

Planners continue work on new zoning ordinance

By Michaela Kennedy

The Planning Commission continued review of new zoning proposals for the Jamestown Village Special Development District at its July 16 meeting.

The review included regulations set for thoroughfares, public frontages, site plans and affordable housing.

When the commission turned to a draft of building placement regulations, the discussion became heated. Planning Commissioner Richard Ventrone supported restrictions on where property owners could place their houses. Otherwise, he said, "It's possible to create a Disney World."

Suggested wording defended by Ventrone read, "Facades shall be built parallel to a rectilinear principal frontage line or to the tangent of a curved principal frontage line." Such specific regulations of building placement do not appear in the existing ordinance.

Other commissioners did not share Ventrone's view. Board member Michael Swistak spoke in favor of giving residential property owners more freedom. "I think we're starting to infringe on people's right to do what they want."

Planning Commissioner Nancy Bennett voiced harsh criticism against the wording, stressing that "enough restrictions" existed in the ordinance. "I think we have to be careful about telling people what to do with their property," she warned.

Jack Brittain of Conanicus Avenue spoke up in favor of deleting the requirement, using his home, which is next door to the police station, as proof that angles were good. "The house was designed back in 1925 so the sun would come in the windows and warm the house. I think it adds to the beauty of Jamestown." Brittain added that angled houses were

not a problem in the past without the restriction.

Planning Commissioner Gary Girard directed the commission's attention to the zoning maps. He pointed out various sized lots throughout the residential area. "You could situate your house in many ways, and it can be depending on the view," he said.

In a final 5 to 1 show of hands, the commission agreed the placement requirement would be better eliminated from the amendment draft.

In the section on public frontages, Commissioner Bennett brought attention to the written code requiring trees to be planted below the grade of the sidewalk. She voiced concern that the difference in levels "could lead to accidents."

Town Planner Lisa Bryer explained the practice was a common standard, which included grates around the trees. The low grading of the trees would allow collection of water runoff. Currently, no grates surround the trees. "When the downtown street is redone, there will be grates around the trees," she added.

In a discussion about site and building plans, Bryer responded to a question about a technical review committee. She explained that a review committee would consist of the building official, an architectural consultant, town planner and a planning board representative.

Answering a question about the roles of a technical committee and the commission, Bryer said, "We haven't defined that yet. We need to think about what the Planning Commission can do and what the TRC can do." The point where a review by the committee would be turned over to the board also needed to be decided. "Where that bar is, we need to discuss." Any appeals would automatically go before the commission, she added.

The town planner requested that more time be spent in analysis of policies related to affordable housing. Strategies within the affordable housing plan needed consideration, such as incentives suggested by the consultant. "One of the strategies is increasing density. We will define what that is and what it includes," Bryer said.

In the zoning ordinance draft, over half a dozen possible incentives for developers were listed. Motivations for applicants included reduction of application fees, high priority processing and property tax exemptions. Bryer explained the need for incentives, saying, "In theory, by creating affordable housing, a developer can't make as much money."

Planning Commissioner Alexandra Nickol expressed reservation about offering blanket incentives. "I do think it should be discretionary and on a case by case basis," she said.

In a question about why the downtown condominium zoning existed, Bryer said the block was rezoned in 1988 specifically for the redevelopment of the Bayview Condominium project. Because the zone was a specific amendment, Bryer advised leaving it unchanged.

Planning Commissioner Richard Ventrone asked about the ordinance's jurisdiction over gas pumps. He asked how handmade signs, like the spray-painted sign at Jamestown Mobil, could be controlled.

In the existing ordinance, a property owner could modify up to 50 percent of a lot without triggering a review. Bryer suggested rephrasing the definition as, 25 to 50 percent, or, below 50 percent could be determined by the town planner.

Ventrone added that he wanted to see parking requirements done away with in all of the commercial districts. "I think we hinder businesses and limit what can be done on a lot."

Bryer countered, saying that she had considered it and decided elimination of a parking policy would be a bad idea.

She said the only place in the state that did not require downtown parking was Bristol. The East Bay town did away with a parking code to slow the trend of businesses moving from the downtown area to Metacom Avenue. "But if you go there, you don't have a lot of essential services," she argued. "You've got personal services here. If you get rid of the parking requirements, if you can't find parking, they aren't going to be around very long."

Bryer encouraged the commission to think about the off-street parking behind many merchants, "If you were to say that was all gone, and the businesses expand, those spaces are now thrust onto the street, plus the size of the businesses will change. I would caution you against that," she said.

Further review of the downtown zoning ordinance update is scheduled to continue at the commission's next regular meeting in August.

In other business, the committee agreed to continue until further notice a development plan review for John Hayes at Bark Street and Seaside Drive.

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LEGAL TIP

A wife can sue her husband's estate for negligence, the Utah Supreme Court has ruled.

The case involved newlyweds who were traveling in a vehicle borrowed from the wife's parents. The husband was driving when he lost control, crossed the center median into oncoming traffic and collided with a two-ton truck. The husband died and the wife was severely injured. She was hospitalized for weeks and suffered mental trauma.

She sued her deceased husband's estate and the trial judge granted summary against her as in Utah a wife cannot sue her husband.

The Supreme Court reinstated the case stating that as the husband died they were no longer husband and wife and she could sue.

In Rhode Island and Massachusetts a wife can sue her husband.

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