



**TOWN OF GLOUCESTER**  
**Office of the Town Planner**  
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To: Town Council Members  
From: Karen Scott, Town Planner  
Date: October 15, 2024  
Re: Zoning Ordinance Revisions

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The following sections of the Zoning Ordinance have been reviewed by the Planning Board and are being presented for first reading:

1. Article I – Administration and Enforcement – Draft date 7/31/24 (enclosed)
  - a. Chapter 350-5, Definitions
2. Article I – Administration and Enforcement – Draft date 8/20/24 (enclosed)
  - a. Chapter 350-7 (8) Notification
3. Article I – Administration and Enforcement – Draft Date 8/20/24 (enclosed)
  - a. Chapter 350-7 (11) Modifications
4. Article I – Administration and Enforcement – Draft Date 10/1/24 (enclosed)
  - a. Chapter 350-8, General Provisions – Variances
5. Article VII – Special Regulations – Draft date 8/2/24 (enclosed)
  - a. Chapter 350-57 – Development Plan Review
  - b. Chapter 350-57.1 – Unified Development Review
6. Article VII – Chapter 350-59, Adaptive Reuse – Draft Date 8/1/24 (enclosed)
  - a. Add adaptive reuse to the use table
7. Article VIII – Non-Conforming Uses – Draft Date 8/29/24 (enclosed)
  - a. Chapter 350-66 Substandard Lots of Record
8. Article XI – Comprehensive Permit for Low and Moderate Income Housing – Draft date 10/1/24 (enclosed)

1 **Town of Glocester**

2 **AN ORDINANCE AMENDING**

3 **CHAPTER 350 ZONING**

4 Note: Words set as ~~strikeover~~ are to be **deleted** from the ordinance; words set in underline are to  
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6  
7 **ARTICLE I ADMINISTRATION AND PROCEDURES**

8 Chapter 350-5 Definitions.

9 The following words, terms and phrases, when used in this chapter, shall have the following  
10 meanings ascribed to them and shall be controlling. Terms not defined herein shall have the  
11 meanings customarily assigned to them.

12 **DEVELOPMENT PLAN REVIEW**

13 ~~The process whereby authorized local officials review the site plans, maps, and other~~  
14 ~~documentation of a development to determine the compliance with the stated purposes and~~  
15 ~~standards of this chapter. As defined in Article III. Section 3.01 of the Glocester Subdivision~~  
16 ~~Regulations and RIGL §45-23-32.~~

17 **DIMENSIONAL VARIANCE**

18 ~~Permission to depart from the dimensional requirements of this chapter, where the applicant for~~  
19 ~~the requested relief has shown, by evidence upon the record, that there is no other reasonable~~  
20 ~~alternative way to enjoy a legally permitted beneficial use of the subject property unless granted~~  
21 ~~the requested relief from the dimensional regulations. However, the fact that a use may be more~~  
22 ~~profitable or that a structure may be more valuable after the relief is granted shall not be grounds~~  
23 ~~for relief. under the applicable standards set forth in Article I. Chapter 350-8(E)(3) and RIGL §~~  
24 ~~45-24-41.~~

25 **LAND DEVELOPMENT PROJECT**

26 ~~A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped~~  
27 ~~as a coordinated site for a complex of uses, units or structures, including, but not limited to, planned~~  
28 ~~development, conservation development and/or cluster development for residential, commercial,~~  
29 ~~institutional, recreational, open space, and/or mixed uses as may be provided for in this chapter.~~  
30 ~~As defined in Article III. Section 3.01 of the Glocester Subdivision Regulations and RIGL §45-~~  
31 ~~23-32.~~

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6 **ARTICLE I ADMINISTRATION & PROCEDURES**

7 Chapter 350-7 Administration and enforcement

8 (8) Notification. No amendment to the zoning ordinance text, map, or both, shall be  
9 enacted until after a public hearing has been held upon the specific proposal before the  
10 Town Council. Prior to the date of the public hearing by the Town Council, the Town  
11 Clerk shall first give notice of the public hearing by publication of notice in a  
12 newspaper of ~~general~~local circulation within the Town at least once each week for  
13 three successive weeks prior to the date of the hearing, which may include the week in  
14 which the hearing is to be held, at which hearing opportunity shall be given to all  
15 persons interested to be heard upon the matter of the proposed amendment.  
16

17 (a) The ~~newspaper~~ notice shall be ~~published as a display advertisement, using a type~~  
18 ~~size at least as large as the normal type size used by the newspaper in its news~~  
19 ~~articles, and shall:~~

20 [1] Specify the place of the hearing and the date and time of its commencement;

21 [2] Indicate the proposed amendment of the zoning ordinance text, map, or both,  
22 that is under consideration;

23 [3] Contain a statement of the proposed amendment(s) to the zoning ordinance text,  
24 map, or both, that may be printed once in its entirety, or summarize and describe  
25 the matter under consideration;

26 [4] Advise those interested where and when a copy of the matter under  
27 consideration may be obtained or examined and copied;

28 [5] State that the proposed amendment(s) may be altered or amended prior to the  
29 close of the public hearing without further advertising, as a result of further  
30 study or because of the views expressed at the public hearing. However, any  
31 amendment or alteration of the proposal must be presented for comment in the  
32 course of the hearing;

33  
34 (b) Notice shall also be sent by certified or registered mail to the city or town council  
35 of any municipality that is located in or within 200 feet of the boundary of the area  
36 proposed for amendment, or also where there is a public or quasi-public water

37 source, or private water source that is used or is suitable for use as a public water  
38 source, within 2,000 feet of any real property that is the subject of a proposed  
39 zoning ordinance amendment, regardless of municipal boundaries.

40  
41 (c) Notice of a public hearing shall be sent to the governing body of any state or  
42 municipal water department or agency, special water district, or private water  
43 company that has riparian rights to a surface water resource and/or surface  
44 watershed that is used or is suitable for use as a public water source and that is  
45 within 2,000 feet of any real property which is the subject of a proposed zoning  
46 ordinance amendment; provided, however, that the governing body of any state or  
47 municipal water department or agency, special water district, or private water  
48 company has filed with the Glocester Town Clerk a map survey, which shall be  
49 kept as a public record, showing the areas of surface water resources and/or  
50 watersheds and parcels of land within 2,000 feet thereof.

51  
52 (d) In instances where a proposed general amendment to an existing zoning ordinance  
53 includes changes in an existing Zoning Map, public notice shall be given as  
54 required in § 350-7E(5) and (8).

55  
56 (e) In instances where a proposed amendment(s) to an existing ordinance includes a  
57 specific change in a zoning district map, but does not affect districts generally,  
58 public notice shall be given as required in § 2350-7E(5) and (8), with the following  
59 additional requirements:

60 [1] Notice shall include a map showing the existing and proposed boundaries,  
61 zoning district boundaries, and streets and roads and their names, and municipal  
62 boundaries where appropriate;

63 [2] Written notice of the date, time, and place of the public hearing and the nature  
64 and purpose thereof shall be sent to all owners of real property whose property  
65 is located in or within not less than 200 feet of the perimeter of the subject area  
66 proposed for change, whether within the Town or within an adjacent  
67 municipality; such notice shall be sent by ~~registered or certified~~ first-class mail  
68 to the last known address of the owner(s), as shown on the current real estate  
69 tax assessment records of the municipality in which the property is located.  
70 Notice shall also be sent to any individual or entity holding a recorded  
71 conservation or preservation restriction on the property that is the subject of the  
72 amendment. Any notice sent by first-class mail shall submit a notarized  
73 affidavit to attest to such mailing.

74 (f) ~~Written notice, without charge, which may be a copy of the newspaper notice, The~~  
75 ~~same notice shall be posted in the Town Clerk's office and one other municipal~~  
76 ~~building in the municipality and will be posted on the municipal home page of the~~  
77 ~~Town's website at least fourteen (14) days prior to the hearing. The notice shall be~~

78                   mailed to the Associate Director of the Division of Planning of the Rhode Island  
79                   Department of Administration at least fourteen (14) days prior to the hearing.

80

81

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7 **ARTICLE I ADMINISTRATION AND PROCEDURES**

8 **Chapter 350-7. Administration and enforcement**

9 (11) Modifications. The zoning officer is authorized to grant modification permits of up to and  
10 including fifteen percent (15%) of the literal dimensional requirements of this ordinance as  
11 follows:

12 (a) Within ten (10) days of the receipt of a request for a modification, the zoning officer shall  
13 make a decision as to the suitability of the requested modification based on the following  
14 determinations:

- 15 [1] The modification is reasonably necessary for the full enjoyment of the permitted use;  
16 [2] If the modification is granted, neighboring property will neither be substantially injured  
17 nor its appropriate use substantially impaired;  
18 [3] The modification requested does not require a variance of a flood hazard requirement,  
19 unless the building is built in accordance with applicable regulations;  
20 [4] The modification requested does not violate any rules or regulations with respect to  
21 freshwater or coastal wetlands.

