



EXETER

ZONING APPROVALS GUIDE

For Planning Board Members and
Zoning Board of Review Members

Produced by Libra Planners
For the Town of Exeter
Technical Assistance from RIHousing



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HOW TO USE THIS GUIDE



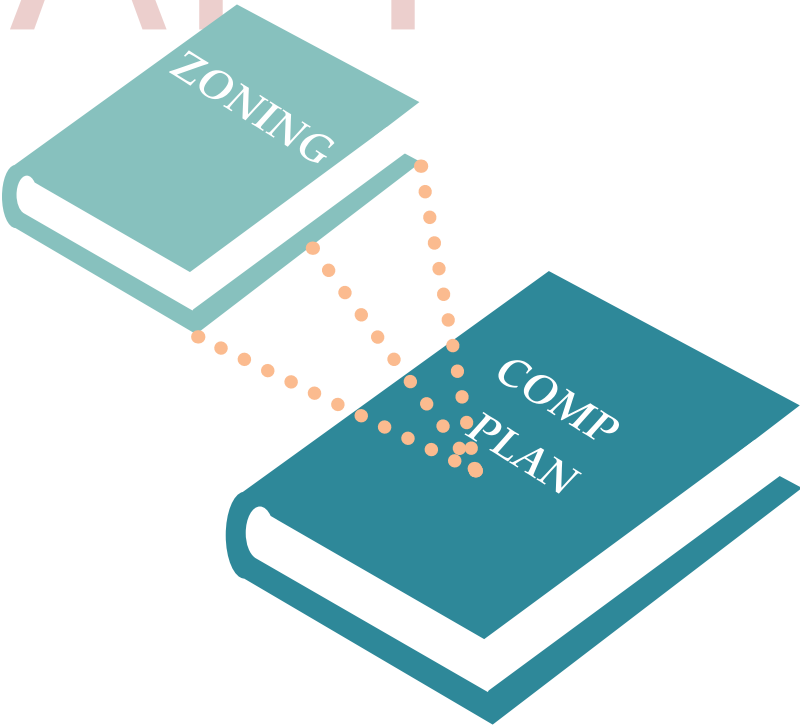
WHY DOES EXETER NEED A ZONING APPROVALS GUIDE?

In 2023 the Rhode Island General Assembly passed a number of laws aimed to promote the development of housing. These laws required municipalities to make changes to zoning codes and land development and subdivision regulations including changes to the ways development oversight is administered. Exeter completed the required regulatory changes in January 2024. This has resulted in changes in the zoning approval process.



HOW TO USE THIS GUIDE

This guide is intended to assist members of the Planning Board and Zoning Board of Review in performing their duties to review development proposals. This guide is for basic information only and is not intended to replace the advice of staff or legal counsel, particularly in specific circumstances or following further amendments to the enabling acts or as the enabling acts and Exeter's development regulations are interpreted by the Rhode Island Courts.



ADVISORY REVIEWS



RECOMMENDATIONS AND/OR BINDING DECISIONS ARE RENDERED

Zoning must be consistent with the comprehensive plan. While the planning board is required to make findings, when considering a zoning amendment, such finding is advisory. Advisory review by the planning board may also be utilized by the zoning board of review in the performance of its duties. A planning board may also be utilized to analyze consistency with the municipality's comprehensive plan for other actions, such as the annual capital budget or grant applications.



HISTORIC LAW



HISTORIC ENABLING LAW AMENDMENTS

In the early 1990s, the state legislature required planning board approval of all subdivisions. Thus the planning board became an adjudicative body, in addition to an advisory body. Planning boards, their staff, and legal counsel have dealt with the challenge of differentiating between these functions ever since.

Also in the 1990s, the state legislature enabled two or more uses to share one parcel of land through planned development. Planned development utilized the subdivision approval process with the planning board for enablement in each municipality. Although many municipalities have struggled to differentiate between the two review functions, three decades of performance has made the process relatively well understood in most of Rhode Island's municipalities.

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2023 LAW



2023 ENABLING LAW AMENDMENTS

Here is a list of a few of the major changes to the adjudicatory functions of planning boards and zoning boards of review as a result of the land use enabling laws passed in 2023:

- The comprehensive plan's future land use map shall govern all municipal land use decisions
- Comprehensive plans that have not been updated within twelve years from the date of the previous adoption cannot be utilized to deny a development application
- Comprehensive plan inconsistency can no longer be utilized to deny a special use
- With the exception of administrative subdivisions, planning boards are now required to be the reviewing body for special use permits and/or variances requested in conjunction with a request for land development project, or subdivision. The planning board must consider the same criteria as the zoning board of review does when considering these forms of zoning relief.
- The granting of a variance is no longer dependent on the hardship not being a result of the applicant's desire to realize greater financial gain.
- Relief obtained through a dimensional variance is no longer required to be "the least relief necessary."

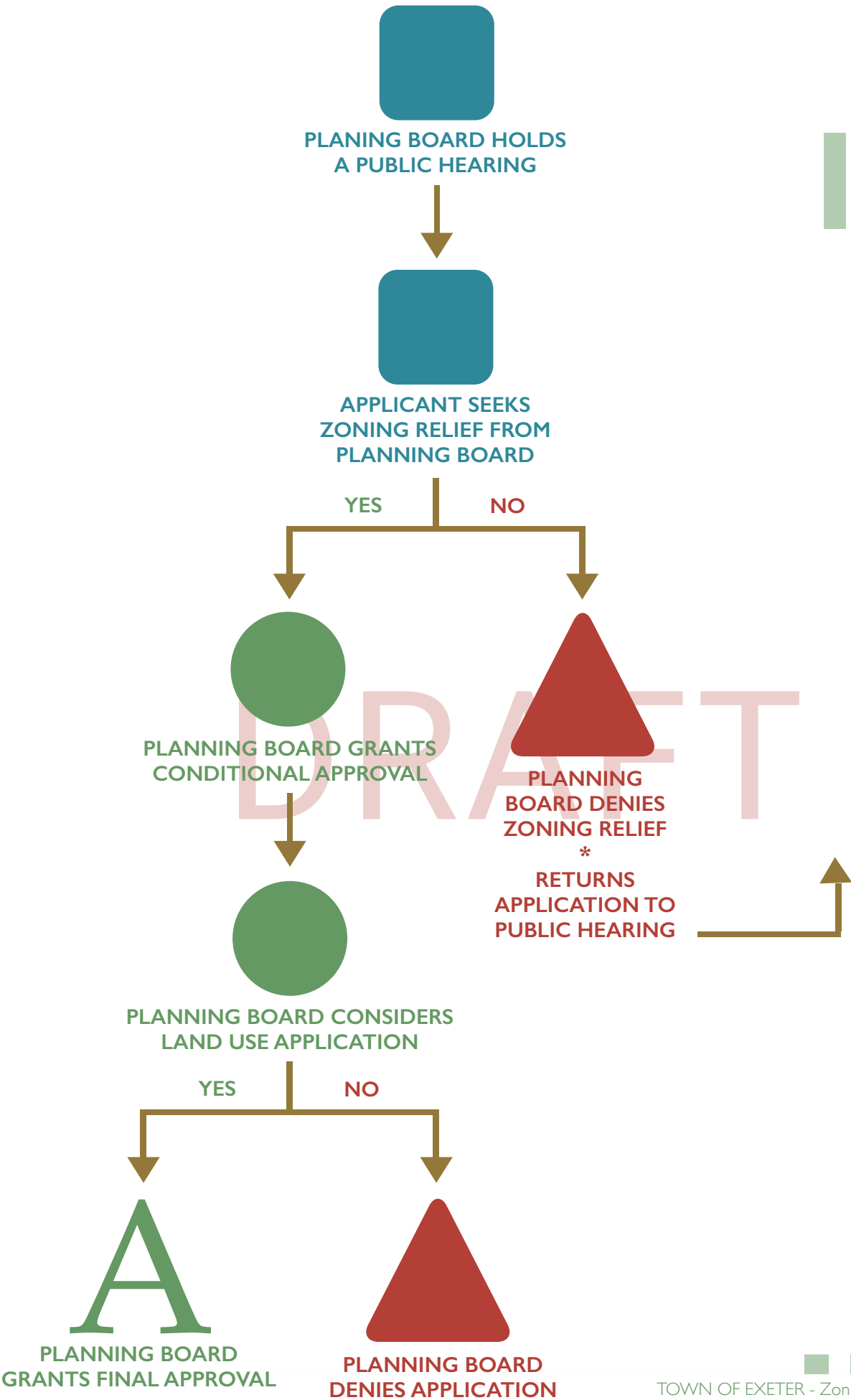
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UDR (UNIFIED DEVELOPMENT REVIEW)



One of the most significant changes in terms of how the Town of Exeter reviews development proposals will be the Planning Board's review of special use permit and variance request(s) under unified development review. Unified development review is available to an applicant undergoing land development project, or subdivision who is also in need of a special use permit and/or variance. The review is conducted according to the following procedure:

1. A combined public hearing is conducted by the Planning Board.
2. Following the close of the public hearing, the Planning Board will first consider the conditional approval or denial of the special use permit and/or variance request(s).
3. After voting on the special use permit and/or variance request(s), the Planning Board then considers the land development project, or subdivision. If the applicant needs to amend the application to reflect the Planning Board's vote on the special use permit and/or variance request(s), the hearing may need to be reopened. Changes could also be reflected subsequent to the Planning Board's consideration of the land development project, or subdivision.
4. For major land development projects or subdivisions, the applicant is permitted to amend their special use permit and/or variance request(s) between master plan and preliminary plan approval. If so amended, an advertised public hearing must be conducted at preliminary plan review.



SUPS (SPECIAL USE PERMITS)



Some uses within a zoning district are neither permitted nor prohibited, they are conditionally permitted. The Town of Exeter designates conditionally permitted uses with an “S” in its zoning use table, § 2.4 of the Exeter Zoning Ordinance. This conditionally permitted designation is an implicit determination by the Town Council that the use is permitted in the zoning district if the required conditions for permission are met. In order for a conditionally permitted “S” use to be legally established, an applicant must apply for, and receive, a special use permit from the Zoning Board of Review, or the Planning Board in cases of unified development review (see previous section of this guide).

Before the permitting authority can review the special use permit request, a public hearing must be advertised and held. See the Public Hearing section of this guide for additional information. Following the close of the public hearing, the permitting authority considers “specific and objective criteria” that must be met in order for the special use permit to be granted. Required criteria in the Town of Exeter are listed in § 1.3C of the Zoning Ordinance. Analysis of the criteria listed in § 1.3C is provided below:

- A. The use is authorized by this chapter.** Conditionally permitted uses are designated with an “S” in the use table in § of the Code of ordinances. Uses not listed in the use table nor otherwise prohibited by § may be considered by the Zoning Board of Review pursuant to §.
- B. It will be in harmony with the general purpose of this chapter.** The general purposes of the zoning ordinance are enumerated in § Merriam-Webster defines “harmony” as ‘a pleasing arrangement of parts.’ In determining whether this criterion is met, the permitting authority should review each of the purposes of zoning listed in § and determine if, on the whole, the proposed use, including any necessary conditions, are in harmony with the enumerated purposes of zoning.
- C. The use meets all of the criteria set forth in §** contains the specific and objective criteria required for each category of conditionally permitted use. Each criteria listed for each category of use must be met in order for the special use permit to be granted.

If more than one special use permit is requested in one application, the permitting authority may review the requests as a whole or individually at its discretion. If partial denial is anticipated, reviewing the requests individually may head off a future appeal and/or decrease the likelihood of the permitting authority being overturned

By way of example...

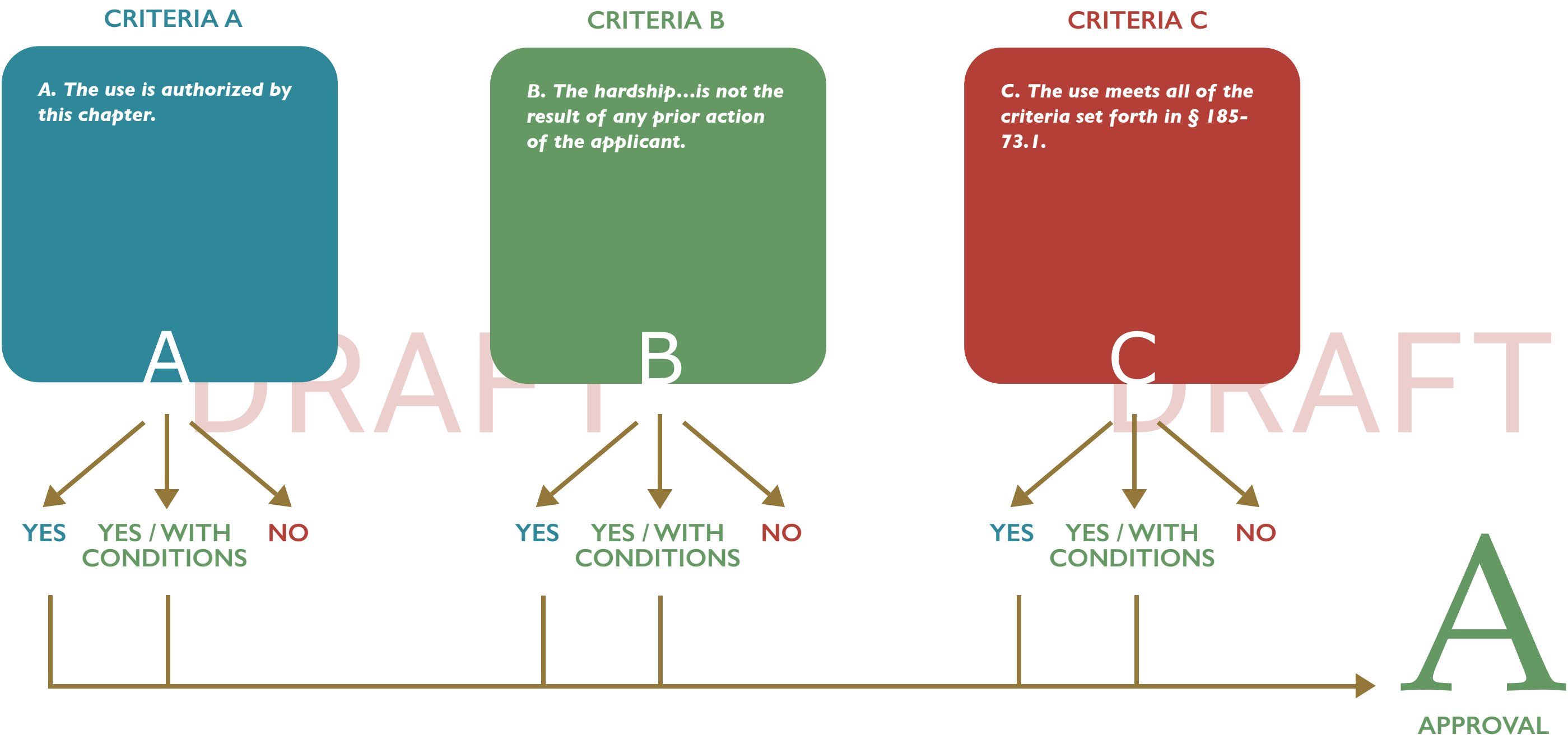
LIBRA WILL INCLUDE A REAL EXETER EXAMPLE AS AN EXPLANATORY TOOL.

Please see the **Considering Criteria** section of this guide for additional information. Following its consideration of the required criteria, the permitting authority votes to approve with the require conditions it is requested in one application, the permitting authority may review the requests as a whole or individually at its discretion. If partial denial is anticipated, reviewing the requests individually may head off a future appeal and/or decrease the likelihood of the permitting authority being overturned.

USE TABLE

	OS-P	OS-A	AR 40	AR 20	AR 10	AR 5	AR 2.5	AR 1.25	AR 0.625	AR 0.3125	AR 0.15625	AR 0.078125	AR 0.0390625	AR 0.01953125	AR 0.009765625	AR 0.0048828125	AR 0.00244140625	AR 0.001220703125	AR 0.0006103515625	AR 0.00030517578125	AR 0.000152587890625	AR 0.0000762939453125	AR 0.00003814697265625	AR 0.000019073486328125	AR 0.0000095367431640625	AR 0.00000476837158203125	AR 0.000002384185791015625	AR 0.0000011920928955078125	AR 0.00000059604644775390625	AR 0.000000298023223876953125	AR 0.0000001490116119384765625	AR 0.00000007450580596923828125	AR 0.000000037252902984619140625	AR 0.0000000186264514923095703125	AR 0.00000000931322574615478515625	AR 0.000000004656612873077392578125	AR 0.0000000023283064365386962890625	AR 0.00000000116415321826934814453125	AR 0.000000000582076609134674072265625	AR 0.0000000002910383045673370361328125	AR 0.00000000014551915228366851806640625	AR 0.000000000072759576141834259033203125	AR 0.0000000000363797880709171295166015625	AR 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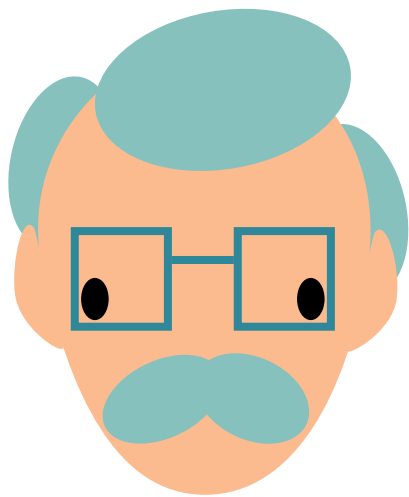
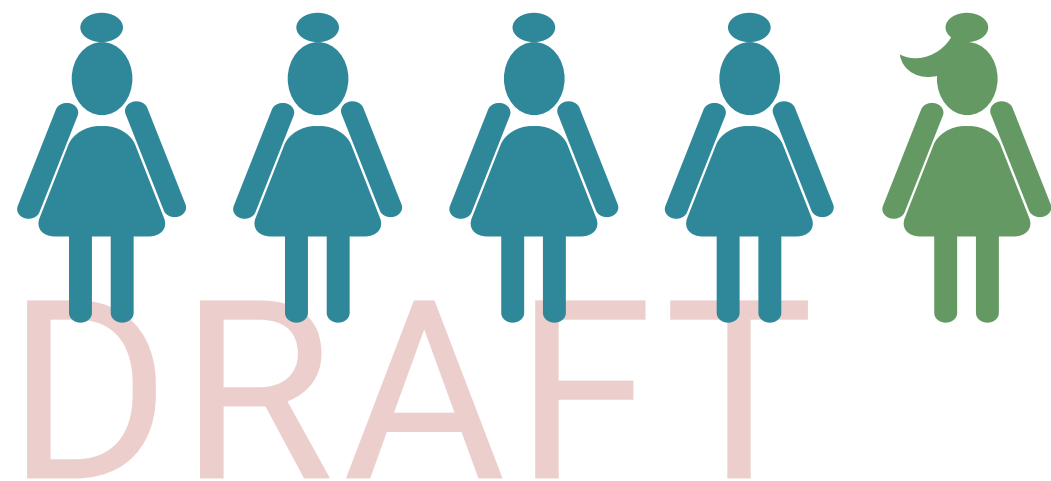
SUPS CRITERIA



NONCONFORMITIES



Properties that existed prior to and do not meet the zone standards are typically called “nonconforming”. Nonconforming uses and dimensions are typically “grandfathered”, and are only required to conform to the current zoning ordinance requirements following abandonment or a change in use.



VARIANCES

Variances come in two forms: use or dimensional, with different criteria of approval for each and are further explained below.



Variances are exceptions to the zoning ordinance, sought by property owners, where the owner is not required to comply with the literal terms of the law. The granting of a variance is often required for commercial lending, transfer of title, and/or a building permit. Variance requests are reviewed by the Zoning Board of Review, or the Planning Board in cases of unified development review (see **Unified Development Review** section for additional information).

Before the permitting authority (the Zoning Board of Review or the Planning Board, as the case may be) can review the variance request, a public hearing must be advertised and held. See the **Public Hearing** section of this guide for additional information. Variances come in two forms: use or dimensional, with different criteria of approval for each and are further explained below.

If more than one variance is requested in one application, the permitting authority may review the requests as a whole or individually at its discretion. If partial denial is anticipated, reviewing the requests individually may head off a future appeal and/or decrease the likelihood of the permitting authority being overturned.

VARIANCES



HARDSHIP

In order to be eligible for a variance, an applicant must demonstrate hardship. Hardship has different meanings for use and dimensional variances, respectively.

USE HARDSHIP

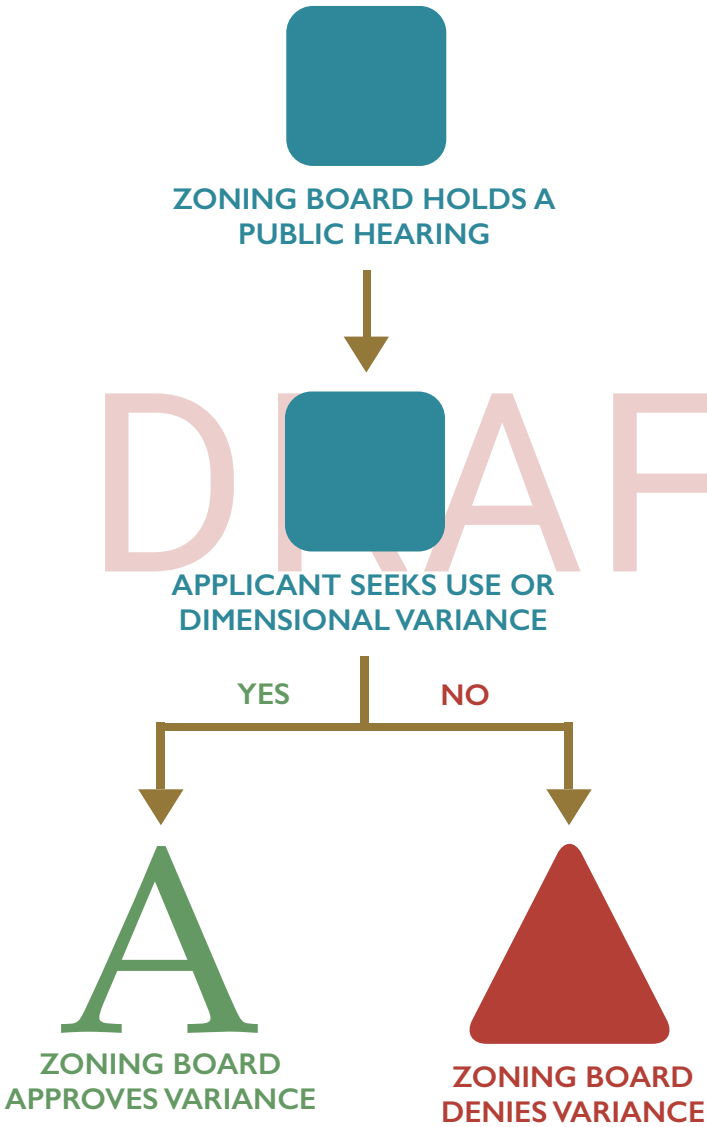
In the context of a use variance, hardship is defined as “evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the zoning ordinance.” (See § 1.3B(C)(1) of the Code of Ordinances.) Furthermore, the section goes on to state, “The nonconforming use of neighboring lands or structures in an adjacent district shall not be considered grounds for the issuance of a use variance.”

DIMENSIONAL HARDSHIP

In the context of a dimensional variance, hardship is defined as “relief sought is minimal to a reasonable enjoyment of the permitted use shall not be grounds for relief.” (See § 1.3B(C)(2) of the Code of Ordinances.) Furthermore, the section goes on to state, “The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.”



VARIANCE DECISION TREE



VARIANCES CRITERIA



Following the initial demonstration of hardship, three criteria are considered by the permitting authority (the Zoning Board of Review or the Planning Board, as the case may be):

A. The hardship...is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 1.1(16).

It is advisable that the permitting authority first determine if the hardship is due to economic or physical disability of the applicant. If it is due to physical disability of the applicant, the permitting should then determine if the physical disability of the applicant is covered under § 1.1(16) of the code of ordinances. If the hardship is due to the economic disability or physical disability not covered by § 1.1(16) of the code of ordinances, then the variance cannot be granted.

To satisfy this criterion, the permitting authority must determine the surrounding area. The surrounding area is typically approximately ¼ mile for an urban area or ½ mile for a more rural area. Distances may be modified to align with perceived or designated neighborhood, development pattern, or geographic delineations. Then, the permitting authority must determine general characteristics of this surrounding area. Characteristics include geography, landscape, development pattern, streetscape, and architecture. Information from relevant professionals may be provided. Then the permitting authority must determine the unique characteristics of the subject land or structure. Finally, the permitting authority must determine the hardship for this type of variance is due to those unique characteristics of the subject land or structure and not the general characteristics of the surrounding area.

B. The hardship...is not the result of any prior action of the applicant.

It should be abundantly clear whether the hardship is the result of prior action by the applicant. It is important to differentiate here that this standard applies to the applicant and not the current or previous property owner or other occupant of the property.

C. Granting the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan.

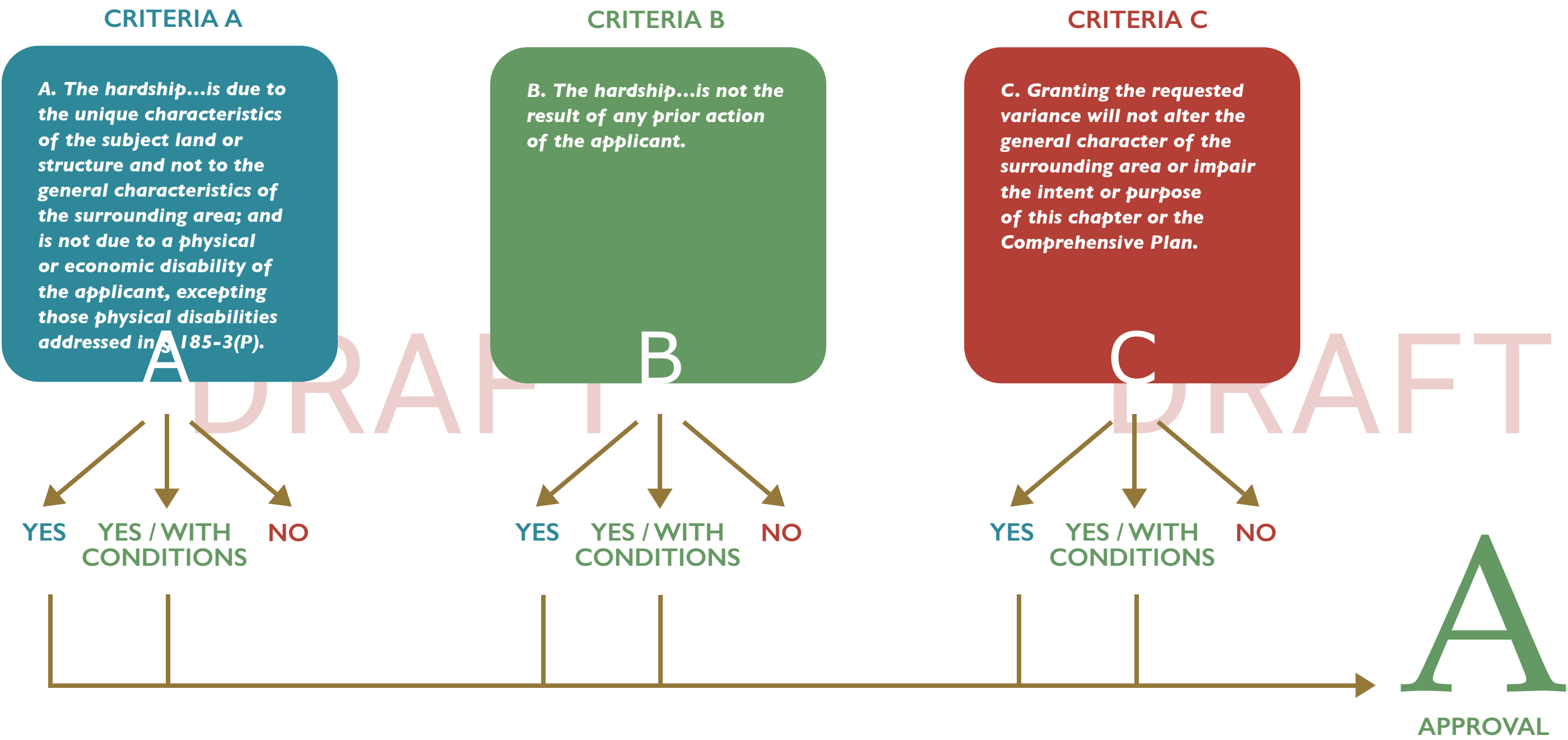
Please see text under criterion A explaining how the character of the surrounding area is determined.

Variances are required not to impair the intent or purpose of the zoning ordinance and the Comprehensive Plan. The purposes of the zoning ordinance are listed in § 1.1 of the zoning ordinance. The permitting authority should review each of the purposes of zoning listed in § 1.1 and determine if any of the purposes are impaired. If some of the purposes are impaired, the permitting authority should determine if the purpose of the zoning ordinance on the whole is impaired. Some articles of the zoning ordinance, such as XI have specific intent. This language would be worth reviewing when variance requests cover provisions of such articles.

The Comprehensive Plan is rewritten at least once every ten years. The Exeter Comprehensive Plan was last adopted in 2003. As it is more than twelve years old, it cannot be utilized to deny a land use application. Upon the adoption of the new Comprehensive Plan, I. Language in the document will depend on what is included by the authors in the most recent update. The draft 2024 Comprehensive Plan contains a vision section that helps to explain the intent of the document. Variances should not impair the purpose or intent of the vision of the Exeter Comprehensive Plan. In the land use context, this is also its purpose. A Comprehensive Plan is not generally parcel specific, but may identify specific parcels through text or clear delineation on a future land use map. The document's goals, objectives, policies, and actions provides additional important information about the intent or purpose of the Comprehensive Plan.

Please see the **Considering Criteria** section of this guide for additional information. Following its consideration of the required criteria, the permitting authority votes to approve, approve with conditions, or deny the variance request(s). If more than one variance is requested in one application, the permitting authority may review the requests as a whole or individually at its discretion. If partial denial is anticipated, reviewing the requests individually may head off a future appeal and/or decrease the likelihood of the permitting authority being overturned.

VARIANCES CRITERIA



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EX PARTE



As an adjudicator, it is inappropriate for a member of the Planning Board or Zoning Board of Review to discuss a pending application outside of an agenda item at an official meeting of that board. In fact, this could be grounds for appeal. Generally, an applicant should be given personal notice of a meeting where a public body will be discussing their application. Members who are approached outside of a meeting with information about a pending application should direct that information to the Planning Office for inclusion in the official record of the application and provision to the applicant, other board members, and the public.



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PUBLIC HEARING



A public hearing is a legal term; it affords the public, any individual whether or not they are a citizen of the town, the ability to speak on the matter before the permitting authority. Not all development applications have public hearings. Some types of applications require public hearings under state law. Generally staff to the board will ensure public hearings are listed as such on the meeting agenda.

Public hearings do not place every participant on equal footing. The applicant is given outsize opportunity to present their application, as they have a direct interest in the outcome of the board's review. Abutters with right of appeal may also be given outsize opportunity. Cross-examination of witnesses may be permitted by attorneys only for the applicant, abutters, the public, or the public themselves may be given the opportunity to cross examine. Finally, testimony may be limited, but it must be limited evenly, at least by class (i.e. applicant, abutter, public). For instance, the board could limit testimony to 15 minutes for the applicant, 10 minutes for abutters, and 5 minutes for the public.

The board may require written evidence be submitted in advance of the meeting. Written materials may likewise be limited, but sufficient length must be provided to cover all the issues. Finally, no one, including the applicant is required to speak during the public hearing.

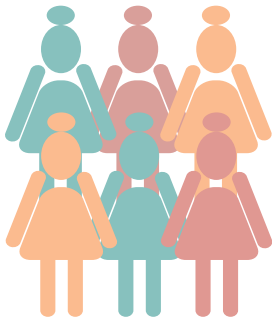
APPLICANT



ABUTTER



PUBLIC



CONSIDERING CRITERIA



After the conclusion of public comment, the permitting authority considers the merits of the application. The permitting authority may ask questions of the applicant and any witnesses. At this time, staff may present their analysis, which may include a recommendation.

The burden of proof for each of the criteria is on the applicant. In order to withstand appeal, the evidence must be presented that supports a positive finding of each of the criteria for approval. The requirement is "competent evidence," which means evidence which proves the criterion is met. If evidence is provided which discredits the applicant's evidence, the applicant's evidence must be more convincing than the discrediting evidence in order for the criterion to be satisfied.

Uncontested applicant evidence may not be sufficient to prove a criterion is met if it is outweighed by direct knowledge of the permitting authority. A conclusion presented by the applicant or member of the public is not evidence.

Following a determination that a criterion is not met, the permitting authority should consider any conditions of approval that may satisfy the criterion. Prior to applying the condition, the permitting authority should confirm with the applicant that the condition is satisfactory.

Requests from an applicant for an extension following a negative finding should be granted as a matter of courtesy. If the application is substantively altered, a required public hearing may need to be reopened.



DRAFT



APPENDIX B LAND DEVELOPMENT AND SUBDIVISION REGULATIONS¹

SECTION 1.0. AUTHORITY AND INTENT

Sec. 1.1. Title.

These regulations shall be known as the Exeter Land Development and Subdivision Regulations.

Sec. 1.2. Authority.

The following regulations governing land development and subdivision have been adopted by the Exeter planning board in accordance with Title 45, Chapter 23 of the General Laws, as amended.

(Ord. of 11-14-2023(1))

Sec. 1.3. Applicability.

These rules and regulations shall be applicable to:

- A. Applications for subdivision of land, including resubdivision and administrative subdivision.
- B. Applications for approval of land development projects, as provided for in R.I. Gen. Laws § 45-23-27.

(Ord. of 11-14-2023 (1))

Sec. 1.4. Prior regulations superseded.

- A. Prior regulations superseded. These regulations shall supercede all other regulations in effect at the time of their adoption. Any land development project or subdivision submitted after the date of adoption of these regulations shall conform to the provisions of these regulations.

¹Editor's note(s)—Printed herein are the land development and subdivision regulations of the town, as adopted by the planning board on October 26, 2004. This ordinance replaces the ordinance adopted on December 12, 1995. For subsequent amendments to the ordinance of December 12, 1995, please see the Code Comparative Table. Amendments to the regulations are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original regulations. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

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- B. Recorded plans and plats unimpaired. Nothing contained herein and no local ordinance, rule or regulation adopted under these regulations shall impair the validity of any plat legally recorded prior to the effective date of these regulations.

(Ord. of 11-14-2023 (1))

Sec. 1.5. General purposes of land development and subdivision regulations.

These regulations have been enacted for the purpose of protecting the safety, health, convenience and general welfare of the inhabitants of Exeter by regulating land developments and subdivisions. The planning board, which shall have the authority to act on behalf of the town in all matters of land development and subdivision regulation, shall exercise that power with due regard for the following purposes:

- A. To provide for the orderly, thorough and expeditious review and approval of land development projects and subdivisions;
- B. To promote high quality and appropriate design and construction of land development projects and subdivisions;
- C. To promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- D. To promote design of land development projects and subdivisions, which are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reasons of natural characteristics and existing infrastructure;
- E. To encourage local design and improvement standards to reflect the intent of the community comprehensive plans, particularly with regard to the physical character of the various neighborhoods and districts of the town;
- F. To promote thorough technical review of all proposed land development projects and subdivisions by appropriate local officials;
- G. To establish effective requirements and procedures for dedications of public land and impact mitigation, which are based upon clear documentation of needs and fair administrative practices;
- H. To secure adequate, efficient and economic provisions for water, sewage, traffic circulation, storm water management, recreation, fire and police protection, in all new land development projects and subdivisions;
- I. To protect and enhance the natural resources and historic features of the town; and
- J. To establish procedures for, and require consistent application of, good record keeping practices on all matters of land development and subdivision review, approval, recording and construction.

Sec. 1.6. Consistency with comprehensive plan.

These regulations have been found by the Exeter planning board to be consistent with the adopted Exeter comprehensive plan, the zoning ordinance of the town and are intended to be consistent with all other duly adopted local development regulations as well as with the general purposes stated in G.L. 1956, § 45-23-30, of the Land Development and Subdivision Review Enabling Act of 1992.

In case of uncertainty in the construction or application of any section of these local regulations, these regulations shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the Exeter comprehensive plan. Furthermore, these regulations shall

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(Supp. No. 29)

be construed in a manner consistent with the legislative findings, intents, and purposes of the state enabling act, G.L. 1956, §§ 45-23-25—45-23-74.

SECTION 2.0. DEFINITIONS

Sec. 2.1. Terms defined elsewhere.

Words and phrases used in these regulations that are defined in § 45-22.2-4 of the Rhode Island Comprehensive Planning and Land Use Regulation Act, [§ 45-23-35 of the Development Review Act of 1992](#), or § 45-24-31 of the Rhode Island Zoning Enabling Act of 1991 have the meanings stated in those acts. When used in these regulations, the words and phrases in section 2.2 [that do not conflict with or alter the terms or mandates of the aforementioned laws shall](#) have the meanings stated in that section.

(Ord. of 11-14-2023(2))

Sec. 2.2. Terms defined.

Administrative officer. The municipal official who administers the land development and subdivision regulations, reviews and approves qualified applications, and coordinates the planning activities among local boards and commissions, town staff and state agencies. The town planner is the administrative officer.

Administrative subdivision. ~~Resubdivision~~ [Subdivision](#) of existing lots that does not yield additional lots for development and does not require creation or extension of a street. Administrative subdivision involves only [division](#), ~~merger of lots~~, merger and ~~redivision of lots~~, or adjustments to boundaries of existing lots.

Agricultural land. means land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. as defined in R.I. Gen. Laws § 45-22.2-4.

Applicant. [An owner, or authorized agent of the owner, submitting an application or appealing an action of any official, board, or agency.](#)

Application. [The completed form, or forms, and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval, or permitting purposes.](#)

Board of appeal. The review authority for appeals of action of the administrative officer on matters of land development or subdivision. The zoning board of review serves as the board of appeal.

Bond. A type of improvement guarantee.

Buildable lot. A lot on which the planning board has determined that permitted construction is practicable, considering the physical constraints to development and the applicable local, state, and federal regulations.

Building envelope. The three-dimensional space within which a structure is permitted to be built on a lot under regulations governing building setbacks and maximum building height.

Building type. The appearance of a building as defined by its physical bulk and architectural elements such as dormers, cornices, fenestrations, roof configurations, and building materials.

Buffer. Land that is maintained in either its natural state or landscaped, and is used to screen or mitigate the impacts of development on surrounding areas, properties or rights-of-way.

Building setback line. A line parallel to the property line, marking the required depth of the front, side, or rear yard.

Certificate of completeness. A notice issued by the administrative officer informing an applicant that the application is complete and meets the requirements of these regulations, and that the applicant may proceed with the review process.

Concept plan. A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision that is used for pre-application meetings and early discussions, and classification of the project within the approval process.

Conservation development. The site planning and design process used to implement cluster subdivisions and land developments, as defined in R.I. Gen. Laws § 45-24-31 (13) Conservation development guides growth to the most appropriate areas within a parcel of land to avoid and minimize impacts to natural, cultural or recreational resources and other special features of the property, and requires the set-aside of a permanent area of open space.

Conventional subdivision. A subdivision in which all land being subdivided is dedicated to either lots for development or street rights of way, with no common open space. Not a conservation development.

Consistency with the comprehensive plan. The requirement that land use regulations and ordinances, and the decisions based on those regulations and ordinances, must be in accordance with the public policies adopted after detailed study and analysis and enacted by the town in the form of the comprehensive ~~community~~ plan.

Cornice. A continuous molded projection that crowns a wall or other construction or divides it horizontally for compositional purposes; usually consisting of bed molding, soffit, fascia, and crown molding.

~~***Cul-de-sac street.*** A local street with only one outlet that usually terminates in a circular vehicle turnaround.~~

Cut. An excavation; or the difference between a point on the natural gradient and a point lower in elevation.

Days. Calendar days.

Development. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any change in use, or alteration or extension of the use, of land.

Development regulation. A governmental statute, ordinance or regulation controlling the use and development of land.

Diversion. A channel constructed across the slope for the purpose of intercepting surface or subsurface runoff and carrying the water, on a reduced grade, to a suitable outlet. Diversions generally have a supporting ridge on the lower side.

Dormer. A window set upright in a sloping roof, or the roofed projection in which the window is set.

Dwelling unit. A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

Easement. The right to use all or part of the property of another for drainage, construction of utilities, conservation, or another specific purpose.

Environmental constraints. Natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development as defined herein. See also physical constraints to development.

Erosion. The removal of surface materials by action of natural elements.

Excavation. Any act by which earth, sand, gravel, rock or any other similar natural material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed.

Fill. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. Fill also means the difference in elevation between a point on the original undisturbed ground and a designated point of higher elevation of the final grade.

Final plan. The final stage of land development and subdivision review.

Final plat. The final drawing(s) of all or a portion of a subdivision or land development project to be recorded after approval and any accompanying material required by these regulations or by the ~~planning board or the administrative officer~~permitting authority.

Floodplain or flood hazard area.

As defined in R.I. Gen. Laws § 45-22.2-4(9), as amended.

Floor area, gross. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

Frontage. That portion of a lot abutting a public street or a private street on an approved plat. To meet the minimum frontage requirement lot frontage must be contiguous and provide direct, adequate and permanent access and egress to and from a street for all vehicles normally associated with the permitted use of the lot.

Improvement. Any natural or built structure, facility, or vegetative material required to be placed upon, planted, affixed to, or maintained on real property by these regulations or by a decision of the planning board or the administrative officer made pursuant to these regulations.

Improvement guarantee. A security instrument accepted by the planning board to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the planning board or the administrative officer as a condition of approval, will be completed in compliance with the approved plans and specifications.

Land. Real property including improvements and fixtures on, above, or below the surface.

Land development project. A project in which one or more lots, tracts, or parcels of land are developed or redeveloped as a coordinated site for one or more uses, units, or structures, including but not limited to, conservation development, for residential, commercial, institutional, recreational, open space, or mixed use.

Lot. Either (1) the basic development unit for determination of lot area, depth, and other dimensional regulations, or (2) a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and is recognized as a separate legal entity for purposes of transfer of title.

Maintenance guarantee. Any security instrument that may be required ~~and accepted~~ by the ~~planning board or the administrative officer~~Town of Exeter to ensure that ~~required-necessary~~ improvements will function ~~as required~~ for a specific period of time.

Major land development project. A project that results in a greater number of dwelling units, involves construction of more gross floor area, or requires more extensive exterior site development than would be permitted for a minor land development project.

Major subdivision. A subdivision that creates ten or more buildable lots.

Master plan. The first formal review stage for a major land development project or subdivision.

Minor land development project. Any one of the following:

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- (1) Construction of one or more buildings for commercial, manufacturing, or industrial use with a total for all structures of no more than 7,500 square feet of gross floor area.
 - (2) Enlargement of a commercial, manufacturing or industrial building that increases the gross floor area by no more than 50% or by 10,000 square feet of gross floor area, whichever is less.
 - (3) A mixed-use development consisting of no more than six dwelling units and 2,500 square feet of gross floor area for commercial use.
 - (4) A residential development that creates nine or fewer new principal dwelling units.
 - (5) Redevelopment or reconstruction to change the use of a multi-family residential, commercial, or industrial building that does not propose significant exterior alteration of the site.
 - (6) Adaptive reuse of a building or buildings with a total of no more than 25,000 square feet of gross floor area in a commercial zoning district that does not require extensive exterior construction or extensive exterior site redevelopment.
 - (7) Adaptive reuse of a building or buildings in a residential zoning district that creates eight or fewer new dwelling units.

Minor subdivision. A subdivision that creates nine or fewer buildable lots.

Mullion. A slender vertical member that forms a division between units of a window, door, or screen.

Parcel. A lot, or group of contiguous lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a tract.

Parking area or lot. All that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading, and unloading.

Permitting authority. The local agency of government, meaning any board, commission, or administrative officer specifically empowered by state enabling law and local regulation or ordinance to hear and decide on specific matters pertaining to local land use.

Phased development. Development, usually for large-scale projects, where construction of public or private improvements proceeds by sections subsequent to approval of a master plan for the entire site.

Physical constraints to development. Natural or man-made characteristics of a site that present significant difficulties in constructing the uses permitted on the site, or would require the use of extraordinary construction methods.

Plat. A site plan of a land development or subdivision plan showing the location, boundaries, and lot lines of individual properties, as well as other necessary information required by these regulations.

Pre-application conference. An applicant's initial presentation of a proposed subdivision or development at a Planning Board meeting to give the applicant the opportunity to explain the proposal and hear Planning Board members' informal comments and suggestions before a formal application is filed.

Preliminary plan. The required stage of land development and subdivision review that requires detailed engineered drawings.

Public improvement. Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility that the ~~city~~ town or other governmental entity is either presently responsible, or will ultimately be responsible for maintenance and operation upon municipal acceptance maintaining.

Public water supply. Any water system providing a potable supply to a segment of the population on a regular basis for domestic or industrial use, including supplies furnished by municipalities, special districts, authorities, associations, and privately owned water utilities.

Rural residential compound. A type of land development with a density of no more than one dwelling unit per ten acres of land for which the dimensional regulations are more flexible than those of the underlying zoning district.

Runoff. The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow and including seepage flows that do not enter the soil but run off the surface of the land. That portion of water that is not absorbed by the soil, but runs off the surface.

Sedimentation. The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Matter that is deposited or suspended in water is usually referred to as "sediment."

Sketch plan overlay sheet. A scaled drawing that illustrates conceptual layouts of house lots, buildings, streets and conservation areas.

Slope. The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance. Any natural landform that is not horizontal differs from the horizontal.

Soil stabilization. The chemical, mechanical, or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties and reduce erosion.

Specimen vegetation. Rhode Island Natural Heritage Program plant species listed as either state endangered, state threatened, state interest species of concern, or state extirpated; plant species providing habitat for animal species listed by the Natural Heritage Program in the above mentioned categories; species such as American Holly (*Ilex opalca*) and Rhododendron (*Rhododendron maximum*) that are at the limits of their natural range; or any species such as American Elm (*Ulmus Americana*) and American Chestnut (*Castenata dentate*) whose population has been drastically reduced by disease, insects or habitat destruction.

Storm water detention. A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm water retention. A provision for storage of storm water runoff.

Street. A public or private thoroughfare used for passage or travel by motor vehicles.

Street, access to. An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

Street, private. A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific, municipal improvement standards. This definition does not apply to driveways.

Street, public. All public property reserved or dedicated for street traffic.

Street, cul-de-sac. A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

Street line. A lot line that separates a lot from a street.

Street right-of-way. The entire area dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.

Street, stub. A portion of a street reserved to provide access to future development.

Street classification. A method of roadway organization that categorizes streets according to function.

- a. *Arterial.* A major street that serves as an avenue for the circulation of traffic into, out of, or around the town and carries high volumes of traffic.

- b. *Collector.* A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
- c. *Local.* Streets whose primary function is to provide access to abutting properties.

Subdivider. A person or entity applying for approval to subdivide land and/or: (1) Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or (2) Directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, unit, or plat in a subdivision; or (3) Engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development in a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.

Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts, or parcels or any adjustment to existing lot lines.

Swale. A low-lying stretch of land that gathers or carries surface water runoff.

Topsoil. Surface soils and subsurface soils ordinarily rich in organic matter or humus debris.

Vested rights. The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to the completion of the project.

View-shed. The primary area(s) that can be viewed from defined observation point(s). To determine the extent of the view-shed, important vantage points and significant features should be identified. The area that can be seen from those points should be designated as the view-shed.

Watercourse. A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or manmade.

Yield plan. A plan of a conventional subdivision that depicts the maximum number of building lots or dwelling units that could reasonably be built on a parcel of land under current zoning, taking into account physical constraints to development such as wetlands, etc. No lot shall be considered buildable unless it can be shown to have a minimum of one acre (43,560 sq. ft.) of contiguous, accessible land that is free of biological wetlands, water bodies, street rights-of way, or electrical power line easements.

(Amd. of 2-20-17; Ord. of 11-14-2023(2))

SECTION 3.0. GENERAL REQUIREMENTS

The elements described within section 3.0 apply generally to all land development projects and subdivisions subject to these regulations.

Sec. 3.1. Town regulatory officials.

- A. *Planning board.* The town planning board has been authorized as the local regulatory agency for all matters of land development and subdivision.
- B. *Administrative officer.* The ~~planning board may designate the chair of the planning board or the~~ town planner as administrative officer ~~to shall~~ work as ~~their the planning board's~~ agent to oversee and coordinate all aspects of the review, approval and recording as well as the construction phases for all land development projects and subdivisions (see section 9.1, administrative officer).
- C. The qualifications for the town planner are set by the planning board and the appointment of the town planner shall be by the town council.

Sec. 3.2. Required submission documents.

All applications subject to these regulations shall have specific submission requirements, depending upon the type of development proposed (see Section 12.0 for itemized lists of application requirements).

Sec. 3.3. Fee structures and regulations.

- A. *General.* The planning board shall impose reasonable fees for the review of applications, which come before it. The planning board may impose administrative fees and project review fees as may be applicable to the types of applications set forth below. Each fee shall be submitted separately, in accordance with the following provisions.
- B. *Administrative fees.*
1. *Applicability.* An administrative application shall be assessed at the time of application, to offset the expense of review by the planning board and its office staff with regard to all applications set forth in subsection 2, below. Any application filed without this fee shall be deemed incomplete and no review work by the town shall commence until the fee has been paid in full.
 2. *Application fees.* Application fees shall be as follows:
 - A. Pre-application review: \$100.00.
 - B. Administrative subdivision: \$200.00.
 - C. Minor land development projects and minor subdivisions (including rural residential compounds):
 1. Pre-application meeting: \$100.00 (if more than two meetings, additional \$100.00 required per additional meeting).
 2. Preliminary plan: \$200.00 plus \$50.00 for each additional unit or lot; Nonresidential: \$100.00 plus five cents per square foot of gross floor area.
 3. Final plan: Residential: \$100.00 plus \$20.00 for each additional unit or lot.
Nonresidential: \$100.00 plus five cents per square foot of gross floor area.
 - D. Major land development projects and major subdivisions:
 1. Pre-application meeting (if more than two meetings, additional fees required equivalent to original meeting fee for each additional meeting):
Residential: \$200.00 plus \$20.00 for each additional unit or lot.
Nonresidential: \$100.00 plus five cents per square foot of gross floor area.
 2. Master plan:
Residential: \$300.00 plus \$50.00 for each additional unit or lot.
Nonresidential: \$100.00 plus five cents per square foot of gross floor area.
 3. Preliminary plan:
Residential: \$500.00 plus \$100.00 for each additional lot or unit
Nonresidential: \$100.00 plus five cents per square foot of gross floor area
 4. Final plan:
Residential: \$100.00 plus \$20.00 for each additional unit or lot.

Nonresidential: \$100.00 plus five cents per square foot of gross floor area.

- F. Extension requests: \$100.00.
- G. Solar fee: Solar fees are calculated by the square footage of the area where the panels are located including the rows and interspacing between panels (unless otherwise noted). The fee applies as follows:
1. Roof mounted: the appropriate building permit fee.
 2. Solar canopy: The square footage of the face of the panels calculated at \$.02/square foot.
 3. Ground mounted with minor land development or DPR:
 - Pre-application: \$200.00.
 - Preliminary plan: \$300.00 plus \$.02/SF.
 - Final plan: \$300.00 plus \$.02/SF.
 4. Ground mounted with major land development:
 - Pre-application: \$200.00.
 - Master plan: \$300.00 plus \$.02/SF.
 - Preliminary plan: \$300.00 plus \$.02/SF.
 - Final plan: \$250.00 plus \$.02/SF.
- No single stage of review can have a calculated fee that exceeds \$5,000.00 minus the base fee. If the calculated fee minus the base fee exceeds \$5,000.00, the fee shall be capped at \$5,000.00 for each stage of review.
- H. Application that cannot be classified or grouped with any other existing category:
- Pre-application: \$200.00.
 - Master plan: \$300.00 (if required).
 - Preliminary plan: \$300.00.
 - Final plan: \$250.00.
- I. Unified development review application:
- \$300.00 plus;
 - The administrative fee listed in LDSR Section 3.3 entitled "Fee structures and regulations," B.2. for the proposed project type plus;
 - The cost of all public notice is to be borne by the applicant.
- J. Any appeal filed pursuant to section 10, documents and reproduction fees including, but not limited to stenographic, copying, and tape reproduction. Fee will commensurate with actual cost.
3. *Fees for revised applications.* Where an administrative fee has been calculated and the application is revised after payment of said fee, the following rules shall apply:
- A. If the basis for calculating the fee increases after the initial submittal, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these revisions. No review of these revisions shall take place until this additional fee is paid. The application is incomplete until such fee is paid. Failure

to make this payment after requesting additional revisions shall be grounds for denial of the application.

- B. If the basis for calculating the fee decreases, a refund of that portion of the application fee predicated on those lots or units shall be granted only if, in the judgment of the planning board, no cost associated with the review of those lots or units has been yet incurred. The application is incomplete if the fee is not paid.

4. *Fee waivers.* The planning board may waive or reduce any administrative fee, if, in the opinion of the board, unusual circumstances exist regarding the subject property or the applicant.
5. *Refund.* Once the review process has been commenced, the planning board shall not refund administrative fees, including the case of withdrawal of the application by the applicant, except as provided in subsection B.3.B, above.

C. *Project review, hearing and inspection fees.*

1. *Applicability.* In addition to the administrative fees cited in section 3.3.B.2, the applicant shall also provide payment for all hearing costs, including the cost of legal ads and stenographers. The planning board shall also impose a project review fee on those applications which require, in the judgment and sole discretion of the planning board, analyses or review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, and/or because the town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the board may engage, including but not limited to, engineers, planners, lawyers, landscape architects, architects, geo-technical experts, hydrology experts, or other appropriate firms, persons or professionals able to assist the board in its review of the proposal or application and to ensure compliance with all relevant laws, ordinances, and regulations, as well as with the formulation of reasonable measures to assess and/or mitigate identified impacts. Such assistance may include, but shall not be limited to, analyzing an application, review of information submitted by an applicant, design review of applications to determine consistency with the town's design standards and objectives including those referenced in the community comprehensive plan, examining the adequacy and reasonable alternatives of measures to mitigate potential impacts, monitoring or inspecting a project or site for compliance with the board's decisions or regulations, or inspecting a project during construction or implementation, or such other similar technical assistance as the planning board may require.
2. *Submittal.* Project review fees shall be submitted at the time of the submittal of the application for deposit in an escrow account established by the town treasurer. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.
3. *Schedule of project review fees.* The following schedule applies to the types of applications to the planning board set forth below. This schedule supersedes all previous schedules as they may have appeared in the zoning ordinance, the subdivision and land development regulations, and any listings, which may have been compiled from time to time for the benefit of applicants.
- A. Conceptual master plan, subdivision or land development project: \$1,000.00 for the first six units or lots, plus \$100.00 per unit or lot, after the first six.
- B. Preliminary plan, subdivision or land development project: \$1,000.00 for the first six units or lots, plus \$100.00 per unit or lot, after the first six.
- C. Final plan, subdivision or land development project: \$1,000.00 for the first six units or lots, plus \$100.00 per unit or lot, after the first six.
- D. Development plan, subdivision or land development project: \$1,000.00 for the first six units or lots, plus \$100.00 per unit or lot, after the first six.

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4. *Replenishment.* When the balance in an applicant's escrow account falls below 25 percent of the initial project review fee, as imposed above, the planning board shall consider whether to require a supplemental project review fee to cover the cost of the remaining project review.
 5. *Inspection phase.* After the granting of a final plan approval, or authorizing construction upon the acceptance of a performance guarantee, the planning board may require a supplemental project review fee for the purpose of ensuring the availability of funds to cover the inspection phase of the review process.
 6. *Handling of project review fees.* The project review fee is to be deposited into a special account as established by the town.
 - A. Project review fees shall be turned over to the town by the planning board for deposit into an escrow account.
 - B. Outside consultants retained by the planning board to assist in the review of an application shall be paid from this account.
 - C. A copy of the latest statement from the banking institution handling the escrow account shall be forwarded to the planning board office as soon as it is received for timely and accurate accounting.
 - D. A report on activity in the escrow account on an annual basis shall be submitted to the planning board and town council for review.
 - E. An accounting of an applicant's funds held in the escrow account may be requested by the applicant at any time.
 1. The planning board shall respond to the request in a timely fashion.
 2. This accounting may include the following information:
 - a. The latest statement from the banking institution handling the account, which should include an accurate accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicant's accounts.
 - b. A report of all checks authorized for issuance since that last banking statement.
 - F. An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
 - G. Excess fees in the escrow account shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process, as defined below. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the board with documentation establishing such succession in interest. All accumulated interest shall accrue to the town to cover costs associated with the management and processing of those procedures.
 1. With the approval or disapproval of a preliminary subdivision plan.
 2. With the disapproval of a final subdivision plan.
 3. With the release of the performance bond at the end of construction of an approved final subdivision plan.
 4. With the final inspection or the approval or disapproval on all other types of applications under the zoning ordinance or subdivision and land development regulations, whichever comes later.

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7. *Appeal.* The choice of a consultant, selected by the planning board for project review, may be appealed in writing to the board of appeal by the applicant, providing such appeal is initiated in accordance with section 10.0 of these regulations.
- A. Two circumstances may disqualify the selected consultant. These conditions constitute the only grounds for an appeal.
1. Conflict of interest: A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way from the outcome of the pending review process. Consultants must be in compliance with the Rhode Island Ethics Law.
 2. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.
- B. The required time limits for action upon an application by the planning board shall be extended by duration of the appeal.
- C. This appeal shall not preclude further judicial review, as an appeal of the board of appeal's decision.
- D. Delinquent accounts. The following rules apply to fees owed to the planning board by applicants:
1. *Monthly interest charge.* All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest rate of 12 percent.
 2. *Costs of collection.* All costs of collection associated with past due accounts shall be borne by the applicant.

(Amd. of 2-20-17; Ord. of 12-4-2023(2))

Sec. 3.4. Project description and impact study.

Any application for a residential subdivision creating more than five lots, and all nonresidential subdivisions shall include a narrative describing the proposed project's major elements, potential significant impacts on the surrounding neighborhood and/or community and the means by which these identified impacts shall be mitigated by the project design or otherwise.

1. The planning board shall have the authority to require the applicant to prepare an Environmental and Community Impact Study (ECIS) to assess the potential short and long term effects of the proposed subdivision or land development project under any of the following conditions:
 - a. If all or part of the property that is the subject of the application includes land identified by any or all of following agencies; the Exeter planning board, the Exeter conservation commission, the Rhode Island Natural Heritage Program, the Rhode Island Historic Preservation and Heritage Commission, the Nature Conservancy, the RI Department of Environmental Management, the U.S. Geological Survey, the U.S. Environmental Protection Agency, as unique natural areas or areas of critical and/or environmental concern; or
 - b. The planning board finds that there is reasonable expectation that the proposed subdivision or land development project may have a negative environmental impact on natural systems located on the property or adjacent to the property that is the subject of the application or upon nearby properties or natural systems.

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- c. The planning board finds that there is reasonable expectation that the proposed subdivision or land development project may have a negative impact on community services and facilities.
 2. The board shall make findings of fact in writing and shall identify the environmental resources found to be potentially threatened. The board's findings shall be made a part of the record of the application.
 3. An ECIS required under this section shall include research and documentation describing and assessing short and long-term cumulative environmental impacts, which may include but not be limited to impacts upon:
 - a. Freshwater wetlands;
 - b. Flooding and drainage;
 - c. Noise and air quality;
 - d. Solid waste generation;
 - e. Historic/archaeologic areas;
 - f. Traffic/road capacity;
 - g. Hydric soils;
 - h. Forests and agricultural lands;
 - i. Unique vegetation, significant trees, and important scenic or designed landscapes;
 - j. Natural heritage sites;
 - k. Wildlife and wildlife habitat;
 - l. Groundwater quality and quantity;
 - m. Surface water quality, streams and rivers;
 - n. Schools and other community facilities; and
 - o. Public wells and well fields.
 4. If an ECIS is required, the applicant shall be so informed at the preliminary meeting for a minor subdivision, or the conceptual master plan stage for a major subdivision and shall be advised at that meeting as to the specific issues that the ECIS must address.
 5. For any subdivision or land development project for which an ECIS is required, the board shall have the authority to impose conditions on approval, including but not limited to off-site improvements, that, based on the findings and analysis of the ECIS, are reasonably necessary to minimize adverse impacts that the development may have on the natural or manmade environment.
 6. All environmental and community impact studies shall be referred to the conservation commission and other appropriate town boards, commissions, or other local, state or federal, agencies for their review and comment prior to planning board approval of the preliminary plan.
 7. It in the opinion of the planning board, impacts identified in the ECIS cannot be adequately mitigated so as to achieve compliance with each of the requirements specified in section 3.5, the planning board shall have the authority to deny approval of the proposed development design.

Sec. 3.5. Required findings for all approvals.

For all development and subdivision applications subject to these regulations ~~permitting authority the planning board, or its designated agents,~~ shall address each of the general purposes stated in section 1.5, and shall

make positive findings on the following standard provisions as part of the proposed project's record, prior to approval. If a negative finding for any of these standards is made, the planning board shall have grounds for denial of the ~~application~~project design:

1. The proposed development is consistent with the town's comprehensive plan and/or has to the ~~permitting authority's board's~~ satisfaction addressed the issues where there may be inconsistencies;
2. ~~Each lot in the subdivision shall conform to~~The proposed development is in compliance with the standards and provisions of these regulations and of the town zoning ordinance. ~~Provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of the town zoning ordinance provided that:~~
 - ~~a. A notation is shown on the recorded plat that the lot being created is not a buildable lot; and~~
 - ~~b. A conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, is granted to the town prohibiting any such present or future development.~~
3. There will be no significant negative environmental impacts from the proposed development as shown on the ~~preliminary final~~ plan ~~as determined by the planning board~~, with all required conditions for approval;
4. Subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable (see definition of buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on approved recorded plans; Provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of the town zoning ordinance provided that:
 - a. A notation is shown on the recorded plat that the lot being created is not a buildable lot; and
 - b. A conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, is granted to the town prohibiting any such present or future development.
5. All proposed land developments land development projects and all subdivision lots shall have adequate, permanent and safe physical vehicular access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement;
6. Each subdivision shall provide for safe circulation of pedestrian and vehicular traffic for adequate surface water run-off, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community; and
7. The design and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall minimize flooding, soil erosion, and shall embody to the degree feasible a design that minimizes future maintenance;
8. For each new lot frontage at the minimum setback or building line shall be not less than 75 percent of that required at the front lot line or street line;
9. Provisions may be required for specific developments for access to any area isolated from the frontage on an existing public street. This shall be accomplished by reservation of land within the development to provide future access to isolated, adjacent parcels through a de-feasible easement running with the deed in favor of the town;

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10. The proposed development meets all of the design standards within section 7.0 of these regulations, including all approved waivers accepted and authorized by the planning board under section 4.5 of these regulations;
 11. The open space within conservation developments meets the standards and requirements of these Regulations with regard to amount, location, use, nature and design.
 12. The proposed development and/or subdivision meets all other requirements of these regulations.

SECTION 4.0. SPECIAL REQUIREMENTS

The elements within section 4.0 may be applicable to individual land development projects and subdivisions, depending upon the individual site and project design.

Sec. 4.1. Off-site improvements.

1. *Purpose.* This section is intended to ensure that sub-dividers provide off-site infrastructure improvements in order to mitigate the impacts that the development may have on the town's natural and manmade environment which are directly or indirectly attributable to new development. The planning board may require such improvements if the board finds that there is a reasonable relationship between the requested improvement and the proposed new development. Off-site improvements may include, but are not limited to improvements to the following:
 - a. Utility structures;
 - b. Water supply systems;
 - c. Roadways;
 - d. Sidewalks;
 - e. Bicycle paths;
 - f. Drainage systems;
 - g. Bridge/culverts; and
 - h. Public safety.
2. *Definition and principles.* As a condition of final approval, the planning board may require a subdivider to construct reasonable and necessary improvements located off of the proposed land being subdivided. "Necessary" improvements are those clearly and substantially related to the subdivision or land development being proposed. The planning board shall provide in its resolution of preliminary approval, the basis for requiring such off-site improvements. In its resolution, the board must find that a significant negative impact on existing conditions will result if the off-site improvements are not made, and are clearly documented in the public record. The mitigation required as a condition of approval must be related to the significance of the identified impact. All required off-site improvements must reflect the character the town.

Sec. 4.2. Improvement guarantees.

- A. The planning board shall approve agreements for the completion of all required public improvements prior to final plan approval in the form of:
 - (1) Completion of actual construction of all improvements,
 - (2) Improvement guarantees, or

(3) A combination thereof.

