family of 4 making 80% of the area median income (AMI) minus the per unit development costs for such a home, as calculated by Rhode Island Housing.
Sec. 82-1600. Comprehensive permit for low- and moderate-income housing	
Sec. 82-1601. Application fees	

Sec. 82-1602. Limitation on applications	
Sec. 82-1603. Municipal Subsidy	
Sec. 82-1604. Low-Moderate Income Housing Incentives	
Sec. 82-1605. Inclusionary Zoning	
Art. 17. Amendment	A few changes made to this Article to account for recent changes to state law.
Sec. 82-1700. Consistency with comprehensive plan	
Sec. 82-1701. Procedure for adoption or amendment	
Sec. 82-1702. Review by planning commission	
Sec. 82-1703. Notice and hearing requirements	New subsection added to provide for situations where a zoning text amendment causes a conforming lot to become nonconforming, per <i>R/GL § 45-24-53(c)</i> . This has also been edited to add first-class mailing as an option for notice, per state law.
Art. 18. Legal Status	No substantive changes to this Article
Sec. 82-1800. Severability	
Sec. 82-1801. Effective date	

TOWN COUNCIL MEETING MINUTES
Monday, February 12, 2024
6:30 P.M.

I. ROLL CALL

A special meeting of the Jamestown Town Council was held on February 12, 2024. Town Council Members present were as follows: Mary Meagher, Michael G. White, Randy White, and Erik Brine. Nancy A. Beye was absent.

Also, in attendance: Town Administrator Edward A. Mello, Solicitor Wyatt Brochu, Chief Jamie Campbell, Public Works Director Michael Gray, Town Planner Lisa Bryer, Planning Assistant Carrie Kolb and Town Clerk Roberta Fagan.

Vice President Meagher gave opening remarks and reviewed the timeline for the Zoning Ordinance Amendments- Chapter 82. The zoning ordinance was reviewed by the Planning Commission, Town Planner Bryer, and assistance from consultant Horsley Witten Group (HW). The review began in 2017 and concluded in June 2024, with notable delays due to the COVID-19 pandemic. The Town Council and the Planning Commission had a work session in November 2024, where changes were recommended. The Town Council ordered to advertise the draft Zoning Ordinance-Chapter 82 amendments with a Public Hearing scheduled for February 12, 2024.

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council Vice President Meagher called the meeting of the Jamestown Town Council to order at 6:30 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

III. OPEN FORUM

- A) Scheduled request to address
- B) Non-scheduled request to address – none.

A motion was made by Vice President Meagher with a second by Councilor M. White to open the Public Hearing. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Vice President Meagher continued to describe the process: Town Planner Lisa Bryer will make a presentation of the notable changes, followed by public comment. The Town Council may vote; or make changes to the document that may be less restrictive than what has been advertised. The Town Council may also choose to deliberate some changes. Additionally, the Planning Commission will continue to monitor anticipated changes at the State level, which will require further zoning amendments to the Town ordinance, to be considered at future public hearings.

IV. PUBLIC HEARINGS, LICENSES AND PERMITS

- A) Public Hearing: Review, Discussion, and/or Action and/or Vote: Proposed Amendments to the Code of Ordinances regarding Chapter 82 – Zoning Ordinance, duly advertised in the December 28th (booklet insert), January 25th, February 1st, and February 8th editions of the Jamestown Press. This amendment includes a repeal of the existing Chapter 82 – Zoning Ordinance; and replacement

by the proposed ordinance being considered for adoption, Chapter 82 – Zoning Ordinance.

Town Planner Lisa Bryer gave an in-depth presentation on the proposed amendments to Chapter 82- Zoning Ordinance (presentation attached) and timeline. There were many changes to the ordinance, and the reorganization of the document prevented a red line of the original zoning ordinance. A reader's guide was prepared to assist in identifying the changes.

Alma Davenport, 99 Clinton Avenue, reiterated her request to require a permit for keeping chicken hens. The proposed zoning amendment would allow the number of chicken hens to be increased based on the size of the property. The sturdiness of a coop or good husbandry practices does not ensure deterring rats. Rat poison, traps, etc. have potential public health and safety hazards. She had a question about “Grandfathering” the use of existing coops. Which department or body has the discretion to decide?

Town Planner Lisa Bryer explained a preexisting lot and or use that is not part of the existing ordinance, a property owner is automatically grandfathered. If the use is discontinued the grandfathering would be eliminated. Compliance is the primary purpose of the zoning ordinance.

Solicitor Wyatt Brochu continued, it would be a determination of the Zoning/Building Official. He stated if you have a use today or when the use began, it would be a preexisting legal non-conforming use right aka “grandfathering” right. There is no application to be made in the case of a non-conforming use; the Zoning/Building official would make that determination. The use and/or structure of preexisting legal non-conforming right would be permissible.

Dave Leonard, 34 Clarks Village, asked for clarification regarding a change to the zoning use table. On page 52, storage or transfer of fishery products, R40/R20, has been amended to reflect “N” or no. He has had lobster pots on his property for 40 years. Was this an error or intentional? Mr. Leonard stated he is a commercial fisherman.

Town Planner Lisa Bryer and Planning Commission Chair Michael Swistak agreed to review the Zoning Districts and application of district regulations in the zoning tables.

Jane Bentley, 70 Mount Hope Avenue, Zoning Board of Review member, raised concerns regarding demolition permits. Is there any policy regarding demolition, specifically a waiting period? Three houses were demolished on Ocean Avenue last year. Small houses are being replaced with large “mega” houses. Referencing page 39, “In granting a special use permit, the zoning board may impose such special conditions as are deemed necessary to maintain harmony with other lots in the same or abutting zoning districts and to promote the objectives of this ordinance (chapter).” She suggested creating a rule requiring a six-month waiting period before demolition as well as establishing an architecture board of review, to review plans, ensuring new structures fit into the rural character of the area.

Frank Haggerty, 111 West Reach Drive, commented on the proposed communications tower on Carr Lane. Since 2005 north end residents have been asking for better cell service. The proposed Carr Lane cell tower has been held up due to a lawsuit. Will the lawsuit be impacted by the proposed zoning amendments?

Solicitor Brochu stated the matter is in litigation, and cannot be commented on.

Job Toll, Pardon Tucker, referenced Sec. 82-1209, propane tanks, request that the underground storage tank provision also restrict tanks from being located in a property setback.

Tony Pinheiro, 161 Beacon Avenue, raised similar concerns as Dave Leonard. He also is a commercial fisherman, and stores fishery equipment on his property. Commercial fishing contributes directly to Mr. Pinheiro's livelihood and for generations to come.

Solicitor Brochu explained the process for determining use compliance. The Zoning/Building official has the power to decide whether a use is compliant or non-compliant. If it is a non-compliant use, the official will conduct a review looking at the historical use, and parameters of the specific use. A pre-existing non-conforming use will be considered in the review. If the property owner is not satisfied and/or disagrees with the determination, they would have right of appeal for further review.

Marta Gomez-Chiarri, 819 North Main Road, requested consideration for alternatives and/or advocacy for the fisheries/aquaculture industry(s), similar support as our farms for food production. Protecting the tradition of providing food from the fisheries/aquaculture industry should be a priority.

