

## Item Cover Page

### NARRAGANSETT TOWN COUNCIL AGENDA ITEM REPORT

**DATE:** December 18, 2023

**FROM:** Michael DeLuca, Community Development Director

**DEPARTMENT:** Community Development

**SUBJECT:**

A MOTION TO READ, PASS AND ADOPT as a second reading of "An Ordinance in Amendment of Chapter 731 of the Code of Ordinances of the Town of Narragansett, RI, entitled, "Zoning", as it relates to several discretionary text revisions to various sections of the Zoning Ordinance for the purpose of adapting to and accommodating General Assembly mandates enacted in the 2023 legislative session.

**SUGGESTED ACTION:**

In June, 2023, ten (10) bills were passed into law by the RI General Assembly that impact city and town development-related regulations. The Planning Board divided up into three sub-committees in September to initiate the first steps in drafting the required specific text changes as well as to note other areas of existing text that might be amended to adapt and respond to the 2023 statutes. An outline of the bills and their primary effects was provided to the Town Council and a presentation of the scope of these statutes was made at a work session on October 23rd.

Since that meeting, the Planning Board has considered how to respond to House Bill 2023-H-6059 making "modification" a mandatory element to be incorporated into local zoning codes. "Modification" allows the local zoning officer to vary the dimensional standards of the zoning code by up to 25% without need for a zoning board hearing if done in accordance with certain procedures. In communities where authorized today, that includes notification of property owners within 200 feet and a comment period of 30 days. While the provision for "modification" has been a component within the State Zoning Enabling Law since 1991, it has been allowed as a voluntary element to be adopted at the option of each individual community.

Narragansett never adopted a "modification" ordinance. Now it is mandatory. With the change to becoming a mandatory element of local zoning the planning board found this directive to be potentially damaging to the Town's recent implementation of bulk zoning restrictions. The Board noted the new "modification" standard stipulating that the local zoning official is to make up to 15% modifications administratively (in accordance with reduced notification requirements and 4 technical standards), to potentially impact the Town's bulk zoning policies that limit the size of homes to a proportion of the lot

size. As enacted, the language of 2023-H-6059 will make every quantitative standard in the Zoning Ordinance open to 15 % relief with little opportunity for public or board consideration. Had the General Assembly authorized the individual communities to identify which standards could be varied by "modification" or provided a limited list of specific standards considered essential for relief by the statute's sponsors, the Board may have drawn a different conclusion. The Planning Board has taken the position that the universal application of "modification" to virtually every dimensional requirement in the Zoning Ordinance can seriously impact recent strides made to reign-in the overdevelopment of residential land in Narragansett.

The purpose of this ordinance is to make discretionary changes to the Town's Zoning Ordinance in response and to accommodate mandated revisions set forth by the General Assembly. The attached ordinance would amend dimensional standards located in 17 sections of the Zoning Ordinance by increasing the standard by 15% to offset the state's mandatory relief directive.

The draft text of this ordinance was reviewed on October 26, 2023 by the Planning Board who voted to advance this ordinance with a recommendation of approval to the Town Council for hearing. Town Council held a public hearing on this matter on December 4, 2023. Staff introduced an errata sheet addressing a few amendments to the advertised regulation which were explained and made available for discussion during that hearing.

Town Council also read , passed and accepted the first reading of the ordinance at that time.

The text with corrected errata is attached in ordinance format.

**ATTACHMENTS:**

[12-18-2023\\_ORDINANCE\\_FORM\\_\\_Corrected\\_-\\_Discretionary\\_Zoning\\_Amendments\\_\\_in\\_response\\_to\\_2023\\_Statute\\_changes.docx](#)