- B. Where improvements are constructed without a financial guarantee, the work is to be completed prior to final approval. All construction shall be inspected and approved under the direction of the public works director and according to these regulations. Before final approval the applicant must supply the planning board with a letter from the public works director certifying that the improvements have been completed in a satisfactory manner.
- C. Improvement guarantees shall be in an amount and with all necessary conditions to secure for the town the actual construction and complete installation of all the required improvements, within the period specified by the planning board. The amount shall be based on actual cost estimates for all required public improvements. The guarantee shall enable the town to gain timely access to the secured funds, for cause. The public works director shall submit a written recommendation of the amount of the performance bond to the planning board for their approval. The board may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions. The board shall review guarantees on a regular basis and upgrade them as necessary.
- D. The security shall be in the form of a certified check or cash, (payable to the town, to be deposited in an interest-bearing account. All accrued interest will be returned to the applicant), performance bond or tripartite lender agreement.
- E. The planning board, in consultation with the public works director, shall set the amounts of improvement guarantees, review and approve the constructed improvements and release the improvement guarantee to the applicant.
- F. The applicant may apply to the board for a partial release of the bond upon completion of a portion of the required improvements. The public works director will notify the planning board in writing as to the amount of reduction recommended, if any, based upon the completion of improvements according to the required specifications.
- G. In the cases of developments and subdivisions, which are being approved and constructed in phases, the planning board shall specify improvement guarantee requirements related to each particular phase.
- H. Upon completion of all required improvements, the applicant may request the board to release 90 percent of the bond originally posted. The public works director will notify the board in writing as to whether the improvements have been satisfactorily completed. If all improvements are completed by the subdivider, a maintenance bond of ten percent of the improvement costs shall be required.
- I. One year from the date of completion of all of the required improvements as provisionally certified by town's consulting engineer, the applicant may request the board to release the remaining bond. The public works director will notify the board in writing as to whether defects in the design or construction of the required improvements have become evident since the release of the original 90 percent of the bond.
- J. Until the required improvements have been completed and accepted by the town, no building permit shall be issued for the construction or alteration of any building on any lot in a development, unless an acceptable guarantee of performance of the subdivision has been received the town treasurer and approved by the planning board.
- K. Required improvements shall be completed within two years of final approval of the development by the board. The developer must request an extension of time from the board if additional time is needed. Any such extension request must be accompanied by a bond review, update, and posting of additional bond if so determined by the board. If the improvements are not completed within two years or time extensions arranged with the board, the bond will be forfeited to the town. Upon forfeiture, the board shall authorize the public works director to use the forfeited bond to oversee the completion of the required improvements.

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- L. All such improvements, once inspected and approved, shall be accepted by the town or appropriate town agency for maintenance and/or as part of the town system.
 - M. The town is hereby granted the power to enforce the guarantees by all appropriate legal and equitable remedies.

Sec. 4.3. Phasing of major land developments land development projects and major subdivisions.

- 1. When a major land development project, or a major subdivision, is submitted for master plan approval as provided in section 5.5, the planning board shall review the adequacy of existing and projected future public improvements, services and facilities, which may be impacted by the proposed development in its entirety, and taking into account the cumulative impacts of the proposed subdivision or land development project on such services and facilities with regard to area growth and development. If the planning board determines that such improvements, services and facilities, including but not limited to water supply, sewerage, streets and associated drainage facilities, schools, recreational facilities and fire and police protection will not be adequate to serve the residents of the subdivision or development at the time of recording of the plat, the planning board shall have the authority to establish a rate of development of the entire development by requiring it to be built in phases.
- 2. When an application is submitted for master plan approval, the applicant shall submit to the applicable municipal, state or private agency as provided in the master plan checklist for major land development projects and major subdivisions, a copy of the master plan narrative report for their review and comment. Each agency so notified by the applicant shall be requested to provide its comments in writing to the planning board. Comments shall be received from each agency prior to the date of the informational meeting. If comments are not received by the administrative officer by that date, it shall be assumed that the agency does not wish to comment.

If the public informational meeting on the master plan and the public hearing on the preliminary plan are combined as provided in section 5.5C, all comments from reviewing agencies shall be received prior to the date of the public hearing.

- 3. Each department or agency to which such a request for comments is made shall deliver to the administrative officer, in addition to the written correspondence, any supplementary material, which shall describe:
 - a. An estimate of the impact of the development on the facilities and/or services provided by the department or agency. Such estimate shall take into account the cumulative impacts of all growth and development in the area of the proposed development;
 - b. Whether existing facilities and/or services are adequate to serve the residents of the proposed development;
 - c. Whether plans for the necessary improvements to existing facilities and/or services are included in the town's capital improvement program or are otherwise planned; and
 - d. An estimate of how long it would take to provide any necessary improvements to existing facilities and/or services.
- 4. Based on the responses received from the various departments and agencies, the planning board shall establish, at the time of master plan approval, a rate of development of the entire development that will permit residential construction only when improvements, services and facilities will be adequate to serve the residents of the development. As part of such a growth rate plan, the planning board may require that improvements be installed, or lots sold, in two or more phases.

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5. If phasing is required, the planning board shall approve the entire master plan first. Thereafter, the applicant shall be required to submit plans for preliminary and/or final review and/or approval indicating the development of the entire site in two or more phases as required by the planning board in section 5.5, above. In such review and approval, the board may, in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as necessitated by special conditions.
 6. The master plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

Sec. 4.4. Waiver and modification of requirements.

- A. The planning board shall have the authority to waive any requirement in these regulations for a major land development project or subdivision or a minor land development project or subdivision. The administrative officer shall have the authority to waive any design standard in these regulations for a minor land development project or subdivision that will be approved administratively. To approve a waiver, the planning board or in instances of administrative approval of a minor land development project. the administrative officer's must find that:
 1. The waiver or modification is reasonable and within the general purposes and intents of these regulations; and
 2. Literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question, or the waiver is in the best interest of good planning practice or design as evidenced by consistency with the comprehensive plan and zoning ordinance.
- B. The planning board's or, in instances of administrative approval of a minor land development project. the administrative officer's decision shall be in writing and shall contain findings of fact addressing the conditions contained in section 4.4.A.

(Ord. of 11-14-2023(3))

Editor's note(s)—An ordinance adopted Nov. 14, 2023, repealed § 4.4 which pertained to waiver of development plan approval and renumbered the following §§ 4.5—4.7 as §§ 4.4—4.6.

Sec. 4.5. Reinstatement of development applications.

- A. When an applicant has exceeded a deadline established by these regulations for submission of material for a land development or subdivision, there rendering a previously granted approval invalid, the application may be reinstated by the planning board under the following conditions:
 1. The development is consistent with the comprehensive community plan;
 2. The land development and subdivision regulations are substantially the same as they were at the time of original approval;
 3. The zoning of the development parcel is substantially the same as it was at the time of original approval;
 4. Physical conditions on the development parcel are substantially the same as they were at the time of original approval; and

5. Any applicable state or federal regulations are substantially the same as they were at the time of original approval.

B. Application for reinstatement of a previously approved subdivision shall be made, in writing, to the planning board. The planning board, in approving or denying the request for an extension, shall make findings of fact, which shall be made part of the record.

(Ord. of 11-14-2023(3))

Editor's note(s)—Formerly § 4.6. See editors note following § 4.4.

Sec. 4.6. Dedication of land for public purposes.

1. *Subdivider must provide open space.* The planning board may require all residential land to dedicate a portion of the land being developed or subdivided for the purpose of providing open space, conservation, park and recreational facilities to serve present and future residents of the proposed land development or subdivision. The planning board may, in its discretion, require the payment of a fee-in-lieu of land dedication, or a combination of land dedication and payment of a fee, as an alternative to the dedication of land.
2. *Relationship to comprehensive plan.* No dedication of land to the public or payment-in-lieu of such dedications shall be required unless the need for such is documented in the adopted plans of the town, i.e., the comprehensive community plan, the local recreation conservation and open space plan, or the capital improvement program (CIP). The requirement for dedication of land for open space, conservation, park and recreation facilities shall be based upon the policies and standards set forth in the above plan or in the CIP and shall reflect the character defined for the neighborhood or district in which the subdivision is located by comprehensive community plan. The nature of the land dedication must reflect the character of the land being subdivided and must be suitable for the intended use. If payments, in-lieu-of-land dedications are required, they must be kept in a restricted account and shall only be spent for the intended purpose of providing open space, conservation, park and recreation facilities.
3. *Amount of land to be dedicated.* The minimum amount of land to be dedicated shall be based upon the following formula:

Amount of land Dedicated	=	Number of house lots	x	Minimum lot size in the underlying zoning district	x	Three percent

*Further subdivision of such lot(s) may be subject to further fee(s)

4. *Ownership of land.* Land dedicated under the provisions of this Section may, subject to the approval of the planning board, be dedicated by transfer of fee simple ownership to the town or, in the case of a conservation development, to an agency or organization as provided in section 5.12.D.
5. *Fees-in-lieu-of-land dedication.* Where a fee is required by the planning board to be paid in-lieu-of land dedication, the amount of such fee shall be based on the fair market value of the amount of undeveloped land which would otherwise be required to be dedicated under subsection 3 hereof. Fair market value of the land shall be established by the Exeter Tax Assessor at the time of final plan review. Fair market value shall be established assuming subdivision approval has been granted and review of recent sales of comparable vacant undeveloped land within the Town and neighboring towns. The amount of such fee shall be determined by the following formula:

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Fee-in-lieu of land dedication	=	Fair Market value per acre of undeveloped land	x	Amount of land to be dedicated

- a. If the sub-divider objects to such amount of evaluation, he/she may, at his/her own expense, obtain two separate independent appraisals of the property by qualified real estate appraisers, which appraisals may be accepted by the planning board, if found to be reasonable; or
 - b. The planning board and sub-divider may agree as to the fair market value.
6. *Use of fees collected.* Fees-in-lieu of land dedication shall be held by the Town Treasurer in a restricted account for recreation and open space activities only. Such account shall be used to purchase, maintain and operate parks, playgrounds, recreational facilities and open space areas. Fees shall be made available for use by the Exeter Rural Land Preservation Trust for these purposes. A proportionate share may be used for capital improvements at existing recreational or open space areas demonstrated to be used by the approved subdivision.

(Amd. of 2-20-17; Ord. of 11-14-2023(3))

Editor's note(s)—Formerly § 4.7. See editors note following § 4.4.

SECTION 5.0. CONSERVATION DEVELOPMENT

Sec. 5.1. Purpose.

Pursuant to and consistent with section 1.4.B.D of the zoning ordinance, the purposes of this section, conservation development, are:

- A. To protect natural resources, including but not limited to those areas containing woodlands, unique vegetation, streams, floodplains, wetlands, aquifers to their recharge areas, agricultural lands, wellheads and vernal pools, by setting them aside from development;
- B. To preserve cultural, historical and archaeological resources;
- C. To protect recreational resources;
- D. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including wastewater disposal systems and wells, and to reduce length of roads, utility runs, and the amount of paving required for residential development;
- E. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the population diversity of the community may be maintained;
- F. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally important resources as set forth in the comprehensive plan,
- G. To provide reasonable incentives for the creation of a contiguous greenway system within the town;
- H. To implement adopted land use, transportation and community service policies, as set forth in the comprehensive plan,
- I. To protect areas of the town with productive agricultural soils to encourage continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;

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- J. To create neighborhoods with direct visual and/or physical access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;
 - K. To provide for the maintenance of open land set aside for active or passive recreational use, storm water drainage or conservation lands;
 - L. To conserve and create scenic views and preserve the rural character of the town;
 - M. To provide a buffer between new development and existing streets, neighborhoods, active farmland and adjacent park or conservation land.

Sec. 5.2. Applicability.

- A. In accordance with the standards set forth in this section 5.0, the planning board shall allow all major subdivisions and major land development projects be developed as a conservation development, whether a subdivision or not. Major subdivisions and major land development projects shall be required to follow the procedure for review and approval prescribed in section 6.8.
- B. The planning board-permitting authority shall allow a minor subdivision or minor land development project to be developed as a conservation development, if it finds that a conservation development would a better form of development, after consideration of the general purposes and required standards for subdivisions and land development projects set forth in these regulations, and after consideration of the purposes of conservation developments set forth in section 5.1.

Sec. 5.3. Procedures.

Applications for conservation development approval shall be made in accordance with the procedures for approval of a major or minor subdivision or land development project based on the number of lots or dwellings in the development as provided in section 6.0 of these regulations.

Sec. 5.4. Design process.

The design of a conservation development shall follow the design process specified in the following steps. As a guide in designing conservation developments, applicants are encouraged to review the provisions of the Rhode Island Conservation Development Manual, RIDEM, June 2003 in the preparation of plans. The maps illustrated in this manual will provide graphic examples of what is required of applicants. When the master plan is submitted for major land development projects or subdivisions, or preliminary plans for minor land development projects or subdivisions, applicants shall demonstrate to the planning board that this design process was considered in determining the layout of proposed streets, building locations, and open space. See section 12 for specific requirements.

Step 1 - Analyze the site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other and strategies for protection. For pre-application meetings, the applicant shall submit the information required by the pre-application checklist. For master plan meetings, this information shall be submitted in the form of an existing resources and site analysis map, as specified in section 5.16.

Step 2 - Evaluate site context. The second step is to evaluate the site in its larger context of the neighborhood and town by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., street and bicycle networks), and cultural (e.g., open spaces, recreational opportunities) connections to surrounding land uses and activities. This information shall be submitted in the form of a site context map, as specified in section 5.6.

Step 3 - Designate potential conservation areas. The third step is to identify the areas on the site to be preserved on the site as open space. The open space shall at a minimum include portions of the site that are

unsuitable for development and which constitute the most sensitive and noteworthy natural, cultural and recreational resources of the site. Where appropriate, areas that serve to extend neighborhood open space networks to/from surrounding property shall be identified. The designation of open space shall reflect consistency with the town comprehensive plan.

Step 4 - Determine maximum number of units. At the master plan stage for major subdivisions and major land development projects, and at the preliminary stage for minor subdivisions and minor land development projects, the applicant and planning board shall agree upon an initial number of dwelling units that will be permitted in the conservation development or subdivision, using the yield plan approach as described in section 5.8. The number of units may be changed by the planning board during subsequent stages of review, as more information is provided, until the final basic maximum number of dwelling units is determined.

Step 5 - Locate development areas and explore conceptual alternatives. As part of the pre-application submission, the applicant shall show a minimum of two alternative proposed development layouts in the form of a sketch plan(s), or sketch plan overlay sheet(s), as described in section 5.5. These alternative plans shall be substantially different. The planning board shall review how each alternative impacts the viability of the development plan, versus the benefits to the town of one or another approach. This sketch plan shall be further refined for re-submission and discussion between the board and applicant during subsequent stages of review, as an overlay to the existing resources and site analysis map (section 5.16).

Step 6 - Locate the house sites. The sixth step is to locate building sites, using the proposed open space as a base map as well as other relevant data on the existing resources and site analysis map. The design shall take into account the potential negative impacts of residential development on nearby conservation areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences, with emphasis on consistency with the town's rural character.

Step 7 - Lay out streets, trails and other infrastructure. Upon designation of the building sites, a street plan shall be designed to provide vehicular access to each building, complying with the standards herein and bearing a logical relationship to topographic conditions. Detailed information regarding storm water drainage, water supply and sewage disposal, trails, sidewalks and other infrastructure are also provided during this step.

Step 8 - Design and program open space. Details regarding the use, design, ownership and management of proposed open spaces shall be developed during the review process. Starting with conceptual proposals at the early stages of review, the function of open space areas shall be developed and refined. Based on review by the planning board and other reviewers, these concepts shall be clarified during the review process to establish as clear an approach to the use and maintenance of open space as it does for development areas.

Step 9 - Draw in the lot lines. Upon completion of the preceding eight steps, the next step is simply to draw in the lot lines to delineate the boundaries of individual residential lots (if applicable).

Step 10 - Establish ownership and management of open space and other community elements. At the time of preliminary review for major land development projects or major subdivisions, or at the time of final review for minor land development projects or minor subdivisions, a more detailed open space use and management plan as described in section 5.12.H shall be submitted.

Sec. 5.5. Sketch plan overlay sheet.

The design process described above shall be documented by the applicant and presented to the planning board. To expedite this process, a conceptual sketch plan(s) for development shall be presented as overlay sheets to be superimposed on top of more detailed site surveys and environmental data (at the same scale).

At the pre-application stage of review, the initial sketch plan may be presented as an overlay to survey plans, topographic maps or aerial photographs of the parcel(s) proposed for development. As an alternative, if detailed site information and surveys are not available, a separate diagrammatic sketch plan(s) may be presented.

At the preliminary stage of review for minor land development projects and subdivisions, and at the master plan stage of review for major land development projects and subdivisions, the sketch plan of development shall be presented as an overlay to the existing resources and site analysis map.

Sec. 5.6. Site context map.

A map showing the location of the proposed development within its neighborhood context shall be submitted. The site context map, which may be superimposed on an aerial photograph, shall be drawn to a scale of 1" = 400' or as necessary to show the area within two miles of the subdivision parcel. It shall show the locations of all streets, existing lot lines, and zoning district boundaries. Existing developed areas, open spaces, conservation areas, parks, wetlands, rivers and streams, agricultural areas, Rhode Island Natural Heritage Areas, flood plains or flood hazard areas, aquifers, and significant public facilities shall be indicated on this map. Topography at ten-foot contour intervals (from USGS maps) shall be shown.

A separate soils map of the surrounding area shall be prepared. If present, agricultural land (see definition in section 2.0) and any very poorly drained soils shall also be shown on the site context map.

Sec. 5.7. Modification of lot requirements.

Applicants are encouraged to modify lot size, shape, and other dimensional characteristics within a conservation development. A conservation development may be developed with dwelling units on separate lots, a single lot, or a combination thereof.

Where dwellings are proposed to be located on individual lots, the following minimum dimensional regulations shall be applicable to dwellings within a conservation development.

Use	Lot Area (sq. ft.)	Lot Frontage and Width (ft.) see Note)	Front Yard Depth (ft.)	Rear Yard Depth (ft.)	Side Yard (each side) (ft.)
Single household dwelling	43,560	150	40	40	20
Two household dwelling (duplex)	65,340	150	40	40	20

Note: The planning board may authorize, through a request for waiver, modifications to the above lot frontage and width as provided in section 2.4.3 of the zoning ordinance.

Sec. 5.8. Basic maximum number of dwelling units.

The basic maximum number of dwelling units allowed on a parcel of land proposed for development as a conservation development is defined as the maximum number of dwellings that could reasonably be expected to be developed as a conventional subdivision upon that parcel under a yield plan as defined herein. The applicant shall have the burden of proof with regard to the reasonableness and feasibility of the design and of the engineering specifications for such yield plan; provided, however, that the planning board's determination of the basic maximum number shall be conclusive.

Yield plans shall be prepared as conceptual layout plans in accordance with the pre-application checklist (checklist I). Yield plans shall show proposed streets, lots, rights-of-way, land unsuitable for development and other pertinent features. The yield plan must be drawn to scale, and it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of land unsuitable for development (as defined in section 1.2 of the zoning ordinance), existing easements or encumbrances and the suitability of soils for subsurface sewage disposal.

The yield plan shall also reflect the dimensional standards for uses being proposed, as contained in the dimensional regulations in section 2.4.2 of the zoning ordinance, or other applicable dimensional requirement of the zoning ordinance. The yield plan must identify how conventional lots or uses could be developed having the required area, frontage and other dimensional requirements of the zoning ordinance. Although lots shown in the yield plan may contain land unsuitable for development as defined in section 1.2 of the zoning ordinance, each lot shall have at a minimum, one acre of contiguous land that is suitable for development.

On sites served by individual sewage disposal systems (ISDS), density shall be further determined by evaluating the number of dwellings or other uses that could be supported by ISDS on lots in a conventional subdivision. Lots or dwelling units shown on a yield plan shall not include dwellings proposed to be serviced by an ISDS that requires the granting of a variance by the RI Department of Environmental Management. The planning board shall determine the suitability of the parcel to be developed as a conventional subdivision, based on the soils information provided by the applicant, upon observations made during the site visit to the property, and/or upon other evidence available to the board at any time during the development review process.

Upon completion of their review, the planning board shall determine the initial basic maximum number of lots/dwelling units permitted in a development. This initial determination shall be made at the master plan stage of review for major subdivisions and major land development projects, and at the preliminary stage of review for minor subdivisions and minor land development projects. The applicant shall use this initial determination as the basis for submission of more detailed information during subsequent stages of review. Upon further investigation and upon receipt of more detailed soils and environmental information as may be provided in subsequent stages of review, the planning board may increase or reduce the number of lots/dwelling units contained in the initial basic maximum number. For all developments, the final basic maximum number shall be established by the planning board at the final stage of review.

In developments that require alterations to be made to freshwater wetlands, the board may establish an initial basic maximum number contingent upon confirmation by the RI Department of Environmental Management that such alterations are permitted under the provisions of the Freshwater Wetlands Act.

Sec. 5.9. Types and location of buildings.

A conservation development may contain only single household residential structures (permitted by right) or duplexes (permitted by special use permit) and uses customarily accessory thereto. The planning board may require the development plan to show the location of building footprints, and their relation to driveways and streets, and may approve, approve with modification, or deny such locations.

For the purposes of determining the basic maximum number, a single household dwelling shall be counted as one dwelling. Accessory dwelling units shall not count towards the basic maximum number, if constructed in accordance with section 4.3 of the zoning ordinance

Lots having reduced area or frontage shall not have frontage on a street other than on a street created by the conservation development; provided, however, that the planning board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

Sec. 5.10. Storm water management.

The storm water management system for a conservation development shall conform to the town's land development and subdivision regulations, with particular regard for the need to encourage infiltration and groundwater recharge as opposed to detention or retention basins.

Sec. 5.11. Parking.

Each dwelling unit shall be served by off-street parking as provided in article V of the zoning ordinance; provided, however, that this requirement may be waived by the planning board where on-street parking, or parking in approved parking lots or structures is determined to be acceptable. Spaces in garages, or in driveways in front of garages may be counted in any computation of required parking.

Sec. 5.12. Open space.

Every conservation development shall provide protected open space in accordance with the following standards:

- A. The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.
- B. The minimum amount of required open space area shall be based on a percentage of the land suitable for development in the entire conservation development as provided in the table below. None of the minimum required open space area shall be devoted to land unsuitable for development as defined in section 1.2. of zoning regulations.

Zoning District	Minimum Amount
CR-5	75 percent
RU-4	70 percent
RU-3	60 percent
RE-2	40 percent

- C. This minimum required area shall be in addition to any open space used for storm water drainage facilities. Provided, however, that the planning board may allow storm water drainage facilities to count toward the minimum required open space area if it finds that the drainage areas are designed as a fully integrated part of an overall open space landscape plan which incorporates trails, active or passive parks, landscaped site features, stream belts or greenways, and are designed to facilitate infiltration and recharge of water, and that such facilities are not in conflict with the intent and purpose of a conservation development as stated in section 5.1 of these regulations, or with the general purposes of these regulations.
- D. Open space provided by a conservation development for public or common use, shall either (1) be conveyed to the town and accepted by the town for park, open space, agricultural, or other permitted use or uses; or (2) be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or (3) be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the conservation 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; or (4) remain in private (non-common) ownership if the use is limited to agriculture, habitat or forestry, and, in accordance with the comprehensive plan and zoning ordinance, that private ownership is necessary for the preservation and management of the agriculture, habitat or forest resources. The planning board may limit or restrict the amount of open space that may remain in private ownership where necessary to contribute to a connecting greenway system or to provide public access to open space, as provided in the comprehensive plan.
- E. In any case where the land is not conveyed to the town, a restriction, in perpetuity, enforceable by the town or by any owner of property in the land development project in which the land is located shall be

recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed.

In addition, in any case where the land is not conveyed to the town, the development rights and other conservation easements on the land may be held, in perpetuity, by a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection.

- F. Buildings, structures, parking areas or other impervious improvements which are accessory to and subordinate to a permitted open space use, may be located on any open space lot provided that, in all cases, they occupy no more than five percent of the total open space area of the conservation development.
- G. All open space, regardless of whether it is conveyed to the town, shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the town, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended. In addition, the perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the town, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended. The planning board or administrative officer shall approve the form and content of all deed restrictions at the time of final approval of the subdivision. Every deed restriction providing a maintenance guarantee shall contain the following provision:

"If the owners, or their successors or assigns fail to maintain the open space, the town may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action at law or in equity against the owners or their successors or assigns."

- H. The planning board shall specifically authorize plans for the use, ownership, management and maintenance of all open space areas within any conservation development. Areas proposed to fulfill the minimum open space requirement within a conservation development shall not be excavated or re-graded, except as permitted by the planning board. Disturbance to the natural contours of the land shall be minimized to the greatest extent possible. Existing natural vegetation and any significant natural or man-made features shall be preserved except as permitted by the planning board to create or enhance areas of landscaping, parks, recreation, conservation, forestry or wildlife habitat. These disturbances shall be specifically shown on the open space use plan.

At the time of master plan review by the planning board for major subdivisions or land development projects, or preliminary review for minor subdivisions or land development projects, the applicant shall submit a separate open space use plan containing:

- a. The general location and area of all proposed open space;
- b. The general proposed use(s) of the open space;
- c. Existing topography and existing ground cover of open space areas;
- d. The location and nature of any existing buildings, structures, stone walls or other unique natural and/or historic features;
- e. Areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state;
- f. Generalized proposals for the re-grading, re-vegetating and/or landscaping of proposed disturbed areas;
- g. The location and nature of any proposed buildings, structures, parking areas or roadways, impervious areas recreation areas and,

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h. Areas proposed to be left in their existing natural states without any disturbance.

At the time of preliminary review by the planning board, a more detailed management plan that specifies the use of the open space shall be submitted for review and approval, which may be combined with any required grading plans, landscaping plans, soil erosion plans or drainage plans required for preliminary approval.

The planning board shall require final construction plans to show proposed open space use(s) and alterations required as a condition of final approval.

- i. Clearing and excavation of open space areas may be permitted only for the installation of storm water retention or detention facilities, other drainage facilities, or for permitted park, open space, recreational, agricultural or forest management uses in accordance with a plan approved by the planning board.

In addition, no commercial earth removal, even if permitted by the zoning ordinance, in the zoning district in which the development is proposed, shall be permitted within any open space areas. In approving an open space use plan, the board may permit grading that includes removal of earth materials. The board shall, however, clearly indicate, as a condition of preliminary approval, the approximate quantities of material and the general areas from which earth removal is authorized, and shall only authorize the minimal amount of earth removal required to grade the land for the intended purpose.

Sec. 5.13. Open space design review standards.

- A. *List of resources to be conserved.* The design of open space lands in any conservation development shall reflect the standards set forth in this subsection 5.13 and, to the fullest extent possible, incorporate any of the resources listed below if they occur on the parcel (not listed in order of significance). The applicant should be consulting the greenspace maps for natural, cultural and recreational resources as identified in the comprehensive plan.
1. Stream channels, floodplains, hydric soils, swales, springs, and other freshwater wetland areas, including adjacent buffer areas that may be required to ensure their protection;
 2. Wellhead protection areas;
 3. Special aquatic sites, vernal pools and significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the statewide natural heritage inventory;
 4. Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality;
 5. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats;
 6. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation;
 7. Hedgerows, groups of trees, location and species of large individual trees of botanic significance, specimen vegetation and other vegetation features representing the site's rural past;
 8. Active agricultural uses, pastures, croplands;
 9. Prime farmland soils and farmland soils of statewide importance;
 10. Historic structures and archaeological sites;
 11. Visually prominent topographic features such as knolls, hilltops and ridges;

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12. Geologic features such as eskers or kettle holes;
 13. Scenic view sheds as seen from public roads (particularly those with historic features);
 14. Existing or potential trails connecting the parcel to other locations in the Town;
 15. Any other natural, cultural or recreational resources determined by the planning board.
- B. *Other design considerations.* The configuration of proposed open space lands set aside for common use in a conservation development shall comply with the following standards:
1. They shall be free of all structures except historic buildings or structures, stonewalls, and structures related to open space uses. The planning board may grant approval of structures and improvements required for storm drainage within the open space provided that such facilities would not be detrimental to the purpose for which the open space is proposed.
 2. They shall be directly accessible to the largest practicable number of lots or dwellings within the development. Non-adjointing lots shall be provided with safe and convenient pedestrian access to open space land;
 3. They shall be suitable for active or passive recreational uses to the extent deemed necessary by the planning board, without interfering with adjacent dwelling units, parking, driveways, and roads;
 4. They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the subdivision;
 5. They shall provide buffers to adjoining parks, preserves or other protected lands;
 6. They shall provide for pedestrian pathways for use by the residents of the development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the town or region. Provisions should be made for access to the open space lands, as required for land management and emergency purposes;
 7. Whenever possible, they shall be undivided by public or private streets, except where necessary for proper traffic circulation;
 8. They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources;
 9. They shall be consistent with the comprehensive community plan.
- C. *Uses permitted within open space areas.* The open space in a conservation development shall be devoted only to conservation purposes or for park, recreation, forest management, and agricultural purposes.

Sec. 5.14. Streets.

Streets within a conservation development may be publicly or privately owned and maintained and shall conform to the standards provided in these regulations. Streets shall be designed to conform to the standards of the town where the street is or may be ultimately intended for dedication and acceptance by the town. Private streets shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or such other means or entity as may be approved by the planning board.

Sec. 5.15. Decision.

The planning board may approve, approve with conditions, or deny an application for a conservation development upon finding that the conservation development does or does not meet the purposes of these land

development and subdivision regulations, after consideration of the general requirements set forth at section 3.5, and after consideration of the purposes set forth in section 5.1, herein.

Sec. 5.16 Existing resources and site analysis map.

All subdivisions and land development projects, whether or not proposed to be developed as a conservation development, shall be required to prepare an existing resources and site analysis map. Provided, however that administrative subdivisions and subdivisions that create lots which are not for the purpose of present or future development shall not be required to provide such map. The purpose of this map is to provide the planning board with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

An existing resources and site analysis map is required to be prepared for the following types of subdivisions and land development projects:

- Pre-application meetings and concept review checklist — Minor or major land developments and minor or major subdivisions (checklist I)
- Preliminary plat checklist - Minor land developments and minor subdivisions checklist - Creation or extension of a public or private street (checklist J)
- Master plan checklist - Major land developments and major subdivisions (checklist L)

The checklists referenced above provide guidance to the applicant regarding preparation and use of the map and its components.

The planning board shall review the map to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the planning board, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36"). Where necessary for clarity, the map may be submitted as a series of more than one map. The following information shall be included in this map(s).

A. *Topography and slopes.*

1. Topography, the contour lines of which shall generally be at ten-foot intervals, interpolated from U.S.G.S. published maps. More detailed topographic mapping determined by photo-grammetry or on-site survey shall be required in areas proposed for development. The determination of appropriate contour intervals shall be made by the administrative officer, who may require greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated by shading on the map, and the area thereof in acres shall be indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

B. *Natural resources inventory.*

1. The location and delineation of ponds, streams, ditches, drains, special aquatic sites, vernal pools, natural drainage swales, 100-year floodplains and freshwater wetlands, as defined in the zoning ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
2. Vegetative cover conditions on the property according to general cover type including cultivated land, agricultural land, permanent grassland, meadow, pasture, old-field, hedgerow, woodland and wetland. Trees with a caliper in excess of 18 inches DBH, if located within an area proposed for disturbance or alteration shall also be indicated. Vegetative types shall be described by plant

community, relative age, and condition. Specimen vegetation as defined in section 2.0 shall be identified.

3. Soil series, types and map units, as mapped by the U.S. Department of Agriculture, Soil Conservation Service in the latest published soil survey for the state, and accompanying data published for each soil relating to its suitability for construction and for septic suitability
4. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, kettle holes, eskers, etc. based on available published information or more detailed data obtained by the applicant.
5. Ridgelines of existing hills and watershed boundaries shall be identified.

C. *Cultural resources inventory.*

1. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, excavated areas, utilities, and storm and sanitary sewers.
2. Location of all historically significant sites or structures on the tract, including but not limited to cemeteries, stone walls, cellar holes and foundations, and known archaeological resources.
3. A view shed analysis showing the location and extent of views both from and within the proposed development parcel as well as views into the property from adjacent public or private streets and properties. See definition in section 2.0.

D. *Recreational resources inventory.*

1. Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.)
2. Boat launches, stream access locations and water trails.
3. Existing play fields and recreation areas.

E. *Utilities and infrastructure.*

1. Location of all easements and other encumbrances of property, which are or have been filed of record with the land evidence records of the town.
2. Location of all streets and utilities.

Sec. 5.17. Incentives.

The planning board may award a zoning incentive so as to increase the number of dwelling units beyond the basic maximum number; provided, however, that the maximum number of permitted dwellings in the conservation development site shall not be increased by a factor of more than 1.3. An incentive may be awarded in the following circumstances:

- A. Where the planning board determines that the amount of open space area provided in the entire conservation development exceeds the minimum amount as provided in the subdivision and land development regulations, the basic maximum number of permitted dwelling units in the development may be increased by a factor in accordance with the following table:

Amount of Open Space Provided	Permitted Increase in Density
5 to 10 percent more than minimum	Factor of 1.05
More than 10 to 20 percent more than minimum	Factor of 1.1
More than 20-50 percent more than minimum	Factor of 1.2
More than 50 percent above minimum	Factor of 1.3

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- B. The planning board may determine that an existing dwelling which is currently located on the property being developed should be preserved for any of the following purposes: maintenance of historic or traditional development patterns; preservation of streetscape features; maintenance of building placement, setback and alignment on the site; preservation of historic structures that contribute to the character of an area; design of public or common open space; or other design or site planning issues identified in the comprehensive plan. In such cases, the planning board may allow the applicant to exceed the basic maximum number of permitted dwelling units in the development by one. Any dwelling granted a zoning incentive under the provisions of this section shall be subject to deed restrictions prohibiting the removal or alteration of the dwelling except as may be approved by the planning board as a condition of approval. This dwelling may contain more than two bedrooms.

In computing the number of incentive dwelling units, all figures shall be rounded down to the nearest whole number.

SECTION 6.0. DEVELOPMENT APPLICATION, REVIEW AND APPROVAL PROCESS²

Sec. 6.1. application for development and certification of completeness.

- A. *Classification.* The administrative officer shall advise the applicant as to which approvals are required and whether the administrative officer or the planning board will review the application for a land development project or subdivision. The following types of applications, as defined in section 2.1, may be filed:
1. Administrative subdivision;
 2. Minor subdivision;~~or~~
 3. minor land development project;
 - ~~4.~~ Major subdivision or
 5. major land development project.
- B. *Certification of a complete application.*
1. The administrative officer must certify as complete, in writing, an application for each stage of approval of a subdivision or land development project before the application will be reviewed. Certification of a complete stage of application begins the time period within which the ~~administrative officer or the planning board~~permitting authority must review and act on an application.
 2. If an application is incomplete, the administrative officer shall provide to the applicant a written explanation of the items that are missing from the application. The running of the period for certification stops if the administrative officer finds that the application is incomplete, and resumes when the missing material is submitted, but the administrative office shall have at least ten days from the day the missing material is submitted to certify the application as complete.
 3. If a written certificate of completeness is not issued within the time required by these regulations, the application is considered complete for the purpose of beginning the review period; provided, however, that during review of the application, the ~~administrative officer or the planning board~~permitting

²Editor's note(s)—An ordinance adopted Dec. 11, 2023, amended Section 6.0, §§ 6.1—6.10 in its entirety to read as herein set out. Former Section 6.0 pertained to similar subject matter and derived from Amend. of 6-25-13; Amd. of 2-20-17; Ord. of 11-6-2023(2).

authority may require an applicant to correct any information found to be in error or to submit any material required by these regulations but not included in the application.

4. An application with a pending modification request pursuant to R.I.G.L. § 45-24-46 shall be tolled until the decision on the modification is made.

(Ord. of 12-11-2023(1))

Sec. 6.2. Unified development review

Unified development review authorizes the planning board, rather than the zoning board of review, to approve a variance or a special use permit that is requested concurrently with an application for approval of a land development project and/or subdivision. The purpose of the procedure is to provide a more efficient and less costly method of obtaining approval of development that requires zoning relief.

- A. An applicant for land development project approval or subdivision may initiate unified development review by submitting an application form for a variance or special use permit with the application for the first stage of development approval.
- B. When considering an application for a variance or a special use permit, the planning board is bound by the same legal requirements and the same criteria for relief that would apply to zoning board of review consideration of the application. The planning board shall conduct a public hearing, shall take testimony under oath, and shall make findings of fact and conclusions of law.
- C. An application for a variance or a special use permit requires a public hearing. If these regulations require a public hearing for the land development project application, the application for zoning relief shall be heard at the same public hearing. The planning board shall consider the request for zoning relief before the land development project/subdivision review takes place. The planning board's approval of an application for zoning relief shall be conditional on its approval of the land development project/subdivision.
- D. An applicant for approval of a major land development project that has received zoning relief as part of master plan approval may request a change to the relief granted, and may request additional variances or special use permits, as a result of the more detailed planning and engineering required for the preliminary plan submission. If such a request is made, a public hearing to consider the additional zoning relief must be conducted during preliminary plan review. If the additional zoning relief is denied, the planning board may remand the application to master plan review or, with the applicant's consent, the preliminary plan approval period may be extended to allow the applicant to provide additional evidence to support the request for zoning relief.
- E. An appeal from a decision by the planning board on a variance or special use permit may be taken pursuant to R.I. Gen. Laws § 45-23-71.

(Ord. of 12-11-2023(1))

Sec. 6.3. Pre-application meetings and concept plan review.

- A. One or more pre-application meetings ~~may shall~~ be held for all major ~~and minor~~ land development or subdivision applications. Pre-application meetings may be held for administrative and minor applications, upon request of either the town or the applicant. Pre-application meetings shall allow the applicant to meet with planning board for advice as to the required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project.

Where deemed appropriate by the administrative officer, town officials, other town boards and/or commissions, planning staff, state agencies and abutting property owners may be notified of the pre-application meetings by the administrative officer and invited to provide comments on the proposed subdivision ~~and/or~~ land development plan.

- B. Applicants seeking a pre-application meeting shall submit general conceptual materials in advance of the meeting(s) as requested by the planning board and as required by checklist I, checklist for pre-application meetings and concept review in section 12.0. At a minimum, the applicant shall follow steps 1—4 of the design process as provided in section 5.4.
- C. Applicants seeking an informal concept review by the planning board shall submit the information and materials as provided in checklist A, informal concept review. This procedure is restricted only to minor land development projects or subdivisions, development plan review and to rural residential compounds. After the planning board has conducted the informal concept review, the board shall provide the applicant with direction regarding the necessary steps required to submit a full application for further review and approval.
- D. Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application meetings should include a review of the physical character of the land, and any environmental or physical constraints to development. Meetings should include a discussion initiated by the planning board regarding what form of land development may be appropriate to meet the goals and policies of the comprehensive plan with regard to preserving the character of the land, the natural environment and the ability of the town to provide essential services. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.
- E. Provided that at least one pre-application meeting has been held for major land development ~~/or~~ subdivision application, or 60 days has elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within said 60-days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development ~~/or~~ subdivision project in accordance with section 6.1.

(Ord. of 12-11-2023(1))

Sec. 6.4. Administrative subdivision.

- A. Any applicant requesting approval of a proposed administrative subdivision, as defined in this chapter, shall submit to the administrative officer the items required by checklist B administrative subdivision in section 12.0.
- B. Any applicant requesting approval of a proposed lot merger administrative subdivision, as defined in this chapter, shall submit to the administrative officer the items required by checklist B-1, lot merger administrative subdivision in section 12.0.
- C. The application shall be certified as complete or incomplete by the administrative officer within 15-days from the date of its submission according to the provisions of section 6.1.B.
- D. Review process:
 - 1. Within 15 days of certification of completeness, the administrative officer shall review the application and approve, deny or refer it to the planning board with recommendations. The administrative officer shall report the action to the planning board at its next regular meeting, to be made part of the record.
 - 2. If no action is taken by the administrative officer within the 15 days, the application shall be placed on the agenda of the next regular planning board meeting.

3. If referred to the planning board, the board shall consider the application and the recommendations of the administrative officer and shall either approve, approve with conditions, or deny the application within 65 days of certification of completeness. Failure of the planning board to act within the period prescribed shall constitute an approval of the administrative subdivision plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval shall be issued on request of the applicant.
4. Denial of an application by the administrative officer shall not be appealable and shall require the application to be submitted as a minor subdivision.
5. Any approval of an administrative subdivision shall be evidenced by a written decision, which shall be filed and posted in the office of the town clerk.
6. Approval of an administrative subdivision shall expire 90 -days from the date of approval unless within such period a plat in conformity with such approval is submitted for signature and recording as specified in section 9.7.

(Ord. of 12-11-2023(1))

Sec. 6.5. Site visits.

- A. Before the first formal approval stage for every subdivision ~~and or~~ land development project, the planning board shall visit the applicant's property. The visit enables planning board members to see existing conditions and special features of the property and identify potential site design issues, and provides an opportunity to informally discuss site design concepts.
- B. The visit should be scheduled after the applicant has submitted an existing resources and site analysis map. Copies of the map may be distributed during the site visit. The board may require the applicant to provide field locations of proposed streets, improvements, or site features. The applicant and one or more of his development professionals should be present. Town officials are encouraged to attend.
- C. The site visit shall be considered a meeting of a public body pursuant to the R.I. Open Meetings Act. The time and location shall be posted; the applicant shall send notice of the site visit to the owners of property within 1,000 feet; members of the public are permitted to attend; and minutes shall be recorded. However, the planning board will take no formal action during the site visit, and any comments made by planning board members shall not be construed as a decision or determination.
- D. Lack of a quorum of planning board members at the site visit, or failure to conduct a site visit for a reason other than the unavailability of the applicant, shall not affect the status of the application.

(Ord. of 12-11-2023(1))

Commented [LP1]: This probably makes sense as a requirement on the application checklist

Sec. 6.6. Public hearings.

- A. *When required.* The planning board shall conduct a public hearing before master plan approval of all major subdivisions and land development projects, before preliminary plan approval of all minor subdivisions ~~and land development projects~~ that propose the creation or extension of a street, and ~~for all applications that include a request for zoning relief~~ unified development review.
- B. *Notice requirements.* The following notice requirements apply to public hearings.
 1. The planning department shall advertise the public hearing at least 14 days in advance in a newspaper that circulates in Exeter. The applicant shall pay for the advertisement.

Commented [LP2]: Administrative subdivisions are tricky

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2. Notice of the public hearing shall be posted in the town clerk's office, at Exeter Public Library, and on the home page of the Town website at least 14 days before the date of the public hearing.
 3. Both the advertisement and the notice shall state the date, time and location of public hearing; the assessor's plat and lot number of the property; and the street address of the property, including the street number or the distance and direction from the nearest intersection in tenths of a mile. If the applicant has requested a variance or a special use permit, the type of relief sought shall be described and the applicable sections of the zoning ordinance shall be listed. The notice shall state that the application may be examined at the planning department, Exeter town hall, on weekdays except holidays between 9:00 a.m. and 4:00 p.m.
 4. The planning department shall send a copy of the notice by first class mail to the applicant and to the owners of property within 1,000 feet of the perimeter of the property proposed for development, and to any individual or entity holding a recorded conservation or preservation restriction on the property proposed for development. The notice shall be sent at least ten days before the date of the public hearing. The applicant shall pay for the notices and the postage.
 5. The planning department shall send a copy of the notice by first class mail to:
 - a) The planning board of an adjacent town if there is a public or quasi-public water source, or a private water source suitable for use as a public source, within 2,000 feet of the municipal boundary;
 - b) The governing body of any state or municipal water department or agency, water district, or private water company that has riparian rights to a surface water resource or watershed used for, or suitable for, a public water source located within Exeter or within 2,000 feet of the municipal boundary, provided that a map survey has been filed with the building official as specified in R.I. Gen. Laws § 45-24-53(f);
 - c) The administrative officer of an adjacent town if the proposed development is within 500 feet of its boundary or if the administrative officer determines that the development poses a potential for significant negative impact on the adjacent town.
- C. *On-site sign.* The applicant shall provide supplemental notice in the form of an on-site sign. At least 14 days before the date of the public hearing, the applicant shall post a sign at the property notifying the public of the public hearing. The sign shall be at least 20 by 30 inches, made of weather-resistant material, and erected so it is clearly visible from the nearest street. The administrative officer will provide the required sign text to the applicant. The applicant shall maintain the sign at the site until the public hearing is closed. The administrative officer shall determine whether an additional sign must be posted to provide sufficient public notice.
- D. *Testimony under oath.* For every matter in which the planning board's decision is appealable to the Superior Court, the board shall take testimony under oath. A competent stenographer shall record the minutes of each such proceeding. The applicant shall be responsible for the cost of the stenographer. An appellant must order and pay for a transcript of the proceeding.

(Ord. of 12-11-2023(1))

Sec. 6.7. Minor land development projects and minor subdivisions.

- A. *Review stages.* A minor land development project is one of the developments defined as such in section 2.0 of these regulations. A minor subdivision is a subdivision that creates nine or fewer lots for development. Minor subdivision or land development project review takes place in two stages, preliminary and final. A pre-

application conference is recommended. The procedure for initiating a pre-application conference is in section 6.3 of these regulations.

B. Applications proposing street creation or requesting zoning relief.

1. An application that proposes creation or extension of a street or is accompanied by an application for a variance or a special use permit shall be reviewed by the planning board.
2. To initiate an application for preliminary plan review, the applicant shall submit the information required in checklist J in section 12.0 of these regulations. The administrative officer shall certify the application as complete or incomplete within 25 days.
3. During preliminary plan review, the planning board shall conduct a public hearing in compliance with section 6.6 of these regulations. If the applicant has requested a variance or a special use permit, the planning board shall approve or deny the variance or special use permit before considering the preliminary plan application. Approval of zoning relief shall be conditional on approval of the final plan.
4. The planning board shall approve, approve with conditions, or deny the application within 95 days of the day it was certified as complete, unless the applicant consents in writing to an extension of that time.
5. If the planning board is unable to make the findings required by section 3.5 of these regulations, the board may reassign the application to major subdivision or land development project review.
6. If the planning board fails to act on the application within the required period, the application shall be considered approved, and the administrative officer will issue a written approval at the applicant's request.
- ~~6.7.~~ Approval of a preliminary plan expires one year from the date of approval. The planning board may extend the approval period for cause upon a written request from the applicant. The zoning ordinance and subdivision regulations provisions under which the preliminary plan approval was granted are vested while the preliminary plan approval remains valid.

C. Applications that do not propose street creation or request zoning relief.

1. An application that does not propose creation or extension of a street and is not accompanied by an application for a variance or a special use permit shall be reviewed by the administrative officer.
2. To initiate an application for preliminary plan review, the applicant shall submit the information required in checklist D in section 12.0 of these regulations. The administrative officer shall certify the application as complete or incomplete within 15 days.
3. The administrative officer shall approve, approve with conditions, or deny the application within 65 days of the day it was certified as complete, unless the applicant consents in writing to an extension of that time.
4. Approval of a preliminary plan expires one year from the date of approval. The administrative officer may extend the approval period for cause upon a written request from the applicant. The zoning ordinance and subdivision regulations provisions under which the preliminary plan approval was granted are vested while the preliminary plan approval remains valid.

D. Final plan approval. Final plan approval of a minor subdivision or land development project is administrative.

1. To initiate final approval, the applicant shall submit the information required in checklist E in section 12.0 of these regulations.
2. The administrative officer shall certify an application for final plan approval as complete or incomplete within 25 days if the application proposes creation or extension of a street or requests zoning relief,

and within 15 days if the application does not propose creation or extension of a street or request zoning relief.

3. Approval of a final plan expires one year from the date of approval unless during that time the applicant submits a plat for recording that conforms to the final approval. The administrative officer may extend the approval period for cause upon a written request from the applicant. The zoning ordinance and subdivision regulations provisions under which the preliminary plan approval was granted are vested while the final plan approval remains valid.

- E. *Appeal.* A decision to deny an application, or to approve an application with conditions that are unacceptable to the applicant, is appealable pursuant to R.I. Gen. Laws § 45-23-71. If the appeal is from a final plan decision, the appeal shall be limited to elements that were not included in the preliminary plan decision.

(Ord. of 12-11-2023(1))

Sec. 6.8. Major land development projects and major subdivisions.

- A. A major land development project is a development that results in a greater number of dwelling units, involves construction of more gross floor area, or requires more extensive exterior site development than would be permitted for a minor land development project. A major subdivision is a subdivision that creates ten or more lots for development.
- B. After a pre-application conference has taken place, review of a major land development project or major subdivision takes place in three stages:
 1. Master plan, including a site visit.
 2. Preliminary plan.
 3. Final plan.

The planning board may combine review stages if the board determines that all requirements for each stage have been met.

- C. *Pre-application conference.* To request a pre-application conference with the planning board, the applicant shall submit the plans and supporting materials required by checklist C (for a conventional subdivision) or checklist I (for a conservation development) in section 12.0 of these regulations. The procedure for pre-application meetings and concept review is in section 6.3 of these regulations.

6.8.1 Master plan review.

A. Submission requirements.

1. To initiate master plan review, an applicant shall submit the items required by checklist F (for a conventional land development project or subdivision) or checklist L (for a conservation development) in section 12.0 of these regulations. Information and supporting material for this phase of review shall include, but is not limited to, information on the natural and built features of the surrounding neighborhood; existing natural and manmade conditions of the development site, including topographic features; the freshwater wetland boundaries; and the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing, and potential neighborhood impacts.
2. The administrative officer may solicit initial comments from:
 - (a) Town or other local agencies or commissions.
 - (b) Adjacent communities.

(c) State agencies.

(d) Federal agencies.

The failure of any agency to respond to a request for comments shall not affect the status of an application.

- B. *Certification.* The application shall be certified complete or incomplete within 25 days.
- C. *Site visit.* The planning board shall schedule a site visit in accordance with section 6.5 of these regulations.
- D. *Public hearing.* The planning board shall conduct a public hearing on the application. Notice shall be given as required by section 6.6 of these regulations. If the applicant has requested a variance or special use permit for the development, the planning board shall approve or deny the variance or special use permit before considering the master plan application. Approval of zoning relief shall be conditional on approval of the final plan.
- E. *Decision.* The planning board shall approve, approve with conditions, or deny the master plan and any requested zoning relief within 90 days of the day the application was certified as complete unless the applicant agrees in writing to extend the time period for approval.
- F. *Failure to act.* If the planning board does not act on the application within the required time, the application shall be considered approved, and the applicant may request and receive from the administrative officer a written certification that the planning board failed to act with the required time, and a written approval of the master plan.
- G. *Expiration.* Master plan approval expires two years from the date the written decision was recorded. An applicant has the right to receive two one-year extensions of master plan approval, and may ask the planning board for additional extensions for good cause. An extension must be requested in writing at least 30 days before the expiration date. The applicant must appear before the planning board to request the extension and explain the status of the project. A decision to extend the approval period shall be in writing. The zoning ordinance and subdivision regulations provisions under which the master plan approval was granted are vested while the master plan approval remains valid.

6.8.2 Preliminary plan review.

- A. *Submission requirements.*
1. To initiate preliminary plan review, the applicant shall submit the items required by checklist G (for a conventional land development project or subdivision) or checklist M (for a conservation development) in section 12.0 of these regulations.
 2. The administrative officer shall solicit final written comments from town or other local agencies or commissions.
 3. The applicant shall submit copies of all required legal documents, including proposed easements.
 4. Before the preliminary plan is approved, the applicant must submit copies of every federal, state, and municipal permit required for the development, provided, however, that for any permit required from the R.I. Department of Transportation, the applicant may submit correspondence confirming that a permit will be issued when a bond is posted and evidence of sufficient insurance is provided.
- B. *Certification.* The application shall be certified as complete or incomplete within 25 days.
- C. *Notice.* The planning department shall send notice of the first planning board meeting on the preliminary plan by first class mail to the owners of abutting property within 1,000 feet of the property to be developed at least 14 days before the meeting.

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- D. *Improvement guarantees.* At preliminary plan review, the planning board shall approve a procedure for the completion of streets, stormwater management facilities, and all other required improvements. The applicant may complete the improvements by constructing them, by posting a financial guarantee to insure their completion, or a combination of construction and financial guarantees.
- E. *Decision.* The planning board shall approve, approve with conditions, or deny the preliminary plan within 90 days of the day the application was certified as complete unless the applicant agrees in writing to extend the time period for approval. The planning board's written decision shall be recorded in the land evidence records.
- F. *Failure to act.* If the planning board does not act on the application within the required time period, the application shall be considered approved, and the applicant may request and receive from the administrative officer a written certification that the planning board failed to act with the required time, and a written approval of the preliminary plan.
- G. *Expiration.* Preliminary plan approval expires two years from the date the written decision was recorded in the land evidence records. The applicant has the right to receive two one-year extensions of preliminary plan approval, and may ask the planning board for additional extensions for good cause. An extension must be requested in writing at least 30 days before the expiration date. The applicant must appear before the planning board to request the extension and explain the status of the project. A decision to extend the approval period shall be in writing and shall be recorded in the land evidence records. The zoning ordinance and subdivision regulations provisions under which the preliminary plan approval was granted are vested while the preliminary plan approval remains valid.

6.8.3 Final plan approval.

- A. *Submission requirements.* The applicant shall submit the following documents or information for final plan approval:
1. The items required by checklist H in section 12.0 of these regulations, as well as the items required by the planning board at preliminary plan approval as a condition of final approval.
 2. Arrangements for completion of the required improvements, including a construction schedule and any financial guarantees.
 3. Certification by the tax collector that all property taxes are current.
 4. For phased projects, as-built drawings for all existing improvements in prior phases.
- B. *Certification.* The application shall be certified complete ~~or incomplete~~ within 15 days. When the final plan includes changes to the approved preliminary plan or new elements, the administrative officer may have an additional ten days to certify the application as complete, provided that the administrative officer notifies the applicant in writing that the additional time will be required. If the administrative officer determines that the final plan submission proposes a ~~major~~ changes to or elements not in to the approved preliminary plan, the administrative officer shall ~~have an additional 10 days to certify the application as complete or incomplete~~ notify the applicant in writing within 14 days of the day the application was submitted.
- C. ~~Referral to the planning board~~ *Decision.* If the administrative officer certifies the application as complete, the certification shall constitute final plan approval. A written final plan approval shall be issued within 45 days. ~~If the administrative officer determines that the application does not meet the requirements of these regulations or the conditions imposed by the planning board at preliminary approval, or if the applicant has proposed a major change to the approved preliminary plan, the administrative officer shall refer the final plan to the planning board for review. The planning board must approve or disapprove the final plan within 45 days of the day the application was certified as complete, unless the applicant agrees in writing to extend the time period for approval.~~

- D. *Failure to act.* If the ~~planning board~~permitting authority does not act on the application within the required time period, the application shall be considered approved, and the applicant may request and receive from the administrative officer a written certification that the planning board failed to act with the required time, and a written approval of the final plan.
- E. *Expiration.* Final plan approval expires within one year unless the ~~applicant constructs the streets and other improvements or submits an improvement guarantee~~final plat or plan in conformance with final approval has been submitted for signature and recording. The applicant has the right to receive a one-year extension of the final plan approval, and may ask the planning board for additional extensions for good cause. An extension must be requested in writing at least 30 days before the expiration date. The applicant must appear before the planning board to request the extension and to explain the status of the project. A decision to extend the approval period shall be in writing and shall be recorded in the land evidence records.
- F. *Recording.* The final plan approval and the final plat are recorded in the land evidence records when all required improvements have been completed and an inspection has confirmed that the improvements were constructed in conformity with these regulations and with the approved plans, or when the applicant has submitted an improvement guarantee.

6.8.4 *Appeal.* A decision to deny the application, or to approve the application with conditions that are unacceptable to the applicant, is appealable pursuant to R.I. Gen. Laws § 45-23-71. If the appeal is from a final plan decision, the appeal shall be limited to elements that were not included in the preliminary plan decision.

(Ord. of 12-11-2023(1))

Sec. 6.9. Changes to an application or recorded plan.

- A. An applicant may make changes to an application or recorded plan at any stage ~~of submission~~. The administrative officer has the authority to approve minor changes ~~and major changes to applications if the applications do not require planning board approval~~. Major changes ~~to an application that requires planning board review~~ must be approved by the planning board and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing if required as part of any stage of the original or revised application.
- B. If the administrative officer determines that a requested change ~~in a final plan application~~ is a major change, the administrative officer shall notify the applicant in writing within 14 days.
- C. If the administrative officer denies a request for a minor change, the request shall be submitted to the planning board as a major change.
- D. *Minor change.* A minor change is a change that, in the opinion of the administrative officer, is consistent with the intent of the ~~original~~ most recent submission or approval. Minor changes include but are not limited to the following:
 - 1. Changes to utility plans that are acceptable to the director of public works or to the appropriate utility.
 - 2. Lot line changes that could be approved as an administrative subdivision.
 - 3. Changes to grading plans or drainage plans that are acceptable to the director of public works and do not require approval of any state or federal agency.
 - 4. Changes to construction plans required because of unforeseen physical conditions on the property.
 - 5. Modifications to construction plans for off-site improvements that are acceptable to the director of public works.

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6. Modifications required by outside permitting agencies including the R.I. Department of Environmental Management and the R.I. Department of Transportation.
- E. *Major change.* A major change is a change that in the opinion of the administrative Officer clearly differs from the intent of the original approval. Major changes include but are not limited to the following:
1. Changes that would create additional lots or dwelling units for development.
 2. Changes that require a variance or special use permit.
 3. Changes that may have significant negative impacts on abutting property or property in the vicinity of the development.

F. Changes shall be approved or denied prior to the subsequent stage of approval.

(Ord. of 12-11-2023(1))

Sec. 6.10. Planned village development.

Process: Planned Village Development (PVD) is only allowed on land zoned as Planned Village Overlay District (PVOD), as described in Article X of the Exeter Zoning Ordinance. Any applicant wishing to propose a PVD project shall submit a pre-application to the planning board (see checklist "O"). After the pre-application meeting, the applicant may apply to the planning board for a conditional master plan (see checklist "P"), subject to obtaining a zoning ordinance map amendment to PVOD on the property that is the subject of the PVD proposal. If the proponent obtains a PVOD zoning district designation for the property that is the subject of a PVD proposal, the applicant shall only then return to the planning board to seek preliminary plan approval (checklist "Q"), and then final plan approval. See also supplemental flowcharts 1 and 2 [following section 6.10 herein].

(Ord. of 12-11-2023(1))

Sec. 6.10.1. Performance and design standards.

6.10.1.1 *Purpose.* The purpose of Planned Village Development is to provide an alternative to conventional development that is pedestrian friendly and reflects the historic patterns that help to define Exeter's community character. Increased densities in commercial and residential development are allowed only through the transfer of development rights, thereby protecting open space and farmland.

6.10.1.2 *Mix of uses.* Consistent with the purposes of PVD under section 10.1.1 of the zoning ordinance, every PVD development must provide for a mix of complementary uses within a village setting. Applicants for PVD shall demonstrate that the proposed development includes a variety of uses and/or housing types consistent with the purpose articulated in this article. Multiple primary uses may be constructed on a single lot to achieve this purpose. The planning board may approve a uniformity of use in an application for PVD where the proposal shall be part of a larger mixed use plan to be developed at a later date and where a sufficient diversity of building types is provided pursuant to section 6.10.1.5.

6.10.1.3 *Circulation.* Streets, driveways, alleys, and rights-of-way (ROWs) shall be designed to provide safe circulation for all modes of vehicular and pedestrian transportation.

- A. The development plan shall consider the anticipated level of traffic for all modes of circulation when assembling various infrastructure elements within the right-of-way. Sidewalks, drainage infrastructure, street trees, parking lanes, bicycle lanes, bridges, bicycle racks, pavement width, lighting, traffic calming features, and other amenities shall be shown in accordance with the checklists associated with each stage of PVD plan review. Examples of different street and intersection configurations that may

be applied to a proposed PVD can be found in the Village Design Manual in the Land Development and Subdivision Regulations.

- B. Private roads, alleys, or other means of access may be used to satisfy primary access requirements to any use or lot with approval from the planning board and the submission and approval of appropriate supporting legal documents.
- C. Applicants shall illustrate where different surface treatments are used to delineate spaces dedicated primarily to automobiles, bicycles, pedestrians, and landscaping.
- D. ~~Cul-~~de-sac and dead end streets shall be prohibited in favor of streets that have multiple connection points to other streets, providing multiple access and egress points.

6.10.1.4 *Lot design.*

- A. Site plans provided at the master plan stage shall provide plan-view illustrations of each individual lot types within a proposed PVD. These illustrations shall show the disposition of the basic elements of the lot including the location of building footprints, driveways, parking, and walkways. Examples of different lot types that may be applied to a proposed PVD can be found in the Village Design Manual, adopted herein by reference. The configuration, dimension, and size of lots shall be designed in a manner that reinforces the compact and walkable nature of traditional neighborhood development.
- B. Lot layout and size shall facilitate a diversity of building types and high levels of accessibility for motorists, bicyclists, and pedestrians in residential, mixed-use, and commercial areas. The planning board may approve a uniformity of lot types in an application for PVD where the proposal shall be part of a larger diverse scheme of lot types to be developed at a later date.

6.10.1.5 *Building types.*

- A. Development plans at the master plan stage shall provide architectural elevations or illustrations for the individual building types within a proposed PVD. Examples of different building types that may be applied to a proposed PVD can be found in the Village Design Manual.
- B. In order to modulate their scale, multi-story buildings shall clearly articulate the base, middle, and top of the building through the use of cornices, step-backs, borders of distinct material, or other articulating features.
- C. Larger buildings with long façades shall articulate the façade with varied rooflines, distinct signage for multiple tenants, awnings, recessed spaces and/or entrances, and any other features that serve to add texture to these longer façades.
- D. Large, flat, unadorned, blank walls on commercial or mixed use buildings shall be avoided for any side or rear walls unless specifically related to acceptable architectural forms (e.g., barns). Where windows are not feasible, articulating features may be used such as awnings and decorative lighting to make these surfaces more attractive.
- E. Building types for corner lots shall be designed in a manner that actively engages each side that fronts on a street, alley, or way. Multiple entrances are not necessary but the building surfaces along public space shall be conducive to pedestrian activity through the use of windows, lighting, awnings, signage, or other features.
- F. Building types shall be varied along streets, within commercial areas, and within neighborhoods to create architectural diversity. The planning board may approve the repetition of building types where the use of different architectural elements and details will successfully create variation along an individual streetscape, within a commercial area, or throughout a neighborhood. Architectural elements that may be used to create this variation include, but are not limited to, dormers, porches, cornices, fenestration, roof configuration, and building materials.

6.10.1.6 Entrances.

- A. All commercial and mixed use buildings shall have a principal façade and entry facing a sidewalk or other area dedicated to pedestrian circulation. Commercial buildings may have more than one principal façade and/or entry where more than one side of the building fronts on public space.
- B. Main entrances shall incorporate architectural features that draw attention to the entrance. These features may include covered porches, planters, porticos, recessed doorways, awnings, and/or different sidewalk surface treatment.
- C. Awnings in commercial or mixed use settings shall be made of canvas and/or weather-coated materials. Vinyl awnings are prohibited. Each awning should be distinct from its neighbor and continuous awnings over several stores are discouraged.

6.10.1.7 Fenestration.

- A. The width-to-height ratio of window bays in façades above the first story in commercial or mixed use settings should have a minimum width-to-height ratio of 1:2 unless acceptable dormers or other features necessitate a different dimension. Multiple bays may be placed immediately adjacent to one another in order to create larger window areas.
- B. Large uninterrupted window glass panes are discouraged unless appropriately integrated into commercial façades with other smaller windows and articulating features.
- C. Mullion pattern and thickness shall reflect traditional New England design with broad decorative surfaces or trim between windows. Any mullion finishes that would be highly reflective or industrial in nature are not allowed.

6.10.1.8 Signage.

- A. For nonresidential uses in the district there may be one non-internally illuminated wall mounted sign for each main building not to exceed eight square feet. The location of these signs shall be such that architectural features are not wholly or partially obscured, including dormers, windows, decorative trim, for example.
- B. In addition to permitted wall mounted signs, there may be one individual projecting sign to identify each individual use in a multiple use building. Such signs shall not exceed eight square feet in area per side and shall be located at or near any entrance open to the public.
- C. Wall mounted or projected signs should typically be located above the ground floor storefront and just below the second floor windows. Signs should not obscure architectural features or windows and should be integrated with the design of the building.
- D. In addition to permitted wall mounted signs, the planning board may allow for free standing signs for those roads or driveways which provide access to complexes of uses and buildings within the district. No such major entrance sign shall be permitted for individual uses or buildings. Such free standing signs shall not exceed six feet in height above the ground and shall not be larger than 32 square feet in sign display area per side. No such free standing sign shall be erected in such a manner as to materially impede vision or obstruct access to or from any public or private street, sidewalk, driveway, off-street parking, or loading facility or any other access required by this ordinance. Free standing signs should incorporate design details, materials, and colors of the associated buildings. The base or support elements of free standing signs should be integrated with the surrounding environment and should incorporate ornamental landscaping where possible.
- E. Sign colors should be selected to provide sign legibility for both day and nighttime viewing. Sign colors and finishes should be compatible with the color of the building and surrounding development.