Kristine Sloan Maccini, 17 Friendship Street, is an attorney in private practice with some knowledge of zoning matters. She stated approval is being sought for a whole new zoning ordinance with a structure (booklet) that is not parallel to the existing zoning ordinances such that no straight visual comparison is possible (a red-line version). Relying on the three guidance documents to describe the process, places a burden of time and interpretation of the new proposed ordinance on the reader. She questioned why there was a complete overhaul of the ordinance versus a red-line of the existing ordinance. The proposed amendments have the potential to affect the rights and liabilities of residents in a meaningful way. Ms. Sloan Maccini recommended scheduling additional open meetings, focusing on specific sections with substantive changes.

Town Planner Lisa Bryer replied the proposed amended Zoning Ordinance is a different structure of the same information.

Vice President Meagher stated the Planning Commission undertook approximately 24 meetings related to the Zoning Ordinance amendments.

Anne Kuhn-Hine, representing the Conservation Commission, 82-1206, related to communication towers in Open Space II (OSII). What would be an example of a communication tower in OSII? Fort Getty would be an example. Ms. Kuhn-Hines quoted from the Comprehensive Plan important to note open space is not enough. The land must be appropriately managed.

April Leonard, 34 Clarke's Village, echoed points made by Ms. Sloan Maccini. She stated it would have been more helpful to have a red-line version published instead of the repeal and replacement of the Zoning Ordinance. The practice has the potential to create anxiety and mistrust. Supporting the local fisheries and the location of fishing vessels should be considered.

Vice President Meagher explained the Jamestown Town Charter requirement to publish and print the entire proposed amended ordinance is costly. To print a strike-through "red-line" version versus a repeal and replace of the ordinance would have been even more cost-prohibitive.

Bob Mancini, 17 Friendship Street. Section 82-1201 (K), language does not make sense and appears to be a type-o. Referencing 82-1203.6 (a) Compact Cottage Development, permitted in dense R8 zone, he suggested this is not appropriate and the language is confusing to the reader. 82-1206 Communications Towers, the minimum separation between communications towers seems arbitrary and doesn't make sense. The height of the tower would be more impactful. He also suggested the Removal Requirements language to read "owner operator" instead of the "licensee".

Mary Webster, 22 Mount Hope Avenue, page 24, Sign- internally illuminated, 82-1408 the internally illuminated signage is not addressed and specifically prohibited. She would like it reiterated and reinforced in 82-1408.

Town Planner Lisa Bryer referenced 82-1403, General Prohibitions, which addresses the prohibition of internally illuminated signage.

Dennis Webster, 22 Mount Hope Avenue. He reinforced concern about communication tower prohibition and permitting in OSI and/or OSII. The Lighting section has improved. The requirement for existing lights to be replaced to meet new standards except for residential structures, which make up 95% of buildings in Jamestown, and requested modification(s). Mr. Webster suggested defining light trespass and light pollution in the definition section, and including illustrations (drawings) of acceptable/unacceptable light fixtures. Referencing pages 89-91, 82-1200 Multifamily Dwellings, more multi-family dwellings will be permitted in the proposed amended ordinance. Open space requirements have been amended and removed in the R20 zone. He stated there is no indication of how much open space is required. The setback requirements for R20 and R40 are very different and suggested modifying to require 100 feet on each side in both zones. Lastly, Mr. Webster questioned regarding Accessory Dwelling Units, (ADU) – can you have a detached garage and ADU? The language wasn't clear if both are permitted at the maximum size allowed. The language could be clearer. Town Planner Lisa Bryer explained that yes, as long as you meet the building lot coverage requirement.

Planning Commission member Mike Swistak asked what are the next steps.

A motion was made by Councilor M. White with a second by Vice President Meagher to continue the Zoning Ordinance Amendment Public Hearing to Monday, March 11, 2024, at 6:30 p.m. Vote: Vice President Meagher, Aye; Councilor M. White, Aye; Councilor Brine, Aye; and Councilor R. White, Aye.

Communications were acknowledged.

V. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS

The Council may acknowledge any of the listed Communications and Proclamations and Resolutions. Should any member wish to have a conversation on any of the matters, the item will be placed on a future agenda for review, discussion, and/or potential action and/or vote.

A) Communications Received:

- 1) Copy of the email to: Town Council
From: David Sission
Dated: January 19, 2024
Re: Proposed Zoning Change Sec 82-1201.2 Standard which is for Accessory Dwelling Units (ADUs).

- 2) Copy of the letter to: Town Council
From: Jamestown Conservation Commission (JCC)
Dated: January 22, 2024
Re: JCC Advisory Review and Objection to Proposed Ordinance Section 82-1206- Communication Towers and Open Space

- 3) Copy of the letter to: Town Council
From: Chris Powell
Dated: February 3, 2024
Re: Proposed zoning ordinance – OS-I, OS-II
Communication Towers.
- 4) Copy of the letter to: Town Council
From: Alma Davenport
Dated: January 26, 2024, October 26, 2023
Re: Proposed zoning ordinance Section 82-1207.
Keeping of Chicken Hens
- 5) Copy of the letter to: Town Council
From: Joan Caley
Dated: January 26, 2024
Re: Zoning Regulation Section 82-1207. Keeping of
Chicken Hens
- 6) Copy of the letter to: Town Council
From: Michael Dupre, Don Ocaso
Dated: November 20, 2023
Re: Proposed zoning amendment Section 82-1207.

VI. ADJOURNMENT

A motion was made by Councilor M. White with a second by Councilor Brine to adjourn at 8:19 p.m. Vote: Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

Attest:

Roberta J. Fagan, Town Clerk



Jamestown Zoning Update

Town Council Public Hearing

February 12, 2024

6:30 PM

Jamestown Town Hall

Where are we and what have we done. . .

- A lot of deep conversations and work has been done over the past 6 years!
- 24 Planning Commission Meetings, 2 public workshops and 1 Joint Town Council/Planning Commission workshop
- Today we discuss what changes are proposed and why, and accept further comment on amendments.

Brief Timeline

- Late 2017 – Project Kick Off.
- October 2019 – January 2020 – First full draft - also dealt with other issues that arose:
 - Keeping of Hens
 - Communications Towers
 - Other Staff housekeeping concerns
- March 2020 – Passed draft on for legal review and then, well, COVID. . . the long pause began. Legal Review completed June 2022

Brief Timeline

- June 2022 – March 2023 – Updates based on 2022 RI General Assembly changes, including ADUs and Cannabis.
- March and April 2023 – Planning Commission held 2 public workshops on the full draft revisions.
- Summer 2023 – Final revisions and Transmittal to TC on September 11, 2023.
- November 1, 2023 – Joint Work session between PC and TC

Tonight's Public Hearing

- Definitions
- Use Table
- R40/R80 Lot dimensions – recommend remove due to state law
- 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 Hearing, 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
- Assisted Living Facility
- Bioretentation 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.

➤ **THESE ARE NO LONGER NEEDED – based on the 2023 Legislative changes related to Substandard Lots of Record.**

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. Provides mostly clarification without 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 Charleston'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
- To verify, 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 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:

- DPR 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 . . .

