

1 § 218-52 ~~Residential Conservation Development~~. Subdivision Design Alternatives
2

3 A. Purpose. In an effort to promote and make available land subdivision design alternatives,
4 the Town provides that land subdivision may be undertaken in one of two alternative design
5 forms: cluster; or, conservation development. Design alternatives in land subdivision plans
6 is to provide the maximum flexibility to landowners and applicants to provide dynamic,
7 innovative, and pleasant residential communities. ~~The purpose of conservation development~~
8 ~~is to allow the flexibility to design residential development~~ Designs should incorporate the
9 use of ~~to achieve~~ the following objectives, not listed in any order of priority, pursuant to the
10 Charlestown Comprehensive Plan as it relates to resource protection, land use and
11 community services:

- 12 (1) To conserve and link sensitive natural resources, including but not limited to forests,
13 waterbodies, riparian areas, aquifers and habitat areas;
- 14 (2) To protect the quality of the town's groundwater drinking water sources and surface waters
15 for public health and environmental quality;
- 16 (3) To develop a greenway system of connected areas of protected open space to be used for
17 passive recreation and wildlife corridors;
- 18 (4) To protect historical and archaeological resources, and to conserve and create scenic views
19 and preserve the rural character of the town;
- 20 (5) To protect existing farms and forests and areas of the town with productive agricultural and
21 forest soils for continued or future agricultural/silvicultural use by conserving blocks of land
22 large enough to allow for efficient farm and forest operations;
- 23 (6) To more effectively apply low impact development site design and stormwater management
24 practices as the required standard to avoid, reduce and manage runoff to the maximum
25 extent practicable;
- 26 (7) To provide greater design flexibility and efficiency in the siting of services and
27 infrastructure, including the opportunity to reduce length of roads, utility runs and the
28 amount of impervious surfaces required for residential development;
- 29 (8) To allow for and encourage a diversity of lot sizes and housing choices to accommodate a
30 variety of age and income groups, and residential preferences, so that the population
31 diversity of the community may be maintained;
- 32 (9) To encourage more sustainable and resilient development;
- 33 (10) To create neighborhoods with direct visual and/or physical access to open space land; and
- 34 (11) To provide for the appropriate management of protected open space.

35 B. Applicability. ~~Conservation development is r~~Required for any major subdivision, and is

1 encouraged but not required for all subdivisions. ~~of three or more lots.~~

- 2 (1) All major subdivision applications (6 or more lots) shall be required to adhere to the
3 provisions as provided in 218-52.1. Residential Cluster Subdivision or 218-52.2.
4 Residential Conservation Development.
- 5 (2) Any minor subdivision application (5 or fewer lots) may be submitted as a
6 Residential Cluster Subdivision or a Residential Conservation Development
7 Subdivision if desired by the applicant.
- 8 (3) The applicant shall determine which cluster subdivision type (218-52.1 Residential
9 Cluster Subdivision or 218-52.2 Residential Conservation Development Subdivision)
10 they will apply under.
- 11 (4) Applicants shall be required to follow all the provisions contained in 218-52.1 or 218-
12 52.2 respectively.
- 13 (5) Applicants shall not be allowed to change between cluster subdivisions types, as
14 provided in 218-52.1 and 218-52.2, once the application has been made. If a change is
15 desired by the applicant, then the original application shall be withdrawn and a new
16 application submitted. Additionally, applicants shall not be permitted to apply for
17 multiple types of cluster subdivisions at the same time on the same property.

18 C. The Charlestown Planning Commission may, at its discretion, permit a conventional
19 subdivision where a conservation development subdivision or residential cluster subdivision
20 would otherwise be required if the applicant can prove to the satisfaction of the Planning
21 Commission that a conventional subdivision will serve the best interests of the town, and
22 where such conventional subdivision is found to be consistent with the intent and purposes
23 of ~~these regulations~~ this ordinance, is not based on economic considerations, and will
24 provide the best site layout and design.

25 ~~C.D.~~ Subdivision approval required. No clearing of vegetation, land disturbance, or construction
26 within a residential conservation development subdivision or residential cluster subdivision
27 shall begin until the preliminary plan has been approved by the Charlestown Planning
28 Commission. Land that has been environmentally disturbed or damaged, for example, by
29 removal or excavation of soil or mineral resources, must be restored to a condition
30 satisfactory for redevelopment prior to final plan approval.