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- F. Sign materials should be of high quality and compatible with the design of the building and façade on which they are placed.
 - G. Externally illuminated signs should have downward-directed, wall mounted lights with fully-shielded decorative lamps that do not obscure the graphics of the sign.
 - H. Signage on awnings is permitted only on the apron portion of the awning for business identification or to advertise particular goods and/or services.
 - I. Internally illuminated signs are not permitted.

(Ord. of 12-11-2023(1))

Sec. 6.10.2. Ownership, operations and maintenance.

6.10.2.1 *Required agreements.* An applicant for PVD shall submit a report to the planning board at the preliminary plan stage of review which describes the various ownership, operations, and maintenance agreements associated with the proposed development. These agreements may include, but are not limited to:

- A. Any provisions to be recorded with a property deed that may restrict the ownership or use of property based on the age, income, or other characteristics of the occupant.
- B. Any covenants, contracts, or agreements that describe the sole or shared ownership of and responsibility for access ways, roads, sidewalks, utilities, storm water management facilities, wastewater management facilities, and/or drinking water supply infrastructure.
- C. Any monitoring programs associated with hazardous materials/waste or wastewater facility discharge.

6.10.2.2 *Approval of covenants.* The planning board shall be provided copies of any formal covenants, contracts and legal documents with supporting information that will be associated with the development and may condition final approval on the approval and appropriate maintenance of these documents. Where the planning board does condition approval on the maintenance of any such documents, future changes to these documents shall include planning board approval.

6.10.2.3. *Solicitor review.* The planning board may require these documents to be reviewed by the town solicitor at the applicant's expense.

(Ord. of 12-11-2023(1))

Sec. 6.10.3. Transfer of development rights (TDR)—Sending areas.

6.10.3.1 *TDR required.* TDR is required where an application for PVD would increase the amount of residential development beyond what is allowed in any of the underlying districts. See section 10.3 of the zoning regulations.

6.10.3.2. *Determining and certifying development rights.*

- A. *General.* Development rights may be approved by the planning board as part of a TDR sending area land development project. Master plan approval is required to officially determine the number of development rights associated with a parcel(s) of land and authorize certification from the administrative officer.
- B. *Establishing yield.* The development rights that may be created on a given parcel of land are determined by the maximum number of detached single family dwelling units that may be developed as determined by the planning board, in accordance with the zoning ordinance and land development and subdivision regulations. The applicant shall have the burden of proof with regard to the reasonableness and feasibility of the design and engineering specifications for the development plan; provided, however, that the planning board's determination of the number of development rights, which is based on the review of approved application documents, shall be conclusive. The site yield plan shall not include the use of any density bonuses or development increases that may be offered elsewhere in the zoning ordinance including, but not limited to, conservation developments, and low/moderate density bonuses. Site plans developed as part of a comprehensive permit application shall not be considered viable yield plans for the purposes of a TDR sending area land development application.
- C. *Submittal requirements.* Applicants for a TDR sending area land development project shall be required to submit plans to the planning board in accordance with the TDR sending area pre-application checklist and TDR sending area master plan checklist in the land development and subdivision regulations per section 6.6.
- D. *Scope of yield plan.* Applicants for a TDR sending area land development project shall show the yield for the entirety of all parcels associated with the application. Determining yield for a portion of any associated parcel is not allowed.
- E. *Certificates of development rights.* Upon the approval of a master plan of a TDR sending area land development application, the planning board shall authorize the issuance of a certificate of development rights from the administrative officer, barring any appeals during the appropriate appeal period. This authorization has the same vesting rights as any master plan approval.
- F. *Issuance and maintenance of development rights.* Issuance and maintenance of these certificates shall be as follows:
 - 1. Barring any appeals, the certificate of development rights shall be issued within ten days of the expiration of the appeal period following the planning board's approval of master plan, however
 - 2. No certificates shall be issued until the applicant demonstrates that all required deed restrictions have been recorded in town hall.
 - 3. The certificate shall be signed by the owner of the development rights and the administrative officer and recorded by the town clerk.
 - 4. The planning board shall be notified in writing of any sale, transfer, conveyance, or extinguishing of development rights. Revised certificates shall be issued upon change of ownership or upon the reduction of development rights vested in a certificate and recorded by the town clerk.

G. *Approved subdivision or land development plans.* Any applicant that has received master, preliminary, or final plan approval for a parcel in a designated sending area and has not commenced construction may apply to the planning board for a certificate of development rights to convert the approved property yield into transferable development rights provided the property is eligible as a sending area in accordance with section 10.3.2.1 of the zoning ordinance.

H. *Deed restrictions.* Approval of any certified development rights shall be accompanied by a draft deed restriction on the associated parcels. This restriction shall include the following provisions at a minimum:

1. The number of the development rights associated with the parcel shall be clearly stated;
2. As development rights may be purchased and subsequently extinguished, this reduction in the number of development rights shall be amended on the deed;
3. Following the receiving of the deed restrictions, should the property owner wish to develop all or a portion of remaining development rights on the property, the town's conservation development design process shall be used.

6.10.3.3 *Sending area land value for TDR.* Certified development rights shall have different capacities to yield density bonuses in receiving area districts. The differing capacity or "value" of each development right shall depend on its TDR score. Land owners in a sending area district cannot obtain a certificate of development rights without establishing a score for their property in accordance with Table 6A and 6B below:

TABLE 6A

6.10.3.A - Scoring Lands in the Sending Area

SCORING CRITERIA	ALLOWABLE POINTS			
	5	10	15	20
1. Location				
Land is adjacent to, in close proximity, or will provide value to the proposed village area.	Land is more than ½ mile away from the Receiving Area and provides no direct connection to the Receiving Area	Land is more than ½ mile from the Receiving Area but is connected via a dedicated pedestrian/bike trail.	Land is not connected to, but is within ½ mile of the Receiving Area.	Land is directly adjacent to Receiving Area or contiguous with other preserved land that is adjacent to the Receiving Area.
2. Development Pressure	0—20			
Land under development pressure which is critical to the preservation of the rural character and lifestyle of Exeter.				
3. Farmland	5	10	15	20
Active Farming and Agricultural Lands (Schedule F form filed with IRS.)	Parcel is currently not farmed.	Parcel is a working farm with less than 10 acres.	Parcel is a working farm with 10—25 acres of prime agricultural lands.	Parcel is a working farm over 25 acres of prime farmland soils.
4. Drinking Water Supply Protection	0—5	6—10	11—20	
Groundwater protection	Land is outside the Groundwater Protection Overlay District.	Land is partially inside the Groundwater Protection Overlay District.	Land is totally inside the Groundwater Protection Overlay District.	
5. Green Corridor/Connectivity	0—5	6—10	11—15	16—20
Criteria for linking open spaces.	Parcel has no potential to be part of a larger green corridor.	Parcel is important link in a planned open space corridor.	Parcel will link, extend or infill existing protected open space in town, State, or private non-profit ownership.	Parcel is part of a designated green corridor priority area such as the Queen River Watershed and Arcadia Management Area.

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Basic Open Space criteria	Parcel has 10 acres or less of unfragmented forest.	Parcel is part of an unfragmented forest area over 10 acres in extent.	Unfragmented forest area over 50 acres.	Unfragmented forest area over 100 acres.
6. Development Suitability	0—5	6—10	11—15	16—20
Land Unsuitable for Development	Less than 10% of the parcel is considered suitable for development.	Between 10% and 50% (inclusive) of the parcel is covered by land suitable for development.	Between 51—90% inclusive of the parcel is considered suitable for development.	Above 90% of parcel is considered suitable for development.
Frontage Lot Capacity	Parcel is not easily developable with frontage lots.		Parcel is easily developable with frontage lots regardless of constraints to development.	
7. Natural Resources	0—10		11—20	
Habitat	Parcel does not include habitat of rare or unique species as identified in the Comprehensive Plan or by the RI Natural Heritage Program, RI Audubon Society or The Nature Conservancy (Cite map reference)		Parcel includes habitat of rare or unique species as identified in the Comprehensive Plan or by the RI Natural Heritage Program, RI Audubon Society or The Nature Conservancy (Cite map reference)	
8. Other	0—5	6—10	11—15	16—20
Scenic Views/Recreational Potential/Cultural Attributes	Does not contain any of the qualities listed in the adjacent cell.	• Parcel contains a scenic view	• Parcel contains a scenic view	• Parcel contains a scenic view
		• Parcel protects views from a designated scenic highway	• Parcel contains a scenic view opportunities.	• Parcel protects views from a designated scenic highway opportunities.
		• Parcel contains important historic site or structure	• Parcel contains important historic site or structure	• Parcel contains important historic site or structure
		• Parcel is identified for recreational opportunities.	• Parcel is identified for recreational opportunities.	• Parcel is identified for recreational opportunities.

- B. *Using the sending area score to determine transfer ratio.* Development rights certified as part of a TDR Sending Area Land Development project may be transferred to a PVD to create housing at densities that would otherwise not be allowed. Housing types developed as part of a PVD may include single-family detached dwellings, two-family, townhouse, or multi-family units. For every development right certified in a sending area, the planning board may allow housing units to be developed in the receiving area at the following ratios. Fractions of units shall be rounded down to the nearest whole number when calculating potential density bonuses.

Table 6.10.3.3.B - Transfer Ratio

Sending Area Lands Score*	Detached Single Family Housing (Development Right/Housing Unit)	Two-Family or Townhouse (Development Right/Housing Unit)	Multi-Family or Age Restricted (Development Right/Housing Unit)
20—50	1 : 1.2	1 : 1.5	1 : 2.0
51—84	1 : 1.5	1 : 2.0	1 : 2.5
85+	1 : 1.7	1 : 2.5	1 : 3.0

*Sending area lands must score at least 20 points to be eligible for the TDR program.

6.10.3.4 *Procedures for transferring development rights to a receiving area.*

- A. *General.* All applications for transferring development rights to a receiving area shall come before the planning board as part of a PVD application review. At the outset of the permit review process, applicants must demonstrate to the planning board that the bearer of the certificate of development rights is in agreement with the terms of the proposed application and understands the number of development rights that will be extinguished after the landing process is complete. Documentation of this assurance shall be provided in a letter signed by the bearer of the certificate of development rights or his/her representative at the time of the application to land the development rights.
- B. *Calculating the number of required development rights.* The number of development rights required for PVD involves a three-step process:
1. The applicant shall first determine how many residential units would be allowed as of right in the underlying districts.
 2. The applicant shall then determine the number of proposed residential units in the PVD.
 3. The difference between the two numbers shall then be divided by the transfer ratio as determined in section 6.9.4.B.

Hypothetical calculation:

Step 1.	Number of units allowed as of right: Four
Step 2.	Number of proposed units: 30 single family; 30 multi-family
	Number of units requiring TDR: $60 - 4 = 56$ (half for single-family; half for multi-family)
Step 3.	Sending Area score: 75
	Single-family requirement: $28 \div 1.5 = 17$ development rights
	Multi-family requirement: $28 \div 2.5 = 11$ development rights
	Total requirement: $17 + 11 = 28$ development rights

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- C. *Materials.* In addition to the materials customarily required as part of an application for a major land development or major subdivision, an applicant proposing to transfer development rights shall submit the appropriate number of copies of his/her certificate of development rights to the planning board. The validity of these development rights shall be verified by the town planner or his/her designee during the pre-application review.
 - D. *Transfer.* A person or party purchasing development rights already vested in a certificate of development rights without landing said rights in a receiving area shall record the purchase with the town planner and receive an updated certificate of development rights reflecting the change in ownership. Parties may purchase all or a portion of the development rights vested in a certificate of development rights.
 - E. *Fractions of development rights.* Any sale, conveyance, or transfer of development rights shall apply to whole units of development rights and not fractions thereof. Fractions of development rights remaining after the transfer of development rights has occurred shall be extinguished.
 - F. *Final approval.* The planning board shall not issue final approval of any transfer of development rights until:
 - 1. The master plan submittal for the proposed PVD is approved;
 - 2. The changes to the future land use map and zoning map are approved by town council (as applicable);
 - 3. All necessary conservation easement restrictions are recorded in the land evidence records and said development rights are formally extinguished by the town planner through the issuance of a revised certificate of development rights.

6.9.5 *Conservation easements on sending area lands.* Conservation easements shall be applied to the sending area parcels in accordance with section 10.6 once all development rights have been purchased or otherwise extinguished. Easements shall also be applied to any conservation areas established as part of a conservation development.

- A. *Existing agricultural lands.* Lands identified for preservation in the sending area that are in agricultural production or are otherwise identified for agricultural activities by the applicant when development rights are purchased should be preserved for agricultural activities;
- B. *Existing natural lands.* Lands identified for preservation in the sending area that are not in agricultural production or otherwise identified for agricultural activities by the applicant when development rights are purchased shall be preserved as conservation areas;
- C. *Restrictions on sending area parcels.* Restrictions on sending area parcels shall be recorded as conservation easement restrictions on the title of the parcel to be preserved upon approval of a TDR sending area land development application. These restrictions shall include a management plan, to be approved by the planning board, which will specify how the open space will be used in the future. The guidance provided in the Rhode Island Conservation Easement Guidance Manual (DEM 2009, or as amended) shall be used to prepare a conservation easement and management plan. Conservation or agricultural lands preserved through TDR shall either:
 - 1. Be conveyed to and accepted by the town for park, open space, agricultural, or other permitted use or uses;
 - 2. Be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or
 - 3. Be conveyed to a corporation or trust whose principal purpose is the stewardship of said land for uses approved by the planning board.

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4. Remain in private (non-common) ownership if the use is limited to those approved by the planning board through a binding conservation easement restriction that runs with the land. With agreement of the property owner through the land development or subdivision process, the planning board may limit the amount of space that remains in private ownership to ensure the protection of natural resources or the maintenance of an established greenway.

- D. *Easements for non-agricultural lands.* All non-agricultural land preserved through the TDR permit process shall be protected in perpetuity against further development and unauthorized alteration by appropriate conservation easement restrictions, and by the grant of a conservation or preservation restriction to the town, pursuant to R.I.G.L. 34-39, as amended. In addition, the perpetual maintenance of open space and any authorized uses shall be guaranteed by appropriate conservation easement restrictions and by grant of a conservation or preservation restriction to the town, pursuant to R.I.G.L. 34-39, as amended. Every conservation easement restriction shall require approval by the planning board before any development rights are sold, landed, or otherwise extinguished. Every conservation easement restriction shall contain the following provision:

"If the owners, or their successors or assigns fail to maintain conservation lands in accordance with those restrictions placed upon the property, the town may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action at law or in equity against the owners or their successors or assigns."

- E. *Easements for agricultural lands.* All land designated for conservation as agricultural land shall be protected in perpetuity against non-agricultural development and shall allow agricultural use in accordance with this ordinance by appropriate conservation easements and management plans. Said restrictions shall be imposed via restrictions for farming and agricultural uses (pursuant to Title 34, Chapter 39 of the Rhode Island General Laws as amended). The town, acting through the planning board shall serve as the principal steward and enforcer of these restrictions. The planning board may allow other entities to hold various stewardship and enforcement rights to supplement those rights held by the parties. These entities shall have missions dedicated to agricultural preservation and a commitment to continuing allowable agriculture use. Any rules or enforcement enacted by said entity shall be consistent with any applicable rules of the department of environmental management, division of agriculture. No restrictions shall be placed upon the property that would preclude agricultural lands that have been left fallow to be cleared, re-cultivated and returned to an active agricultural operation subject to applicable state laws.
- F. *Allowable uses on conservation lands (where rights have been transferred).* Uses allowable in conservation lands shall be devoted to conservation purposes or alternatively agriculture, park, recreation, or forest management purposes as determined appropriate by the planning board.
- G. *Allowable uses on agricultural lands.* Consistent with any applicable local, state, or federal regulations, the planning board shall allow agricultural lands preserved through TDR to be used as prescribed during the development right certification process and as recorded by the administrative officer.

(Ord. of 12-11-2023(1))

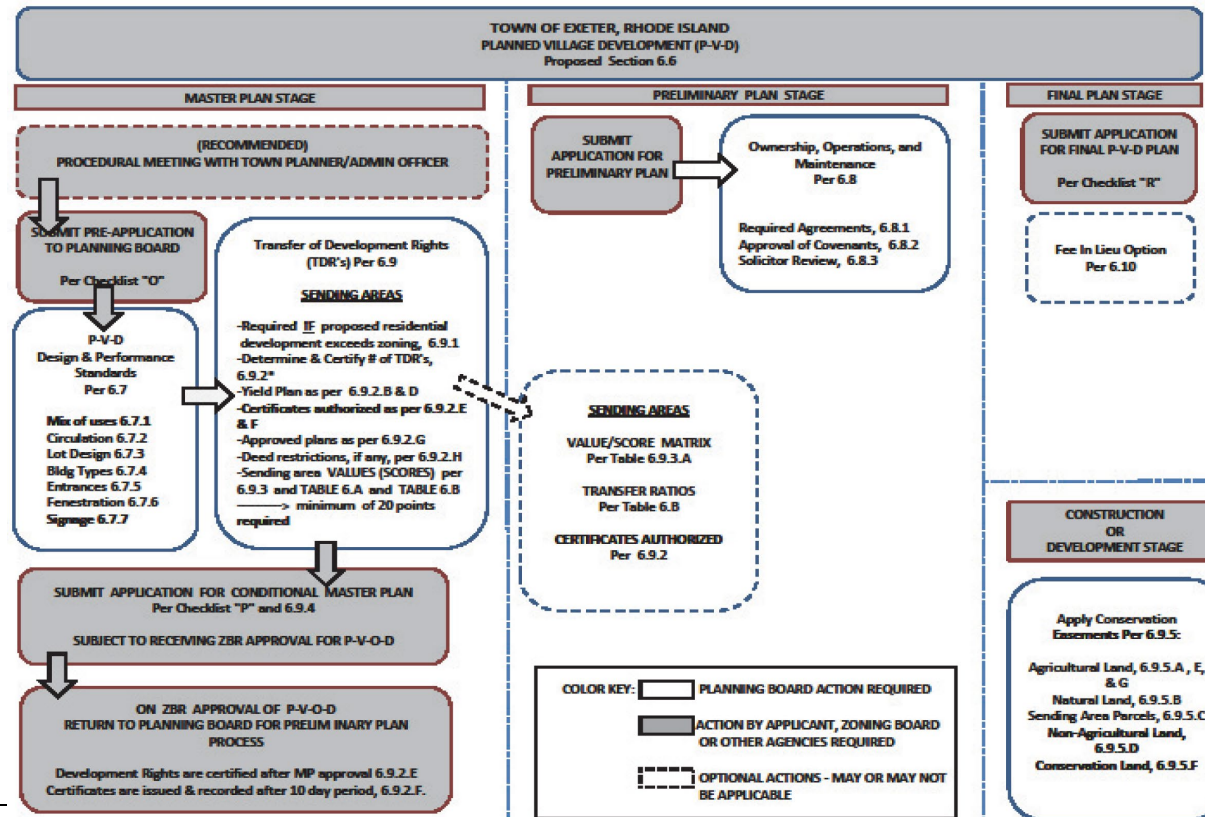
Sec. 6.10.4. Fee-in-lieu option for density transfer.

Pursuant to section 10.3 of the zoning ordinance, applicants for eligible development proposals (e.g., Planned Village Development) may petition the planning board for a fee-in-lieu of TDR option as an alternative to transferring development rights in order to achieve higher densities than what would ordinarily be allowed in designated receiving areas. The planning board shall have sole and exclusive discretion whether or not to approve the use of this provision.

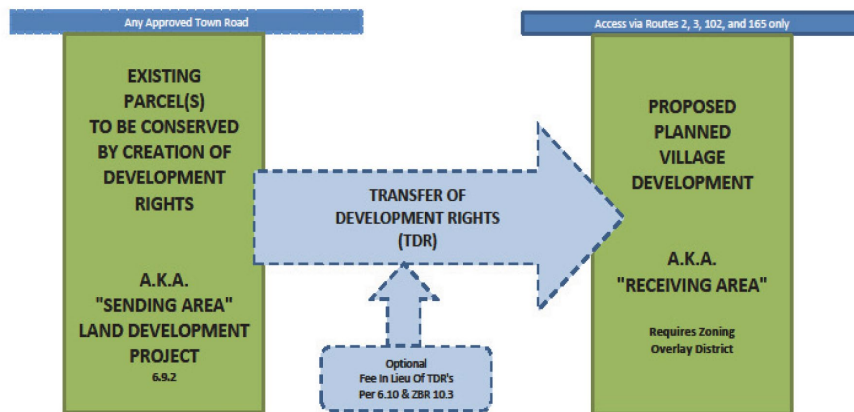
1. *Calculating the fee.* To calculate the appropriate amount that would qualify for fee-in-lieu of TDR, the Town of Exeter shall require appraisals of property in a residential district that is considered by the planning board to be most consistent with their preservation goals. Said appraisals shall be performed at the applicant's expense. The appraised value will be divided by the assumed number of development rights to determine the cost of each development right. This cost will then be multiplied by the number of development rights required for the proposed development to determine the fee. The planning board may accept the results of an existing appraisal as part of determining the value of development rights.
2. *Approval.* The planning board shall approve of the required fee as part of the major land development application for the receiving area parcel(s). Approval of the required fee shall occur no later than preliminary plan approval.
3. *Fee recipient.* The fee shall be paid to the town and directed either:
 - a. To a restricted account established by the town to support the preservation of farmland and open space in the town through the purchase of land or development rights. Funds from this account shall be expended pursuant to expenditure provisions in the Town Charter.
 - b. To a land preservation trust fund established by municipal ordinance, to be expended in the manner specified in that ordinance.
4. *Payment schedule.* The town and the applicant may negotiate a payment schedule as part of the major land development review process. At a minimum, the town shall be paid on a schedule that generally reflects payment to the developer for individual lots or units.

(Ord. of 12-11-2023(1))

FLOWCHART 1



FLOWCHART 2



SECTION 7.0. DESIGN AND IMPROVEMENT STANDARDS

Sec. 7.1. Physical design requirements, general.

- A. These regulations, with their appendices, specify all physical design requirements for ~~the~~ subdivisions and land development projects, which are to be reviewed and approved pursuant to these regulations. These regulations specify all requirements and policies for subdivisions and land development projects, which are not contained in the town zoning ordinance.
- B. The requirements and policies include, but are not limited to, requirements and policies for rights-of-way, landscaping, connections of proposed streets and drainage systems with those of the surrounding neighborhood, and the relationship of proposed developments to natural and manmade features of the surrounding neighborhood.
- C. The regulations specify all necessary findings, formulas for calculations and procedures for meeting said requirements and policies. These requirements and policies shall apply to all subdivisions and land development projects reviewed and/or administered under these regulations.
- D. Public design and improvement standards for subdivisions and land development projects are specified in this section. Standards include, but are not limited to, specifications for rights-of-way, streets, sidewalks, lighting, landscaping, public access, utilities, drainage systems, fire protection, and soil erosion control.

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- E. All public improvements of a land development project or subdivision shall reflect the physical character and design for that district which is specified by the town's comprehensive plan. Public improvement requirements and standards may not be the same in all areas or districts of the town.
 - F. The land development or subdivision developer, at his own expense, shall construct all improvements required by the planning board, as shown on the approved final plans of the development.

Sec. 7.2. Land development and subdivision design standards, specific.

All land development projects and subdivisions shall conform to the following minimum design standards:

- A. *Easements.* The planning board may require the provision of easements for the installation and maintenance of utilities.
- B. *Streets.*
 - 1. Street layout will be considered in relation to the official road map of the town and to any major street plan, which the town may adopt. The planning board may require limited access to major highways for safety and for other purposes as deemed necessary by the board.
 - 2. Street right-of-way, both existing and proposed, shall be maintained with at least the same width throughout the subdivision.
 - 3. Street centerlines shall coincide precisely at intersections or shall be offset by at least 150 feet.
 - 4. Streets shall intersect as nearly as possible at right angles. No intersection shall have an angle that is less than 60 degrees.
 - 5. No subdivisions shall be approved unless access to that subdivision is by way of a public street.
 - 6. Private streets and publicly accepted streets existing on the parcel of land to be subdivided shall be shown on the preliminary plat and must be clearly identified as such.
 - 7. Private streets shall not be permitted and shall not be shown on the final plans, except where allowed in a rural residential compound or conservation development.
 - 8. Driveways shall be shown on the subdivision plans, except in a rural residential compound.
 - 9. Street right-of-way may not be less than 50 feet in width; street pavements shall be 18 to 24 feet in width, as determined by the planning board, measured between curbs or edge of pavement.
 - 10. The planning board will require additional right-of-way and pavement width for arterial streets subject to heavy traffic.
 - 11. Grades of residential streets shall not be less than one percent nor more than eight percent on minor streets or five percent on arterial streets.
 - 12. Dead-end streets shall not be more than 600 feet in length and shall have at their closed end a turnaround constructed as shown in Figure 1 (last page of this regulation). The interior of the turnaround shall not be paved, but rather it shall retain the natural vegetation or, if no natural vegetation exists, it shall be planted with native vegetation that is suitable to the site and adds to the character of the site as determined by the planning board. The shape of the turnaround may be modified, and/or the size of the turnaround may be increased, to accommodate existing trees, ledge, or other natural features. Where a dead-end street is to provide access to adjacent property, the planning board may require provision for a temporary turnaround or "tee" until such time as the adjacent tract is developed and the street is extended. Reservation of strips of land controlling access to a street or land dedicated for other public use will not be permitted.

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13. Where a deflection angle of ten degrees or more occurs along the centerline of a street, a curve with a radius of less than 150 feet shall be introduced.
 14. Corners at intersections shall be rounded to provide a curb radius of not less than 25 feet.
 15. An extension of an existing street shall have the same name as the existing street. Names of other proposed streets shall be substantially different from any existing street name in the town.
 16. In order to maintain a visual screen and rural character, the planning board will require the maintenance of an undisturbed natural vegetative buffer along the frontage of the lot in a range of 25 to 100 feet, as determined by the planning board.

C. *Lots.*

1. All lots shall abut an existing or a proposed public street, except where abutting a private street allowed in a rural compound or a conservation development.
2. Except for those sides bordering a street, lots shall not have interior angles of more than 200 degrees except as provided in section 2.4.3 of the zoning ordinance.
3. The proportion of average lot depth to average lot width shall not exceed 2.5 to one, except as provided in section 2.4.3 of the zoning ordinance.
4. All lots shall conform to the provisions of any zoning ordinance that may be adopted in the town.
5. Side lot lines shall be as near right angles to street lines as practical.
6. Other than at corners, lots shall abut only one existing or proposed street.
7. Minimum lot dimensions and minimum building setback lines shall be established for all lots in the zoning ordinance of the town, unless the need for larger lots is indicated by the standard soil survey.
8. The minimum lot dimensions established by these regulations or any zoning ordinance adopted by the town may be increased by the planning board if larger dimensions are warranted for the safe and effective operation of individual sewage disposal systems (ISDS). Lots shall be of such area, shape and dimensions as will allow the operation of individual sewage disposal systems in such manner that the water supplies of said lots and all of the surrounding lots are adequately safeguarded. In addition, slopes over 12 percent, and bedrock areas may be a determining factor in affecting lot size due to the effect this has on onsite (proposed) sewage systems.
9. Lots in all subdivisions and land development projects created for the purpose of development shall be designed so as to contain the minimum land area required by the zoning ordinance.
10. Corner lot street lines shall be of sufficient length to accommodate the required front building setback lines.

D. *Fresh water wetlands.* No fresh water wetlands, as defined in chapter 213 of the Public Laws of 1971 and as amended in the future, shall be excavated, drained or filled nor shall any extraneous materials be placed into these wetlands. Water flow shall not be diverted nor shall any change be made to the natural condition of fresh water wetlands without prior approval of the director of the state department of environmental management and the town council in accordance with the provisions of said chapter.

E. *Sewage disposal fields.* The disposal field of any onsite sewage disposal system shall be in conformity with the provisions of the current state department of environmental management ISDS regulations and also be in compliance with any other applicable state or local code.

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- F. *Standards for rural residential compounds.* Rural residential compounds, if permitted by the planning board under the provisions of section 5.2, shall be constructed to the standards and specifications provided in these regulations, and as provided in section 1.4.B.C. of the town zoning ordinance entitled "Rural residential compounds."

Sec. 7.3. Performance and development standards.

Performance and development standards. The following performance and development standards apply to all land development projects.

1. *Municipal services.* The planning board/permitting authority must find that the development will not have an unreasonable impact on the municipal road system, fire department, police department, solid waste program, schools, open spaces recreational programs and facilities, and other municipal services and facilities. The applicant shall estimate the impact the project will have on town services, including but not limited to police, fire, and emergency medical services; streets and other public infrastructure; and education.
2. *Water pollution.* The project shall be designed to prevent the pollution of surface water or groundwater. In making this determination, the planning board will review the project area including, but not limited to, the elevation of the land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support wastewater disposal and other DAM-approved discharge; the natural gradient of the land and its effect on effluents; the proximity of the project to the aquifer and aquifer recharge areas; and the availability of streams for surface runoff. The planning board may place conditions on approval that protect the quality of surface water and groundwater.
3. *Water supply.* Sufficient water, including water pressure adequate for fire suppression equipment, must be available. The applicant must demonstrate by clear, convincing, and documented evidence that adequate potable water is available for reasonably foreseeable needs and that water use by the proposed development will not have an adverse impact on the water needs of adjacent properties.
4. *Wastewater disposal.* If the development is located in the groundwater protection overlay zone or within a wellhead protection area:
 - a) The planning board shall require a total nitrogen removal of 50 percent at the treatment unit before discharge to the wastewater disposal system, pursuant to section 7.3 of this ordinance.
 - b) The applicant shall submit an assessment of the potential impacts of the proposed on-site wastewater disposal systems on surface water, groundwater, and public or private wells on adjacent properties.
 - c) The applicant shall prepare and submit to the planning board an operation and maintenance plan for the on-site wastewater disposal systems. The R.I. Handbook for Inspection of Operating Septic Systems shall be used as guidance for operation and maintenance.
5. *Unique areas.* The planning board must find that the project will not have an adverse impact on the scenic beauty of the project area, historic sites, or rare and irreplaceable natural areas.
6. *Water bodies.* If any part of the building is located within 300 feet of a water body or freshwater wetland, the proposed project shall not have an adverse impact on the water body or wetland.
7. *Well protection areas.* If a well or wells will be installed on the property, the entire wellhead must be located on property owned by the owner of the project, or the owner of the project must have a conservation easement on the wellhead. No structure that requires wastewater disposal shall be permitted within the wellhead protection area except on-site wastewater disposal systems required to

serve the project; no hazardous materials shall be stored within the wellhead protection area; and no use that may contaminate the groundwater shall be permitted within the wellhead protection area.

8. *Landscaping.* The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of the soil and retaining existing vegetation during and after construction. After construction is completed, landscaping shall be installed according to the landscaping design shown on the site plan that will define, soften, or screen the appearance of the off-road parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the design or building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.
 - A. Existing trees and vegetation shall be preserved to the maximum extent possible.
 - B. Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.
 - C. Scenic views and historically significant landscape features shall be preserved whenever possible as determined by the planning board and/or the scenic highway commission.
 - D. The planting of large deciduous street trees, no smaller than two-inch caliper, along principal road corridors to help shade and enclose the highway shall be encouraged.
 - E. New landscaping shall use native plant material of species hardy to the area.
 - F. The Applicant shall submit a landscape plan subject to planning board approval, including a plant species list with sizes, common and scientific names, and quantities.
9. *Visual relationship of buildings and their design.*
 - A. The architectural design of the project, buildings, structures and site layout shall be visually compatible with the character the Town of Exeter seeks to retain within the area and the surrounding district, including building materials, massing of structures, small scale, and pitched building roof line, and shall be compatible with any special area master plan concepts as adopted by the town planning board and town council.
 - B. A diversity of roof heights, gable orientations and volumes in new buildings should be considered. Mansard, flat and shallow-pitched roofs are not permitted. Instead new buildings shall be designed with traditional roof forms that are compatible with the character of the town, including gambrel and gable roofs commonly found in Exeter.
 - C. Architectural elements such as dormers should be in proportion with the overall building and should also be in keeping with the surrounding building context. Exaggerated or excessively large (or tiny) architectural elements should be avoided. If used properly, traditional and contemporary architectural detailing can create variety, interest and texture on new buildings and additions, which is compatible with the character of the area.
 - D. Building materials. The following building materials for use on the exterior of all structures may be acceptable:
 - Wood or wood products
 - Brick
 - Masonry products
 - Stone
 - Vinyl products which resemble the above
 - Such other materials as may be approved by the planning board

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- E. Buildings that are three-dimensional expressions of chain architectural logotypes which are incongruous with the character of the town shall not be allowed.
 - F. Development projects shall reuse existing buildings of historical character whenever possible. Reuse may take the form of additions to older buildings rather than demolition of listed historic buildings (Rhode Island Historical Preservation and Heritage Commission town survey) shall be discouraged.
 - G. Large-scale development shall take the form of village-like groupings, rather than a large individual structure set back on a large expanse of asphalt parking. Large box buildings are discouraged, however if proposed, their architectural incongruity shall be corrected by the articulation of building facades into an appearance of smaller-scaled multiple building fronts expressed in a variety of heights and materials to create a pedestrian scale.
10. *Vehicular access.* The proposed site layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers, and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected flow on the municipal road systems. Provisions shall be made providing and maintaining safe and convenient emergency vehicle access to all buildings and structures on the site at all times. The development shall not impose unreasonable burdens on the circulation system of the town. Town roads inadequate to handle the volume of traffic generated by the development shall be improved by the applicant to provide safe passage. The developer shall be required to provide a traffic impact report prepared by a certified traffic engineer including, but not limited to, present and future traffic volumes, present and future traffic flows, traffic safety, and impact to level of service.
11. *Parking and circulation.* The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement and use of parking areas. Adequate off-street parking and loading shall be provided to prevent on-street traffic congestion. All parking spaces, maneuvering areas, entrances and exits shall be identified on the site plan. The interior circulation system shall be designed to provide safe and convenient access to all structures, uses, and/or parking spaces. Parking areas shall be protected with suitable guards, rails, islands, crosswalks, speed bumps, and similar devices deemed necessary by the planning board.
- A. Parking lots shall be located to one side or behind commercial buildings, particularly within the Route 102 and Route 2 corridors and along arterial highways.
 - B. Whenever possible, parking lots on adjoining commercial lots shall be connected internally to each other to allow for through traffic between and reducing the need for multiple curb cuts, particularly within major arterial road corridors.
 - C. Parking lot units shall be designed with ample landscaping and shall be limited in size to accommodate no more than 30 to 40 cars per units. Parking for large complexes shall be broken up into units of this size with each lot connected with the other but buffered from the other with landscaping including trees and shrubs. The following parking lot landscaping standards may be required by the planning board:
 - 1. Parking lots containing ten or more spaces shall be planted with at least one tree per five spaces, no smaller than two-inch caliper, each tree being surrounded by no less than 40 square feet of permeable unpaved area.
 - 2. The planning board may require placement of trees along the perimeter of parking areas and within parking areas.
 - D. Native trees required by these provisions shall be at least five feet in height at the time of planting and shall be of a species characterized by hardiness within the area.

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- E. To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section.
- F. Where reasonable and practical, the planning board may require new roads and interconnected parking to be located behind existing commercial buildings scheduled for rehabilitation or reuse to reduce traffic along arterial highways.
- G. The planning board may require the consolidation of existing curb cuts into a smaller number of clearly defined entrances in projects involving the reuse of existing buildings and parking areas. If such buildings are within major road corridors or along an arterial highway and set back from the highway, the planning board may require a reconfiguration of the parking to accommodate these standards. In such cases where new additions or new structures are part of the application, the planning board may encourage such new construction to be located along the highway or interior roads to create a traditional commercial main street appearance and to create a visual setback line to create a visual screen to existing or proposed interior parking areas.
- H. No development shall be allowed where there is unrestricted access to public streets or roads (with an unlimited curb cut) or where the public street must be utilized to maneuver in and out of a parking space unless such development is located on an interior street and is subject to the design guidelines of a special area master plan adopted by the town planning board or town council.
- I. Glare from the installation of outdoor lights and signs and from the movement of vehicles on the site shall be shielded from the view of adjacent residential properties.
- J. Buildings and the grounds adjoining them shall permit easy access and operation of fire, police, and other emergency vehicles.
- K. The design of the project's circulation systems shall relate to planned improvements in the area, including future street widening, realignments, paving programs, and street width requirements determined by the planning board relating to traffic use which have been planned and/or scheduled for construction. The design should be congruent with any proposed area master plan, commercial master plan, village-type plan, or mixed-use area plan adopted by the town.
12. *Stormwater runoff and erosion control.* Adequate provisions shall be made for the treatment and control of soil erosion and stormwater runoff so that runoff will not adversely affect neighboring properties, surface [water] or groundwater quality, aquifers, wetlands, any storm drainage system or road. Whenever possible, on-site absorption of runoff waters shall be utilized to minimize discharges from the site. Provisions shall be made to control erosion during and after construction. All stormwater runoff and erosion control shall meet the guidelines set forth in the Rhode Island Stormwater Runoff and Rhode Island Erosion and Sediment Control Handbooks.
- A. Erosion and sedimentation shall be controlled during and after construction and shall not adversely affect adjacent or neighboring property or public facilities or services either during or after construction.
- B. The design of stormwater control systems shall be for a zero net increase from present undeveloped drainage patterns compared to future site development conditions.
- C. Direct discharge of untreated stormwater runoff to a wetland or watercourse from impervious surfaces including, but not limited to, roadways, parking lots, driveways, basement drainage systems, and roofs shall not be allowed.
- D. All development stormwater control shall meet the standards of the Rhode Island Stormwater Design and Installation Standards Manual and be of nonstructural character to the extent

possible. Such stormwater control shall be designed to be integral to the designed landscape of the project.

13. *Advertising features.* The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures shall be compatible with the design of the proposed building(s) and structure(s) and surrounding properties and conform with article VI of the Exeter zoning ordinance. A uniform signage design for projects is recommended. The planning board shall require conformance with any standards adopted with a town special area master plan for signs.
14. *Special features of the development.* Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings, and similar structures shall have sufficient setbacks and screening to provide an audiovisual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.
15. *Exterior lighting.* All exterior lighting shall be designed to minimize impact on neighboring properties. Lighting shall be directed away from any residential zoned properties.

(Ord. of 12-12-2023(1))

Editor's note(s)—An ordinance adopted Dec. 12, 2023, renumbered the former § 7.3 as § 7.4 and enacted a new § 7.3 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 7.4. Construction of subdivision.

The subdivider, at his own expense, shall construct the subdivision according to specifications of the town planning board or otherwise designated town official or technical consultant. Required construction for each subdivision, according to the standards in section 7.2 shall be as follows:

- A. Streets shall be graded, graveled and paved and curbing installed where required.
- B. Water lines shall be installed in the street where connection to a public system is feasible. Installation shall precede road construction.
- C. Storm water and drainage impacts shall be mitigated in accordance with standards in the "Rhode Island Storm Water Design Manual," as amended.
- D. Walks or trails may be required where necessary to control and/or protect pedestrian traffic. Where provided, sidewalks shall have a minimum width of four feet.
- E. Special safety structures may be required, such as guardrails and other devices depending upon the nature of the terrain.
- F. Permanent monuments are to be set at every corner and angle point on the boundary line of the subdivision and at every angle point of curvature on the proposed street right-of-way. The planning board may also require monuments to be set as necessary along lot lines, which abut open space areas so as to clearly mark the location of the division between the lot and the open space.
- G. Street signs with sufficient supports consisting of two-inch galvanized pipe in cement; a minimum of three feet in the ground and of a type acceptable to the public works director shall be erected by the sub-divider at each street intersection in the subdivision. Street signs shall be six inches in height with letters four inches in height. Dead-end streets shall be clearly indicated as such at their entrances.
- H. Every effort shall be made to retain existing vegetation, especially significant trees, by limiting clearing to the minimum needed to construct the new road. Where existing vegetation is not preserved within the right-of-way, new shade trees shall be planted at intervals of one tree on an average of every 30

feet on both sides of the road. Shade trees shall be of indigenous species specified by the planning board and shall have a two and one half inch caliper when measured three feet above grade.

(Ord. of 12-12-2023(1))

Editor's note(s)—Formerly § 7.3. See editor's note following § 7.3.

Sec. 7.5. Completion of subdivision.

All road improvements shall be inspected and approved by the Exeter public works director and the planning board's consulting engineer in accordance with the procedures in sections 12.0 and 13.0 of these regulations.

Upon completion of all streets and other public improvements in the development, the public works director and the planning board's consulting engineer shall report in writing to the planning board as to the condition of the required improvements. The planning board will review the report and inspect the development and within 30 days from the receipt of their report, and at the next regular planning board meeting, will issue written notice to the sub-divider and to the town council, if the development improvements are found to be satisfactory by the board. If found acceptable; the planning board shall recommend that the town accept as town property the road and other required public improvements. (See section 4.2. improvement guarantees, item I, maintenance bond requirement).

(Ord. of 12-12-2023(1))

Editor's note(s)—Formerly § 7.4. See editor's note following § 7.3.

SECTION 8.0. ADOPTION AND AMENDMENT OF REGULATIONS³

Sec. 8.1. Authority to create and administer regulations.

Pursuant to section 701 of the Exeter Home Rule Charter, the planning board has the authority to adopt, modify and amend regulations and rules governing land development and subdivision projects and to control land development and subdivision projects pursuant to the regulations. The regulations shall be consistent with Title 45, Chapters 22 and 23 of the R.I. General Laws, with the Exeter comprehensive community plan, and with the Exeter zoning ordinance.

(Ord. of 11-14-2023(4))

Sec. 8.2. Procedure for adoption and amendment.

- A. The planning board shall conduct a public hearing before adopting or amending these regulations. At the public hearing, all persons who wish to speak on the proposed adoption or amendment shall be given an opportunity to be heard. Notice of a public hearing on proposed adoption or amendment of these regulations shall be given as follows:
1. Notice of a public hearing shall be published in a newspaper that circulates in Exeter at least once each week for three successive weeks before the date of the hearing. The third notice may be published during the week in which the hearing will take place. The notice shall:

³Editor's note(s)—An ordinance adopted Nov. 14, 2023, amended section 8.0, §§ 8.1—8.4 in its entirety to read as herein set out. Former section 8.0 pertained to similar subject matter.

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- a) State the date, time and place of the public hearing;
 - b) State that adoption, amendment or repeal of the regulations will be considered;
 - c) Contain the proposed amendments, or a summary of the proposed amendments that explains the intent and effect of the amendments;
 - d) State where and when a complete copy of the proposed amendments may be obtained or examined and copied; and
 - e) State that the proposed amendments may be altered during the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing, as long as any such alteration is presented for comment during the public hearing.
2. At least 14 days before the date of the public hearing, the notice shall be posted in the town clerk's office, in the Exeter Public Library, and on the home page of the Town's website.
 3. At least 14 days before the public hearing, the planning department shall send notice of the public hearing by first class mail to the following:
 - a) The planning board of any municipality in which there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within 2,000 feet of Exeter's boundaries.
 - b) The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource or a surface watershed that is used or is suitable for use as a public water source located in Exeter or within 2,000 feet of Exeter's boundaries, provided that the governing body of the state or municipal water department or agency, special water district, or private water company has filed with the Exeter Building Inspector a map survey showing the areas of surface water resources and watersheds, and parcels of land within 2,000 feet of the areas of surface water resources and watersheds, pursuant to R.I. Gen. Laws § 45-24-53(f).

(Ord. of 11-14-2023(4))

Sec. 8.3. Public notice registry.

- A. The town shall establish and maintain a public notice registry that enables members of the public to register to receive electronic notice of any proposed changes or adopted amendments to the land development and subdivision regulations.
- B. At least once a year, the town shall publish a notice of the availability of the public notice registry in a newspaper that circulates in Exeter.
- C. The town shall post notice of the availability of the public notice registry on the town website and provide a link that members of the public can use to register to receive notice.
- D. Notice provided through this registry does not qualify the recipient as an aggrieved party as that term is defined in article 2, section 1.2 of the zoning ordinance.

(Ord. of 11-14-2023(4))

Sec. 8.4. Publication and availability of regulations.

Printed copies of the land development and subdivision regulations shall be available for purchase by the public in the town hall. The regulations shall be revised to include all current amendments and all appendices. There shall be a charge for a copy to cover the cost of printing.

(Ord. of 11-14-2023(4))

SECTION 9.0. ADMINISTRATION OF THE REGULATIONS⁴

Sec. 9.1. Administrative officer.

The town planner shall serve as the administrative officer, and in that capacity shall supervise and coordinate the town's land use planning functions. If the administrative officer is absent or unavailable, the chairman of the planning board will act as the temporary administrative officer. Alternatively, the chairman can seek approval from the planning board to engage technical services from a qualified third party to serve as a temporary administrative officer. This provision is provided for in R.I. Gen. Laws § 45-22-59(c). The administrative officer shall be responsible for:

- A. Administration of the land development and subdivision regulations.
- B. Coordinating the review, approval, and recording of land development projects and subdivisions the planning board.
- C. Review and approval of applications for which administrative approval is authorized.
- D. Coordinating planning functions with other municipal officials, with adjacent towns, and with the state.
- E. Enforcement of these regulations and enforcement of conditions placed on approval of land development projects.

(Ord. of 12-12-2023(2))

Sec. 9.2 Violations and penalties.

- A. The administrative officer shall refer violations of these regulations to the town solicitor for prosecution. Violations include, but are not limited to, the following:
 - 1. Failing or refusing to adhere to any requirement imposed by these regulations;
 - 2. Failure to adhere to any of the conditions placed on any approval by the planning board or the administrative officer;
 - 3. The transfer or conveyance of any land, by referring to, showing, or otherwise using a plat or plan that has not been recorded in the land evidence records.
- B. The penalty for violation shall reasonably relate to the seriousness of the offense, and shall not exceed \$500.00 for each violation. Each day of existence of any violation is a separate offense. Any fine imposed shall inure to the Town.

⁴Editor's note(s)—An ordinance adopted Dec. 12, 2023, amended section 9.0, §§ 9.1—9.8 in its entirety to read as herein set out. Former section 9.0 pertained to similar subject matter.

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- C. The town shall have the authority to bring suit in the Superior Court to restrain the violation of these regulations or to compel compliance with these regulations.
 - D. The town shall have the authority to consolidate an action seeking the imposition of fines with an action for injunctive relief.

(Ord. of 12-12-2023(2))

Sec. 9.3. Precedence of approvals between planning board and town council.

Where an applicant requires both planning board approval and town council approval for a zoning ordinance or zoning map amendment, the applicant shall first obtain an advisory recommendation on the zoning ordinance amendment from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, then obtain a conditional zoning ordinance amendment from the town council, and then return to the planning board for subsequent required approval.

(Ord. of 12-12-2023(2))

Sec. 9.4. Meetings, votes, decisions and records.

- A. All records of the planning board proceedings and decisions shall be written and kept permanently available for public review in the town hall. Completed applications for proposed land development and subdivision projects under review by the planning board shall be available for public review at the town hall.
- B. Participation in a planning board meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.
- C. All final written comments to the planning board from the administrative officer, town departments, state and federal agencies, and local commissions shall be part of the permanent record of the development application.
- D. All votes of the planning board shall be made part of the permanent record and shall show the members present and their votes. A decision by the planning board to approve any land development or subdivision application shall require a vote for approval by a majority of the planning board members present and voting.

(Ord. of 12-12-2023(2))

Sec. 9.5. Signing and recording of plats and plans.

- A. All approved final plans and plats for land development projects and subdivisions shall be signed and dated by the administrative officer or the planning board chairperson. Plans and plats for major land development projects and subdivisions shall be signed by the planning board chairperson or by the administrative officer with the authorization of the planning board.
- B. Signed plans and plats shall be submitted to the administrative officer before recording. The material to be recorded for all approved projects shall include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development, permits and agreements with state and federal reviewing agencies, and other information as required by the administrative officer.

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- C. The documents and plans relating to every application, including meeting minutes, plans submitted for each stage of approval, site analyses, impact analyses, legal documents, records of the public hearing and all plans that received final approval shall be kept permanently by the planning department.
 - D. The administrative officer shall notify the statewide 911 emergency authority and the local police and fire authorities servicing the new plat with the information required by each of the authorities.
 - E. All plans, plats, surveys, easements, or other graphic representations of land subdivisions that do not constitute a subdivision or land development project under these regulations shall be reviewed and authorized for recording in the office of the town clerk, only upon a finding by the administrative officer that planning board approval is not required under these regulations.

(Ord. of 12-12-2023(2))

Sec. 9.6. Changes to recorded plats and plans.

- A. Changes to a recorded final plan must be approved before building permits are issued for construction on the property platted. Any such changes shall be recorded as an amended final plan.
- B. The administrative officer shall have the authority to approve minor changes to a recorded plat. Minor changes shall include, but are not limited to, changes that are the equivalent of an administrative subdivision. The applicant shall submit a written request and an amended plat for approval.
- C. Major changes to a recorded plan must be approved by the planning board. Major changes include, but are not limited to, changes that would create additional lots or dwelling units for development or changes that may have significant negative impacts on property in the vicinity of the development. Major changes require a public hearing. The administrative officer shall have the authority to determine the stage of approval required and the application material that must be submitted.

(Ord. of 12-12-2023(2))

SECTION 10.0. APPEALS⁵

Sec. 10.1. Appeal from a decision of the administrative officer.

- A. An appeal from a decision of the administrative officer concerning administration or enforcement of these regulations may be taken to the zoning board of review, sitting as the board of appeal, by an aggrieved party.
 - 1. The appeal shall be taken within 20 days of the day the appellant received the written decision or the decision was posted in the town clerk's office.
 - 2. The appeal shall be in writing and shall state clearly and unambiguously the issue or decision being appealed, the reason for the appeal, and the relief sought. The appeal shall be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the clerk of the zoning board of review or to the town clerk, who shall accept delivery on behalf of the board of appeal.
 - 3. Upon receipt of an appeal, the administrative officer shall transmit to the board of appeal copies of all papers, documents and plans constituting the record of the action that is being appealed.

⁵Editor's note(s)—An ordinance adopted Nov. 14, 2023, amended section 10, §§ 10.1—10.8 in its entirety to read as herein set out. Former section 10.0 pertained to similar subject matter.

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4. An appeal shall stay all proceedings in furtherance of the action being appealed.
- B. The board of appeal shall hold a public hearing on the appeal within 45 days of the receipt of the appeal.
1. Notice of the public hearing shall be advertised in a newspaper that circulates in Exeter at least 14 days before the date of the public hearing. The clerk of the board of appeal shall send notice by first-class mail to the appellant, to the property owner, if the owner is not the appellant, and to any person who received notice during review of the matter under appeal. The appellant shall pay for the advertising and postage.
 2. The board of appeal shall conduct the public hearing at a meeting called specifically for that purpose rather than during a meeting of the zoning board of review. Separate notice shall be posted and separate minutes shall be recorded. At the hearing, any party may appear in person, or may be represented by an agent or attorney.
 3. The board shall render a decision within ten days of the close of the public hearing. The board of appeal shall not substitute its own judgment for that of the administrative officer, but shall consider the issue upon the findings and record of the administrative officer. To reverse a decision of the administrative officer, the board must make a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
 4. The concurring vote of three of the five members of the board of appeal is necessary to reverse any decision of the administrative officer. The board's decision shall be in writing and shall include the name of each voting board member and how that member voted, and the reasons for the decision.
- C. If the board of appeal overturns a decision of the administrative officer, the application shall be remanded to the administrative officer at the stage of processing from which the appeal was taken, for further review by the administrative officer or for the final disposition consistent with the board of appeal's decision.
- D. An aggrieved party may appeal a decision of the board of appeal to the Superior Court according to the provisions of R.I. Gen. Laws § 45-23-71, as amended.

(Ord. of 11-14-2023(5))

Sec. 10.2. appeal of adoption of or amendment to the land development and subdivision regulations.

- A. Any legal resident of Exeter, any owner of property in Exeter, or any association of residents or property owners in Exeter may appeal the adoption of or amendment to the land development and subdivision regulations by filing a complaint in Washington County Superior Court within 30 days of the day the adoption or amendment took effect.
- B. The complaint shall state with specificity the area or areas in which the adoption or amendment is not consistent with Title 45, Chapter 22.2 of the General Laws, the comprehensive planning and land use act; Title 45, Chapter 24 of the General Laws, the zoning enabling act; the Exeter comprehensive plan; or the Exeter zoning ordinance.
- C. The appeal does not stay the enforcement of the land development and subdivision regulations as adopted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make any other orders that it deems necessary for an equitable disposition of the appeal.
- D. The appeal shall be heard pursuant to R.I. Gen. Laws § 45-23-72.

(Ord. of 11-14-2023(5))

SECTION 11.0. SEVERABILITY

If any provision of these regulations or of any rule, regulation or determination made hereunder, or if the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the regulations, rule, or determination and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of these regulations shall not affect the validity of the remainder of the regulations.

SECTION 12.0. CHECKLISTS

- A. Informal concept review checklist - Minor land conventional developments, minor subdivisions and rural residential compounds
- B. Administrative subdivisions
- C. Pre-application meetings and concept review checklist - Minor or major conventional land developments and minor or major subdivisions
- D. Preliminary plat checklist - Minor land conventional developments and minor conventional subdivisions (no street creation or extension)
- E. Final plat checklist - Minor land conventional developments and minor conventional subdivisions
- F. Master plan checklist - Major land developments and major subdivisions
- G. Preliminary plat checklist - Major land conventional developments and major conventional subdivisions
- H. Final plat checklist - Major land conventional developments and major conventional subdivisions
- I. Pre-application meetings and concept review checklist - Minor or major conservation land developments and minor or major conservation development subdivisions
- J. Preliminary plat checklist - Minor land conservation developments and minor conservation development subdivisions (creation or extension of a public or private street)
- K. Final plat checklist - Minor land conservation development and minor subdivisions (See checklist E above)
- L. Master plan checklist - Major land conservation developments and major conservation development subdivisions
- M. Preliminary plat checklist - Major land conservation developments and major conservation development subdivisions
- N. Final plat checklist - Major land conservation developments and major subdivisions (see checklist H above)

A. Informal concept review checklist for a conventional development.

The submission materials for an informal concept review shall, at a minimum consist of the following maps and supporting information: The applicant shall submit to the administrative officer at least two black line full-scale copies (24" x 36") and eight reduced copies (11"x 17") as required below, at a scale that is sufficient to clearly show all of the information required. The scale may be modified with the permission of administrative officer.

Base Map

The base map shows the principal existing features of the site including parcel boundaries, roads, structures, water bodies and vegetation. It should be drawn at a scale sufficient to clearly show all of the information required - depending on the size and complexity of the property usually 1" = 100' or 1" = 50'. Much of this information could be shown based on the USGS maps and/or orthophotos available from RIGIS.

1. _____ Name of the proposed subdivision.
2. _____ Name and address of property owner and applicant.
3. _____ Name, address and telephone number of the person or firm preparing the pre-application plan(s).
4. _____ Date of plan preparation, with revision date(s) (if any).
5. _____ Graphic scale and true north arrow.
6. _____ Plat and lot numbers(s) of the land being subdivided.
7. _____ Zoning district(s) of the land being subdivided; if more than one district, zoning boundary lines shall be shown.
8. _____ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines.
9. _____ Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed.
10. _____ Area in acres of the parcel.
11. _____ Location and approximate size of existing structures.
12. _____ Known surface waters including rivers, streams, lakes, ponds and wetlands, it is not necessary to field verify wetlands at this stage.

Sketch Plan Overlay Sheet

The site features described above have been documented by the applicant and presented to the planning board. At this point, the applicant can present initial proposals for development. To expedite this process, a conceptual sketch plan(s) for development shall be presented as overlay sheets to be superimposed on top of the base map and existing resources and site analysis maps required above (at the same scale). As an alternative, if detailed site information and surveys are not available, a separate diagrammatic sketch plan(s) may be presented.

13. _____ Identification of areas proposed for development.
14. _____ Location of proposed open space areas, if any.
15. _____ Initial layout of streets.
16. _____ Initial number of dwelling units.

Supporting Materials

17. _____ Administrative fee. See section 3.3.B.

B. Administrative subdivision checklist.

The applicant shall submit to the administrative officer at least five black line copies and one Mylar sheet, no larger than 24" by 36", of the proposed plat. The scale shall be sufficient to show all of the information required and shall be subject to the approval of the administrative officer. Plans shall also be submitted on CD in AutoCAD, .dwg, GIS shapefile or .dxf file format as a PDF. At a minimum, the following information shall be provided:

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1. _____ Name and address of the property owner and applicant.
 2. _____ Date of plan preparation, with revision date(s) (if any).
 3. _____ Graphic scale and true north arrow.
 4. _____ Plat and lot numbers of the parcel being re-subdivided.
 5. _____ Zoning district(s) of the parcel being resubdivided -If more than one district, zoning boundary lines must be shown.
 6. _____ Existing property lines, easements and rights-of-way.
 7. _____ Proposed property lines, drawn so as to distinguish them from existing property lines.
 8. _____ Existing and proposed area(s) and dimensions of the parcel(s) being re-subdivided, for the entire extent of all lots included in the administrative subdivision.
 9. _____ Approximate location of wooded areas.
 10. _____ Approximate location of wetlands or other land unsuitable for development.
 11. _____ Location and size of existing buildings, structures, utilities and improvements.
 12. _____ Location, width and names of existing public and private streets within or immediately adjacent to the parcel being re-subdivided.
 13. _____ Certification (stamp) of a professional land surveyor that the plan is correct, and that it conforms to a minimum of a class I survey.
 14. Administrative fee.
 15. _____ RIDEM or RIDOT approvals, if necessary.
 16. The signature of the owner(s) of all existing lots involved in the subdivision shall appear on the Mylar plat prior to recording.
 17. _____ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior and that there are no outstanding municipal liens on the parcel.

B.1. Lot merger administrative subdivision checklist.

The applicant shall submit to the administrative officer at least five black line copies and one Mylar sheet, no larger than 24" by 36", of the proposed plat. The scale shall be sufficient to show all of the information required and shall be subject to the approval of the administrative officer. At a minimum, the following information shall be provided:

1. _____ Name and address of the property owner and applicant.
2. _____ Date of plan preparation, with revision date(s) (if any).
3. _____ Graphic scale and true north arrow.
4. _____ Plat and lot numbers of the parcels being merged.
5. _____ Zoning district(s) of the parcel being merged—If more than one district, zoning boundary lines must be shown.
6. _____ Existing property lines, easements and rights-of-way.
7. _____ Proposed property lines, drawn so as to distinguish them from existing property lines.

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8. ____ Existing and proposed area(s) and dimensions of the parcel(s) being merged, for the entirety of all lots included in the administrative subdivision.
 9. ____ Approximate location of wooded areas.
 10. ____ Approximate location of wetlands or other land unsuitable for development.
 11. ____ Location and size of existing buildings, structures, utilities and improvements.
 12. ____ Location, width and names of existing public and private streets within or immediately adjacent to the parcel being merged.
 13. ____ Certification (stamp) of a professional land surveyor that the plan is correct, and that it conforms to a minimum of a class III survey.
 14. ____ Zoning Certificate from the zoning official verifying that the lots involved are eligible for application for a lot merger administrative subdivision.
 15. ____ Administrative fee.
 16. ____ A copy of all new legal descriptions of the newly configured parcel.
 17. ____ The signature of the owner(s) of all existing lots involved in the subdivision shall appear on the Mylar plat prior to recording.
 18. ____ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior and that there are no outstanding municipal liens on the parcel.
 19. ____ Plan shall be submitted on CD in AutoCAD, .dwg, GIS shapefile or .dxf file format as a PDF.

(Amend. of 10-23-07)

C. Pre-application and concept review checklist for a conventional development.

The applicant shall submit to the administrative officer at least two black line full-scale copies (24" x 36") and eight reduced copies (11"x 17") of conceptual plans. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the administrative officer. At a minimum, the following information shall be provided:

Concept plan

A map or plan of the development parcel showing the following information:

1. ____ Name and address of the proposed development.
2. ____ Name and address of property owner and applicant.
3. ____ Date of plan preparation, with revision date(s) (if any).
4. ____ Graphic scale and true north arrow.
5. ____ Plat and lot number(s) of the land being developed.
6. ____ Zoning district(s) of the land being developed. If more than one district, zoning boundary lines must be shown.
7. ____ Perimeter boundary lines of the development drawn so as to distinguish them from other property lines.

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8. ____Area of the development parcel and proposed number of buildable lots, dwellings or other proposed improvements.
 9. ____Location and dimensions of existing property lines within or adjacent to the development parcel, easements and rights-of-way.
 10. ____Location, width and names of existing streets within and immediately adjacent to the development parcel.
 11. ____Name of abutting property owners and property, and property owners immediately across any adjacent streets.
 12. ____Location of wooded areas and notation of existing ground cover.
 13. ____Location of wetlands, watercourses or coastal features within and immediately adjacent to the development parcel.
 14. ____Areas of agricultural use (if applicable).
 15. ____Approximate topography.
 16. ____Location and approximate size of existing buildings or significant aboveground structures on or immediately adjacent to the development.
 17. ____Proposed locations of wells and ISDS systems.
 18. ____Provisions for collecting and treating storm water.
 19. ____Location of historic cemeteries within or immediately adjacent to the development (if any).
 20. ____Proposed improvements including streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.
 21. ____Notation on plan if the development parcel(s) are located within any of the following areas:
 - a. ____Natural heritage areas (RIDEM);
 - b. ____Groundwater protection overlay district (town).

Supporting materials

The applicant shall submit to the administrative officer ten copies of a narrative report providing a general description of the existing physical environment and existing use(s) of the property along with a general description of the uses and type of development proposed by the applicant. The narrative report shall include copies of all plans required in no. 1 above, plus the following:

22. ____An aerial photograph or a copy of an existing aerial photograph of the proposed subdivision parcel and surrounding area.
23. ____A copy of the soils map of the subdivision parcel and surrounding area, and a general analysis of soil types and suitability for the development proposed.
24. ____An estimate of the approximate population of the proposed subdivision.
25. ____An estimate of the number of school-aged children to be housed in the proposed subdivision.
26. ____Application fee. See section 3.3.B.

**D. Preliminary plat checklist for a minor land development projects and minor subdivisions
for a conventional development (no street creation or extension).**

The following information shall be presented in the form of a written narrative report, supplemented as necessary with drawings, sketches or plans to convey intent.

The applicant shall submit to the administrative officer at least four full-scale black line copies of preliminary plan maps required below. In addition, at least ten copies of the narrative report, including supporting material and eight reduced sets of all drawings and plans required below on 11" by 17" sheets shall be submitted. Unless otherwise indicated, plans shall be drawn to a scale of one inch to 40 feet. The scale may be modified with the permission of the administrative officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

Drafting standards

All sheets must contain the following basic information:

1. _____ Name of the proposed subdivision or development.
2. _____ Name and address of property owner and applicant.
3. _____ Name, address and telephone number of engineer, land surveyor or person preparing the plan.
4. _____ Date of plan preparation, with revision date(s) (if any).
5. _____ Graphic scale and true north arrow.
6. _____ Plat and lot number(s) of the land being subdivided or developed.
7. _____ Zoning district(s) of the land being subdivided or developed - If more than one district, zoning boundary lines must be shown.
8. _____ Perimeter boundary lines of the subdivision or development, drawn so as to distinguish them from other property lines.
9. _____ Area of the parcel(s) being developed, and proposed number of build able lots, dwellings or other proposed improvements.
10. _____ Location and dimensions of existing property lines within or adjacent to the parcel(s) being subdivided or developed.
11. _____ Easements and rights-of-way within or adjacent to the parcel(s) being subdivided or developed.
12. _____ Location, width and names of existing streets within and immediately adjacent to the parcel(s) being developed.
13. _____ Names of abutting property owners and property owners immediately across any adjacent streets.
14. _____ Notation on plan if the parcel(s) being developed are located within any of the following areas:
 _____ Natural heritage areas (RIDEM);
 _____ Zoning overlay districts, if any.
15. _____ Land unsuitable for development as defined in the zoning ordinance.
16. _____ Certification by a professional land surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements to a minimum of a class I survey.

Preliminary plan application checklist

A proposed conditions map(s) to show the following:

17. _____ Proposed improvements, including lots, lot lines, with approximate lot areas and dimensions shown. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.
18. _____ Proposed building envelopes or build-to lines shall be shown, if applicable.
19. _____ Grading plan showing existing and proposed contours at two-foot intervals for all grading proposed for on and offsite construction, drainage facilities, and grading on individual lots if part of the proposed subdivision improvement.
20. _____ Storm water management plan and drainage calculations prepared by a registered professional engineer. The storm water management plan should emphasize infiltration and the low impact design, and how the selected management techniques will be operated and maintained during and after construction.
21. _____ Utilities plan, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, or other proposed above or underground utilities as applicable.
22. _____ Landscaping plan, to show all significant proposed clearing of land, removal of existing vegetation, re-vegetation and/or landscaping along existing street right-of-way, buffers and upon individual lots, if part of proposed subdivision improvements. All proposed plantings should use only non-invasive plants (see URI Cooperative Extension's "Sustainable Plant List").
23. _____ Location, dimension and area of any land proposed to be set aside as open space.
24. _____ Open space use and management plan, if applicable (see section 5.12.G).
25. _____ Limit of disturbance line/ limit of clearing, with method of tree protection if applicable.
26. _____ Location of proposed stump dumps.
27. _____ Soil erosion and sediment control plan, including inspection and maintenance provisions.
28. _____ Construction plans for access road(s) or routes(s), temporary parking and storage areas, location of construction trailers, and stockpiles of soil, stone, or waste materials.
29. _____ Other (specify).

