

**PUBLIC NOTICE  
TOWN OF CHARLESTOWN**

Notice is hereby given that the following ordinance was adopted by the Town Council of the Town of Charlestown after a public hearing, duly advertised and posted, held on June 10, 2019 at the Charlestown Town Hall, 4540 South County Trail, Charlestown RI and continued to July 8, 2019, Charlestown Elementary School, 363 Carolina Back Road, Charlestown RI.

**ORDINANCE NO. 383  
AN ORDINANCE IN AMENDING CHAPTER 218-ZONING**

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

**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:  
Amy Rose Weinreich, CMC

Passed By Town Council On:  
July 8, 2019

**EXHIBIT A**

§ 218-54 (Reserved)

§ 218 54 Residential Compound.

Upon approval by the Planning Commission and in accordance with the provisions of this section, up to ~~ten (10)~~ five (5) lots in a residential compound may be created in the R 40, R2 A and R3 A Zones as an alternative to a conventional subdivision. A residential compound is a subdivision whose access to all lots is by means of a private way, which is not paved, but rather requires a pervious surface, in accordance with the Charlestown Subdivision and Land Development Regulations.

A. Purpose. The purpose of a residential compound is to offer an alternative to conventional subdivisions in order to maintain the rural character of certain parcels by reducing the number of buildable lots and impervious road surface. A residential compound is intended to be sensitive to natural features and physical qualities of the land that may not be otherwise preserved through a conventional subdivision. To achieve these purposes, procedures are established in this section so that the Planning Commission may authorize the creation of residential compounds through either minor or major subdivision review.

B. Subdivision Approval Required. No construction within a residential compound shall begin until a preliminary plan of such has been approved by the Planning Commission ~~as a minor or major subdivision~~ according to the Charlestown Subdivision and Land Development Regulations. ~~Any residential compound consisting of six (6) or more lots shall be subject to the provisions of § 218 52 requiring design as a cluster subdivision.~~

C. Density. The allowable density for a residential compound shall be no more than fifty percent (50%) of the number of lots which would be allowed under a conventional subdivision, determined by the submittal of a yield plan, as defined in the Charlestown Subdivision and Land Development Regulations, and accepted by the Planning Commission. If the yield plan indicates an odd number of lots, the half lot resulting from the fifty percent (50%) reduction shall be rounded down to the nearest whole number, except as provided below. By way of example, if the yield plan shows five (5) lots, only two (2) lots shall be permitted. Rounding up is only permitted as follows:

(1) Density Increase for Low or Moderate Income Housing. The Planning Commission may allow the increase in the density of a residential compound by one (1) lot, by allowing the applicant to round up to the nearest whole number, following the 50% reduction of the accepted yield plan, if said lot is to be set aside for the construction of a low or moderate income housing unit, as defined in this Ordinance.

(2) Two Lots from a Three Lot Yield Plan. In cases involving only a three (3) lot yield plan (and no other odd numbered yield plan), the Planning Commission may allow two (2) residential compound lots provided that the subject parcel meets the following area requirements:

(a) Twelve (12) acres of land free from development constraints in an R 3A Zone;

(b) Eight (8) acres of land free from development constraints in an R 2A Zone; or

(c) One hundred and sixty thousand (160,000) square feet of land free from development constraints in an R 40 Zone.

D. Lots. Individual lot sizes may vary, except that no single lot in the R 40 Zone shall have an area of less than 20,000 square feet, and no single lot in the R 2A and R 3A Zones shall have an area of less than one (1) acre. An existing frontage lot of record, and/or a frontage lot that could be created on the parcel without the construction of the public road as shown on the yield plan, can be incorporated into the residential compound at a one to one ratio. There shall be no more than ~~ten (10)~~ five (5) developable lots served by a single common private way. ~~However, more than one residential compound (of up to ten lots each) may be subdivided out of a single parcel if the Planning Commission determines that it meets the purposes of this section.~~

E. Minimum Frontage Requirement. Any parcel of land that is to be subdivided into a residential compound shall have a minimum frontage of fifty (50) feet on a public street. All interior lots within the residential compound shall have physical access, with variable frontage lengths, to a private way. As a condition of approval, the Planning Commission must find that the proposed frontage for all lots shall ensure adequate vehicular access for normal and emergency purposes within the residential compound.

