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**PUBLIC NOTICE
TOWN OF CHARLESTOWN**

19 Notice is hereby given that the Town Council of the Town of Charlestown will conduct a
20 public hearing, open to the public, on September 9, 2013 at the Charlestown Town Hall,
21 4540 South County Trail on a proposed new ordinance to the Code of Ordinances.
22 Opportunity shall be given to all persons interested to be heard upon the matter of the
23 proposed ordinance. The proposed new ordinance is under consideration and may be
24 adopted and/or altered or amended prior to the close of the public hearing without further
25 advertising, as a result of further study or because of the views expressed at the public
26 hearing. Any alteration or amendment must be presented for comment in the course of
27 the public hearing. The proposed new ordinance is available for review and/or purchase
28 at the Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m., Monday
29 through Friday, excluding Holidays and on the Town's web-site.

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**ORDINANCE NO. 360
AN ORDINANCE IN AMENDING CHAPTER 218-ZONING**

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

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Section 1. Be it ordained by the Town Council of the Town of Charlestown that Chapter 218 of the Code of Ordinances, Town of Charlestown entitled Zoning is amended as follows:

See, Exhibit A, attached hereto and incorporated herein by reference as if set forth in its entirety.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to Chapter 218 of the Town of Charlestown's Code of Ordinances.

Section 3. This ordinance shall take effect immediately upon passage.

Attested To By:

Passed By Town Council On:

Amy Rose Weinreich, Town Clerk

**Full advertisement in the Westerly Sun on August 19, 2013
"By reference" advertisements in the Westerly Sun on August 26 and September 2, 2013
The full advertisement posted at the Town Hall, Town web site and SOS web site August 14, 2013**

Exhibit A

~~§ 218-56 Required parking.~~

~~Any building, improvement, or use approved that is changed after the effective date of this Ordinance shall comply with this Section. If the building, improvement, or use is repaired, renovated, altered, expanded, or redeveloped without change of use in the parking and/or location requirements, the parking requirements of the ordinance in effect at the time of approval shall continue to apply.~~

~~A. Single family residential dwellings shall provide two parking spaces per dwelling unit.~~

~~B. Educational facilities shall provide one space for four students of design capacity plus two spaces for each administrative office.~~

~~C. Inns, motels and hotels shall provide one space per guest room plus seventy-five percent of the requirement for all other uses on the site.~~

~~D. Restaurants, theaters, churches and places of public assembly shall provide one parking space for four seats of design capacity or for four persons of capacity whichever is greater.~~

~~E. Hospitals and institutions shall provide one parking space for every two beds plus one space for each administrative office.~~

~~F. Office buildings or uses shall provide one parking space for every two hundred square feet of floor area.~~

~~G. Retail and service business or uses shall provide at least one parking space for every one hundred square feet of floor area devoted to sales.~~

~~H. Industrial and wholesale uses shall provide one space per four hundred feet of gross floor area plus one space for each vehicle operating from the premises.~~

~~I. All other uses shall provide one parking space for every two hundred square feet of floor area.~~

~~J. All uses with employees shall provide one parking space for each employee besides any other requirements.~~

~~§ 218-57 Standards.~~

~~Off-street parking lots of more than two motor vehicles capacity shall conform to the following standards of construction:~~

~~A. The area shall have a dust free, hard surface and shall be provided with bumper guards. Vehicles shall not extend over property lines, pedestrian areas or bump any wall or landscaping.~~

~~B. Where such area adjoins a residential district or use, a landscaped fifteen foot setback and an opaque evergreen hedge or fence not less than five feet high shall be erected at the edge of the setback and maintained between such area and the adjoining residential district or use.~~

~~C. Lighting fixtures shall be so arranged as to be directed downward and away from abutting property and away from adjacent roadways, and shall be at an intensity not greater than that of existing lighting in the area.~~

~~D. On any business or industrial use, parking shall not be permitted within any front yard or required buffer.~~

~~E. Plans and specifications for the required parking facility and its access drives shall be submitted during development plan review, or, if not, required at the time of a building permit application.~~

~~F. Each parking space shall have a minimum width of nine feet, a minimum length of eighteen feet and shall be served by ten feet wide minimum aisles to permit access into all parking spaces. Parking spaces may be drawn on various angles in relation to driveways or aisles, so long as the parking spaces contain the area required.~~