22 (b) Upon an affirmative determination, the zoning officer shall notify, by first class mail, all  
23 property owners abutting the property which is the subject of the modification request, and  
24 shall indicate the street address of the subject property in the notice, and shall publish in a  
25 newspaper of local circulation within the city or town that the modification will be granted  
26 unless written objection is received within fourteen (14) days of the public notice. If  
27 written objection is received within fourteen (14) days, the request for modification shall  
28 be scheduled for the next available hearing before the zoning board of review, or planning  
29 board if the application is subject to unified development review under Chapter 350-57.1,  
30 on application for a dimensional variance following the standard procedures for such  
31 variances, including notice requirements provided for under this chapter. If no written  
32 objections are received within fourteen (14) days, the zoning officer shall grant the  
33 modification.

34 (c) The zoning officer may apply any special conditions to the permit as may, in the opinion  
35 of the officer, be requested to conform to the intent and purposes of the zoning ordinance.

- 36        (d) The zoning officer shall keep public records of all requests for modifications, and of  
37        findings, determinations, special conditions, and any objections received.
- 38        (e) Costs of any notice required under this subsection shall be borne by the applicant  
39        requesting the modification.

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7 **ARTICLE 1 ADMINISTRATION AND PROCEDURES**

8 Chapter 350-8 Zoning Board of Review

9 E. ~~Variances from this chapter. The Board may grant variances in the application of the terms of~~  
10 ~~this chapter, as follows:~~ General Provisions—Variances.

11 (1) An application for relief from the literal requirements of this chapter because of hardship  
12 may be made by any person, group, agency, or corporation by filing with the ~~Inspector~~ the  
13 Zoning Officer or agency an application describing the request and supported by such data  
14 and evidence as may be required by the Board or by the terms of this ordinance, ~~and~~  
15 ~~amended from time to time, or by the terms of this chapter, along with a fee, as established,~~  
16 ~~and may be amended, by the Town Council, in accordance with Title 45, Chapter 24-59 of~~  
17 ~~the Rhode Island General Laws.~~ The Inspector Zoning Officer or agency shall immediately  
18 transmit each application received to the Board and shall transmit a copy of each  
19 application to the Planning Office for distribution to the Planning Board.

20  
21 (2) The Board, ~~immediately~~ upon receipt of an application for a variance in the application of  
22 the literal terms of ~~this chapter~~ the zoning ordinance, the ~~Inspector~~ Zoning Officer shall  
23 refer said application to the Planning Office and may request that the Planning Board  
24 provide findings and recommendations, including a statement on the general consistency  
25 of the application with the goals and purposes of the Comprehensive Plan of the Town, in  
26 writing to the Board within 30 days of receipt of the application from the Board. This report  
27 shall be entered into the record of the proceedings. The Board shall hold a public hearing  
28 on any application for variance in a manner as specified in § 350-8 in this chapter, after  
29 receipt, in proper form, of an application, and shall give public notice thereof at least 14  
30 days prior to the date of the hearing in a newspaper of ~~general~~ local circulation in the Town.  
31 Notice of hearing shall be sent by ~~certified or registered~~ first class mail to the applicant,  
32 and to at least all those who would require notice as specified in § 350-7E(5) and (8) of  
33 this chapter, and in accordance with Title 45, Chapter 24-53 of the Rhode Island General  
34 Laws. The notice shall also include the street address of the subject property.

35  
36 (3) The same notice shall be posted in the town or city clerk's office and one other municipal  
37 building in the municipality and the municipality must make the notice accessible on their  
38 municipal home page of its website at least fourteen (14) days prior to the hearing. For any



39 notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to  
40 attest to such mailing. The cost of notification shall be borne by the applicant.  
41

42 (4) Requests for dimensional and use variances submitted under a unified development review  
43 provision of this zoning ordinance shall be submitted as part of the subdivision or land-  
44 development application to the administrative officer of the Planning Board, pursuant to  
45 RIGL §45-24-46.4(a) and all subdivision or land-development applications submitted  
46 under the unified development review provisions of this zoning ordinance shall have a  
47 public hearing in accordance with the requirements of the Subdivision Regulations and  
48 RIGL §45-23-50.1(c).  
49

50 (36) In granting a variance, the Board, or the Planning Board under unified development  
51 review as appropriate, shall require that evidence to the satisfaction of the following  
52 standards be entered into the record of the proceedings:  
53

54 (a) That the hardship from which the applicant seeks relief is due to the unique  
55 characteristics of the subject land or structure and not to the general  
56 characteristics of the surrounding area; and is not due to a physical or economic  
57 disability of the applicant, excepting those physical disabilities addressed in  
58 R.I.G.L. § 45-24-30(16);

59 [Amended 3-15-2007, effective 3-15-2007]

60 (b) That the hardship is not the result of any prior action of the applicant; ~~and does~~  
61 ~~not result primarily from the desire of the applicant to realize greater financial~~  
62 ~~gain;~~  
63

64 (c) That the granting of the requested variance will not alter the general character  
65 of the surrounding area or impair the intent or purpose of this chapter or the  
66 Comprehensive Plan upon which this chapter is based; ~~and~~  
67

68 ~~(d) That the relief to be granted is the least relief necessary~~  
69

70 (ed) The Board shall, or, where unified development review is enabled, the Planning  
71 Board, in addition to the preceding standards, require that evidence be entered  
72 into the record of the proceedings showing that:  
73

74 [1] In granting a use variance the subject land or structure cannot yield any  
75 beneficial use if it is required to conform to the provisions of this  
76 chapter. Nonconforming use of neighboring land or structures in the  
77 same district and permitted use of lands or structures in an adjacent  
78 district shall not be considered in granting a use variance; and  
79

80 [2] In granting a dimensional variance, that the hardship that will be suffered  
81 by the owner of the subject property if the dimensional variance is not  
82 granted shall amount to more than a mere inconvenience, meaning that

83                    relief sought is minimal to a reasonable enjoyment of the permitted use  
84                    to which the property is proposed to be devoted. The fact that a use may  
85                    be more profitable or that a structure may be more valuable after the  
86                    relief is granted shall not be grounds for relief. The Board, or, Planning  
87                    Board in unified development review, has the power to grant  
88                    dimensional variances where the use is permitted by special-use permit.  
89

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7 **ARTICLE VII SPECIAL REGULATIONS**

8 Chapter 350-57 Development Plan Review

9 A. ~~Purpose. The purpose of this section is to establish a project review and approval procedure~~  
10 ~~for any proposed development which may impact land use and the environment. Certain~~  
11 ~~development projects as specified below may be required to submit additional plans and~~  
12 ~~information to allow the review of a project in greater detail than currently required pursuant~~  
13 ~~to this chapter. Project approvals may be conditioned based upon the reviewing body's~~  
14 ~~assessment of the information submitted under development plan review. It is not the intent of~~  
15 ~~this section to alter basic development standards as set forth elsewhere in this chapter.~~  
16 Development plan review established. There shall be development plan review for uses that  
17 are permitted by right under the zoning ordinance as specified in the Subdivision Regulations  
18 under Section 6.06.

19 B. ~~Requirement for development plan review (applicability). The following activities shall be~~  
20 ~~subject to development plan review under this section: Permitting authority. The permitting~~  
21 ~~authority shall be as determined in the Subdivision Regulations.~~

22 ~~(1) Construction of any residential project that exceeds six dwelling units and does not require~~  
23 ~~subdivision approval;~~

24 ~~(2) Construction or expansion of any commercial or industrial project/development;~~

25 ~~(3) Change in use;~~

26 ~~(4) Construction or expansion of any recreational development in excess of one acre in size;~~

27 ~~(5) Applications for uses requiring a special use permit, variance (use and dimensional),~~  
28 ~~Zoning Ordinance amendment, or Zoning Map change.~~

29 C. ~~Reviewing body. Development plan review is conducted by the Planning Board, or by the~~  
30 ~~Technical Review Committee (TRC). The TRC is made up of the Town Planner,~~  
31 ~~Building/Zoning Official and the Public Works Director. The administrative officer for this~~  
32 ~~section is the Town Planner. Specific and objective guidelines. Design of all projects shall be~~  
33 ~~consistent with the provisions of the Subdivision Regulations.~~

34 ~~D. Review classification.~~

35 ~~(1) By right uses. Uses permitted by right that require development plan approval shall be~~  
36 ~~reviewed by the TRC. The TRC shall have the authority to waive the requirements of this~~  
37 ~~section where it conducts a development plan review for uses permitted by right. The TRC~~  
38 ~~may consult the Planning Board or any other local board or agency in conducting its review.~~