Supporting materials

30. _____ Administrative fee. See section 3.3.B.
31. _____ Project review fee. See section 3.3.C.
32. _____ Yield plan, modified from pre-application review (if necessary).
33. _____ Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service (if proposed).
 - a. _____ Water company or district
 - b. _____ Date of letter
34. _____ If individual sewage disposal systems are proposed, confirmation from the state department of environmental management that the soils are adequate for the use of ISDS. Either of the following:
 - a. _____ Preliminary subdivision suitability report No.; _____
(3-5 lots)

b. _____ Water table verification No.; _____

(2 lots)

35. _____ Either of the following:

- a. _____ A letter to the planning board indicating the subdivider's intent to complete the required improvements prior to endorsement and recording; or
- b. _____ A letter to the planning board requesting that the amount of security sufficient to cover the cost of required improvements be established by the Board.

36. _____ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior and that there are no outstanding municipal liens on the parcel.

E. Final plat checklist minor land development projects and minor subdivisions for a conventional development.

This checklist shall be used for conservation developments, rural residential compounds and conventional developments having five or fewer lots or dwelling units and for which the creation or extension of a public or private street may or may not be involved.

The applicant shall submit to the administrative officer copies of final site plans and supporting materials as indicated below:

Plat plans to be recorded

One copy of the final plat plan drawn on Mylar to a scale of one inch to 40 feet. The scale may be modified with the permission of the administrative officer. In addition, at least five black line copies shall also be submitted. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). Plans shall also be submitted on CD in AutoCAD, .dwg, GIS shapefile or .dxf file format as a PDF. The following information shall be shown on the plans:

1. _____ Name of the proposed subdivision.
2. _____ Notation that the subdivision is located in the Town of Exeter, RI.
3. _____ Name and address of property owner and applicant.
4. _____ Name, address and telephone number of engineer or land surveyor.
5. _____ Date of plan preparation, with revision date(s) (if any).
6. _____ Graphic scale and true north arrow.
7. _____ Plat and lot number(s) of the parcel being subdivided.
8. _____ Zoning district(s) of the parcel being subdivided - If more than one district, zoning boundary lines must be shown.
9. _____ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines.
10. _____ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided.
11. _____ Location, width and names of proposed and existing streets within and immediately adjacent to the parcel being subdivided.

-
12. ____ Names of abutting property owners and property owners immediately across any adjacent streets.
 13. ____ Location of proposed permanent bounds.
 14. ____ Location of all interior lot lines and street lines with accurate dimensions indicated.
 15. ____ Location and number of all proposed lots, with accurate areas indicated.
 16. ____ Location and notation of type of proposed easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated.
 17. ____ Notation of special conditions of approval imposed by the planning board (if any).
 18. ____ Notation of any permits and agreements with state and federal reviewing agencies (if any).
 19. ____ Certification by a professional land surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to a minimum of a class I survey and to conform to "Procedural and Technical Standards For the Practice of Land Surveying in the State of Rhode Island and Providence Plantations" as Prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended.
 20. ____ Note on Plan: "The town currently has a Growth Management Ordinance in effect which may impact the ability to obtain building permits for lots shown on this plan."

Construction record drawings

Seven black line copies of construction plans drawn to a scale of one inch to 40 feet. The scale may be modified with the permission of the administrative officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

21. ____ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the planning board as a condition of approval.
22. ____ Certification (stamp) of a registered professional engineer that the construction drawings are correct.
23. ____ Proposed street plan and profiles drawn at a scale of 1" = 40' horizontal and 1" = 4' vertical if required by the planning board.
24. ____ Street cross-sections, if required by the planning board.
25. ____ Proposed landscaping plan, if required by the planning board.
26. ____ Soil erosion and sediment control plan (if required).
27. ____ Proposed street trees.

Supporting materials

28. ____ Two original signed copies of all legal documents describing the property, including proposed homeowners association by-laws, easements and rights-of-way, dedications, restrictions, or other required legal documents.

Specify:

-
29. ____ Deed transferring land proposed for dedication to the town or other qualified group or agency for open space purposes (if necessary).
30. ____ Written confirmation from the state department of environmental management pursuant to the RIDEM rules and regulations governing the enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed development, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.
31. ____ In lieu of item 4 above, an affidavit signed by a qualified wetlands biologist stating that there are no freshwater wetlands present on or within 200 feet of the property being subdivided.
32. ____ A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or other right-of-way (if necessary).
33. ____ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel.
34. ____ 911 emergency numbers. Proof of notification to police, fire, ambulance and the planning board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling.

Payment of Required Fees

Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the planning board and recording of final plans:

35. ____ Administrative fee. See section 3.3.B.
36. ____ Final plat recording fee.
Amount
37. ____ Financial guarantees.
Initial amount
Date set by planning board
38. ____ Fees in-lieu-of land dedication (if required).
Amount
39. ____ Project review inspection fee. See section 3.3.
Amount
40. ____ Maintenance bond for acceptance of public improvements (if applicable).
Amount
Date of council acceptance
Description
Date of expiration of maintenance bond

F. Master plan checklist for major land conventional developments and for major conventional subdivisions

The applicant shall submit to the administrative officer at least two black line full-scale copies (24" x 36") and eight reduced copies (11"x 17") of master plan maps as required below. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the administrative officer. Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors. At a minimum, the following information shall be provided:

Master plan drawing(s)

A map or plan of the development parcel showing the following information:

1. ____ Name and address of the proposed development.
2. ____ Name and address of property owner and applicant.
3. ____ Name, address and telephone number of person or firm preparing master plan.
4. ____ Date of plan preparation, with revision date(s) (if any).
5. ____ Graphic scale and true north arrow.
6. ____ Plat and lot number(s) of the land being subdivided.
7. ____ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown.
8. ____ Perimeter boundary lines of the development, drawn so as to distinguish them from other property lines.
9. ____ Area of the development parcel and proposed number of buildable lots, dwellings or other proposed improvements.
10. ____ Location and dimensions of existing property lines within or adjacent to the development parcel, easements and rights-of-way.
11. ____ Location, width and names of existing streets within and immediately adjacent to the development parcel.
12. ____ Names of abutting property owners and property owners immediately across any adjacent streets.
13. ____ Location of wooded areas and notation of existing ground cover.
14. ____ Location of wetlands, watercourses or coastal features present on and/or within 200 feet of the property being subdivided.
15. ____ Areas of agricultural use.
16. ____ Existing topography with minimum contour intervals of two feet.
17. ____ Location and approximate size of existing buildings or significant aboveground structures on or immediately adjacent to the development.
18. ____ Proposals [for] locations of wells and ISDS systems.
19. ____ Provisions for collecting and discharging storm water.
20. ____ Location of historic cemeteries on or immediately adjacent to the development (if any).

21. ☐ Location of any unique natural and/or historic features, including stonewalls.
22. ☐ Notation on plan if the development parcel(s) are located within any of the following areas:
 - a. ☐ Natural heritage areas (RIDEM)
 - b. ☐ Groundwater protection overlay district (town)
23. ☐ Proposed improvements including streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.
24. ☐ Base flood elevation data.
25. ☐ Identified wellhead protection areas within 500 feet of the development site.

Supporting materials

The applicant shall submit to the administrative officer 15 copies of a project description and impact statement providing a general description of the existing physical environment and existing use(s) of the property along with a general description of the uses and type of development proposed by the applicant (see section 3.4).

26. ☐ Application fee; project review fee where required in accordance with section 3.3.C.
27. ☐ An aerial photograph or a copy of an existing aerial photograph of the proposed development parcel and surrounding area.
28. ☐ A copy of the soils map of the development parcel and surrounding area, and a general analysis of soil types and suitability for the development proposed. If any prime agricultural soils are within the development parcels, the soils map shall be marked to show the location of said prime agricultural soils.
29. ☐ An estimate of the approximate population of the proposed development.
30. ☐ An estimate of the number of school-aged children to be housed in the proposed development.
31. ☐ Fiscal impact statement.
33. ☐ Proposed phasing, if any.
34. ☐ Project description and impact statement (see section 3.4).
35. ☐ A vicinity (locus) map, drawn to a scale of one inch = 400 feet or as necessary to show the area within one-half mile of the development parcel showing the locations of all streets, existing lot lines, and zoning district boundaries. Significant public facilities shall be identified.
36. ☐ An area context map to shown the proposed developed site and the 500 feet immediately surrounding the site. The [sic] map shall contain information on all significant topographic, natural and built features.
37. ☐ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior and that there are no outstanding municipal liens on the parcel.
38. ☐ Initial written comments on the master plan from the following agencies:

Local agencies:

A. ☐	Town engineer (consulting)	Date:
B. ☐	Public works director	Date:
C. ☐	Conservation commission	Date:
D. ☐	Fire districts (2)	Date:

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F. _____	911 supervisor	Date:
G. _____	Other (specify)	Date:

Adjacent communities, if applicable (specify):

A. _____	Date:
B. _____	Date:
C. _____	Date:
D. _____	Date:
E. _____	Date:

State agencies:

A. _____	Environmental management	Date:
B. _____	Transportation	Date:
C. _____	Other (specify)	Date:

Federal agencies:

A. _____	U. S. Army Corps Engineers	Date:
B. _____	FEMA	Date:
C. _____	Soil Conservation Service	Date:

G. Preliminary plan checklist for major land development projects and major conventional subdivisions.

Preliminary plat map(s)

The applicant shall submit to the administrative officer at least two black line full-scale copies (24" x 36") and eight reduced copies (11"x 17") of the preliminary site plans drawn to a scale of one inch to 40 feet. The scale may be modified with the permission of the administrative officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors, in accordance with a class 1 survey.

[All maps]

All maps required by this checklist shall show the following information:

1. _____ Name of the proposed development, including phase number.
2. _____ Name and address of property owner and applicant.
3. _____ Name, address and telephone number of engineer or land surveyor.
4. _____ Date of plan preparation, with revision date(s) (if any).
5. _____ Graphic scale and true north arrow.
6. _____ Plat and lot number(s) of the parcel being developed.

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7. ____ Zoning district(s) of the parcel being developed. If more than one, administrative, zoning boundary lines must be shown.
 8. ____ Perimeter boundary lines of the development or phase, drawn so as to distinguish them from other property lines.
 9. ____ Location and dimensions of existing streets within and immediately adjacent to the parcel being subdivided.
 10. ____ Location, width and names of existing streets within and immediately adjacent to the parcel being subdivided.
 11. ____ Names of abutting property owners and property owners immediately across any adjacent streets.

[Existing conditions map]

An existing conditions map(s) to show the following:

12. ____ Date of the existing conditions shown.
13. ____ Area of the parcel being developed.
14. ____ Name, address and telephone number of engineer or land surveyor.
15. ____ Areas of agricultural use (if any).
16. ____ Location of any unique natural and/or historic features, including stone walls.
17. ____ Location of wetlands, watercourses or water features present on or within 200 feet of the property being subdivided.
18. ____ Existing topography with minimum contour intervals of two feet.
19. ____ Location and approximate size of existing buildings or significant aboveground structures on or immediately adjacent to the development.
20. ____ Location and dimension of all existing utilities within and immediately adjacent to the development, including electric, phone, cable TV, fire alarm, utility poles, storm water drainage facilities or other existing above [ground] or underground utilities.
21. ____ Location of historic cemeteries on or immediately adjacent to the development (if any).
22. ____ Base flood elevation data.
23. ____ Certification by a registered land surveyor, and/or a professional engineer, that the subdivision plan and a perimeter survey of the land being developed has been performed and conforms to the survey requirements of these regulations, for a class 1 survey.

[Proposed conditions map]

A proposed conditions map(s) to show the following:

24. ____ Proposed improvements including streets; lot lines shall be drawn so as to distinguish them from existing lot lines.
25. ____ Location and dimension of all proposed utilities within and immediately adjacent to the development, including electric, phone, cable TV, fire alarm, utility poles, storm water drainage facilities or other proposed above [ground] or underground utilities.

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26. ____ Grading plan to show proposed contours at two-foot intervals for all grading proposed for on[site] and off-site street construction, drainage facilities and upon individual lots if part of proposed development improvements.
 27. ____ Landscaping plan to show all significant proposed clearing of land, removal of existing vegetation and/or landscaping on street rights-of-way and upon individual lots if part of proposed development improvements.
 28. ____ Soil erosion and sediment control plan.
 29. ____ Proposed street plan and profiles drawn at a scale of one inch = 40 feet horizontal and one inch = four feet.
 30. ____ Proposed street cross sections.
 31. ____ Proposed street names.
 32. ____ Proposed sidewalks or bike paths.
 33. ____ Proposed street trees, if required by the planning board.
 34. ____ Proposed drainage plan and drainage calculations prepared by a registered professional engineer.
 35. ____ Location, dimension and area of any land proposed to be set aside as open space.
 36. ____ Location of proposed stump dumps.

Supporting materials

37. ____ Application fee.
38. ____ Project review fee where required in accordance with section 3.3.C.
39. ____ Written confirmation from the state department of environmental management pursuant to the state department of environmental management Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed development, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.
40. ____ A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or other right-of-way (if necessary).
41. ____ Preliminary development suitability determination by the department of environmental management for the use of individual sewage disposal systems (if proposed).
42. ____ The names and addresses of owners of all properties, agencies or communities requiring notification as required by these regulations.
43. ____ Copies of return receipts for certified mail notices.
44. ____ Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.
Specify
45. ____ Either of the following:
 - a. ____ A letter stating it is the intent of the applicant to complete the required improvements prior to the planning board's endorsement of the final plans; or

- b. _____ A letter requesting the security sufficient to cover the cost of required improvements be set by the planning board.

Initial amount set by the board _____;

Date _____.

46. _____ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior and that there are no outstanding municipal liens on the parcel.

47. _____ Final written comments on the preliminary plan by the following:

A. _____	Town engineer (consulting)	Date: _____
B. _____	Public works director	Date: _____
C. _____	Conservation commission	Date: _____
D. _____	Fire districts (2)	Date: _____
E. _____	911 Supervisor	Date: _____
F. _____	Other (specify)	Date: _____

H. Final checklist for major land development projects and major subdivisions.

The applicant shall submit to the administrative officer copies of final site plans and supporting materials as indicated below:

Plat plans to be recorded

One copy of the final plat plan drawn on Mylar to a scale of one inch to 40 feet. The scale may be modified with the permission of the administrative officer. In addition, five black line copies shall also be submitted. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). Plans shall also be submitted on CD in AutoCAD, .dwg, GIS shapefile or .dxf file format as a PDF. The following information shall be shown on the plans:

1. _____ Name and address of the proposed development.
2. _____ Notation that the subdivision is located in the Town of Exeter, RI.
3. _____ Name and address of property owner and applicant.
4. _____ Name, address and telephone number of engineer or land surveyor.
5. _____ Date of plan preparation, with revision date(s) (if any).
6. _____ Graphic scale and true north arrow.
7. _____ Plat and lot number(s) of the parcel(s) being developed.
8. _____ Zoning district(s) of the parcel(s) being developed. If more than one district, zoning boundary lines must be shown.
9. _____ Perimeter boundary lines of the subdivision or land development project, drawn so as to distinguish them from other property lines.
10. _____ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided.

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11. ____ Location, width and names of proposed and existing streets within and immediately adjacent to the parcel being developed.
 12. ____ Names of abutting property owners and property owners immediately across any adjacent streets.
 13. ____ Location of proposed permanent bounds.
 14. ____ Location of all interior lot lines and street lines with accurate dimensions indicated.
 15. ____ Location and number of all proposed lots, with accurate areas indicated.
 16. ____ Location and notation of type of easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated.
 17. ____ Location and notation of type of proposed open space areas.
 18. ____ Notation of special conditions of approval imposed by the planning board (if any).
 19. ____ Notation of any permits and agreements with state and federal reviewing agencies (if any).
 20. ____ Phasing schedule (if any).
 21. ____ Certification by a professional land surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to a minimum of a class I survey, including the location of all proposed permanent monuments, and are certified as being correct.
 22. ____ Note on plan: "The Town of Exeter currently has a Growth Management Ordinance in effect which may impact the ability to obtain building permits for lots shown on this plan."

Construction record plans

Two black line copies of construction plans drawn to a scale of one inch to 40 feet. The scale may be modified with the permission of the administrative officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

23. ____ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the planning board as a condition of approval.
24. ____ Certification by a registered professional engineer that the plans are correct.
25. ____ Proposed street plan and profiles drawn at a scale of 1" = 40' horizontal and 1" = 4' vertical if required by the planning board.
26. ____ Street cross-sections, if required by the planning board.
27. ____ Proposed landscaping plan, if required by the planning board.
28. ____ Soil erosion and sediment control plan (if required).
29. ____ For phased projects, as-built drawings for the previous phase (if applicable).
30. ____ Proposed street trees.

Supporting materials

31. ____ Certificate of the tax collector showing that all taxes due on the parcel being subdivided have been paid for a period of five years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel.

-
32. ____ Two original signed copies of all legal documents describing the property, creating a Homeowners' Association, proposed easements and rights-of-way, dedications, restrictions or other required legal documents.

Specify:

33. ____ Two signed copies of an irrevocable offer to convey to the town all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas
34. ____ Deed transferring land proposed for dedication to the town or other qualified group or agency for open space purposes
35. ____ 911 emergency numbers. Proof of notification to police, fire, ambulance and the planning board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling. To be shown on plans with a square box.

Payment of required fees

Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the planning board and recording of final plans:

36. ____ Administrative fee. See section 3.3.B.
37. ____ Final plat recording fee - Amount
38. ____ Performance bond or other financial guarantees:
- a. Initial amount ;
 - b. Date set by planning board ;
 - c. Date of expiration of surety .
39. ____ Fees in-lieu-of land dedication (if required):
- a. Amount .
40. ____ Inspection fee - Amount: .
41. ____ Maintenance bond for acceptance of public improvements (if applicable):
- a. Amount ____;
 - b. Date of maintenance bond expiration ;
 - c. Date of planning board approval of public improvements ;
 - d. Description ;
 - e. Date of recommendation of acceptance from planning board to the town council ;
 - f. Date of council acceptance of public improvements .

I. Pre-application and concept review checklist **for** conservation development projects.

The submission materials for the pre-application meeting consist of the following maps, at a minimum, which correspond to steps 1—3 of the conservation development design process: The applicant shall submit to the administrative officer at least two black line full-scale copies (24" x 36") and eight reduced copies (11"x 17") of pre-

application maps required below. The scale of all plans shall be as indicated below and shall be sufficient to clearly show all of the information required. The scale may be modified with the permission of administrative officer.

At a minimum, the following information shall be provided:

1. Site base map;
2. Existing resources and site analysis map (see section 5.16);
3. Site context map (see section 5.6);
4. Potential site conservation areas map;
5. Sketch plan overlay sheet.

Base map

The base map shows the principal existing features of the site, including parcel boundaries, roads, structures, water bodies and vegetation. It should be drawn at a scale sufficient to clearly show all of the information required - depending on the size and complexity of the property usually one inch = 100 feet or 1" = 50'. Much of this information could be shown based on the USGS maps and/or orthophotos available from RIGIS.

1. _____ Name of the proposed subdivision.
2. _____ Name and address of property owner and applicant.
3. _____ Name, address and telephone number of the person or firm preparing the pre-application plan(s).
4. _____ Date of plan preparation, with revision date(s) (if any).
5. _____ Graphic scale and true north arrow.
6. _____ Plat and lot numbers(s) of the land being subdivided.
7. _____ Zoning district(s) of the land being subdivided; if more than one district, zoning boundary lines shall be shown.
8. _____ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines.
9. _____ Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed.
10. _____ Area in acres of the parcel.
11. _____ Location and approximate size of existing structures.
12. _____ Known surface waters including rivers, streams, lakes, ponds and wetlands; it is not necessary to field verify wetlands at this stage.

Step 1: Existing resources and site analysis maps.

During site analysis, information about natural and cultural factors is collected and mapped, creating an objective basis of facts to inform discussions and support fair decisions. In this first step, the focus is on the site itself, its features and capabilities. The site analysis process is described in detail in section 5.4, step 1 of these regulations. The number of site analysis maps required will vary with the complexity of each site. The following maps should be prepared as separate overlays, which can be combined in different ways using geographic information system technology (GIS) to better understand the interaction of the various site features and resource types. GIS maps are recommended. For further information and illustrated examples regarding suggested GIS maps refer to RIDEM Conservation Development Manual 2003.

Topography and slopes

The form of the land is fundamental to understanding both natural systems and suitability for construction. USGS topographic maps provide ten-foot contours (elevation lines); these can be traced manually or digitized for use as an overlay. In addition, a slope map provides a general assessment of development suitability, or potential hazards, based on slope.

13. ☐ Existing topography with ten-foot contour lines.
14. ☐ Slope map, with slopes grouped according to five categories based on development suitability: 0—3 percent, 3—8 percent, 8—15 percent, 15—25 percent, and over 25 percent. Steeper slopes should be shown in progressively darker colors or shades of gray.
15. ☐ Existing drainage and drainage structures, such as culverts and pipes, etc.

Natural resource inventory

Unique features and local priorities for natural resources can be found in the comprehensive plan. Smaller parcels in particular may contain only a portion of a resource area or buffer zone, which may be shown more clearly on a separate map showing the site within a larger district or watershed. Subsurface groundwater aquifers and surface water supplies should be indicated in a gradation of blue colors, tones or hatching where the surface water supply reservoir or aquifer is darkest and its watershed or recharge areas are progressively lighter. Farmland and forested land should be shown in light and dark green, respectively, with an indication of underlying soil types with hatching and/or labels. Natural heritage areas can be shown with a red outline around the designated area.

16. ☐ Name and location of surface watershed, water quality classification and existing condition of nearest surface water(s). See RIDEM water quality regulations.
17. ☐ Groundwater aquifers, recharge areas and wellhead protection areas.
18. ☐ State-designated Natural Heritage Sites.
19. ☐ Un-fragmented forest tracts.
20. ☐ Prime farmland soils.
21. ☐ Land in active agricultural use.
22. ☐ State, regional, or community greenways and greenspace priorities.
23. ☐ 100-year floodplains as shown on federal flood protection maps.

Cultural resource inventory

State and local records of historic features can be transferred to a base map by hand or as GIS layers. Site-level features, such as stonewalls, agricultural elements, historic houses and outbuildings, and other landscape features can be located on RIGIS orthophotos or transferred to an overlay map based on a site walk. Scenic roads and areas are identified in state and local plans, and specific views on the parcel can be identified with arrows and text description.

24. ☐ State or locally designated historic sites, districts, cemeteries or landscapes.
25. ☐ Archaeological sites.
26. ☐ Scenic road corridors and state-designated scenic areas.
27. ☐ Approximate location of stonewalls, structures, outbuildings, roads or trails, and other historic features on the parcel.

Recreational resource inventory

Trails and recreational areas can be identified based on site observation, USGS maps, and aerial photography. Regional trails, boat launches and recreational sites may be found on RIGIS, and in the comprehensive plan or other greenspace plans, which indicate existing and potential trails and recreation areas within the town. Trails should be graphically separated into existing (solid line) and potential (dashed line), and colored green for hiking, red for biking, blue for boating, etc.

- 28. ☐ Existing hiking, biking, and bridle trails within and adjacent to site.
- 29. ☐ Boat launches, lake and stream access points, beaches and water trails.
- 30. ☐ Existing play fields and playgrounds adjacent to the site.

Utilities and infrastructure (if available)

Utility information available on RIGIS is 14 years old, and therefore lacking more recent extensions. The comprehensive plan contains more recent maps of utilities, and the town department of public works and public utility companies maintain the most up-to-date records. A quick field survey of manholes and utility poles can often provide a good approximation of available utilities.

- 31. ☐ Size and approximate location of public or private water lines.
- 32. ☐ Size and approximate location of public or private sewer lines.
- 33. ☐ Gas service.
- 34. ☐ Electrical service.
- 35. ☐ Telephone, cable, and other communication services.
- 36. ☐ Width and surfacing material of existing road(s) at access points.

Step 2: Site context map.

In step 2, attention shifts to what's around the site in the larger context of the neighborhood and town. Objective data is collected for natural, cultural and recreational resource systems that surround the site, as well as the social structure and visual character of the neighborhood. The contextual analysis process is described in detail in section 5.6 and in section 5.4, step 2 of these regulations. It can include many of the same features and resources mapped for the site analysis, but this time with a focus on the area surrounding the site.

Using 1997 RIGIS orthophotos, or more recent aerial photography if available, show the area within 1 or 2 miles of the site at a scale of one inch equals 400 feet. Outline the parcel boundary. Surrounding parcels, ten-foot contours, surface waters and wetlands from RIGIS may be overlaid with the photograph if available. Resources, which extend over large areas, such as public drinking water supply watersheds, groundwater aquifers, wellhead protection areas, and agricultural districts, may also be shown more effectively at the context scale than on the site analysis maps in step 1. A USGS map should be submitted with the parcel boundary outline. This will show many key features surrounding the

Step 3: Potential conservation areas.

Based on the data mapped as part of the analysis of the site and its context in steps 1 and 2, respectively, an assessment map of potential conservation areas shows that part of the site which must be protected by law, that which cannot be built on because of physical constraints, or which represents an important resource or neighborhood feature to be protected. Together, these represent the most logical potential conservation areas. While the first two steps consist of a straightforward inventory of resources, opportunities and constraints, for step 3 planners must reach a consensus about which areas have high value for conservation. Designation of potential conservation areas is described in detail in section 5.4, step 3 of these regulations.

Graphic and coloring schemes, as suggested below, can help keep this information legible as the information is combined on the maps. Separate overlays may be required to illustrate more complicated situations, but where possible try to keep these coverages on the same map.

Non-buildable areas

Land unsuitable for development is defined in section 1.2 of the zoning ordinance. These areas shall be shown as follows:

- 37. _____ Freshwater wetlands, surface waters and vernal pools, including local and state regulated setbacks. Surface waters can be mapped in blue, with wetlands in blue/green and setback lines in darker blue/green.
- 38. _____ Land located in any floodway.
- 39. _____ Existing utility easements and power line right-of-ways.
- 40. _____ Unique sites having historical, archaeological or values protected by local, state or federal regulations.

Since soil conditions are fundamental both to natural resources and construction suitability, the statewide soil survey available on RIGIS can yield an approximate idea of areas where construction will be difficult or impossible. The soils data also shows where development may be most appropriate, particularly for on-site wastewater treatment systems. The applicant must show soils as a function of the soil properties, not the individual soil type. Several ways of grouping and assessing soils have been prepared by state agencies to aid in this assessment. RIGIS provides a grouping scheme based on water table, slope, bedrock, and miscellaneous severe constraints. The cooperative extension service at the University of Rhode Island has developed a grouping scheme based on hydrological characteristics, from well-drained soils with a deep water table to hydric soils that are essentially wetlands. (A comparison of these methods may be found at the Rhode Island Cooperative Extension's web site www.uri.edu/ce/wq/mtp/rapid/sscomp.html.) The extent of hazard or constraint will depend to some degree on local conditions and availability of public sewer and water, etc. Items to be identified as potential conservation areas will therefore need to be identified in consultation with town staff or the planning board.

Partially constrained areas

- 41. _____ Slopes in excess of 15 percent - can be mapped in yellow.
- 42. _____ 100-year flood plains - can be indicated with blue cross-hatching.
- 43. _____ Hydric soils and soils with seasonal high water table less than 3.5 feet or slowly permeable "hardpan" soils - can be shown with orange cross-hatching (primarily a constraint on the construction of septic systems).

Important natural, cultural, and recreational resource areas

Identify the resources in each category, which are the most important to protect, based on an assessment of the natural, cultural and recreational resources mapped for step 1; these can be indicated with transparent tones and/or written annotations on the map.

- 44. _____ Natural resource areas - can be shown in green transparent tones.
- 45. _____ Cultural resource areas - can be shown in red transparent tones.
- 46. _____ Recreational resources - can be shown with solid and dashed lines, hatching for areas, and annotations, as appropriate.

Sketch plan overlay sheet

The site features described above have been documented by the applicant and presented to the planning board. At this point, the applicant can present initial proposals for development. To expedite this process, a conceptual

sketch plan(s) for development shall be presented as overlay sheets to be superimposed on top of the base map and existing resources and site analysis maps required above (at the same scale). As an alternative, if detailed site information and surveys are not available, a separate diagrammatic sketch plan(s) may be presented.

- 47. ☐ Identification of areas proposed for development.
- 48. ☐ Location of proposed open space areas.
- 49. ☐ Initial layout of streets.
- 50. ☐ Initial number of dwelling units.

Supplementary information

- 51. ☐ Administrative fee.
- 52. ☐ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior and that there are no outstanding municipal liens on the parcel.

Conclusions/outcomes from pre-application review

- ☐ Agreement on areas for further investigation, necessary detail of field surveys, etc.
- ☐ Approximate location of natural, cultural and recreational resources and agreement on the town's priorities for resource protection in the areas of the site.
- ☐ Understanding of resource systems within the site's larger context.
- ☐ Preliminary location of potential conservation and open space areas.
- ☐ Preliminary location potential development areas.
- ☐ Agreement on type of development (conservation development, conventional development or rural residential compound).
- ☐ Agreement on initial basic maximum number of units: Refer to section 5.8.
- ☐ Agreement regarding the consultants, if any, the town will use to assist in the review process. Refer to section 3.3.C, project review, hearing and inspection fees.
- ☐ Other

J. Preliminary plat checklist for minor land conservation development projects and minor conservation development subdivisions (creation or extension of a public or private street).

This checklist shall be used for conservation developments, rural residential compounds and conventional developments having five or fewer lots or dwelling units and for which the creation or extension of a public or private street is involved.

Each of the ten steps in the conservation development process is reflected in preliminary plan review for minor land development projects and minor subdivisions, where the creation or extension of a public or private street is involved. Many of the same maps and overlays submitted for pre-application can be reused as they are, or updated with such additional field surveys and research as may be agreed to by the applicant and the planning board during pre-application review. Looking ahead to the final plan submission the applicant may commission detailed topographic, wetlands, and boundary surveys - especially for areas of the site where development is proposed.

The following information shall be presented in the form of a written narrative report, supplemented as necessary with drawings, sketches or plans to convey intent. The narrative report shall include reduced sets of all drawings and plans required below on 11" by 17" sheets. The number of reduced copies shall be determined by the administrative officer, based upon the required distribution to the planning board, and other municipal, public or private agencies involved in the development review process.

Initially, the applicant shall submit to the administrative officer at least four full-scale black line copies of master plan maps required below. In addition, at least eight reduced copies of the narrative report, including reduced maps shall be submitted.

At a minimum, the following information shall be provided:

Base map

Unless otherwise indicated, plans shall be drawn to a scale of either one inch = 100 feet or 1 inch = 200 feet, whichever would best fit on a standard size sheet (24 inches by 36 inches), unless otherwise approved by the administrative officer. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). At this stage the basic features such as roads, parcel boundaries, topography, vegetation and water features are best redrawn as a clean base map, or used as overlays to the existing resources and site analysis map.

All sheets must contain the following basic information:

1. _____ Name of the proposed subdivision or development.
2. _____ Name and address of property owner and applicant.
3. _____ Name, address and telephone number of engineer, land surveyor or person preparing the plan(s).
4. _____ Date of plan preparation, with revision date(s) (if any).
5. _____ Graphic scale and true north arrow.
6. _____ Plat and lot number(s) of the land being subdivided or developed.
7. _____ Zoning district(s) of the land being subdivided or developed. If more than one district, zoning boundary lines must be shown.
8. _____ Perimeter boundary lines of the subdivision or development, drawn so as to distinguish them from other property lines.
9. _____ Area of the parcel(s) being developed, and proposed number of buildable lots, dwellings or other proposed improvements.
10. _____ Location and dimensions of existing property lines within or adjacent to the parcel(s) being subdivided or developed.
11. _____ Easements and rights-of-way within or adjacent to the development parcel(s).
12. _____ Location, width and names of existing streets within and immediately adjacent to the parcel(s) being developed.
13. _____ Names of abutting property owners and property owners immediately across any adjacent streets.
14. _____ Notation on plan if the parcel(s) being developed are located within any of the following areas:
 _____ Natural heritage areas (RIDEM);
 _____ Zoning overlay districts, if any.
15. _____ Location and approximate size of existing structures.

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16. ____ Location of land unsuitable for development, including known surface waters including rivers, streams, lakes, ponds, wetlands and vernal pools. It is advisable to have wetland edges field surveyed and verified by the RI Department of Environmental Management at this point, especially within or adjacent to proposed development zones.

The 10-step design review process (refer to section 5.4)

Step 1: Existing resources and site analysis map - Refer to section 5.16.

Topography and slopes

After the pre-application meeting and concept review, the planning board and the applicant should agree on the necessary accuracy and detail of topographic data for the preliminary plan submission. Ten-foot contours (elevation lines) based on USGS surveys can be traced manually or digitized for use as an overlay, and may be sufficient if proposed development zones fall in areas of moderate slopes. For planning roads and building sites within areas over eight percent grade, or to discern gently-sloping areas near wetlands, vernal pools or intermittent streams, a field survey of topography to map the two-foot or five-foot contour interval may be necessary to ensure a buildable preliminary plan. This can be the basis for a more accurate slope map depicting a general assessment of development suitability, or potential hazards, based on slope or hydrologic conditions.

17. ____ Topography with contour lines at ten-foot interval, or more detailed, if necessary.
18. ____ Slopes grouped according to five categories based on development suitability: 0—3 percent, 3—8 percent, 8—15 percent, 15—25 percent, and over 25 percent. Steeper slopes should be shown in progressively darker colors or shades of gray.
19. ____ Existing drainage and drainage structures.

Natural resource inventory

Based on the preliminary designation of development zones, further site investigation and surveys may be necessary to establish the limits of natural resource areas such as wetlands, streams, vernal pools, and vegetation. These overlays can be updated with the more accurate information, using the same graphic schemes as the pre-application submission. Subsurface aquifers and surface water supplies should be indicated in a gradation of colors, tone or hatching where the reservoir or aquifer is darkest and its watershed or recharge areas are progressively lighter. Farmland and forested land should be shown in light and dark green, with an indication of underlying soil types with hatching and/or labels. Natural heritage areas can be shown with a red outline around the designated area.

20. ____ Public drinking supply watershed. Name and location of surface watershed and subwatershed boundaries, water quality classification and existing condition of nearest surface water(s).
21. ____ Groundwater aquifers, including state-designated "groundwater reservoirs," recharge areas, wellhead protection areas and groundwater elevation, or "water table."
22. ____ State-designated Natural Heritage Sites, wildlife habitat and fish presence in streams that could be affected by nearby development.
23. ____ Unfragmented forest tracts.
24. ____ Prime farmland soils.
25. ____ Areas in active farm use, with annotations for cropland, pasturage, orchard, etc.
26. ____ Large or unusual trees, shrubs or other unique vegetation.
27. ____ State, Regional, or community greenways and greenspace priorities.
28. ____ 100-year floodplains and base flood elevation data, as shown on FEMA maps.

Cultural resource inventory

Cultural features identified on the site, such as stone walls, agricultural elements, historic houses and outbuildings, and other landscape features may need to be more carefully surveyed in the field, along with other special features, views, etc. identified during the site visit and pre-application review. This is especially important if these features fall within proposed development areas, and could be incorporated into the proposed development.

- 29. ☐ State or locally-designated historic sites, districts, cemeteries, or landscapes.
- 30. ☐ Archaeological sites.
- 31. ☐ Scenic road corridors and state-designated scenic areas.
- 32. ☐ Location of stone walls, structures, outbuildings, roads or trails, and other historic features on the parcel.

Recreational resource inventory

Trails identified in pre-application may need to be more carefully surveyed in the field especially where they cross into proposed development areas. Trails should be graphically separated into existing (solid line) and potential (dashed line), and colored green for hiking, red for biking, blue for boating, etc.

- 33. ☐ Existing hiking, biking, and bridle trails within the site, or in the vicinity, where there is an opportunity to link the site with established trails.
- 34. ☐ Boat launches, stream access locations and water trails.
- 35. ☐ Existing play fields and playgrounds adjacent to the site.

Utilities and Infrastructure (if available)

Utility should be shown to the level of detail necessary for planning the most efficient connections to the development, but need not be surveyed in the field. Documentation of capacities of various services should be provided, if applicable.

- 36. ☐ Size and location of public or private water lines.
- 37. ☐ Size and location of public or private sewer lines.
- 38. ☐ Gas service.
- 39. ☐ Electrical service.
- 40. ☐ Telephone, cable, and other communication services.
- 41. ☐ Width and surfacing materials of existing road(s) at access points.

Step 2: Site context map - Refer to section 5.6.

Using 1997 RIGIS orthophotos, or more recent aerial photography if available, show the area within one-half mile of the development parcel at a scale of 1" = 400' or as necessary. Outline the parcel boundary. Surrounding parcels, ten-foot contours, surface waters and wetlands from RIGIS may be overlaid with the photograph if available. After pre-application review, the planning board may request that other resources be overlaid with the context map in order to better understand how the development will affect its surroundings. This may be particularly important in showing how the site fits into surrounding ecological or cultural systems. These may include regionally important surface or subsurface water supplies, large stream/wetland systems, continuous blocks of forested land, or extended areas in agricultural use.

Step 3: Potential conservation areas.

The pre-application review, especially step 3, the designation of potential conservation and development areas, will serve to focus the more detailed mapping of potential conservation areas during preliminary plan. More

detailed assessment of soils and slope constraints should be based on the specific character of the site and the type of development proposed. Conclusions about "non-buildable" and "partially-constrained" areas of the site will thus be calibrated to fit the specific situation. At a minimum, the planning board and the applicant should agree as to the method for evaluating soil constraints, using either the RIGIS suitability model or a soil-hydrology scheme, depending on site conditions. At the same time, the planning board can identify locations where field-testing of soils and water table will be necessary and the extent of such investigation required for the preliminary plan submission.

Non-buildable areas

- 42. ☐ Wetlands and surface waters including local and state regulated setbacks.
- 43. ☐ Surface waters - can be mapped in blue, wetlands in blue/green and setback lines in darker blue/green.
- 44. ☐ Existing land restrictions such as utility easements, power line right-of-ways, etc.
- 45. ☐ Any other land unsuitable for development, as defined in the zoning ordinance.

Partially constrained areas (physical constraints to development)

- 46. ☐ Slopes in excess of 15 percent - can be mapped in yellow.
- 47. ☐ 100-year flood plains - can be indicated with blue cross-hatching.
- 48. ☐ Hydric soils and soils with seasonal high water table less than 3.5 feet or slowly-permeable "hardpan" soils - can be shown with orange cross-hatching.

Important natural, cultural and recreational resource areas

Identify the resources in each category which are the most important to protect; these can be indicated with transparent tones and/or written annotations on the map.

- 49. ☐ Natural resource areas can be shown in green transparent tones. The natural, cultural, and recreational inventories from step 1 should be used here, and supplemented as necessary with field surveys.
- 50. ☐ Cultural resource areas can be shown in red transparent tones.
- 51. ☐ Recreational resources can be shown with solid and dashed lines, hatching for areas, and annotations, as appropriate.

Summary map

A summary map should be prepared, combining non-buildable, partially constrained and important resource areas into a single overlay. The summary map represents a synthesis of the principal conclusions drawn from the previous maps. It therefore serves as a record of what the applicant and the planning board agree are the areas, which should be preserved as open space, and likewise clearly identifies the areas most suited for development. It also allows for an agreement on what areas of the site may need to be investigated in further detail, either to better locate the edges of a sensitive resource or to perform a more detailed survey of features, which might be incorporated in the proposed development.

The summary map simplifies the previous overlays into three colors:

- 52. ☐ Non-buildable areas - shown in red or red hatching.
- 53. ☐ Partially-constrained areas - shown in orange or orange hatching.
- 54. ☐ Important natural, cultural and recreational resource areas - shown in green tone or line work, as appropriate.

Step 4: Determine maximum number of units.

The applicant and the planning board shall agree on the basic maximum number of dwelling units, if changed from the pre-application stage of review. Refer to the discussion of step 4 in section 5.4, and to section 5.8, entitled "Basic maximum number of dwelling units."

55. _____ Yield plan drawings, with indication of number of units: _____.

Step 5: Locate development areas and explore conceptual alternatives.

Development of a conceptual neighborhood layout can provide a framework to tie the proposed community together into a unified whole, and to link it with the larger neighborhood of which it is a part. Based on the results of steps 1—3, the applicant prepares a sketch plan overlay sheet to overlay the existing resources and site analysis maps showing the potential development areas, for the general layout of the proposed development. Refer to section 5.5 entitled sketch plan overlay sheet. The focus of this sketch plan is to demonstrate how the development areas will avoid or minimize impacts to the potential conservation areas as shown on the summary map in step 3. The plan should also demonstrate how the proposals would fit into the context as described in step 2. The sketch plan overlay sheet shall be prepared for review by the planning board during the site visit.

56. _____ Potential development areas - show as a tone or boundary line.
57. _____ Conceptual alternatives - specify number and variables, if possible.
58. _____ Describe overall themes and organizing principles.
59. _____ Describe house types and/or architectural themes.

Step 6: Locate house sites.

Once a preferred concept is in place, attention turns to selecting house sites that provide high value to potential buyers, with opportunities for creative design, privacy, attractive views, and yard space. Potential house sites are also evaluated for potential access, drainage, availability of utilities, and suitability for wells and septic systems. The process of locating house sites should be documented by describing the potential of proposed locations to avoid or minimize impacts to the resources identified in steps 2 and 3, as well as the visual effect from within and outside the development, and livability for future residents.

A site visit is required at this point and prior to establishing final locations to verify that locations avoid or minimize impacts to the conservation areas identified in steps 2 and 3. Refer to section 6.4.D.

60. _____ Development suitability - annotate plans to indicate site scale differences in microclimate (such as north-facing areas sheltered from the summer sun but affected by winter winds, or southern exposures good for solar heating), soils, hydrology, or special features affecting construction, such as unique trees or stone walls to be preserved.
61. _____ Proposals, if any, for connection with existing water supply and sanitary sewer systems. If wells and ISDS are proposed, a general description of their location shall be provided. Location of water table test holes and soil percolation tests, with test hole data, if available.
62. _____ Views and visual character of house sites - describe with arrows and annotation.
63. _____ Yard spaces and activity areas - distinguish public and private areas, annotate potential uses.
64. _____ Indicate site access, service and parking alternatives.
65. _____ Indicate how the house sites will be connected to or benefit from the dedicated open space.

Step 7: Lay out streets, trails and other infrastructure.

The layout of streets and trails is based on providing efficient access to the preferred house sites, organized by the overall design concept or theme. Several alternatives may need to be explored to find the best balance of community design with physical goals of minimizing pavement and limiting disturbance of the site.

- 66. _____ Alternatives for location and alignment of proposed roads and pedestrian system.
- 67. _____ Cross-section of proposed streetscape, including buildings, street trees, plantings, fences, curbs, sidewalks and trails, etc. on both sides of the street, along with the width of pavement and shoulders, if any.
- 68. _____ Alternatives for storm water treatment and management with an emphasis on maintaining the natural hydrology, and encouraging the infiltration of precipitation as close to the point of origin as possible. Refer to step 7 in section 5.4, and to section 7.3.C. for further information regarding alternative storm water treatment methods. The most recent edition of the Rhode Island Storm Water Design and Installation Standards Manual should also be consulted.
- 69. _____ Concept for lighting of streets and homes, placement of utilities including transformer boxes and other access points.

Step 8: Design open space.

Proposed uses and design guidelines for open space areas to be preserved by the project should be carefully planned to take advantage of existing natural, cultural and historical features and the potential for active agriculture and forestry, and active or passive recreation. The design of open space should flow directly from its proposed use - farming, storm water management, habitat protection, recreation, etc. - and respond to the needs of the community.

- 70. _____ Map the proposed open space and indicate the proposed uses and design criteria.
- 71. _____ Show proposed recreational trails and any potential links to other trails, natural features or amenities on the site or in the context area, and sidewalk connections to other neighborhoods, schools, etc. Recreational trails should be developed at the time the subdivision is built and a bond or other surety can be held, as is done with subdivision roads, to insure the trails are built properly and do not readily erode.
- 72. _____ Show proposed facilities for active sports, playgrounds, stream fishing access, etc.
- 73. _____ Plan for active agriculture, or forestry.
- 74. _____ Conceptual management criteria, including protection of the natural and cultural resources identified in step 3.

Step 9: Draw in the lot lines.

As one of the last steps in the design process, the location of lot lines should flow logically from the location of resources, proposed house sites, and existing features of the site. Lot lines should reflect logical boundary locations in the field, such as drainages, stonewalls, and tree lines. Easements for utilities and trails are also set down to preserve access to important corridors. If the best locations for lot lines are still unclear at the preliminary plan stage, criteria or guidelines for their placement should be described.

Depending on the size of individual lots, building envelopes may be necessary to ensure that houses are built in the desired area of each lot. This can take the form of a "build-to line" showing where the front wall of each house should be placed, a "limit of disturbance line" showing the area that should not be altered, or a building envelope zone, within which the builder can vary the final location and orientation of the house and appurtenances.

- 75. _____ Alternatives for location of lot lines.
- 76. _____ Criteria or statement of design intent for locating lot lines.

-
- 77. ☐ Location of rights-of-way, utility or trail easements.
 - 78. ☐ Building envelopes or build-to lines.

Step 10: Establish ownership and maintenance of open space.

In the final step of the process, the applicant should suggest the alternatives for ownership and maintenance of designated open space areas. This may only be conceptual during preliminary plan stage, with the goal of revealing opportunities for ownership that may take advantage of unique site features, or which makes a particularly good fit with one of the design alternatives under consideration.

- 79. ☐ Open space use plan. See section 5.12.G.
- 80. ☐ Maintenance alternatives, including potential funding sources.
- 81. ☐ Show potential open space to be preserved, conservation easements or other restrictions.

Conclusions/outcomes from preliminary plan review

Following certification of a complete preliminary plan submission, the town has 95 days to approve the preliminary plan as submitted, deny the plan, or approve with conditions. As this formal approval proceeds, it is critical to the ongoing design process that the applicant and the town reach a clear and mutual understanding about the character of the site and the best way to develop it. Whether incorporated into the written approvals or not, these agreements record the conclusions of the preliminary plan review and establish review criteria for the final plan:

The review and approval of the final plan may be delegated by the planning board to the administrative officer. The board may elect, however, to conduct final plan review itself. Agreement on the basic issues listed below at the time of preliminary review, may result in expedited review of the final plan. With the majority of the planning and design issues resolved at preliminary review, the final plan review may be simply be approval of final engineering and legal details already approved in conceptual form during earlier reviews.

- ☐ Agreement on basic maximum number of units;
- ☐ Agreement on location and design of streets, drainage, utilities and other infrastructure elements;
- ☐ Agreement on location of home sites, lots and lot lines;
- ☐ Agreement on ownership, maintenance and management responsibility of open space areas;
- ☐ Agreement on required approvals from state and other reviewing agencies.

Supplementary information

- 82. ☐ Yield plan, modified from pre-application review (if necessary).
- 83. ☐ Preliminary grading plan in sufficient detail to show proposed contours for all grading proposed for on and off-site street construction, drainage facilities and grading upon individual lots if part of proposed subdivision improvements (if applicable).
- 84. ☐ Preliminary drainage plan and drainage calculations prepared by a registered professional engineer, if required. (three copies)
- 85. ☐ Proposed utilities plan, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, or other proposed above or underground utilities, as applicable.
- 86. ☐ Location, dimension and area of any land proposed to be set aside as open space.
- 87. ☐ Base flood elevation data.
- 88. ☐ Certification by a professional land surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements to a minimum of a class I survey.

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89. ____ Open space use and management plan. See section 5.12.G.

Supporting materials

90. ____ Administrative fee, plus any required mailing and advertising expenses. See Section 3.3.B.
91. ____ Project review fee. See section 3.3.C.
92. ____ Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service (if proposed).
- a. Water company or district ;
 - b. Date of letter .
93. ____ If individual sewage disposal systems are proposed, confirmation from the state department of environmental management that the soils are adequate for the use of ISDS. Either of the following:
- a. ____ Preliminary subdivision suitability report No.; ____
(3-5 lots)
 - b. ____ Water table verification No.; ____
(2 lots)
94. ____ The names and addresses of all property owners, agencies or communities requiring notification as required by these regulations.
95. ____ Copies of return receipts for certified mail notices.
96. ____ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior and that there are no outstanding municipal liens on the parcel.
97. ____ Either of the following:
- a. A letter to the planning board indicating the sub-divider's intent to complete the required improvements prior to endorsement and recording; or
 - b. A letter to the planning board requesting that security sufficient to cover the cost of required improvements be established by the board.

K. Final checklist minor land conservation development projects and minor conservation development subdivisions (creation or extension of a public or private street).

See checklist E above.

L. Master plan checklist for major land conservation development projects and major conservation development subdivisions.

Each of the ten steps in the conservation development process is reflected in master plan review. Many of the same maps and overlays submitted for pre-application can be reused as they are, or updated with such additional field surveys and research as may be agreed to by the applicant and the planning board during pre-application review. Looking ahead to preliminary and final plan submissions, the applicant may commission detailed topographic, wetlands, and boundary surveys, especially for areas of the site where development is proposed.

The following information shall be presented in the form of a written narrative report, supplemented as necessary with drawings, sketches or plans to convey intent. The narrative report shall include reduced sets of all drawings and plans required below on 11" by 17" sheets. The number of reduced copies shall be determined by the

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administrative officer, based upon the required distribution to the planning board, and other agencies listed in D. Supporting materials, below.

Initially, the applicant shall submit to the administrative officer at least four full-scale black line copies of master plan maps required below. In addition, at least eight reduced copies of the narrative report, including reduced maps shall be submitted.

Base map

Unless otherwise indicated, plans shall be drawn to a scale of either one inch = 100 feet or one inch = 200 feet, whichever would best fit on a standard size sheet (24 inches by 36 inches), unless otherwise approved by the administrative officer. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). At this stage the basic features such as roads, parcel boundaries, topography, vegetation and water features are best redrawn as a clean base map, or used as overlays to the existing resources and site analysis map.

1. _____ Name of the proposed subdivision.
2. _____ Name and address of property owner and applicant.
3. _____ Name, address and telephone number of the person or firm preparing the master plan(s).
4. _____ Date of plan preparation, with revision date(s) (if any).
5. _____ Graphic scale and true north arrow.
6. _____ Plat and lot numbers(s) of the land being subdivided.
7. _____ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines shall be shown.
8. _____ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines.
9. _____ Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed.
10. _____ Area in acres of the parcel.
11. _____ Names of abutting property owners and property owners immediately across any adjacent streets.
12. _____ Location and approximate size of existing structures.
13. _____ Location of land unsuitable for development, including known surface waters including rivers, streams, lakes, ponds, wetlands and vernal pools. It is advisable to have wetland edges field surveyed and verified by the state department of environmental management at this point, especially within or adjacent to proposed development zones.

The 10-step design review process (refer to section 5.4)

Step 1: Existing resources and site analysis map - refer to section 5.16.

Topography and slopes

After the pre-application meeting and concept review, the planning board and the applicant should agree on the necessary accuracy and detail of topographic data for the master plan submission. Ten-foot contours (elevation lines) based on USGS surveys can be traced manually or digitized for use as an overlay, and may be sufficient if proposed development zones fall in areas of moderate slopes. For planning roads and building sites within areas over eight percent grade, or to discern gently-sloping areas near wetlands, vernal pools or intermittent streams, a field survey of topography to map the two-foot or five-foot contour interval may be necessary to ensure a

buildable master plan. This can be the basis for a more accurate slope map depicting a general assessment of development suitability, or potential hazards, based on slope or hydrologic conditions.

14. ____ Topography with contour lines at ten-foot interval, or more detailed, if necessary.
15. ____ Slopes grouped according to five categories based on development suitability: 0—3 percent, 3—8 percent, 8—15 percent, 15—25 percent, and over 25 percent. Steeper slopes should be shown in progressively darker colors or shades of gray.
16. ____ Existing drainage and drainage structures.

Natural resource inventory

Based on the preliminary designation of development zones, further site investigation and surveys may be necessary to establish the limits of natural resource areas such as wetlands, streams, vernal pools, and vegetation. These overlays can be updated with the more accurate information, using the same graphic schemes as the pre-application submission. Subsurface aquifers and surface water supplies should be indicated in a gradation of colors, tone or hatching where the reservoir or aquifer is darkest and its watershed or recharge areas are progressively lighter. Farmland and forested land should be shown in light and dark green, with an indication of underlying soil types with hatching and/or labels. Natural heritage areas can be shown with a red outline around the designated area.

17. ____ Public drinking supply watershed. Name and location of surface watershed and subwatershed boundaries, water quality classification and existing condition of nearest surface water(s).
18. ____ Groundwater aquifers, including state-designated "groundwater reservoirs," recharge areas, wellhead protection areas and groundwater elevation, or "water table."
19. ____ State-designated Natural Heritage Sites, wildlife habitat and fish presence in streams that could be affected by nearby development.
20. ____ Unfragmented forest tracts.
21. ____ Prime farmland soils.
22. ____ Areas in active farm use, with annotations for cropland, pasturage, orchard, etc.
23. ____ Large or unusual trees, shrubs or other unique vegetation.
24. ____ State, Regional, or community greenways and greenspace priorities.
25. ____ 100-year floodplains and base flood elevation data, as shown on FEMA maps.

Cultural resource inventory

Cultural features identified on the site, such as stone walls, agricultural elements, historic houses and outbuildings, and other landscape features may need to be more carefully surveyed in the field, along with other special features, views, etc. Identified during the site visit and pre-application review. This is especially important if these features fall within proposed development areas, and could be incorporated into the proposed development.

26. ____ State or locally-designated historic sites, districts, cemeteries, or landscapes.
27. ____ Archaeological sites.
28. ____ Scenic road corridors and state-designated scenic areas.
29. ____ Location of stone walls, structures, outbuildings, roads or trails, and other historic features on the parcel.

Recreational resource inventory

Trails identified in pre-application may need to be more carefully surveyed in the field especially where they cross into proposed development areas. Trails should be graphically separated into existing (solid line) and potential (dashed line), and colored green for hiking, red for biking, blue for boating, etc.

- 30. ☐ Existing hiking, biking, and bridle trails within the site, or in the vicinity, where there is an opportunity to link the site with established trails.
- 31. ☐ Boat launches, stream access locations and water trails.
- 32. ☐ Existing play fields and playgrounds adjacent to the site.

Utilities and infrastructure (if available)

Utility should be shown to the level of detail necessary for planning the most efficient connections to the development, but need not be surveyed in the field. Documentation of capacities of various services should be provided, if applicable.

- 33. ☐ Size and location of public or private water lines.
- 34. ☐ Size and location of public or private sewer lines.
- 35. ☐ Gas service.
- 36. ☐ Electrical service.
- 37. ☐ Telephone, cable, and other communication services.
- 38. ☐ Width and surfacing materials of existing road(s) at access points.

Step 2: Site context map - refer to section 5.6.

Using 1997 RIGIS orthophotos, or more recent aerial photography if available, show the area within one-half mile of the development parcel at a scale of 1" = 400' or as necessary. Outline the parcel boundary. Surrounding parcels, ten-foot contours, surface waters and wetlands from RIGIS may be overlaid with the photograph if available. After pre-application review, the planning board may request that other resources be overlaid with the context map in order to better understand how the development will affect its surroundings. This may be particularly important in showing how the site fits into surrounding ecological or cultural systems. These may include regionally important surface or subsurface water supplies, large stream/wetland systems, continuous blocks of forested land, or extended areas in agricultural use.

Step 3: Potential conservation areas. The pre-application Review, especially step 3, the designation of potential conservation and development areas, will serve to focus the more detailed mapping of potential conservation areas during master plan. More detailed assessment of soils and slope constraints should be based on the specific character of the site and the type of development proposed. Conclusions about "non-buildable" and "partially-constrained" areas of the site will thus be calibrated to fit the specific situation. At a minimum, the planning board and the applicant should agree as to the method for evaluating soil constraints, using either the RIGIS suitability model or a soil-hydrology scheme, depending on site conditions. At the same time, the planning board can identify locations where field-testing of soils and water table will be necessary, and the extent of such investigation required for the master plan submission.

Non-buildable areas

- 39. ☐ Fresh water wetlands and surface waters including local and state regulated setbacks, verified by the state department of environmental management.
- 40. ☐ Surface waters - can be mapped in blue, wetlands in blue/green and setback lines in darker blue/green.
- 41. ☐ Existing land restrictions such as utility easements, power line right-of-ways, etc.

-
42. ____ Any other land unsuitable for development, as defined in the zoning ordinance.

Partially constrained areas (physical constraints to development)

43. ____ Slopes in excess of 15 percent - can be mapped in yellow.
44. ____ 100-year flood plains - can be indicated with blue cross-hatching.
45. ____ Hydric soils and soils with seasonal high water table less than 3.5 feet or slowly-permeable "hardpan" soils - can be shown with orange cross-hatching.

Important natural, cultural and recreational resource areas

Identify the resources in each category, which are the most important to protect; these can be indicated with transparent tones and/or written annotations on the map.

46. ____ Natural resource areas can be shown in green transparent tones. The natural, cultural, and recreational inventories from step 1 should be used here, and supplemented as necessary with field surveys.
47. ____ Cultural resource areas can be shown in red transparent tones.
48. ____ Recreational resources can be shown with solid and dashed lines, hatching for areas, and annotations, as appropriate.

Summary map

A summary map should be prepared, combining non-buildable, partially constrained and important resource areas into a single overlay. The summary map represents a synthesis of the principal conclusions drawn from the previous maps. It therefore serves as a record of what the applicant and the planning board agree are the areas, which should be preserved as open space, and likewise clearly identifies the areas most suited for development. It also allows for an agreement on what areas of the site may need to be investigated in further detail, either to better locate the edges of a sensitive resource, or to perform a more detailed survey of features which might be incorporated in the proposed development.

The summary map simplifies the previous overlays into three colors:

49. ____ Non-buildable areas - shown in red or red hatching.
50. ____ Partially-constrained areas - shown in orange or orange hatching.
51. ____ Important natural, cultural and recreational resource areas - shown in green tone or line work, as appropriate.

Step 4: Determine maximum number of units.

The applicant and the planning board shall agree on the basic maximum number of dwelling units, if changed from the pre-application stage of review. Refer to the discussion of step 4 in section 5.4, and to section 5.8, entitled "Basic maximum number of dwelling units."

52. ____ Yield plan drawings, with indication of number of units: ____.

Step 5: Locate development areas and explore conceptual alternatives.

Development of a conceptual neighborhood layout can provide a framework to tie the proposed community together into a unified whole, and to link it with the larger neighborhood of which it is a part. Based on the results of steps 1—3, the applicant prepares a sketch plan overlay sheet to overlay the existing resources and site analysis maps showing the potential development areas, and at least three conceptual alternatives, where applicable, for the general layout of the proposed development. Refer to section 5.5 entitled sketch plan overlay sheet. The focus of this sketch plan is to demonstrate how the development areas will avoid or minimize impacts to the potential conservation areas as shown on the summary map in step 3. The plan should also demonstrate how the proposals

would fit into the context as described in step 2. The sketch plan overlay sheet shall be prepared for review by the planning board during the site visit.

- 53. ____ Potential development areas - show as a tone or boundary line.
- 54. ____ Conceptual alternatives - specify number and variables, if possible.
- 55. ____ Describe overall themes and organizing principles.
- 56. ____ Describe house types and/or architectural themes.

Step 6: Locate house sites.

Once a preferred concept is in place, attention turns to selecting house sites that provide high value to potential buyers, with opportunities for creative design, privacy, attractive views and yard space. Potential house sites are also evaluated for potential access, drainage, availability of utilities, and suitability for wells and septic systems. The process of locating house sites should be documented by describing the potential of proposed locations to avoid or minimize impacts to the resources identified in steps 2 and 3, as well as the visual effect from within and outside the development, and livability for future residents.

A site visit is required at this point and prior to establishing final locations to verify that locations avoid or minimize impacts to the conservation areas identified in steps 2 and 3. Refer to section 6.4.D.

- 57. ____ Development suitability - annotate plans to indicate site scale differences in microclimate (such as north-facing areas sheltered from the summer sun but affected by winter winds, or southern exposures good for solar heating), soils, hydrology, or special features affecting construction, such as unique trees or stone walls to be preserved.
- 58. ____ Proposals, if any, for connection with existing water supply and sanitary sewer systems. If wells and ISDS are proposed, a general description of their location shall be provided. Location of water table test holes and soil percolation tests, with test hole data, if available.
- 59. ____ Views and visual character of house sites - describe with arrows and annotation.
- 60. ____ Yard spaces and activity areas - distinguish public and private areas, annotate potential uses.
- 61. ____ Indicate site access, service and parking alternatives.
- 62. ____ Indicate how the house sites will be connected to or benefit from the dedicated open space.

Step 7: Lay out streets, trails and other infrastructure.

The layout of streets and trails is based on providing efficient access to the preferred house sites, organized by the overall design concept or theme. Several alternatives may need to be explored to find the best balance of community design with physical goals of minimizing pavement and limiting disturbance of the site.

- 63. ____ Alternatives for location and alignment of proposed roads and pedestrian system.
- 64. ____ Cross-section of proposed streetscape, including buildings, street trees, plantings, fences, curbs, sidewalks and trails, etc. on both sides of the street, along with the width of pavement and shoulders, if any.
- 65. ____ Alternatives for storm water treatment and management with an emphasis on maintaining the natural hydrology, and encouraging the infiltration of precipitation as close to the point of origin as possible. Refer to step 7 in section 5.4, and to section 7.3.C. for further information regarding alternative storm water treatment methods. The most recent edition of the Rhode Island Storm Water Design and Installation Standards Manual should also be consulted.
- 66. ____ Concept for lighting of streets and homes, placement of utilities including transformer boxes and other access points.

Step 8: Design open space.

Proposed uses and design guidelines for open space areas to be preserved by the project should be carefully planned to take advantage of existing natural, cultural and historical features and the potential for active agriculture and forestry, and active or passive recreation. The design of open space should flow directly from its proposed use - farming, storm water management, habitat protection, recreation, etc. - and respond to the needs of the community.

- 67. ☐ Map the proposed open space and indicate the proposed uses and design criteria.
- 68. ☐ Show proposed recreational trails and any potential links to other trails, natural features or amenities on the site or in the context area, and sidewalk connections to other neighborhoods, schools, etc. Recreational trails should be developed at the time the subdivision is built and a bond or other surety can be held, as is done with subdivision roads, to insure the trails are built properly and do not readily erode.
- 69. ☐ Show proposed facilities for active sports, playgrounds, stream fishing access, etc.
- 70. ☐ Plan for active agriculture, or forestry.
- 71. ☐ Conceptual management criteria, including protection of the natural and cultural resources identified in step 3.

Step 9: Draw in the lot lines.

As one of the last steps in the design process, the location of lot lines should flow logically from the location of resources, proposed house sites, and existing features of the site. Lot lines should reflect logical boundary locations in the field, such as drainages, stone walls, and tree lines. Easements for utilities and trails are also set down to preserve access to important corridors. If the best locations for lot lines are still unclear at the master plan stage, criteria or guidelines for their placement should be described.

Depending on the size of individual lots, building envelopes may be necessary to ensure that houses are built in the desired area of each lot. This can take the form of a "build-to line" showing where the front wall of each house should be placed, a "limit of disturbance line" showing the area that should not be altered, or a building envelope zone, within which the builder can vary the final location and orientation of the house and appurtenances.

- 72. ☐ Alternatives for location of lot lines.
- 73. ☐ Criteria or statement of design intent for locating lot lines.
- 74. ☐ Location of rights-of-way, utility or trail easements.
- 75. ☐ Building envelopes or build-to lines.

Step 10: Establish ownership and maintenance of open space.

In the final step of the process, the applicant should suggest the alternatives for ownership and maintenance of designated open space areas. This may only be conceptual during master plan stage, with the goal of revealing opportunities for ownership that may take advantage of unique site features, or which makes a particularly good fit with one of the design alternatives under consideration.

- 76. ☐ Open space use plan. See section 5.12.G.
- 77. ☐ Maintenance alternatives, including potential funding sources.
- 78. ☐ Show potential open space to be preserved, conservation easements or other restrictions.

Conclusions/outcomes from master plan review

Following certification of a complete master plan submission, the town has 120 days to approve the master plan as submitted, deny the plan, or approve with conditions. As this formal approval proceeds, it is critical to the ongoing

design process that the applicant and the town reach a clear and mutual understanding about the character of the site and the best way to develop it. Whether incorporated into the written approvals or not, these agreements record the conclusions of the master plan review and establish review criteria for the preliminary plan:

- _____ Agreement on areas for further investigation, soil tests, borings, necessary detail of field surveys, etc. To be done for the preliminary plan submission.
- _____ Agreement on location and function of natural, cultural and recreational resources.
- _____ Agreement on function and value of resource systems within the site's larger context.
- _____ Agreement on location of potential conservation and development areas.
- _____ Agreement on basic maximum number of units
- _____ Agreement on design and uses of open space areas, trail connections, and other shared amenities.
- _____ Agreement on location and design of streets, home sites and other elements.
- _____ Agreement on criteria for establishing lot lines, pending further site surveys and analysis.
- _____ Agreement on ownership, maintenance and management responsibility of open space areas.
- _____ Agreement on relevant town goals for the area.

Supplementary information

- 79. _____ An estimate of the approximate population of the proposed subdivision.
- 80. _____ An estimate of the number of school-aged children to be housed in the proposed subdivision.
- 81. _____ Fiscal impact statement, if required.
- 82. _____ Proposed phasing, if any.

Supporting materials

- 83. _____ Administrative fee. See section 3.3.B.
- 84. _____ Project review fee. See section 3.3.C.
- 85. _____ The names and addresses of owners of all property owners, agencies or communities requiring notification as required by these regulations.
- 86. _____ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior and that there are no outstanding municipal liens on the parcel.
- 87. _____ Initial written comments on the master plan from the following agencies:

(Provided by the administrative officer)

Local Agencies:

A. _____	Town engineer (consulting)	Date: _____
B. _____	Public works director	Date: _____
C. _____	Conservation comm.	Date: _____
D. _____	Fire districts(2)	Date: _____
E. _____	911 supervisor	Date: _____
F. _____	Other (specify)	Date: _____

Adjacent communities (specify):

A.	Date:
B.	Date:
C.	Date:
D.	Date:
E.	Date:

State agencies:

A. _____	Environmental management	Date:
B. _____	Transportation	Date:
C. _____	Other (specify)	Date:

Federal agencies:

A. _____	U.S. Army Corps Engineers	Date:
B. _____	FEMA	Date:
C. _____	Soil conservation service	Date:

M. Preliminary checklist for major land conservation development projects and major conservation development subdivisions.

Under state law, submission requirements for preliminary plan are determined by each town, but should include the following, as listed under section 45-23-41:

"...engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, all permits required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic systems, public water systems, and connections to state roads."

Preliminary plan review is thus concerned with the details of engineering and permitting necessary to ensure construction of the plans set down by the master plan. Barring surprises that turn up in more detailed surveys of the site, the conclusions reached in master plan will not change much, but they will need to be developed in more detail to explain exactly how each feature of the proposed development will be constructed. Under section 45-23-44, state law lists requirements towns may adopt for physical design:

"Such requirements may include, but shall not be limited to, requirements and policies for rights-of-way, open space, landscaping, connections of proposed streets and drainage systems with those of the surrounding neighborhood, public access through property to adjacent public property, and the relationship of proposed developments to natural and man-made features of the surrounding neighborhood."

Section 45-23-45 expands this list to include standards for public design and improvements, including "...specifications for rights-of-way, streets, sidewalks, lighting, landscaping, public access, utilities, drainage systems, fire protection, and soil erosion control." What these requirements and standards imply is that the focus on community context and the environment that was so important to the development of the design during pre-application and master plan should not be lost as the project proceeds into preliminary and final plan. Rather, as each aspect of engineering and construction is worked out, the master plan can and should continually be the basis

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of decision making, and the means by which each of the various aspects of construction, drainage, and environmental protection are coordinated into a unified whole.

At the conclusion of master plan all ten steps of the conservation development design process have been completed. The purpose of the preliminary plan stage is to do the detailed engineering and any remaining site analysis to determine that the master plan works. If not done previously, further site surveys may be required for a thorough assessment of whether there are additional natural or physical constraints, such as vernal pools or presence of ledge, that will require the master plan to be revised.

The following checklist repeats those elements of the master plan submission that are necessary to describe the basic information about the project and summarize existing conditions on the site. The preliminary plan submission will include these maps, and additional plans describing proposed conditions, as well as supporting materials necessary to record review and approvals by various state and local boards and officials.

Preliminary plat application submission requirements

Initially, the applicant shall submit to the administrative officer at least four full-scale black line copies of all information required below. In addition, at least eight reduced copies of the narrative report, including reduced maps shall be submitted.

Base information

Unless otherwise indicated, plans shall be drawn to a scale of one inch to 40 feet. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Scale and sheet size may be modified with permission of the administrative officer. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The information below should appear on all sheets.

1. _____ Name of the proposed subdivision, including phase number.
2. _____ Name and address of property owner and applicant.
3. _____ Name, address, and telephone number of engineer, land surveyor, and landscape architect.
4. _____ Date of plan preparation, with revision dates.
5. _____ Graphic scale and true north arrow.
6. _____ Plat and lot numbers(s) of the land being subdivided or developed.
7. _____ Names of abutting property owners and property owners immediately across any adjacent streets, with plat/lot numbers.
8. _____ Boundary lines of the parcel, with dimensions and bearings, drawn so as to distinguish them from other property lines.
9. _____ Zoning district(s) of the land being subdivided or developed. If more than one district, zoning boundary lines must be shown
10. _____ Certification by a registered land surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements to a minimum of a class I survey.
11. _____ Location of public rights-of-way and/or easements.
12. _____ Area of the parcel(s) being developed and proposed number of buildable lots, dwellings or other proposed improvements.
13. _____ Location, width and names of existing streets within and immediately adjacent to the parcel being subdivided.

Existing conditions plan(s)

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14. ____ Streams and water bodies.
 15. ____ Wetland lines with regulated setbacks, including areas within 200 feet of the perimeter of the project site.
 16. ____ Existing topographic contours for all areas proposed for development or site alteration, at intervals of two feet in elevation.
 17. ____ Boundaries of wooded areas with notation of species of existing vegetation.
 18. ____ Large or unusual trees, shrubs or other unique vegetation.
 19. ____ Prime farmland soils and areas in active or recent agricultural use, with notation of use and condition.
 20. ____ Location and approximate dimensions of existing buildings or significant above ground structures on or immediately adjacent to the subdivision.
 21. ____ Location and dimension of all existing utilities within and adjacent to the subdivision, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, storm water drainage facilities or other above or underground utilities.
 22. ____ Location of any unique natural and/or historic features, including stone walls, cemeteries, and archaeological sites.
 23. ____ Base flood elevation data and floodplain lines.
 24. ____ Notation on plan if the subdivision is located within or contains any of the following areas:
 - a. ____ Natural heritage areas (RIDEM);
 - b. ____ Area of planning concern (town);
 - c. ____ Groundwater protection overlay district;
 - d. ____ Public drinking supply watershed;
 - e. ____ Groundwater aquifers, state-designated "groundwater reservoirs," recharge areas and wellhead protection areas;
 - f. ____ State, regional, or local greenways and greenspace priorities.

Proposed design conditions plan(s)

25. ____ Proposed improvements, including streets, sidewalks, trails, or bike paths, lots, lot lines, with approximate lot areas and dimensions shown. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.
26. ____ Proposed building envelopes or build-to lines shall be shown, if applicable.
27. ____ Grading plan showing existing and proposed contours at two-foot intervals for all grading proposed for on and offsite construction, streets, drainage facilities, and grading on individual lots if part of the proposed subdivision improvement.
28. ____ Storm water management plan and drainage calculations prepared by a registered professional engineer. The storm water management plan should emphasize infiltration and the low impact design, and how the selected management techniques will be operated and maintained during and after construction.
29. ____ Utilities plan, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, or other proposed above or underground utilities as applicable. (three copies)

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30. ____ Landscaping plan, to show all significant proposed clearing of land, removal of existing vegetation, re-vegetation and/or landscaping on street right-of-way and upon individual lots, if part of proposed subdivision improvements. Include proposed street tree plantings, with species and size indicated. All proposed plantings should use only non-invasive plants (see URI Cooperative Extension's "Sustainable Plant List").
 31. ____ Location, dimension and area of any land proposed to be set aside as open space
 32. ____ Open space use and management plan. See section 5.12.G.
 33. ____ Limit of disturbance line/ limit of clearing, with method of tree protection if applicable.
 34. ____ Location of proposed stump dumps.
 35. ____ Soil erosion and sediment control plan, including inspection and maintenance provisions.
 36. ____ Construction plans for access road(s) or routes(s), temporary parking and storage areas, location of construction trailers, and stockpiles of soil, stone, or waste materials.
 37. ____ Proposed street plans and profiles drawn at a scale of 1" = 40' horizontal and 1" = 4' vertical.
 38. ____ Proposed street cross section(s) with location of utilities indicated.
 39. ____ Proposed street names.
 40. ____ Yield plan, if modified from the master plan stage of review.
 41. ____ Other(s).

Supporting materials

42. ____ Administrative fee. See section 3.3.B.
43. ____ Project review fee. See section 3.3.C
44. ____ Written confirmation from the state department of environmental management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed subdivision, including any required offsite construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that the approval has been granted for the proposed site alteration.
45. ____ In lieu of item 2 above, an affidavit signed by a qualified professional (a wetlands biologist, registered professional engineer or registered landscape architect) stating that there are no freshwater wetlands present or within 200 feet of the property being subdivided.
46. ____ Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service (if proposed).
 - a. Water company or district: ;
 - b. Date of letter: .
47. ____ Written confirmation that the department of public works has reviewed and approved the plans for proposed sewer service, storm water management, erosion and sediment control, road construction and indicating any bond or surety amounts to be posted by the applicant.
48. ____ Written confirmation that the fire chief has reviewed and approved all plans and proposed improvements (dry hydrants etc.) for fire protection.
49. ____ If individual sewage disposal systems are proposed, confirmation from the state department of environmental management that each proposed lot is suitable to support an on-site wastewater

treatment system. For subdivisions of three lots or more, provide a preliminary subdivision suitability determination

50. ____ A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or other right-of-way, if applicable.
51. ____ Certificate of the tax collector showing that all taxes due on the parcel being subdivided have been paid and that there are no outstanding municipal liens on the parcel.
52. ____ The names and addresses of all property owners, agencies or communities requiring notification as required by these regulations.
53. ____ Copies of return receipts for certified mail notices.
54. ____ Either of the following:
- a. ____ A letter to the planning board stating it is the intent of the applicant to complete the required improvements prior to endorsement of the final plat; or,
- b. ____ A letter to the planning board requesting that security sufficient to cover the cost of required improvements be established by the board according to the regulations.
55. ____ Owner authorization form.
56. ____ Subdivision notification form.
57. ____ Water quality certification for construction activities that may temporarily affect surface waters in the vicinity of the site work to be performed (if applicable).
58. ____ Certificate of the tax collector showing that all taxes due on the parcel being developed have been paid for a period of five years prior and that there are no outstanding municipal liens on the parcel.
59. ____ Any permits required under federal statute, including Section 404 Clean Water Act for Fill of Wetlands and Waters of the U.S. issued by the U.S. Army Corps of Engineers.
60. ____ Final written comments on the preliminary plan by the following:
(Provided by the administrative officer)

A. ____	Town engineer (consulting)	Date: ____
B. ____	Public works director	Date: ____
C. ____	Conservation comm.	Date: ____
D. ____	Fire districts(2)	Date: ____
E. ____	911 supervisor	Date: ____
F. ____	Other (specify)	Date: ____

61. ____ Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.
62. ____ Proposed ownership scheme for open space areas, with draft legal documentation, such as homeowner's association bylaws.
63. ____ Plan location and draft legal language of proposed conservation easements or restrictions to be applied to open space areas.
64. ____ Open space use and management plan, including standards and methods, specific responsibilities, and funding sources.

N. Final major land conservation development projects and major conservation development subdivisions.

See checklist H above.

(Ord. of 8-19-08)

O. Pre-Application and concept review checklist Planned Village Development (PVD).

The submission materials for the pre-application meeting consist of the following maps. The applicant shall submit to the administrative officer 12 black line copies and one electronic copy of pre-application maps required below. The scale of all plans shall be as indicated below and shall be sufficient to clearly show all of the information required.

At a minimum, the following information shall be provided:

1. Site context map.
2. Existing conditions map.
3. Sketch plan overlay sheet.

Site context map

1. _____ USGS quadrangle map showing the site boundary and the area within one mile of the site at a scale of 1 inch = 400 feet.
2. _____ Most recent aerial photograph showing the site boundary and the area within one mile of the site at a scale of 1 inch = 400 feet. Surrounding parcels, 10' contours, surface waters and wetlands from RIGIS may be overlaid with the photograph if available.
3. _____ Resources, which extend over large areas, such as public drinking water supply watersheds, groundwater aquifers, wellhead protection areas, and agricultural districts, shall also be shown.

Existing conditions map

The base map shows the principal existing features of the site, including parcel boundaries, roads, structures, water bodies and vegetation. It should be drawn at a scale sufficient to clearly show all of the information required - depending on the size and complexity of the property usually 1 inch = 100 feet or 1 inch = 50 feet. The purpose of the pre-application review is to facilitate an informed discussion of the site and development concept prior to the development of engineering or scientific analyses. Therefore, applicants are encouraged to review existing sources of information including, but not limited to available RIGIS data, aerial photography, USGS mapping, existing plans for establishing or maintaining green space, and the local Comprehensive Plan. Approximate locations of important site features may be transferred by a hand drawn approach to the required plans below (not field surveyed).

1. _____ Name of the proposed subdivision.
2. _____ Name and address of property owner and applicant.
3. _____ Name, address and telephone number of the person or firm preparing the pre-application plan(s).
4. _____ Date of plan preparation, with revision date(s) (if any).
5. _____ Graphic scale and true north arrow.
6. _____ Plat and lot numbers(s) of the land being subdivided.

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7. ☐ Zoning district(s) of the land being subdivided; if more than one district, zoning boundary lines shall be shown.
 8. ☐ Perimeter boundary lines of the subdivision or land development project, drawn so as to distinguish them from other property lines.
 9. ☐ Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed.
 10. ☐ Area in acres of the parcel(s).
 11. ☐ Location and approximate size of existing structures.
 12. ☐ Known surface waters including rivers, streams, lakes, ponds and wetlands; it is not necessary to field verify wetlands at this stage.
 13. ☐ Slopes that meet or exceed 25 percent.
 14. ☐ Existing drainage and drainage structures, such as culverts and pipes, etc.
 15. ☐ Name and location of surface watershed, water quality classification and existing condition of nearest surface water(s). See RI DEM Water Quality Regulations.
 16. ☐ Groundwater aquifers, recharge areas and wellhead protection areas.
 17. ☐ State-designated Natural Heritage Sites.
 18. ☐ Approximate boundaries of existing forested areas.
 19. ☐ Soils map (separate sheet) showing any prime farmland soils and all soils grouped by depth to groundwater.
 20. ☐ Land in active agricultural use.
 21. ☐ State, regional, or community greenways and green space priorities.
 22. ☐ 100-year floodplains as shown on federal flood protection maps.
 23. ☐ State or locally designated historic sites, districts, cemeteries or landscapes.
 24. ☐ Archaeological sites.
 25. ☐ Scenic road corridors and state-designated scenic areas.
 26. ☐ Approximate location of stone walls, structures, outbuildings, roads or trails, and other historic features on the parcel.
 27. ☐ Existing hiking, biking, and bridle trails within and adjacent to site.
 28. ☐ Pond, lake and stream access points, beaches and water trails-as applicable.
 29. ☐ Existing recreational fields and playgrounds adjacent to the site.

Sketch plan overlay

A conceptual sketch plan(s) for development shall be presented as an overlay to be superimposed on top of the base map and existing resources and site analysis maps required above (at the same scale). As an alternative, if detailed site information and surveys are not available, a separate diagrammatic sketch plan(s) may be presented.

30. ☐ Identification of areas proposed for development
31. ☐ Location of any proposed open space or recreation areas
32. ☐ Two or more conceptual layouts of streets

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33. ☐ Estimated number of dwelling units
 34. ☐ Estimated square footage of non-residential development

Supplementary information

35. ☐ Administrative fee

Conclusions/outcomes from pre-application review

- ☐ Agreement on areas for further investigation, necessary detail of field surveys, etc.
- ☐ Approximate location of natural, cultural and recreational resources and agreement on the town's priorities for resource protection in the areas of the site.
- ☐ Understanding of resource systems within the site's larger context.
- ☐ Preliminary location of potential conservation and open space areas.
- ☐ Preliminary location potential development areas.
- ☐ Agreement on general use profile (commercial, residential, institutional, etc.).
- ☐ Agreement on initial basic maximum number of units: Refer to section 5.8.
- ☐ Agreement regarding the consultants, if any, the town will use to assist in the review process. Refer to section 3.3.C - Project review, hearing and inspection fees.
- ☐ Other.
- (Amend. of 6-25-13)

P. Master plan submittal checklist for Planned Village Development (PVD).

The applicant shall submit to the administrative officer 12 copies plus one electronic copy of master plan maps required below. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the administrative officer. Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors and the Exeter Village Design Manual. At a minimum, the following information shall be provided:

All maps and plans. All maps and plans required by this checklist shall show the following information:

1. ☐ Name of the proposed subdivision.
2. ☐ Name and address of property owner and applicant.
3. ☐ Name, address and telephone number of the person or firm preparing the pre-application plan(s).
4. ☐ Date of plan preparation, with revision date(s) (if any).
5. ☐ Graphic scale and true north arrow.
6. ☐ Plat and lot numbers(s) of the land being subdivided.
7. ☐ Zoning district(s) of the land being subdivided; if more than one district, zoning boundary lines shall be shown.
8. ☐ Perimeter boundary lines of the subdivision or land development project, drawn so as to distinguish them from other property lines.

9. ____ Location of existing streets, property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed.

10. ____ Area in acres of the parcel(s).

Existing conditions map. A map or plan of the development parcel showing the following information:

11. ____ Location and approximate size of existing structures.
12. ____ Known surface waters including rivers, streams, lakes, ponds and wetlands; it is not necessary to field verify wetlands at this stage.
13. ____ 100-year floodplains as shown on federal flood protection maps.
14. ____ Existing topography at two-foot contour intervals.
15. ____ Slopes that meet or exceed 15 percent, but are less than 25 percent, represented with light gray shading and labels.
16. ____ Slopes that meet or exceed 25 percent represented with darker gray shading and labels.
17. ____ Existing drainage and drainage structures, such as culverts and pipes, etc.
18. ____ Name and location of surface watershed, water quality classification and existing condition of nearest surface water(s). See RI DEM Water Quality Regulations.
19. ____ Groundwater aquifers, recharge areas and wellhead protection areas.
20. ____ State-designated Natural Heritage Sites.
21. ____ Approximate boundaries of existing forested areas.
22. ____ Land in active agricultural use.
23. ____ State, regional, or community greenways and green space priorities.
24. ____ State or locally designated historic sites, districts, cemeteries or landscapes.
25. ____ Archaeological sites.
26. ____ Scenic road corridors and state-designated scenic areas.
27. ____ Approximate location of stonewalls, structures, outbuildings, roads or trails, and other historic features on the parcel.
28. ____ Existing hiking, biking, and bridle trails within and adjacent to site.
29. ____ Boat launches, lake and stream access points, beaches and water trails.
30. ____ Existing recreational fields and playgrounds adjacent to the site.

Conceptual development plan

31. ____ Illustrations of street cross-section types that are proposed for the different areas of the development. Examples of different street cross-section types are provided in Appendix A of these regulations.
32. ____ Illustrations of intersection configurations that are proposed for the development. Examples of different intersection configurations are provided in Appendix A of these regulations.
33. ____ Illustrations of lot types that are proposed for different areas within the development. Examples of different lot types that may be proposed are provided in Appendix A of these regulations.

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34. ____ Site plan depicting required improvements including streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. The location of different street, lot, and intersection types as identified in requirements 31 through 33 above shall be called out in the site plan. A sample site plan is provided in Appendix A of these regulations.
 35. ____ Conceptual location of any trails, greenways, recreational areas, or other public space.
 36. ____ Proposals [for] locations of wells and OWTS systems.
 37. ____ Conceptual grading plan with provisions for collecting, treating, conveying, and discharging stormwater.

Supporting materials

The applicant shall submit to the administrative officer 12 copies plus one electronic copy of a project description and impact statement providing a general description of the existing physical environment and existing use(s) of the property along with a general description of the uses and type of development proposed by the applicant (see section 3.4).

38. ____ Application fee; project review fee where required in accordance with section 3.3.C.
39. ____ An aerial photograph or a copy of an existing aerial photograph of the proposed development parcel and surrounding area.
40. ____ A copy of the soils map of the development parcel and surrounding area, and a general analysis of soil types and suitability for the development proposed. If any prime agricultural soils are within the development parcels, the soils map shall be marked to show the location of said prime agricultural soils.
41. ____ A PVD Yield Plan estimate as described in the Zoning Ordinance and the number of housing units proposed beyond the PVD Site Yield. Global for Site Plan
42. ____ Where applicable, identification of the development rights that will be purchased and calculations demonstrating that the proposed number rights to be purchased is adequate.
43. ____ Where applicable, calculations for fee-in-lieu of the required purchase of development rights.
44. ____ An estimate of the approximate population of the proposed development.
45. ____ An estimate of the number of school-aged children to be housed in the proposed development.
46. ____ Fiscal impact statement.
47. ____ Proposed phasing, if any.
48. ____ Project description and impact statement (see section 3.4).
49. ____ A vicinity (locus) map, drawn to a scale of 1 inch = 400 feet or as necessary to show the area within one-half mile of the development parcel showing the locations of all streets, existing lot lines, and zoning district boundaries. Significant public facilities shall be identified.
50. ____ Certificate of the tax collector showing that all taxes due on the parcel(s) have been paid and that there are no municipal liens on the parcel(s).
51. ____ An area context map to shown the proposed developed site and the 500 feet immediately surrounding the site. The map shall contain information on all significant topographic, natural and built features.
52. ____ Initial written comments on the master plan from the following agencies if applicable:

Local agencies:

A. _____	Town engineer (consulting)	Date: _____
B. _____	Public works director	Date: _____
C. _____	Conservation commission	Date: _____
D. _____	Fire districts (2)	Date: _____
F. _____	911 Supervisor	Date: _____
G. _____	Other (specify) _____	Date: _____

Adjacent communities (specify):

A. _____	Date: _____
B. _____	Date: _____
C. _____	Date: _____
D. _____	Date: _____
E. _____	Date: _____

State agencies: if applicable

A. _____	Environmental management	Date: _____
B. _____	Transportation	Date: _____
C. _____	Other (specify) _____	Date: _____

Federal agencies: if applicable

A. _____	U. S. Army Corps Engineers	Date: _____
B. _____	FEMA	Date: _____
C. _____	Soil Conservation Service	Date: _____

(Amend. of 6-25-13)

Q. Preliminary plan submittal checklist for Planned Village Development (PVD).

The applicant shall submit to the administrative office[r] 12 copies plus one electronic copy of the preliminary site plans drawn to a scale of 1 inch = 40 feet. The scale may be modified with the permission of the administrative officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers, Landscape Architects, and Board of Registration of Land Surveyors, in accordance with a Class 1 survey.

All plans and maps. All plans and maps required by this checklist shall show the following information:

1. _____ Name of the proposed development, including phase number.
2. _____ Name and address of property owner and applicant.
3. _____ Name, address and telephone number of engineer or land surveyor.
4. _____ Date of plan preparation, with revision date(s) (if any).

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5. ____ Graphic scale and true north arrow.
 6. ____ Plat and lot number(s) of the parcel being developed.
 7. ____ Zoning district(s) of the parcel being developed. If more than one, administrative, zoning boundary lines must be shown.
 8. ____ Perimeter boundary lines of the development or phase, drawn so as to distinguish them from other property lines.
 9. ____ Location and dimensions of existing streets within and immediately adjacent to the parcel being subdivided.
 10. ____ Location, width and names of existing streets within and immediately adjacent to the parcel being subdivided.
 11. ____ Names of abutting property owners and property owners immediately across any adjacent streets.
 12. ____ Certification by a registered land surveyor, and/or a professional engineer, that the subdivision plan and a perimeter survey of the land being developed has been performed and conforms to the survey requirements of these regulations, for a Class 1 survey.

Existing conditions. An existing conditions map(s) to show the following:

13. ____ Location and approximate size of existing structures.
14. ____ State verified location of surface waters including rivers, streams, lakes, ponds and wetlands including location of surveyed flags and setbacks within state jurisdiction.
15. ____ 100-year floodplains as shown on federal flood protection maps.
16. ____ Existing topography at two-foot contour intervals.
17. ____ Slopes that meet or exceed 15%, but are less than 25%, represented with light gray shading and labels.
18. ____ Slopes that meet or exceed 25% represented with darker gray shading and labels.
19. ____ Existing drainage and drainage structures, such as culverts and pipes, etc.
20. ____ Name and location of surface watershed, water quality classification and existing condition of nearest surface water(s). See RI DEM Water Quality Regulations.
21. ____ Groundwater aquifers, recharge areas and wellhead protection areas.
22. ____ State-designated Natural Heritage Sites.
23. ____ Approximate boundaries of existing forested areas.
24. ____ Land in active agricultural use.
25. ____ State, regional, or community greenways and green space priorities.
26. ____ State or locally designated historic sites, districts, cemeteries or landscapes.
27. ____ Archaeological sites.
28. ____ Scenic road corridors and state-designated scenic areas.
29. ____ Location of stonewalls, structures, outbuildings, roads or trails, and other historic features on the parcel.
30. ____ Existing hiking, biking, and bridle trails within and adjacent to site.

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31. ____ Boat launches, lake and stream access points, beaches and water trails.
 32. ____ Existing recreational fields and playgrounds adjacent to the site.
 33. ____ Location and dimension of all existing utilities within and immediately adjacent to the development, including electric, phone, cable TV, fire alarm, utility poles, storm water drainage facilities or other existing above [ground] or underground utilities.
 34. ____ Location of historic cemeteries on or immediately adjacent to the development (if any).
 35. ____ Base flood elevation data.

Proposed conditions. Proposed conditions plans shall demonstrate to the satisfaction of the planning board that all standards for development and site improvements applicable in the zoning ordinance and these regulations are met. Plans shall show the following as applicable:

36. ____ All proposed conditions plans.
 - a. ____ Location of proposed right of way limits, curbing, edge of pavement and sidewalks.
 - b. ____ Location of proposed driveways and parking areas.
 - c. ____ Location of any proposed or retained structures.
 - d. ____ Lot lines drawn so as to distinguish them from existing property lines.
 - e. ____ Proposed street names.
37. ____ General site features and layout.
 - a. ____ Illustrations of street cross-section types that are proposed for the different areas of the development. Examples of different street cross-section types are provided in Village Design Manual of these regulations.
 - b. ____ Illustrations of intersection configurations that are proposed for the development. Examples of different intersection configurations are provided in the Village Design Manual of these regulations.
 - c. ____ Illustrations of lot types that are proposed for different areas within the development. Examples of different lot types that may be proposed are provided in Village Design Manual of these regulations.
 - d. ____ Site plan depicting required improvements including streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. The location of different street, lot, and intersection types as identified in requirements 37.a through 37.c above shall be called out in the site plan. A sample site plan is provided in the Village Design Manual of these regulations.
38. ____ Detailed site layout.
 - a. ____ Location and dimension of all proposed utilities within and immediately adjacent to the development, including electric, phone, cable TV, fire alarm, utility poles, stormwater treatment facilities or other proposed aboveground or underground utilities.
 - b. ____ Grading to show proposed contours at two-foot intervals for all proposed on-site and off-site street construction, and upon individual lots if part of proposed development improvements.
 - c. ____ Proposed drainage plan and drainage calculations prepared by a registered professional engineer.

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- d. ____ Location of wastewater treatment facilities as submitted to the Rhode Island Department of Environmental Management.
39. ____ Landscaping plan.
- a. ____ All significant proposed clearing of land, removal of existing vegetation and/or landscaping on street rights-of-way and upon individual lots if part of proposed development improvements.
- b. ____ Identification (name, variety, and size) and location of all species selected for installation.
- c. ____ Location of any vegetated areas or individual specimen(s) to be preserved and identification of the protective measures taken to ensure their survival through construction.
- d. ____ Location of proposed stump dumps.
40. ____ Circulation plan.
- a. ____ Proposed street plan and profiles drawn at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical.
- b. ____ Proposed network of sidewalks, bike paths and/or trails showing points of connection to public gathering places, housing centers, commercial or mixed use centers, recreational areas, and/or conservation areas.
- c. ____ Proposed location for any pedestrian or bicycle amenities such as benches, bike racks, and shade trees.
- d. ____ Locations and illustrations for all non-residential signs in the proposed development.
41. ____ Location, dimension and area of any land proposed to be set aside as open space.
42. ____ Soil erosion and sediment control plan.
43. ____ Architectural plans.
- a. ____ Architectural elevations for all building types in the proposed development.
- b. ____ Site plan showing the location of each building type provided in 43.a.
- c. ____ One street level rendering for each street in the proposed development.

Supporting materials

44. ____ Application fee; project review fee where required in accordance with section 3.3.C.
45. ____ Written confirmation from the state department of environmental management pursuant to the state department of environmental management Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed development, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.
46. ____ Where applicable, confirmation of the development rights that will be purchased and calculations demonstrating that the proposed number of development rights to be purchased are adequate. Confirmation will require a notarized letter from the holder of development rights confirming that (s)he is willing to sell development rights to the applicant for the proposal.
47. ____ Where applicable, calculations for fee-in-lieu of the required purchase of development rights.
48. ____ A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or other right-of-way (if necessary).

49. _____ Preliminary development suitability determination by the department of environmental management for the use of OWTS (if proposed).
50. _____ The names and addresses of owners of all properties, agencies or communities requiring notification as required by these regulations.
51. _____ Copies of return receipts for certified mail notices.
52. _____ Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, covenants, maintenance agreements, restrictions, or other required legal documents.
53. _____ Either of the following:
- a. _____ A letter stating it is the intent of the applicant to complete the required improvements shown on the plan prior to the planning board's endorsement of the final plans; or
- b. _____ A letter requesting the security sufficient to cover the cost of required improvements shown on the plan be set by the planning board.
- Initial amount set by the board _____
- Date _____
54. _____ Final written comments on the preliminary plan by the following:

A. _____	Town engineer (consulting)	Date: _____
B. _____	Public works director	Date: _____
C. _____	Conservation commission	Date: _____
D. _____	Fire districts (2)	Date: _____
E. _____	911 Supervisor	Date: _____
F. _____	Other (specify) _____	Date: _____

(Amend. of 6-25-13)

R. Final major land development checklist for Planned Village Development (PVD).

The applicant shall submit to the administrative officer copies of final site plans and supporting materials as indicated below:

Plat plans to be recorded

One copy of the final plat plan drawn on Mylar to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the administrative officer. In addition, five black line copies shall also be submitted. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The following information shall be shown on the plans:

1. _____ Name and address of the proposed development.
2. _____ Notation that the subdivision is located in the Town of Exeter, RI.
3. _____ Name and address of property owner and applicant.
4. _____ Name, address and telephone number of engineer or land surveyor.
5. _____ Date of plan preparation, with revision date(s) (if any).

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6. ____ Graphic scale and true north arrow.
 7. ____ Plat and lot number(s) of the parcel(s) being developed.
 8. ____ Zoning district(s) of the parcel(s) being developed. If more than one district, zoning boundary lines must be shown.
 9. ____ Perimeter boundary lines of the subdivision or land development project, drawn so as to distinguish them from other property lines.
 10. ____ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided.
 11. ____ Location, width and names of proposed and existing streets within and immediately adjacent to the parcel being developed.
 12. ____ Names of abutting property owners and property owners immediately across any adjacent streets.
 13. ____ Location of proposed permanent bounds.
 14. ____ Location of all interior lot lines and street lines with accurate dimensions indicated.
 15. ____ Location and number of all proposed lots, with accurate areas indicated.
 16. ____ Location and notation of type of easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated.
 17. ____ Location and notation of type of proposed open space areas.
 18. ____ Notation of special conditions of approval imposed by the planning board (if any).
 19. ____ Notation of any permits and agreements with state and federal reviewing agencies (if any).
 20. ____ Phasing schedule (if any).
 21. ____ Certification by a professional land surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to a minimum of a Class I Survey, including the location of all proposed permanent monuments, and are certified as being correct.
 22. ____ Note on Plan: "The Town of Exeter currently has a Growth Management Ordinance in effect which may impact the ability to obtain building permits for lots shown on this plan".

Construction drawings

Seven black line copies of construction plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the administrative officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

23. ____ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the planning board as a condition of approval.
24. ____ Certification by a registered professional engineer that the plans are correct.
25. ____ Proposed street plan and profiles drawn at a scale of 1" = 40' horizontal and 1" = 4' feet vertical if required by the planning board.
26. ____ Street cross-sections, if required by the planning board.
27. ____ Proposed landscaping plan, if required by the planning board.
28. ____ Soil erosion and sediment control plan (if required).

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29. ____ For phased projects, as-built drawings for the previous phase (if applicable).
30. ____ Proposed street trees.

Supporting materials

31. ____ Certificate of the tax collector showing that all taxes due on the parcel being subdivided have been paid for a period of five years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel.
32. ____ Two original signed copies of all legal documents describing the property, creating a homeowners' association, proposed easements and rights-of-way, dedications, restrictions or other required legal documents.

Specify:

33. ____ Two signed copies of an irrevocable offer to convey to the town all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas.
34. ____ Deed transferring land proposed for dedication to the town or other qualified group or agency for open space purposes.
35. ____ 911 Emergency numbers. Proof of notification to police, fire, ambulance and the planning board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling. To be shown on plans with a square box.

Payment of required fees

Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the planning board and recording of final plans:

36. ____ Administrative fee. See section 3.3.B.
37. ____ Final plat recording fee - Amount ____.
38. ____ Performance bond or other financial guarantees.
- a. Initial amount ____.
- b. Date set by planning board ____.
- c. Date of expiration of surety ____.
39. ____ Fees in-lieu-of land dedication (if required).
- a. Amount ____.
40. ____ Inspection fee - Amount ____.
41. ____ Maintenance bond for acceptance of public improvements (if applicable).
- a. Amount ____.
- b. Date of maintenance bond expiration ____.
- c. Date of planning board approval of public improvements ____.
- d. Description ____.
- e. Date of recommendation of acceptance from planning board to the town council ____.
- f. Date of council acceptance of public improvements ____.

(Amend. of 6-25-13)

SECTION 13.0. CONSTRUCTION SPECIFICATIONS

Sec. 13.1. General construction specifications for subdivisions and land development projects, Town of Exeter, R.I.

A. Streets.

1. *Dimensions.* All streets constructed within a land development or subdivision shall conform to the design standards as listed in section 13.A.6 of these regulations.
2. *Notification and inspections.* The public works director of the town shall be notified one week before the commencement of the total project and 24 hours before each of the street construction phases identified and enumerated below. Authority to proceed with any succeeding phase will be granted only upon approval and acceptance in writing of the phase just completed. A decision shall be submitted within one business day for each construction phase. A copy of each acceptance shall be submitted in duplicate to the planning board.
 - a. Sub-grade preparation in compliance with item 13.A.4;
 - b. Before any base course gravel is placed in the excavated area, a sample of gravel shall be inspected to ensure the use of approved gravel;
 - c. When the base is thoroughly compacted and ready for the tack coat;
 - d. The public works director shall be notified at least 24 hours before bituminous concrete pavement is to be applied;
 - e. Before curbing or waterways are installed;
 - f. Before drainage pipes, dry wells, and other drainage structures are installed and backfilled.
3. *Clearing.* The entire right-of-way area as shown on the approved final plans shall be cleared and grubbed as required to construct roadway grading and other improvements.
4. *Excavation.*
 - a. All loam and unsanitary material shall be scraped and removed from the right-of-way area, and all excavations shall conform to the lines and grades as shown on the plan, profile and cross section. Rock, stone or ledge that require drilling or blasting shall be excavated to a depth of at least six inches below finished grade when within the street pavement area. Earth, subsoil and stones shall be excavated to a depth of at least ten inches below finished grade within the street pavement area. Where free water is encountered within three feet of finished grade, adequate drainage shall be constructed at a depth of at least four feet below finished grade.
 - b. Road grade stakes must be planted at 50-foot increments and at all radii.
5. *Gravel foundation.*
 - a. It shall be practically free of foreign materials such as loam, silt, clay and organic matter.
 - b. It shall contain no cobbles larger than four inches in diameter.
 - c. At least 40 percent by weight of the gravel shall be of sizes retained upon one-quarter-inch sieve.

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- d. The gravel base course shall have a minimum thickness of 12 inches after grading and compaction. A minimum thickness of 15 inches after grading and compaction is required when drilling or blasting is required in the excavation stage.
 - e. The base course shall be rolled to the designed grade, overlapping on successive trips by at least one-half the width of the rear wheels of the roller, with a self-propelled, three-wheel roller weighing at least ten tons. Rolling shall continue until the base course is fully compacted. Any depressions that develop due to the rolling shall be filled, rolled, and shaped until the base course is true to cross section and grade.

6. *Surface treatment.*

- a. When the gravel base course has been finally compacted and brought to the designed grade, it shall be approved by the public works director. After approval by the public works director, a tack coat of heated asphalt oil (Mo-1) or equivalent shall be applied to the base course at a rate of 0.25 gallons per square yard. After the tack coat has been applied, it must be rolled again in preparation for the bituminous concrete pavement. All traffic shall be kept off the treated surface until the tack coat is set and the surface has been rolled.
- b. Bituminous concrete (hot mix) pavement shall consist of two-inch binder using three-fourths-foot [inch] stone and one inch "I" type 1-1 asphalt concrete and after rolling and final compaction must have a uniform thickness of three inches. This item shall be class "I" type 1-1 asphalt concrete and after rolling and final compaction must have a uniform thickness of 2½ inches.
- c. Spread equipment. The spreading and finishing equipment shall be of the self-powered type and shall have a floating screen assembly controlled as to elevation strike off. The use of any spreading and finishing equipment, which causes blemishes or conditions of non-uniformity, which are not satisfactorily corrected by the scheduled operations, shall be discontinued and other satisfactory spreading and finishing equipment shall be provided by the contractor.
- d. Compacting surface course. While hot, and as soon as it will bear the roller without displacement or hair cracking, the surface course shall be uniformly compressed by a power driven tandem roller, mechanically wetted, weighing not less than 350 pounds per lineal inch width of tread, and the roller shall weigh not less than ten tons. Rolling shall start longitudinally at the sides and proceed toward the center of the pavement, overlapping on successive trips by at least one-half of the width of the rear wheels of the roller. Rolling shall be continued until all roller marks are eliminated. The motion of the roller shall at all times be slow enough to avoid displacement of the hot mixture and to prevent adhesion of the surface mixture to the roller; the wheels shall be kept properly moistened with water or oil.

- B. *Concrete curbing.* Curbing shall be installed whenever the grade is over five percent and is required for adequate gutter flow. All curbing shall be 18-inch pre-cast concrete curbing at least 60 inches long, with returns to all driveways over five percent grade.

The trench for setting the curb shall be excavated so that it shall be 18 inches wide and its sub-grade at least 24 inches below the finished curbing grade. Upon this sub-grade, a foundation is to be made consisting of clean coarse gravel thoroughly rammed so that it will be at least six inches when compacted. Upon this foundation the curbing is to be laid, the joints made as close as possible and all spaces under the curb filled with gravel and tamped so that the curbing will bear throughout its entire length and be at the line and grade required.

The trench on each side of the curbing is then to be filled to the sub-grade of the roadway and the sidewalk, respectively, with clean coarse gravel laid in four-inch layers, each layer thoroughly rammed and tamped under and around the curbing. Clean gravel is then to be rammed against and up to a point six inches below the top of the curbing on the sidewalk side. Bituminous concrete curbing laid with an extruding machine, the shape of the

extruded curb is to be approved by the public works director prior to the start of the curbing work. The contractor must protect the new work until the asphalt has taken its permanent set.

Any damaged curb must be removed and replaced prior to the acceptance of the development.

- C. *Sidewalk areas.* Where no paved sidewalks are to be constructed, the area between the curb line and the street right-of-way line shall be loamed to a depth of four inches and uniformly seeded with suitable grass seed. Where sidewalks are to be constructed, the location and construction of such sidewalks must be approved by the public works director.

Trimming and fine grading shall consist of loam and seeding, trimmings, dressings of all shoulders, ditches and side slopes, whether in excavation or embankment, and the work shall be performed in a neat and workmanlike manner to the lines and grades of the typical sections shown on the plans and as the public works director may direct.

- D. *Drainage, culverts and bridges; general criteria.* All necessary drainage structures, culverts, and bridges shall conform to the "State Standard Specifications for Road and Bridge Construction," latest published edition by the State of Rhode Island, Department of Public Works, Division of Roads and Bridges, and shall be used as a guide in the case of any questions or disputes that may arise during the construction of a project.

Storm drains, culverts and related installations, including catch basins, gutters and manholes, shall be installed as necessary to provide adequate disposal of surface water from all streets within the subdivision and adjacent land as shown on plan. Proper connection shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the project site is not developed, provision shall be made for the proper projection of the drainage system by continuing appropriate drains to the exterior boundaries of the development at such size and grade as will allow for such projection.

In no case shall pipe of less than 12-inch diameter be used for storm drainage, and it shall be larger when deemed necessary by the public works director. The developers shall show the size and location of existing storm drain facilities that the proposed new development will tie into and shall plot these on the preliminary and final plans submitted to the planning board for approval. Such subdivision shall have a storm water drainage system capable of accommodating the maximum storm water flow from higher regions of the drainage area or watershed in which the development is located. The system shall be based on a hydraulic study. Complete runoff computations for designing pipe sizes will be submitted. These computations will be based on the Burkli-Zeigler or Rational formula and will be based on a storm frequency of 15 years.

1. *Maximum groundwater levels.* If the groundwater or spring groundwater elevation in any portion of a new road, or contributing runoff to a new road, is less than seven feet below the finished grade of the nearest street, no road shall be constructed in such area unless satisfactory sub-drainage facilities are constructed to lower such groundwater to acceptable levels.
2. *[Contours or grades.]* No natural contours or grades in a development shall be altered so as to reduce the suitability of the soil for proper sub-drainage. Additional percolation tests may be required in areas where the contours or grades have been altered.
3. *Pipe culverts and drains.* Pipe for the construction of culverts and drains shall be not less than 12 inches in diameter and shall be reinforced concrete. All pipes shall be laid true to line and grade as shown on plans. Each section of pipe shall have a full firm bearing throughout its lengths. All joints shall be made of Portland cement mortar or shall be of acceptable ring type joints. All pipes shall have at least two feet, six inches of cover above the top of the pipe.
4. *Catch basins and manholes.* Catch basins and manholes shall be built to the lines, grades, dimensions and designs shown on the plans and as directed, with the necessary approved frames, grating, curb inlets and covers, and shall be constructed of clay brick masonry, concrete brick masonry, or pre-cast concrete masonry and shall not be less than four feet in diameter at a point 2½ feet below the bottom of the frame. Catch basins shall be placed on the street, so that the greatest gutter length of water will

have to flow over the surface and shall not be over 300 feet, or as demonstrated otherwise by a hydraulic study. Whenever grade is five percent and over on each side of the catch basin, high capacity frame and grate will be required. Catch basins and manholes shall have concrete bottoms. Manholes are required at all points in the main drains where there is a change of grade or a change in line; also at all points where feeder pipes enter the main drain.

5. *Concrete headwalls.* Concrete headwalls or flare ends shall be constructed at the open ends of any drainpipe where the same serve as outlets to the drainage system. These headwalls shall be of the shape and size as directed by the public works director.
6. *Gutter flow.* Surface drainage in gutters shall be limited to a flow not to exceed five inches in depth in the case of concrete curb or two inches in the case of bituminous berm, at the curb, based on the individual condition of road grade, runoff factor, rainfall intensity and tributary area and inlet capacity.
7. *Catch basins.* No more than two catch basins shall be interconnected before being connected to a manhole.
8. *Lot drainage.* Lot drainage shall be as required and specified by the planning board.
9. *Valley gutters.* Valley gutters will be permitted at "T" intersections where they will be parallel to the centerline of the through road and shall be installed only after design approval by the public works director. In general, the crown of the intersection road shall be gradually eliminated starting from a point about 30 feet back from the flow line of the through street. At other than "T" intersections, valley gutters will be permitted only when warranted by limited traffic use as approved by the public works director.
10. *Brooks, ditches and streambeds.* Existing brooks, natural waterways and dry streambeds shall be maintained for drainage purposes or provisions for needed drainage shall be installed at the developer's expense. A right-of-way or public utility easement of sufficient minimum width to include a 12-foot access strip in addition to the width of the ditch, brook or stream bed, as measured from bank top to bank top, shall be required by the town for drainage purposes. Such right-of-way or public utility easement shall be shown on the drainage plan and on the final plan, with proper bearings and distances indicated.
11. *Drainage structures on state land.* Drainage structures, which are located on state highway rights-of-way shall be submitted to the appropriate highway engineer's office, and a letter of approval from that office shall be filed with the planning board and the public works director.
12. *Crossing a brook, stream or other natural waterway.* Whenever it is required or necessary that a developer cross any brook stream or other natural waterway with construction of any type, a culvert or bridge completely spanning such brook, stream or other natural waterway shall be used. Based on terrain of the upstream or downstream conditions, the culvert shall be designed to pass any portion of the runoff of any flood frequency storm up to, and including a 100-year flood frequency storm, and the design and specifications of the same shall be approved by the public works director.
13. *Easement and rights-of-way for watercourses.* Where a development road drains into a watercourse, drainage way, channel or stream, a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse shall be provided, together with access strips. Such right-of-way or public utility easement shall be shown on the drainage plan and on the final plan with proper bearing and distance indicated.
14. *Fees for downstream improvements.* Whenever a development will increase the burden on downstream drainage facilities or watercourses, either by increasing surface water runoff or otherwise, the developer shall make the necessary improvements, to the satisfaction of the public works director, or shall pay a sum of money to the town to be used for future improvement of such facilities or

watercourses. Said sum of money shall be computed on the basis of the projected costs of the anticipated downstream improvement and the proportionate burden contributed by the development.

15. *Barricades, guardrails and fences.* The developer shall provide guardrails in areas where the street embankment exceeds five feet. In addition, the board may require fencing around easements, drainage areas, waterways, walkways and other such facilities where deemed necessary to promote public safety.

E. *Permanent monument.*

1. *Materials.* Permanent monuments shall be granite or pre-cast reinforced cement concrete, which shall conform in size and shape to the specifications below:
2. *Dimensions.*
 - a. Monuments shall be 36 inches in length and four inches square in cross section.
 - b. A drill-hole one-half inch in diameter and three-quarters of an inch deep shall be placed and centered on the top surface of the monument.
 - c. Monuments shall be installed at all points indicated on the final plat.
3. *Setting monuments.* All monuments installed adjacent to a highway shall be installed so that the top surface of the monuments shall be one inch above the finished grade of the sidewalk area at the property line. All other monuments not adjacent to a highway shall be installed so that the top surface is level with the finished grade of the surrounding land.

Sec. 13.2. Erosions and sediment control standards.

The following standards are established to ensure the control of erosion and sediment thereby ensuring a stable soil during and following development. These standards shall be applied to the following uses and developments: Subdivisions; land development projects; industrial developments, including factories, warehouses, storage facilities, landfills, gravel banks, and associated roads and parking lots; [and] business developments, including shopping centers, supermarkets, department stores, trailer parks, and associated roads and parking lots.

A. *General requirements.*

1. For qualifying tracts, no changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been approved by the planning board and Southern Rhode Island Conservation District or there has been a determination by the board that such plans are not necessary.
2. No development qualifying tract or land development plan shall be approved unless the following requirements have been met:
 - a. There has been a plan, approved by the planning board that provides for minimizing erosion and sedimentation consistent with this section, and an improvement bond or other acceptable securities are deposited with the town in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or
 - b. There has been a determination by the planning board that a plan for minimizing erosion and sedimentation is not necessary.
 - c. Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Southern Rhode Island Conservation District. The town engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the district or the town clerk of the town.

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B. *Performance principles.* The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in [the] control plan:

1. Stripping of vegetation, re-grading, or other development shall be done in such a way that will minimize erosion.
2. Development plans shall preserve salient natural features, keep cut and fill operations to a minimum and ensure conformity with topography so as to adequately handle the volume and velocity of surface water runoff, and create the least erosion potential.
3. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
4. In the disturbed area the duration of exposure shall be kept to a practical minimum.
5. Disturbed soils shall be stabilized as quickly as practicable within the year.
6. Temporary vegetation and/or mulching, or both, shall be used to protect exposed critical areas during development.
7. The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
8. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the quantity of surface water runoff will be temporarily stored.
9. Sediment carried by runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized.

C. *Grading for drainage.* In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

1. All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without pending, and all land within a qualifying tract, subdivision, or land development shall be graded to drain and dispose of surface water without pending, except where approved by the board.
2. All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings they shall be seeded or planted or lined as required and shall be of such slope, shape and size as to conform with the requirements of the town.
3. Concentration of surface water runoff shall be permitted only in swales, watercourses, diversions or holding ponds.
4. Excavations and fills:
 - a. Cut and fill slopes shall not be steeper than two horizontal to one vertical unless stabilized by a retaining wall or cribbing, except as approved by the board.
 - b. Adequate provisions shall be made to prevent surface water from damaging the cut face to excavations or the sloping surface of fills.
 - c. Cut or fills shall not endanger adjoining property.
 - d. Fill shall be placed and properly compacted so as to minimize sliding or erosion.
 - e. Fill shall not encroach on natural watercourses or constructed channels.

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- f. Fill placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during [the] period of flooding. They may include: riprap, gabions, retaining walls and vegetative stabilization.
 - g. Grading will not be done in such a way so as to divert water onto the property of another landowner without the written approval of the board and the landowner, and without appropriate legal documentation, if necessary.
 - h. During grading operations, necessary measures for dust control will be exercised.
 - i. Provision will be made for the installation of culverts or bridges to permit grading equipment to cross over live streams.

D. *Responsibility.*

- 1. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage caused by the sediment or its removal at his expense as quickly as possible.
- 2. Maintenance of all drainage facilities and watercourses within any qualifying tract, subdivision or land development is the responsibility of the developer until they are accepted by the town or some other official agency, after which they become the responsibility of the town or accepting agency.
- 3. After the required state and town permits are obtained, it is the responsibility of any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale or upon the floodplain or right-of-way thereof, to maintain, as nearly as possible, in its present state, the stream, watercourse, swale, floodplain or right-of-way during the pending activity and to return it to its original or equal condition after such activity is completed.
- 4. Maintenance or drainage facilities of watercourses originating and completely located on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.
- 5. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure or deposit any material or thing, or commit any act which will effect normal or flood flow in any communal stream or watercourses without having obtained prior approval and/or permit from the department of natural resources and the planning board.
- 6. Where a subdivision, qualifying tract or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage.
- 7. Each person, corporation, or other entity which makes any surface changes shall or may be required to:
 - a. Collect on-site surface runoff and safely dispose of it at the point of discharge into the common natural watercourse of the drainage area.
 - b. Handle existing and potential off-site runoff through the development by design to adequately handle storm runoff from a fully developed area upstream.
 - c. Pay his proportionate share of the total of off-site improvements to the common natural watercourse, based on fully developed drainage area.

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- d. Provide and install, at the developer's expense, and in accordance with town and district requirements, all drainage and erosion control improvements (temporary and permanent) as required by the erosion and sediment control regulations.
 - 8. The town will assume the responsibility for maintaining an open and free-flowing condition in all minor streams, watercourses and drainage systems which are constructed and/or improved in accordance with town design criteria and which are, in the town's discretion, necessary for proper drainage. In such cases, adequate rights-of-way must exist or be acquired.
 - 9. The planning board shall require:
 - a. Developers to make off-site improvements to the common natural watercourse except those required for existing state roads.
 - b. Acquisition of easements for such common natural watercourse improvements.
 - c. Supervision of such improvements to completion by a designated town official.
 - E. *Compliance with regulations, procedures and specifications.*
 - 1. The planning board, in its consideration of all preliminary plans of subdivision, business developments, industrial developments, qualifying tracts and/or land developments shall condition its approval upon the execution of erosion and sediment control measures as contained in these regulations.
 - 2. Specifications. The installation and design of the required erosion and sediment control measures shall be in accordance with the standards and specifications of the Southern Rhode Island Conservation District.
 - a. Copies of the standards and specifications for erosion and sediment control can be obtained from the Southern Rhode Island Conservation District or at the town clerk's office.
 - b. Many of the standards and specifications contained in the district standards and specifications handbook will be based on the types of soil existing in the area of development.
 - c. The standards and specifications will vary according to the soil types, conditions and slopes that exist on the development site.
 - 3. Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required in these regulations.
 - 4. The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final plans of the subdivision, qualifying tracts, or land development, and become a part thereof.
 - 5. At the time that a building permit is applied for, a review shall be conduct[ed] by the building inspector and director of public works, or other designated town official, to ensure conformance with the plan as approved. During the construction, further consultant technical assistance will be furnished, if necessary by the Southern Rhode Island Conservation District. During this development phase, the town's consulting engineer or other designated town official shall inspect the development site and enforce compliance with the approved plans.
 - 6. In the event the developer proceeds to clear and grade prior to recording the approved plans or without satisfying conditions specified, the town may revoke the approval of the preliminary plan and have all activity on the tract or parcel of land cease or be stopped by order of the court.

Sec. 13.3. Standards for the installation of fire water tanks.

- A. It is required that all new subdivisions and land development projects consisting of five or more homes shall install underground firewater tanks for fire protection as follows:
1. An underground water tank with minimum capacity of 10,000 gallons for fire protection is required for each five homes. Pre-cast reinforced concrete is the preferred construction material. The plans and specifications for the materials, location, and installation of the tank must be approved by the fire chief and the planning board before installation.
 2. All tanks shall be installed in accordance with the National Fire Protection Association Standard, "Suburban Water Supplies," as amended.
 3. Year-round access to water tanks and/or ponds is required. Access areas shall be paved where necessary.
 4. An existing pond may be used in place of a water tank if prior approval is granted by the fire chief. The installation of a dry hydrant shall be in accordance with NFPA Standard, as amended.
 5. A water tank or pond may be located within the ten-foot right-of-way, or elsewhere, as determined by the fire chief. Regardless of location, the developer shall grant an easement to the town for purposes of access to the tank or pond.
 6. Before surface treatment is commenced, the appropriate tank or pond must be completed, in service, and approved by the fire chief.
 7. A copy of the final plat plans must be submitted to the fire chief for his records.
 8. Additional and/or larger water tanks may be required by the fire chief using the guidelines of the fire flow formula or NFPA, as amended.
 9. Location of the underground water tanks and/or ponds in any subdivision or land development project of five or more homes shall be the responsibility of the fire chief and his determination shall be forwarded to the town planning board in writing.
 10. The developer shall provide a certified check or cash as a financial guarantee, in an amount determined by the fire chief sufficient to assure the satisfactory completion, maintenance, and operation of the water tanks and improvements required by this section for five years. The financial guarantee shall be provided before approval of the final plans by the planning board. The fire chief may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions.
- B. It is required that the following new subdivisions and land development projects with a total of 5,000 square feet or greater; detention and correctional facilities with a total of 5,000 square feet or greater; business/industrial/storage/mixed occupancy with a high hazard with a total of 5,000 square feet or greater as defined in NFPA 101, Life Safety Code, 1994 edition, or as amended, shall install underground fire water tanks for fire protection as follows:
1. The number and size of water tanks will be determined by the fire chief using the guidelines of the fire flow formula or NFPA Standard, as amended, and in any case shall be a minimum of 10,000 gallons.
 2. The plans and specifications for the materials, location, and installation of the tank(s) must be approved by the fire chief and planning board before installation.
 3. All tanks shall be installed in accordance with National Fire Protection Association Standard, "Suburban Water Supply," as amended.

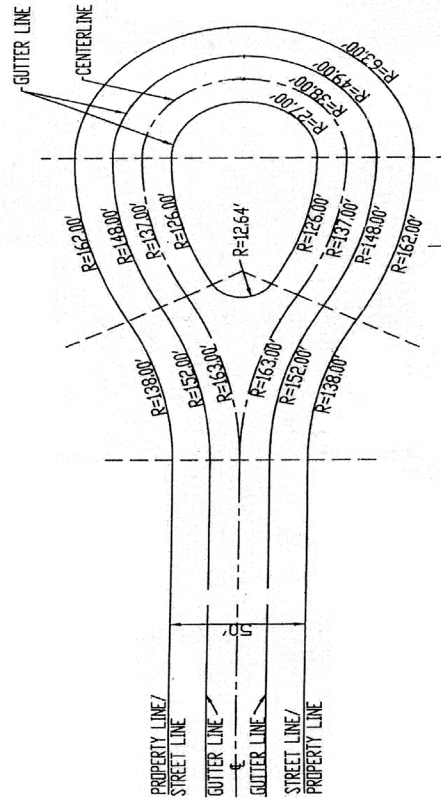
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4. Year-round access to the water tanks is required. Access areas shall be paved where necessary. A copy of the final plat plans must be submitted to the fire chief for his records.
 5. Location of the water tanks in any land development projects shall be the responsibility of the fire chief and his determination shall be forwarded to the town planning board in writing.
 6. The developer shall provide a certified check or cash as a financial guarantee, in an amount determined by the fire chief sufficient to assure the satisfactory completion, maintenance, and operation of the water tanks and improvements required by this section for five years. The financial guarantee shall be provided before approval of the final plans by the planning board. The fire chief may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions.
 7. Maintenance and upkeep of the water tanks are to be the responsibility of the property owner.
 8. Ponds or alternate water supply on site may be used, if approved by the fire chief and meets NFPA Standard, as amended.
 9. A water tank or pond may be located within the ten-foot right-of-way, or elsewhere, as determined by the fire chief. Regardless of location, the developer shall grant an easement to the town for purposes of access to the tank or pond.
- C. An exception may be made to the requirements of section III if a class A, supervised fire alarm system installed and operated in accordance with Rhode Island Life Safety Codes, is installed. Whether a Class A supervised fire alarm system may be substituted for the fire water tanks required in section 3(B) is at the discretion of the fire chief.

TOWN OF EXETER

FIGURE 1

CUL-DE-SAC TURNAROUND DETAIL

Not to Scale



Note: See Section 7.2 for street right-of-way and pavement width

Figure 1. Cul-de-Sac Turnaround Detail

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE I. – ADMINISTRATION PROCEDURES

Sec. 1.1. – Statement of purpose.

The zoning regulations set forth in this ordinance have been made in accordance with the town's comprehensive plan for the purpose of promoting the public health, safety, morals, general welfare, and the conservation of the natural resources of the Town of Exeter. They are designed to lessen congestion in the streets; to provide adequate light and air; to secure safety from fire, panic, and other dangers; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the parks and other public requirements. They are made with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of the buildings and encouraging the most appropriate use of land throughout the town, and to preserve and enhance the beauty of the community and the character of the neighborhoods.

Further, the zoning regulations are developed and maintained for the following purposes:

1. Promote the public health, safety, and general welfare.
2. Provide for a range of uses and intensities of use appropriate to the character of the Town of Exeter and reflecting current and expected future needs.
3. Provide for orderly growth and development which recognizes:
 - A. The goals and patterns of land use contained in the Exeter Comprehensive Plan adopted pursuant to Chapter 45-22.2 of the General Laws of Rhode Island;
 - B. The natural characteristics of the land, including its suitability for use, based on soil characteristics, topography, and susceptibility to surface [water] or groundwater pollution;
 - C. The values and dynamic nature of freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - D. The values of unique or valuable natural resources and features;
 - E. The availability and capacity of existing and planned public and/or private services and facilities;
 - F. The need to shape and balance rural development;
 - G. The use of innovative development regulations and techniques;
4. Provide for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
5. Provide for the protection of the natural, historic, cultural, and scenic character of the Town of Exeter or areas therein.
6. Provide for the preservation of agricultural production, forest (silviculture), aquaculture, timber resources and open space.
7. Provide for the protection of public investment, if any, in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste

treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

8. Promote a balance of housing choices for all income levels and groups to ensure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing.
9. Provide opportunities for the establishment of low and moderate income housing.
- ~~9~~10. Promote safety from fire, flood, and other natural or manmade disasters.
- ~~10~~11. Promote a high level of quality in design in the development of private and public facilities.
- ~~11~~12. Promote implementation of the comprehensive plan of the Town of Exeter adopted pursuant to G.L. 1956, § 45-22.2.
- ~~12~~13. Provide for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond the boundaries of the Town of Exeter or have a direct impact on the Town of Exeter.
- ~~13~~14. Provide for efficient review of development proposals, to clarify and expedite the zoning review process.
- ~~14~~15. Provide for procedures for the administration of the Exeter Zoning Ordinance including, but not limited to, variances, special use permits and, where adopted, procedures for modifications.
- ~~16.~~ Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

Sec. 1.2. Definitions.

Where words or terms used in this ordinance are defined in the definitions section of the "Rhode Island Comprehensive Planning and Land Uses Act," R.I. Gen. Laws § 45-22.2-4, they shall have the meanings stated therein. In addition, the following words shall have the following meanings:

1. *Abutter*. One whose property abuts, that is, adjoins at a border, boundary or point with no intervening land.
2. *Accessory dwelling unit (ADU)*. ~~A residential living dwelling unit that provides complete independent living facilities and is located on the same a lot where the principal use is a legally-established single-family detached dwelling unit or residential multi-family unit building dwelling unit. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.~~ A residential living dwelling unit that provides complete independent living facilities and is located on the same a lot where the principal use is a legally-established single-family detached dwelling unit or residential multi-family unit building dwelling unit. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.
3. *Accessory use*. A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use. An accessory use is not permitted without the principal use to which it is related.
4. *Adaptive reuse*. The conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting those elements to the new use.
5. *Affordable housing*. Year-round housing built with a federal, state, or municipal subsidy that has a deed-restricted sales price or rental amount that is within means of a household that is moderate income or less, as defined by R.I. Gen. Laws § 42-128-8.1(d), as amended. Synonymous with "low- or moderate-income housing."
6. *Age restricted housing*. Housing limited to use and residency by persons 55 years of age or older, as defined by R.I. Gen. Laws § 34-37-4.1(a)(5), the Rhode Island Fair Housing Practices Act, as amended.
7. *Aggrieved party*. A person who can demonstrate that his or her property will be injured by a decision of any town official, board or commission responsible for administering the zoning ordinance, or a person requiring notice pursuant to title 45, chapter 24 of the general laws.
8. *Agricultural land*. Land suitable for agricultural use by reason of suitability of soil or other natural characteristics or past use for agricultural purposes.
9. *Applicant*. An owner or authorized agent of the owner who submits an application.
10. *Application*. The completed form or forms and all accompanying documents, exhibits and fees required for review, approval, or permitting purposes.
11. *Area median income (AMI)*. The median household income as determined annually by the federal Department of Housing and Urban Development (HUD) and adjusted for household size by HUD and by Rhode Island Housing for the designated statistical area that includes the town as of the date of marketing of the housing unit to which it is being applied.
12. *Articulation*. The degree or manner in which a building wall or roofline is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different vertical and horizontal planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors or textures.
13. *Arterial street*. A public street on which traffic circulates into, out of, or across the town or provides service for trips of moderate length. For the purposes of the zoning ordinance, arterial streets in Exeter include Route 2, Route 3, Route 102, and Route 165.

Commented [1]: The state's methodology for streets is "street, arterial"

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14. *Awning.* An overhead cover of canvas or other material extending over building openings to provide protection from the sun and rain.
15. *Bed and breakfast.* Rental of no more than five (5) bedrooms for periods less than one month while the owner is present.
- ~~16.~~ *Buffer.* Land that is maintained in either its natural state or landscaped, and is used to screen or mitigate the impacts of development on surrounding areas, properties or rights-of-way.
- ~~17.~~ *Building.* Any structure used or intended for supporting or sheltering any use or occupancy.
- ~~18.~~ *Building height.* On all structures, building height is measured to the top of the highest point of the existing or proposed structure, excluding spires, chimneys, flag poles, and similar projections. On an undeveloped lot, building height is measured from the average existing-grade elevation where the foundation of the structure will be located. On an existing structure, building height is measured from the average grade of the outermost corners of the foundation. On a structure in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps, the base flood elevation on the FEMA map, plus up to five feet of any existing or proposed freeboard, less the average existing grade elevation, is excluded from the building height calculation. Freeboard is the number of feet the lowest floor of a structure must be elevated above the base flood elevation to provide safety.
- ~~19.~~ *Building inspector.* An appointed official responsible for issuing building permits and examining all structures during the course of their erection, alteration, repair, moving or demolition. Also called a building official.
- ~~20.~~ *Campground.* The sleeping of more than one household in a tent for more than one week each year. No recreational vehicles permitted.
- ~~21.~~ *Cluster.* A site-planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in the ordinance and may include, but are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development, there is no increase in the number of lots that would be permitted under conventional development except where ordinance provisions include incentive bonuses for certain types or conditions of development.
- ~~22.~~ *Common ownership.*
- i. Ownership of two or more contiguous lots by the same individual, individuals, entity, or entities.
- ii. Ownership by an association of property owners such as a homeowners' association.
- ~~23.~~ *Community residence.* A residence defined in R.I. Gen. Laws § 45-24-31(15), as amended.
- ~~24.~~ *Comprehensive community plan.* The document adopted and approved pursuant to Title 45, Chapter 22.2 of the General Laws.
- ~~25.~~ *Conservation development.* The site planning and design process used to implement cluster subdivisions and land developments, as defined in R.I. Gen. Laws § 45-24-31(13) Conservation development guides growth to the most appropriate areas within a parcel of land to avoid and minimize impacts to natural, cultural or recreational resources and other special features of the property, and requires the set-aside of a permanent area of open space.
- ~~27.~~ *Crematorium.* The burning or dissolving of human or animal remains into ashes or solvent over less than one week.