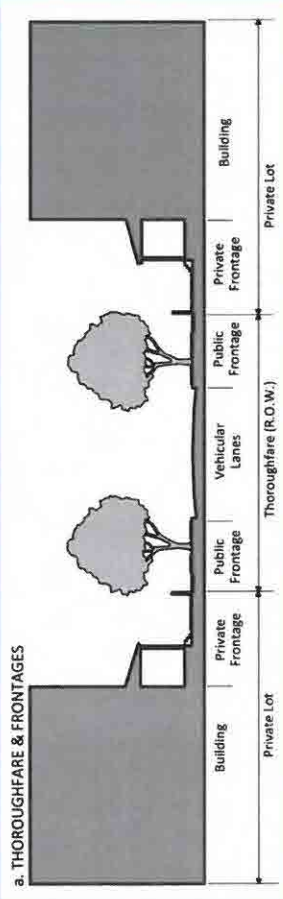
- Significantly re-organized to make it easier to follow.
- Review thresholds and design standards are grouped into their own subsections to be easier to follow.
 - The review thresholds for DPR are collected into a single section.
 - Design standards are grouped into a single section and then reorganized into six subcategories.
- District is now officially designated as an “overlay district”
 - This does not change its function at all. Changed to be consistent with 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, 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.
- 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. Lack of infrastructure, high land costs, along with the need for a larger lot size for multi-family dwellings, probably makes such development too cost prohibitive.
- Building design standards require 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.

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

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 R-20, R-8, CD 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



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 permitted only in the public zoning district.

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

- **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.

Wind Energy Facilities

Standards for all Wind Energy Facilities

- **Signage:** No more than 4 square feet. Can only display name, address and emergency contact information, and 'no trespassing'
- **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

- **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
- Permitted by SUP in P, OS-II and OS-I (proposed to change)
- 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 under 1 Acre, 12 on lots 1-2 acres and 20 on lots >2 acres (written comments to reduce).
- **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:** 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! Related to Gas, diesel, fuel oil, kerosene, natural gas or other toxic substance.

- **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 location for this section!

This 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. The Town could consider pay for park in areas that are stressed for spaces. And some of the issues related to parking may come from enforcement which is in full force in the summer months.

Parking Regulations

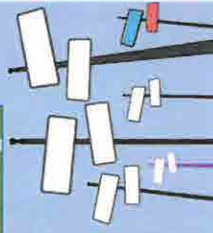
Changes to this Article include:

- **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.

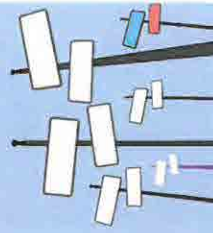
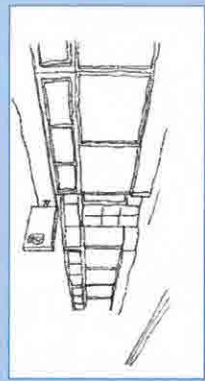
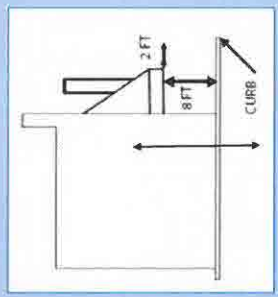
Sign Regulations

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



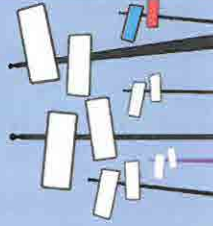
Sign Definitions: Graphics



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



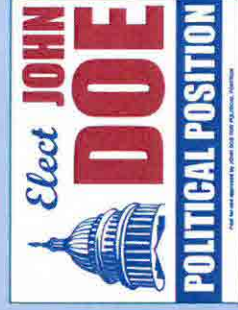
Building Permit Not Required

Changes Under this Section:

Real Estate and Construction Signs

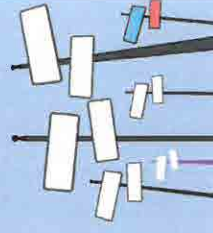


Stays up until
property is sold or
project is finished



45 day limit

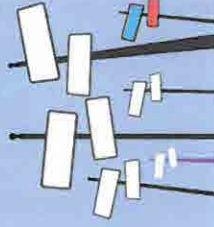
Traditionally
stays up until
election is
over + X days



Commercial District Signs

New Standards for Sandwich Boards

- One per business, per lot
- Not allowed in public right-of-way
 - (without permit)
- 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
- Sandwich boards are not considered commercial district signs.



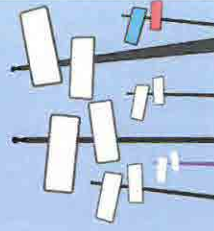
Temporary Commercial Signs

- Temporary signs, banners, posters and special promotions, except posters intended for window display, are prohibited for commercial uses.

Commercial District Signs

Signs for gasoline stations, garages, and commercial boating facilities

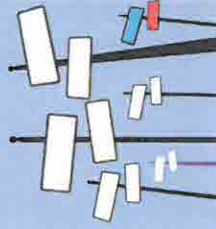
- HW recommended deleting these standards - they violate Reed.
- There should not be signage differences for gas stations vs. other commercial uses.
- Instead, any commercial use allowed multiple wall signs of up to 16 SF in the aggregate.



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 45 days. Content of signs will not be a consideration, but traditionally this includes: *notices for special events, yard sales, political signs, etc.*



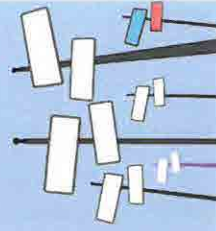
Residential District Signs

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



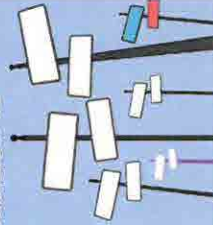
Nonconformity

- 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

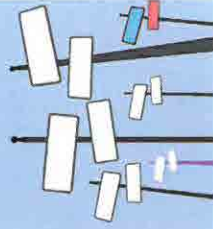
Neon Signs

- 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.

Housekeeping from RIGL 2022

For ZBR . . .

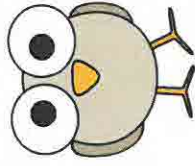
- 4 members, including alternates, is a quorum.
- A majority of members present is needed to pass a vote.
- ZBR has 65 days to hear and decide on an appeal, special use permit, or variance, and 15 days after the close of a hearing to render a decision.

For PC . . .

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

Thank you!!!

Discussion



??

3/11 packet

Roberta Fagan

From: [Redacted]
Sent: Friday, January 19, 2024 11:43 AM
To: Roberta Fagan
Cc: 'Stephen Dargo'
Subject: Proposed zoning ordinance change in Jamestown - ADUs

CAUTION: This email originated from outside the Jamestown email system. Please do not click links or open attachments unless you recognize the sender and determine the content is safe.

Ms. Fagan, can you please forward this to the Town Council in advance of the Feb 12 meeting on the proposed Zoning Ordinance changes? Sincerely, David Sisson

Hello,

I am a Rhode Island Architect – based in East Providence.

I am writing to wholeheartedly support the proposed zoning change to Sec. 82-1201.2. Standards which is for Accessory Dwelling Units (ADUs).

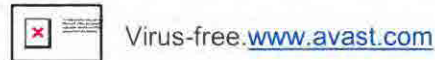
We frequently receive calls from clients who wish to add ADUs to their homes – usually for a disabled or elderly family member, or sometimes for a young adult child. I inform them of State law, which sometimes allows this by – right, but also requires that the unit be removed when the family member isn't living there anymore. Most times, the client decides to not construct the unit due to the high cost of construction and the inability to use or rent the unit later.

