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**PUBLIC NOTICE
TOWN OF CHARLESTOWN**

Notice is hereby given that the Town Council of the Town of Charlestown will conduct a public hearing on April 22, 2024, at 7:00 p.m. at the Charlestown Town Hall, Council Chambers, 4540 South County Trail, Charlestown RI 02813. At the public hearing, the following proposed amendments to the Code of Ordinances will be considered. Opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance. The following proposed amendments may be adopted and/or altered or amended prior to the closing of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. The proposed ordinance is available for review at the Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, or at charlestownri.gov prior to said hearing.

**ORDINANCE NO. 416
AN ORDINANCE AMENDING CHAPTER 218 – ZONING**

Section 1. The Town Council of the Town of Charlestown hereby ordains that Chapter 218 of the Code of Ordinances, Town of Charlestown is amended as follows:

See Exhibit A for a full version of the proposed amendments.

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

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to 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, CMC Town Clerk

To be advertised in the Westerly Su, in full: April 1, 2024
To be advertised in the Westerly Sun, by reference: April 8 and 15, 2024

ARTICLE XV
Capital Facilities Impact Fees

§ 218-95 Impact Fees Authorized.

This article authorizes the establishment of impact fees on land development in Charlestown.

§ 218-96 Findings.

A. The State of Rhode Island, through the enactment of the Rhode Island Comprehensive Planning Act of 1988 and the Zoning Enabling Act of 1991 (RIGL Sec. 45-24-30), has sought to encourage municipalities to enact innovative land development regulations and techniques.

B. Rhode Island General Laws §45-22.4 et seq. authorizes municipalities to impose impact fees on new development that bear a proportionate share of the cost of a public facilities' capital improvements affected by the new development from which it is collected, and which reasonably relates to the service demands and needs of the new development.

C. New development has necessitated capital improvements to public facilities in the Town that must be borne by general tax revenues.

D. Development of additional dwelling units ~~places additional students in the public schools of the Chariho Regional School District and the Charlestown school system necessitating the acquisition of school sites, the expansion of existing educational facilities, the construction of new educational~~ potentially causing an increased use of facilities, and facility improvements, public roads and road maintenance, and expansion to public facilities owned and/or operated by the Town of Charlestown.

E. The impact fees established by this Article are derived from, based upon, and bear a proportionate share of the cost of a public facilities' capital improvements affected by the new development from which the fee is collected, and which reasonably relates to the service demands and needs of the new development. Such costs are further established by the Capital Budget and/or Capital Improvement Programs for the Town of Charlestown and/or the Chariho Regional School District.

F. The report entitled "Town of Charlestown, Rhode Island Growth Management Program, Phase 2 - Impact Fees," dated February 16, 2000, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs of additional new public facilities in Charlestown.

§ 218-97 Intent.

A. The fees established by this Article are consistent with and are intended to assist in the implementation of the Charlestown Comprehensive Plan, and/or other Capital Improvement projects through discovery from a needs assessment.

B. The purpose of this Article is to assess new development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide improvements to public facilities.

§ 218-98 Imposition of Impact Fees.

A. Any person, after the effective date of this Ordinance, applying for a residential building permit; an extension of a residential building permit issued prior to the effective date of this Ordinance; converting any property previously exempted from this Ordinance to a non-exempt dwelling

1 unit(s); converting any property from a non-residential use to residential; is hereby required to pay
2 a Capital Improvements impact fee in the manner and amount set forth in this Ordinance.

3 B. Exemptions: The following shall be exempted from payment of the Capital Improvements impact
4 fee. Any claim of exemption must be made no later than the time of application for a building
5 permit. Any claim not so made shall be deemed waived.

6 (1) Alterations or expansion of an existing residence.

7 (2) The construction of accessory buildings or structures.

8 (3) The replacement of a destroyed or partially destroyed residential building.

9 (4) Nonresidential buildings and structures are exempt.

10 (5) Accessory Dwelling Units.

11
12 **§ 218-99 Computation of the Amount of Impact Fee.**

13 The requirement of funds for the provision of public facilities shall be based upon needs as established
14 by the Capital Budget and/or Capital Improvement Programs ~~and~~ of the Town of Charlestown and/or
15 the Chariho Regional School District and shall be consistent with the policies stated therein. The
16 Building Official is charged with the administration of the Section. The fee amount shall be based upon
17 the following:

18 A. A Capital Improvements impact fee schedule per residential dwelling unit shall be established by
19 the Town Council annually for ~~the~~ each fiscal year, as part of the Town's adopted Capital Budget
20 and/or Capital Improvement Programs and/or Town Budget.

21 B. The fee payer is required to pay the fee as established annually by the Town Council. If a fee payer
22 disputes the impact fee determined as described herein, then the fee payer may appeal the decision
23 of the Building Official to the Zoning Board of Review in accordance with § 218-25 and may
24 submit an independent fee calculation study for the land development activity for which a building
25 permit is sought. Any such study submitted shall show the basis and methodology, including all
26 supporting documentation and authority, upon which the independent fee calculation was made.
27 All Zoning Board decisions pertaining to this ordinance shall be reported to the Town Council
28 within thirty (30) days of the date rendered.