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28. *Data center.* A large group of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data.
29. *Day care center.* A facility that provides daytime care and supervision.
2305. *Day care, family day care home.* A home where daytime care and supervision is provided for no more than eight individuals, including up to six individuals who are not related to the caregiver.
3126. *Density, residential.* The number of dwelling units per unit of land.
3227. *Development.* The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, any mining, excavation, landfill or land disturbance, any change in use, or alteration or extension of the use of land.
3328. *Development rights.* Those rights to develop, expressed as the maximum number of dwelling units for residential parcels that could be permitted on a designated sending area parcel under the applicable zoning and subdivision regulations in effect on the date of the transfer of development rights.
3429. *Drainage system.* A system for the removal of water from land by drains, grading or other appropriate means. Such techniques may include runoff control to minimize erosion and sedimentation during and after construction or development, the means for preserving surface [waters] and groundwaters and the prevention and/or alleviation of flooding and pollution.
350. *Dwelling unit.* A structure or portion thereof that provides permanent provisions for living, sleeping, eating, cooking and sanitation, and has a separate means of ingress and egress.
361. *Extractive industry.* The extraction of minerals including: solids, such as coal, ores and gravel and soil material; liquids, such as crude petroleum; and gases, such as natural gases. The term includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.
372. *Façade.* The front of a building or any of its sides facing public spaces, frequently distinguished by distinctive architectural treatment.
383. *Family member.* A person related by blood, marriage, or other legal means, including but not limited to a child, parent, spouse, mother-in-law, father-in-law, grandparent, grandchild, domestic partner, sibling, care recipient, or member of the household.
394. *Farm.* Five acres or more of land which is, together with principal and accessory buildings, actively devoted to agricultural or horticultural production and operated by an individual, partnership, or corporation that has filled a U.S. Internal Revenue Form 1040 (Schedule F) with the Internal Revenue Service and has a State of Rhode Island farm tax number, and has earned at least \$2,500.00 gross income on farm products in either of the proceeding two years.
4035. *Farm brewery.* A brewery that is located on a farm of no less than five acres and that produces beer which is manufactured with at least one primary ingredient (hops or grain) grown on the farm and whose annual production does not exceed 150,000 gallons of beer, and where customers would have the opportunity to tour the farm and try small samples (three ounces or less), and purchase bottles (of up to 64 ounces each) to take home and consume off site.
- A farm brewery may also sell beer at wholesale to retailers with the appropriate State license. A farm brewery must have the appropriate State license to operate a brewery.
4136. *Farmers market.* A collection of pop-up tents that sell Rhode-Island-harvested products. The use shall be limited to no more than five (5) hours per day and no more than two days per week.
42. *Fast food restaurant.* Any business, the major operation of which is over the counter service, generating a high turnover of customers and a large volume of traffic.

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- ~~437.~~ *Floodplain or flood hazard area.* As defined in R.I. Gen. Laws § 45-22.2-4(9), as amended.
- ~~448.~~ *Freight or trucking terminal.* A facility that dispatches vehicles for the distribution of goods or people.
- ~~45.~~ *Funeral home or mortuary.* Any facility licensed by the Rhode Island Department of Health that requires a Embalming / Funeral Directing License except a crematory.
- ~~46.~~ *Greenhouse.*
- i. *Greenhouse - Tier I (less than two acres undercover).* Traditional hoop house, gable, A- frame, gothic arch, geodesic dome, saw tooth and lean-to structures constructed of wood, metal piping (aluminum or steel) solid polycarbonate, acrylic and fiberglass) glass walls and roofs that are customarily accessory to a principal use and do not exceed two acres undercover either by an individual structure or in aggregate for a series of structures on the same property. Houses in this category comprised of aluminum, wood or plastic PVC pipes covered with polymer plastic coverings are exempt from the coverage calculation. Unlike a Tier II and III CEA Greenhouse facilities this category employs less advanced forms of heating ventilation (HVAC) systems, water recycling, computer-managed techniques and automation and does not include floor area specifically dedicated to administration, employees, washrooms, grading, warehousing, distribution and loading docks.
- ii. *Greenhouse - Tier II (two to four acres undercover).* A structure or structures with walls and roof made chiefly of solid transparent material, such as glass, polycarbonate, acrylic used for the cultivation or protection of tender plants. These structures could be solitary structures or are a series of structures designed for the protection of tender or out-of-season plants against excessive cold or heat. The Tier II greenhouse category limits the area undercover to the growth of plants and does not include floor area specifically dedicated to administration, employees, washrooms, warehousing, distribution and loading docks. Greenhouses in this category comprised of aluminum, wood or plastic PVC pipes covered with polymer plastic coverings are exempt.
- iii. *Greenhouse - Tier III CEA Facility (greater than 4 acres undercover).* Controlled Environmental Agricultural Facility (CEA facility) is a commercial structure that includes related equipment and appurtenances that combine engineering, horticultural science, and computer management techniques to optimize hydroponics, plant quality, and food production efficiency from the land's water for human or livestock consumption. The primary purpose of this commercial facility is to grow crops and obtain a monetary profit from the sale of plant- based food for human or livestock consumption. Unlike Tier I or Tier II greenhouses, this facility is more advanced and utilizes intensive forms of hydroponically-based agriculture along with automation to optimize horticultural practices in sophisticated climate-controlled buildings. These are glass and steel structures that often harvest roof top rainwater and are controlled by state-of-the-art computers that are able to monitor climate 365 days of the year, 24 hours a day, and make smart adjustments, data-driven adjustments, in order to maximize crop productivity, efficiency, reduce production losses. These facilities often include floor area dedicated to administration, employees, washrooms, harvesting, grading, warehousing, and distribution alongside structured parking and loading docks either as part of the facility or attached thereto.
- ~~479.~~ *Gross floor area.* The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.
- ~~480.~~ *Groundwater.* As defined in R.I. Gen. Laws § 46-13.1-3(6), as amended.

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- ~~491.~~ Heliport. The location where a helicopter lands to disembark passengers and/or materials. Does not include emergency medical transport.
- ~~50.~~ Home occupation. Any activity customarily carried out for gain by a person in the person's dwelling as an accessory to the principal residential use.
- ~~5142.~~ Household. One or more persons living together in a single-dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food. The term "household unit" is synonymous with the term "dwelling unit" for determining the number of units allowed in a structure. An individual household consists of any one of the following:
- i. A family, which may also include servants and employees living with the family; or
 - ii. A person or group of three or more unrelated persons living together.
- ~~4352.~~ Infrastructure. Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.
- ~~4453.~~ Junk. Items including, but not limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, construction debris, waste; or junked, dismantled or wrecked automobiles, or parts thereof; and iron, steel and other old or scrap ferrous or nonferrous material.
- ~~51445.~~ Junkyard. The use of any lot, whether inside or outside a building, where an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk.
- ~~5546.~~ Kennel, Class 1. A fully enclosed/indoor structure or establishment other than a pound or animal shelter where over ten dogs are kept, owned, trained and/or boarded.
- ~~5647.~~ Kennel Class 2. A structure or establishment other than a pound or animal shelter where four to ten dogs are kept, owned, trained and/or boarded.
- ~~5748.~~ Land development project. A project in which one or more lots, tracts, or parcels of land are developed or redeveloped as a coordinated site for a complex of uses, units, or structures for residential, commercial, institutional, recreational, open space, or mixed uses.
- ~~5849.~~ Land disturbing activity. Any physical disturbance of land, including but not limited to clearing and grubbing for future development; excavating; filling; grading; or construction or demolition of a structure.
- ~~590.~~ Land unsuitable for development. Land with natural or man-made limitations that make it unsuitable for development. Land unsuitable for development shall be excluded from density calculations in conservation developments, rural residential compounds, and planned districts, and may not be considered as part of the minimum lot area required. Land unsuitable for development includes freshwater wetlands but not the area within any regulatory wetland buffer; special flood hazard areas A and A1 through A30, as shown on the FEMA Flood Insurance Rate Maps, as amended; and land within any publicly or privately held easement on which above-ground utilities, including but not limited to electrical transmission lines, are constructed. Land shall not be classified as unsuitable for development solely because of its natural gradient.
- ~~6051.~~ Landscaping business. Any business whose purpose is to change or improve the natural scenery of a business or residence by placing or arranging trees, bushes, shrubs, ornamental grasses or other vegetation and also maintaining existing vegetation by pruning, mowing or other normal vegetative maintenance and also includes installation and maintenance of landscape features such as decorative ponds, waterfalls or other water elements as part of an overall landscape design.
- ~~6152.~~ Lot. Either (1) the basic development unit for determination of lot area, depth, and other dimensional regulations, or (2) a parcel of land whose boundaries have been established by some legal instrument

such as a recorded deed or recorded map and is recognized as a separate legal entity for purposes of transfer of title.

- ~~6253.~~ *Lot area.* The total area within the boundaries of a lot, including at a minimum, one acre of contiguous land that is suitable for development, usually reported in acres or square feet.
- ~~6354.~~ *Lot building coverage.* That portion of the lot that is or may be covered by buildings and accessory structures.
- ~~6455.~~ *Lot depth.* The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.
- ~~6556.~~ *Lot frontage.* That portion of a lot abutting a public street or a private street on an approved plat. Lot frontage must be contiguous to meet minimum frontage requirements.
- ~~6657.~~ *Lot line.* A line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and shall include:
- i. *Front.* The lot line separating a lot from a street right-of-way. On an interior lot, the front lot line is the lot line abutting a street. On a developed corner lot, the front lot line is the lot line currently used for that purpose. On an undeveloped corner lot, the front lot line is the lot line chosen by the property owner when initial development begins. On a through lot, the lot line abutting the street providing the primary access to the lot.
 - ii. *Rear.* The lot line opposite and more distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
 - iii. *Side.* Any lot line other than a front or rear lot line. On a corner lot, a side lot line is along the street lot line other than the front lot line.
- ~~6758.~~ *Lot, through.* A lot other than a corner lot that fronts on two substantially parallel streets, or fronts on two streets that do not intersect at the boundaries of the lot.
- ~~6859.~~ *Lot width.* The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.
- ~~690.~~ *Low-income household.* A household with an adjusted gross income that is 80 percent or less of the area median income as determined by Rhode Island Housing.
- ~~7061.~~ *Low or moderate-income housing.* See "affordable housing."
- ~~7162.~~ *Manufactured home.* As used in this section, a manufactured home shall have the same definition as in 42 U.S.C. §5402, meaning a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under chapter 70 of Title 42 of the United States Code; and except that such term shall not include any self-propelled recreational vehicle;
- ~~72.~~ *Massing.* The three-dimensional bulk of a structure consisting of its height, width, and depth.
- ~~7363.~~ *Maximum gross building footprint per retail structure.* The maximum gross building footprint per retail structure shall be calculated by including the total footprint in square feet of all indoor space devoted

to storage, display, and/or sale of goods to be sold at retail, and sales areas for retail goods located on the same or on contiguous lots or parcels of land for a single or commonly controlled retail business operation. Thus, even if more than one structure is utilized for a single or commonly controlled retail business operation, the combined gross footprint may not exceed 40,000 square feet. Nothing herein is intended to prohibit multiple retail structures on a single lot from exceeding a total of 40,000 square feet, as long as they are not for a single or commonly controlled retail business operation.

- ~~7464.~~ *Mixed use.* A mixture of land uses within a single development, building, or tract.
- ~~7565.~~ *Mixed use ~~residential-commercial development.~~ Commercial development.* Commercial development in a business zone that contains a mix of commercial and residential uses as provided for in article 4, sec. 4.6 of this ordinance. A mixed use commercial development is considered a land development project.
- ~~7666.~~ *Mobile home or trailer.* A structure ~~constructed prior to 1974~~ designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted, or attached to a permanent foundation.
- ~~7767.~~ *Moderate income household.* A household with an adjusted gross income that is more than 80 percent but less than 120 percent of the area median income as determined by Rhode Island Housing.
- ~~7868.~~ *Modification.* A dimensional variance granted by the zoning inspector pursuant to section 1.4 of this ordinance.
- ~~7969.~~ *Municipal government subsidy.* Assistance that is made available through a town program sufficient to make housing affordable, as affordable housing is defined in this ordinance. Such assistance may include, but is not limited to, direct financial support, waiver of fees and charges, and approval of density increases or adjustments, or any combination of forms of assistance.
- ~~8070.~~ *Natural vegetation.* Trees, shrubs, grass, or other plants which grow naturally or have been planted.
- ~~81.~~ *Nightclub.* Any facility that offers sales and space for patrons to congregate after 11pm.
- ~~82.~~ *Nonconformance.* A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of the Exeter zoning ordinance and not in conformity with the provisions of such ordinance or amendment. Nonconformance shall be of only two types:
- i. *Nonconforming by use.* A lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use.
 - ii. *Nonconforming by dimension.* A building, structure or parcel of land not in compliance with the dimensional regulations of the Exeter zoning ordinance. Dimensional regulations include all regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of the Exeter zoning ordinance shall be nonconforming by use, a building or structure containing a permitted number of dwelling units by use regulations of the zoning ordinance, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.
- ~~8372.~~ *Overlay district.* A zoning district that is superimposed on one or more other zoning districts or parts of districts and that imposes specified requirements in addition to but not less than those otherwise applicable to the underlying zone.
- ~~8473.~~ *Owner.* A partnership, corporation, or company, or a person who alone, or jointly or severally with others, has legal title to a premises or has control of a premises as agent, executor, executrix, administrator, trustee, guardian of the estate of the holder of legal title, or the holder of equitable title.

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- ~~8574.~~ *Passive recreation.* A facility that provides outdoor space for quiet contemplation. This may include multiuse paths, paddlesports, picnic areas, and small play areas for children. No organized ballfields. May include frisbee golf and lawn games.
- ~~86.~~ *Performance standards.* Criteria that a particular use or process must meet or may not exceed.
- ~~8775.~~ *Permitted use.* A use that is specifically authorized by right in a particular zoning district.
- ~~886.~~ *Planned village development (PVD).* A type of major land development project permitted only within the planned village overlay zoning district that incorporates a mix of residential and nonresidential uses in a compact, walkable environment in compliance with the standards set forth in article X of this ordinance.
- ~~8977.~~ *Plant agriculture.* The growing of plants for food or fiber, or to sell or consume. It is a permitted use in all zoning districts, including all industrial and commercial zoning districts, except where prohibited for public health or safety reasons or the protection of wildlife habitat.
- ~~9078.~~ *Public Water Supply.* Means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Such term includes:
- i. Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and
- ii. Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.
- ~~9179.~~ *Preapplication conference.* A discussion of a proposed development between the applicant and the official or board with the authority to approve the development. A preapplication conference takes place before a formal application is submitted.
- ~~9280.~~ *Prison.* Any facility that confines individuals against their will for more than forty (40) consecutive hours.
- ~~93.~~ *Repair services.* Onsite commercial repair of items not normally kept on the premises. Does not include vehicles, large appliances, large equipment, or large machines.
- ~~94.~~ *Residential compound.* A parcel of land containing lots for single-family dwellings having an average overall density of no greater than one dwelling unit per ten acres of land.
- ~~9581.~~ *Rhode Island Housing.* The Rhode Island Housing and Mortgage Finance Corporation, an agency of the State of Rhode Island.
- ~~9682.~~ *Roofline.* The top covering of a building which may consist of a variety of styles including, but not limited to: gable roof, hip roof, shed roof, and gambrel roof.
- ~~9783.~~ *RV park.* The parking of more than one recreational vehicle.
- ~~98.~~ *Scale.* The general feeling of mass and size of a building as it relates to that of other buildings along a street or block front.
- ~~9984.~~ *Secondhand acquisitions and sales operations.* Uses that acquire and sell secondhand items less than twenty (20) years old, excluding vehicles.
- ~~100.~~ *Setback line.* A line parallel to the property line marking the required depth of the front, side, or rear yard.
- ~~10185.~~ *Short-term rental.* Rental of a room or dwelling unit less than one month.

102. *Site plan.* The development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot.

10386. *Solar energy facility.* The equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas or electricity produced from a non-renewable source. This shall include photovoltaic arrays and installations that utilize building-mounted and/or ground-mounted systems. Definitions applicable to solar energy facilities are as follows:

- i. *Accessory building-mounted solar array.* A solar energy system that is incidental and subordinate to the principal use(s) of the parcel, where the power produced can be used onsite, virtual net metered or sold back to the electric distribution company. An accessory building-mounted system shall be installed only on the roof of a structure.
- ii. *Building-mounted solar energy facility.* A solar energy system that is structurally appended to the roof of a building or structure.
- iii. *Ground-mounted solar energy facility.* A solar energy system that is structurally appended to the ground and is not supported by a structure or building.
- iv. *Large-scale solar energy facility.* A solar energy system that occupies 40,000 square feet up to 220,000 square feet, inclusive of inter-row and panel/collector spacing.
- v. *Medium-scale solar energy facility.* A solar energy system that occupies more than 1,600 square feet but less than 40,000 square feet of area, inclusive of inter-row and panel/collector spacing.
- vi. *Small-scale solar-energy facility.* A solar energy system that occupies 1,600 square feet of area or less, inclusive of inter-row and panel/collector spacing.
- vii. *Solar canopy.* A solar energy facility that is located on a new elevated structure that hosts solar panels and provides shelter to a parking area, driveway or walkway underneath.
- viii. *Solar land coverage.* The total footprint of land occupied by all components of a solar energy system including but not limited to solar panels, mounting equipment, ancillary components of the system, inter-row and panel/collector spacing, access, and all other areas within the required perimeter fencing.
- ix. *Utility-scale solar energy facility.* A solar energy system that occupies more than 220,000 square feet of area, inclusive of inter-row and panel/collector spacing.

10487. *Special use.* A conditionally permitted use that may be established with a special use permit issued by the zoning board of review or the planning board. See article I, sec. 1.3(F).

10588. *Street.* A public or private thoroughfare used for passage or travel by motor vehicles.

10689. *Street line.* A lot line that separates a lot from a street.

10790. *Structure.* A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

10891. *Substandard lot of record.* Any lot lawfully existing at the time of adoption or amendment of this ordinance and not in conformance with the dimensional and/or area provisions of the ordinance.

10992. *Transfer of development rights.* The ability to separate development rights from a particular parcel and use them to increase the development potential on another.

11093. *Transit.* A bus or train facility that alights and boards passengers.

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111. *Use.* The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.
11294. *Variance.* Permission to depart from the literal requirements of the zoning ordinance. See section 1.3(E).
11395. *Waters.* As defined in R.I. Gen. Laws § 46-12-1(23).
11496. *Yield plan.* A plan of a conventional (as opposed to a conservation) subdivision that depicts the maximum number of building lots or dwelling units that could reasonably be built on a parcel of land in compliance with this ordinance, taking into account land unsuitable for development. No lot shall be considered buildable unless it can be shown to have a minimum of one acre (43,560 sq. ft.) of contiguous, accessible land that is free of wetlands, water bodies, street rights-of way, and electrical power line easements.
11597. *Zoning certificate.* A document signed by the zoning inspector that acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this zoning ordinance, or is an authorized variance, special use, or modification.
11698. *Zoning inspector.* A person elected by the people of the Town of Exeter who is charged with the responsibility of enforcing the provisions of this zoning ordinance and recording all amendments of the ordinance on the record copy of the zoning ordinance.
11799. *Zoning map.* The map that is part of this zoning ordinance and that delineate the boundaries of all mapped zoning districts within the physical boundaries of the Town.
11800. *Zoning ordinance.* The zoning ordinance enacted by the town council pursuant to Title 45, Chapter 24 of the General Laws that sets forth regulations and standards relating to the nature and extent of uses of land and structures, is consistent with the comprehensive plan, and includes the zoning map.
- (Ord. of 5-25-00, § 1; Ord. of 1-6-03(2), § 4; Amd. of 3-3-03; Amd. of 10-5-04; Amd. of 3-6-06, § 1; Ord. of 8-7-06, § 1; Amd. of 5-7-07; Amd. of 6-4-07; Ord. of 9-4-07, § 1; Amd. of 4-7-08; Amd. of 4-6-09; Ord. of 9-27-12, Exh. 1; Amd. of 10-6-14, § 1; Amd. of 9-4-18; Amd. of 2-4-19, § 3; Amd. of 4-5-21; Ord. of 3-9-23, § 1; Ord. of 12-4-2023(1))

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE I. – ADMINISTRATION PROCEDURES

Sec. 1.3. – General provisions.

After the effective date of this ordinance, no land shall be used and no building, structure or part thereof shall be used or erected unless in conformity with all of the regulations specified for the district in which it is located. Uses and structures, legally existing as of the effective date of this ordinance will be permitted to continue under the provisions of article III of this ordinance.

3.A. General provisions: divisions into districts.

In order to carry out the purposes of this ordinance, the Town of Exeter divides the town into the following zoning use districts:

Residential district (RE-2)

Rural district (RU-3)

Rural district (RU-4)

Conservation – Recreation (CR-5)

Business district (B)

Light business/residential (LB/R)

Light industrial (LI)

Open space and public lands (OS/PL)

Groundwater protection overlay district (GWOL)

Planned districts (PD). The PD district includes three (3) subdistricts: The residential (RE-2) subdistrict, which includes the residential area of the PD district southeast of Route 2; the Dorset Mill (DM) subdistrict, which includes Dorset Mill and its immediate surrounds; and the Ladd Center (LC) subdistrict, which is the area of the Ladd Center northwest of Route 2.

Planned village overlay district (PVOD)

3.B. General provisions: variances.

- A. An application for relief from the literal requirements of the Exeter zoning ordinance because of hardship may be made by an owner, as defined herein, by filing with the zoning board clerk, an application describing the request and supported by such data and evidence as may be required by the Exeter zoning board of review. The zoning board clerk shall immediately transmit each application received to the zoning inspector and shall transmit a copy of each application to the Exeter planning board. The zoning board shall conduct a public hearing on the application in a timely manner.
- B. In granting a variance, the Exeter zoning board of review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
 1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of

the surrounding area; and is not due to a physical or economic disability of the applicant except for those physical disabilities addressed in §1.1(16) covered by the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et. seq.

2. That the hardship is not the result of any prior action of the applicant.
 3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent of purpose of the Exeter zoning ordinance.
- C. The Exeter zoning board of review shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
1. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Exeter zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
 2. In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that the relief sought is reasonably necessary for the full enjoyment of the use to which the property will be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.
- D. An applicant may apply for, and be issued, a dimensional variance in conjunction with a special use.
- E. Expiration. A variance granted by the zoning board under this section shall expire 18 months after the date of the ~~zoning board~~ approval unless the applicant obtains a building permit or otherwise exercises the permission granted. The zoning board of review may approve a single one year extension for a dimensional or use variance granted by it under this section provided the applicant submits a request for such extension to the clerk in writing prior to the original expiration date and pays the required administrative fee. The board may approve a timely submitted request for an extension by a majority vote.

3.C. General provisions: special use permits.

A. An application for the issuance of a special use permit may be made by an owner, as defined herein, by filing with the zoning board clerk an application describing the request and supported by such data and evidence as may be required by the Exeter zoning board of review. The zone use table in article II specifies the uses requiring special use permits in each district. Only such uses as specified in the table shall be eligible to receive a special use permit in each respective district.. The zoning board of review ~~or the planning board~~ shall conduct a public hearing on the application in a timely manner. The zoning board clerk shall immediately transmit each application received to the zoning inspector ~~board of review~~ and shall transmit a copy of each application to the planning board.

B. An applicant for a special use permit shall demonstrate to the satisfaction of the zoning board by presenting competent evidence that the proposed use or structure:

1. Will be environmentally compatible with the neighboring uses and will not adversely affect the surrounding residents' use and enjoyment of their property;

2. Will be constructed or established at a location in the zoning district where it will be consistent with the character and appearance of nearby uses.
 3. Will be compatible with the orderly growth and development of the Town of Exeter, and will not harm the environment.
 4. That the best practices and procedures to minimize the possibility of any adverse effects on neighboring property, the Town of Exeter, and the environment have been considered and will be employed where applicable including, but not limited to, considerations of soil erosion, water supply protection, stormwater runoff, wastewater disposal, wetland protection, traffic limitation, safety and circulation; and that if the evidence indicates potential for soil erosion or sedimentation, impact on water quality or quantity, inadequate stormwater management, inadequate wastewater disposal, or unsafe traffic or pedestrian circulation, measures will be taken to mitigate or prevent those potential harms.
- C. An applicant may apply for, and be issued, a dimensional variance in conjunction with a special use.
- D. Expiration. A special use permit granted by the zoning board under this section shall expire 18 months after the ~~zoning board~~ approval unless the applicant obtains a building permit or otherwise exercises the permission granted. The zoning board of review may approve a single one year extension for a special use permit granted under this section, provided the applicant submits a request for such extension to the clerk in writing prior to the original expiration date and pays the required administrative fee.

3.D. General provisions: special conditions.

In granting a variance or special use permit, or in making any determination upon which it is required to pass after a public hearing under the zoning ordinance, the Exeter zoning board of review may apply such special conditions that may, in the opinion of the board, be required to promote the intent and purposes of the Exeter comprehensive plan and the Exeter zoning ordinance. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Special conditions shall be based on competent credible evidence on the record and may include, but are not limited to, provisions for:

- A. Minimizing adverse impact of the development upon other land, including the type, intensity, design, density and performance of activities;
- B. Controlling the sequence of development, including when it must be commenced and completed;
- C. Controlling the duration of use or development and the time within which any temporary structure must be removed;
- D. Ensuring satisfactory installation and maintenance of required public improvements;
- E. Designating the exact location and nature of development; and
- F. Establishing detailed records by submission of drawings, maps, plats or specifications.

3.E. General provisions: Public hearings before the zoning board of review.

- A. The zoning board shall conduct a public hearing on an application for a variance or special use permit in a timely manner. The zoning board of review shall conduct a public hearing on an appeal from a determination by the zoning inspector or administrative officer within sixty-five days of the date the appeal was filed. A competent stenographer shall take the minutes of each public hearing.
- B. The zoning board of review shall give notice of each public hearing at least fourteen days before the date of the hearing in a newspaper that circulates in Exeter. The notice shall include the applicant's name and address and the street address and plat and lot number of the subject property, and shall describe the relief sought. The notice shall state the date, time, and location of the public hearing. The cost of the newspaper notice shall be borne by the applicant.
- C. The clerk of the zoning board of review shall send notice by first class mail, postage prepaid, at least fourteen days before the date of the hearing, to the applicant and to:
 - (1) The owners of property within two hundred feet of the property that is the subject of the application.
 - (2) The town council of any town adjacent to Hopkinton, if the subject property is located within two hundred (200) ~~200~~ feet of the boundary of that town.
 - (3) Any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application.

The applicant shall pay the cost of the postage.

- D. At least fourteen days before the date of the public hearing, the notice shall be posted in the town clerk's office, in one other municipal building, and on the home page of the Town's website.
- E. Any party may appear in person or by agent or by attorney. Participation in a public hearing or other proceeding by a party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, a knowing violation of law.

3.F. General provisions: Decisions of the zoning board of review.

- A. The zoning board of review shall render a decision on each application or appeal within fifteen days of the day the public hearing is closed. The written decision shall be posted immediately in the town clerk's office, in a location visible to the public. The date of posting shall be noted on the document. A decision granting a variance or special use permit also shall be recorded in the land evidence records.
- B. The written decision shall include findings of fact, conclusions of law, and any conditions imposed. It shall include the names of the members present and absent, the names of members who participated in the public hearing, the names of the members who voted, and the vote of each voting member.
- C. Within one day of the date the decision was posted, the zoning board of review clerk shall mail a copy of the written decision to the applicant and to any other party who participated in the public hearing and who provided the clerk with his or her name and address. The

decision shall be sent by any method that provides confirmation of receipt. The clerk also shall provide a copy of the written decision to the zoning inspector.

3.G. General provisions: creation of vested rights.

An application shall be vested for the purposes of this ordinance as follows:

- A. Where planning board or zoning board approval is not required, an application is vested when the building official certifies that the application (for a building permit) is complete issues a building permit. The application is vested under the zoning ordinance and regulations in effect at the time of certification, not the on that date, of the application.
- B. Where only planning board approval is required for development, an application is vested on the date the administrative officer certifies as complete the application for the first formal stage of review. The application is vested under the zoning ordinance and regulations in effect on the date of certification, not the date of the application.
- C. Where only zoning board approval is required, an application is vested on the date the administrative officer or the zoning inspector determines that the application is complete. The applicant is vested under the zoning ordinance and regulations in effect at the time of on the date of certification, not the date of the application.
- D. If an applicant seeks to create vested rights under a newly adopted or amended ordinance or regulation, the applicant shall withdraw the previous submission and submit a new application, with all required supporting data, to the appropriate reviewing authority. The newly submitted application shall be vested according to this section.
- G. Substantially complete defined. For the purposes of this section, "substantially complete" shall mean that any application shall have been deemed such by the local official designated to receive such applications, as specified elsewhere in this chapter, and that all required forms, plans, signatures, fees and supporting documentation and other required information has been received by the official designated to receive such applications. Failure to submit the required information in the proper form, as determined by the designated local official, shall render the submission null and void to any rights afforded through this section.

3.H. General provisions: publication and availability of the Exeter zoning ordinance.

- A. Printed copies of the Exeter zoning ordinance and zoning map shall be available to the general public and shall be revised to include all amendments. A reasonable charge shall be made for copies to reflect printing and distribution costs.
- B. Upon publication of the Exeter zoning ordinance and zoning map, and any amendments thereto, the Exeter town clerk shall send a copy, without charge, to the state law library.

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE I. – ADMINISTRATIVE PROCEDURES

Sec. 1.4. – Special provisions.

4.A. Special provisions: modification.

The zoning inspector shall be authorized to ~~grant~~ approve modifications of no more than 15% for dimensional requirements applicable to front, side, and rear yards. The table below shows the dimensional regulations and the maximum modification allowed.

	LB/R	RE-2	RU-3	RU-4	CR-5	B	LI	OS/PL	Maximum modification
Front yard	100 ft	60 ft	100 ft	100 ft	150 ft	10 ft	200 ft	200 ft	15%
Side yard	30 ft	30 ft	60 ft	80 ft	100 ft	30 ft	50 ft	50 ft	15%
Rear yard	75 ft	50 ft	50 ft	50 ft	150 ft	75 ft	100 ft	150 ft	15%

B. Within ten days of receipt of a request for a modification, the zoning inspector shall make a decision as to the suitability of the requested modification based on the following determinations ~~approve the modification if he or she finds that the following criteria are satisfied:~~

1. The modification requested is reasonably necessary for the full enjoyment of the a permitted use;
2. ~~If t~~The modification is granted, neighboring property will not be substantially injured or substantially impaired ~~ed the appropriate use of neighboring property;~~
3. The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations; and
4. The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.

If the modification is 5% or less, the zoning inspection has the authority to grant a permit for the modification without public notification. If the modification is more than 5%, notice of the modification request shall be published in a newspaper that circulates in Exeter and shall be sent by first class mail to the owners of property abutting the property that is the subject of the modification request. The notice, which shall include the street address of the property, shall state that the modification will be granted unless written objection is received within 14 days. If an objection is received, the modification request shall be submitted to the zoning board of review as a request for a dimensional variance. If no objection is received, the zoning inspector shall issue a modification permit. The zoning inspector may apply any special conditions to the permit that are necessary to ensure that the modification complies with the intent and purposes of the zoning ordinance. The zoning inspector shall keep a record of all requests for modifications, determinations, objections received, and special conditions applied to any modification permit. The cost of any notice required shall be borne by the applicant.

4.B. *Special provisions: land development projects.*

- A. Land development projects which are projects in which one or more lots, tracts or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units or structures including, but not limited to, planned development for residential, commercial, institutional, industrial, recreational, open space and/or mixed uses as may be provided for in the zoning ordinance.
- B. All open land provided by land development projects for public or common use, shall either (1) be conveyed to the town and accepted by it for park, open space, agricultural or other specified use or uses, or (2) be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or (3) be conveyed 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; or (4) remain in private (non-common) ownership if the use is limited to agriculture, habitat or forestry, and, in accordance with the comprehensive plan and zoning ordinance, that private ownership is necessary for the preservation and management of the agriculture, habitat or forest resources. In any case, where the land is not conveyed to the town, a restriction or conservation easement enforceable by the town shall be recorded, providing that the land shall be kept in the authorized conditions(s) and not be built upon or developed for accessory uses such as parking or roadway without prior town approval.

The planning board may limit or restrict the amount of open space that may remain in private ownership where necessary to contribute to a connecting greenway system or to provide public access to open space, as provided in the comprehensive plan.

- C. The Planning Board shall include in its regulations reasonable provisions for the lot density to be increased and the dimensional standards to be intensified where open space is to be permanently set aside for public or common use, the physical characteristics, location, or size of the site require an adjustment, housing for low- and moderate-income families is to be provided, or amenities, as specified in the Exeter Comprehensive Plan, not ordinarily required are provided.

D. Rural residential compounds.

- 1. *Objectives and applicability.* The objective of the rural residential compound is to provide for flexibility of design for residential development and to allow a better relationship between residential development and the natural, historic and rural characteristics of the land. Lots may contain less than the frontage and provide flexibility in the front, side, and rear yard setback requirements as prescribed by this ordinance for the underlying district provided that the requirements of this section are met. See section 2.4.3.
- 2. *Purpose and review process.*

- a) Residential compounds are intended to preserve the rural character of the town by permitting low-density residential development on large parcels of land while relieving the applicant from compliance with the design and improvement standards applicable to conventional land development and subdivisions.
 - b) ~~Residential compounds~~ Residential compounds require planning board approval as land development projects.
3. *Permitted uses.* The permitted uses applicable to residential compounds shall be only those residential uses listed as permitted in the applicable zoning district in which the residential compound is located, as set forth in section 2.4 of the zoning ordinance.
4. *Density calculation and dimensional regulations.*
- a) The maximum number of building lots allowable in a residential compound shall not exceed one lot per ten acres of land, and no fewer than two building lots.
 - b) The planning board may allow flexible lot width or frontage requirements for lots within a rural residential compound, provided however, that no building lots shall be reduced in area to less than one acre. The planning board may reduce those areas or portions of lots within the minimum prescribed front-rear-side yard setbacks, known as building envelopes, to designate an appropriate area for the siting of a house.

Editor's note— Subsection 1.4.C.4.b) was amended in 2004 by the conservation development ordinance.

5. *General requirements.*

- a) A parcel proposed for development as a residential compound shall have frontage on a town-accepted street. Such frontage shall be a minimum of 50 contiguous feet.
- b) Each proposed lot must contain a minimum of one acre of land exclusive of land unsuitable for development as defined in section 1.2 herein.
- c) No lot, which has been reduced in size or acreage after the adoption of this ordinance, shall be developed as a rural residential compound. No lot or parcel that has been developed as a residential compound shall be further subdivided or reduced in size. This provision shall not prevent the development in incremental stages of a parcel as a residential compound as long as each component lot shall not be changed after having received final approval from the planning board.

6. *Open space.*

At least 50 percent of the total land area of the parcel proposed for development shall be designated as permanent open space in accordance with the provisions of the town land development and subdivision regulations. To the extent possible, the proposed open space shall be contiguous. Any land within a rural residential compound not designated as a building lot shall be protected against future development and environmental damage in

perpetuity by conveying to the town or other appropriate legal entity, an open space conservation easement restricting the future use and alteration of the area as provided below.

Ownership of the open space shall be set forth in one or more of the following ways subject to planning board approval and authorization:

- Conveyance to the town for specific open space or recreational purposes provided the need for such is documented in the comprehensive plan;
- Conveyance to an appropriate nonprofit legal entity, the principal purpose of which is the conservation of natural resources and open space;
- Conveyance to a corporation or trust owned or to be owned by the owner(s) of one or more of the lots within the development. There are two options for the ownership of the open space.

Option 1: Each owner will have an undivided interest in and to those open space lots and ownership shall pass with conveyances of the lots or units.

Option 2: One landowner may own all the permanent preserved open space for agricultural or other town accepted uses.

- 1) The open space lot created shall be protected against future development and unauthorized alterations in perpetuity by appropriate deed restrictions and conservation easements. In any case where the land is not conveyed to the town, a restriction enforceable by the town shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway. The planning board shall approve the form and content of any such restrictions and easements at the time of final approval of the residential compound.
- 2) Any buildings, structures, parking areas or impervious improvements associated with open space use may be located on the open space lot, or lots, provided however, that any structure is within keeping the lot, or lots, as part of the open space. The planning board shall approve the facility and location of all such facilities and their design in terms of massing, scale and materials.
- 3) The owner(s) of the open space lot, or lots, shall guarantee perpetual maintenance by appropriate deed restrictions and easements and the planning board shall approve the form and content of any such restrictions at the time of final approval of the subdivision. The restrictions shall contain the following provisions:

If the building lot owners and/or their open space lot owners, and/or their successors or assigns fail to maintain the open space lot, or lots, the Town of Exeter may, at its option and its sole discretion, perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action of law or in equity against the building lot owners and/or their open space lot owners or their successors or assigns.

- 4) Any rural residential compound approved under this regulation shall be exempt from the subdivision land dedication requirements for open space and/or a fee in lieu of open space.

7. *Design and improvement standards.*

- a) Private roads and drainage improvements within the parcel to be developed as a residential compound shall be privately owned and maintained in common by the residents of the residential compound. At the time of final approval, the planning board shall approve the form and content of the following legal document to be recorded contemporaneously with the final plat:
 - 1) A covenant by the owner of the parcel, binding on his successors and assigns, that the town shall not be asked or required to accept or maintain the private roads within the parcel that do not meet the engineering and design requirements for town-accepted roads, for a minimum of 99 years from the date of recording; or, if only a lesser period is legally enforceable, for that period with as may automatic renewals as are necessary to total 99 years. Such restrictions shall state that all expenses for improvements to private roads to meet town requirements including a town road, shall be born by the owners of the property, including such improvements which may be deemed necessary for public use should the property owners wish a private roadway be made a town-accepted road.
 - 2) A document or documents establishing the method of ownership and providing for the maintenance of the private roads and drainage improvements.
- b) Private roads and appropriate drainage facilities within a residential compound shall be designed, constructed and inspected in compliance with the town land development and subdivision regulations as specified for residential compounds. The planning board shall have the authority to require additional improvements in order to protect the public health, safety, and welfare, if warranted by the characteristics of the land, or if the private road will be used by persons other than the residents of the compound.
- c) If the planning board determines that an existing private road, which is proposed to be used as access from the compound to a town-accepted road, is not adequate for public health, safety and welfare purposes, the planning board shall have the authority to require improvements to the private road, provided that the applicant shall demonstrate to the boards satisfaction that he/she has legal authority to construct such improvements. Such improvements may include improved pavement surface, increased pavement width, increase in depth below finished grade for removal of boulders or ledge, improvements in the grade of ascent or descent, surface water run-off control, natural water flow protection or drainage improvements. Any such professional engineer and such plan shall be included in the submission requirements for final plan approval and recorded with the endorsed plat. No final approved plat shall be endorsed or recorded and building permits issued for any property in rural residential compounds until such required improvements are completed.

- d) Private roads, drainage, and other improvements within a residential compound may be bonded pursuant to the town land development and subdivision regulations.
- 8. *Approval process.* The planning board shall review residential compounds as land development projects, as provided in section 5.2 of the land development and subdivision regulations. Approval of a rural residential compound shall be granted only upon the planning board's determination that the plan preserves open space; utilizes the natural features of the land, allows for more efficient provision of access, provides for stability and appropriate long term safety and capacity of the road system including both internal and external roads of the residential compound, be they private roads, shared driveways, public ways, or town-accepted roads; and preserves the aquifer overlay district and the rural character of the land.

Rural residential compounds are to be allowed by the planning board only when a subdivider can demonstrate to the board that such development would be a better use of the land than a conventional subdivision and is in the best interests of the residents of the town. To this end, the planning board may require the subdivider to provide an alternate plan or plans for developing the land as a conventional subdivision.

The final plan approved by the planning board and recorded in the land evidence records of the town shall contain the following statement: "These premises are subject to the restrictions and conditions that are contained in instruments recorded contemporaneously with this plan and are incorporated herein by reference."

* * *

4.C. Special provisions: preapplication conference.

A preapplication conference shall be held at the request of the zoning inspector — or the applicant to:

- A. Acquaint the applicant with the Exeter comprehensive plan and any specific plans that apply to the parcel, as well as the zoning and other ordinances that affect the proposed development;
- B. Suggest improvements to the proposed design on the basis of a review of the sketch plan;
- C. Advise the applicant to consult appropriate authorities on the character and placement of public utility services; and
- D. Help the applicant to understand the steps to be taken to receive approval.

4.D. Comprehensive permit for low or moderate income housing.

- 1. Authority to grant a comprehensive permit. In accordance with Title 45, Chapter 53 of the R.I. General Laws, the R.I. Low and Moderate Income Housing Act, as amended (the Act), the planning board has been designated as the local review board and shall have the

authority to issue a comprehensive permit to build a qualifying low or moderate income housing project.

2. Definitions. The following words, wherever used in this section, unless a different meaning clearly appears from the context, have the following meanings:

- (1) Adjustment means a request by the applicant to seek relief from the use and dimensional requirements of the zoning ordinance or the design standards and requirements of the land development and subdivision regulations. The standard for the planning board's consideration of adjustments is in R.I. Gen. Laws § 45-53-9 4(D)(2)(iii)(E)(II).
- (2) Comprehensive plan means a the comprehensive plan adopted and approved by the Town of Exeter pursuant to Title 45, Chapters 22.2 and 22.3 of the R.I. General Laws.
- (3) Consistent with local needs means reasonable in view of the state need for low and moderate income housing, considered with the number of low income persons in Exeter affected and the need to protect the health and safety of the occupants of the proposed housing or of the residents of Exeter, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if the Exeter zoning ordinance and the Exeter land development and subdivision regulations are applied as equally as possible to both subsidized and unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are consistent with local needs when imposed by a city or town council after comprehensive hearing in a city or town where:
 - (a) Low or moderate income housing exists that is:
 - (i) In the case of an urban city or town which has at least 5,000 occupied year-round rental units and the units, as reported in the latest decennial census of the city or town, comprise 25 percent or more of the year-round housing units, is in excess of 15 percent of the total occupied year-round rental units; or
 - (ii) In the case of all other cities or towns, is in excess of ten percent of the year-round housing units reported in the census.
 - (b) The city or town has promulgated zoning or land use ordinances, requirements, and regulations to implement a comprehensive plan that has been adopted and approved pursuant to Title 45, Chapters 22.2 and 22.3 of the R.I. General Laws, and the housing element of the comprehensive plan provides for low and moderate income housing in excess of either ten percent of the year-round housing units or fifteen percent of the occupied year-round rental housing units.
 - (c) Multi-family rental units built under a comprehensive permit may be calculated towards meeting the requirements of a municipality's low or moderate income housing inventory, as long as the units meet and are in compliance with the provisions of R.I. Gen. Laws § 45-53-3.1.

- (4) Infeasible means any condition brought about by any single factor or combination of factors, as a result of limitations imposed on the development by conditions attached to the approval of the comprehensive permit, to the extent that it makes it financially or logistically impracticable for an applicant to proceed in building or operating low or moderate income housing within the limitations set by the subsidizing agency of government or the planning board, on the size or character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially changing the rent levels and unit sizes proposed by the applicant.
- (5) Low or moderate income housing means any housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of housing affordable that will remain affordable through a land lease and/or deed restriction for 99 years from initial occupancy. Low or moderate income housing is synonymous with affordable housing.
- (6) Affordable housing plan means the component of the housing element of the Exeter comprehensive plan to meet housing needs, prepared in accordance with guidelines adopted by the state planning council and meeting the provisions of R.I. Gen. Laws § 45-53-4(b)(1) and (c).
- (7) Approved affordable housing plan means an affordable housing plan that has been approved by the director of administration as meeting the guidelines for the local comprehensive plan as promulgated by the state planning council; provided, however, that state review and approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town having completed, adopted, or amended its comprehensive plan as provided for in R.I. Gen. Laws §§ 45-22.2-8, 45-22.2-9, or 45-22.2-12.
- (8) Letter of eligibility means a letter issued by the Rhode Island Housing and Mortgage Finance Corporation in accordance with R.I. Gen. Laws § 42-55-5.3(a).
- (9) Local review board means the planning board.
- (10) Meeting local housing needs means as a result of the adoption of the implementation program of an approved affordable housing plan, ~~T~~the absence of unreasonable denial of applications that are made pursuant to an approved affordable housing plan in order to accomplish the purposes and expectations of the approved affordable housing plan, and a showing that at least twenty percent of the total residential units approved by a local review board in a calendar year are for low and moderate-income housing as defined in R.I. Gen. Laws § 42-28 128-8.1.
- (11) Monitoring agents means those monitoring agents appointed by the Rhode Island Housing Resources Commission pursuant to R.I. Gen. Laws § 45-53-3.2 to provide the monitoring and oversight set forth in R.I. Gen. Laws §§ 45-53-3.2 and 45-53-4.
- (12) Municipal government subsidy means assistance that is made available by the Town of Exeter sufficient to make housing affordable. Such assistance may include, but is not

limited to, direct financial support, abatement of taxes, waiver of fees and charges, and approval of density and other adjustments, and any combination of forms of assistance.

3. Application procedure. An applicant proposing to build low or moderate income housing may submit to the planning board a single application for a comprehensive permit to build that housing in lieu of separate applications to the applicable local boards. This procedure is only available for proposals in which at least 25 percent of the dwelling units will be low or moderate income housing, and in which at least 50 percent of the units of those units are restricted to households with an income at or below 80 percent of the area median income. The application and review process for a comprehensive permit shall be as follows:

- (a) *Fees and costs.* Application fees shall be the same as the application fees listed in the land development and subdivision regulations for a major land development project. The applicant shall be responsible for the advertising and postage costs for public hearing notice. The applicant shall be responsible for project review fees as provided in the land development and subdivision regulations.
- (b) *Preapplication conference.* The applicant shall request a preapplication conference with the planning board. The applicant shall be required to submit only the following information:
 - (i) An application form for preapplication review;
 - (ii) A brief written description of the project that includes the number of dwelling units, type of housing, a density analysis, and a preliminary list of adjustments needed;
 - (iii) A location map;
 - (iv) A conceptual site plan.

The applicant may also submit any other material that will help the planning board understand the proposed project. No certification of completeness is required. The administrative officer shall schedule the pre-application conference upon submission of the required material. If the pre-application conference does not take place within thirty days of the date the application is submitted, the applicant may submit an application for preliminary plan review.

- (c) *Preliminary plan application.* The applicant shall submit the following material for preliminary plan review:
 - (i) A completed comprehensive permit application form.
 - (ii) A letter of eligibility issued by the R. I. Housing and Mortgage Finance Corporation, or in the case of projects primarily funded by the U.S. Department of Housing and Urban Development or other state or federal agency, an award letter indicating the subsidy.

- (iii) A proposed timetable for the commencement of construction and completion of the project.
- (iv) The preliminary plan checklist for a ~~major~~ land development project in the land development and subdivision regulations and all the items required by the checklist except state or federal permits.
- (d) *Certification.* The administrative officer shall certify the application as complete or incomplete within twenty-five days of submission. If the application is incomplete, the administrative officer shall inform the applicant of the specific information that is missing. The running of the time period for certification shall stop when an application is incomplete. The administrative officer shall have at least ten days to certify a revised application as complete.

The administrative officer shall schedule a public hearing on the application as soon as practicable after issuing the certification of completeness. The notice requirements for ~~a public hearing on a major land development project~~ shall apply. A competent stenographer shall take the minutes of each public hearing.

Notwithstanding the submission requirements above, the planning board may request additional, reasonable documentation during the public hearing, including but not limited to opinions of experts, credible evidence that applications have been filed for necessary federal or state permits, or recommendations from other boards, commissions, or officials.

4. *Mandatory adjustments.* The planning board shall approve adjustments to the requirements of the zoning ordinance, land development and subdivision regulations, and other municipal ordinances and regulations to offset the cost of constructing the low and moderate income dwelling units. The following adjustments are mandatory:
 - (a) If the applicant can demonstrate to the planning board that the R. I. department of environmental management will approve the required on-site wastewater treatment systems, and that Town water is available to the site or that on-site wells will provide the water adequate to serve the proposed dwelling units, the provisions of the zoning ordinance concerning residential density shall be adjusted as follows:
 - (i) In developments in which twenty-five percent of the dwelling units will be low or moderate income, the minimum residential density is three dwelling units per acre.
 - (ii) In development in which fifty percent of the dwelling units will be low or moderate income, the minimum residential density is five dwelling units per acre.
 - (iii) In developments in which one hundred percent of the dwelling units will be low or moderate income, the minimum residential density is eight dwelling units per acre.
 - (b) No more than one off-street parking space shall be required for a dwelling unit with one or two bedrooms.

- (c) An applicant shall not be required to reduce the number of bedrooms in any dwelling unit to fewer than three.
- (d) An applicant shall not be required to reduce the area of any room in a dwelling unit below the requirements of the R. I. building code or the R. I. housing maintenance and occupancy code.

5. *Preliminary plan approval.*

- (a) The planning board shall approve or deny the application within ninety days of the day the preliminary plan submission was certified as complete, unless the applicant consents in writing to an extension of time. If a timely decision is not made, the application will be considered approved and the administrative officer shall issue a preliminary plan approval at the request of the applicant.
- (b) To approve a comprehensive permit application, the planning board must find that the application satisfies the requirements below. The planning board must include in its decision findings of fact based on legally competent evidence in the record. The decision must specify the evidence on which each finding is based.
 - (i) The proposed development is consistent with local needs as identified in the comprehensive community plan, or, if inconsistent, the inconsistencies have been satisfactorily addressed. In particular, the proposed development is consistent with Exeter's affordable housing plan.
 - (ii) The development complies with the zoning ordinance and land development and subdivision regulations, or, if adjustments have been granted from the provisions of the ordinance or regulations, the need for low or moderate income housing outweighs the impact of the adjustments.
 - (iii) The low and moderate income dwelling units will be integrated throughout the development, will be similar in scale and architectural style to the market rate units, and will be built and occupied before or at the same time as the market rate units.
 - (iv) The development as approved will not have any significant negative effects on the health and safety of current or future residents of Exeter in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of Exeter.
 - (v) All of the buildings in the development will have adequate and permanent physical access to a public street.
 - (vi) None of the building lots will have physical constraints to development that would make construction on those lots impracticable.
- (c) The planning board has the same authority to issue permits or approvals as any town board or official who would otherwise act with respect to the application,

including, but not limited to, the authority to impose conditions on the approval, and the authority, consistent with the terms of the Act, to determine building height, size or shape; the site plan; and the building materials. If the planning board proposes conditions to be placed on the approval that the applicant believes would make the development infeasible, the planning board shall give the applicant a reasonable period of time to respond to the proposed conditions before the planning board votes to impose the conditions. The burden is on the applicant to show that the conditions would make the development infeasible.

- (d) If Exeter has an approved affordable housing plan and is meeting local needs, the planning board shall:
 - (i) Limit the annual total number of dwelling units in comprehensive permit applications from for-profit developers to an aggregate of one percent of the total number of year-round housing units in Exeter, as recognized in the affordable housing plan.
 - (ii) Have the authority to consider comprehensive permit applications from for-profit developers sequentially in the order in which they are submitted.
- (e) A majority vote of the planning board members present is necessary for approval.
- (f) The planning board's written preliminary plan decision shall be recorded in the land evidence records within twenty days of the day the planning board votes. Within one day of recording, a copy of the decision shall be mailed, by any method that provides confirmation of receipt, to the applicant and to any other person who has made a written request to receive it.
- (g) The approved Preliminary Plan expires two years after the date of approval. The applicant may request two one-year extensions, and must appear before the planning board to request each one-year extension. Requests for extensions must be in writing. The provisions of the applicable ordinances and regulations in effect at the time of preliminary plan approval are vested until the preliminary plan expires.
- (h) The planning board may deny approval of the application for any of the following reasons:
 - (i) Exeter has an approved affordable housing plan, has made significant progress in implementing the approved affordable housing plan, is meeting local housing needs, and the proposed development is inconsistent with the approved affordable housing plan.
 - (ii) The proposed development is not consistent with local needs, including but not limited to the needs identified in the approved comprehensive plan or the zoning ordinance.
 - (iii) The proposed development is not in conformance with the comprehensive plan.

- (iv) Exeter has plans to make ten percent of the total occupied year-round housing low or moderate income housing, and has achieved that goal or has made significant progress toward meeting that goal.
- (v) The proposed development may negatively impact the environment and the health and safety of current Exeter residents and the applicant has not adequately addressed those concerns.

6. *Final plan approval.*

- (a) Final plan approval is administrative; provided, however, that the applicant may be required to return to the planning board for final plan approval if the planning board has waived submission at preliminary plan review of any required information, if the application does not satisfy conditions of the preliminary plan approval; if the application does not include all the required material; or the applicant has proposed a major change to the approved preliminary plan. A public hearing is required for approval of a major change to an approved preliminary plan. The applicant shall submit the following material to the administrative officer for final plan approval:
 - (i) All required state and federal permits; provided, however, that the administrative officer shall have the authority to require submission of state and federal permits before the first building permit is issued rather than at final plan submission.
 - (ii) A draft agreement with a monitoring agent appointed by the R. I. Housing Resources Commission that will ensure that each low or moderate income dwelling unit is sold, leased, owned or occupied in compliance with the recorded affordability restrictions.
 - (iii) A draft land lease or deed restriction with affordability liens that restricts the use of the property to low or moderate income housing in conformance with R.I. housing and mortgage finance corporation guidelines for at least 99 years.
 - (iv) The Final Plan checklist for ~~major~~ land development projects in the land development and subdivision regulations and all the items required by the checklist.
 - (v) Arrangements for completion of the required public improvements, including financial guarantees.
 - (vi) Certification by the tax collector that all property taxes are current.
- (b) The administrative officer shall certify the application as complete or incomplete within twenty-five days of submission. If the application is incomplete, the administrative officer shall inform the applicant of the specific information that is missing. The running of the time period for certification shall stop when an application is incomplete. The administrative officer shall have at least ten days to certify a revised application as complete.

- (c) The administrative officer shall approve the final plan within forty-five days of the date it was certified as complete unless the applicant is required to return to the planning board for final approval. The administrative officer shall have the authority to approve minor changes in the approved preliminary plan.
- (d) If a timely decision is not rendered, the application will be considered approved and the administrative officer shall issue a final plan approval at the request of the applicant.
- (e) The approved final plan expires two years after the date of approval. The applicant may request a one-year extension, and must appear before the planning board to request the extension. The planning board may approve further extensions for good cause. Requests for extensions must be in writing. The provisions of the applicable ordinances and regulations in effect at the time of Final Plan approval are vested until the final plan expires.

7. Appeal.

- (a) The applicant or any person aggrieved by the decision of the planning board may appeal to the Washington County Superior Court within twenty days of the date the board's written decision was recorded in the land evidence records pursuant to R.I. Gen. Laws § 45-53-5.1.
- (b) If the Superior Court remands the application to the planning board, the board shall hear the remanded application within thirty days of the day it was received.

4.E. Special provisions: Greenhouse Tier II and Greenhouse Tier III /CEA Facility

1. Purpose. The purposes of this section are:

- A. To support farmland preservation that provides community benefits from a vibrant farm sector balanced with protection of the open agricultural landscape that is a character trait of this rural community;
- B. Preserve the agricultural history and economic benefits of commercial agriculture in the Town of Exeter;
- C. Support the merging of modern technology with traditional agricultural operations;
- D. Provide greater design flexibility in addressing evolving agricultural practices in a balanced way within the community;
- E. Promote agricultural practices that reduce soil erosion, improve water quality, and increase farmland productivity;
- F. Protect areas of the town with productive agricultural soils for continued or future agricultural use by retaining prime agricultural soils and allowing for efficient farm operations;

- G. To create adaptable provisions that promote greenhouse agricultural in equilibrium with the environment and surrounding community and:
 - H. Provide eligibility criteria that ensures adequate, safe, and permanent physical access to public streets with a suitable functional classification to service the traffic volume and speeds associated with the intensity of land use proposed.
 - I. Implement performance standards that mitigate light pollution, protect area land uses, groundwater aquifers and their recharge areas, surface water bodies, wetlands, reduce soil erosion, mitigate storm water drainage and safeguard similar environmentally important resources as set forth in the comprehensive plan.
2. *Prohibitions.* Tier II and Tier III/CEA Facility Greenhouses. The following are strictly prohibited:
- A. On site, uncovered stockpiling of greenhouse waste.
 - B. Growing or processing of cannabis.
 - C. Anaerobic Digester Biogas Power Plants.
3. *Review Procedure.* Tier II Greenhouse – Shall be subject to the following review and approval by the Planning Board:
- A. Minor land development – The overall design shall meet or be below ~~exceed~~ the criteria and standards established in the land development and subdivision regulations for a minor land development plan.
 - B. "Light Pollution Mitigation Plan" – The applicant shall present a "Light Pollution Mitigation Plan" that provides blackout curtains or darkening screens for both the roof of the greenhouse and the sides or due to cost alternative options such as limiting lighting before daylight and hours after dark (as needed seasonally) may be considered.
4. *Eligibility.* Tier III/CEA Facility Greenhouse – The subject proposal must conform with ALL of the following;
- A. The entirety of the facility shall be located on a single lot of record, or are required to submit an administrative subdivision to merge lots when multiple parcels are proposed; and
 - B. The entirety of the facility shall be located within an RU-3 zoning district: and
 - C. The property shall have access and egress and contain the minimum improved frontage on at least ONE of the following State arterial roadways:
 - i) R.I. Route 2
 - ii) R.I. Route 102
 - iii) R.I. Route 3; and

- D. The subject parcel must have a minimum lot size of no less than 40 acres; and
 - E. Will not result in removing more than twenty (20) percent an existing tree canopy of 10 inch diameter trees (10-inch diameter tree measured four and one-half feet above the downhill ground level with the exception for the removal of trees which are dead, dying or diseased, or trees which have suffered damage, or any tree whose angle of growth makes them a hazard to structures, roads, or human life.); and
 - F. Has been in agricultural use and production for the last five (5) consecutive years as verified by the filing of a SCHEDULE F (Form 1040) tax filings "Profit or Loss from Farming" Department of the Treasury Internal Revenue Service.
5. *Review procedure.* Tier III/CEA Facility Greenhouses – Shall be subject to the following review and approval by the Planning Board:
- A. Major land development – The overall design shall meet or exceed the criteria and standards established in the land development and subdivision regulations for a major land development plan.
 - B. "Enhanced Development Standards" – shall comply with specific enhanced development standards contained in Exeter Rhode Island Code of Ordinances APPENDIX A – ZONING ARTICLE I. – ADMINISTRATION PROCEDURES 1.4.1 (5–8) Special provisions; Greenhouse Tier II and Greenhouse Tier III /CEA Facility.
6. *Project review fees.* Tier III/CEA Facility Greenhouses – A project review fee shall apply to review by outside consultants due to the project's size, scale or expertise needed to address the project's potential impacts and/or because the Town lacks the necessary staff with expertise to perform the review work related to the proposal. The fee shall be equal to the actual cost to the Town for such consultant. In hiring outside consultants, the Town may engage engineers, hydrologists, lighting engineers, landscape architects, architects, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, and regulations. Such assistance may include, but shall not be limited to, conducting a peer review, analyzing an application, design review of applications to determine consistency with the purposes and design/dimensional standards contained within Exeter Rhode Island Code of Ordinances APPENDIX A – ZONING ARTICLE I. ADMINISTRATION PROCEDURES 1.4.1 "Special provisions"; "Greenhouse Tier II and Greenhouse Tier III /CEA Facility. Project Review Fees are to be funded by the applicant separately from, and in addition to, fees imposed by the Town for application and inspection.
7. *Minimum design standards.* Tier III/CEA Facility Greenhouse – The application shall conform with ALL of the following design criteria:
- A. The greenhouse structure shall allow the existing soils to remain in place during operation of the greenhouse or stored onsite; and
 - B. The greenhouse shall be considered the primary use of the property; and

- C. The facility must eliminate 99 percent (99%) of supplementary grow lighting through the use of wall and ceiling light abatement curtains or other mitigation measures such that less than one percent (1%) of interior lighting within the facility shall be visible from the boundaries of the property. All exterior lighting fixtures shall have the International Dark-Sky Association (IDA) Fixture Seal of Approval;
 - D. The site must be designed to setback the building, parking lot and off street loading a minimum of 150 feet from front property line and preserve the front yard as open field or agriculture; and
 - E. Locate and/or orient all buildings, structures, including but not limited to, loading, packing, water storage, power systems, chillers, CO2 systems, ventilation fans and waste disposal containers to maximize the separation distance to abutting residential uses and sensitive natural ecosystems.
8. *Dimensional standards.* Tier III/CEA Facility Greenhouse – The application shall conform with ALL of the following:
- A. Shall not exceed 25 acres under cover excluding the floor area dedicated to mechanical or electrical equipment, packaging area, and supporting facilities dedicated to shipping and receiving except that this area shall not exceed ten percent (10%) of the total square footage of the greenhouse; and
 - B. Off-street parking and loading should be designed to accommodate the maximum expected number of workers per shift the overall parking loading layout subject to Planning Board approval.
 - C. The design shall comply with dimensional requirements of the ordinance with eligible exemption to the maximum percentage of lot coverage in Zoning District RU-3 as provided within the Town of Exeter Code of Ordinances Appendix A, ZONING, ARTICLE XIII. – entitled MAXIMUM LOT COVERAGE OF ALL BUILDINGS.
 - D. The height of a CEA shall not exceed 35 feet.
 - E. All structures and impervious parking lots and off-street loading must be setback a minimum of 150 feet from front property line.
 - F. The overall design shall meet or exceed the criteria and standards established in ~~the~~ subsection 9. of this section, below, as determined by the Planning Board.
9. *Enhanced development standards.* Tier III/CEA Facility Greenhouse – The application shall conform with ALL of the following design criteria:
- A. *Project viability* – The applicant shall provide a narrative that demonstrates the project is following the eligibility, design and dimensional requirements contained within the zoning ordinance and is in overall compliance with the Comprehensive Plan. The narrative shall substantiate that adequate services are available to the property and describe employment and occupancy of the facility as well as explain the general greenhouse operation of the facility, hours of operations and horticulture practices to be engaged, and if necessary, information regarding the financial stability of the

applicant/corporation/business demonstrating that they retain sufficient resources to develop, operate and if needed, dismantle the facility.

- B. *Groundwater* - The applicant shall provide a groundwater impact assessment from a qualified professional (subject to peer review) verifying that the design proposed will not adversely impact the quality and quantity of the surrounding groundwater resources and wells located within a 200-foot radius of the subject property.
- C. *Water recycling plan* - The applicant shall prepare a water recycling plan describing how the facility plans to capture and recycle water and how the applicant plans to use well water as a source of potable water and/or irrigation. The plan must detail the impact of 100% water recycling from the rooftop on groundwater recharge and if 100 percent recycling is not possible how the waste fertilizer solution or leachate will be managed so as not to adversely impact area water quality both surface and groundwater. The applicant must specifically verify that the water recycling plan is compliant with the Rhode Island Department of Environmental Management regulations as well as pertinent state and federal laws. (Subject to peer review).
- D. *Light pollution* - The applicant shall provide a photometric light study from a qualified professional (subject to peer review) verifying the design proposed will eliminate 99 percent of supplementary grow lighting through the use of wall and ceiling light abatement curtains or other mitigation measures. The photometric light study shall also validate that the lighting design both interior and exterior of the building (s), parking lot(s), and loading docks do not result in skyglow, (brightening of the night sky in the rural community), light trespass (light falling on neighboring properties), glare (excessive brightness), light clutter (bright, confusing, and excessive groupings of light sources).
- E. *Traffic impact study (TIS)* - The applicant shall complete a traffic impact study (subject to peer review) for the proposed access and egress plan for all proposed driveways and walkways to demonstrate no negative impact to traffic and safe access to the subject property. Should the study conclude that street upgrades are necessary, the applicant shall be responsible for any necessary road upgrades.
- F. *Public safety* - The applicant shall submit a complete fire safety/compliance plan(s) sent to the Fire Marshal and Fire Chiefs and fund, if necessary, a project peer review that provides review by outside compliance experts in building and fire safety criteria. This information will be used by the Fire Marshal and Fire Chiefs to prepare a report to the Planning Board as to their recommendations.
- G. *Support structures/power generation* - The applicant shall be required to submit a plan that locates all supporting buildings, structures, including but not limited to specifying the type and location of full and stand-by power systems, types of power systems and their location, power equipment, loading, packing, water storage, chillers, CO2 systems, ventilation fans and waste disposal.
- H. *Noise/odor* - The applicant shall be required to submit a noise study that evaluates noise impact at the abutting property line for which there are residential land uses. Measured noise impacts shall include operations, idling trucks, loading, power systems, chillers, CO2 systems and ventilation fans. Said noise events shall be 24-hour day and

night A- weighed noise exposure level assigning a 10db increase for night time events. (subject to peer review). The applicant shall provide a plan to minimize odors from non-farming activities and establish a reporting tool to help identify concerns

- I. *Waste management plan* -The applicant shall be required to submit a detailed waste management plan which includes how waste from the greenhouse facility is to be removed (including but not limited to vines and vegetables) as stockpiling of greenhouse waste uncovered shall be prohibited. The plan shall depict the location of all waste receptacles and composting facilities.
- J. *Operations and maintenance plan*- The applicant shall provide general information about the facility, the processes, control devices and any pollutants controlled by devices along with monitoring frequency and instrumentation information about the maintenance procedures to be performed.