The proposed Jamestown zoning ordinance is a very well thought through solution to providing more flexibility for Jamestown residents and more options for multigenerational housing and low cost housing, and workforce housing. This allows residents to reside in Jamestown at a variety of income levels which helps support the community for everyone. It does not significantly increase density or traffic and will assist owners at a variety of income levels with their ability to live in Jamestown.

Although I am not a Jamestown resident, I applaud Jamestown for their foresight in bringing this ordinance change and encourage members of the Town Council to vote yes on this important change.

Sincerely,

David Sisson
David Sisson Architecture PC





JAMESTOWN CONSERVATION COMMISSION

MEMO

To: The Honorable Town Council, Jamestown Zoning Board, Jamestown Town Planner, Lisa Bryer
From: Jamestown Conservation Commission *Anne Kuhn-Hines*
Date: January 22, 2024
Subject: Conservation Commission Advisory Review and Objection to Proposed Ordinance Section 82-1206-
Communication Towers and Open Space

The Jamestown Conservation Commission (JCC) has reviewed the proposed amendments to the Jamestown Zoning Ordinance Chapter 82 and would like to raise objection to the proposed change in Section 82-1206 *Communications Towers*. The proposed change detailed in **Section 82-1206.1 Development Standards for Communications Towers**, (and in Table 6-1, page 49) states that Communication Towers could be allowed and permitted by *Special Use Permit* in Open Space-I and Open Space-II zoning districts:

OS-I conservation preserve. Intended to preserve, protect, and enhance where appropriate environmentally sensitive and natural resource areas such as conservation areas, watersheds, reservoirs, wildlife refuges and wetlands.

OS-II park and recreation. The purpose of this zone [district] is to allow agriculture as well as recreation activities that will not substantially impact the historic, scenic and/or environmental character of the zoning district, nor compromise natural resources.

The JCC does not find the potential allowance of Communication Towers in either OS-I or OS-II consistent with the goals and priorities outlined in the Jamestown Comprehensive Community Plan (2014) specifically under the section, *Conservation and Open Space*, as the plan highlights:

"It is important to note that preservation of open space land is not enough; the land must also be appropriately managed. Areas can lose their value as ecological habitats or recreational assets if they are not properly maintained and managed."

Jamestown has an exemplary history and a proud record for prioritizing the protection of open space especially over the last 40 years as development pressures have escalated. The investment in conservation land and open space provides our island community with a variety of benefits ranging from purely aesthetic to protection of public health, while providing ecological habitats for native plants and wildlife. Jamestown must continue prioritizing the protection of open space for the public good and not allow commercial and/or highly industrial structures to be built on these protected lands via *Special Use Permits* detailed under Section 82-1206.1 in the proposed Zoning Ordinance. Allowing the siting and construction of Communication Towers on protected open space land is not compatible with the natural, scenic, aesthetic, ecological, recreational, or open space resources protected by the OS-I and OS-II zoning designations.

It is for the above rationale that the Conservation Commission respectfully objects to the proposed amendments to the Jamestown Zoning Ordinance Chapter 82 - *Communications Towers and Open Space*.

January 22, 2024

Also member
∞ New York Bar
* Massachusetts Bar
^ Connecticut Bar
Δ Florida Bar

VIA EMAIL

Members of the Jamestown Town Council

Re: Proposed Zoning Ordinance

Dear Honorable Town Council Members:

First I would like to commend the Planning Commission for the tremendous task of revising the Jamestown Zoning Ordinance. I am writing the following comments as a resident and also based upon my zoning board experiences as a member and chairperson.

I have taken the opportunity of reviewing and analyzing the proposed zoning ordinance and set forth the following written comments. However, I do intend to appear at the Town Council meeting to explain or answer any questions.

Proposed 2024 Zoning Ordinance:

1. **82-203 Procedures for Appeals, Special Use Permit and Variances**

D. The Zoning Board shall render a decision within 15 days after the close of a public hearing.

Old 82-503

D. Following a public hearing, the Zoning Board of Review shall render a decision within a reasonable period of time.

Comment: In contested cases with extensive testimony, examination and cross-examination, the past procedure has been after all sides rest their case is to open discussion among Zoning Board members, then vote, and then:

- a) Require applicant to order a transcript;
- b) Either chair or vice-chair will draft an extensive written decision after reviewing transcript, (must be in majority) – for reading decision into record at next Zoning Board of Review meeting.
- c) The written decision to be sent to Zoning Board members and applicant before next meeting and will have extensive findings of fact and conclusions of law – often times there are modifications but no change in vote.

The proposed ordinance would eliminate transcripts and thought out decisions with extensive findings of fact and conclusions of law.

2. **82-303 Expiration and Extension of Special Use Permits. There is no change from old 82-603.**

Comment: I have questioned whether the language of 82-603 permits the Zoning Board of Review to vote and grant an additional one year extension.

My suggested language:

“a Special Use permit shall expire one year from the date of granting by the Zoning Board unless the applicant exercises the permission granted or receives a building permit to do so; or within the one year, applies for and receives an extension from the Zoning Board.”

3. **82-402- Zoning Certificates**

There is no change from old 82-404. But, use of word “Zoning Certificate” is misleading, ambiguous and wrong.

82-104 – Zoning Certificate definition. “document signed by the zoning officer which acknowledges that a use, structure, building or lot either complies with or is legally non-conforming to the provisions of this zoning ordinance or is an authorized variance or modification therefrom.

e.g. Use of Zoning Certificates. Town establishes a new overlay District to allow indoor recreational facilities to permit basketball courts, ice skating, restaurants, retail, and office space. A group wants to buy land and build an indoor recreation facility, but needs bank financing. Bank wants assurance that proposed building can accommodate a restaurant, retail shops, office space, - not just basketball courts and ice skating rink. Bank wants group to seek a Zoning Certificate from zoning officer before agreeing to finance purchase of land and building.

Comment: I suggest 84-402 to 82-405 be called Building Permit, not Zoning Certificate.

4. **82-600 Regulation of Structures and Land**

82-601 Uses and Districts

Symbols have following meanings – “N” – Not permitted.

Old 82-300 “N” “Use is prohibited.” Following paragraph in 82-300 left out of 82-600.

“any use which is not specifically included in the use provisions of this section is prohibited, unless the zoning officer rules that such use is included in any of the general classifications set forth herein”.

Comment: I propose inclusion of old 82-300 above language in new 82-600.

Example: In Old ordinance there is a “N” next to heliport with a footnote that says “heliport is a prohibited use, and always been prohibited”.

That footnote was included because of a question about 20 years ago – the above language regarding “any use not specifically included is prohibited.” was used to stop a proposed applicant from seeking to build a heliport in Jamestown.

5. 82-601 III Agriculture House lots

- 3. chicken hens – see 1207
- 1207 – less than one acre – 6 hens
- 1 + 2 acres – 12 hens
- 2+ acres – 20 hens

Comment: Based upon prior applicants and objections, I would propose 2, 4 and 8 hens per above house lot size, not 6, 12 and 20.