F. Private Way Requirements. The private way constructed to provide access to the lots in a residential compound shall connect to a public street, and shall not under any circumstances be connected to any other private way. For design standards of a residential compound private way, see the Charlestown Subdivision and Land Development Regulations.

G. Ownership and Maintenance of Private Way. The private way in a residential compound may be owned in common, in equal portions and in perpetuity by the property owners of each residential compound, or may be owned in fee by one landowner in the compound with easement rights provided to the other landowners within the compound. To ensure the maintenance of the private way, an applicant for a residential compound shall file with the Planning Commission a mandatory homeowners' association plan, which shall be a condition of approval of any residential compound. At a minimum, the mandatory homeowners' association plan shall provide for the maintenance of the private way, repair, snow removal, and other improvements that individual future homeowners may require, in accordance with this Ordinance and the Charlestown Subdivision and Land

Development Regulations. The homeowners' association shall indemnify, hold harmless and release the Town from all liability and all damages resulting from any action brought by a third party, including individual future homeowners, in any court due to the failure of the homeowners to repair, use, or maintain the private way to the standards established by the regulations. The owner or owners of the private way, for themselves, their successors, heirs, and assigns in consideration of the Planning Commission approving a residential compound thereby waive all rights to have the private way accepted in the highway system of the Town of Charlestown pursuant to R.I.G.L. § 24-28.1.

H. Exception to Common Private Way. A residential compound may be developed without a common private way if it consists of two lots only, and one lot has the minimum required frontage on a public road for the respective zoning district. The second lot must have a minimum frontage of twenty five (25) feet contiguous with that of the frontage lot. Access to the second lot may be by its own driveway from the public road, or by means of a common driveway and appropriate access easement.

I. Perimeter Buffer. The Planning Commission may require a vegetated buffer of open space, which may include wetlands, around the entire perimeter of the subdivision, excluding the private way, to provide a visual and audio screen between adjacent land uses, with consideration given to the presence of natural resources on an adjacent parcel that would be protected by a buffer. No structure may be built in the perimeter buffer, with the exception of stormwater control and drainage structures, and waterfront structures, such as docks, piers or boathouses. The width of the buffer shall be as determined by the Planning Commission, with consideration of the ameliorative effects of the following:

(1) Land adjacent to the residential compound which is already designated as open space, with evidence provided of its permanent protection.

(2) The existence of any substantial natural barrier on either the residential compound parcel or adjoining parcel that will serve as a permanent buffer.

(3) The presence of sensitive interior lands that would be better protected by perimeter development of the residential compound, as determined by an environmental analysis.

J. Restrictions. Any subdivision restrictions imposed by the Planning Commission shall be noted on the subdivision plan and in any deeds recorded in the Land Evidence Records of the Town conveying any lots in an approved residential compound. In addition, the following notations shall be added to the final plans:

(1) Each residential compound shall be limited to agricultural use, single family residential use, and accessory uses customarily incidental and subordinate to such agricultural and single family residential uses.

(2) The private way shall be privately maintained and shall remain permanently a private way, which shall not be extended. The owner or owners of the private way, for themselves, their successors, heirs and assigns hereby waive all rights to have the private way accepted into the highway system of the Town of Charlestown.

(3) No further division or subdivision of this approved residential compound lot shall take place at any future date.

K. Other Conditions. The Planning Commission may impose such other conditions it deems necessary to protect the public health, safety, and welfare, including but not limited to, drainage, building envelope, setbacks, roadway location, buffers, and lot arrangements.

§ 218-55 (Reserved)

**To be Advertised in the Westerly Sun: July 15, 2019**