4.E. Special provisions: Unified development review

- 1. Unified development review authorizes the planning board, rather than the zoning board of review, to approve variances and special use permits that are requested concurrently with an application for approval of a subdivision development plan or land development project. The purpose is to provide a more efficient and less costly method of obtaining approval of development that requires zoning relief.
- 2. An applicant for subdivision development plan approval or land development project approval may request unified development review by submitting an application form for zoning relief with the application for development approval. The procedure for review and approval under unified development review is contained in the land development and subdivision regulations.
- 3. When considering an application for zoning relief, the planning board is bound by the same legal requirements and the same criteria for relief that would apply to the zoning board of review's consideration of applications. The planning board shall conduct a public hearing, shall take testimony under oath, and shall make findings of fact and conclusions of law. The planning board's decision on the zoning relief shall be conditional on its approval of the subdivision or land development project.
- 4. An appeal from a decision by the planning board on a variance or special use permit may be taken pursuant to R.I. Gen. Laws § 45-23-71.

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE II. – ZONING DISTRICT USE REGULATIONS

<u>Draft Number</u>	<u>Revisions date</u>	<u>Notes</u>
<u>1</u>	<u>January 16, 2024</u>	<u>First draft</u>
<u>2</u>	<u>February 6, 2024</u>	<u>Added additional uses</u>
<u>3</u>	<u>February 26, 2024</u>	<u>Added additional uses; note 16</u>
<u>4</u>	<u>March 12, 2024</u>	<u>Added remainder of Article II</u>
<u>5</u>	<u>June 13, 2024</u>	<u>Removed list of prohibited uses; added subdistricts; added additional uses</u>
<u>6</u>	<u>June 26, 2024</u>	<u>Added first row of use table to the top of each use table page</u>
<u>7a (not incorporated)</u>	<u>July 8, 2024</u>	<u>Added additional uses</u>
<u>7b</u>	<u>July 22, 2024</u>	<u>Added cross-references to use table</u>

Sec. 2.1. – Zoning districts.

The districts, their abbreviations and common names as used herein shall be designated as follows:

2.1.1. Residential district and subdistrict, RE-2. The purpose of the RE-2 zone is to provide adequate land suitable for residential development. More importantly, the density permitted in this ~~RE-2~~ district would maintain an adequate water supply and suitable soil for individual septic disposal systems.

2.1.2. Rural district, RU-3. The purpose of the RE-3 zone is to provide adequate land suitable for low density residential rural development blended with forestry, farming and recreational activities.

2.1.3. Rural district, RU-4. The purpose of the RU-4 zone is to protect land now used for forestry, farming and related activities and the natural habitat and wildlife and to preserve the area's rural character. This zone provides land suitable for low density residential development and reserves land for future farming, forestry, conservation practices and recreational uses.

2.1.4 Conservation/recreation, CR-5. The CR-5 zone is established as a separate district to preserve and protect an area abundant with natural resources, landscapes and sensitive soils having severe limitations, and to provide for a natural mixture of residential and recreational uses.

2.1.5. Business district, B. The purpose of the B zone is to provide areas for business that serve the day-to-day needs of the residential population of the community. Also, its purpose is to provide areas for commercial activities to serve the needs of the entire community and the contiguous

regions. Any use not specifically listed as a permitted use is prohibited. Each business must contain, within its own lot, the wellhead protection for the well supplying all its water.

2.1.6. Light business/residential district, LB/R. The purpose of the LB/R zone is to allow the development of low density commercial uses including residences, home occupations and light business uses, and to provide a buffer to the existing general business uses that exist. All uses are subject to land development plan approval.

2.1.7. Light industrial district, LI. The purpose of the LI zone is to provide areas for the future development of light industrial and allied uses and to provide for existing uses of this nature. Areas so designated are considered to be geographically and topographically suitable for the future economic growth of the community. All uses shall strictly comply with the established maximum building capacity of 250 persons. Each industry must contain, within its own lot, the wellhead protection for the well supplying all its water. All uses in this district require approval as a major land development (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)).

2.1.8. Open space and public land, OSPL. The purpose of the OSPL zone is to identify state lands and other lands held for recreation, conservation and public access purposes and to afford future protection against the conversion of these lands to another use inconsistent with that now in existence. Other lands that are purchased or controlled in the town in the future may be added to this category. Any land petitioned by the property owner to be added to this zoning district must have a deed restriction in place restricting development to public purposes prior to adoption of the zoning amendment.

2.1.9. Groundwater protection overlay district, GWOL. The purpose of the GWOL zone is to preserve, protect and maintain the quality and quantity of groundwater supply and groundwater recharge areas of the Town of Exeter. This groundwater is the primary existing and future water supply source for the town. The groundwater reservoirs that underlie Exeter are unique and valuable resources that are vulnerable to contamination due to their unconfined condition, closeness to the ground surface, and the permeability of the overlying soils. It is the intent of this overlay district to protect the health, safety and welfare of the public.

2.1.10 ~~Ladd Center subdistrict, LC~~Planned districts. The purpose of this ~~[planned districts]~~ zone is to provide ~~for the redevelopment of the Ladd Center in accordance with the Ladd Center Master Plan to be developed in 2024 by the State of Rhode Island. The intent is to protect historic assets of the site and allow for additional development that further promotes the Town of Exeter's desires for a New England-style village with strong environmental protection control for the future business and industry, and special sites including the Ladd Center and Dorset Mill. Included in this [planned districts] zone are village center districts, planned business and light industrial development districts. An additional purpose of this [planned districts] zone is to foster development given the unique nature of these zones as sites for future mixed use development and sensitive environmental constraints. Any proposed use in this zone shall require a special use permit and approval as a major land development.~~

2.1.11 Dorset Mill subdistrict, DM. The purpose of this zone is to provide for the continued use of Dorset Mill in a manner consistent with its historic industrial uses, while affording opportunity for additional commercial development not inconsistent with surrounding residential uses.

2.1.12 Planned village overlay district. The purpose of the PVOD district is to implement the vision for Exeter by allowing for planned village development (PVD) in designated areas. Development in this district shall be designed and built in a manner that is compact, pedestrian friendly, and consistent with the rural setting of Exeter. Development within these districts may include a mix of

uses conducive to a vibrant traditional New England village setting and architectural techniques shall reflect the historic patterns that help to define Exeter's community character. These districts shall allow for densities in commercial and residential development that are allowed in no other district and shall therefore require the transfer of development rights to leverage an increased density. The town may also allow increased density as part of its own municipal subsidy toward the provision of deed restricted affordable housing.

Sec. 2.3. - Zoning use table terms.

2.3.1. The abbreviated terms used in the following table of uses, table 2.4, shall have the following meanings:

A. Y (Yes). The use is permitted by right within the district so designated.

B. N (No). The use is not permitted and is specifically prohibited within the district so designated, except as provided in Art. I, Sec. 6.A.6.

C. S (special permit required). The use is allowed by special use permit only if approved by the zoning board of review or by the planning board under unified development review.

D. Zoning districts are as defined above.

2.3.2. ~~Any use not listed is specifically prohibited.~~ The zoning inspector shall have the authority to determine, upon application, whether a use falls within one of the use codes listed in the table of uses.

2.3.3. Unless otherwise specifically provided, ~~a use requiring a special use permit that will involve~~ land disturbing activity of greater than 3,000 square feet but not exceeding 20,000 square feet must be approved as a minor land development, and ~~a use requiring a special use permit that will involve~~ land disturbing activity of greater than 20,000 square feet must be approved as a major land development.

Sec. 2.4. ~~Zoning use table follows~~ Uses and dimensions.

TABLE 2.4. ZONING USE TABLES

#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
A	RESIDENTIAL													
1	Single-family	Y	Y	Y	Y	S	Y	N for health and safety reas- ons	N for health and safety reas- ons	Y*S	Y	N for health and safety reas- ons	Y	*subject to § 4.9 (1)(a)-(g) as performance standards
2	Two-family	S	S	S	S	S	S			N	Y		Y	See § 4.9
3a	Multi-family 3-4 units	N	N	N	N	S	S			N	Y		Y	See § 4.9
3b	Multi-family 5-6 units	N	N	N	N	S	S			N	Y		Y	See § 4.9
3c	Multi family 7-12 units	N	N	N	N	S	S			N	Y		Y	See § 4.9
3d	Multi family 13+ units	N	N	N	N	S	S			N	Y		Y	See § 4.9
4	Mixed-use residential-commercial development dwelling in a mixed-use building	Y	Y	Y	Y	Y	S			Y	Y		Y	See §§ 1.2 (75) and 4.6
5	Accessory dwelling unit	Y	Y	Y	Y	Y	Y			Y	Y		Y	See §§ 1.2 (2) and 4.3. *§ 4.3(2) only
6	Home occupation	Y	Y	Y	Y	Y	Y			S	Y		Y	Keeping of more than four (4) dogs not permitted-See §§ 1.2 (50) and 4.2. Uses in § 4.2(10) require a special use permit in all zones.
7	Keeping of exotic animals	Prohibited throughout the town.												
8	Single-family mobile or manufactured homes as temporary living structures for a period of one year	Y	Y	Y	Y	Y	Y	N for health and safety	N for health and safety	Y*S	Y	N for health and safety	Y	See §§ 1.2 (71) and (76)

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
	under the following conditions; i.e. fire- and storm-related damage.							reaso- ns	reaso- ns			reaso- ns		*subject to § 4.9 (1)(a)-(g) as performance standards
9	Single-family manufactured home as temporary living structures for a period of one year for new construction. Applicants must obtain a building permit before applying for a special-use permit.	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>Y</u>			<u>N</u>	<u>Y</u>		<u>N</u>	See §§ 1.2 (71) and 4.9
10	Family day care home	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>			<u>Y*S</u>	<u>Y</u>		<u>Y</u>	See § 1.2 (29) *subject to § 4.9 (1)(a)-(g) as performance standards
11	Community residence	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>			<u>Y*S</u>	<u>Y</u>		<u>Y</u>	See § 1.2 (23) *subject to § 4.9 (1)(a)-(g) as performance standards
B	AGRICULTURAL													
	Plant agriculture	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	N for health and safety reasons	N for the protection of wildlife habitat	N for health and safety reasons	N for health and safety reasons	N for health and safety reasons	<u>Y*</u>	See § 1.2 (89) *organic only for health and safety reasons
1	Raising of animals or fowl by a resident of the	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>S</u>				<u>S</u>	<u>N</u>	<u>S</u>	See § 4.10 (1)

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
	premises not to exceed USDA animal unit equivalent without a management plan by SRICD													
2	~~Farming; nurseries;~~ ~~forestry activity, which~~ ~~includes cutting, buying~~ ~~and selling of firewood;~~ ~~Buying, selling, breeding~~ ~~and boarding of animals,~~ ~~except dogs, but not~~ ~~including the raising of pigs~~ ~~primarily for the~~ ~~consumption and disposal~~ ~~of garbage.~~	Y	Y	Y	Y	S	~~SY~~				S	S	S	See § 4.10 (1)
3	A roadside stand, not to exceed 200 square feet for the sale of agricultural products as an accessory use	Y	Y	Y	Y	Y	Y		S	S	Y	Y	Y	See § 4.10 (2)
4	Florist or nursery	N	N	S	S	Y	Y		N for the protect ion of wildlife habitat	S	Y	Y	Y	See § 4.10
5	Greenhouse Tier I	Y	Y	Y	Y	Y	Y		N	N	Y	Y	Y	See § 1.2 (46) (i)
6	Greenhouse Tier II	N	Y	Y	Y	Y	Y		N	N	S	S	S	See Note 11 and §§ 1.2 (46) (ii) and 4.10

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
7	Greenhouse Tier III-CEA Facility	N	Y	N	N	N	N		~~N~~	N	N	N	N	See Note 10 and §§ 1.2 (46) (iii) and 4.10
	Forestry activity, which includes cutting, buying and selling of firewood	Y	Y	Y	Y	Y	Y	Y		N	Y	N	Y	
C INSTITUTIONAL / GOVERNMENT														
1	Private neighborhood hall and other uses incidental to the promotion and development of neighborhood cooperation and activity;	S	S	S	S	S	S	N	N	N	S	S	S	See § 4.11 (1)
2	Occupational school conducted as a business, such as dance, music, or welding automobiles	N	N	N	N	S	N	N	N	N	S	S	S	See § 4.11 (1)
3	Individual instruction	Y	Y	Y	Y	Y	Y	Y	N		Y	Y	Y	
4	Day care center	S	S	S	S	S	S	N	N	N	Y	N	Y	See §§ 1.2 (29) and 4.11 (1) - (2)
5	Other educational facility	S	S	S	S	S	S	N	N	N	Y	N	Y	See § 4.11 (1)
6	Flea market or auction house	N	N	N	N	S	N	N	N	N	S	S	S	See § 4.11 (1)
7	Farmers market	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	See § 1.2 (41)
8	Government use including library, town hall, recreation facility, or public works garage	S	S	S	S	S	S	S	S		S	S	S	See § 4.11 (1)
9	Funeral home or mortuary	N	N	N	N	S	S	N	N	N	S	S	S	See §§ 1.2 (45) and 4.11 (1)

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
10	Transit	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>	<u>S</u>	<u>S</u>	See §§ 1.2 (110) and 4.11 (1) and (3)
11	Prison	Prohibited throughout the town.												See § 1.2 (92)
D	RECREATIONAL, ENTERTAINMENT, CULTURAL													
1	Theater or performing arts space	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	See § 4.11 (1)
2	Private library, museum or art gallery	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	See § 4.11 (1)
3	Communal use, including grange hall, and other public or private recreation use incidental to and for the community	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	See § 4.11 (1)
4	Religious institution, including place or worship	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	See § 4.11 (1)
5	Swimming areas; country clubs; golf courses; skiing; commercial horseback riding facilities; private and public fishing and hunting areas; sports clubs; private or commercial campgrounds, indoor recreation.	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	See §§ 1.2 (20) and 4.11 (1)
6	Passive recreation	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>		<u>Y</u>	<u>Y</u>	<u>Y</u>	See § 1.2 (85)
7	Cemetery 25 acres or greater	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	See § 4.11 (1)
8	Cemetery less than 25 acres in size	Prohibited throughout the town.												

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
9	Shooting range	Prohibited throughout the town.												
E	PROFESSIONAL / PERSONAL SERVICES													
1a	Kennel Class 1 (over ten dogs)	N	N	S	S	Y*	N	N	N	N	S	N	N	See § 1.2 (55) *subject to § 4.12(1)(a)-(g) as performance standards
1b	Kennel Class 2 (four—ten dogs)	S	S	S	S	Y*	S	N	N	N	S	S	N	See § 1.2 (56) *subject to § 4.12(1)(a)-(g) as performance standards
2	Pet grooming and veterinary facilities	N	N	N	N	S N	SN	NS	NS	N	N	N	S	See § 4.12 (2)
3	Bed and breakfast	S	S	S	S	S	S	N	N	N	S	N	S	See §§ 1.2.15 and 4.12 (3)
4	Motel or hotel	N	N	N	N	S	N	N	N	N	N	N	S	See §§ 1.2 (101) and 4.12 (4)
5	Personal service, such as tailor, dressmaking, barber, beauty, fitness, laundry pickup, or dry cleaning pickup	N	N	N	N	Y	Y	N	N	S	Y	Y	Y	See § 4.12 (5)
6	Business or professional office	N	S	S	S	Y	Y	N	N	S	Y	Y	Y	See § 4.12 (5)
7	Bank or financial institution	N	N	N	N	Y	Y	N	N	N	Y	N	Y	
8	Medical use, including rest home, convalescent home, animal hospital, or clinic	N	S	S	S	S	S	N	N		S	S	Y	See § 4.12 (6)
9	Arts and crafts shop	N	N	N	N	Y	Y	S	N	S	Y	Y	Y	See § 4.12 (7)

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
10	Shoe or watch repair	N	N	N	N	~~S~~ Y	N	YS	N	N	N	Y	S	See §§ 1.2 (93) and 4.12 (8)
11	Art studio	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Subject to industrial use performance standards
12	Commercial laundry	Prohibited throughout the town.												
13	Tattoo parlor	Prohibited throughout the town.												
14	Tanning salon	Prohibited throughout the town.												
15	Check cashing and payday lending	Prohibited throughout the town.												
F	RETAIL													
1	Sale or donation of fresh food	N	N	N	N	Y	Y	N	N	S	Y	S	Y	See § 4.13 (1)
2	Sale of or donation of pre- packaged food	N	N	N	N	Y	Y	Y	N	S	Y	Y	Y	See § 4.13 (1)
3	Sale of goods marketed towards intercourse	N	N	N	N	N	N	S	N		N	N	N	See § 4.13 (1)-(2)
4	Small goods displayed and sold wholly indoors	N	N	N	N	Y	Y	Y	N	S	Y	Y	Y	See § 4.13 (1)
5	Showroom	N	N	N	N	Y	Y	Y	N	S	Y	Y	Y	See § 4.13 (1)
6	Outdoor display of goods for sale	N	N	N	N	S	N	Y	N	N	S	S	S	See § 4.13 (1) and (3)
7	Antique, art, book, or gift shop	S	S	S	S	Y	Y	Y	N	N	Y	Y	Y	See § 4.13 (1) and (4)
8	Pawn shop	Prohibited throughout the town.												See § 1.2 (99)
9	Sale of illegal substances not otherwise permitted by law	Prohibited throughout the town.												
G	RESTAURANTS / FAST FOOD													

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
1	Light food service (no exhaust hood or dishwashing)	N	N	N	N	Y	Y	N	N	S	Y	Y	Y	See § 4.13 (1)
2	Restaurant, tavern, or catering establishment.	N	N	N	N	Y	Y	N	N	N	Y	Y	Y	
3	Fast food restaurant	Prohibited throughout the town.												See § 1.2 (42)
4	Nightclub	Prohibited throughout the town.												See § 1.2 (81)
5	Bowling alley, billiards, or pool with a liquor license	Prohibited throughout the town.												
H	AUTOMOTIVE													See § 4.14
1	Petroleum filling station	N	N	N	N	N	N	S	N	N	N	N	N	
2	New and used automobile dealerships	N	N	N	N	S	N	S	N	N	N	N	N	
3	Vehicle or equipment rental	N	N	N	N	N	N	S	N	N	N	N	N	
4	Repair of vehicles, large appliances, equipment, or machines	N	N	N	N	N	N	S	N	N	N	N	N	
5	Parking as a principal use	N	N	N	N	S	S	S	N	N	S	N	N	
6	Outdoor storage of automobile parts or derelict or unregistered vehicles	Prohibited throughout the town.												
7	Commercial outdoor repair of vehicles (except farm vehicles)	Prohibited throughout the town.												
8	Carwash	Prohibited throughout the town.												

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
I	CONSTRUCTION AND GENERAL CONTRACTOR													See § 4.15
<u>1</u>	Property service	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Y</u>	<u>N</u>	<u>S</u>	<u>Y</u>	<u>S</u>	<u>S</u>	
<u>2</u>	Pest control establishment	Prohibited throughout the town.												
<u>3</u>	Rock or masonry crushing	Prohibited throughout the town.												
J	WHOLESALE													See § 4.16
<u>1</u>	Nonhazardous materials	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>2</u>	Caustic or other hazardous materials	Prohibited throughout the town.												
K	STORAGE													See § 4.17
<u>1</u>	Indoor storage	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	
<u>2</u>	Outdoor storage	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<u>3</u>	Storage of hazardous or flammable materials	Prohibited throughout the town.												
L	DISTRIBUTION													See § 4.18
<u>1</u>	Freight or trucking terminal	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SY</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	See § 1.2 (44)
M	UTILITIES													
<u>1</u>	Private cellular communications antenna on existing nonresidential principal or accessory structure	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Y</u>	<u>N</u>		<u>S</u>	<u>S</u>	<u>S</u>	See Article VIII
<u>2</u>	Private cellular communications antenna on existing residential principal or accessory structure	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>		<u>N</u>	<u>S</u>	<u>S</u>	See Article VIII

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
3	Public cellular communications antenna on existing non-residential structure	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Y</u>	<u>N</u>		<u>S</u>	<u>S</u>	<u>S</u>	See Article VIII
	Amateur radio station broadcast antenna under 70 feet in height	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	
	Receiving antenna under 70 feet in height	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	
4	Other communications tower, including broadcast TV or radio	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	See Article VIII
5	Cellular communications tower	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>		<u>S</u>	<u>S</u>	<u>N</u>	See Article VIII
6	Fossil fuel or nuclear power plant	Prohibited throughout the town.												
7	Other utility structure	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Y</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	See § 4.19
8	Heliport	Prohibited throughout the town.												See § 1.2 (49)
N	MANUFACTURING													See § 4.20 (1)
1	Farm brewery and/or winery	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>Y</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	See § 1.2 (40)
2	Brewery or distillery	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>S</u>	<u>S</u>	
3	Food processing	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Y</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	See § 4.20 (2)
4	Processing of fish or shellfish	Prohibited throughout the town.												
5	Rendering of fats and oil product	Prohibited throughout the town.												
6	Manufacturing of solvents	Prohibited throughout the town.												

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
7	Paper mill	Prohibited throughout the town.												
8	Other manufacturing	N	N	N	N	N	N	S	N	N	N	S	N	
O	INDUSTRIAL													See § 4.20 (1)
1	Print shop; metal fabrication	N	N	N	N	N	N	S	N	N	N	S	N	
2	Scientific or research laboratory	N	N	N	N	S	N	S	N	N	S	S	S	
3	Woodworking or furniture refinishing shop	N	N	N	N	Y	N	Y	N	N	Y	Y	N	
4	Wood processing	S	S	S	S	S	S	Y	N	N	N	N	N	See § 4.20 (3)
5	Extractive industry, including petroleum, water, gravel, and sandbanks	N	N	N	N	N	N	S	N	N	N	N	N	See §§ 1.2 (36) and 4.20 (4)
6	Crematorium	N	N	N	N	N	N	S	N	N	N	N	N	See §§ 1.2 (27) 4.20 (5)
7	Commercial Composting	N	N	N	N	N	N	S	N	N	N	N	N	See § 4.20 (6)
8	Data center	Prohibited throughout the town.												See § 1.2 (28)
P	INDUSTRIAL - NOXIOUS													
1	Solid waste facility including sorting, recycling, landfill, and incineration	Prohibited throughout the town.												
2	Sanitary sewage disposal service	Prohibited throughout the town.												
3	Septic pumping business	Prohibited throughout the town.												
4	Refining of oil products	Prohibited throughout the town.												
5	Wastewater treatment facility	Prohibited throughout the town.												

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
Q	SOLAR													See §§ 1.2 (103) and 11.1.1 (C)
<u>1</u>	Accessory building-mounted solar facility	Y	Y	Y	Y	Y	Y	Y	N		Y	Y	Y	See § 11.1.2 (A)
<u>2</u>	Solar canopy	N	N	N	N	Y	N	Y	N	S	Y	Y	Y	See §§ 11.1.1 (D) and 11.1.2 (B)
<u>3</u>	Small-scale ground-mounted solar facility	Y*	Y*	Y*	Y*	Y^	Y^	Y^	N		Y^	Y^	Y^	*See § 11.1.1 (F) ^ See § 11.1.1 (G)
<u>4</u>	Medium-scale ground-mounted solar facility	S*	S*	S*	S*	Y^	S^	Y^	N	S	Y^	Y^	S^	See § 11.1.1 (D) *See § 11.1.1 (F) ^ See § 11.1.1 (G)
<u>5</u>	Large-scale ground-mounted solar facility	S*	S*	S*	S*	N	S^	Y^	N	S	Y^	N	S^	See § 11.1.1 (D) *See § 11.1.1 (F) ^ See § 11.1.1 (G)
<u>6</u>	Utility-scale ground-mounted solar facility	N	N	N	N	N	N	S	N	N	S	N	N	See §§ 11.1.1 (D) and (G)
R	WIND SYSTEMS													
<u>1</u>	Small wind turbine	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	See § 11.2 (E)
<u>2</u>	Large wind turbine	N	N	N	N	N	N	S ~~Y~~	N		N	N	N	See § 11.2 (D)
S	MARIJUANA RELATED FACILITIES													See § 12.1
<u>1</u>	Compassion center	N	N	N	N	Y	N	Y	N	S	N	N	Y	See §§ 12.2 and 12.8
<u>2</u>	Medical marijuana cultivation center	N	N	S	S	Y	N	Y	N	N	N	N	N	See §§ 12.3 and 12.8
<u>3</u>	Non-residential cooperative cultivation	N	N	N	N	Y	N	Y	N	S	N	N	N	See §§ 12.6 and 12.8
<u>4</u>	Residential cooperative cultivation	S	S	Y	Y	N	N	N	N	S	N	N	N	See §§ 12.7- 12.8
<u>5</u>	Patient cultivation	Y	Y	Y	Y	Y	Y	Y	N	S	N	N	Y	

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#	2.4.1. Use Category	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
6	Marijuana cultivation center	N	N	N	N	N	N	S	N	N	N	N	N	See §§ 12.4 and 12.8
7	Marijuana store	N	N	N	N	S	N	S	N	N	N	N	N	See §§ 12.5 and 12.8
I	ACCESSORY USES													See §§ 1.2 (3) and 4.1 (1) - (2)
1	Temporary event	S	S	S	S	S	S	N	N	N	S	S	S	See § 4.1 (5)
2	Sign accessory to primary use	Y	Y	Y	Y	Y	Y	Y	N	S*	Y	Y	Y	*See § 4.1 (4)
	Swimming pool	Y	Y	Y	Y	Y	Y	N	N	N	Y	N	Y	See § 4.5
	Electric vehicle charging	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	
3	Accessory use	Y	Y	Y	Y	Y	Y	Y	Y	S*	Y	Y	Y	*See § 4.1 (4)
4	Anchored storage containers	Y	Y	Y	Y	N	N	Y	N	N	N	N	N	Only on agricultural land in residential districts
5	Unanchored storage containers	Prohibited throughout the town.												
6	Drive-thru	N	N	N	N	S	N	S	N	N	N	N	N	See § 4.1 (3)
7	Onsite parking no greater than twice the minimum number of spaces	Y	Y	Y	Y	Y	Y	Y	S*	S*	Y	Y	Y	*See § 4.1 (4)
8	Onsite parking greater than twice the minimum number of spaces	S	S	S	S	S	S	S	S*	N	S	S	S	See § 4.1 (6) *See § 4.1 (4)

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		District										
2.4.1. Use Category		RE-2	RU-3	RU-4	CR-5	B	LB-R	H	OS/PL	GWG L	Planned District	PVOD
1.	Single family structures	Y	Y	Y	Y	S	S	S	S	Y		Y
2.	Home occupations (as per article IV, section 2)	Y	Y	Y	Y	N	S	Y	S	S		S
3.	Raising of animals or fowl by a resident of the premises not to exceed USDA animal unit equivalent without a management plan by SRICD	Y	Y	Y	Y	N	S	Y	S	S		S
4.	Public telephone booths	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
5.	Signs permitted in article VI, accessory to primary use	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
6.	Parking as required in article V, accessory to primary use	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
7.	Accessory use as defined in article IV, section 1	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
8.	Farming; nurseries; forestry activities, which includes cutting, buying and selling of firewood; excluding wood processing which is listed as a special use. Buying, selling, breeding and boarding of animals, except dogs, but not including the raising of pigs primarily for the consumption and disposal of garbage	Y	Y	Y	Y	S	S	N	S	S		S
9.	Landscaping businesses											

	a. Home occupation	Y	Y	Y	Y	S	S	Y	S	S		Y
	b. Non home occupation	N	N	S	S	S	S	Y	S	S		S
10.	Kennel business											
	a. Kennel Class 1 (over ten dogs)	N	N	S	S	Y	Y	Y	S	S	S	N
	b. Kennel Class 2 (four — ten dogs)	S	S	S	S	Y	Y	Y	S	S	S	S
11.	Erection of a roadside stand, not to exceed 200 square feet for the sale of agricultural products as an accessory use	Y	Y	Y		Y	Y	S	S	S		Y
12.	Single family mobile homes will be allowed as temporary living structures for a period of one year under the following conditions; i.e. fire and storm-related damage. The license will be reviewed by the zoning board of review after one year	Y	Y	Y	Y	Y	Y	N	N	S		Y
13.	Pharmacies or drugstores	N	N	N	N	Y	S	S	S	S		Y
14.	Grocery, delicatessen, bakery or other retail foodstores	N	N	N	N	Y	Y	S	S	S		Y
15.	Commercial lunchrooms, ice cream parlors. Fast food not permitted	N	N	N	N	Y	Y	S	S	S		Y
16.	Variety stores, family or independent	N	N	N	N	Y	Y	S	S	S		Y
17.	Arts and crafts shops	N	N	N	N	Y	Y	S	S	S		Y
18.	Personal service shops such as tailor, dressmaking, barber, beauty, shoe repair, laundry	N	N	N	N	Y	Y	S	S	S		Y

	pickup, dry cleaning pickup and watch repair											
19.	Antique, art, book, stationery or gift shops	S	S	S	S	Y	Y	S	S	S		Y
20.	Florists and nurseries	N	N	S	S	Y	Y	S	S	S		Y
20.a	Greenhouse Tier I	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
20.b	Greenhouse Tier II	N	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	S (see note 11)	S (see note 11)	S (see note 11)	S (see note 11)
20.c	Greenhouse Tier III-CEA Facility	N	Y (see note 10)	N	N	N	N	Y (see note 10)	N	N	N	N
21.	Funeral homes or mortuaries	N	N	N	N	Y	S	N	N	N		S
22.	Restaurants, taverns or catering establishments. Fast food service restaurants not permitted in any district	N	N	N	N	Y	Y	S	N	N		Y
23.	Package liquor stores	N	N	N	N	Y	Y	N	N	N		Y
24.	Sale of lumber, building materials, hardware, grain or feed	N	N	N	N	Y	Y	Y	N	N		Y
25.	Woodworking and furniture refinishing shops	N	N	N	N	Y	Y	Y	N	N		S
26.	General merchandise, department, furniture or other household goods stores, and food stores	N	N	N	N	Y	Y	N	N	N		Y
27.	Photography, photocopying, blue printing or printing establishments	N	N	N	N	Y	Y	Y	N	N		Y

28.	Recreational equipment sales such as travel trailers, snowmobiles, swimming pools, tents	N	N	N	N	Y	Y	Y	N	N		Y
29.	Manufacture of wood products excluding manufacture of raw paper products or recycling of paper	N	N	N	N	N	N	Y	N	N		N
30.	Scientific and research laboratories	N	N	N	N	S	N	Y	N	N		S
31.	Manufacture of food products, other than from meat, vinegar and yeast. Fish, shellfish and rendering or refining of fats and oil products not permitted	N	N	N	N	N	N	Y	N	N		Y
32.	Lumber, coal, building materials, grain and feed storage yards, wholesale and warehouse facilities, including cold storage	N	N	N	N	S	S	Y	N	N		N
33.	Freight or trucking terminals	N	N	N	N	N	N	Y	N	N		N
34.	Manufacture of electronic products	N	N	N	N	S	N	Y	N	N		N
35.	Public utility structures	S	S	S	S	S	S	Y	S	S		S
36.	Private neighborhood halls and other uses incidental to the promotion and development of neighborhood cooperation and activities. Communal uses including grange halls, and other public or private recreation uses incidental to and for the community	S	S	S	S	N	N	N	N	N		Y

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37.	Educational or religious institutions, including churches, schools and nursery schools. Size restrictions apply	S	S	S	S	S	S	N	N	S		Y
38.	Two-family dwelling structures	S	S	S	S	N	N	N	N	N		Y
39.	Mixed-use commercial development					S	S					Y
40.	Government buildings and uses including libraries, town halls and public works garages, but excluding sanitary landfills, sewage treatment plants and incinerators	S	S	S	S	S	S	Y	S	S		Y
41.	Wood processing	S	S	S	S	S	S	S	N	N		N
42.	Bed and breakfast	S	S	S	S	S	S	N	N	N		Y
43.	Family day care, homes	Y	Y	Y	Y	Y	S	Y	Y	Y		Y
44.	Day care centers	S	S	S	S	S	S	N	N	S		Y
45.	Single-family mobile homes will be allowed as temporary living structures for a period of one year for new construction. Applicants must obtain a building permit before applying for a special-use permit. The license will be reviewed by the zoning board after a period of one year	S	S	S	S	N	N	N	N	N		N
46.	Medical uses, including rest homes, convalescent homes, animal hospitals and clinics	N	S	S	S	S	S	N	N	S		S
47.	Cemeteries, provided that the total area to be devoted to such	N	S	S	S	N	N	N	N	N		N

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	use shall not be less than 25 acres											
48.	Structures to accommodate business and professional offices. Towers prohibited	N	S	S	S	S	S	N	S	S		Y
49.	Swimming areas, country clubs, golf courses, skiing and commercial horseback riding facilities. Private and public fishing and hunting areas, sports clubs (excluding shooting ranges). Private or commercial campgrounds or recreation, including sports clubs	N	N	S	S	N	N	N	N	N		Y
50.	Motels or hotels with not more than ten rooms per acre of gross site area, and with state-approved water supply well and ISDS systems	N	N	N	N	S	S	N	N	N		S
51.	Gasoline filling stations	N	N	N	N	S	S	N	N	N		S
52.	New and used automobile dealer ships, provided that all repair is performed within a structure and that there is no outdoor storage of derelict or junk automobiles or parts	N	N	N	N	S	S	S	N	N		N
53.	Shopping centers, meaning a cluster of two or more stores with communal parking facilities, planned and built as an entity or subdivision of an area within a business district	N	N	N	N	S	S	N	N	N		Y

54.	Occupational schools conducted as a business such as dance, music [or] welding automobiles	N	N	N	N	S	S	N	N	N		S
55.	Extractive industries, including gravel and sandbanks, provided they are screened by an opaque fence, hedge or other natural barrier not less than six feet in height, and provided they conform to the Earth Removal Ordinance	N	N	N	N	N	N	S	N	N		N
56.	Manufacture of food products from meat, vinegar or yeast	N	N	N	N	N	N	S	N	N		S
57.	Metal fabrication	N	N	N	N	S	N	S	N	N		N
58.	Manufacture of machine tools, precision instruments, musical instruments, toys and novelties	N	N	N	N	S	N	S	N	N		S
59.	Industrial parks, meaning a cluster of two or more industrial businesses with communal parking facilities, planned and built as an entity or subdivision of an area within an individual district	N	N	N	N	N	N	S	N	N		N
60.	Breweries or distilleries	N	N	N	N	N	N	S	N	N		S
60A.	Farm Breweries		Y	Y	Y					Y		
61.	Junk or salvage yards, including the outdoor storage of used materials, provided they are screened by an opaque fence, hedge or other natural barrier not less than six feet in height	N	N	N	N	N	N	S	N	N		N

62.	Manufacture, processing and packaging of cosmetics and toiletries	N	N	N	N	N	N	S	N	N		S
63.	Private cellular communications antenna on existing nonresidential principal or accessory structure	S	S	S	S	S	S	Y	N	S		S
64.	Private cellular communications antenna on existing residential principal or accessory structure	N	N	N	N	N	N	S	S	N		S
65.	Public cellular communications antenna on existing non-residential structure	S	S	S	S	S	S	Y	N	S		S
66.	Other communications tower, including broadcast TV or radio	N	N	N	N	N	N	S	N	N		N
67.	Public cellular communications tower	N	N	N	N	N	N	S	N	N		S
68.	Private cellular communications tower	N	N	N	N	N	N	S	N	N		S
69.	Accessory building-mounted solar facility	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
70.	Solar Canopy	N	N	N	N	Y	Y	Y	N	Y	Y	Y
71.	Small-scale solar facility	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
72.	Medium-scale solar facility	S	S	S	S	Y	Y	Y	N	Y	Y	Y
73.	Large-scale solar facility	S	S	S	S	N	N	Y	N	S	Y	N
74.	Utility-scale solar facility	N	N	N	N	N	N	S	N	S	S	N
75.	Medical Marijuana											
a.	Compassion center	N	N	N	N	Y	S	Y	N	S	Y	S
b.	Medical marijuana cultivation center	N	N	S	S	Y	Y	Y	N	S	Y	Y

c.	Non-residential cooperative cultivation	N	N	N	N	Y	Y	Y	N	S	Y	S
d.	Residential cooperative cultivation	S	S	Y	Y	N	N	N	N	S	N	N
e.	Patient cultivation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
76.	Reserved – Marijuana Cultivation Center											
77.	Reserved – Marijuana Store											
	All uses not listed above are specifically prohibited											

ZONING TABLES NOTES:

10. Tier III CEA Facility Greenhouse defined in Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.2. entitled "Definitions" is allowed only if the application meets the eligibility requirements and satisfies all the standards and prohibitions contained within the Code of Ordinances of the Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.4.1 "Special Provisions"; entitled "Greenhouse Tier II and Greenhouse Tier III/CEA Facilities"
11. Tier II Greenhouse as defined in Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.2. entitled "Definitions" is subject to the review procedure and prohibitions contained within the Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.4.1 "Special provisions"; entitled "Greenhouse Tier II and Greenhouse Tier III/CEA Facilities"
12. Tier III CEA Facility Greenhouse requires a minimum front depth (setback) of 150 feet for all structures, off street loading and parking lots.
13. Tier II Greenhouse and Tier III CEA Facility Greenhouses shall not exceed a maximum structure height of 35 feet
14. Tier I and Tier II Greenhouses may have a 25 percent maximum lot coverage (building coverage) by all structures.
15. When a use is listed in this column, the more restrictive use classification between this column and the underlying zone and/or other overlay zone shall govern.
16. The use classification listed in this column shall govern when inconsistent with the use classification listed in the underlying zone.

Sec. 2.6. – Other general provisions.

1. *Zoning affects every structure and use.* No structure shall be constructed, erected, placed, moved or maintained, nor shall the exterior be altered, and no land use shall be commenced or continued within the town unless in conformity with the regulations herein specified for the district in which it is located, except as provided for in ~~article I, section 3.C (nonconforming)~~ article III of this ordinance.
2. *Reduction of lot and areas prohibited.* No lot, yard, required open space or off-street parking area shall be so reduced, diminished or maintained that the yards, other open space, total lot area, or off-street parking area shall be smaller than prescribed by this ordinance except as otherwise provided.
3. *Required yards cannot be used by another use or building.* No part of a yard, parking space or other open space required for any building or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, parking space or other open space required under this ordinance for another use or building, except as provided in article V (parking).
4. *Only one dwelling structure on any lot.* No more than one principal residential structure shall be located on one lot except in a development approved as a land development project by the planning board.
5. *More than one nonresidential use or building on a lot.* More than one nonresidential structure may be allowed on a single lot except in a development approved as a land development project within appropriately zoned nonresidential districts if devoted to the same

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actual use. Upon application to the zoning board of review, a special use permit may be granted in accordance with article I, section 1.3.C. (special use permits) of this ordinance, where more than one actual use on a lot may be requested; provided, however that such uses shall be only those that are permitted within the district in question. In both instances, principal front and rear walls of a building shall be at least 40 feet from any wall of another building. Any side wall of a building may not be less than 25 feet from any side wall of another building.

6. *Public street access.* No structure shall be erected on or moved onto a lot which does not have frontage on a public or private street equal to or greater than the required minimum frontage in table 2.4, or elsewhere as required in this ordinance, or access to the street through an access easement.

7. *Visibility at corners.* At any corner lot and at street intersections in all districts, no wall, fence, structure, sign or building shall be erected or placed, and no hedge, tree, shrub or other vegetation shall be maintained between the heights of three feet, and ten feet, above street level within the triangle formed by the two street lines and a third line joining points on the street lines 20 feet from the intersection of the street lines.

8. *Temporary uses permitted.* A temporary building for construction materials and/or equipment for a permitted use on a construction site, a temporary office for the sale or rental of real property, if in connection with and incidental and necessary to real estate development, and a temporary trailer or mobile home used for residential occupancy necessitated by any loss or damage of a principal structure by fire, hurricane or other natural disaster, shall be permitted in any district, subject to approval of both the building inspector and zoning inspector. Any such temporary use shall be permitted for not more six months unless such time period is extended by the building inspector and zoning inspector. ~~may be permitted as an accessory use, but in no event shall continue for more than 30 days following the completion of such construction or sale or rental of such property.~~

Temporary storage containers may be permitted as an accessory use in LB/R, B, LI and OS/PL zones, provided that there shall be suitable screening.

All other temporary and/or mobile facilities for residential, commercial or industrial use are prohibited in all districts; provided, however, that this prohibition shall not apply to temporary and/or mobile facilities which are owned and/or operated by federal, state or municipal agencies.

9. *Use regulations.* No building, structure or land shall be used except for those purposes noted in the table 2.4. Any use not listed shall be construed to be prohibited, except as provided in article I, Sec. 6.A.6 of this ordinance.

10. *Setback from water bodies.* Sewage disposal facilities which are designed to leach wastes into the soil shall be located in accordance with Rhode Island Department of Environmental Management (RIDEM) regulations.

11. *Fresh water wetlands.* No fresh water wetland, as defined by RIDEM regulations, shall be excavated, drained or filled, nor shall any extraneous materials be placed in these wetlands or water flow diverted out of or any other change be made to the natural condition of any fresh water wetland without prior approval of the RIDEM.

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE IV. – SUPPLEMENTARY REGULATIONS

Sec. 4.1. Accessory buildings and uses.

Accessory buildings and uses as defined in Article I, Section 1.2, (2) and (3) include, but are not limited to, home occupations, accessory dwelling units, private garages, barns, carports, vehicle storage, recreational vehicle storage, boat and RV storage, outbuildings, greenhouses, swimming pools or any other structure. Accessory buildings and uses are subject to all the requirements of this ordinance, including Subsection T of Table 2.4, except as specifically provided for by this subsection as follows:

1. Accessory buildings and uses, residential: accessory buildings and uses, including private garages, ~~in a Residential District (RE-2, RU-3, RU-4 and CR-5)~~ are permitted which:
 - A. Are clearly incidental to and customarily associated with the principal use. An accessory use shall not be permitted or continued without the principal use to which it is related.
 - B. Are operated and maintained under the same ownership and on the same lot as the principal use.
 - C. Do not exceed 20 feet in height for detached buildings except for barns.
2. Location of accessory buildings and uses: A building or use accessory to a dwelling shall not be located within any required front, corner, side, or rear yard setback.
3. Drive-thru facility. Drive-thru facilities may be allowed by special permit as an accessory use, where customary for otherwise permitted uses ~~in the B (business), LB/R (light business/residential), and light industrial (LI) zones,~~ and provided the following specific and objective criteria ~~requirements~~ are met.
 - A. The minimum lot area for a building with a drive-thru shall be 40,000 square feet.
 - ~~B. The planning board must grant a special use permit for the drive thru window.~~
 - ~~BC. The permitting authority planning board must approve the development building as a minor land development project.~~
 - ~~CD. A minimum stacking before window of 12 cars, and stacking for three cars after window. All stacking area must be contained on private property. Stacking is defined as queuing space for vehicles that is dedicated for this purpose only, and does not conflict with any other traffic movements.~~
 - ~~DE. Limit to one lane for stacking (except for banks). A by-pass lane must also be provided on site. All drive-thru windows shall be located on the side or rear of buildings. They shall not be located on the front.~~
 - ~~EF. Drive-thru facilities must be designed so that they avoid creating traffic hazards for vehicular or pedestrian traffic.~~

EG. A menu board not to exceed 32 square feet in area and not more than eight feet in height (as measured from ground level) be allowed, provided the same is not located in the front yard.

4. When conditionally permitted in the OS/PL zone or GWOL overlay, accessory uses are subject to the following specific and objective criteria:

A. The accessory use is no larger than 200 square feet;

B. Parking is limited to five (5) vehicles;

C. No hazardous materials are used in the construction or operation of the use;

D. Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall; and

E. Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

5. When conditionally permitted, temporary events are subject to the following specific and objective criteria:

A. Specific hours of operation are included as a condition of approval such that the use does not disturb the peace;

B. A parking plan;

C. A circulation plan demonstrating safe pedestrian and vehicular circulation to the satisfaction of the permitting authority, which may include a dropoff area and/or a traffic impact study; and

D. Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

6. When conditionally permitted, accessory parking is subject to the following specific and objective criteria:

A. Parking beyond demonstrated need is on unimproved areas and parking areas are improved only as need is established

Sec. 4.2. – Home occupations.

The Town of Exeter recognized the need for some citizens to use their place of residence for limited nonresidential activities. Recent studies have shown that most of the businesses in town are small, employing less than four people, and that many of these businesses are home-based occupations. While the town wishes to encourage minor home-based activities, it also recognizes that the need to protect the integrity of its residential areas is of paramount concern. Therefore, the following performance standards criteria have been established to allow for home occupations that are compatible with the neighborhood in which they are located.

~~Criteria. Providing that all the following conditions are met, no permit is required for home occupations and a license is automatically granted by the Town of Exeter. However, a~~

1. All such commercial or business activities are required to register with the town.
1. No employment or help other than the residents of the dwelling and two assisting nonresident employees. Anything greater should be a special use.
2. Shall be conducted entirely within the dwelling unit and in no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
3. Shall not utilize more than 25 percent of the gross floor area in the dwelling unit or not more than 500 square feet.
4. No outdoor use of material or equipment not recognized as being part of the normal practices in the residential district.
5. No storage or display of materials, goods, supplies or equipment related to the operation of a home occupation shall be visible from outside the premises.
6. No material, equipment or process shall be used in such home occupation which is hazardous to public health, safety, morals or welfare, or which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family residence, or outside the dwelling unit in other than a single-family residence. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
7. There shall be no use of utilities or community facilities beyond that normal to the use of the premises for residential purposes.
8. Customers visits or deliveries of products, merchandise or materials to or from the premises shall not exceed that normally and reasonably occurring for a residence.
9. The use shall not generate pedestrian or vehicular traffic beyond what is normal to the residential area.
10. No more than four (4) dogs are kept on the property as a home occupation.
12. The following home occupations require a special use permit. When a home occupation is conditionally permitted, the above performance standards shall serve as the specific and objective criteria for the permitting authority's consideration of the use. With zoning board approval:
 - a. Barber shop, beauty salon, massage parlor.
 - b. Boarding, lodge or bed and breakfast or more than five rooms.
 - c. Health care provider, medical, dental, animal grooming facilities.

d. Home occupation located in the GWOL overlay.

Cross reference(s)—Businesses, ch. 18.

Sec. 4.3. Accessory dwelling unit (ADU).

1. On a lot where no single-family or multifamily unit is legally established~~In a light business/residential (LB/R) and business (B) district,~~ one accessory dwelling unit shall be permitted on a lot in a commercial building that is permitted by right or special use permit, provided that any such accessory dwelling unit:
 - (a) Shall be maintained entirely within a structure containing the principal use.
 - (b) Shall be occupied only by the owner or an employee of the principal business use.
 - (c) Shall have an area of no more than 1,000 square feet and shall have no more than two bedrooms.
 - (d) Shall not be occupied by boarders.
2. On a lot where a single-family or multifamily unit is legally established, or where an application for new primary dwelling units or subdivisions is proposed,~~In residential (RE-2, RU-3, RU-4, CR-5) districts,~~ one accessory dwelling unit, as defined in article I, section 1.2(2), shall be permitted ~~on each lot,~~ provided that any such accessory dwelling unit:
 - (a) Is on an owner-occupied property as a reasonable accommodation for family members with disabilities;
 - (b) On a lot with a total lot area of twenty thousand square feet (20,000 sq. ft.) or more for which the primary use is residential; or
 - (c) Where the proposed ADU is located within the existing footprint of the primary structure or existing accessory attached or detached structure and does not expand the footprint of the structure.
 - (d) Additionally, each ADU shall:
 - (i) Shall~~For a studio or one-bedroom ADU,~~ not be larger than 900 square feet, or ~~630~~ percent of the gross floor area of the- principal dwelling unit, whichever is smaller;:-
 - (i) For a two (2) bedroom ADU, not be larger than 1,200 square feet or 60% of the gross floor area of the principal dwelling unit, which is smaller;
 - ~~(iii) b)~~ Shall not~~have~~ separate utility connections and service unless it is located in an accessory building;:-
 - (ive) Has one off-street parking space;:-
 - (v) Not be more than two (2) bedrooms;
 - (vi) Has an approved onsite wastewater treatment system permit from the Rhode Island Department of Environmental Management or is connected to public sewer with sufficient capacity; and

(viii) Shall require issuance of a certificate of occupancy by the building official, who may require adequate supporting documentation to prove that all of the conditions in this section have been satisfied.

3. Relief may be granted by dimensional variance for construction of an accessory dwelling unit that will encroach on a required side or rear yard setback, notwithstanding the provisions of article IV of this ordinance.
4. An accessory dwelling unit may be constructed in an existing dimensionally nonconforming principal structure or in an existing dimensionally nonconforming accessory structure without zoning relief if it does not enlarge the footprint of the building.

5. ADUs shall not be offered or rented for tourist or transient use or through a hosting platform, as such terms are defined in RICL § 42-63.1-2.

Sec. 4.4. – Swimming pools.

A swimming pool shall conform to the appropriate side, front and rear yard requirements of the particular residence district in which it is located. The installation or construction of any swimming pool shall require a building permit, except those pools that do not require pumps. Swimming pools are subject to the following requirements:

1. Swimming pools having a depth of 24 inches or more located in a residence district shall comply with the following conditions:

A. A plan of the lot indicating the allowable accessory use portions thereof within which the pool is to be located must be submitted with the application.

B. Pool dimensions, depth and volume in gallons must be submitted with the application.

C. When a filter system and motor is to be used, a site plan showing the location of the pool and filtering system shall be submitted.

D. Every outdoor swimming pool shall be completely surrounded by a fence or wall of not less than five feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimensions shall not exceed four inches. A dwelling, accessory building or the walls of an aboveground pool, may be used as part of such enclosure, provided that the required height of five feet [shall] be maintained. All gate and door openings through such enclosure shall be equipped with a self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped. Ladders or similar means of entry shall be detached or made inaccessible when the pool is not in actual use.

E. Whenever a light is installed for evening swimming, it shall be faced and directed away from abutting property and properly shielded.

Sec. 4.5. – Operating standards for all uses.

All uses in all zoning districts shall be subject to the following operating standards. To ensure compliance, detailed plans may be required by the building official, at his/her discretion, before the issuance of a building permit and/or the establishment of the use.

1. *Noise and vibration.* All noise and vibration from machinery or other sources shall be muffled, insulated or screened in a manner which will minimize vibration or deflect sound waves from abutting lots.
2. *Glare, light and heat.* The emission of glare, light (interior or exterior) or heat shall be shielded in a manner which will minimize such emission beyond the lot where such use is located.
3. *Odor, smoke, dust or other emission.* The emission of odor, smoke, gas, dust or other emissions in concentrations or amounts that are noxious, toxic, corrosive or a nuisance shall not be permitted.
4. *Waste.* Individual sewage disposal systems shall be approved by the Rhode Island Department of Environmental Management before the issuance of a building permit. Where recreational equipment with sewage disposal systems are present, the property owner shall post notice of at least one (1) pumpout service available at the property. No recreational equipment sewage shall be discharged into onsite wastewater treatment systems.
5. *Storm[water] and surface water drainage.* All storm[water] and surface water drainage systems shall be approved by the ~~permitting authority~~ Town of Exeter planning board as a land development project before the ~~development occurs~~ issuance of a building permit. All runoff shall be provided for on-site. In no instance shall there be any net increase in runoff, nor shall any additional runoff be discharged onto abutting lots or into any freshwater wetlands, as defined in article I, section 1.2 of this ordinance. Storm drainage systems shall be designed by a Rhode Island licensed engineer in accordance with the Rhode Island Stormwater Design and Installation Standards Manual, as amended.
6. *Public safety.* The location of all buildings, structures, parking, driveways, loading areas and the number, location, size and adequate supply of water shall be approved by the appropriate Town of Exeter fire department before the ~~development occurs~~ issuance of a building permit, and subject to the following requirements regarding internal streets, roadways and parking:
 - A. All corners shall provide a turning radius of 41 feet.
 - B. All fire access lanes shall provide a minimum of 24 feet of unobstructed width to allow for access by emergency vehicles.
 - C. The fire chiefs (Fire Company # 1 and Fire Company # 2) shall have the authority to require the posting of all fire lanes.
 - D. There shall be no architectural, landscaping or natural barriers to prevent adequate access to any building by an emergency vehicle.
 - E. The fire chiefs (Fire Company # 1 and Fire Company # 2) shall have the authority to require compliance with at least a 10,000 gallon underground water tank, as per the land development and subdivision regulations.
 - F. No welding or cutting that could result in sparks shall be undertaken in the within thirty-five feet (35') of flammable materials. Flammable surfaces in the vicinity shall be kept wet during the welding or cutting. No welding or cutting that could result in sparks shall be undertaken on red flag days. No activities that could result in flammable vapors or combustible dust shall be undertaken on the property within twenty-four (24) hours prior to welding or cutting that could result in sparks. An ABC combination fire extinguisher shall be kept on hand during and for twenty-four (24) hours following any welding or cutting that could result in sparks.

G. _____ This section must be in keeping with G.L. 1956, chapters 23-28 through 37.

7. Vacant structures and properties. All vacant structures shall be secured to prevent unauthorized entry. Driveways for vacant properties shall be blocked with objects, gates, or chains to mitigate unauthorized vehicle access. Such objects, gates, or chains shall be appropriately colored and sized so that they are easily perceived in low level conditions without the use of headlights.

8. Property maintenance. Trash shall promptly be removed from the property. No more than ten (10) unregistered, unused vehicles shall be kept per property.

9. Salt storage. Salt shall be kept in sealed containers or sufficiently covered to prevent mixing with stormwater runoff.

Sec. 4.6. Mixed-use residential-commercial development.

~~In all business (B) district, and light business/residential (LB/R) districts, Mixed-use residential-commercial development multi-family residential-uses shall adhere to be allowed by special use permit under the conditions set forth herein.~~ The purpose of allowing mixed use commercial developments is to create diverse housing opportunities in the town, and in particular, for the purpose of addressing the need for affordable housing as defined in the town affordable housing plan. Use of this regulation shall be considered a municipal subsidy for the purpose of creating affordable housing for low and moderate income persons in a manner and location otherwise prohibited by these regulations. Such residential units in mixed-use residential-commercial developments should be constructed in close proximity to essential services such as those typically provided in commercial developments.

1. Residential units ~~in mixed use commercial developments~~ shall consist of studio, one- and two-bedroom apartments ranging in size between 600 and 1,250 square feet of gross floor area.
2. Residential units ~~in mixed use commercial developments~~ shall be constructed on the second or third floor of otherwise permitted first floor commercial uses. Ground floor units shall be allowed for persons of special needs, provided that these units do not constitute more than ten percent of the overall area of the residential units constructed.
3. ~~Mixed use commercial developments containing r~~Residential units shall only be allowed in ~~association with commercial structures buildings~~ of 3,000 square feet and greater.
4. Mixed use commercial developments not connected to public water and sewer must have at a minimum one acre of land per each residential unit proposed.
5. A minimum of 20 percent of the number of residential units, and a minimum of 20 percent of the floor area of the residential units, must be deed restricted for a minimum of 30 years for occupancy by low and moderate income households. In no event shall a mixed- use residential-commercial development be permitted without a minimum of one low or moderate income unit. While a mix of incomes is encouraged, in no case shall more than 50 percent of the affordable units be occupied by households with incomes greater than 80 percent of the area median income. Low- and moderate-income units constructed pursuant to this section shall be subject to subsections 9.4 (E), (G), and (H) of this ordinance.

6. In no event shall the floor area of the residential units exceed the floor area of the commercial space ~~associated with the mixed use commercial development.~~
7. Every mixed-use residential-commercial developments shall be approved as a major or a minor land development. Parking shall be provided for the residential units as required in article V of this ordinance.
8. Applications for ~~mixed use commercial developments~~ must demonstrate to the satisfaction of the permitting authority planning board that the site has the capacity (not limited to but including water, septic, parking, and circulation) to accommodate the proposed residential development.
9. All residential units of ~~mixed use commercial developments~~ shall be accessed from enclosed or interior walkways. All such walkways shall be provided with an enclosed main entranceway for the residential portion of the development. Such entranceways shall be at a minimum eight feet long and six feet wide and shall have two doors, an exterior door and an interior door. Between the two doors shall be common space for uses such as mailboxes, delivery of packages, etc. Elevators are encouraged.

Sec. 4.7 – Adaptive reuse.

1. ~~Applicability~~Definition. Adaptive reuse is the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting those elements to the new use. ~~Conversion of a commercial nonresidential building to a multi-unit residential or mixed-use building is permitted in all zoning districts, except where such is prohibited by environmental land use restrictions recorded on the property by the state of Rhode Island department of environmental management or the United States Environmental Protection Agency preventing the conversion to residential use notwithstanding the use restrictions of article II of this ordinance, if at least 50% percent of the gross floor area of the existing building is converted to dwelling units.~~
2. Review and approval. Subject to the conditions above,
 - (a) ~~An adaptive reuse project in a residential zoning district that creates fewer than nine units or an adaptive reuse project in any zone that proposes no extensive exterior improvements shall be~~ classified approved as a minor land development project.
 - (b) An adaptive reuse of an existing building with a gross floor area of less than 25,000 square feet for which extensive exterior improvement are not proposed is classified as a minor land development project.
 - (c) All other adaptive reuse ~~is projects are~~ classified as a major land development projects, unless otherwise classified.
3. Residential density.
 - (a) Residential density of fifteen dwelling units per acre shall be permitted, notwithstanding the requirements of article II of this ordinance, provided that:
 - (ia) The developer has provided satisfactory ~~must submit~~ evidence to the planning board or the administrative officer that sufficient public sewer or the on-site wastewater treatment systems required by R.I. department of environmental management

regulations will be constructed and that adequate water for consumption and fire safety for the entire development will be provided as evidenced by subsections (6)(c) and (d) of this section:-

(ii) ~~The development includes at least twenty percent (20%) low- and moderate-income housing; developer may be required to submit a traffic study if the administrative officer or the planning board finds that the streets connecting the development to the nearest major collector street (as that term is defined in the R.I. statewide planning program's Technical Paper Number 165, Highway Functional Classification 2014) may not be adequate for the volume of traffic that the development is expected to generate. A required reduction in the proposed residential density must be based on a peer-reviewed traffic study.~~

(iii) The project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building and fire codes and utilities.

(b) For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed under subsection (6) of this section that otherwise meets all standards of minimum housing, public health and safety standards and the developer has provided satisfactory evidence to the planning board or the administrative officer that sufficient public sewer or the on-site wastewater treatment systems required by R.I. department of environmental management regulations will be constructed and that adequate water for consumption and fire safety for the entire development will be provided.

4. *Dimensional regulations.*

(a) The height and the front, side, and rear yard setbacks of the building shall be treated as if they are legally nonconforming dimensions. The planning board shall have the authority to approve an additions to the existing building height, or reduction of the existing front, side, and rear yards, by special use permit.

(b) To obtain such a special use permit, the applicant must provide evidence that the proposed use with the proposed height and front, side, and rear yard dimensions will not substantially impact the appropriate use of the surrounding property or, if such an impact may occur, that it will be adequately mitigated by the installation or construction of fences, vegetative buffers, or by other measures.

5. *Off-street parking and loading.* The parking and loading requirements of article V of this ordinance shall apply to development of the site, provided, however, that:

(a) No more than one parking space shall be required for each dwelling unit, and

(b) The planning board or the administrative officer shall have the authority to waive or modify any requirement of article V of this ordinance that cannot be satisfied because of the size, shape, or location of the existing building or the lot on which the building is located.

6. *Performance and development standards.*

(a) *Municipal services.* ~~The Planning Board must find that the development density will not~~ have an unreasonable impact on the municipal road system, fire department, police department, solid waste program, schools, open spaces recreational programs and facilities, and other municipal services and facilities. The applicant shall estimate the

- impact the entire development project will have on town services, including but not limited to police, fire, and emergency medical services; streets and other public infrastructure; and education. The developer may be required to submit a traffic study if the administrative officer or the planning board finds that the streets connecting the development to the nearest major collector street (as that term is defined in the R.I. statewide planning program's Technical Paper Number 165, Highway Functional Classification 2014) may not be adequate for the volume of traffic that the development is expected to generate.
- (b) *Water pollution.* The ~~density project~~ shall be ~~such that it designed to~~ prevents the pollution of surface water or groundwater. In making this determination, the ~~permitting authority planning board~~ will review the entire development project area including, but not limited to, the elevation of the land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support wastewater disposal and other DAM-approved discharge; the natural gradient of the land and its effect on effluents; the proximity of the entire development project to the aquifer and aquifer recharge areas; and the availability of streams for surface runoff. The ~~permitting authority planning board~~ may place conditions on approval that protect the quality of surface water and groundwater.
 - (c) *Water supply.* Sufficient water, including water pressure adequate for fire suppression equipment, must be available. The applicant must demonstrate by clear, convincing, and documented evidence that adequate potable water is available for reasonably foreseeable needs and that water use by the proposed development will not have an adverse impact on the water needs of adjacent properties.
 - (d) *Wastewater disposal.* If the development is located in the groundwater protection overlay zone or within a wellhead protection area:
 - i) The ~~permitting authority planning board~~ shall require a total nitrogen removal of 50 percent at the treatment unit before discharge to the wastewater disposal system, pursuant to section 7.3 of this ordinance.
 - ii) The applicant shall submit an assessment of the potential impacts of the proposed on-site wastewater disposal systems on surface water, groundwater, and public or private wells on adjacent properties.
 - iii) The applicant shall prepare and submit to the ~~permitting authority Planning Board~~ an operation and maintenance plan for the on-site wastewater disposal systems. The R. I. Handbook for Inspection of Operating Septic Systems shall be used as guidance for operation and maintenance.
 - (e) *Unique areas.* The ~~permitting authority Planning Board~~ must find that the entire development project will not have an adverse impact on the scenic beauty of the project area, historic sites, or rare and irreplaceable natural areas.
 - (f) *Water bodies.* ~~If any part of the building is located within 300 feet of a water body or freshwater wetland, the~~ entire development proposed project shall not have an adverse impact on any the water body or wetland within 300 feet of the entire development.
 - (g) *Well protection areas.* If a well or wells will be installed on the property, the entire wellhead must be located on property owned by the owner of the

~~development project~~, or the owner of the ~~development project~~ must have a conservation easement on the wellhead. No structure that requires wastewater disposal shall be permitted within the wellhead protection area except on-site wastewater disposal systems required to serve the ~~development project~~; no hazardous materials shall be stored within the wellhead protection area; and no use that may contaminate the groundwater shall be permitted within the wellhead protection area.

- ~~7. *Environmental restrictions.* Adaptive reuse of a building pursuant to this section is prohibited if the R.I. department of environmental management or the U.S. environmental protection agency has recorded a use restriction on the property in the land evidence records.~~

Sec. 4.8. - Exeter and North Kingstown transfer of development rights.

- A. *Purpose.* The transfer of development rights program, TDR, is a tool for the preservation of farmland and/or open space. It allows a community to encourage development toward land that is appropriate for development, and away from land that should be preserved. The purpose of the TDR sending area is to further the preservation of open space and/or farmlands located in Exeter. As the Towns of Exeter and North Kingstown have already taken extraordinary steps to preserve the farm land now or formerly known as the Bald Hill Nursery, and as this property serves as a gateway, it is the intent of Exeter to secure the development rights of the so called "retained ten acre parcel" (see attached Appendix A) by the use of this ordinance.
- B. *Applicability.* This section, 4.8, applies to any properties targeted for preservation in Exeter which are included in the Exeter Zoning Map Transfer of Development Rights Sending Area(s) Overlay zone. The intent and purpose of this ordinance is set forth in the memorandum of agreement (Appendix B).
- C. *Process.* The process identified and defined under this section allows for the transfer of development rights from the sending area in Exeter, to a receiving area in North Kingstown. As such, this process is also subject to the requirements of the North Kingstown Ordinance XXIII Transfer of Development Rights (TDR). The Town of Exeter may issue a letter of yield certification.
- D. *Definitions.*
1. *Sending area(s).* This is the area identified on the TDR overlay of the Exeter Zoning Map as sending area(s).
 2. *Certificates of development rights.* Upon the approval of a master plan by the Exeter Planning Board, the North Kingstown Planning Commission may authorize the issuance of a certificate of development rights from the director of planning provided that no appeal is filed during the appropriate appeal period.
 3. *Receiving area.* This is the area(s) in North Kingstown identified by the North Kingstown Code of Ordinances Article XXIII, chapter 21-622(2) as the North Kingstown receiving area(s).
 4. *Receiving parcel.* The parcel or parcels of land within the receiving area that development rights are being transferred to, except however, under this ordinance, no receiving parcel is to be located within 1,000 feet of the sending parcel.

