

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



Examples of Definition Additions

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



Substantial Edits to Existing Definitions

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



Table of Permitted Uses

Much “housekeeping” was done on this section

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

R40/R80 Dimensions

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

➤ **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>)

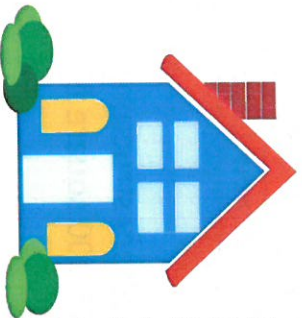
Numbers edited to eliminate gaps ↑

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.

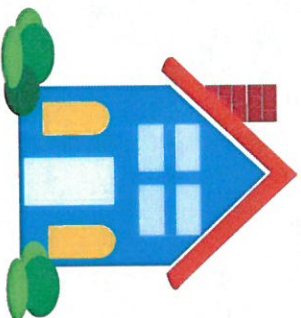


2,000 SF Gross Floor Area
1,500 SF Above Grade Gross Floor Area
30,000 SF Lot
=
750 SF Accessory Structure (1/2 of 1,500)
Not 850 SF allowed in the chart
Not 1,000 SF – 1/2 of 2,000 SF

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 . . .

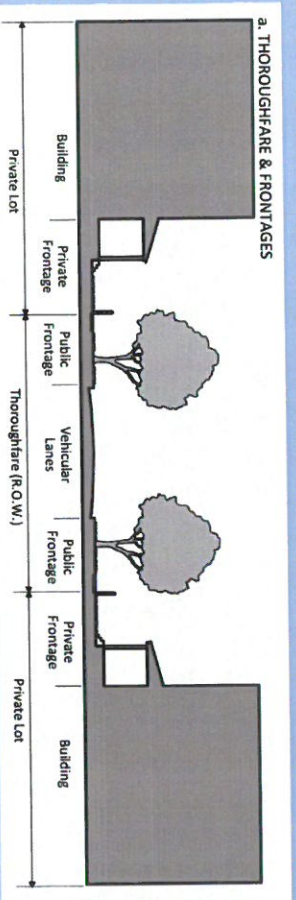
- Significantly re-organized to make it easier to follow.
- Review thresholds and design standards are grouped into their own subsections to be easier to follow.
 - The review thresholds for DPR are collected into a single section.
 - Design standards are grouped into a single section and then reorganized 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



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.

Image Source: Union Studio Architects

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

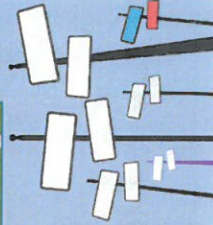
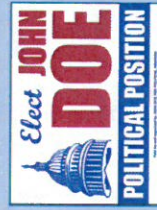
Changes to this Article include:

- **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.

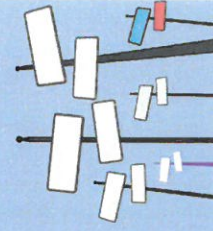
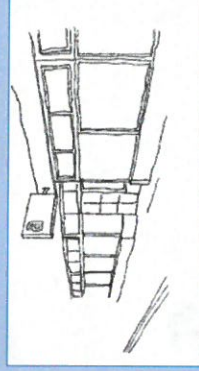
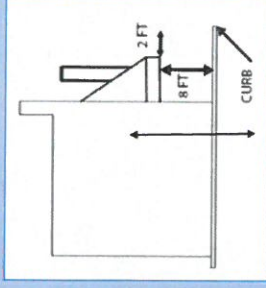
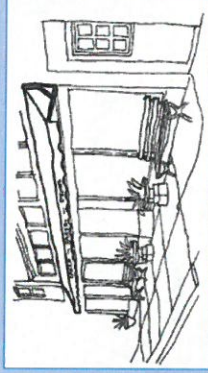
Sign Regulations

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.)



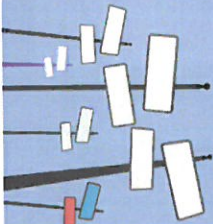
Sign Definitions: Graphics



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

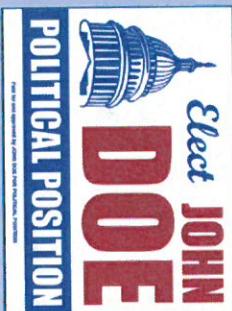


Building Permit Not Required

Changes Under this Section:
Real Estate and Construction Signs

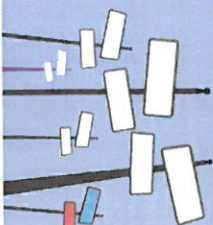


Stays up until
property is sold or
project is finished



45 day limit

Traditionally
stays up until
election is
over + X days



Commercial District Signs

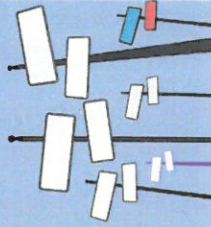
New Standards for Sandwich Boards

- 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

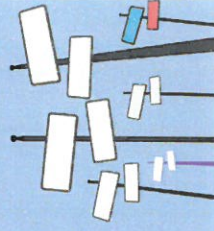
- Temporary signs, banners, posters and special promotions, except posters intended for window display, are prohibited for commercial uses.



Commercial District Signs

Signs for gasoline stations, garages, and commercial boating facilities

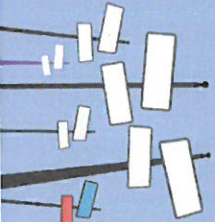
- HW recommended deleting these standards - they violate Reed.
- There should not be signage differences for gas stations vs. other commercial uses.
- Instead, any commercial use allowed multiple wall signs of up to 16 SF in the aggregate.



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.*



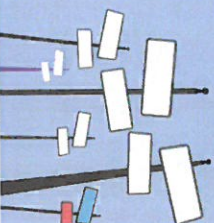
Residential District Signs

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



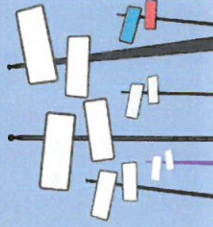
Nonconformity

- 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

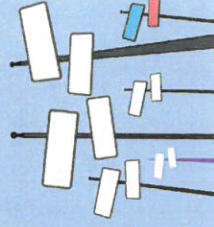
Neon Signs

- 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

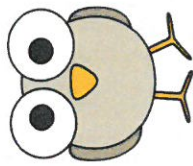
- This section has been changed to comply with current State law.**
- Name changed from Affordable Housing to Low and Moderate Income Housing to match terminology used in State law.
 - All references to “affordable housing” have been changed to Low and Moderate Income (LMI) housing.
 - “Inclusionary 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



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