~~G. Circulation areas shall be designed so that vehicles can proceed safely without danger to pedestrians, other vehicles and without interfering with other parking spaces.~~

~~H. Landscaping Standards. Parking areas shall be landscaped before a final approval or Certificate of Occupancy can be issued by the Building Inspector to the following standards:~~

~~(1) Landscape Plan. All proposed landscaping shall be shown on a separate plan entitled "Landscape Plan" depicting all locations, species, varieties, sizes, and protective measures of plantings.~~

~~(2) Required Plantings.~~

~~(a) Interior Trees. All parking areas of ten or more spaces shall include one shade tree for every five spaces or fraction thereof. Such trees shall be eight feet in height and three inches in caliper when planted. Such trees shall be planted on a protected one hundred foot square landscaped island. There shall also be ten square feet of interior landscaping per ten spaces, besides required interior trees. Raised islands shall be required to protect landscaping and to channel traffic safely.~~

~~(b) Perimeter Trees. All parking areas of ten or more spaces shall include shade trees planted forty feet on center around the perimeter of the parking area. Such distance may be increased or decreased in development plan review for the purposes of ingress and egress drives. Such trees shall be placed within and protected by raised islands. Such trees shall be at least eight feet in height and three inches in caliber when planted.~~

~~§ 218-58 Commercial vehicles and trailers.~~

~~In any residential district, the parking or storage of commercial vehicles of over one and a half tons capacity and of a commercial nature is prohibited except where such parking or storage is directly related to and is accessory to a permitted use or lawful nonconforming use.~~

~~§ 218-59 Major recreation equipment.~~

~~The parking or storage of major recreation equipment, which includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, but does not include mobile homes in residence districts, must comply with the following standards:~~

~~A. No major recreation equipment, while parked or stored, shall be used for living, sleeping or housekeeping purposes.~~

~~B. No major recreation equipment shall be stored in any front yard area.~~

~~C. No major recreation equipment shall be stored out of doors in residential districts unless it is operable or can be made so within a three month period.~~

~~§ 218-60 Off-street loading.~~

~~All nonresidential structures shall provide off-street loading facilities. Plans for such loading facilities shall be submitted with an application for a building permit or within development plan review where applicable for the main use. Where a loading facility is abutting a residential district, the restrictions contained in § 218-74, Landscaping, shall apply. Such a loading facility shall not allow the projection of vehicles into a street right-of-way.~~

1 § 218-56 Required Parking

2 Any building, improvement, or use approved that is changed after the effective date of
 3 this Ordinance shall comply with this Section. If the building, improvement, or use is
 4 repaired, renovated, altered, expanded, or redeveloped without change of use in the
 5 parking and/or location requirements, the parking requirements of the ordinance in effect
 6 at the time of approval shall continue to apply.

7 § 218-57 Parking Schedule

8 A. The following parking schedule shall be used to determine the minimum required
 9 and maximum allowable parking spaces for different uses. Requirements
 10 associated with the Americans with Disabilities Act (ADA) shall not be counted
 11 toward the maximum allowed number of spaces.

12 B. Where a use is proposed that is allowed either by-right or by Special Use Permit
 13 in accordance with the Zoning Ordinance Section 218-23, an applicant may
 14 petition the Town for a different parking requirement. The burden of proof shall
 15 be on the applicant to demonstrate that a different requirement is appropriate.
 16 Any petition for a different parking requirement shall be reviewed by the Planning
 17 Commission as part of a Development Plan Review, Subdivision, or Land
 18 Development Application as applicable. Where the permit review is ordinarily by
 19 the Building Inspector or the Town Planner in accordance with Section 218-71,
 20 these agents shall refer the application to the Planning Commission where a
 21 different parking requirement is sought.