31 ~~D.E.~~ Standards: General.

- 32 (1) Permitted uses. Single-family detached homes and accessory uses, agricultural and forest
33 land preserved within open space, and open space/recreation areas shall be permitted in a
34 conservation development subdivision or a residential cluster subdivision.
- 35 (2) Zoning districts. Residential ~~e~~Conservation development subdivisions or residential cluster
36 subdivisions are allowed in the R-40, R-2A and R-3A residential zoning districts.

1 (3) Density.

2 (a) The number of developable lots allowed in a residential conservation development
3 subdivision or residential cluster subdivisions shall be the number of lots which would be
4 allowed under a conventional subdivision, determined by the submittal of a yield plan, as
5 defined in the Charlestown Subdivision and Land Development Regulations, and accepted
6 by the Planning Commission.

7 (b) In no case shall the number of developable lots be greater than the number permitted under
8 a conventional subdivision, and no requirement or standard contained in this ordinance or
9 the Subdivision and Land Development Regulations shall be applied in a manner that
10 reduces the number of lots permitted under a conventional subdivision.

11 (c) When calculating the maximum number of allowable lots on any parcel, constraints to
12 development as defined in this ordinance shall be deducted from the total acreage of the
13 parcel. Such land may be included in any yield plan lot in a subdivision or land
14 development project, provided, however, that such land shall not be counted toward the
15 minimum lot size.

16 ~~(4) Minimum lot size. The minimum lot size for a residential conservation development lot in~~
17 ~~the R-40, R-2A and R-3A Districts shall be 20,000 square feet of land considered suitable~~
18 ~~for development.~~

19 ~~(5) Modification of lot requirements.~~

20 ~~(a) At the request of the applicant, lot area, shape and other dimensions permitted for a lot~~
21 ~~under a conservation development can be modified from those required for a conventional~~
22 ~~lot. However, the lot dimensions shown below and contained in the Dimensional Table~~
23 ~~(§ 218-41) are the minimum allowed for all conservation development lots regardless of~~
24 ~~zoning district.~~

| | |
|-----------------------------------|-------------------------------|
| Lot Area | 20,000-square feet |
| Lot Frontage and Width | 50 feet |
| Front Yard | 40 feet |
| Rear Yard | |
| Primary Structure | 50 feet |
| Accessory Structure | 10 feet |
| Side Yard | |
| Primary Structure | 20 feet |

~~Accessory Structure~~ 10 feet

~~Building Coverage~~ 15%

1 ~~(b) If requested or agreed to by the applicant, the Planning Commission is authorized to reduce~~
2 ~~the lot frontage and lot width of newly created lots in a conservation development~~
3 ~~subdivision on any public or approved private street to a minimum of 20 feet, if doing so~~
4 ~~achieves the purposes of these regulations.~~

5 ~~(6)~~(4) Shared wells and on-site wastewater treatment systems. Individual private wells and
6 onsite wastewater treatment systems (OWTS) are to be located on the house lots they serve.
7 Shared private wells are to be discouraged. Public wells, which are defined as wells serving
8 more than 24 persons, shall be properly installed in compliance with RI Department of
9 Health (DOH) public drinking water regulations and all other applicable state regulations.
10 Public wells and OWTS which serve two or more households and approved by RI DEM
11 ~~may~~ shall be permitted in a conservation development subdivision or residential cluster
12 subdivision. Such public wells and OWTS may be required if the Planning Commission
13 determines that such shared use will result in greater protection of open space. In order to
14 facilitate their establishment, the open space set aside in the conservation development
15 subdivision may be utilized for the protected area required by a community well or for a
16 community leach field.

17 ~~(7)~~(5) Open space: General. Land permanently protected from development as part of the
18 residential conservation development subdivision or residential cluster subdivision shall be
19 designated as open space. ~~Protected open space lots, within an approved conservation~~
20 ~~development subdivision, may have zero frontage on a street, as long as the Planning~~
21 ~~Commission approves access to the open space by easement or other means.~~

22 (a) The amount of land area set aside as open space may vary depending upon the
23 characteristics of the land. ~~Although t~~The area designated as open space may include
24 wetland and areas defined as having constraints to development, ~~it~~ and shall be ~~include~~ a
25 minimum percentage of the total ~~developable~~ land area ~~(land that is considered suitable for~~
26 ~~development, as defined in this ordinance)~~ of the parcel according to the zoning district.