IV. Commercial / Retail

Commercial Recreation

- a) Golf courses are permitted by Special Use Permits.

Driving ranges and pitch and putt are prohibited.

Is this contradictory?

Comment: What if golf course buys adjoining land - there is no merger of lots and golf course wants to establish a driving range.

Bank is permitted in CL and CD but ATM machine is a Special Use Permit. Is that contradictory? Should ATM's be permitted automatically in CD & CL zones?

New 82-802 – High Ground Water Table and Overlay District

F. Permit review – application shall be reviewed first by Planning Commission and then require a Special Use Permit from Zoning Board. Planning Commission decision shall be advisory to the Special Use Permit application reviewed by the Zoning Board of Review.

Comment: Since 2007, the Zoning Board has heard approximately 8-10 applications per year (about 150) under the old high ground water overlay district. The applications fall into two categories:

- 1) Planning Commission after extensive hearing provides Zoning Board of Review with a written recommendation with no proposed dimensional variances.
- 2) Planning Commission provides Zoning Board of Review recommendation with proposed dimensional variances.

Comment: At Zoning Board of Review meetings, I have proposed the following change to Zoning Ordinance:

- a) If applicant to Planning Commission is not seeking any dimensional variance or any relief other than the fact they are in subdistrict A, there should be no second hearing before the Zoning Board or Review unless it is an appeal, and the Zoning Board sits as a review board.
- b) Only time second hearing before Zoning Board, if seeking dimensional relief.

6. 82-602.2 Authorized Departures from Yard Regulations

Same as old 82-306

Comment: I would take D. Fences and walls not exceeding six feet in height" and remove from Authorized Departures since applicants have argued at least twice to suggest since it is under Authorized Departures, that over six feet is an Authorized Departure.

I suggest include Fences and Walls as a separate number new 82-607.

I look forward to addressing you and answering any questions at the hearing.

Very truly yours,


Richard A. Boren

RAB/mas

cc: Wyatt Brochu, Esq., Town Solicitor
Lisa Bryer, Town Planner
Peter Medeiros, Zoning Official
Zoning Board Members

J. Christopher Powell
[REDACTED]
Jamestown, Rhode Island 02835

3 February 2024

Jamestown Town Council
93 Narragansett Ave.
Jamestown, RI 02835

Subject: Town of Jamestown Proposed Zoning Ordinance -
OS-I, OS-II & Communication Towers

As former Chair of the Jamestown Conservation Commission for 26 years, and the person who proposed splitting the Open Space designation (OS) into OS-I and OS-II, I would like to express my **strong objection** to the proposed change that would allow Communication Towers in either of these Districts by Special Use Permit.

Communication towers are not at all compatible with the permitted uses in either of these districts. The required "Development Standards for Communication Towers, Sec. 82-1206 are especially not compatible with the original intended uses of either of these Districts.

OS -II park and recreation. The purpose of this zone (district) is to allow agriculture as well as recreation activities that will not substantially impact the historic scenic and/or environmental character of the zoning district, nor compromise natural resources.

The proposed ordinance change that would allow Communication Towers in this district is not at all consistent with the stated purpose of this district which is to "allow agriculture as well as recreational activities". I don't think communication towers are either agricultural or recreational uses. These towers would also impact the historic, scenic and/or environmental character of these areas and compromise the natural resources in or using these areas.

OS - I conservation preserve. Intended to preserve, protect and enhance where appropriate environmentally sensitive and natural resources areas such as conservation areas watersheds, reservoirs, wildlife refuges and wetlands.

Simply put, communication towers, the required setbacks, their guy wires and the required fencing is not at all consistent with the above definition of a conservation preserve and will impacts on the wildlife using these areas.

Roberta Fagan

From: Alma Davenport [REDACTED]
Sent: Monday, February 12, 2024 8:59 AM
To: Roberta Fagan
Subject: Re: good morning!

CAUTION: This email originated from outside the Jamestown email system. Please do not click links or open attachments unless you recognize the sender and determine the content is safe.

Good Morning Roberta

The topic of "grandfathering" an altered zoning provision so that it will not take effect in individual situations may be on many residents' minds this evening.

What are the steps for "grandfathering"? To whom is a request made? Are neighbors notified so that they may review the request and have the opportunity to comment prior to a vote?
Which entity will vote - Council? Zoning?

Thank you.

Alma Davenport

From: Roberta Fagan <rfagan@jamestownri.net>
Sent: Monday, February 12, 2024 8:41 AM
To: Alma Davenport <adavenport@umassd.edu>
Subject: good morning!

[EXTERNAL SENDER]

Good morning, Alma!

Sincerely,
Roberta

Roberta J. Fagan - Town Clerk



Roberta J. Fagan
Town of Jamestown
Town Clerk

401-423-9800 Work
rfagan@jamestownri.net
93 Narragansett Avenue
Jamestown, RI 02835
www.jamestownri.net

Business Hours: Monday-Friday 8:00 AM – 4:30 PM – last recording 4:00 PM

To: Members of Jamestown Town Council

From: Alma Davenport 99 Clinton Avenue

Re: Proposed zoning ordinance Section 82-1207. Keeping of Chicken Hens

While "chickens in the backyard" is a lovely down-home concept, I don't believe the Town fully recognizes some of the unfortunate realities connected to the keeping of backyard poultry in suburban neighborhoods - specifically if the house lot size is somewhat small. I believe the ordinance needs to be re-crafted with this in mind.

RATS – It is common knowledge that "if you have chickens – you will have rats". This has nothing to do with good husbandry practices. I have spoken with the public education co-ordinator of Casey Farm, and with many individuals who keep poultry. They unanimously concur with the above statement. Strong enclosures, such as those described in the proposed zoning ordinance (subsection C – Structures and Enclosures) will not defeat rats.

I paraphrase, but also attach, the Providence Journal article (1/26/23) on Backyard Chickens - "the coop set-up: The wire mesh goes from the roof to the ground then bends 90-degrees out for 2 more feet...Pests will try to burrow right at the base and hit the mesh. They don't back up 2' to start digging". The wire mesh idea needs to be added to the specs of subsection C.

Some poultry keepers put rat poison traps outside the coop fencing. They are approx. 12"x12" with entrances that can exceed 2". A small child can easily access it. Please see attached photograph of the traps that are about 20' from my home. I live on Clinton Avenue in "Town".

A. GENERAL

Proposed Section A relies on lot size to determine the number of chickens allowed and reads that any dwelling may keep chickens. In the R-8 zone, located "in-Town", many lots are 6600 ft. Some are less. This means that 6 adjacent lots (equaling less than an acre) can have an aggregate of 36 chickens, and the rats they will attract, and the noise they will make.

I believe that the the area bounded by Hamilton Avenue, Walcott/Conanicus, Narragansett, and Southwest Avenues, which would encompass one street south of what is now the R-8 zone, (but which has many small house lots) as Jamestown's sub-urban area. This area should require licensing/permitting in order to keep chicken hens.

This is not a radical idea. The Council would join many other communities in R.I. by licensing/permitting for a maximum of 6 chickens on any lot of less than 1 acre. The property owner will apply for a permit – much like the process used for Air BnBs. This will give neighbors the opportunity to object and will also allow physical review of the coops to assure proper construction to deter rats.