39 ~~(2) Variance, special use permit, zoning amendment. All projects requiring a variance, special~~  
40 ~~use permit, Zoning Ordinance amendment, or zone change shall be reviewed by the~~  
41 ~~Planning Board as advisor to the permitting authority in accordance with the process set~~  
42 ~~forth in this section. The Planning Board may request comments on the application from~~  
43 ~~the local boards and agencies receiving the application pursuant to this section. Such boards~~  
44 ~~and agencies may review the application and provide comments and recommendations to~~  
45 ~~the Planning Board within 35 days of the request. A failure to respond to the Planning~~  
46 ~~Board's request shall signify a lack of opposition to the application. See Subsection K for~~  
47 ~~additional requirements regarding commercial development.~~

48 ~~E. Review process.~~

49 ~~(1) Preapplication. A preapplication conference (informal review) with the administrative~~  
50 ~~officer is required prior to submission of a formal application. The intention of this meeting~~  
51 ~~is to: acquaint the applicant with the Comprehensive Plan, this chapter and other ordinances~~  
52 ~~that affect the proposed development; suggest any improvements to the proposed design~~  
53 ~~on the basis of a review of the sketch plan; advise the applicant to consult appropriate~~  
54 ~~authorities on the character and placement of public utility services; and help the applicant~~  
55 ~~understand the steps to be taken to receive approval. Discussions are not to be considered~~  
56 ~~approval or commitment of approval of the project or its elements. There may be more than~~  
57 ~~one preapplication meeting based upon the outcome the initial meeting. If no further~~  
58 ~~meetings are required, the applicant may submit an application and materials for approval~~  
59 ~~of the development plan.~~

60 ~~(a) Sketch plan submission requirements:~~

61 ~~[1] A sketch plan shall be drawn to an approximate scale showing locations and~~  
62 ~~dimensions of structures, parking areas, ingress and egress, signs, existing and~~  
63 ~~proposed vegetation, anticipated changes to topography, proposed water and sewer~~  
64 ~~facilities, storm drainage, public amenities and other site features.~~

65 ~~[2] The administrative officer may waive requirements of the sketch plan submission~~  
66 ~~where, due to the character, size, location or special circumstances of the proposal,~~  
67 ~~the sketch plan submission itself is not required in order for the Town to properly~~  
68 ~~perform an evaluation of the proposal.~~

69 ~~(2) Formal application submission requirements.~~

70 ~~(a) The current owner of record or applicant shall submit the following number of copies~~  
71 ~~of the development plan review application and materials (15 copies in total will be~~  
72 ~~required): 10 copies for the Planning Board and one copy each for the Conservation~~

73 Commission, Department of Public Works, Building Official, Police Department, and  
74 the Fire District Chief.

75 ~~{Amended 10-21-2010, effective 10-21-2010}~~

76 (b) ~~All development plans shall contain, at a minimum, the following information:~~

77 ~~{1} Locus map showing the location of the proposed development;~~

78 ~~{2} Location, boundaries, and dimensions of each lot being considered for~~  
79 ~~development;~~

80 ~~{3} Property lines, showing directional bearings and distances, location with reference~~  
81 ~~to identifiable street intersections, land uses, North arrow, scale, plat and lot~~  
82 ~~number(s) of the parcel(s) involved, and zoning district(s) in which the parcel(s)~~  
83 ~~is/are located;~~

84 ~~{4} Identification of the names of all abutting property owners with plat and lot;~~

85 ~~{5} Dimensions of property line setbacks to, and dimensions between, each building,~~  
86 ~~structure, or use;~~

87 ~~{6} Location and description of all existing structures and buildings, including those~~  
88 ~~to be demolished, and proposed new structures and buildings showing exterior and~~  
89 ~~finish floor elevation(s);~~

90 ~~{7} Location of all existing surface features, including, but not limited to: stone walls,~~  
91 ~~fences, curbing, and impervious surfaces;~~

92 ~~{8} Location of all proposed and existing, as well as adjacent, public and private ways;~~

93 ~~{9} Location of all easements on, over, and adjacent to the site and the location of all~~  
94 ~~existing and proposed underground and surface utility lines and fire hydrants;~~

95 ~~{10} Existing and proposed topography at two-foot contours;~~

96 ~~{11} Location and description of all natural features, including but not limited to~~  
97 ~~wetlands and applicable buffer zones, rivers, streams, lakes, ponds, areas subject~~  
98 ~~to flooding, existing vegetation and proposed removal of vegetation;~~

99 ~~{12} Description of watershed boundaries, aquifer locations (as defined by RIDEM),~~  
100 ~~wellhead protection areas for community and noncommunity water systems,~~  
101 ~~wastewater overlay districts and one hundred year frequency floodplain as~~  
102 ~~defined by the Federal Emergency Management Agency Flood Insurance Rate~~  
103 ~~Maps;~~

104 ~~{13} Location and description of proposed open space and recreation areas;~~

105 ~~{14} Location and description of cultural features such as old trails, agricultural fields,~~  
106 ~~cemeteries and historic buildings and sites;~~

107 ~~[15] Location and description of parking and loading areas, driveways, walkways,~~  
108 ~~points of access and egress, traffic safety devices, and general circulation patterns~~  
109 ~~(See Article VI of this chapter);~~

110 ~~[16] Location and description of the proposed wastewater disposal systems, water~~  
111 ~~supplies, stormwater drainage systems, temporary or permanent erosion control~~  
112 ~~structures, utilities, and any solid and hazardous waste disposal systems;~~

113 ~~[17] Proposed landscaping plans showing buffer areas, screening, fencing and~~  
114 ~~plantings, and schedule for landscaping pursuant to Article VI of this chapter; and~~

115 ~~[18] Location, dimensions, height and characteristics of proposed signs pursuant to~~  
116 ~~Article V of this chapter.~~

117 ~~(c) A narrative report shall accompany the development plan application describing the~~  
118 ~~scope and intent of the development and also an environmental report as defined in this~~  
119 ~~chapter.~~

120 ~~(d) At the administrative officer's discretion, inclusion of information irrelevant to a~~  
121 ~~particular application may be waived.~~

122 ~~F. Objectives/Criteria for evaluation. In its evaluation of a development plan application and in~~  
123 ~~rendering its decision, the Planning Board and/or Technical Review Committee shall apply the~~  
124 ~~criteria listed below and shall ensure that other local boards and agencies apply the same~~  
125 ~~criteria in their comments and recommendations. Any decision that is made shall be made so~~  
126 ~~as to be consistent with a reasonable use of the site for the purposes permitted or permissible~~  
127 ~~by the regulations of the district in which it is located. The Planning Board may request that~~  
128 ~~the proposed project be modified to conform with these criteria:~~

129 ~~(1) If the proposal requires a special use permit, it must conform to the special use permit~~  
130 ~~requirements as listed in Article I of this chapter;~~

131 ~~(2) The development shall be integrated into the existing terrain and surrounding landscape,~~  
132 ~~and shall be designed to protect abutting properties and community amenities. Building~~  
133 ~~sites shall, to the extent feasible:~~

134 ~~(a) Minimize the use of wetlands, steep slopes, floodplains, and hilltops;~~

135 ~~(b) Minimize the obstruction of scenic view from publicly accessible locations;~~

136 ~~(c) Preserve any unique natural or historical features;~~

137 ~~(d) Minimize tree, vegetation and soil removal, grade changes and subsequent erosion;~~

138 ~~(e) Maximize open space retention;~~

139 ~~(f) Landscape and screen objectionable features from neighboring properties and~~  
140 ~~roadways pursuant to this chapter; and~~

141 ~~(g) Prevent depletion, degradation, or pollution of public drinking water supplies and of~~  
142 ~~surface or groundwater by employing best management practices for erosion control,~~  
143 ~~stormwater management, wastewater disposal and landscaping.~~

144 ~~(1) Architectural style shall be in keeping with the prevailing character and scale of buildings~~  
145 ~~in the neighborhood and the Town through use of appropriate building materials, screening,~~  
146 ~~breaks in roof and wall lines and other architectural techniques. Variation in detail, form~~  
147 ~~and siting shall be used to provide visual interest and to avoid monotony. Proposed~~  
148 ~~buildings shall relate harmoniously to each other with adequate light, air, circulation, and~~  
149 ~~separation between buildings.~~

150 ~~(2) The development shall be served with adequate water supply and waste disposal systems.~~  
151 ~~The applicant shall submit a individual septic disposal system (ISDS) design prepared by~~  
152 ~~an RIDEM licensed ISDS designer, as applicable.~~