~~R-40 District: 40%~~

~~R-2A District: 50%~~

~~R-3A District: 60%~~

~~The Planning Commission shall have the flexibility to reduce the percentage of developable land to be protected as open space in any conservation development subdivision in order to better achieve the purposes of these regulations, except however, the required open space cannot be used to reduce the number of residential lots shown in the accepted yield plan.~~

27 ~~(b) The Planning Commission shall allow up to 15% of the required open space area to be used~~
28 ~~for active recreation, if said recreational uses do not negatively impact the conservation~~

~~values of the open space to be protected. Not more than 10% of the required open space shall be made impervious. Permeable materials are encouraged for uses such as parking areas, and bike paths to the extent possible.~~

~~(e)~~(b) Access to common open space shall be made readily available to all residents of the residential conservation development subdivision or residential cluster subdivision by providing suitable access corridors. Such access corridors shall be clearly posted to distinguish the corridors and commonly owned space area from private property.

~~(d)~~(c) Ownership of the open space within a residential conservation development subdivision or residential cluster subdivision shall be vested in one or more legally constituted organizations that shall be responsible for the use and maintenance of the open space. Ownership is to be determined by the applicant and conveyed as follows, with no preference given as to the order presented:

[1] To remain in private (non-common) ownership if the use is limited to agriculture, habitat or forestry, and, in accordance with the Charlestown Comprehensive Plan and zoning ordinance, that private ownership is necessary for the preservation and management of the agriculture, habitat or forest resources; or

[2] To the Town of Charlestown and accepted by it for park, open space, agricultural or other specified use or uses; or

[3] To a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or

[4] To a corporation or trust owned or to be owned by the owners of lots or units within the development, or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units.

~~(e)~~(d) Documents specifying ownership shall be submitted to the Planning Commission along with the application for approval. The Planning Commission may request, but not require, that specific areas of open space contribute to a connecting greenway system or provide public access to open space, as provided in the Charlestown Comprehensive Plan.

~~(f)~~(e) Where the land is not conveyed to the Town of Charlestown, a conservation easement or restriction enforceable by the town shall be recorded by the applicant providing that the land shall be kept in open space, not built upon for accessory uses such as parking or roadways and requires Planning Commission approval for alterations. The Rhode Island Conservation Easement Guidance Manual (RIDEM 2009) shall be used to meet the requirements for preparing a conservation easement for the protected open space.

~~(g)~~(f) If the open space option Subsection ~~D(7)(5)(d)(c)~~4 is used the following standards shall apply:

[1] The deed to each lot shall include a fractional interest in the common open space in an amount inversely proportional to the number of lots or dwelling units in the development. The deed shall also include all covenants, restrictions or easements that shall be imposed

1 upon the use, management or maintenance of the open space.

- 2 [2] The applicant shall provide for and establish a homeowners' association or request the
3 Planning Commission's approval of an alternate method for the care and maintenance of all
4 open space lands and any improvements thereon. Membership in the homeowners'
5 association shall be mandatory for all landowners within the development.

6 **§ 218-52.1 Residential Cluster Subdivision**

7
8 A. Standards Specific. All the provisions of §218-52, and the following;

9
10 (1) Minimum Lot Size and Frontage. The minimum lot size and minimum road frontage and lot
11 width for a residential cluster lot in the R-40, R-2A and R-3A Districts are shown below, and
12 are contained in the Dimensional Table (§ 218-41) along with all other dimensional
13 regulations for cluster lots.

14
15 (a) R-40 Cluster.

16 [1] Minimum Lot Size = 20,000 SF.

17 [2] Minimum Frontage and Lot Width = 75 feet.

18 (b) R-2A Cluster.

19 [1] Minimum Lot Size = 40,000 SF.

20 [2] Minimum Frontage and Lot Width = 100 feet.

21 (c) R-3A Cluster.

22 [1] Minimum Lot Size = 60,000 SF.

23 [2] Minimum Frontage and Lot Width = 125 feet.

24
25 (2) Open Space Residential Cluster Subdivision.

