



TOWN OF
NORTH KINGSTOWN, RHODE ISLAND

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Date: November 3, 2011

To: Michael Embury, Town Manager

From: Planning Department

Subject: Continued Study and Application of TDR in North Kingstown

In preparation for the November 7, 2011 Town Council meeting, this memorandum provides a framework for the ongoing *Transfer of Development Rights and Identification of Village Centers* study (village study) and describes the transfer of development rights (TDR) concepts we are exploring.

BACKGROUND

The Comprehensive Plan

The TDR program in North Kingstown has its roots in the North Kingstown Comprehensive Plan, most notably the Post Road Corridor Element. This element of the plan was added as an appendix to the 2001 Comprehensive Plan over 6 years ago recognizing that Post Road was not living up to its economic potential. The element repeatedly called for revitalization of the area, which traditionally had been zoned for “General Business” development. The traditional zoning of the Post Road corridor did not create a cohesive vision for the area and opened the door to unsatisfactory and fragmented patterns of development that still exist today. The corridor is characterized by sprawling single-story strip developments that dedicate more land to parking lots than to actual economic activity. Properties generally do not connect to each other by any other means than automobile travel along Post Road. There is no residential mixed use and adjacent residential neighborhoods cannot safely access any of the businesses along the corridor on bicycle or on foot.

Post Road Corridor Plan

Following up on repeated calls for revitalization of the Post Road Corridor, the formal Post Road Corridor Plan (hereafter referred to as “the Corridor Plan”) was drafted. This document, adopted by both the Planning Commission and Town Council as an appendix to the 2001 Comprehensive Plan, provides a more detailed examination of the opportunities and limitations facing Post Road in North Kingstown. Recommendations within the plan call for adjustments to roadway configuration, streetscape improvements, and amendments to

the North Kingstown Zoning Ordinance that allow for mixed use and village-style development. When the town adopted a new comprehensive plan in 2008, the recommendations of the Post Road Corridor Plan were integrated throughout and included an updated Post Road Corridor Element.

Post Road Corridor Zoning

Implementation of the Post Road Corridor Plan began in earnest in 2006 with a zoning and outreach project funded through a Rhode Island Statewide Planning Program Planning Challenge Grant. This project took place over the course of almost three years (with additional funding from the state and the town) and set the stage for examining growth patterns in North Kingstown on a town-wide basis. As part of the process, the Planning Department and its consultant engaged multiple stakeholders including property owners, the Chamber of Commerce, local banks/lenders, local political groups, land conservation groups, and residents.

The final result of the project was the adoption of numerous regulatory reforms that applied to the Post Road Corridor and, where appropriate, to the entire town. These reforms (and others that followed later) included:

1. Creating the Post Road District zoning to replace what was primarily General Business zoning in the area;
2. Eliminating the need for a special use permit for those uses that are most desirable in the corridor;
3. Adopting town-wide innovative parking strategies that allow for reductions in impervious surface and shared parking;
4. Incorporating stormwater management standards consistent with current best practices;
5. Establishing standards for sustainable landscape installation and maintenance; and
6. Instituting design guidelines for the Post Road District that ensure that redevelopment produces high quality structures and sites consistent with the historic character of North Kingstown.

Transfer of Development Rights

As a final but critical piece for the Post Road District, the town adopted the Rhode Island's first TDR regulatory program. As with other efforts related to Post Road, the development of the ordinances and regulations associated with TDR was funded through a Planning Challenge Grant from the state. Consistent with the North Kingstown Comprehensive Plan, the Post Road Corridor Plan and the town's Affordable Housing Plan, this regulatory tool was put in place as the final regulatory mechanism for unlocking the development potential of Post Road. Key elements of the TDR program include:

1. Identification of "sending areas" in undeveloped or agricultural lands that are targets for preservation. These properties can "send" their development rights to designated "receiving areas";
2. Identification of the new Post Road District as a TDR receiving area;
3. Allowances for the use of TDR on Post Road to increase residential density from four (4) units per acre to thirty (30) units per acre;

4. Requirement for affordable housing to be included in any development that takes advantages of density incentives; and
5. Adherence to the design guidelines previously developed for the district.

TDR AND IDENTIFICATION OF VILLAGE CENTERS

In 2010, the Planning Department applied for and was subsequently awarded another Rhode Island Statewide Planning Challenge Grant to look at other potential applications for TDR in North Kingstown consistent with the North Kingstown Comprehensive Plan. The study shifts the focus from Post Road to other historic or emerging economic centers in the community and the surrounding environs. The goals of the study include:

1. Screening eight different existing or emerging village sites in North Kingstown for potential increased levels of development;
2. Assessing the feasibility of applying TDR to selected study areas;
3. Identifying the proper TDR mechanisms and incentives to apply to the selected study areas;
4. Developing zoning ordinance language to implement the appropriate incentives; and
5. Developing design guidelines for the selected study areas.

The town's consultant has presented preliminary findings to the Planning Commission and will be presenting an update of its work in the near future. At this juncture in the project, the town's consultant has recommended four different focus areas for this study: Wickford Junction, Lafayette, Hamilton, and Allenton. Unlike the Post Road Corridor, these study areas are clearly not suited to the aggressive development incentives provided as part of the existing Post Road TDR program; therefore, the next step for the consultant is to either adjust the Post Road TDR program to suit these areas or to identify completely different approaches that are better suited to a smaller scale TDR program. Approaches that will be explored as part of this project include:

1. Requiring TDR as part of any application for "up-zoning" in the village areas. This could also be easily applied to other areas of town outside the village areas if that were deemed appropriate.
2. Using TDR to allow for increases in building footprint size, increases in impervious cover, or other smaller incentives as environmental constraints would allow.
3. Using TDR in conjunction with conservation subdivisions to allow for increases in single-family residential density surrounding village core areas. This approach could provide a two-fold benefit that preserves more open space and also provides "transitional areas" of residential use between densely developed villages and outlying rural areas.
4. Developing a "fee-in-lieu" approach to TDR where a developer may gain access to certain incentives by paying into a dedicated preservation fund, which can be used to purchase development rights.

There are numerous provisions within the North Kingstown Comprehensive Plan that speak to future development of existing villages and concentrating future development to existing and proposed villages. The Comprehensive Plan also speaks to utilizing TDRs for the increase of

density in other areas in town outside of the Post Road Corridor District. For example, the TDR program could be utilized within groundwater overlay zones for both sending and receiving areas, with the receiving zones being placed further away from the wellhead protection zones and sending areas being set in place to better protect water quality. TDRs are a concept that is wholly embraced within the North Kingstown Comprehensive Plan for implementation through numerous mechanisms that will further the overall goals of the town and its plan.

Transfer of development rights is another voluntary planning tool that can further implement many of the goals and policies of the comprehensive plan and have a positive fiscal impact on the town through better development patterns and open space preservation with limited use of taxpayer funds.

If you have any questions on any of this material, please feel free to contact the Planning Department.

Cc: Planning Commission
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