153 ~~(3) The development plan shall maximize the convenience and safety of vehicular and~~  
154 ~~pedestrian movement within the site and in relation to adjacent ways (see Article VI and §~~  
155 ~~350-48 of this chapter). The plan shall include estimates of average daily and peak hour~~  
156 ~~vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians~~  
157 ~~showing adequate access to and from the site and adequate circulation within the site.~~

158 ~~(4) The development plan shall show adequate measures to prevent pollution of surface or~~  
159 ~~groundwater, and to minimize erosion and sedimentation in conformance with Chapter~~  
160 ~~177, Erosion and Sediment Control, and to prevent changes in groundwater levels,~~  
161 ~~increased runoff and potential for flooding. Drainage shall be designed so that runoff shall~~  
162 ~~not be increased to neighboring properties, groundwater recharge shall be maximized, and~~  
163 ~~neighboring properties shall not be adversely affected.~~

164 ~~(5) The development shall not place excessive demands on Town services and infrastructure.~~

165 ~~(6) Electric, telephone, cable TV, and other such utilities shall be underground where~~  
166 ~~physically and environmentally feasible.~~

167 ~~(7) Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and~~  
168 ~~structures and other service uses shall be set back or screened to protect the abutters from~~  
169 ~~objectionable features (Article VI of this chapter).~~

170 ~~(8) The development plan shall comply with all zoning requirements for landscaping, parking~~  
171 ~~and loading (Article VI of this chapter), dimensions (Article III of this chapter), and all~~  
172 ~~applicable provisions of local and state laws.~~

173 ~~G. Decision.~~

174 ~~(1) Action by the TRC shall consist of either:~~

175 ~~(a) A decision or an advisory recommendation to the Planning Board that the proposed~~  
176 ~~project will constitute a suitable development and is in compliance with the criteria set~~  
177 ~~forth in this chapter;~~

178 ~~(b) A decision or an advisory recommendation to the Planning Board that the proposed~~  
179 ~~project should be approved subject to any conditions, modifications, and restrictions as~~  
180 ~~it may deem necessary; or~~

181 ~~(c) A decision or advisory recommendation to the Planning Board that the proposed project~~  
182 ~~be disapproved.~~

183 ~~(2) Action by the Planning Board shall consist of either:~~

184 ~~(a) A decision or an advisory recommendation to the permitting authority that the proposed~~  
185 ~~project will constitute a suitable development and is in compliance with the criteria set~~  
186 ~~forth in this section;~~

187 ~~(b) A decision or an advisory recommendation to the permitting authority that the proposed~~  
188 ~~project should be approved subject to any conditions, modifications, and restrictions as~~  
189 ~~it may deem necessary; or~~

190 ~~(c) A decision or advisory recommendation to the permitting authority that the proposed~~  
191 ~~project be disapproved.~~

192 ~~H. Bond. The Planning Board or permitting authority may require the posting of a bond to assure~~  
193 ~~compliance with the plan and conditions and may suspend any permit or license when work is~~  
194 ~~not performed as required.~~

195 ~~I. Term of development plan approval. Any development plan approval issued under this section~~  
196 ~~shall lapse within six months if a substantial use thereof has not commenced sooner except for~~  
197 ~~good cause as determined by the Planning Board or permitting authority.~~

198 ~~J. Additional standards for commercial development.~~

199 ~~(1) Purpose. This subsection is intended to encourage, guide and direct commercial~~  
200 ~~development, as well as reuse and conversion of existing structures in order to ensure that~~  
201 ~~the desirable characteristics of the area are maintained, that new development is compatible~~  
202 ~~with the existing scale and building fabric, that the historic integrity is preserved, and that~~  
203 ~~architectural quality is maintained. These guidelines will serve to assist the applicant by~~  
204 ~~providing development criteria consistent with the Gloucester Comprehensive Community~~  
205 ~~Plan.~~

206 ~~(2) Applicability.~~

207 ~~(a) In addition to the review requirements stated above, the following types of development~~  
208 ~~shall adhere to the guidelines and regulations of this section:~~

209 ~~[1] New construction;~~

210 ~~[2] Additions of 200 square feet or greater;~~

211 ~~[3] Change of use (i.e., from residential to commercial use, which may include an~~  
212 ~~increase in number of dwelling units).~~



213 ~~(b) The following incidental improvements shall be reviewed administratively by the~~  
214 ~~administrative officer, who may refer the matter to the Planning Board for further~~  
215 ~~review:~~

216 ~~{1} Proposed new or increase in parking;~~

217 ~~{2} Proposed signage, lighting, new curb cuts, landscaping;~~

218 ~~{3} Change in commercial or industrial occupancy resulting in insignificant exterior~~  
219 ~~improvements.~~

220 ~~(3) Commercial development objectives/criteria:~~

221 ~~(a) Due to the potential impact on the character of the Town, additional consideration is to~~  
222 ~~be given to commercial development and will be evaluated according to the following~~  
223 ~~criteria:~~

224 ~~{1} It will not detract from the character of the village or area;~~

225 ~~{2} It will not adversely impact adjacent property;~~

226 ~~{3} The proposed development or reuse of structure will be in conformance with the~~  
227 ~~purpose and intent of this section and the applicable articles of the Comprehensive~~  
228 ~~Community Plan.~~

229 ~~(b) If the Planning Board finds the project to be unusually large, or if it is likely to become~~  
230 ~~a landmark, or if it is in a visually prominent area, or if it is located so as to become~~  
231 ~~part of a gateway, the design must acknowledge the special impact the project would~~  
232 ~~have on the entire community by addressing the design solution in an exemplary~~  
233 ~~manner.~~

234 ~~(4) Commercial development guidelines. The intent of this section is not to restrict~~  
235 ~~development to a predetermined style. However, for approval, new developments must~~  
236 ~~meet the range of criteria within this section and demonstrate how building design~~  
237 ~~maintains or enhances the village or character of the area in which it is to be located.~~

238 ~~(a) Architecture.~~

239 ~~{1} The height and scale of a new building or structure and any addition to an existing~~  
240 ~~building shall be compatible and harmonious with its site and existing surrounding~~  
241 ~~buildings.~~

242 ~~{2} New building development, adaptation, rehabilitation, reuse, and building~~  
243 ~~conversion must avoid:~~

244 ~~{a} The look of franchise architecture, or "big box" design with excessive bulk and~~  
245 ~~lack of detail;~~

246 ~~[b] Buildings which demand visual attention through the use of bold colors and~~  
247 ~~materials which are not found to be consistent with maintaining the village or~~  
248 ~~rural character;~~

249 ~~[c] Commercial or industrial structures consisting of large metal buildings which~~  
250 ~~lack design details or otherwise do not complement the traditional village or~~  
251 ~~rural character;~~

252 ~~[3] Storefronts. Existing structures which have been designed for retail use on the first~~  
253 ~~floor shall retain this design to the greatest extent possible.~~

254 ~~[4] Architecture shall be compatible with the character and scale of buildings in the~~  
255 ~~specific neighborhood in which the development proposal is located, through the~~  
256 ~~use of appropriate buildings, screenings, breaks in the roof and wall lines and other~~  
257 ~~architectural techniques as demonstrated by existing village and rural architecture~~  
258 ~~in the area.~~

259 ~~[5] Building materials used for principal structures shall be in character with~~  
260 ~~surrounding buildings.~~

261 ~~[6] Concrete block, steel or metal is less desirable than wood, brick and stone and shall~~  
262 ~~be discouraged as the principal exterior surface. It shall not be used as the principal~~  
263 ~~exterior surface on the front of the building surface except for architectural~~  
264 ~~treatments. Principal exterior surface shall mean 50% or more of the exterior wall~~  
265 ~~surface.~~

266 ~~(b) Landscaping.~~

267 ~~[1] Distinguishing original features of a site, such as trees greater than six inches in~~  
268 ~~diameter, existing plantings, stone walls, historical structures or markers and~~  
269 ~~topography, shall be preserved where possible. Plantings on the street facing the~~  
270 ~~side of buildings, window boxes and approved planters are encouraged. Benches or~~  
271 ~~other seating arrangements and walkways within a redevelopment or new~~  
272 ~~development are encouraged and should be provided where appropriate.~~

273 ~~[2] Roadside trees help define the rural and village character of Gloucester's villages.~~  
274 ~~Their removal must be absolutely minimized and supported by clear justification~~  
275 ~~during the development plan review process. The administrative officer, TRC or~~  
276 ~~Planning Board may request a review of the existing plantings by the Town Tree~~  
277 ~~Warden.~~

278 ~~[3] The installation of other streetscape improvements, including, but not limited to,~~  
279 ~~benches, bollards, and trash receptacles, is encouraged and will be reviewed for~~  
280 ~~applicability by the administrative officer.~~