26
27 (a) Land permanently protected from development as part of the residential cluster subdivision
28 shall be designated as open space as follows;

29
30 [1] R-40 District: 50%

31 [2] R-2A District: 40%

32 [3] R-3A District: 30%

33
34 (b) The Planning Commission shall allow up to forty percent (40%) of the required open space
35 area to be used for active recreation such as but not limited to; ballfields, playgrounds, tennis
36 courts, swimming pools, or bike paths. Not more than twenty-five percent (35%) of the
37 required open space shall be made impervious. Permeable materials are encouraged for uses
38 such as parking areas, bike paths, and walking trails to the extent possible.

1 (3) Perimeter Buffer. The Planning Commission may require a vegetated buffer of open space,
2 which may include wetlands, around the entire perimeter, or a portion of the perimeter, of the
3 cluster subdivision, to provide a visual and audio screen between adjacent land uses, with
4 consideration given to the presence of natural resources on an adjacent parcel that would be
5 protected by a buffer. In such cases the following shall apply:

6
7 (a) The total area of the perimeter buffer shall be counted towards the total area of any open
8 space requirements contained herein.

9
10 (b) No structure may be built in the perimeter buffer, with the exception of stormwater control
11 and drainage structures, waterfront structures, such as docks, piers or boathouses, and storage
12 structures not to exceed 200 sq ft, such as sheds.

13
14 (c) The width of the buffer shall be as determined by the Planning Commission, not to exceed 50
15 feet, with consideration of the ameliorative effects of the following:

16
17 [1] Land adjacent to the cluster subdivision which is already designated as open space, with
18 evidence provided of its permanent protection.

19
20 [2] The existence of any substantial natural barrier on either the cluster subdivision parcel or
21 adjoining parcel that will serve as a permanent buffer.

22
23 [3] The presence of sensitive interior lands that would be better protected by perimeter
24 development of the cluster subdivision, as determined by an environmental analysis.

25
26 **§ 218-52.2 Residential Conservation Development Subdivision.**

27
28 A. Standards Specific. All the provisions of §218-52, and the following;

29
30 (1) Minimum lot size. The minimum lot size for a residential conservation development lot in
31 the R-40, R-2A and R-3A Districts shall be 20,000 square feet of land considered suitable
32 for development.

33 (2) Modification of lot requirements.

34 (a) At the request of the applicant, lot area, shape and other dimensions permitted for a lot
35 under a conservation development can be modified from those required for a conventional
36 lot. However, the lot dimensions shown below and contained in the Dimensional Table
37 (§ 218-41) are the minimum allowed for all conservation development lots regardless of
38 zoning district.

39
Lot Area 20,000 square feet

Lot Frontage and Width 50 feet

| | |
|----------------------------|----------------|
| <u>Front Yard</u> | <u>40 feet</u> |
| <u>Rear Yard</u> | |
| <u>Primary Structure</u> | <u>50 feet</u> |
| <u>Accessory Structure</u> | <u>10 feet</u> |
| <u>Side Yard</u> | |
| <u>Primary Structure</u> | <u>20 feet</u> |
| <u>Accessory Structure</u> | <u>10 feet</u> |
| <u>Building Coverage</u> | <u>15%</u> |

1 (b) If requested or agreed to by the applicant, the Planning Commission is authorized to reduce
2 the lot frontage and lot width of newly created lots in a conservation development
3 subdivision on any public or approved private street to a minimum of 30 feet, if doing so
4 achieves the purposes of these regulations.

5 (3) Open Space Residential Conservation Development Subdivision.

6
7 (a) Land permanently protected from development as part of the residential cluster subdivision
8 shall be designated as open space. Protected open space lots, within an approved conservation
9 development subdivision, may have zero-frontage on a street, as long as the Planning
10 Commission approves access to the open space by easement or other means.

- 11
12 [1] R-40 District: 40%
13 [2] R-2A District: 50%
14 [3] R-3A District: 60%

15
16 (b) The Planning Commission shall allow up to 15% of the required open space area to be used
17 for active recreation, if said recreational uses do not negatively impact the conservation
18 values of the open space to be protected. Not more than 10% of the required open space
19 shall be made impervious. Permeable materials are encouraged for uses such as parking
20 areas, and bike paths to the extent possible.