<u>Use</u>	<u>Minimum required number of spaces</u>	<u>Maximum allowed number of spaces</u>
<u>Single family residential dwellings</u>	<u>Two per home</u>	<u>NA</u>
<u>Two-family dwellings</u>	<u>One per unit</u>	<u>Two per unit</u>
<u>Multi-family dwellings</u>	<u>One per unit</u>	<u>Two per unit</u>
<u>Educational facilities</u>	<u>one space for four students of design capacity plus one space for each administrative office</u>	<u>one space for three students of design capacity plus two spaces for each administrative office</u>
<u>Inns, motels and hotels</u>	<u>one space per guest room plus fifty percent of the requirement for all other uses on the site.</u>	<u>1.5 spaces per guest room plus seventy-five percent of the requirement for all other uses on the site.</u>
<u>Restaurants, theaters, churches and places of public assembly</u>	<u>one parking space for every six seats of design capacity or for six persons of capacity whichever is greater</u>	<u>one parking space for every four seats of design capacity or for four persons of capacity whichever is greater; plus one space for every employee on the highest peak working shift</u>

<u>Hospitals and institutions</u>	<u>NA</u>	<u>one parking space for every two beds plus one space for each administrative office</u>
<u>Office</u>	<u>one parking space for every three hundred square feet of floor area</u>	<u>one parking space for every two hundred square feet of floor area</u>
<u>Retail and Service</u>	<u>one parking space for every three hundred square feet of floor area devoted to sales; plus one space for every employee on the highest peak working shift</u>	<u>one parking space for every one hundred square feet of floor area devoted to sales; plus one space for every employee on the highest peak working shift</u>
<u>Industrial and Wholesale</u>	<u>one space per six hundred square feet of gross floor area plus one space for each vehicle operating from the premises</u>	<u>one space per four hundred square feet of gross floor area plus one space for each vehicle operating from the premises</u>
<u>Other Permitted Use (by right)</u>	<u>See Subsection C</u>	<u>See Subsection C</u>

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- C. Where a use is either allowed by right or through a Special Use Permit, and is not specifically listed in the parking schedule, the Building Inspector shall determine the parking requirement either by selecting a use from the parking schedule that most closely resembles the proposed use, or through consultation of applicable parking requirements as provided by the Institute of Transportation Engineers (ITE).
- D. When any lot contains two or more non-residential uses, the sum of the individual parking demand values shall serve as the baseline parking demand. Fractions shall be rounded down where any component of this calculation uses more than the minimum parking requirements listed in the parking table. An applicant may petition for fewer parking spaces than the aggregate baseline demand through Development Plan Review with the Planning Commission or Land Development Review as applicable by submitting a peak demand analysis consistent with the guidance provided in the Institute of Traffic Engineers' (ITE's) Shared Parking, 2nd Edition as may be amended.
- E. Up to 50 percent of on-site off-street shared parking requirements may be provided off-site provided that parking is located within 400 feet of the property boundary in a walkable route from one property boundary to another and safe, if applicable, well lighted pedestrian access can be demonstrated by the applicant.

§ 218-58 Standards

Off-street parking lots of more than two motor vehicles capacity shall conform to the following standards of construction:

- 1 A. The area shall have a dust free, hard surface and shall be provided with bumper
2 guards. Vehicles shall not extend over property lines, pedestrian areas or bump
3 any wall or landscaping.
- 4 B. Where such area adjoins an exclusively residential district or use, a landscaped
5 fifteen foot setback and an opaque evergreen hedge or fence not less than five feet
6 high shall be erected at the edge of the setback and maintained between such area
7 and the adjoining residential district or use.
- 8 C. Lighting fixtures shall be so arranged as to be directed downward and away from
9 abutting property and away from adjacent roadways, and shall be at an intensity
10 not greater than that of existing lighting in the area. In addition to these
11 regulations, exterior lighting shall also be regulated by the provisions of 155-15,
12 et seq.
- 13 D. Provisions for temporary bicycle parking shall be provided for parking areas with
14 10 or more off-street automobile parking spaces. Bicycle parking facilities shall
15 be designed and installed to include provisions for the temporary parking of at
16 least one bicycle for every ten (10) potential automobiles, have adequate lighting
17 if applicable and capability to lock bicycles to a rack or locker.
- 18 E. On any business or industrial use, parking shall not be permitted within any front
19 yard or required buffer.
- 20 F. Plans and specifications for the required parking facility and its access drives shall
21 be submitted during development plan review, or, if not, required at the time of a
22 building permit application.
- 23 G. Each parking space shall have a minimum width of nine feet, a minimum length
24 of eighteen feet and shall be served by ten feet wide minimum aisles to permit
25 access into all parking spaces. Parking spaces may be drawn on various angles in
26 relation to driveways or aisles, so long as the parking spaces contain the area
27 required.
- 28 H. Circulation areas shall be designed so that vehicles can proceed safely without
29 danger to pedestrians, other vehicles and without interfering with other parking
30 spaces.
- 31 I. Landscaping Standards. Parking areas shall be landscaped before a final approval
32 or Certificate of Occupancy can be issued by the Building Inspector to the
33 following standards:
- 34 (1) Landscape Plan. All proposed landscaping shall be shown on a separate
35 plan entitled "Landscape Plan" as required by Section 218-74 of the
36 Zoning Ordinance.
- 37 (2) Required Plantings.
- 38 (a) The minimum required amount of interior landscaping shall be
39 10% of any newly installed parking area, which includes
40 driveways, borders, sidewalks, parking stalls and travel lanes.