281 ~~(c) Parking.~~

282 ~~[1] Parking lots shall be designed to accommodate average usage rather than peak day~~  
283 ~~usage if the parking requirements set forth in this chapter are not reflective of the~~  
284 ~~actual parking needed.~~

285 ~~[2] Parking will be encouraged along the side or rear of a building unless such location~~  
286 ~~would have an adverse or detrimental impact on environmental or visual features~~  
287 ~~of the site, or is completely infeasible.~~

288 ~~[3] Parking with three or more spaces will require a landscaping plan to visually reduce~~  
289 ~~the adverse impacts due to the creation of the designated parking area.~~

290 ~~[4] When side or rear yard parking is infeasible, front yard parking, between the~~  
291 ~~building and the public road, will require an effective landscape setback. This~~  
292 ~~setback shall be outlined on a plan which clearly identifies the location, type and~~  
293 ~~maintenance requirements of all plant material.~~

294 ~~[5] To the extent feasible, access to businesses shall be provided via one of the~~  
295 ~~following:~~

296 ~~[a] Access via a common driveway serving adjacent lots or premises;~~

297 ~~[b] Access via an existing side street where deemed appropriate;~~

298 ~~[c] Access via a cul de sac or loop road shared by adjacent premises.~~

299 ~~[6] One driveway per street frontage shall be permitted by right. A second curb cut~~  
300 ~~shall be approved by the Planning Board or any other jurisdictional agency as part~~  
301 ~~of the plan approval.~~

302 ~~[7] Curb cuts shall be limited to the minimum width for safe entrancing and exiting and~~  
303 ~~shall not exceed 24 feet in width, except in special circumstances relating to traffic~~  
304 ~~safety and approved by the Public Works Director.~~

305 ~~(d) Storage areas and ancillary amenities.~~

306 ~~[1] Open storage areas, exposed machinery, refuse and waste removal areas, service~~  
307 ~~yards and exterior work areas and parking lots shall be screened from roads and~~  
308 ~~adjacent residential areas through fencing and landscaping and shall be made part~~  
309 ~~of the landscape review.~~

310 ~~[2] Commercial vehicles shall be screened from public view to the greatest extent~~  
311 ~~possible.~~

312 ~~(e) Service connections. It is highly desirable to place underground all new utility services and~~  
313 ~~service revisions necessitated by exterior alterations and new developments.~~

314 ~~(f) Lighting. The intent of the exterior lighting design standards for the commercial zones is to~~  
315 ~~provide the necessary lighting for the property while minimizing the intrusiveness to~~  
316 ~~adjacent properties or the street right-of-way.~~

- 317 ~~{1} No lighting standard shall be taller than 15 feet.~~
- 318 ~~{2} Any newly installed or replaced outdoor lighting fixture shall be shielded so that it~~  
319 ~~does not direct light beyond property boundaries.~~
- 320 ~~{3} Light illumination shall be of low intensity with a maximum wattage of 200 watts.~~
- 321 ~~{4} Lighting fixtures must be compatible with the architectural design of the new or~~  
322 ~~rehabilitated structure and the surrounding lighting fixtures.~~
- 323 ~~{5} All exterior lighting shall be designed to minimize impact on neighboring~~  
324 ~~properties. Night sky light pollution shall be minimized by down shaded lighting~~  
325 ~~or shielded lighting. All lighting shall be based upon a pedestrian scale appropriate~~  
326 ~~for a setting.~~

327 ~~(g) Fences and walls.~~

- 328 ~~{1} Chain link fencing shall not be permitted between the street right of way and the~~  
329 ~~front facade of any structure.~~
- 330 ~~{2} All proposed fencing for screening or ornamental purposes shall be approved by the~~  
331 ~~TRC.~~
- 332 ~~{3} Existing stone walls shall be repaired rather than replaced. Stone walls shall not be~~  
333 ~~replaced with poured concrete or concrete block walls.~~
- 334 ~~{4} Freestanding stone walls (dry laid) shall be repaired and retained or reconstructed~~  
335 ~~in kind as close to their original location as possible.~~

336 ~~(h) Signs (See Article V of this chapter for complete regulations.):~~

- 337 ~~{1} All signs which do not conform to this section shall be brought into conformance~~  
338 ~~no later than five years from the date of passage of this section.~~
- 339 ~~{2} No interior lit signs shall be permitted.~~

340 ~~(5) Notice to abutters. Notice shall be sent out to all residential abutters for Planning Board review~~  
341 ~~of a commercial property.~~

342 Chapter 350-57.1 Unified Development Review

- 343 A. Unified development review established. There shall be unified development review for  
344 the issuance of variances and special use permits for properties undergoing review by  
345 development plan review and/or land development or subdivision review.
- 346 B. Public hearing. All land development and subdivision applications, and development plan  
347 review applications that include requests for variances and/or special-use permits  
348 submitted pursuant to this section, shall require a public hearing that meets the  
349 requirements of the Subdivision Regulations and (R.I.G.L. §45-23-42(b)).

350 C. In granting requests for dimensional and use variances, the Planning Board shall be bound  
351 to the requirements of Chapter 350-8(E)(3) relative to entering evidence into the record in  
352 satisfaction of the applicable standards.

353 D. In reviewing requests for special use permits the Planning Board shall be bound to the  
354 conditions and procedures under which a special use permit may be issued and the criteria  
355 for the issuance of such permits, as found within the zoning ordinance in Chapter 350-8F,  
356 and shall be required to provide for the recording of findings of fact and written decisions  
357 as described in the zoning ordinance pursuant Chapter 350-8F.

358 E. Appeals. An appeal from any decision made pursuant to this section may be taken pursuant  
359 to Article III. Section 3.07 of the Subdivision Regulations (R.I.G.L. §45-23-71).

360 Chapter 350-57.2 Land Development Project

361 A. Land development projects shall be reviewed in accordance with the procedures  
362 established in the Subdivision Regulations adopted by the Glocester Planning Board,  
363 pursuant to R.I.G.L. §45-23.

364 B. No land development project shall be initiated until a plan of the project has been submitted  
365 and approval has been granted by the authorized permitting authority, as determined in the  
366 Land Development and Subdivision Regulations.

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**Town of Glocester**  
**AN ORDINANCE AMENDING**  
**CHAPTER 350 ZONING**

Note: Words set as ~~strikeover~~ are to be **deleted** from the ordinance; words set in underline are to be **added** to the ordinance.

**ARTICLE I ADMINISTRATIVE PROCEDURES**

Chapter 350-5 Definitions.

ADAPTIVE REUSE

The conversion of an existing structure from the use for which it was constructed to a new use by maintaining the elements of the structure and adapting such elements to a new use.

**ARTICLE VII SPECIAL REGULATIONS**

Chapter 350-59 Adaptive Reuse

A. Adaptive reuse

(1) Eligibility.

- (a) At least 50% of the existing gross floor shall be developed into residential units.
- (b) There are no environmental land use restrictions recorded on the property preventing the conversion to residential use by RIDEM or the US EPA.

(2) Density.

The density proposed for any adaptive reuse project shall meet all public health and safety standards.

- (a) For projects that meet the following criteria, the residential density shall be fifteen (15) dwelling units per acre:

- [1] Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building fire code, and utility requirements.
- [2] The development includes at least twenty percent (20%) low- and moderate-income housing.
- [3] The development has access to public sewer and water service or has access to adequate private water, such as well and/or wastewater treatment systems approved by the relevant state agency for the entire development as applicable.

33           **(b)** For all other adaptive reuse projects, the residential density permitted in the  
34           converted structure shall be the maximum allowed that otherwise meets all  
35           standards of minimum housing and has access to public sewer and water services  
36           or has access to adequate private water, such as well and wastewater treatment  
37           systems approved by the relevant state agency for the entire development, as  
38           applicable.

39           **(3) Dimensional requirements.**

40           **(a)** Notwithstanding any other provisions of this chapter, existing building setbacks  
41           shall remain and the encroachments are considered legal nonconforming.

42           **(b)** No additional encroachments shall be permitted into any nonconforming setback  
43           unless relief is granted by the permitting authority.

44           **(c)** Notwithstanding other provisions of this chapter, the height of the structure shall  
45           be considered legal nonconforming if it exceeds the maximum height of the  
46           zoning district in which the structure is located.

47           **[1]** Any rooftop construction necessary for building or fire code compliance, or  
48           utility infrastructure is included in the height exemption.

49           **(4) Parking requirements.**

50           **(a)** Adaptive reuse developments shall provide one parking space per dwelling unit.  
51           The applicant may propose additional parking in excess of one space per dwelling  
52           unit.

53           **(b)** The parking requirements and design standards in Article VI. Chapter 350-35  
54           shall apply to all uses proposed as part of the project unless otherwise approved  
55           by the applicable authority. The number of parking spaces required shall apply  
56           for all uses other than residential that are part of the adaptive reuse project.

