

Arlene D. Kalooski  
Town Clerk

Amend Section 709 as follows:

**Section 709 Merger of Contiguous Nonconforming Lots of Record**

Add the following text:

Where land adjacent to a substandard lot is owned by the owner of said substandard lot, said substandard lot shall, for the purposes of this ordinance, be combined with said adjacent land to establish a lot or parcel of land having at least the required minimum dimensions and area set forth in Article 3 of this ordinance for the applicable district, without retaining a substandard lot. If all such adjacent land so combined is not sufficient to permit the enlargement of said lot to conforming area and dimensions, then the largest lot or parcel, which the adjoining common ownership will permit, shall be established. By way of example, if all such adjacent land so combined is sufficient to meet the applicable area and dimensional requirements for at least one (1) lot but not for two (2) or more fully conforming lots, then all such lots shall be combined to create a single lot only.

In the event that adjacent substandard lots of record have structures located thereon, which said structures are related to a principal use located on one (1) or more of such lots, then all lots related to said use that have structures located thereon shall be deemed combined.

(a) *Standards for merger of substandard lots on a district-by-district basis.* The Town of Jamestown is primarily a residential island community. All of the Town drinking water is derived from precipitation that collects in watersheds flowing into two surface reservoirs or which seeps into the ground, reaching cracks in the underlying bedrock. The Island's bedrock aquifers have limited yield and its public water supply is at maximum capacity. Much of the Town was laid out or platted decades ago and many of the recorded plats contain street layouts, never built, or which were originally created for a less dense population, and are already over-taxed in many neighborhoods. The need for preserving or protecting the Town water supplies and preserving open space is evident. Accordingly, the merger provisions of this section shall apply in every district within the Town of Jamestown herein designated. The following districts shall be applicable for merger:

- (1) The North End merger district is defined as all lands in the Town of Jamestown extending from the northernmost tip of the island, southerly to Great Creek, excluding the Shores district, on the west side of the Island and Carr Lane on the East side of the Island including all of tax assessor's plats 1, 2, 3, 4 and 6.

A less dense land use pattern and residential zoning districts as well as farmland generally characterize the North End merger district. However, much land exists as nonconforming platted lots upon streets that have not been improved (paper streets). Full build-out of this area would result in development beyond the district's carrying

capacity. Public sewer does not serve the district and only a few lots in the Weeden Lane area are serviced by public water. Merger of substandard lots in this area is required.

- (2) The Shores merger district is defined as those lands in the town of Jamestown located south of Capstan Street bordered on the west by Narragansett Bay, on the east by North Road, and to the south by the Northerly boundary of tax assessor's plat 6. The Shores district includes all of tax assessor's plats 3A, 5, 14, 15, 16.

The Shores merger district is characterized by a dense land use pattern in an environmentally sensitive neighborhood. It is composed entirely of residential zoning districts. The District is composed primarily of nonconforming lots, upon which have been built summer cottages that have been converted to year round use and newer homes. Public water or sewer does not service the District. Much of the land within the District is subject to seasonal high water tables. Roads are generally narrow and were originally created for seasonal use and a less dense population and are overtaxed in many areas. Merger of substandard lots is required in this area.

- 3) The East Shore Road merger district is defined by tax assessor's plat 7, bounded on the west by North Road and on the East by Narragansett Bay, south of Eldred Avenue and north of the Newport Bridge.

This district is characterized by farmland as well as non-conforming undersized lots that developed as a summer cottage area and has transitioned into a year round neighborhood. Excluding a few houses in the southern East Shore Road area, public sewer and water does not support the majority of this dense area where problems with potable drinking water have been documented. Full build-out in this district would result in development beyond the area's carrying capacity. Merger of substandard lots in this area is required.

- (4) The Village merger district is defined as the area between great Creek and Hamilton Avenue that extends between the east and west shorelines of the Island, excluding Beavertail. This district includes all of tax assessor's plat 8 and most of Assessors Plat 9.

This district contains Jamestown's highest density, which is supported by the presence of public water and sewer. It is characterized by historically and architecturally sensitive neighborhoods. Although there is an overall relationship of lot sizes within the Village, they vary in size from 5,000 square feet to over 30,000 square feet. The density and diversity of the Village area supports the small town village character desired by its residents. Traffic and parking congestion continue to increase each year. Development of all substandard lots would destroy the character of the Village and stress its infrastructure. Merger is required in this district to preserve the small town village character and reduce stress on the Village infrastructure including traffic congestion and parking.

- (5) The South End/Beavertail merger district is defined as all lands in the town of Jamestown extending south of Hamilton Avenue to the southern end of Conanicut Island and all of Beavertail. The South End district includes all of plats 10, 11, 12, 13 and the southern portion of 9.

The South End merger district is characterized by a discontinuous pattern of low-medium density residential development separated by undeveloped open space/state parks and medium-high density nonconforming residential lots. These areas are in residential zoning districts. In many of these areas, wetlands and high water tables present severe constraints to sewage disposal, and protection of coastal and fresh water wetlands is vital. Portions of the District are served by public water; however, the Town's supply of water is severely limited. Public sewer services no portion of the District. As in the North End merger district, merger of lots is required.

In all districts, merger is appropriate to preserve and protect the natural resources of the Town, including its fragile water supply, to ensure that the existing town infrastructure within each District is not overburdened, to preserve the character of the neighborhoods within each District, and to ensure compliance with the Jamestown Comprehensive Plan.