- 1 (b) Each double row of parking spaces shall be terminated by
2 landscaped islands which measure not less than ten (10) feet in
3 width. For islands with a tapered design, the width shall be
4 measured at the island's widest point. The island shall be designed
5 to border the entire length of the adjacent parking stall.
- 6 (c) The interior of parking lots shall have, at a minimum, landscaped
7 center islands at every other double row. Pedestrian paths may be
8 incorporated within center islands provided a minimum width of
9 four feet is maintained for vegetated areas.
- 10 (d) Interior islands and divider medians shall be appropriately marked
11 with reflectors to protect them from encroachment of motor
12 vehicles in a manner approved by the Planning Commission or
13 Town Planner.
- 14 (e) The interior of parking areas and all internal circulation areas to
15 the site shall be shaded by deciduous trees either retained or
16 planted by the developer. At maturity, each tree shall provide a
17 canopy with a radius of at least 15 feet and there shall be a
18 sufficient tree canopy to cover 30 percent of the parking area.
- 19 (f) Shade trees shall be located so that they are surrounded by at least
20 25 square feet of evenly distributed unpaved area, which may be
21 counted towards calculating the required landscaped area. Trees
22 located in sidewalks shall be selected to mature within the space
23 designed for them without eventually disrupting the sidewalk from
24 below.
- 25 (g) Raised islands shall be required to protect landscaping and to
26 channel traffic safely. Where depressed landscaped islands are
27 proposed to be used as part of the overall stormwater treatment
28 approach, perforated curbing or some similar protective measure
29 shall be used to ensure automobiles do not trespass into these
30 areas.
- 31 (h) All parking areas of ten or more spaces shall include shade trees
32 planted forty feet on center around the perimeter of the parking
33 area. Such distance may be increased or decreased in development
34 plan review for the purposes of ingress and egress drives.

35 **§ 218-59** Commercial Vehicles and Trailers

36 In any residential district, the parking or storage of commercial vehicles of over one and a
37 half tons capacity and of a commercial nature is prohibited except where such parking or
38 storage is directly related to and is accessory to a permitted use or lawful nonconforming
39 use.

40 **§ 218-60** Major Recreation Equipment

41 The parking or storage of major recreation equipment, which includes travel trailers,
42 pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, but

1 does not include mobile homes in residence districts, must comply with the following
2 standards:

3 A. No major recreation equipment, while parked or stored, shall be used for living,
4 sleeping or housekeeping purposes.

5 B. No major recreation equipment shall be stored in any front yard area.

6 C. No major recreation equipment shall be stored out of doors in residential districts
7 unless it is operable or can be made so within a three-month period.

8 D. No more than two (2) pieces of major recreation equipment, that are registered to
9 someone other than the property resident(s), will be allowed on any single lot.

10 **§ 218-61** Off-street Loading

11 All newly developed nonresidential structures shall provide off-street loading facilities
12 unless specifically exempted elsewhere in the Zoning Ordinance. Plans for such loading
13 facilities shall be submitted with an application for a building permit or within
14 development plan review where applicable for the main use. Where a loading facility is
15 abutting a residential district, the restrictions contained in § 218-74, Landscaping shall
16 apply. Such a loading facility shall not allow the projection of vehicles into a street right-
17 of-way.