57           **(5) Allowed uses within an adaptive reuse project.**

58           **(a)** Residential dwelling units are a permitted use in an adaptive reuse project  
59           regardless of the zoning district in which the structure is located, in accordance  
60           with the provisions of this section.

61           **(b)** Any nonresidential uses proposed as part of an adaptive reuse project must  
62           comply with the provisions of Chapter 350 Attachment 1 for the zoning district  
63           in which the structure is located.

64           **(6) Development and Design Standards. Site design shall be in accordance with the Article**  
65           VI. Section 6.01 of the Gloucester Subdivision Regulations.

66           (7) Procedural requirements.

67           (a) Adaptive reuse projects shall be subject to the procedural requirements of the  
68           Subdivision Regulations and undergo either Development Plan Review, Minor,  
69           or Major Land Development as determined in that section.

70           (b) In addition to the checklist requirements for the applicable review process, the  
71           applicant shall provide the following information:

72           [1] The proposed residential density and the square footage of nonresidential  
73           uses. Residential density under the provisions of section D(2)(b) of this  
74           chapter shall require the submission of a detailed floor plan as described in  
75           subsection 7(B)(2) of this chapter to the Planning Department as part of the  
76           application.

77           [2] A floor plan to scale for each building indicating, as applicable, the use of  
78           floor space, number of units, number of bedrooms, and the square footage  
79           of each room and each unit.

80



1 **Town of Glocester**

2 **AN ORDINANCE AMENDING**

3 **CHAPTER 350 ZONING**

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5 be **added** to the ordinance.

6  
7 **ARTICLE VIII Nonconforming Uses**

8 Chapter 350-66 Substandard lots of record.

9 A. No lot area shall be so reduced that yards, total area or lot frontage shall be less than  
10 prescribed for the district in which the lot is located. No required yard or other area of one  
11 lot shall be considered as providing the minimum area or frontage required for any other  
12 lot without a replatting of both lots in such a way that both lots so replatted conform to the  
13 dimensional regulations of the district involved and approved by the Inspector prior to  
14 recording. Such lots must be in separate ownership and not be contiguous with other lots  
15 in the same ownership unless otherwise provided herein.

16  
17 B. ~~Substandard lots of record are exempt from the minimum lot sizes of the district involved~~  
18 ~~as established by this chapter as amended. All other district dimensions applicable at the~~  
19 ~~time immediately prior to the lot becoming substandard shall apply, but in no case will less~~  
20 ~~than 30 feet front yard depth, 10 feet side yard, and 10 feet rear yard depth be allowed. For~~  
21 any structure proposed under this section on a substandard lot of record, the following  
22 dimensional regulations shall apply:

23  
24 (1) Minimum building setbacks, lot frontage, and lot width requirements for a lot which  
25 is nonconforming in area shall be reduced by applying the building setbacks, lot  
26 frontage, and lot width requirements from another zoning district in which the  
27 subject lot would be conforming as to lot area.

28  
29 (2) If the subject lot is not conforming as to lot area in any zoning district, the setback,  
30 frontage, and width requirements shall be reduced by the same proportion that the  
31 area of such substandard lot meets the minimum lot area of the district in which the  
32 lot is located. For example, if the lot area is forty percent (40%) of the required  
33 minimum, then the setback, frontage, and width requirements shall be reduced to  
34 forty percent (40%) of the standard requirements for that zoning district.

35  
36 (3) Maximum lot building coverage for lots that are nonconforming in area shall be  
37 increased by the inverse proportion that the area of such substandard lot meets the  
38 minimum area requirements in the district in which the lot is located. For example,  
39 if the lot area of a substandard lot only meets forty percent (40%) of the required

40                   minimum lot area, the maximum building coverage is allowed to increase by sixty  
41                   percent (60%) over the maximum permitted lot building coverage in that district.  
42

43           C. Notwithstanding any other provision of this chapter, if two or more contiguous lots of  
44           record are under the same ownership as of or after November 9, 1989, and one or more of  
45           such lots has an area less than 30,000 square feet, then all such lots that are less than 30,000  
46           square feet shall be deemed merged into adjacent lots under the same ownership and the  
47           merged lots shall be considered one lot for the purpose of this chapter. This provision shall  
48           not apply to any lots that are located within a B-1 or B-2 Zoning District or to any recorded  
49           lots which were approved and accepted by the Planning Board before November 9, 1989,  
50           pursuant to Chapter 300, Subdivision of Land. This provision shall not apply when the  
51           substandard lot of record has an area equal to or greater than the area of fifty percent of the  
52           lots within two hundred feet of the subject lot, as confirmed by the Zoning Official through  
53           the submission of a Compilation Survey of the property prepared by a Rhode Island  
54           Registered Professional Land Surveyor, by the property owner. This Subsection C shall be  
55           deemed to have been adopted and effective on November 9, 1989, in place and instead of  
56           the zoning amendment adopted on that day.

57

## An Ordinance in Amendment of the Code of the Town of Glocester, Rhode Island related to Substandard Lots of Record

Section 1. The Town Council of the Town of Glocester hereby ordains:

- A. Chapter 350, Article III, Section 350-13, Attachment 2, Table of Dimensional Regulations shall be amended as follows:

District	Lot Size Area	Building Coverage
<b>A-4 Agricultural</b> Single Family dwelling	4 <u>acres</u>	4%
	<del>43,561 sq ft +</del>	<del>4%</del>
	<del>21,780 sq ft – 43,560 sq ft (0.5 ac- 1.0 ac)</del>	<del>10%</del>
	<del>10,890 sq ft – 21,779 sq ft (0.25 ac)</del>	<del>12%</del> <del>15%</del>
	<del>10,889 sq ft or less</del>	
<b>A-3 Agricultural</b> Single Family Dwelling	3 <u>acres</u>	4%
	<del>43,561 sq ft +</del>	<del>4%</del>
	<del>21,780 sq ft – 43,560 sq ft (0.5 ac- 1.0 ac)</del>	<del>10%</del>
	<del>10,890 sq ft – 21,779 sq ft (0.25 ac)</del>	<del>12%</del> <del>15%</del>
	<del>10,889 sq ft or less</del>	
<b>R-2 Residential</b> Single Family Dwelling	2 <u>acres</u>	5%
	<del>43,561 sq ft +</del>	<del>5%</del>
	<del>21,780 sq ft – 43,560 sq ft (0.5 ac- 1.0 ac)</del>	<del>10%</del>
	<del>10,890 sq ft – 21,779 sq ft (0.25 ac)</del>	<del>12%</del> <del>15%</del>
	<del>10,889 sq ft or less</del>	

Section 2. This ordinance shall become effective upon passage.

1 **Town of Glocester**

2 **AN ORDINANCE AMENDING**

3 **CHAPTER 350 ZONING**

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5 be **added** to the ordinance.

6  
7 **ARTICLE XI COMPREHENSIVE PERMIT FOR LOW- AND MODERATE INCOME**  
8 **HOUSING**

9 §350-91 Definitions

10 ADJUSTMENT(S)

11 A request, or requests by the application to seek relief from the literal use and dimensional  
12 requirements of the zoning ordinance and/or the design standards or requirements of the  
13 Subdivision Regulations. The standard for the local view board's consideration of adjustments is  
14 set forth in §350-96.A(2) of this ordinance and RIGL §45-53-4(d)(2)(iii)(E)(II).

15 INFEASIBLE

16 Any condition brought about by any single factor or combination of factors, as a result of  
17 limitations imposed on the development by conditions attached to the approval of the  
18 comprehensive permit, to the extent that it makes it financially or logistically impracticable for  
19 any applicant to proceed in building or operating low- or moderate-income housing, within the  
20 limitations set by the subsidizing agency of government or local review Planning Board, on the  
21 size or character of the development, on the amount or nature of the subsidy, or on the tenants,  
22 rentals, and income permissible, and without substantially changing the rent levels and unit sizes  
23 proposed by the applicant.

24 LETTER OF ELIGIBILITY

25 A letter issued by the Rhode Island housing and mortgage finance corporation in accordance with  
26 RIGL §42-55-5.3(a).

27 LOCAL REVIEW BOARD

28 The planning board.

29 **LOW OR MODERATE INCOME HOUSING**

30 Synonymous with “affordable housing” as defined in R.I. Gen. Laws § 42-128-8.1, and further  
31 means any housing whether built or operated by any public agency or any nonprofit organization  
32 or by any limited equity housing cooperative or any private developer, that is subsidized by a  
33 federal, state, or municipal government subsidy under any program to assist the construction or  
34 rehabilitation of affordable housing and that will remain affordable through a land lease and/or

35 deed restriction for ninety-nine (99) years or such other period that is either agreed to by the  
36 applicant and town or prescribed by the federal, state, or municipal government subsidy program  
37 but that is not less than thirty (30) years from initial occupancy.

