

Public Hearing
Proposed Changes to New Shoreham Zoning Ordinance
For the regulation of Crop Farming, Livestock and Stables
Town Hall, Old Town Road, Block Island
March 2, 2009
7:00 p.m.

The New Shoreham Town Council will hold a public hearing to consider changes to the Zoning Ordinance at the Town Hall, Old Town Road on Monday, March 2, 2009. Changes will be considered to Article 2 Section 202 “Definitions,” Article 3 “Zoning Districts and Regulations” Section 306 Residential A Zone (RA Zone), Section 307 Residential B Zone (RB Zone), Section 308 Residential C Zone (RC Zone), Section 309 Residential C/Mixed Use Zone (RC/M Zone), Section 310 Mixed Use Zone (M Zone), Section 311 Old Harbor Commercial, Section 312 New Harbor Commercial Zone (NHC Zone), Section 313 Service Commercial Zone (SC Zone); there will be consideration of adding a new section 409 “Livestock and Stables” to Article 4 Criteria for Special Use Permits; there will be consideration of adding a new section 515 “Livestock and Poultry Accessory to a Permitted Use” to Article 5 Performance Standards. The proposed amendments follow. New language is in italics (*like this*), language to be deleted is shown crossed through (~~like this~~). For a copy of this ordinance, please call the New Shoreham Town Clerk’s Office at 466-3200.

ARTICLE 2 – DEFINITIONS

Section 202 – Definitions

- (new) *Crop Farming: Cultivation of the soil for food products or other useful products of the apiary, garden, field, orchard or vineyard; a nursery or greenhouse for the growing or sale of plants.*
- (new) *Commercial Raising of Livestock: The breeding, raising or keeping of animals or fowl, including, but not limited to, cows, horses, sheep, goats, rabbits, chickens, ducks and geese, for commercial purposes, but specifically excluding hogs. The temporary use of land for grazing purposes by livestock shall not be considered commercial raising of livestock.*
- (new) *Commercial Stables: The boarding of one or more horses, mules or similar large animals; the keeping of one or more horses to offer services such as riding lessons, trail rides or related activities for compensation.*
- ~~67. Farming: Cultivation of the soil for food products or other useful products of the apiary, field, orchard, vineyard, garden, nursery or greenhouse, breeding or keeping of animals or fowl, raising of livestock or dairying.~~
- ~~172. Stable: Any structure or enclosed area for the shelter, feeding and care of one (1) or more horses.~~

ARTICLE 3 – ZONING DISTRICTS AND REGULATIONS

Section 306 – Residential A Zone (RA Zone)

D. Permitted Uses:
Crop Farming

E. Uses Allowed with Special Use Permit (See Article 4):
Commercial Raising of Livestock
Commercial Stables
Stables

Section 307 – Residential B Zone (RB Zone)

D. Permitted Uses:
Crop Farming

E. Uses Allowed with Special Use Permit (See Article 4):
Commercial Raising of Livestock
Commercial Stables
Stables

Section 308 – Residential C Zone (RC Zone)

D. Permitted Uses:
Crop Farming

Section 309 – Residential C/Mixed Use Zone (RC/M Zone)

D. Permitted Uses:
Crop Farming

E. Uses Allowed with Special Use Permit (See Article 4):
Commercial Raising of Livestock

Section 310 – Mixed Use Zone (M Zone)

D. Permitted Uses:
Crop Farming

Section 311 – Old Harbor Commercial

D. Permitted Uses:
Crop Farming

Section 312 – New Harbor Commercial Zone (NHC Zone)

D. Permitted Uses:
Crop Farming

Section 313 – Service Commercial Zone (SC Zone)

D. Permitted Uses:
Crop Farming

ARTICLE 4 – CRITERIA FOR SPECIAL USE PERMITS

New section for livestock and stables:

Section 409 – ~~Rental Rooms~~ – Deleted – See Section 509 Livestock and Stables

- A. Applicability: *A Special Use Permit shall be required for the following uses relating to livestock:*
1. *The commercial raising of livestock (see Section 202 – Definitions), allowed only in the RA, RB and RC/M Zones.*
 2. *Commercial stables (see Section 202 – Definitions), allowed only in the RA and RB Zones.*
 3. *The keeping of large animal livestock accessory to a permitted use when the minimum area requirements of Section 515 cannot be met, as allowed in all zones except Old Harbor Commercial.*
- B. General Standards: *In granting a Special Use Permit for such use, the Zoning Board of Review shall determine that the application meets the following standards:*
1. *Buildings and enclosures are provided to shelter and contain the livestock.*
 2. *Provisions are made to mitigate any adverse impacts of the presence of the livestock, including dust, odor and noise, on adjoining properties.*
 3. *A manure management plan is submitted when the stockpiling of manure in excess of ten (10) cubic yards is proposed. The manure management plan shall be approved as part of the application, and include:*
 - a. *Estimates of the amount of manure to be generated*
 - b. *Locations of stockpiles with consideration given to mitigating impacts on neighboring properties and providing appropriate setbacks from wetlands*
 - c. *Management and ultimate disposition of the stockpiles*
 4. *There will be no adverse impact on the quality of potable water supplies.*
- C. Minimum Area Requirements for Commercial Uses: *The granting of a Special Use Permit for the commercial raising of livestock, or for a commercial stable, shall require a minimum of 120,000 square feet of land area, or 200,000 square feet, respectively.*
- D. Additional Requirements: *The Zoning Board of Review may require that setbacks beyond the minimum required for the zoning district be applied, or that solid board fencing or vegetative screening be added to buffer the livestock from adjoining uses. In considering the setback requirements, the Board shall take into account the land uses of the surrounding area, and such factors as slope, prevailing wind patterns and locations of wetlands and water bodies.*

ARTICLE 5 – PERFORMANCE STANDARDS

Add a new section:

Section 515 – Livestock and Poultry Accessory to a Permitted Use

- A. General Standards: *The keeping and raising of livestock and poultry as an accessory to a permitted use is allowed in all zones in New Shoreham except Old Harbor Commercial (OHC), provided the animals are kept or raised principally for the benefit of the occupying resident(s), i.e., for enjoyment, consumption, or supplemental income purposes.*
- B. Minimum Area Requirements: *For livestock such as pigs, goats, sheep and the like, and for poultry and fowl such as chicken, ducks, geese and the like, no minimum land area is required. However, the keeping and raising of large animals, including horses, cows, mules and the like, is allowed as an accessory use provided the following land area requirements are met:*
1. *For parcels that are at least 20,000 square feet in land area, but less than 80,000 square feet in land area, one such large animal shall be allowed by right.*
 2. *For parcels that are at least 80,000 square feet in land area, up to two such animals are allowed by right.*
- C. Special Use Permit: *Any resident who cannot meet the minimum area requirements above, or desiring to keep more than two horses, cows or other large animals, may seek approval in the form of a Special Use Permit.*
- D. Waste Management: *Any resident who keeps or raises livestock or poultry as an accessory use shall not store or stockpile animal waste or manure within fifty (50) feet from any property line nor in excess of a total of eight (8) cubic yards.*

The proposed ordinance or map to be discussed at the Public Meeting may be altered or amended prior to the close of the Public Hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

Before acting on the foregoing, the New Shoreham Town Council will hold a Public Hearing on Monday, March 2, 2009 at 7:00 p.m. at the Block Island Town Hall, Old Town Road, at which time all persons for or against may be heard.

Attest:

Fiona Fitzpatrick
Town Clerk

Posted: February 10, 2009
Hearing: March 2, 2009
Adopted:
Posted:
Effective: