



TOWN OF  
**NORTH KINGSTOWN, RHODE ISLAND**

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**Date: February 9, 2012**

**To: Michael Embury, Town Manager**

**From: Jonathan J. Reiner, Planning Director**

**Subject: Recommendation from the Planning Commission on the Proposed Compact Village Development Zoning Ordinance Amendment**

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***Introduction***

Attached is the revised Compact Village Development (CVD) ordinance that was originally 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, and more recently revised at its meetings of 1/31/12, and 2/7/12.

As you are aware, the Planning Commission spent numerous hours crafting and developing this ordinance with the assistance of the Planning Department and its 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.

In addition, the proposed ordinance allows for limited use of transfer of development rights (TDR) and off-site open space offsets within very specific parameters to ensure consistency with the goals of the North Kingstown Comprehensive Plan. If a developer wishes to exceed the allowable limit for commercial building size or residential density, the options for TDRs and off-site open space offsets are incorporated into the ordinance. The use of TDRs and off-site open space offsets 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 open space preservation system within this ordinance is a technique to control the municipal costs associated with sprawling development: it concentrates development to where there infrastructure and services.

Planning Department staff and its consultant will be available to give an overview of each section of the revised ordinance at the Town Council meeting on Monday evening. It should be noted that at most of the Planning Commission meetings for the proposed ordinance time was allocated for the public to speak about the proposed ordinance.

The North Kingstown Town Council requested a better understanding of the Planning Commission's discussions over whether or not the CVD ordinance should apply outside the

Rhode Island Statewide Planning Urban Services Boundary (USB). On January 31, 2012 and February 7, 2012 the Planning Commission discussed both the USB and other small amendments to the ordinance which further the town's groundwater protection policies.

On February 7, 2012, the Planning Commission voted five to one (5 to 1) to make a positive recommendation to the Town Council on the amended CVD ordinance. The Commission finds 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. In addition, the Commission finds that the proposed ordinance is consistent with Section 21-4 of the North Kingstown Zoning Ordinance.

The one dissenting vote for the proposed ordinance was based upon the fact that the current ordinance can be applied not only within the Rhode Island Statewide Planning Urban Services Boundary, but also outside the boundary.

Although the Commission did not vote on an ordinance that would have only been applicable within the USB, the entire Commission discussed its support for the proposed CVD ordinance in general and agreed that if the ordinance were to be limited to within the USB, all would still support the development techniques for use over conventional development.

### ***Planning Commission findings***

As requested by the Town Council, the Planning Commission members all expressed their rationale behind their views of the CVD ordinance, and the reason for their positive or negative votes on the ordinance.

The positive views were as follows:

- The proposed ordinance is another tool in the overall planning toolbox;
- There is no reason to restrict this ordinance to only inside the USB as the restrictions in the ordinance are strong enough to protect rural and sensitive areas;
- The ordinance has a lot more control over where and how it will be applied than other existing ordinances or the mixed use ordinance proposed by others;
- There are different densities and development standards for properties located in and out of the USB, the GW overlay districts, and other potentially applicable parcels;
- The ordinance allows for better planned growth vs. the existing conditions of unplanned and uncoordinated growth and development;
- The input from the North Kingstown Water Department into the ordinance was helpful and made the ordinance a better product;
- The changes that were discussed and inserted into the current ordinance over the last two weeks were the best overall changes to the ordinance compared to the preceding six months;
- Land Use 2025 looks to develop areas inside the USB, and for areas outside the USB development shall be concentrated to planned village centers. This ordinance will require that to be the case;
- New village or growth centers may be proposed in or outside the USB in the future through local initiatives furthering the consistency of this ordinance with Land Use 2025;
- This proposed ordinance will protect the town against suburban sprawl;
- The proposed draft is a very strong ordinance, inside and outside the USB;

- The ordinance is a much better ordinance than the current CVD and offers better protections for the town than other existing ordinances relating to conventional development;
- The USB is not a static fixed line and may be moved in the future; therefore, limiting this ordinance to properties only currently in the USB would miss beneficial opportunities;
- The proposed ordinance strengthens groundwater protections over what currently exists;
- Development will happen outside the USB whether we want it to or not, this ordinance can allow better planned growth of that development;
- The Planning Commission cannot direct potential developers to only use sites on Post Road. This ordinance will help revitalize other underutilized areas in town that need assistance in redevelopment;
- The proposed CVD will not impact Post Road because this ordinance is modeled to support local village and drive-by traffic needs, not to address regional shopping centers; and
- There is not a direct correlation between the Post Road business loss over time and the CVD creation, so this ordinance should be applied town-wide.

The opinions of the dissenting vote were as follows:

- There are concerns to opening up additional development pressure outside the USB;
- This proposed ordinance is superior to the MUPVOD;
- The ordinance is quite strong and well put together, but this member has always had concerns regarding the USB provisions;
- There is support for the CVD inside the USB, just not outside the USB;
- Areas inside the USB are underutilized, such as Allenton, and those areas should be where growth is directed towards prior to going outside the USB;
- Per Land Use 2025, village centers are the optimum form of development, this commission member did not feel that establishing new villages outside the USB was optimum.

### ***Comprehensive Plan***

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

The North Kingstown 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 and mixed use ordinances over the past 10 years including the Planned Village District (PVD), the Wickford Village Center District (WVC), the Post Road District (PRD), 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.

### ***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.

### ***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.

### ***Summary***

The information in this memo is related to the applicability that the proposed zoning amendments will have on the town under the current comprehensive plan. The long term positive 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 dated 11/3/2011)

(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 Group