ENFORCEMENT

Jamestown does not have an ACO. It is up to the police or zoning officials to enforce animal nuisance complaints. Currently there are 4 categories of chicken #s in the proposed ordinance. This is too complex. Please refer to the previously mentioned Pro Jo article #7 – "Be Wary of Chicken Math". Our police and other officials have better things to do with their time than count chickens due to complaints.

The 230918 Zoning Ordinance Readers Guide (modifications to the earlier proposed zoning ordinances) states that Sec. 82-1207 is modified from Barrington R.I.'s laws. Barrington continues to prohibit more than 6 chickens on any lot other than a farm.

6. Get ready to clean the coop to deter rats

Chicken coops are known for attracting rats. The unwanted rodents, as well as other pests, are drawn to the food, the water and the excrement.

"Rodents are extremely difficult, near impossible to not have a problem with," Porter said. "Not leaving food accessible is the best deterrent but not always possible."

That means picking up the food bins at night instead of leaving a buffet out. The other thing that can help prevent rodents is the coop setup, as all the fortifications set up to keep predators out also works against pests.

Tom Oates, of West Warwick, who has been raising chickens for 20 years, credits his coop and run design with keeping them out.

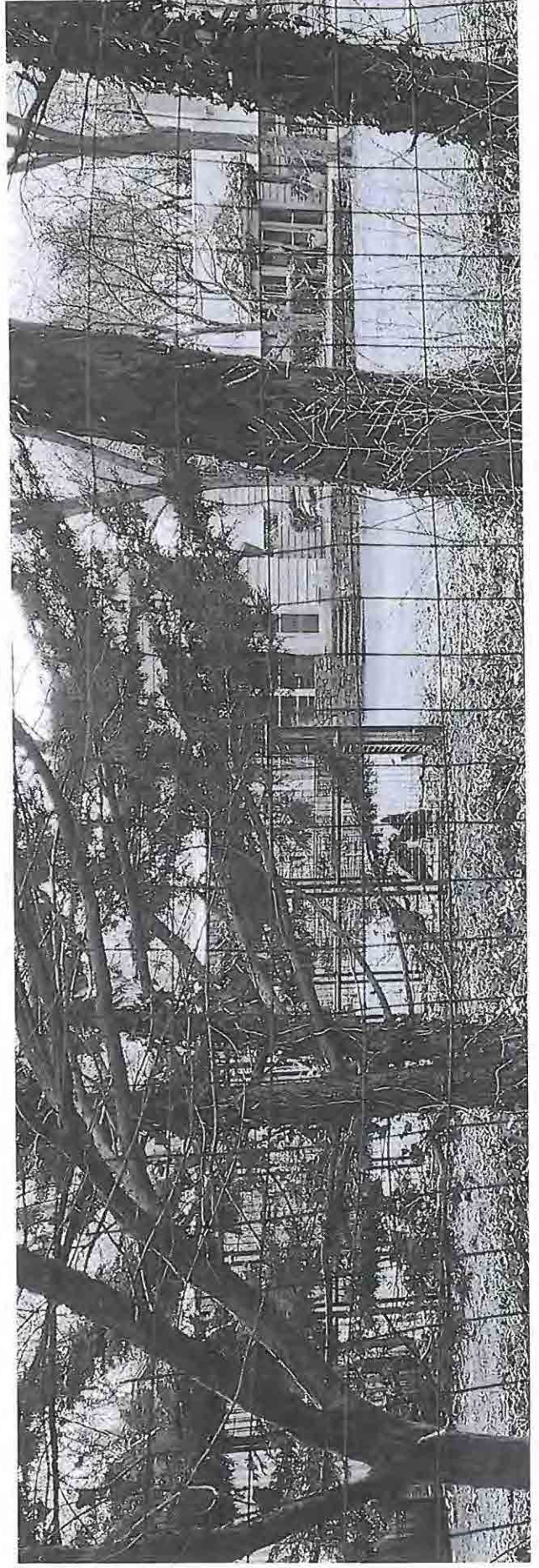
"The wire mesh goes from the roof to the ground then bends 90° out for 2 more feet. The grass grows right through it so you can't see it," Oates said. "Pests will try to burrow right at the base and hit the mesh. They are not smart enough to back up 2 feet to start digging!"

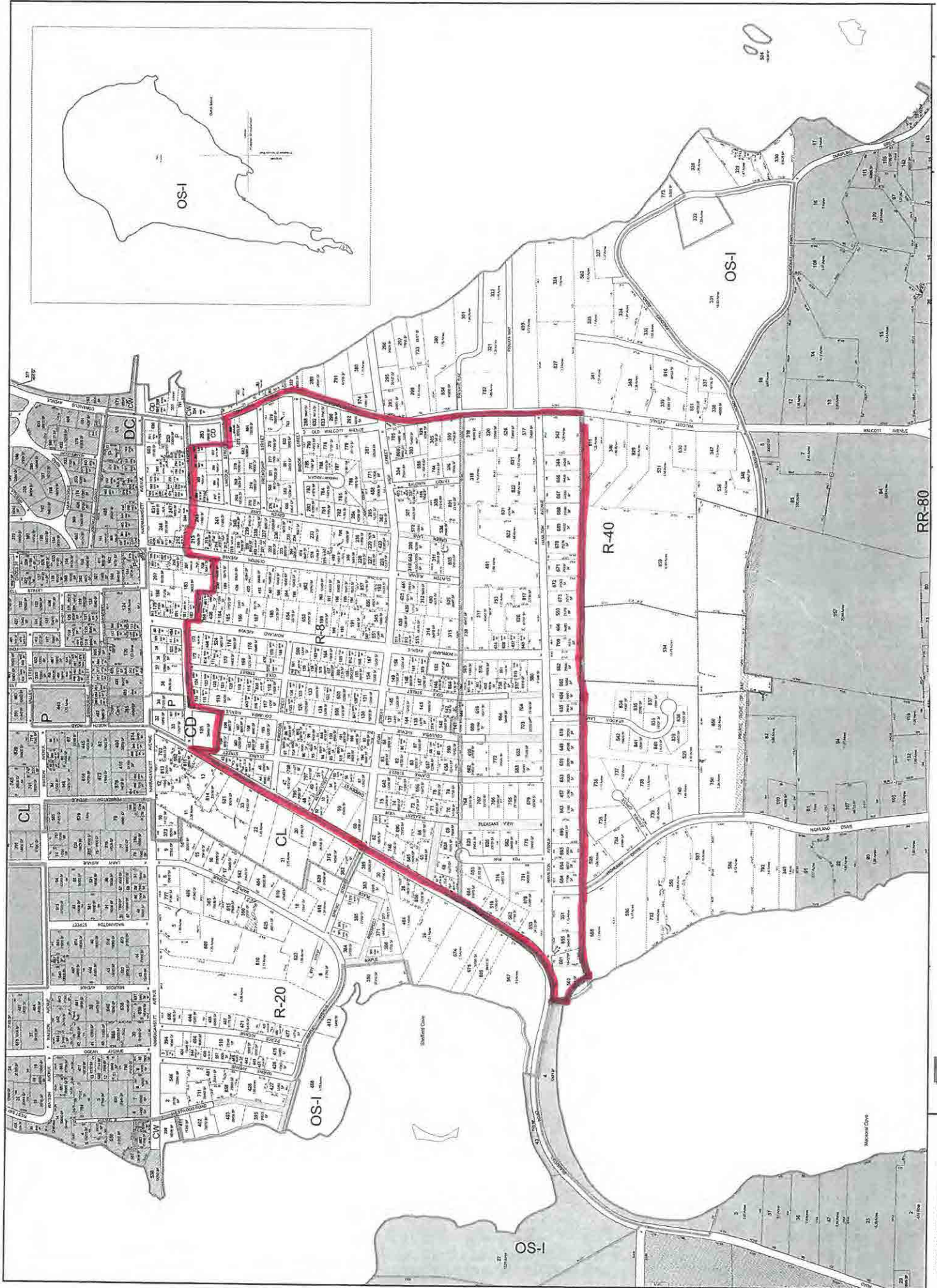
7. Be wary of 'chicken math'

It starts with a couple of chickens, then it's a dozen, then a couple of dozen. You get the picture.