21
22
23
24
25
26
27

Amendments to §218-41. Dimensional Table

| Zoning Districts | Minimum Lot Size (square feet) | Frontage & Lot Width (feet) | Primary Structure | | | Building Coverage (percent) | Building Height (feet) | Building Height (feet) | Accessory structures | | |
|--|--------------------------------|-----------------------------|--------------------|--------------------|--------------------|-----------------------------|--|------------------------|--------------------------------|--------------------|--------------------|
| | | | Front Yard (feet) | Rear Line (feet) | Side Line (feet) | | | | Front Yard (feet) | Rear Line (feet) | Side Line (feet) |
| Residential Districts: | | | | | | | | | | | |
| R-20 | 20,000 | 120 | 40 | 50 | 20 | 20 | | 15 | 40 | 10 | 10 |
| R-40 | 40,000 | 150 | 40 | 60 | 25 | 15 | | 25 | 40 | 10 | 10 |
| R40 Cluster Subdivision* | 20,000 | 75 | 40 | 50 | 20 | 20 | See § 218-42A(2) | 15 | 40 | 10 | 10 |
| R-2A | 2 acres | 200 | 50 | 100 | 35 | 10 | See § 218-42B | 25 | 50 | 10 | 10 |
| R-2A Cluster Subdivision* | 40,000 | 100 | 40 | 60 | 25 | 15 | | 25 | 40 | 10 | 10 |
| R-2A Multi-family ** | 2 acres per DU | 200 + 10/DU | 100 | 60 | 35 | 10 | | 25 | 100 | 10 | 10 |
| R-3A | 3 acres | 300 | 50 | 100 | 35 | 10 | | 25 | 50 | 10 | 10 |
| R-3A Cluster Subdivision* | 60,000 | 125 | 50 | 60 | 25 | 10 | | 25 | 50 | 10 | 10 |
| R-3A Multi-family** | 3 acres per DU | 300 + 20/DU | 100 | 75 | 35 | 10 | | 25 | 100 | 10 | 10 |
| R-40, R-2A, R-3A Conservation Development Subdivision* | 20,000 | 50 | 40 | 50 | 20 | 15 | | 25 | 40 | 10 | 10 |
| Two Family Dwelling *** | 2 x min. lot size | R-2A: 250 R-3A/PD: 300 | 50 | 100 | 50 | 10 | | 25 | 50 | 10 | 10 |
| Non-conforming legal lots of record Less than 20,000 sq.ft. | Less than 20,000 | n/a | 30 | 38 | 12 | ***** | | 15 | 30 | 10 | 10 |
| Traditional Village District | 20,000 | 120 | 20 | 30 | 20 | 25 | 35 | 35 | 20 | 30 | 20 |
| Nonresidential Districts: | | | | | | | | | | | |
| C-1 | 20,000 | 120 | 40 | 30 | 20 | 25 | | 30 | 40 | 30 | 20 |
| C-2 | 20,000 | 150 | 40 | 30 | 20 | 25 | See § 218-42A(2) § 218-42B | 30 | 40 | 30 | 20 |
| C-3 | 40,000 | 150 | 40 | 30 | 20 | 25 | | 30 | 40 | 30 | 20 |
| Open Space/Recreation | **** | 100 | 100 | 100 | 35 | 30 | | 30 | 100 | 100 | 35 |
| Municipal | **** | ***** | 30 | 30 | 20 | 30 | | 30 | 30 | 30 | 20 |
| Industrial | 80,000 | 200 | 100 | 100 | 35 | 30 | | 30 | 100 | 100 | 35 |
| Planned Development | 3 acres ***** | 200 | 100 | 100 | 50 | 25 | | 30 | 100 | 100 | 50 |
| Non-conforming legal lots of record Less than 20,000 sq. ft. | Less than 20,000 | n/a | 30 | 38 | 12 | ***** | | 30 | setback of principal structure | | |

| | | | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|--|--|
| Less than 20,000 sq. ft. | | | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|--|--|

- 1 **NOTES:**
- 2 * See [218-52.1 Residential Cluster Subdivision](#); see also [§ 218-52.2 Residential Conservation Development](#)
- 3 ** See 218-51 Multi-Family Dwellings
- 4 *** See ARTICLE VI 218-37I(13) Dwelling, Two Family
- 5 **** No minimum lot size for Open Space/Recreation or Municipal District.
- 6 ***** No frontage requirement for Municipal District
- 7 ***** 218-48 Planned Development District (PDD)
- 8 ***** See 218-43 Non-Conformity with Dimensional Standards
- 9 DU Dwelling Unit
- 10