38 ~~Any housing, whether built or operated by any public agency or any nonprofit organization or by~~  
39 ~~any limited equity housing cooperative or any private developer, that is subsidized by a federal,~~  
40 ~~state, or municipal government subsidy under any program to assist the construction or~~  
41 ~~rehabilitation of housing affordable to low or moderate income households, as defined in the~~  
42 ~~applicable federal or state statute, or local ordinance, and that will remain affordable through a~~  
43 ~~land lease and/or deed restriction for 99 years or such other period that is either agreed to by the~~  
44 ~~applicant and Town or prescribed by the federal, state, or municipal government subsidy program~~  
45 ~~but that is not less than 30 years from initial occupancy.~~

#### 46 MEETING LOCAL HOUSING NEEDS

47 Means as a result of the adoption of the implementation program of an approved affordable  
48 housing plan, the absence of unreasonable denial of applications that are made pursuant to an  
49 approved affordable housing plan in order to accomplish the purposes and expectations of the  
50 approved affordable housing plan, and a showing that at least twenty percent (20%) of the total  
51 residential units approved by a local review board or any other municipal board in a calendar year  
52 are for low- and moderate-income housing as defined in R.I. Gen. Laws § 42-128-8.1.

#### 53 MONITORING AGENTS

54 Those monitoring agents appointed by the Rhode Island housing resources commission pursuant  
55 to RIGL §45-53-3.2 and to provide the monitoring and oversight set forth in this chapter, including,  
56 but not limited to, RIGL §§45-53-3.2 and 45-53-4.

#### 57 §350-92 ~~Eligible Entries and projects~~ Applicability and eligibility

58  
59 A. Any applicant proposing to build low- or moderate-income housing may submit to the local  
60 review board a single application for a comprehensive permit to build that housing in lieu of  
61 separate applications to the applicable local boards. This procedure is only available for  
62 proposals in which at least 25% of the housing is low- or moderate-income housing.

63  
64 B. Notwithstanding the foregoing, in accordance with RIGL §45-53-4(d)(10), the Town  
65 Council, on the premise that the Town has an approved affordable housing plan and is  
66 meeting local housing needs as defined in this article, limits the annual total number of  
67 dwelling units in comprehensive permit applications from for-profit developers to an  
68 aggregate of one percent (1%) of the total number of year-round housing units in the Town,  
69 as recognized in the affordable housing plan, and notwithstanding the timetables set  
70 elsewhere in this section, the Planning Board shall consider comprehensive permit  
71 applications from for-profit developers sequentially in the order in which they are submitted.

#### 72 73 §350-93 Application procedure

74

75 ~~Application and review procedures shall be set forth in the Town of Glocester Subdivision~~  
76 ~~Regulations, Article V, Major Subdivisions.~~

77  
78 The application and review process for a comprehensive permit shall be as follows:

79  
80 A. Pre-application conference. A pre-application conference may be required by the  
81 administrative officer or planning board or requested by the applicant. The preapplication  
82 conference may be with the Planning Board, technical review committee, or administrative  
83 officer as determined appropriate by the administrative officer.

84  
85 (1) In advance of the pre-application conference, the applicant shall submit a short written  
86 description of the project including the number of units, type of housing, density  
87 analysis, preliminary list of adjustments requested, a location map, and a conceptual  
88 site plan.

89  
90 (2) Upon request of the applicant for a pre-application conference, such conference will be  
91 scheduled and held within thirty (30) days of the request, unless a different timeframe  
92 is agreed to by the applicant in writing.

93  
94 (3) If thirty (30) days has elapsed from the filing of the pre-application submission, and no  
95 pre-application submission has taken place, nothing shall be deemed to preclude the  
96 applicant from thereafter filing and proceeding with an application for preliminary plan  
97 review.

98  
99 B. Preliminary plan.

100  
101 (1) Submission requirements. Applications for preliminary plan under this section shall  
102 include:

103  
104 i. A letter of eligibility issued by the Rhode Island Housing Mortgage Finance  
105 Corporation, or in the case of projects primarily funded by the U.S. Department  
106 of Housing and Urban Development or other state or federal agencies, an award  
107 letter indicating the subsidy, or application in such form as may be prescribed  
108 for a municipal government subsidy; and

109  
110 ii. A letter signed by the authorized representative of the applicant, setting forth  
111 the specific sections and provisions of applicable local ordinances and  
112 regulations from which the applicant is seeking adjustments; and

113  
114 iii. A proposed timetable for the commencement of construction and completion of  
115 the project; and

116  
117 iv. Those items included in the checklist for preliminary plan review with the  
118 exception of evidence of state or federal permits.

- 120           v. Notwithstanding the submission requirements set forth above, the Planning  
121 Board may request additional, reasonable documentation throughout the public  
122 hearing, including, but not limited to, opinions of experts, credible evidence of  
123 application for necessary federal and or state permits, and advice from other  
124 local boards and officials.  
125
- 126       (2) Certification of completeness. The preliminary plan must be certified complete or  
127 incomplete by the administrative officer according to the provisions of the Subdivision  
128 Regulations provided, however, that the certificate shall be granted within twenty-five  
129 (25) days of submission of an application. The running of the time period set forth  
130 herein will be deemed stopped upon the issuance of a written certificate of  
131 incompleteness of the application by the administrative officer and will recommence  
132 upon the resubmission of a correct application by the applicant. However, in no event  
133 will the administrative officer be required to certify a corrected submission as complete  
134 or incomplete less than ten (10) days after its resubmission. If the administrative officer  
135 certifies the application as incomplete, the officer shall set forth in writing with  
136 specificity the missing or incomplete items.  
137
- 138       (3) Public hearing. A public hearing shall be noticed and held as soon as practicable after  
139 the issuance of a certificate of completeness.  
140
- 141       (4) Notice. Public notice for the public hearing will be the same notice required under local  
142 regulations for a public hearing for a master plan. The cost of notice shall be paid by  
143 the applicant.  
144
- 145       (5) Timeframe for review. The Planning Board shall render a decision on the preliminary  
146 plan application within ninety (90) days of the date the application is certified complete,  
147 or within a further amount of time that may be consented to by the applicant through  
148 the submission of written consent.  
149
- 150       (6) Failure to act. Failure of the Planning Board to act within the prescribed period  
151 constitutes approval of the preliminary plan and a certificate of the administrative  
152 officer as to the failure of the Planning Board to act within the required time and the  
153 resulting approval shall be issued on request of the applicant. Further, if the public  
154 hearing is not convened or a decision is not rendered within the time allowed in the  
155 Subdivision Regulations the application is deemed to have allowed and the preliminary  
156 plan approval shall be issued immediately.  
157
- 158       (7) Vesting. The approved preliminary plan is vested for a period of two (2) years with the  
159 right to extend for two (2), one-year extension upon written request by the applicant,  
160 who must appear before the Planning Board for each annual review and provide proof  
161 of valid state or federal permits as applicable. Thereafter, vesting may be extended for  
162 a longer period, for good cause shown, if requested, in writing by the applicant, and  
163 approved by the Planning Board. The vesting for the preliminary plan approval includes  
164 all ordinances and provisions and regulations at the time of the approval, general and

165 specific conditions shown on the approved preliminary plan drawings and support  
166 material.  
167

168 C. Final plan. The second and final stage of review for the comprehensive permit project shall  
169 be done administratively, unless an applicant has requested and been granted any waivers  
170 from the submission of checklist items for preliminary plan review, and then, at the Planning  
171 Board’s discretion, it may vote to require the applicant to return for final plan review and  
172 approval.  
173

174 (1) The following items shall be submitted as part of the final plan submission:

175  
176 i. All required state and federal permits must be obtained prior to the final plan  
177 approval.  
178

179 ii. A draft monitoring agreement which identifies an approved entity that will  
180 monitor the long-term affordability of the low- and moderate-income units  
181 pursuant to RIGL §45-53-3.2.  
182

183 iii. A sample land lease or deed restriction with affordability liens that will restrict  
184 use as low- and moderate-income housing in conformance with the guidelines  
185 of the agency providing the subsidy for the low- and moderate-income housing,  
186 but for a period of not less than thirty (30) years.  
187

188 iv. Those items included in the checklist for final plan review.  
189

190 v. Arrangements for completion of the required public improvements, including  
191 construction schedule and/or financial guarantees.  
192

193 vi. Certification by the tax collector that all property taxes are current.