29 C. Pursuant to §45-22.4-4(a), In order for a municipality to continue assessing and collecting impact
30 fees, a needs assessment shall be conducted every five (5) years.

31 D. The computation of the Impact Fee will be as follows:

32 (1) For FY2025, the current impact fee of \$1,427 will increase to \$1,750.

33 (a) This is based on the annual increase of the Chariho Regional School District budget over the past 23
34 years when the impact fee was to be related to the impact of student growth.

35 (2) For FY2026 and beyond, this impact fee will be established annually by the Town Council.

1 § 218-100 **Payment of Fee.**

2 ~~A. The impact fee required by this Ordinance shall be paid to the Building Official prior to the issuance~~
3 ~~of a building permit. All impact fees imposed pursuant to this Article and §45-22.4-5(b) shall be~~
4 ~~assessed upon the issuance of a building permit or other appropriate permission to proceed with~~
5 ~~development and shall be collected only upon issuance of the certificate of occupancy or other final~~
6 ~~action authorizing the intended use of a structure.~~

7 B. All funds collected shall be properly identified and promptly transferred for deposit in the Capital
8 Improvements Impact Fee Trust Fund to be held in a separate account as determined in § 218-101
9 of this Ordinance and used solely for the purposes specified in this Ordinance.

10 § 218-101 **Capital Improvements Impact Fee Trust Fund Established.**

11 A. There is hereby established a separate Capital Improvements Impact Fee Trust Fund to be
12 administered by the Town Treasurer. ~~All funds previously collected by the Town under the~~
13 ~~provisions of the predecessor ordinance to this Article shall be promptly transferred into this~~
14 ~~account and expended consistent with the requirements of this Ordinance. Upon collection, impact~~
15 ~~fees must be deposited in a special proprietary fund, which shall be invested with all interest~~
16 ~~accruing to the trust fund~~

17 ~~B. The Town Treasurer may invest unused portions of the Trust Fund, provided that sufficient~~
18 ~~amounts are available to make payments for the use of the funds are provided herein.~~

19 ~~C. B.~~ Funds withdrawn from this account must be used in accordance with the provisions of § 218-102
20 of this Ordinance.

21 § 218-102 **Use of Funds.**

22 A. Funds collected from Capital Improvements impact fees and deposited in the Capital Improvements
23 Impact Fee Trust Fund by the Town Treasurer shall be used for the sole purpose of undertaking
24 improvements to public facilities, public roads, and road maintenance as set forth in the Capital
25 Budget and/or Capital Improvement Programs of the Town of Charlestown and/or the Chariho
26 Regional School District necessitated by new development.

27 ~~B. Whenever the funds retained in the Capital Improvements Trust Fund are used for public facilities~~
28 ~~improvements in the Chariho Regional School District, the Town of Charlestown and the Chariho~~
29 ~~Regional School District shall enter into an appropriate memorandum of agreement to assure the~~
30 ~~proper use of the funds collected pursuant to this Ordinance.~~

31 ~~C. B.~~ Funds may be used to make refunds required by §218-103 of this Ordinance.

32 C. All impact fees collected and deposited in a single fiscal year will be applied to the next fiscal
33 year's budget as Impact Fee Revenue.

34 § 218-103 **Refund of Capital Improvements Impact Fees.**

35 A. If impact fees collected under the provisions of this Ordinance are not expended or encumbered
36 within the period established in § 45-22.4-5(a)(3), the Town Treasurer shall refund to the fee
37 payer or his or her successors the amount of the fee paid and accrued interest. The Town Treas-
38 urer shall notify the fee payer at the last known address by certified mail within one year of the
39 date on which the right to claim refund arises. ~~All refunds due and not claimed within one year~~
40 ~~shall be retained by the Town. Pursuant to §45-22.4-6(a), all refunds due and not claimed within~~

1 one year shall be forwarded to the state treasurer's office for inclusion in the unclaimed property
2 fund.

3 B. If the Town Council seeks to terminate any or all impact fee requirements and the expenditure of
4 impact fees, all unexpended or unencumbered funds shall be refunded as provided above. Upon
5 the finding by the Town Council that any or all fee requirements are to be terminated, the Town
6 Treasurer shall place a notice of termination and availability of refunds in a newspaper of general
7 circulation in the community at least two (2) times. All funds available for refund shall be re-
8 tained for a period of one year. ~~At the end of one year, any remaining funds may be transferred to~~
9 ~~the general fund and used for any public purpose. The Town is released from this notice require-~~
10 ~~ment if there are no unexpended or unencumbered balances within a fund or funds being termi-~~
11 ~~nated.~~ Pursuant to §44-22.4-6(b) all refunds not claimed within one year shall be forwarded to the
12 state treasurer's office for inclusion in the unclaimed property fund.

13 § 218-104 **Effective Date.**

14 The effective date of this Article for the purpose of assessing the Capital Improvements impact fee
15 established herein shall be the date of its enactment. Any application for a building permit shall be
16 subject to the Capital Improvements impact fee as required herein. This Article shall supersede any and
17 all ordinances inconsistent herewith.

18 § 218-105 through § 218-153. **(Reserved)**