Chicken coop at front of neighbor's house and rat poison traps on ground





Proposed sub-urban area – Permitting required



THE MAP IS FOR INFORMATION PURPOSES. IT IS NOT VALID FOR LEGAL DESCRIPTIONS OR CONVEYANCE.
 THE COORDINATE SYSTEM IS THE BRITISH COLUMBIA STATE PLANE COORDINATE SYSTEM (NAD 83)

OCT 26. 2023

CORRESPONDENCE TO:

Roberta Fagan – Jamestown Town Clerk
Nancy Beye, President Jamestown Town Council and Members of the Council
Zoning Board – Town of Jamestown

From: Alma Davenport – [REDACTED]

I write to strongly agree with a proposed amendment to our zoning ordinance: Section 82-1207 concerning the prohibition of keeping roosters in (specifically in R-8 and R-20 zones).

I have endured living within 75 feet of a chicken coop for the past 10 months. Many may think that a rooster crows only at the break of dawn. It is not true. They crow loudly, alertly, incessantly, and irregularly throughout the day – occasionally every 9 seconds. I have repeatedly contacted the owner and have heard little in the way of reply. The rooster continues to keep me on alert when all I want to do is enjoy the customary silence my living situation has provided for many years.

Although I approve of this ordinance as written, I suggest that if a resident requests a special zoning exception to keep a rooster, that all neighbors within 200 yards be notified of the request. You can interpret the word "yards" however you wish.

Warwick BEACON

warwickonline.com

Meeting with Mike



(/stories/her-

by J. MICHAEL LEVESQUE

February 24, 2024

WEATHER FORECAST

(HTTP://FORECAST.WEATHER.GOV/MAPCLIC

K.PHP?

CITYNAME=WARWICK&STATE=RI&SITE=BO

X&TEXTFIELD1=41.7022&TEXTFIELD2=-71

.4219&E=0)

39°, mostly cloudy

Search ...



ADVANCED SEARCH (/SEARCH.HTML)

name-is-synonymous-with-elder-care,241172)

To assist in your deliberations
re zoning 82-1207

I thank you,
Alma Davenport

received
2/21/2024 pf



By DANIEL A. KITTREDGE

A proposed prohibition on the keeping of roosters in non-agricultural areas of the city has been put on hold – for now.

By a 5-4 vote, the City Council on Monday approved Citywide Councilwoman Jessica Marino's amendment to Citywide Councilwoman Nicole Renzulli's proposed rooster ordinance – a move that, based on the advice of legal counsel, prompted a second vote by the same margin to refer the measure back to the Ordinance Committee for new consideration.

The rooster ban – which was submitted under the title “Roosters Prohibited” – had already been successfully amended at the committee level to explicitly exempt property owners who have formal agricultural plans filed with the state's Department of Environmental Management.

Marino's amendment takes that exemption a step further, creating an allowance for a single rooster to be kept on any property in the city's A-80 residential zone – which includes lots of at least two acres – provided that the bird is kept in a coop located at least 150 feet from the nearest property line. The amendment also requires the rooster coop be at least 200 feet from the nearest home.

Marino said as a resident of Ward 4 who lives near farmers who keep roosters, she felt the blanket ban on the birds “would greatly negatively impact” some residents of Western Cranston.

“What we all agree on is that roosters do not belong in an urban setting. I'm pretty confident we would have consensus on that front,” she said in presenting the amendment, adding: “Cranston is a beautiful mix of rural and urban, and to put forth an ordinance as simplistic as this, to just have a whole ban, I think doesn't serve our city well, doesn't serve our residents well.”

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TRENDING

Police Log 02-22-24 (/stories/warwick-police-log-02-22-24,241936)

Rhode Island Attorney General Peter F. Neronha announced that a Warwick man has been found guilty by a Kent County Superior

The vote in favor of the amendment saw Marino joined by Ward 1 Councilwoman Lammis Vargas, Ward 2 Councilwoman Aniece Germain, Ward 3 Councilman John Donegan and Citywide Councilman Robert Ferri in the majority. Renzulli was joined by Council President Chris Paplauskas, Ward 4 Councilman Richard Campopiano and Ward 6 Councilman Matthew Reilly in opposition.

After Marino's amendment was introduced, Paplauskas suggested its passage would constitute a "substantive" change to the proposed rooster ban. Stephen Angell, the council's legal adviser, concurred with that interpretation and advised the measure be referred back to the Ordinance Committee for a new hearing. The committee had forwarded the measure to the full council with a positive recommendation earlier this month on a 5-1 vote.

Opponents of Marino's amendment questioned the need for the new language, arguing that for a number of residents – some who have testified during public hearings – the presence of roosters in neighborhoods has been a longtime nuisance that disrupts quality of life.

"This is a problem. And we may not be able to solve all the problems with chickens tonight, but we can solve this problem tonight with this ordinance," Renzulli said, urging passage of the ordinance as originally presented "so these people who can't sleep and have been going through this for years can get some peace and quiet on their own property."

Reilly called the rooster ban a "straightforward" ordinance, contrasting it with other "watered down" rules with caveats and exceptions currently on the city's books.

"[Roosters] don't belong in residential settings, in my opinion ... If you want one, then have a farm. Otherwise, it's a novelty," he said, adding: "I think we've heard from enough people who've been bothered ... This isn't the chicken ordinance. This is just roosters. They are completely different in my mind."

Campopiano echoed Renzulli and Reilly, saying: "I have received several calls from my constituents, and the harassment has to stop."

Court jury of charges stemming from an impaired driving crash that injured ...

Teacher, WISE contracts approved, manager for new high schools retained (/stories/teacher-wise-contracts-approved-manager-for-new-high-schools-retained,241925)

Put back pain behind you with individualized spine care (/stories/put-back-pain-behind-you-with-individualized-spine-care,239774)

Feds scold state over undocumented immigrant's release (/stories/federal-and-ri-state-officials-disagree-over-aci-prisoners-release,241761)

Online survey seeks input on development of Warwick Village (/stories/online-survey-seeks-input-on-development-of-warwick-village,241923)

Notice to Alana Carnevale (/stories/notice-to-alana-carnevale,241283)

Warwick Beacon February 22, 2024 e-EDITION (/stories/warwick-beacon-february-22-2024-e-edition,241920)



THU

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(/calendar/)

(/calendar/day/when/1970-01-01/)

FRI

2

(/calendar/day/when/1970-01-02/)

SAT

3




Do hens need a rooster to lay eggs? - Kahoots



Search for: Why can't you have a rooster?
Why are roosters unwanted?