194 vii. For phased projects, the final plan for phases following the first phase, shall be  
195 accompanied by copies of as-built drawings not previously submitted of all  
196 existing public improvements for prior phases.  
197

198 (2) Certificate of completeness. The final plan application must be certified complete or  
199 incomplete by the administrative officer according to the provisions of § 45-23-36;  
200 provided however, that, the certificate shall be granted within twenty-five (25) days of  
201 submission of the application. The running of the time period set forth herein will be  
202 deemed stopped upon the issuance of a written certificate of incompleteness of the  
203 application by the administrative officer and will recommence upon the resubmission  
204 of a corrected application by the applicant. However, in no event will the administrative  
205 officer be required to certify a corrected submission as complete or incomplete less  
206 than ten (10) days after its resubmission. If the administrative officer certifies the  
207 application as incomplete, the officer shall set forth in writing with specificity the  
208 missing or incomplete items.  
209



- 210           (3) Timeframe for review. The reviewing authority shall render a decision on the final plan  
211           application within forty-five (45) days of the date the application is certified complete.  
212
- 213           (4) Decision on final plan. An application filed in accordance with this article shall be  
214           approved by the administrative officer unless such application does not satisfy  
215           conditions set forth in the preliminary plan approval decision or such application does  
216           not have the requisite state and/or federal approval or other required submissions, does  
217           not post the required improvement bonds, or such application is a major modification  
218           of the plans approved at preliminary plan.  
219
- 220           (5) Failure to act. Failure of the reviewing authority to act within the prescribed period  
221           constitutes approval of the final plan and a certificate of the administrative officer as to  
222           the failure to act within the required time and the resulting approval shall be issued on  
223           request of the applicant.  
224
- 225           (6) Vesting. The approved final plan is vested for a period of two (2) years with the right  
226           to extend for one one-year extension upon written request by the applicant, who must  
227           appear before the planning board for the extension request. Thereafter, vesting may be  
228           extended for a longer period, for good cause shown, if requested, in writing by the  
229           applicant, and approved by the local review board.  
230

231 Chapter 350-94 ~~Incentives~~ Municipal Subsidies

232

233           ~~A. Development incentives above the density permitted by the underlying zoning regulations,~~  
234           ~~provided that an on-site wastewater treatment system and public and/or private well(s) can~~  
235           ~~be accommodated on the property, are offered as follows:~~

236

237           ~~(1) Twenty five percent to 50% low and moderate income housing: density bonus of 20%.~~

238

239           ~~(2) Fifty one percent to 99% low and moderate income housing: density bonus of 25%.~~

240

241           ~~(3) One hundred percent low and moderate income housing: density bonus of 30%.~~

242

243           ~~B. Any development proposing to use the above density bonus incentives must remain~~  
244           ~~affordable by employing a land lease and/or deed restriction for 99 years.~~

245

246 In order to offset the differential cost of the low- or moderate-income housing units in the section,  
247 the following municipal subsidies shall be provided:

248

249           A. Adjustments, meaning a request, or requests by the application to seek relief from the literal  
250           use and dimensional requirements of the zoning ordinance and/or the design standards or  
251           requirements of the Subdivision Regulations. The standard for the Planning Board's  
252           consideration of adjustments is set forth in §350-96.A(2) of this ordinance and RIGL §45-  
253           53-4(d)(2)(iii)(E)(II).

255 B. Density bonus. The Town shall provide the following density bonuses for projects submitted  
256 under this section provided that the total land utilized under in the density calculation shall  
257 exclude wetlands, wetland buffers, area devoted to infrastructure necessary for development,  
258 and easements or rights of way of record.

259  
260 (1) For projects connected to public water and sewer, or eligible to be connected to public  
261 water and sewer, demonstrated through written confirmation from each respective  
262 service provider the following density bonuses are provided:

263  
264 i. For projects providing at least twenty-five (25%) low- and moderate-income  
265 housing the density bonus shall be five (5) units per acre.

266  
267 ii. For projects providing at least fifty percent (50%) low- and moderate-income  
268 housing the density bonus shall be nine (9) units per acre.

269  
270 iii. For projects providing at least 100 percent (100%) low- and moderate-income  
271 housing the density bonus shall be twelve (12) units per acre.

272  
273 (2) For properties not connected to either public water or sewer or both, but which provide  
274 competent evidence as to the availability of water to service the development and/or a  
275 permit for on-site wastewater treatment system to service the dwelling units from the  
276 applicable state agency the following density bonuses are provided:

277  
278 i. For projects providing at least twenty-five (25%) low- and moderate-income  
279 housing the density bonus shall be three (3) units per acre.

280  
281 ii. For projects providing at least fifty percent (50%) low- and moderate-income  
282 housing the density bonus shall be five (5) units per acre.

283  
284 iii. For projects providing at least 100 percent (100%) low- and moderate-income  
285 housing the density bonus shall be eight (8) units per acre.

286  
287 C. Parking. For comprehensive permit applications one (1) off-street parking space per dwelling  
288 unit is required for units up to and including two (2) bedrooms.

289  
290 D. Bedrooms. The bedroom count of units for a comprehensive permit are not limited to any  
291 count less than three (3) bedrooms for single family dwelling units.

292  
293 E. Floor area. There are no floor area limitations for comprehensive permit applications other  
294 than those provided by §45-24.3-11.

295  
296 §350-96 Decisions

297  
298 A. ~~Criteria for approval.~~ Required findings for approval. In approving an application for a  
299 comprehensive permit, the Planning Board shall make positive findings, supported by legally  
300 competent evidence on the record which discloses the nature and character of the

301 observations upon which the fact finders acted, on each of the following standard provisions,  
302 where applicable:

303  
304 (1) The proposed development is consistent with local needs as identified in the local  
305 comprehensive community plan with particular emphasis on the community's  
306 affordable housing plan and/or has satisfactorily addressed the issues where there may  
307 be inconsistencies.

308  
309 (2) The proposed development is in compliance with the standards and provisions of the  
310 municipality's zoning ordinance and subdivision regulations, and/or where adjustments  
311 are requested by the applicant, that expressly varied or waived local concerns that have  
312 been affected by the relief granted do not outweigh the state and local need for low-  
313 and moderate-income housing.

314  
315 (3) All low- and moderate-income housing units proposed are integrated throughout the  
316 development; are compatible in scale and architectural style to the market rate units  
317 within the project; and will be built and occupied prior to, or simultaneous with, the  
318 construction and occupancy of any market-rate units.

319  
320 (4) There will be no significant negative environmental impacts from the proposed  
321 development as shown on the final plan, with all required conditions for approval.

322  
323 (5) There will be no significant negative impacts on the health and safety of current or  
324 future residents of the community, in areas including, but not limited to, safe circulation  
325 of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal,  
326 availability of potable water, adequate surface water runoff, and the preservation of  
327 natural, historical or cultural features that contribute to the attractiveness of the  
328 community.

329  
330 (6) All proposed land developments and all subdivision lots will have adequate and  
331 permanent physical access to a public street, in accordance with the requirements of  
332 the Subdivision Regulations. Lot frontage on a public street without physical access  
333 shall not be considered in compliance with this requirement.

334  
335 (7) The proposed development will not result in the creation of individual lots with any  
336 physical constraints to development that building on those lots according to pertinent  
337 regulations and building standards would be impracticable, unless created only as  
338 permanent open space or permanently reserved for a public purpose on the approved,  
339 recorded plans.

340  
341 B. ~~Criteria for denial. The Planning Board may deny the request for any of the following~~  
342 ~~reasons:~~ Required findings for denial. In reviewing the comprehensive permit request, the  
343 local review board may deny the request for any of the following reasons:

344  
345 (1) The Town has an approved affordable housing plan and is meeting housing needs, and  
346 the proposal is inconsistent with the affordable housing plan-; provided that, the local

347 review board also finds that the municipality has made significant progress in  
348 implementing the housing plan;

349  
350 (2) The proposal is not consistent with local needs, including, but not limited to, the needs  
351 identified in an approved comprehensive plan, and/or local zoning ordinances and  
352 procedures promulgated in conformance with the comprehensive plan.

353  
354 (3) The proposal is not in conformance with the Comprehensive Plan.

355  
356 (4) The Town has met or has plans to meet the goal of 10% of the year-round units being  
357 low- and moderate-income housing-units-, provided that, the local review board also  
358 finds that the community has achieved or has made significant progress towards  
359 meeting the goals of the affordable housing plan; or

360  
361 (5) Concerns for the environment and the health and safety of current residents have not  
362 been adequately addressed.

363  
364 C. Infeasibility of Conditions of Approval. The burden is on the applicant to show, by  
365 competent evidence before the local review board, that proposed conditions of approval  
366 are infeasible, as defined in R.I. Gen. Laws § 45-53-3. Upon request, the applicant shall be  
367 provided a reasonable opportunity to respond to such proposed conditions prior to a final  
368 vote on the application.