



TOWN OF
NORTH KINGSTOWN, RHODE ISLAND

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Date: November 3, 2011

To: Michael Embury, Town Manager

From: Jonathan J. Reiner, Planning Director

Subject: Compact Village Development zoning ordinance amendment

Introduction

Attached is the revised Compact Village Development (CVD) ordinance that was reviewed by the Planning Commission at its meetings of 6/21/11, 7/7/11, 8/16/11, 8/30/11, and 9/20/11. The Commission spent numerous hours crafting and developing this ordinance with the assistance of the Planning Department and our consultant, the Horsley Witten Group, to create an entirely new district with its own applicability standards, design standards, and requirements for the provision of building footprints, roadways, and non-vehicular connection within and to adjacent properties. There is a limit on the average number of bedrooms per unit and limit on the footprint of commercial structures. The ordinance is specific on how allowed residential and non-residential density for a site is determined and includes parameters to ensure an appropriate balance of uses based on the location of the proposed district. Dedicated open space is mandatory.

In addition, the proposed ordinance allows for limited use of transfer of development rights (TDR) within very specific parameters to ensure consistency with the goals of the town's comprehensive plan. If a developer wishes to exceed the allowable limit for commercial building size or residential density, the option for TDR transactions is incorporated into the ordinance. The use of TDRs will support better planned future growth and development within North Kingstown by concentrating growth in areas that can support development and preserving land in other areas of town. The TDR system is a technique to control the municipal costs associated with sprawling development: it concentrates infrastructure and services.

The Planning Department staff and consultant can give an overview of each section of the ordinance at the Town Council meeting on Monday evening.

Context

The evolution of the revisions to the existing CVD ordinance does warrant explanation and some historical context. In December 2010, an application was submitted for Planning Commission review of proposed amendments to the North Kingstown Comprehensive Plan and North Kingstown Zoning Ordinance/Map for a "Mixed Use Planned Village Overlay District (MUPVOD)." The application proposed the creation of a new overlay district that was specific to the Rolling Greens property at the intersection of Routes 2/102 and extending to AP 110 Lots 2-7, 9-11; AP 126 Lot 5; AP 102 Lots 6-8, 25. The Commission spent numerous meetings discussing the merits

of the application and amendments to the proposal (the typical process for a comprehensive plan amendment or zoning amendment application).

The review process of the MUPVOD at the Planning Commission level occurred at the same time preliminary findings of the town's *Transfer of Development Rights and Identification of Village Centers* study (village study) were presented. The findings of the village study for all village areas in town paralleled the Planning Commission's concern that the MUPVOD did not adequately address the overlying issues addressed in the village study such as appropriate densities, water supply, groundwater protection, and traffic. After the initial presentation of the village study, the Planning Commission determined it wished to create a new village ordinance for the town, but also determined the proposed MUPVOD would not adequately address the qualities and characteristics needed in a North Kingstown village.

Planning Department staff working with consultants identified an existing section of the North Kingstown Zoning Ordinance, Section 21-325(17), that now functions as an overlay zone for the development of compact villages. The existing ordinance has never been used but served as a good starting point for a revised stand-alone, non-overlay zoning district; therefore, staff and consultants presented possible revisions to the existing CVD ordinance to begin the process of creating an amended ordinance which would implement the goals of the North Kingstown Comprehensive Plan.

After numerous work sessions, the Planning Commission voted unanimously to make a positive recommendation to submit the amended, stand-alone zoning district CVD ordinance to the Town Council at the September 20, 2011 Planning Commission meeting. The Commission found that the proposed amendments are consistent with the North Kingstown Comprehensive Plan including the goals and policies statement, the implementation program and many other elements of the plan.

Merits of the proposed ordinance

Comprehensive Plan

When reviewing the current ordinance and the proposed draft, please keep in mind the principles of the town's Comprehensive Plan, as all zoning ordinances must be consistent with the town's Comprehensive Plan in accordance with state law.