But sure enough as the chicks turn into hens, you realize you have a rooster. Roosters don't lay eggs, they can be aggressive and unless you want to hatch your own eggs, are totally unnecessary for the production of fresh eggs.

 purelywholesome.com

<https://purelywholesome.com/what-to-do-with-a-rooster>

What to do with a Rooster - Purely Wholesome Farm

Search for: Why are roosters unwanted?

Are hens happier with a rooster?

What happens if I have a rooster with my hens?

Why do people not eat male chickens?

Has a rooster ever laid an egg?

Why are roosters so rude?

How do I stop my neighbors rooster from crowing?



why are roosters outlawed in so many towns



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Reddit · r/urbanfarming

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Why are backyard chickens illegal in so many communities?

A government forbidding backyard chickens is the exact opposite of a market interest.

18 answers · Top answer: In East Grand Forks, MN the city council said they didn't want to, "loo...

- Are **roosters** legal in the city limits? - Loveland - Reddit Jul 15, 2022
- Any rules prohibiting me from having **chickens** in my backyard ... Feb 23, 2023
- Zoning told me to remove **chickens** from my property. Are they ... Apr 7, 2023
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Missing: outlawed | Show results with: outlawed

People also ask :

Why are roosters prohibited?

This crowing usually starts before dawn, but also occurs when the rooster is eating, bathing, or feels threatened. This crowing has some consequences: Many local councils ban the keeping of roosters because of this noise. Harmonious relationships between you and your neighbours may disappear. Sep 19, 2023

rspca.org.au

<https://kb.rspca.org.au/knowledge-base/do-i-need-to-...>

Do I need to keep a rooster with my backyard hens?

To: Jamestown Town Council
Town Clerk
Zoning Official

From: Joan Caley 57 Standish Road Jamestown R.I.

Re: Zoning Regulations Section 82 – 1207 Keeping of Chicken Hens

Thank you for including this topic in the new zoning regulations. I would like to comment on two issues:

- 1) 82-1207 A. – General (population of chicken hens allowed)
As it is based on the zoning regulations of Barrington, which has a zoning map similar to Jamestown's, it should adhere to the standing regulations of Barrington: No more than 6 chicken hens unless the property is zoned as a farm.
REASONING:
There are too many 1-2 acre lots adjacent to less-than ½ acre lots in Jamestown. If the coop is located at a minimum distance from property lines allowed by zoning, 20 chickens can be a nuisance for the neighbor living on the smaller lot.

- 2) 82-1207 B. – Roosters
Under no circumstances should roosters be allowed unless the property is zoned as a farm. They are a noise nuisance.

Thank you for this opportunity to express my opinions. I am sorry I cannot attend the public hearing.

Sincerely,



Joan Marie Caley



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To: Roberta Fagan – Town Clerk
Nancy Beye, President and Members of Jamestown Town Council
Members of Jamestown Planning Board

From: Michael Dupre
Don Ocaso

Re: Proposed zoning amendment – Section 82-1207

Date: November 20, 2023

We write to support the proposed zoning amendment, specifically – Section 82-1207, prohibition of keeping roosters in conjunction with other permitted fowl. We reside in an otherwise quiet area of Jamestown, on the east side of Baldwin Court. Although there are a number of houses and a large dense acre patch of woods and wetlands between our home and the habitation of a rooster, we hear him crowing loudly and consistently. It is bothersome to the tranquility of our neighborhood.

Thank you.



Don Ocaso



Michael Dupre



February 12, 2024

Comments on Proposed Zoning Ordinance
from Dennis Webster

Sec 601, Table 6-1, use#22 (p. 49) and Sec 1206 (Communications Towers) (p. 105-106) Communications Towers are incompatible with the OS-1 Conservation Preserve Zoning District. As detailed in Sec 1206.1C, these towers come with multiple accessories - equipment buildings, fences, generators, anchors for guy wires, and perhaps poles to bring power to the site and an access road. These towers and accessories do not belong in the OS-1 Zone, and should not be allowed, even with a Special Use Permit.

Sec 601, Table 6-1, use #20 (p. 49) and Sec 1204 (Solar Energy Systems and Facilities) (p.98): Table 6-1 permits Accessory Solar Energy Systems in the OS1-Conservation Preserve Zoning District. The only primary use permitted in this zone is communications towers, so once you prohibit the towers, you can prohibit the accessory Solar Systems, too.

Sec 702 (Lighting) (p. 60-62). I commend the Planning Commission on the much-improved section on Lighting, but I still have some comments.

Sec 702 B2) requires existing lights meet the new standards when they need repair, replacement, etc. except for single family residential buildings. This is most of the town. I don't think it's too much to ask that replacement light fixtures meet the new standards, even in residential properties. Particularly offensive are unshielded spotlights and floodlights pointing toward another property, and we'll never get rid of them if they can be replaced forever.

Sec 702 C: The terms "light trespass" and "light pollution" should be defined in Sec 104 (Definitions). If it can throw a shadow on another lot, is it light trespass? But the building inspector only works during the day, so that doesn't work. Perhaps if the bulb can be seen from the property line, even through clear glass. Frosted glass may diffuse the light enough. Some drawings or photos of acceptable and unacceptable light fixtures would be helpful. Maybe 702 C2 is a good definition of light trespass.

Sec 1200 (Multifamily Dwellings) (p. 89-91): This ZO permits higher density of multifamily units, especially in the R-20 Zoning district, than the existing ordinance. First of all, Table 12-1 of the new ordinance require only 2000 additional square feet per unit, while the old ordinance required 7,000 sq ft per bedroom. Second, the old ordinance had an open space requirement of 1 square foot of open space for each square foot of gross floor area (and twice that for a multifamily dwelling project), except in the CD Zone, where no open space was required. The new ordinance

requires open space (no prescribed amount) only in the R-40 zone. That leaves R-20, R-8, and CL open to much higher density.

Table 6-2 requires 100-foot setbacks on all four sides in the R-40 District, but in R-20 only 30 feet in the front and back, and only 10 feet on the sides is required. Setbacks are even less in R-8 and CL. (this is the same as the old ordinance). Why would we want such small setbacks for large multifamily buildings in the R-20 zone? Minimum lot size is the same in R-40 and R-20 (200,000 sq ft).

I suggest the setbacks in both R-40 and R-20 should be 100 feet on all four sides.

I suggest the setbacks in R-8 and CL be re-visited

I suggest specific and substantial open space requirements for both the R-40 and R-8 Districts, similar to the old ordinance.

Sec 1201 (Accessory Dwelling Units) (p. 91-91). In reading this section and Sec 700 (Accessory Structures), I was uncertain if someone could have both a 600 sq ft detached garage and an 800 sq ft Accessory Dwelling Unit. I finally decided that both are not permitted, but that could be made more clear.

One thing I could not find addressed in the ordinance is the practice of converting a detached accessory structure into a attached structure by building a covered walkway. This section addresses the appearance of ADUs; conversion of detached to attached structures by what could be an unattractive covered walkway (for the purpose of adding and ADU, for instance) should be addressed somewhere.