The Comprehensive Plan currently stresses the use of planned unit development and village center ordinances as well as transferring development rights (TDRs) to continue to direct development in areas that are equipped to accommodate growth. The town has adopted multiple village ordinances over the past 10 years including the Planned Village District (PVD), the Wickford Village Center District (WVC), and the Compact Village Development (CVD). A concept adopted strictly as an alternative for residential development town-wide is conservation development, which is widely used in subdivision and land development applications today.

Key concepts throughout the North Kingstown Comprehensive Plan include achieving open space protection and conservation as well as moving development away from environmentally sensitive areas and directing that growth to the appropriate areas in town. Included is an attachment that includes excerpts from the comprehensive plan that show the consistency of this ordinance with the plan.

Zoning Ordinance consistency

The Planning Commission also found that the proposed revisions to the zoning ordinance are consistent with the applicable purposes of the North Kingstown Zoning Ordinance, specifically the general purposes of zoning as presented in section 21-4 of the ordinance.

As indicated, this ordinance will designate a compact village as a stand-alone zoning district. The CVD can only be applied to a specific property in town if that property meets the qualifications of the ordinance, is consistent with the town's comprehensive plan, and receives a zone change to the CVD zoning designation by the Town Council after appropriate review, notification and public hearings. No properties can be automatically rezoned to this designation if the Town Council chooses to pass the CVD zoning amendment.

Mixed Use Development

Village/mixed use development is a planning tool to help alleviate growth pressure by reducing the amount of land area required for development, while directing development to the appropriate areas in town consistent with historical development patterns or a town's comprehensive plan. Village development takes into consideration environmental constraints of a site and surrounding area. Traffic flow changes and is reduced due to the availability of alternative transportation. There is less need for municipal services due to less infrastructure per developed acre.

The North Kingstown Comprehensive Plan stresses the importance of the existing village areas, and how such development patterns and styles create a considerable amount of the character and charm of this town. The plan states that the town shall adopt ordinances to support village growth and development, indicates the need to encourage infill development around existing village centers, and requires exploration of new village centers or growth areas in town. The CVD ordinance will implement the comprehensive plan action items and allow the town additional flexibility in implementing the mixed use concept, as opposed to the typical automobile-dependent development that have been the majority of proposals in North Kingstown since World War II.

This ordinance is not meant to replace North Kingstown's existing villages, but will go hand in hand with the village study currently underway to further support our existing village centers and allow for the creation of new mixed use or village development where determined to be appropriate throughout town.

State Guide Plan

The ordinance references the State of Rhode Island Urban Services Boundary, a boundary created and set by the State of Rhode Island, through the State Guide Plan, Land Use 2025. This boundary is a guide to direct future growth and development within the state to areas where there is available infrastructure, or areas that have been identified as existing or future village or growth centers within a municipality. The web link listed below is for the executive summary from Land Use 2025: <http://www.planning.ri.gov/landuse/landuse2025.pdf>. Also attached for your review is the section directly from the State Guide Plan that discusses the purpose of the Urban Services Boundary.

Summary

The information in this memo is related to the effect the proposed amendments will have on the town under the current comprehensive plan. The long term impact of the proposed amendment is a worthwhile consideration, especially its significance and potential town-wide impact. It is the job of the Planning Department, the Planning Commission and the Town Council to look at the short and long term impacts of current and future planned growth for the entire town.

It may be that a market does not exist for something today, but over time, the zoning ordinance amendments we adopt today will position the town for future market opportunities that are consistent with our goals for housing, environmental protection, economic development and retention of community character.

If you have questions on any of this information, please contact the Planning Department.

Attachments

(Proposed Compact Village District Ordinance)

(Excerpts from Town of North Kingstown Comprehensive Plan memo)

(Urban Services Boundary Map of North Kingstown)

(Excerpts from Land Use 2025 relating to the Urban Services Boundary)

CC: Jeannette Alyward, Town Clerk
Planning Commission
Nicole Bourassa, Principal Planner
Nathan Kelly, Horsley Witten