5. *Deed restrictions.* Restrictions placed on the sending parcel deed as part of the transfer of development rights process.
6. *Retained rights.* These are the rights and/or the uses of the sending area parcel that are retained by the land owner after transferring the development rights of the parcel. These retained rights shall be defined in the deed restrictions submitted with the master plan application.
7. *Sending parcel.* The parcel of land within the sending area from which development rights are being transferred from.
8. *Transfer of development rights.* This is the process of selling or otherwise transferring the development rights of one parcel (sending parcel) to another parcel (receiving parcel) to allow for greater or more intense development of the receiving parcel and to provide for preservation of the open space/farmland at the sending parcel. As part of this process, the sending parcel agrees to restrict future development to the retained rights as defined in the deed restrictions.
9. *Yield.* The maximum number and size of buildings, building lots, or dwelling units that could reasonably be built on a parcel of land under current zoning, taking into account physical constraints to development such as wetlands.
10. *Letter of yield certification.* A letter from the Exeter Planning Board certifying the potential yield of a sending area parcel.

E. *Procedure.*

1. *Application.* An application for TDR under this section shall be received by the planning board in the Town of Exeter for confirmation of consistency to this section and procedural and substantive relevant sections of the land development and subdivision regulations. Said application shall contain a plan that meets the requirements for a master plan for the sending parcel as defined in the Town of Exeter Land Development and Subdivision Regulations for conventional major land developments. A pre-application meeting is required.
2. *Deed restrictions.* In addition to the other requirements spelled out in the Exeter Land Development and Subdivision Regulations, the master plan application shall include draft copies of the deed restrictions defining the retained rights and prohibitions for the sending parcel after the transfer of development rights. All deed restrictions shall, at a minimum, meet the requirements of the North Kingstown Ordinance XXIII Transfer of Development Rights (TDR). Approval of the deed restrictions shall be within the discretion of the Exeter Planning Board.
3. *Yield.* The Exeter Planning Board will review the master plan application and determine a practical yield plan based on current zoning, the requirements of the Exeter Land Development and Subdivision Regulations, and the Exeter Zoning Ordinance. Once the yield plan and the draft restrictive covenants are approved, the Exeter Planning Board will provide a letter of yield certification to the applicant. The letter of yield certification is valid for a period of one year, but can be extended due to good cause.
4. *Certificate of development rights.* The applicant shall submit the letter of yield certification from the Exeter Planning Board to the North Kingstown Planning Commission for review and possible approval, and for issuance of a certificate of development rights by the North

Kingstown Planning Director. Approval of the certificate of development rights is at the discretion of the North Kingstown Planning Commission and the planning director. No certificates may be issued until and unless, deed restrictions approved by the Exeter Planning Board and the planning board solicitor, have been recorded in the North Kingstown and the Exeter Town Halls.

5. *Sale and/or development.* Sale of the development rights and/or development using the development rights shall follow all regulations and procedures specified for TDR in the North Kingstown ordinances and the North Kingstown Subdivisions and Land Development Regulations.
6. *Appeals process.* Appeal of any decision from the Exeter Planning Board with regard to this ordinance shall be done in the manner specified in the Land Development and Subdivision Regulations Section 10.0.

Sec. 4.9. – Residential uses.

1. Where conditionally permitted, residential uses are subject to the satisfaction of the following specific and objective criteria:
 - (a) Exterior gathering spaces and storage areas shall be screened during all times of the year, including during drought conditions, from surrounding properties such that they are not visible from any property line at a height of twenty-five feet (25');:
 - (b) All exterior gathering spaces shall be setback a minimum of one-hundred feet (100') from all property lines;
 - (c) Each residential unit shall consist of studio, one- and two-bedroom units ranging in size between 600 and 1,250 square feet of gross floor area;
 - (d) No more than one (1) building per lot;
 - (e) Garages shall not dominate the view of the house from the street;
 - (f) Eaves are no higher than the second floor;
 - (g) Each occupied room has at least two 30"x 60" windows;
 - (h) Public water and sewer is available and connected prior to the issuance of any certificate of occupancy;
 - (i) Each unit has private direct egress onto a private contiguous planted four hundred square foot (400 sq.ft.) enclosed yard (no chain link fencing permitted);
 - (j) Parking is unassigned and may be located on other lots within the proposed development;
 - (k) Parking along internal streets is permitted;
 - (l) Any provided trash disposal includes compost and recycling;
 - (k) No burning of fossil fuels;

- (l) Buildings shall be constructed to stretch code standards;
- (m) No more than three (3) units per building;
- (n) Each lot contains the minimum dimensions (including area) for a newly created lot in this zoning district; and
- (o) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

Sec. 4.10. – Agricultural uses.

1. Where conditionally permitted, agricultural uses are subject to the satisfaction of the following specific and objective criteria:
 - (a) No agricultural activities are located within the required front, side, or rear yard setbacks;
 - (b) Animal agriculture only with the permission of the property owner;
 - (c) No keeping of roosters; and
 - (d) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.
2. Where conditionally permitted, roadside stands are only subject to the following specific and objective criteria:
 - (a) The roadside stand is no larger than 200 square feet;
 - (b) Parking is limited to five (5) vehicles;
 - (c) Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall; and
 - (d) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.
3. Where conditionally permitted, florists, nurseries and greenhouses are subject to the following additional specific and objective criteria:
 - (a) Right-of-way access points are paved within one hundred feet (100') of the right-of-way.

Sec. 4.11. – Institutional, government, recreational, entertainment, and cultural uses.

1. Where conditionally permitted, institutional government, recreational, entertainment, or cultural uses are subject to the satisfaction of the following specific and objective criteria:

- (a) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (i) Safe pedestrian and vehicular circulation;
 - (ii) At least one outdoor gathering space immediately outside the main entrance sufficient to hold occupants to fire code standards shall be shown on the plans;
 - (iii) A designated dropoff area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as 5% of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number.
 - (b) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application.;
 - (c) A signage plan that clearly identifies the facility and all wayfinding shall be submitted with the special use permit application;
 - (d) No burning of fossil fuels in operation
 - (e) Buildings shall be constructed to stretch code standards; and
 - (f) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.
- 2. Where conditionally permitted, day care centers are subject to the following additional specific and objective criteria:
 - (a) No day-care center shall be located within a 300-foot distance from gasoline pumps, underground gasoline storage tanks, or any other storage and/or use of hazardous, explosive and/or flammable materials, said 300 feet to be measured from the perimeter of the property on which the day-care center is proposed. No child day-care center shall be sited in a location which exposes children to commercial and/or industrial land uses and/or activities which involve toxic emissions, noxious odors, and/or other potential dangers.
- 3. Where conditionally permitted, transit uses are subject to the following additional specific and objective criteria:
 - (a) No scheduled maintenance allowed; and
 - (b) No more than two (2) vehicles may be parked for more than one (1) hour at any time.
- 4. Where conditionally permitted, shooting ranges are subject to the following additional specific and objective criteria:
 - (a) No weapon discharge sounds shall be audible from the property line. Multiple layers of ingress and egress doors are required to reduce the likelihood of clear air between the shooting range and the exterior. In no instance shall weapon discharge remnants be disposed on site.
- 5. Where conditionally permitted, race tracks are subject to the following additional specific and objective criteria:

(a) No vehicle noises, including horns, shall be audible from the property line

Sec. 4.12. - Professional / personal services.

1. Where conditionally permitted, kennels are subject to the satisfaction of the following specific and objective criteria:

(a) Exterior exercise areas shall be located in the interior side or rear yard and shall be enclosed by a six foot fence;

(b) All overnight boarding operations shall be located indoors; and

(c) No burning of fossil fuels in operation.

2. Where conditionally permitted, pet grooming and veterinary facilities are subject to the satisfaction of the following specific and objective criteria:

(a) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation;

(ii) Designated parking for the use, and

(iii) Vehicular and pedestrian signage directing patients and visitors to the different driveways and building entrances.

(b) Sufficient veterinary design shall be demonstrated through the submission of the architectural plans stamped by a Rhode Island licensed architect depicting the animal facilities;

(c) A signage plan that clearly identifies the facility and all wayfinding shall be submitted with the special use permit application;

(d) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;

(e) No burning of fossil fuels in operation; and

(f) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

3. Where conditionally permitted, bed and breakfasts are subject to the satisfaction of the following specific and objective criteria:

(a) Owner lives on site and is present when guests are on the property

(b) A sprinkler system and fire alarm shall be provided as determined by the Fire Safety Code.

- (c) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (i) Safe pedestrian and vehicular circulation.
 - (ii) A designated dropoff area near an entrance to the building sufficient to hold vehicles representing at least 10% of the number of rooms offered by the bed and breakfast that does not block vehicle parking spaces.
 - (d) A signage plan that clearly identifies the bed and breakfast shall be submitted with the special use permit application.
 - (e) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;
 - (f) No burning of fossil fuels in operation;
 - (g) Buildings shall be constructed to stretch code standards; and
 - (h) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.
- 4. Where conditionally permitted, hotels, motels, and short-term rentals are subject to the satisfaction of the following specific and objective criteria:
 - (a) A sprinkler system and fire alarm shall be provided as determined by the Fire Safety Code.
 - (b) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (i) Safe pedestrian and vehicular circulation.
 - (ii) A designated dropoff area near an entrance to the building sufficient to hold vehicles representing at least 10% of the number of rooms offered by the hotel, motel, or short-term rental that does not block vehicle parking spaces.
 - (c) A signage plan that clearly identifies the hotel or motel shall be submitted with the special use permit application.
 - (d) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;
 - (e) No burning of fossil fuels in operation;
 - (f) Buildings shall be constructed to stretch code standards; and
 - (g) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.
- 5. Where conditionally permitted, personal service and office are subject to the satisfaction of the following specific and objective criteria:

- (a) Parking is limited to five (5) vehicles;
 - (b) Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall;
 - (c) No burning of fossil fuels in operation;
 - (d) Buildings shall be constructed to stretch code standards; and
 - (e) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.
- 6. Where conditionally permitted, medical uses are subject to the satisfaction of the following specific and objective criteria:
 - (a) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (i) Safe pedestrian and vehicular circulation;
 - (ii) A designated dropoff area near an entrance to the building sufficient to hold at least four vehicles that does not block vehicle parking spaces; and
 - (iii) Vehicular and pedestrian signage directing patients and visitors to the different driveways and building entrances.
 - (b) Sufficient healthcare design shall be demonstrated through the submission of the architect's certification letter as required by the Rhode Island Department of Health;
 - (c) A signage plan that clearly identifies the facility and all wayfinding shall be submitted with the special use permit application;
 - (d) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;
 - (e) No burning of fossil fuels in operation;
 - (f) Buildings shall be constructed to stretch code standards; and
 - (g) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.
- 7. Where conditionally permitted, arts and crafts shop are subject to the satisfaction of the following specific and objective criteria:
 - (a) No instructional classes.
- 8. Where conditionally permitted, repair services are subject to the satisfaction of the following specific and objective criteria:
 - (a) No fumes shall be detectable from outside the premises.

Sec. 4.13. – Retail and restaurants / fast food.

1. Where conditionally permitted, retail uses are subject to the satisfaction of the following specific and objective criteria:
 - (a) Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall; and
 - (b) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.
2. Where conditionally permitted, sale of goods marketed towards intercourse are subject to the satisfaction of the following additional specific and objective criteria:
 - (a) The building is one shade of gray or beige;
 - (b) There is no obscene material visible from the exterior of the building;
 - (c) The parking lot and entrance are not visible from the right-of-way;
 - (d) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (i) Safe pedestrian and vehicular circulation;
 - (ii) At least one outdoor gathering space immediately outside the main entrance sufficient to hold occupants to fire code standards shall be shown on the plans;
 - (e) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;
 - (f) A signage plan that clearly identifies the facility and all wayfinding shall be submitted with the special use permit application;
 - (g) No burning of fossil fuels in operation;
 - (h) Buildings shall be constructed to stretch code standards; and
 - (i) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.
3. Where conditionally permitted, outdoor display of goods for sale are subject to the satisfaction of the following additional specific and objective criteria:
 - (a) Outdoor storage/display outside of business hours shall be kept in an area secured by a six foot (6') fence;
 - (b) No outdoor storage/display within setbacks;
 - (c) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

- (i) Safe vehicular and pedestrian circulation; and
 - (ii) Outdoor storage/display areas.
- (d) A traffic impact study stamped by a Rhode Island licensed civil engineer that shows no decrease in service at any period in time for facilities that require land development project review;
- (e) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application; and
- (f) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application.
- 4. Where conditionally permitted, antique, art, book, or gift shops are subject to the satisfaction of the following specific and objective criteria only:
 - (a) No antique, art, book, or gift shop activities are located within the required front, side, or rear yard setbacks;
 - (b) Parking is limited to five (5) vehicles; and
 - (c) Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall.

Sec. 4.14. – Automotive.

- 1. Where conditionally permitted, automotive uses are subject to the satisfaction of the following specific and objective criteria:
 - (a) The automotive use shall be located not less than 200 feet from the premises or any park, playground or other public recreational facility, school or municipal building, church or other place of worship, religious or educational institution, cultural center, cemetery or hospital.
 - (b) There is vertical separation of at least four inches between the use and adjoining sidewalks or roadways.
 - (c) There is a landscaped planting area of at least three feet along all edges of the use.
 - (d) Requirements for driveways:
 - (i) Minimum distance between access driveways shall be 20 feet.
 - (ii) Maximum width for curb cuts shall be 25 feet.
 - (e) Requirements for structures:
 - (i) Minimum distance between pump islands, compressed air connections and similar equipment and any street or property lines shall be 20 feet.
 - (ii) Minimum distance between the canopy and the street line shall be 12 feet.

- (iii) Minimum distance between any canopy and compressed air and similar equipment and any interior lot line shall be 20 feet.
 - (iv) Minimum canopy clearance shall be 14 feet.
 - (f) Requirements for underground tanks:
 - (i) Maximum storage capacity for petroleum products shall be 42,000 gallons.
 - (ii) Minimum separation distance required between underground tanks adjoining buildings and property lines shall be 10 feet. Service station buildings are exempt from the separation distance requirement if there are no basements or pits that extend below the top of any tank within the separation distance.
 - (g) Requirements for repairing and washing vehicles. Repairing must be conducted wholly within a building. Repair work shall not include any body work. Storage of all merchandise, auto parts and supplies shall be conducted wholly within a building. If washing of vehicles occurs inside or outside a building, the entire washing area shall be paved and all the water used in such washing shall be properly drained into the sanitary sewer with no runoff onto the public right-of-way. All outdoor activities shall be screened from adjoining residential zones by a four-foot-high compact evergreen screen or tight-board fence.
 - (i) Outside storage of vehicles. Storage of any vehicles intended to be repaired shall be limited to one vehicle for every 500 square feet of lot area.
 - (ii) No motor vehicles shall be stored and no repair work and/or service work shall be conducted in the public right-of-way.
 - (h) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (i) Safe pedestrian and vehicular circulation.
 - (ii) Delivery and waste removal locations and schedules that do not disturb the peace.
 - (iii) Outdoor storage/display areas.
 - (i) Outdoor storage/display outside of business hours shall be kept in an area secured by a six foot (6') fence;
 - (i) No outdoor storage/display within setbacks;
 - (j) Compost and recycling containers shall be provided wherever trash containers are provided;
 - (l) A traffic impact study stamped by a Rhode Island licensed civil engineer that shows no decrease in service at any period in time for facilities that require land development project review;
 - (l) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;

(m) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application; and

(n) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

Sec. 4.15. – Construction and general contractor.

1. Where conditionally permitted, construction and general contractor uses are subject to the satisfaction of the following specific and objective criteria:

(a) No parked vehicles, equipment or materials associated with the use shall be visible from any property line or abutting right-of-way;

(b) No parked vehicles, equipment or materials associated with the use shall be located within any setback;

(c) No site activity after 11 p.m. or before 6 a.m.;

(d) No backing of vehicles from or onto the right-of-way; and

(e) If the business has more than one (1) employee, a sign clearly identifying the business is located at the primary driveway entrance for the business.

Sec. 4.16. – Wholesale.

1. Where conditionally permitted, wholesale uses are subject to the satisfaction of the following specific and objective criteria:

(a) No display or storage of items within setbacks;

(b) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation.

(ii) No backing of vehicles from or onto the right-of-way; and

(iii) Storage areas.

(c) Outdoor storage / display outside of business hours shall be kept in an area secured by a six foot (6') fence;

(d) No burning of fossil fuels in operation; and

(e) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;

- (f) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;
- (g) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

Sec. 4.17. - Storage.

1. Where conditionally permitted, storage uses are subject to the satisfaction of the following specific and objective criteria:
 - (a) No storage of items within setbacks;
 - (c) No accessory use is included with the storage use;
 - (c) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (i) Safe pedestrian and vehicular circulation.
 - (ii) No backing of vehicles from or onto the right-of-way; and
 - (iii) Storage areas.
 - (d) Outdoor storage shall be kept in an area secured by a six foot (6') fence;
 - (e) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;
 - (f) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;
 - (g) Emergency access is provided through a knox box at all times;
 - (h) No burning of fossil fuels in operation; and
 - (i) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

Sec. 4.18. - Distribution.

1. When conditionally permitted, distribution uses are subject to the satisfaction of the following specific and objective criteria:
 - (a) No storage of items within setbacks;
 - (b) Circulation plans, on file with the zoning official, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (i) Safe pedestrian and vehicular circulation.

- (ii) Passenger car parking safely separated from truck parking
- (iii) Along at least one side of each loading dock bay shall be an egress door with direct to-code access to grade;
- (iv) No backing of vehicles from or onto the right-of-way or across any interior streets or travel lanes; and
- (v) Storage areas.
- (c) A traffic impact study, on file with the zoning official, stamped by a Rhode Island licensed civil engineer that shows no decrease in service at any period in time;
- (d) Outdoor storage and overnight vehicle parking shall be kept in an area secured by a six foot (6') fence;
- (e) No idling of vehicles for more than two (2) minutes;
- (f) A signage plan, on file with the zoning official, that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;
- (g) A lighting plan, on file with the zoning official, stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;
- (h) Emergency access to all enclosed areas is provided through a knox box at all times;
- (i) No burning of fossil fuels in operation; and
- (j) Any future changes to those items depicted on the plans are on file with the zoning official.

Sec. 4.19. - Utilities.

1. Where conditionally permitted, utilities uses not subject to Article VIII are subject to the satisfaction of the following specific and objective criteria:
 - (a) Sensitive environmental design through the submission of a site plan stamped by a Rhode Island licensed landscape architect identifying materials utilized in the installation and view corridors.
 - (b) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

Sec. 4.20. - Manufacturing and industrial.

1. Manufacturing and industrial uses are subject to the satisfaction of the following performance standards:

- (a) No industrial or manufacturing use within one-hundred feet (100') of a permitted residential use;
 - (b) No storage of items within setbacks;
 - (c) Circulation plans, on file with the zoning official, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (i) Safe pedestrian and vehicular circulation.
 - (ii) Passenger car parking safely separated from truck parking
 - (iii) Along at least one side of each loading dock bay shall be an egress door with direct to-code access to grade;
 - (iv) No backing of vehicles from or onto the right-of-way or across any interior streets or travel lanes; and
 - (v) Storage areas.
 - (d) Outdoor storage and overnight vehicle parking shall be kept in an area secured by a six foot (6') fence;
 - (e) No idling of vehicles for more than two (2) minutes;
 - (f) A signage plan, on file with the zoning official, that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;
 - (g) A lighting plan, on file with the zoning official, stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;
 - (h) All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire suppression devices and equipment, as approved by the local fire marshal.
 - (i) Compliance with the standards for Fire Protection and Prevention for flammable liquids and other materials per § 1926 Safety and Health Regulations for Construction of the Code of Federal Regulations.
 - (j) Floor drains connect to a floor-drain exclusive holding tank or tanks with a 1,000-gallon minimum capacity per area and installed in accordance with RCSA §22a449(d)-1.
 - (k) Emergency access to all enclosed areas and hazardous material locations is provided through a knox box at all times; and
 - (l) Any future changes to those items depicted on the plans are on file with the zoning official.
2. Where conditionally permitted, food processing is subject to the following specific and objective criteria:

- (a) The food processing area is no larger than 200 square feet;
 - (b) Parking is limited to five (5) vehicles;
 - (c) Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall; and
 - (d) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.
- 3. Where conditionally permitted, wood processing is subject to the following additional specific and objective criteria:
 - (a) No power sawn ripping lumber onsite;
 - (b) No cutting of timber between the hours of 6pm and 8am; and
 - (c) No cutting of timber on Sundays.
- 4. Where conditionally permitted, extractive industries are subject to the following specific and objective criteria:
 - (a) All drilling must be done by the wet drilling method or by any other method of equivalent effectiveness for dust control;
 - (b) All roads accessing and within the site shall be treated to minimize dust conditions;
 - (c) Mining and quarrying which will reduce the area below the grade of the lowest adjoining property or road is prohibited, except along the boundary line with a licensed adjoining mine or quarry, in which case, the grade of the area cannot be below the grade of the adjoining mine or quarry at the boundary line. No mining or quarrying shall be permitted which will endanger the lateral support of abutting properties or roads. A minimum leveled (or natural) buffer area of 50 feet shall be provided between any mine or quarry boundary line (except boundary lines between adjacent licensed mines or quarries) and the commencement of the slope;
 - (d) Where conveyors discharge materials of less than one inch in diameter onto stockpiles of such material, and where the free and uncontained fall of the material being stockpiled from the conveyor to the highest point of the stockpile shall exceed a distance of six feet, a high-pressure water mist spray must be directed on the material as it falls from the conveyor to the stockpile in such manner as to reduce the accumulation and dissemination of dust. All crushing and processing of mine and quarry materials shall be conducted by use of wet method of dust control or by local exhaust systems of equivalent effectiveness;
 - (e) No burning of fossil fuels in operation; and
 - (f) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;
- 5. Where conditionally permitted, crematories are subject to the following specific and objective criteria:

(a) Proof of licensure from the Rhode Island Department of Health;

(b) No water cremation;

(b) No retail operations onsite; and

(c) No burning of fossil fuels in operation.

6. Where conditionally permitted, commercial composting is subject to the following specific and objective criteria:

(a) Composting areas are secured when no staff are present with a six foot (6') fence with no gaps greater than one-quarter inch ($\frac{1}{4}$ ");

(b) Stormwater from composting areas shall be kept separate from non composting areas; and

(c) Compost piles shall be covered to prevent birds from feasting on the compost.

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DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE V. – OFF-STREET PARKING AND LOADING

Sec. 5.1. – Off-street parking facilities.

- A. No land shall be used or occupied and no structure shall be erected or used unless the off-street parking spaces required herein are provided. Such parking spaces are not required for any structure or use existing prior to the effective date of this ordinance or any amendment thereto this ordinance; provided, however, that parking spaces, as specified in this ordinance, shall be provided, subject to the requirements of article IV for any enlargement, alteration or change to any such existing structure or use. The following are the maximum number of parking spaces required:
1. Dwellings: Two spaces for each unit.
 2. Hotels, motels and lodginghouses: Two parking spaces for each unit or room to be rented. (If [a] restaurant is included, see # [subsection] 5 of this section.)
 3. Office uses: One parking space for each 250 square feet of gross floor area, plus one parking space for each employee.
 4. Hospital, nursing homes or other institutions: One parking space for every two beds, plus one parking space for every employee.
 5. Restaurant, theater, country clubs, golf courses, churches or other places of public assembly or use: One parking space for every four seats or for every four persons of capacity. One parking space for every employee.
 6. Retail or personal service business: One parking space for every 300 square feet of floor area devoted to sales.
 7. Manufacturing, industrial, storage or wholesale use: One parking space for every employee and one parking space for every truck operated by the company at maximum employment level.
 8. Handicapped parking: Handicapped parking requirements shall conform to the Rhode Island State Building Code, section 14-16, as amended.
 9. The planning board shall determine parking standards for any use not defined above.
 10. ~~Any use requiring~~ Parking in excess of 125 parking spaces shall require a ~~apply to the zoning board of review for [a] special use permit.~~
- B. Construction requirements exempting single-family dwellings:
1. In allocating area for off-street parking facilities, each parking space shall have a minimum width of nine feet, a minimum length of 18 feet, and shall be served

- by suitable aisles to permit access into all parking spaces. In no case shall the gross area per parking space be less than 300 square feet.
2. Such parking area shall be treated with impervious or pervious surfacing materials and shall have appropriate bumper or wheel guards, where needed. However, pervious materials or surfacing approved by the planning board is encouraged within 200 feet of any freshwater wetlands and within the groundwater protection district as regulated by the Rhode Island Department of Environmental Management (RIDEM).
 3. The interior of parking areas shall be suitably landscaped and maintained with trees, shrubs, vegetation or other live vegetative ground cover. Standards shall be in accordance with the standards contained in the town's subdivision regulations.
 4. No parking shall be within a front yard setback which will be left in a vegetative state.
 5. All lights or lighting fixtures used to illuminate said parking area shall be so arranged as to reflect the light away from adjoining premises and streets by means of shielding or similar manner.
 6. Entrances and exit[s] for each parking area shall be signed with adequate off-street area[s] for approach, turning and exit without the need of ability to use any part of a street. All driveways shall be a minimum of 12 feet in width for each lane of traffic using such driveway. However, the width of any driveway shall not exceed 30 feet. No driveway shall be within 20 feet of another driveway.
 7. No parking space or aisle shall be less than ten feet from any side or rear yard property line and no parking space or aisle shall be less than five feet from any building. Parking spaces less than ten feet from any building shall be separated from such building by raised curb, bumper or wheel guards. The equipment of this subsection shall not be applied to detached single-family dwellings.
 8. Where a parking facility lies within or adjoins a residential district, an opaque fence or a double row compact evergreen screen not less than six feet in height shall be erected or planted and maintained between the parking facility and any adjoining residential district.
- C. ~~All parking plans for any structure other than a residential single-family dwelling shall be classified as a land development project must be presented to the planning board for approval.~~
- D. There shall be no parking or storage of commercial registered vehicles containing the weight of over 20,000 GVW (gross vehicle weight) in any residential zone except for the storage of farm vehicles. The parking or storage of said commercial vehicles shall not be parked within any front yard setback.
- E. The storage and parking of recreational vehicles in a residential district which is owned by an occupant, including travel trailers, pickup trucks, campers, tent trailers, motor homes, boats and boat trailers shall be governed by the following requirements:

- 1.No such recreational vehicle, while parked or stored in any district, shall be used for permanent living or housekeeping purposes for more than one week.
2. No such recreational vehicle shall be stored in required front yard area nor closer than 20 feet to a side or rear lot line.
3. No such recreational vehicle shall be stored outdoors unless in condition for its intended function or can be brought to functional condition within a six-month period.
4. Overnight parking of buses. Overnight parking of buses shall not be permitted in a residential (RE-2, RU-3, RU-4, CR-5) district.

Sec. 5.1. – Off-street loading requirements.

A. Off-street loading specifications:

1. For each nonresidential use of structure under 1,000 square feet of gross floor area or ground area in which commodities are sold, displayed, repaired, serviced, fabricated or altered as the principal use of the land or buildings; off-street loading space of no less than 300 square feet of area shall be provided.
2. For each use of over 1,000 square feet of gross floor area or land area devoted to such use, one off-street loading space at least 60 feet in length and 12 feet in width shall be provided with a minimum overhead clearance of no less than 14 feet.
3. Additional off-street loading space may be required by the permitting authority ~~planning board~~ when deemed necessary to provide adequate off-street loading space to serve the intended use.

- B. Location of off-street loading space: Required off-street loading space shall be on the site of the principal use or on a contiguous site and shall be designed to prevent intrusion of loading or unloading vehicles into any street or sidewalk during loading or unloading. In no case shall any of the required off-street loading space be part of the area used to fulfill the off-street parking requirement associated with the intended use of the land or structure.

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE VIII. – CELLULAR AND OTHER COMMUNICATIONS FACILITIES

Sec. 8.1. Communications facilities—Purpose and intent goals.

The purpose of this ~~article section~~ is to establish special conditions and performance standards for the use of communications antennae, antenna arrays, and communications towers, as defined below, that are consistent with the rural and residential character of the town, and consistent with the land uses in the town. The ~~intent goals of this article section~~ include encouraging, where appropriate, the location of antennae on existing structures, and the joint use (co-location) of new and existing towers in order to minimize or mitigate any adverse impact on the town that may result from the location or configuration of communications antenna arrays and communications towers. Every effort shall be made by the applicant to use an alternative tower structure, as defined below. The ~~permitting authority town~~ shall give due consideration to the municipality's comprehensive plan, zoning map, existing land uses and environmentally sensitive areas in approving ~~sites for the locations of towers and antennas.~~

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Sec. 8.2. Definitions.

- A. Cellular communications antenna array shall mean the antenna or antennae from which wireless radio signals are sent and received by a personal wireless service facility as defined by the Telecommunications Act of 1996. It may, at the discretion of the planning board, include no more than 12 antennae in one array and one microwave antenna for the exclusive use of the carrier in transmitting its own signals. It may also include an equipment shelter as an accessory use. A cellular or other communications antenna array may be public or private.
- (1) Public cellular communications antenna array shall mean any antenna used exclusively for governmental functions and owned by the United States of America, the state, or the town, or any political subdivision duly authorized to own and operate a cellular communications array.
- (2) Private communications antenna array shall mean any antenna used for a private purpose and owned by a private person, partnership, corporation, organization, association or any entity subject to taxation.
- B. Cellular communications tower shall mean a free-standing structure used for the location of one or more cellular communications antenna arrays. It may, where necessary, include an equipment shelter of no more than 120 square feet in floor area as an accessory use. A cellular communications tower may be public or private.
- (1) Public cellular communications tower shall mean any tower structure used exclusively for a governmental function and owned by the United States of America, the state, or the town, or any political subdivision duly authorized to own and operate a cellular communications tower.

Last modified Jun 27, 2024to comport with use table

- (2) Private communications tower shall mean any tower used for a private purpose and owned by a private person, partnership, corporation, organization, association or any entity subject to taxation.
- C. Co-location shall mean use of a common cellular or other tower or common site by two or more license holders or by one license holder for more than one type of communications technology.
- D. Equipment shelter shall mean an enclosed structure, cabinet, shed or box used as an accessory to a cellular communications antenna array to house electrical equipment, batteries and emergency electrical generators, directly related to such antenna array. No other uses, including storage, shall be permitted in any equipment shelter.
- E. Height shall mean the distance measured from ground level to the highest point on a cellular communications tower including the cellular communications antenna array.
- F. Other communications tower shall include broadcast television or radio and other non-cellular telecommunications towers. This use includes above grade towers, including self-supporting lattice towers, guy towers or monopole towers or similar structures ~~more than 35 feet in height~~ for communications equipment and principally intended for the transmittal or reception of commercial, governmental, and related radio, television, and similar telecommunication signal of a non-cellular nature.
- G. Alternative tower structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

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Sec. 8.3. Applicability.

No cellular or other communications antenna array or cellular or other communications tower shall be erected, constructed, altered or maintained on any lot with the town after the date of enactment of this amendment on August 7, 2000, without complying with the terms of this ~~article~~ section. Nothing herein shall be deemed to prohibit any previously existing public antenna or cellular communications tower used solely in the exercise of a governmental function. This ~~article ordinance~~ does not apply to towers or antennas under 70 feet in height that are owned and operated by a federally licensed amateur radio station operator or used exclusively ~~as for~~ receive only antennas.

- ~~A. A cellular or other communications antenna array may be allowed by special use permit on an existing nonresidential structure within the zones specified in article II, section 2.4 of this ordinance, the zoning use table, provided that the height of such cellular or other communications antenna array shall not exceed the height of such existing structure by more than 12 feet if omni-directional or whip type antennae are used, and by not more than six feet if direction or panel type2 antennae are used.~~

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Sec. 8.4. Application requirements.

~~Every cellular or other communications tower or equipment shelter that requires a special use permit for its construction, erection, installation, or mounting pursuant to article II, section 2.4 of this ordinance must be approved as a major land development plan by the planning board.~~

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Last modified Jun 27, 2024to comport with use table

All applications for permits to construct, install or erect cellular or other communications towers or equipment shelters, or to install, mount or erect cellular or other communications antenna arrays on existing buildings or on other alternate antenna support structures, are subject to the following additional requirements:

- (1) A building permit is required;
- (2) An electrical permit is required;
- (3) Payment of all permit and inspection fees;
- (4) Proof of ownership of the land upon which a cellular or other communications tower, antenna array or equipment shelter is proposed to be constructed, installed, erected, mounted or attached or a copy of an appropriate easement, lease, or rental agreement;
- (5) A scaled plan and a scaled elevation view and other supporting drawings and calculations, indicating color and other documentation; and showing the location and dimensions of the relevant cellular or other communications tower, cellular or other communications antenna array, equipment shelter and any and all other devices and attachment, including electrical wiring cable, wire or other connective materials to and from the antennae to the equipment shelter, and to and from the equipment shelter to any existing or proposed wires, cables, or other connective devices, including conduit and ducts, whether owned, operated or managed by the applicant, or by others, and a statement identifying the owner, operator or manager of any wires, cables, or connective devices that enter or exist on or along any public street or right of way.

Sec. 8.5. General requirements.

- A. All antennae shall comply with applicable Federal Communication Commission and Federal Aviation Administration regulations unless there exists a proven, present emergency effecting the public health, safety, and welfare. The town shall not regulate the placement, construction, and modification of cellular communications antenna arrays on the basis of the environmental effects of radio frequency emissions, provided that such facilities shall be subject to compliance with corresponding Federal Communication Commission regulations concerning such emissions.
- B. A cellular or other communications tower shall be set back from all property lines a minimum of one foot for each ~~one~~ foot of tower height. When the property abuts an overlay district, the setback distance from such district shall be one and one-half feet for each foot of tower height.
- C. All tower supports, accessory equipment, equipment shelters, and peripheral anchors, including guy wire anchors, shall be set back from all property boundaries the minimum distance required for a principal structure for the zoning district in which a ~~cellular~~ communications tower is to be located, and shall comply with all other applicable zoning requirements and building codes.
- D. Equipment shelters shall be obscured from view by trees, shrubs or fences and shall be locked at all times. Contact information for the person to be notified in the event of an emergency shall be posted on site.
- E. The provisions of ~~Article II, section 2.6, (5), 6~~ of this ordinance that prohibit more than one non-residential use on a lot shall not apply to antennas and towers.

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- ~~F.~~ No cellular communications tower, if otherwise allowed or permitted, shall exceed 125 feet in height without a separate special use permit for excess height. No other communication tower, if otherwise allowed or permitted, shall exceed 500 feet in height without a separate special use permit for excess height.
- ~~G.~~ To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in the State Building Code as amended from time to time. If upon inspection, the building official concludes that a tower fails to comply with such code and standards; and constitutes a danger to persons or property, then the building official shall proceed in accordance with G.L. title 23, ch. 27.3, entitled "State Building Codes." Towers must be structurally inspected by a registered engineer every ten years and a certificate of such inspection shall be filed with the building official. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- ~~G.H.~~ All telecommunication facilities and structures which have not been used for a period of one year shall be considered abandoned and shall be dismantled and removed at the owner's expense. The owner of such facility shall remove same within 90 days of receipt of notice from the building official. The applicant shall post a bond or cash security with the town treasurer sufficient to cover the cost of removal and restoration of the site prior to construction in any zone. The amount of said bond or security shall be estimated by the building official. If such antenna or tower is not removed within 90 days of receipt of notice, the town may take necessary action to remove the facility and restore the site to a condition consistent with the character of the surrounding area, at the owner's expense.
- ~~H.~~ Appropriate camouflaging, landscaping and screening shall be provided for all cellular communications or other antenna arrays except public cellular communications antenna arrays.
- ~~I.~~ Each applicant for an antenna and/or tower shall provide to the planning board an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the town or within one mile of the town border, including specific information about the location, height, and design of each tower. The planning board may share such information with other applicants for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the town, provided, however that the planning board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- ~~J.K.~~ The town supports multiple antenna/tower plans in which the users of towers and antennas are encouraged to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
- ~~K.L.~~ Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the town

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have been obtained and shall file a copy of all required franchises with the zoning board of review.

Sec. 8.6. ~~Specific and objective criteria. Additional application requirements for use by special use permit.~~

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In addition to all other requirements imposed by this ordinance, an application for a special use permit for a cellular or other communications antenna array or cellular or other communications tower ~~is subject to the following specific and objective criteria, shall include the following information:~~

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- A. The applicant shall define the area of service and indicate the current coverage capacity.
- B. The applicant shall show that the proposed facility would provide the needed coverage and/or capacity.
- C. The applicant shall provide a map or maps, covering the entire town and showing all existing, proposed or planned sites of all carriers including alternative sites from which the needed coverage could also be provided, and indicating the zoning for all such sites.
- ~~D. A cellular or other communications antenna array on an existing structure does not exceed the height of such existing structure by more than 12 feet if omni-directional or whip type antennae are used, and by not more than six feet if direction or panel type2 antennae are used.~~
- ~~E. The development is approved as a major land development project by the planning board;~~
- ~~F. Sensitive environmental design with minimal impact on views of the area around the site through the submission of a site plan stamped by a Rhode Island licensed landscape architect identifying:
 - ~~(i) A scaled plan and a scaled elevation view and other supporting drawings and calculations, indicating color and other documentation; and showing the location and dimensions of the relevant cellular or other communications tower, cellular or other communications antenna array, equipment shelter and any and all other devices and attachment, including electrical wiring cable, wire or other connective materials to and from the antennae to the equipment shelter, and to and from the equipment shelter to any existing or proposed wires, cables, or other connective devices, including conduit and ducts, whether owned, operated or managed by the applicant, or by others;~~
 - ~~(ii) Materials to be used in the installation; and~~
 - ~~(iii) Conformity with the requirements of § 8.5.~~~~
- ~~G. The applicant shall post a bond or cash security with the town treasurer sufficient to cover the cost of removal and restoration of the site prior to construction in any zone. The amount of said bond or security shall be estimated by the building official; and~~
- ~~H. A statement identifying the owner, operator or manager of any wires, cables, or connective devices that enter or exist on or along any public street or right of way.~~

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Sec. 8.7. Additional standards for special use permit—towers.

In addition to all other applicable provisions of this ordinance, the planning board shall make affirmative findings of fact relative to each of the following factors in determining whether to issue a special use permit for the construction of cellular or other communications tower:

- A. Applicant has exhausted all reasonable efforts to utilize existing structures for a cellular or other communications antenna array and that no other structures are reasonably available within the area sought by the applicant to produce adequate communications coverage for the applicant.
- B. Applicant has exhausted all reasonable efforts to avoid the necessity of erecting a new tower, including but not limited to the construction of a permitted structure on which a cellular or other communications antenna array could be placed. Every effort shall be made by the applicant to use an alternative tower structure as previously defined.
- C. The applicant must demonstrate that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- D. Applicant's proposed tower comports with the height restrictions and/or requirements provided for herein.
- E. Applicant's proposed tower comports with the use requirements and/or restrictions provided for herein, as well as the uses of the neighboring properties.
- F. Applicant's proposed tower comports with the surrounding topography, tree coverage and other natural elements of the landscape of the proposed site and applicant's property.
- G. Applicant's proposed tower comports with the design characteristics that reduce or eliminate adverse impacts on the community including type (guyed tower, lattice tower or monopole) of tower or antenna array, color of tower or antenna array, and overall visual obtrusiveness.

Sec. 8.8. Design standards

The following design standards shall apply to all cellular and other communications antennae arrays and cellular and other communications towers:

- A. For the erection of a cellular or other communications antenna array on an existing structure, the proposed facility shall preserve or enhance the pre-existing character of the building or structure on which it is located, as well as the surrounding buildings and land uses. All components of the proposed facility shall be integrated through location and design to be compatible with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved and the disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding areas.
- B. For the erection of a cellular or other communication tower, the proposed facility shall preserve or enhance the pre-existing character of the surrounding buildings and land uses

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as much as possible. All components of the proposed facility shall be integrated through location and design to be compatible with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved and the disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding areas.

- C. Appropriate screening shall be installed at all tower sites to screen views from adjacent properties and streets. Planting shall be of such a height and density to ensure screening. Screening shall consist of plant and/or tree material approved by the planning board. Screening shall not be less than five feet in width, nor less than eight feet in height. Screening may be waived on those sides or sections which are adjacent to undevelopable lands. The owner of the property shall be responsible for all maintenance and shall replace any dead plantings within thirty days.
- D. Towers shall either maintain a galvanized steel finish or, subject to any applicable Federal Aviation Administration standards, be painted a neutral color, so as to reduce visual obtrusiveness.
- E. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and existing environment.
- F. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color identical to or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- G. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the reviewing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- H. There shall be no signs, symbols, flags, banners or other devices or things attached or painted or inscribed upon any tower.

DRAFT AMENDMENTS
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ARTICLE IX. AFFORDABLE HOUSING

Sec. 9.1. General.

- A. *Findings.* It is a public purpose of the Town of Exeter to achieve and maintain a diverse and balanced community with housing opportunities for residents of all income levels. Through its affordable housing plan, the town has formally committed itself to meeting the 10 percent affordable housing goal established by Title 45, Chapter 53 of the General Laws, the Low and Moderate Income Housing Act, and has specified the strategies and means by which the goal is to be achieved. This section sets forth a regulatory framework that is designed to ensure an adequate supply of housing to serve these needs.
- B. *Intent.* The affordable housing provisions of this article are intended:
1. To promote affordable housing production in accordance with the goals and policies of the town comprehensive plan's housing element and affordable housing plan;
 2. To encourage the development and availability of housing that qualifies as low or moderate income housing as mandated by the Rhode Island Low and Moderate Income Act, and the Rhode Island Comprehensive Housing Production and Rehabilitation Act of 2004, as amended; and
 3. To maintain and enhance the socio-economic diversity of the community through the development of housing for all populations within the Town, including, but not limited to, housing for the resident workforce and housing for special needs populations.

Sec. 9.2. Assurance of affordability.

- A. *Basic requirement.* All ~~units created pursuant to this ordinance shall meet the definition of "low or moderate income housing" in article I, section 1.2 of this ordinance. The required minimum term of affordability shall be 30 years.~~ **repealed by the Town Council 11/6/23 effective 12/31/23**
- B. *Eligible occupants.* Ownership units shall be occupied by their purchasers as their primary residence and not rented for seasonal occupancy nor rented for any other occupancy except during temporary absences totaling not more than eight weeks in any 12-month period. Rental units may be leased only to households meeting the applicable income restrictions.
- C. *Qualification and monitoring.* In order to assure that the occupancy and level of affordability of low or moderate-income housing units are maintained over time in accordance with this ordinance and with Rhode Island Housing regulations, the developer shall contract with a monitoring agent appointed by the R. I. Housing Resources Commission for the following purposes:
1. To determine pricing for initial sale, resale, lease or sublease of inclusionary or affordable dwelling units;

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2. To qualify purchasers or renters for occupancy based upon household size and income;
3. To assist in the development of a marketing and resident selection plan that meets state and federal fair housing requirements, to be approved by the Planning Board; and
4. To monitor occupancy of the affordable dwelling units to ensure compliance with these requirements.

D. *Long-term affordability.* Long-term affordability shall be assured through a land lease or deed restriction, recorded in the town land evidence records prior to the sale or lease of the affordable unit, addressing the following items:

1. The basis for calculation of the maximum allowable sales or rental price for the housing unit both initially and on future buyers or renters;
2. Provisions for monitoring and assurance of compliance over time; and
3. Provisions under which the town may exercise a right of first refusal to purchase an affordable unit being offered for sale.

Sec. 9.3. Marketing and resident selection.

- A. *Plan required.* The developer of all low or moderate income units ~~repealed by the Town Council 11/6/23 effective 12/31/23~~ created pursuant to this ordinance shall submit an affordable unit marketing and resident selection plan for approval by the planning board prior to its initiation. The plan shall describe how the low or moderate income units will be marketed and potential homebuyers or tenants selected, including a description of the lottery or other process to be used for their selection.
- B. *Local preference.* Income-blind priority shall be given in resident selection for 80 percent of the inclusionary or other affordable units (rounded down to the nearest unit) to households containing persons currently residing or employed in the town, or persons having children, parents, or siblings who are resident in the town. If the applicant pool of such persons contains a smaller percentage of minority applicants (Native American or Alaskan Native, Asian or Pacific Islander, Black, Hispanic, Cape Verdean) than the statewide percentage, ~~Additional~~ minority applicants not qualifying for local preference shall be added to the pool until it reaches the statewide percentage.

Sec. 9.4. Inclusionary zoning. ~~repealed by the Town Council 11/6/23 effective 12/31/23~~

- A. *Purpose.* The purpose of inclusionary zoning is to ensure that new residential development projects support the town's goal of housing diversity consistent with the town comprehensive plan and with statewide planning and housing guidance. To achieve this purpose, new subdivisions and ~~land development project~~ that are subject to this section 9.4 shall include a share of housing units that are affordably priced, subject to a price limitation to assure initial affordability, with deed rider or land lease assuring that purchasers' or tenants' incomes meet prescribed limits at the time of purchase or occupancy and that such affordability and income eligibility will again be observed at the time of each future resale, release, or other transfer.

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B. Applicability. The provisions of this section 9.4 shall apply to all residential subdivisions and land development projects that result in the creation of four or more lots or housing units from a lot in existence on the effective date of this ordinance.

C. Inclusionary unit requirements.

1. Basic requirement. A development that is subject to this section 9.4 shall include low or moderate income housing units at least equal to 20 percent of the added lots or housing units that are not low or moderate income units (with fractions below 0.5 rounded down and fractions of 0.5 or greater rounded up to the next higher number), as illustrated by the following table:

Number of lots or units that are not LMI	Required number of LMI units	Total number of lots or units including LMI units	Actual percentage of LMI units (for reference only)
4-7	1	5-8	13%-20%
8-12	2	10-14	14%-20%
13-17	3	16-20	15%-19%
18-22	4	22-26	15%-18%
23-27	5	28-32	16%-18%
28-32	6	34-38	16%-18%
etc.	etc.	etc.	

2. Incremental development. These requirements are intended to apply to incremental development of a lot over time as well as to a one-time development of a lot. Therefore, a low or moderate income unit shall be provided whenever the cumulative number of new lots or units created from the original lot reaches a threshold number in the table in section 9.4.C.1: that is, the first low or moderate income unit shall be provided when the fourth new lot or unit is to be created; the second low or moderate income unit shall be provided when the eighth new lot or unit is to be created; etc.

- ~~3. Low income affordability. In a development in which all of the units are for sale, at least 50 percent of the inclusionary units shall be affordable to low income households and the remaining inclusionary units shall be affordable to households with incomes at or below 100 percent of area median income. In any development in which not all of the units are for sale, all of the inclusionary units shall be affordable to low income households.~~

D. Off-site location.

1. The inclusionary unit requirements may be met in part or whole by locating some or all of the required inclusionary housing units on an alternative site or sites within the town only if the Planning Board finds that an increase in the existing zoned density of the proposed development is unfeasible or inappropriate due to sensitive environmental features of the site or other factors
2. Off-site inclusionary housing units may be located in an existing structure being rehabilitated, but the units must not be ones which are already eligible to be counted as low or moderate income housing under G.L. ch. 45-53.
3. Except where inclusionary units will be provided in an existing structure as provided in section 9.4.D.2, the planning board shall not permit off-site location of required inclusionary units unless the town council first approves the off-site location.

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4. Off-site developments and subdivisions shall not be able to utilize the incentives outlined in subsection (G) below.

E. Term of affordability. The required minimum term of affordability for inclusionary units, whether on-site or off-site, shall be 30 years. When a unit is resold prior to the expiration of the restriction, the term of affordability shall be renewed for 30 years.

F. Fee in lieu.

1. Permitting Authority. The permitting authority for all fee-in lieu projects shall be the Planning Board. If the Planning Board denies a fee-in lieu request, the project shall return to the permitting authority as if no fee-in lieu request had been made.

2. Eligibility. The inclusionary unit requirements may be met in part or whole through payment of a fee in lieu of providing one or more inclusionary units only if the planning board finds that an increase in the existing zoned density of the proposed development is unfeasible or inappropriate due to sensitive environmental features of the site, and provision of the required off-site is not feasible. The fee in lieu option is intended to be a last resort where the developer is not able to provide the required inclusionary unit(s) either on-site or off-site.

2. Fee amount. The required fee in lieu of providing inclusionary units shall be equal to the number of inclusionary units required but not provided times a fee per unit as set forth in 3. below.

3. Fee per unit. The fee in lieu of providing one inclusionary dwelling unit shall be equal to the difference between:

a. The average cost of developing a single unit of affordable housing which is determined annually by the Rhode Island Housing and Mortgage Finance Corporation, median sales price per dwelling unit for all units sold in the town in the most recent three-year period for which sales price data is available (as determined by the assessors) and

b. The maximum affordable sales price for a family of four (4) earning eighty percent (80%) of the area median income as determined annually by the U.S. Department of Housing and Urban Development current maximum purchase price for a housing unit affordable at 80 percent of applicable area median income (as estimated by Rhode Island Housing).

The fee in lieu shall be updated annually by the planning board, and the town council shall approve the fees by resolution.

Notwithstanding subsection (b.) above, in no case shall the per-unit fee for affordable single-family homes and condominium units be less than forty thousand dollars (\$40,000.00).

4. Fee recipient. The fee shall be paid to the town and directed either:

a. To a restricted account established by the town to support the creation of affordable housing in the town, from which funds shall be expended pursuant to vote of a local housing board financial town meeting for the acquisition of land for affordable housing or for the acquisition, rehabilitation, or construction of affordable housing units; ~~or~~

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- ~~b. To an affordable housing trust fund established by municipal ordinance, to be expended in the manner specified in said ordinance.~~
- 5. The Town will allocate in lieu payments within three years of collection to the creation of affordable housing.
- 6. Land conveyance. The inclusionary unit requirement may be met in part or whole through the conveyance to the town of land either on-site or off-site, subject to acceptance by the town council, provided that the planning board finds that:
 - a. The fair market value of the land is at least equal to the fee in lieu that would otherwise be required under section 9.4.F.2; and
 - b. The land is suitable for residential development and use.
- 7. Fee-in lieu developments and subdivisions shall not be able to utilize the incentives outlined in subsection (G) below.
- G. ~~Cost mitigating provisions~~ Incentives. The following ~~cost mitigation measures~~ incentives are provided as a subsidy to contribute to offsetting the net cost impact of providing housing units at affordable prices.
 - 1. Density bonus. The number of housing units allowable on the site shall be increased above that otherwise allowable by a number equal to the number of low or moderate income housing units provided. The total number of dwelling units on the parcel shall not be increased by more than one unit or 50 percent above the number that otherwise would be allowed.
 - 2. Limitations adjusted. Where the residential density is increased pursuant to section 9.4.H.1, the dimensional regulations of section 2.4.2 shall be adjusted as follows:
 - a. Lot size, frontage and yard requirements (except for front yards and for side and rear yards at the perimeter boundary lines of the development) shall be reduced by multiplying the requirements in section 2.4.2 by the number of housing units allowable without a density bonus divided by the number of units allowable with a density bonus.
 - b. The planning board shall have the authority to adjust other applicable dimensional regulations if the board finds the adjustment to be necessary and consistent with good planning practice.
 - c. The adjusted dimensional regulations applicable to the development shall be shown on the final plat or site plan for the development.
 - 3. Exemption from growth management ordinance. The building permit quotas established by the Town Code of Ordinances, chapter 14, article III ("growth management") shall not apply to inclusionary units (but shall apply to market rate units in the same development).
 - 4. Exemption from impact fees. The impact fees established by the Town Code of Ordinances, chapter 14, article IV ("impact fees") shall not apply to inclusionary units (but shall apply to market rate units in the same development).

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5. Additional incentives. Inclusionary zoning developments and/or subdivisions may submit for approval as a land development project to secure additional incentives and/or relief to enable the project.

H. Integrating inclusionary units.

1. Inclusionary unit location and appearance. Inclusionary units shall be integrated within the development to the degree feasible, and not separately segregated. The exterior appearance of the inclusionary units shall be compatible with and, except for unit size, essentially indistinguishable from the others.
2. Inclusionary unit size.
 - a. If the average number of bedrooms in the market rate units is greater than 2.0, the average number of bedrooms in the inclusionary units shall not be less than 2.0.
 - b. If the average number of bedrooms in the market rate units is 2.0 or less, the average number of bedrooms in the inclusionary units shall not be less than the average number of bedrooms in the market rate units.
3. Timing of occupancy. The percentage of proposed market rate units granted a certificate of occupancy shall at no time exceed the percentage of proposed inclusionary units granted certificates of occupancy by more than 50 percent. The certificate of occupancy for the last market-rate unit shall not be granted until all inclusionary units have been granted such certificates.

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ARTICLE X. – PLANNED VILLAGE DEVELOPMENT

Sec. 10.1. – Planned village development general requirements.

10.1.1. *Purpose.* The purpose of this section is to promote development that:

- A. Incorporates residential, commercial, and public uses in a compact, walkable environment;
- B. Includes housing units providing long-term housing affordability to low or moderate-income households;
- C. Reflects traditional New England village development in terms of its physical design, scale, mix of uses, and visual character;
- D. Supports environmental sustainability by providing for pedestrian access and circulation, compact design, and open space preservation through transfer of development rights; and
- E. Implements "A Vision for Exeter" as described in the comprehensive plan.

10.1.2. *Establishment of a planned village overlay district.* Planned village development (PVD) can only occur in the Town of Exeter through the establishment of a planned village overlay district (PVOD) in accordance with the provisions of this article.

- A. Applications for a PVD may be submitted to the Town of Exeter for land within an existing PVOD or as part of a new district. Applications for a new district shall be accompanied by a proposed comprehensive plan future land use map amendment (if necessary) and a zoning map amendment consistent with the comprehensive plan.
- B. Where a change to the zoning map is required, application to the planning board for the zoning map amendment shall be accompanied by site plans depicting the proposed development within the full extent of the district. The site plans shall include all information that would be required for a master plan submittal for a PVD major land development project.

10.1.3. *Eligibility.* Locations eligible for PVOD shall meet all of the following criteria:

- A. At least one lot within a proposed PVOD shall have adequate frontage on and access to an arterial street as defined in article I, section 1.2 of this ordinance.
- B. The location of the proposed PVOD shall be consistent with areas identified as potential village sites in the comprehensive plan.
- C. For newly proposed PVOD districts, the minimum aggregate lot size shall be no less than ten acres.

- D. Land that abuts an existing PVOD may also be considered for PVOD zoning change where the property will be integrated by design into the existing PVOD. Where an abutting property may be added on to an existing PVOD, there shall be no minimum area requirement for that abutting property.

10.1.4. *Permit procedures.*

- A. Any application for PVOD that requires a change to the zoning map shall be reviewed as a major land development project (unless otherwise classified as a minor land development project pursuant to RICL 45-23-32(19)(i)).
- B. Approval of the first stage of a PVD master plan submission ~~by the planning board~~ shall be conditional upon any necessary subsequent changes to the future land use map and the zoning map to establish the PVOD.
- C. Where a PVOD is already established on the zoning map, but the development proposed as part of the initial zoning map change was not constructed per the conditions of the approved ~~master plan~~ within the required timeframe allowed by state law, new proposals or revisions to that first proposal shall require review as a new major land development project (unless otherwise classified as a minor land development project pursuant to RICL 45-23-32(19)(i)).
- D. Any change to restrictions or conditions placed on the original zoning map amendment including, but not limited to, deed restrictions, covenants, maintenance agreements, design standards, and limits on commercial square footage, shall require submission of a preliminary plan application ~~a formal re-submittal of the master plan.~~
- E. Where a PVOD zoning district is already established and substantial construction conforming to the plans approved as part of the initial zoning map change has taken place, applications for additional development or changes within the district that meet or exceed the following criteria shall be submitted as a ~~major land~~ development projects in accordance with the procedures of the land development and subdivision regulations:
 - 1. Any new commercial use with a building footprint that exceeds 4,000 square feet;
 - 2. Any proposed use that requires transfer of development rights;
 - 3. The creation of new development or the expansion of existing development that would increase the amount of parking by more than ten spaces.

- 10.1.5. *Relationship to other sections of the zoning ordinance.* Where the provisions set forth in this section of the zoning ordinance govern the procedures or standards found elsewhere in the zoning ordinance that would otherwise apply, including but not limited to those that apply to the underlying districts, the provisions of the PVOD shall govern. Where this section of the zoning ordinance may be silent on procedures found elsewhere in the zoning ordinance, and which are otherwise applicable, those standards found elsewhere in the zoning ordinance shall govern.

Sec. 10.2. – Special requirements.

10.2.1 *Housing affordability.* At least one low or moderate income dwelling unit shall be provided for every seven market-rate dwelling units.

10.2.2 *Residential density.* Residential development within a PVD is intended to provide a diversity of attractive housing types that will serve a range of individuals and families in accordance with the requirements of this subsection. Residential density that is proposed over and above the residential density allowed by right within the underlying district shall also require the transfer of development rights pursuant to section 6.0 of the land development and subdivision regulations.

A. The maximum density of residential development for an individual lot within a PVD shall not exceed 15 units per acre. The average density of residential development in the PVOD shall not exceed eight units per acre. Any dedicated open space within the PVOD or on an individual lot shall not be included in these calculations.

B. This permitted increase in density is provided as a municipal government subsidy as defined in this ordinance and in R.I. Gen. Laws § 45-53-3.

10.2.3 *Maximum floor area.* The gross floor area of an individual commercial establishment in the PVOD shall not exceed 15,000 square feet, except that a grocery store may be permitted a gross floor area up to 25,000 square feet. Architectural techniques shall be used on larger structures to reduce the impact of massing, including varied rooflines and articulation pursuant to the design regulations in section 6.0 of the land development and subdivision regulations.

10.2.4 *Public space.*

A. At least ten percent of the land in a PVOD shall be designated as public space as part of the site design, but can remain in private ownership.

B. Wetlands may be devoted to public space but shall not be counted towards the minimum public space requirement.

10.2.5. *Parking.*

A. Any application for a PVD shall demonstrate that the development complies with the requirements of the applicable provisions of the article V of the zoning ordinance with the following additions, exemptions or alterations:

1. ~~Any use requiring in excess of 125 parking spaces shall not require a special use permit.~~

2. As part of a PVD application review, the permitting authority ~~planning board~~ may allow parking within the front yard setback where the placement of the parking is part of a larger design scheme to enhance the walkability within a village setting.

23. As part of a PVD application review, the permitting authority ~~planning board~~ may reduce setbacks for parking spaces or aisles where the placement of said parking or aisle is part of a larger design scheme to enhance the walkability within a village setting. Parking spaces less than ten feet from any building shall be separated from the building by raised curb, bumper or wheel guards. The

requirements of this subsection shall not be applied to detached single-family dwellings.

34. As part of a PVD application review, the ~~permitting authority planning board~~ may allow for different buffer configurations and design where connections with the adjacent residential district are designed as part of the PVD.
45. Off-street loading space shall not be part of any area used to fulfill the off-street parking requirement associated with the intended use of the land unless approved by the ~~permitting authority planning board~~ as part of a PVD application and where the use of the parking area is consistent with the goal of creating a walkable village setting.
- B. An applicant for a PVD may propose that all or a portion of parking associated with residential or commercial use will be located off-site. The ~~permitting authority planning board~~ may allow off-site parking on a lot of different ownership to be counted for a given operation provided that a covenant or easement between property owners is presented in advance of final plan review. Off-site parking shall be within 500 feet of the front entrance of the use it is proposed to serve as measured along an easily accessible and well-lit pedestrian pathway.
- C. The ~~permitting authority planning board~~ may require, within the PVD review process, that an applicant provide justification for the number of proposed parking spaces. Analyses provided by the applicant may include, but shall not be limited to, shared parking or off-site parking analyses, case study data of similar uses, or the use of parking space management measures such as enforceable time limitations, fees, or parking limitations for employees.

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DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE XI. – RENEWABLE ENERGY

Sec. 11.1. – Solar.

11.1.1. Solar energy facilities.

- A. *Purpose.* The purpose of this section is to regulate the installation of solar energy facilities by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities that address public safety, minimize impacts on scenic, natural and historic resources and are compatible with the town's comprehensive plan.
- B. *Applicability.* The provisions of this section shall apply to placement, design, construction, operation, monitoring, expansion and/or repair or removal of any solar energy facility in the Town of Exeter.
- C. *General requirements.* All solar energy facilities shall comply with the following requirements.
 - 1. *Location.* Solar energy facilities shall be allowed in accordance with section 2.4.1 of the Town of Exeter Zoning Ordinance Use Tables.
 - 2. *Building permit and inspection.* No solar energy facility shall be constructed, installed, or modified without first obtaining a building permit and such facility shall be subject to periodic inspections as deemed necessary by the building official and/or electrical inspector.
 - 3. Applicants are strongly encouraged to locate solar energy facilities on rooftops, contaminated sites, gravel banks, quarries, and parking lots and in existing industrial zones. To encourage solar development in these locations, the solar land coverage requirement may be increased to 50 percent of the land suitable for development if it can be demonstrated to the ~~permitting authority planning board~~ that the remaining general requirements in this section can be met and the modification of the solar land coverage requirement would not negatively impact adjacent property owners and is consistent with the Exeter Comprehensive Plan. All other provisions of this ordinance would remain applicable.
 - 4. No individual panel within a ground-mounted solar energy facility shall exceed 12 feet in height. Solar canopies are exempted from this requirement.
 - 5. Proposed site re-grading shall not be excessive and shall be kept to the minimum amount necessary. No removal of topsoil or unnecessary disturbance of the ground or grading is permitted as part of the installation or maintenance. Any topsoil that must be moved shall be stored and stabilized on-site for future use.
 - 6. To the maximum extent practicable, all ground mounted solar installations shall be located so as to take advantage of existing cleared land. Clearing of forest or woodland shall be avoided to the greatest extent practicable.

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7. A building mounted solar energy facility shall not exceed the permitted building height as set forth in section 2.4.2.
8. Ground-mounted solar energy facilities shall conform, at a minimum, to the yard setback requirements of the applicable zoning district.
9. *Decommissioning.* Any solar energy facility which has reached the end of its useful life shall be removed within 180 days from the date of discontinued operations. A decommissioning estimate, prepared by a professional engineer registered in Rhode Island, must be approved by the permitting authority planning board during the preliminary phase of review. Each element of the decommissioning cost estimate must include verifiable source with contact information. Decommissioning shall consist of:
 - a. Physical removal and recycling of all solar energy facility structure, equipment, security barriers, fencing and transmission lines from the site.
 - b. Disposal of all solid and hazardous waste in accordance with all federal, state and local laws, regulations and ordinances.
 - c. Stabilization and re-vegetation of the site in compliance with all state and local laws, regulations, and ordinances necessary to minimize erosion. The site shall be inspected by the Exeter Zoning Inspector and/or his/her designee in coordination with the town planner.
10. *Financial surety.* Prior to the issuance of a building permit for a medium, large or utility scale ground mounted or solar canopy solar energy facility, an escrow agreement or escrow fund to cover 125 percent of the cost of decommissioning, as approved by the permitting authority planning board, shall be posted with the Town of Exeter. This surety shall be automatically renewed annually for a minimum of 20 years or for the anticipated life of the solar energy system.
11. *Parking and circulation.* The applicant shall demonstrate that adequate access and parking are provided for service and emergency vehicles as determined by the permitting authority planning board in consultation with the fire marshal.
12. *Fencing.* The applicant shall be required to install a minimum of a six foot fence around the perimeter of the solar energy facility. Barbed wire fencing is prohibited. The fence shall be installed a minimum of eight inches off the ground to allow small animals to pass underneath. Newly installed fences shall be flagged for at least six months to protect both fencing and wildlife. In the instance where the applicant can show that the surrounding area and site do not require fencing for protection or trespass, or to allow agricultural production within the array area, the permitting authority planning board may waive the fencing requirements. Solar canopies are exempt from this requirement.
13. Applicants must provide a thorough explanation of any transmission lines access or upgrade required as a result of the project, including but not limited to the route starting and end points, potential impacts to street trees, and right-of-way width.
14. Applicants must provide a thorough explanation of any new or proposed upgrades to electrical substations that are related to the proposed project. Information

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necessary includes, but is not limited to location, screening, setbacks and noise impacts.

15. *Stormwater management and erosion and sediment control.* Every effort shall be made to avoid or minimize changes to existing topography and hydrology. Site alterations must conform to the most recent edition of the RI Stormwater Design and Installation Standards Manual and the RI Soil Erosion and Sediment Control handbook, as well as applicable town regulations. All applicable erosion and sediment controls must be in place prior to construction, including site work, begins.
16. *Siting and screening.* The solar facility shall be sited and screened to minimize the aesthetic effect of solar facilities on viewsheds within the community. The design shall incorporate landscaping and design elements to visually screen the installation from view of public roads and adjoining properties. Solar installations in residentially zoned districts shall maintain a 200 foot undisturbed vegetated setback from all adjacent properties and roadways. If planting is required within the designated setback due to a lack of natural screening, such plantings shall be a minimum of six feet in height at the time of installation. Solar energy facilities in the B, LB-R, LI, ~~DM, LC, Planned District~~ and PVOD zones shall be required to provide the 200 foot undisturbed vegetated buffer on property lines abutting residentially zoned land. As part of the ~~major~~ land development process the permitting authority ~~planning board~~ may alter this width or require additional screening elements dependent on site characteristics such as slope, wetland area, existing buffering, etc.
17. Reasonable efforts shall be made to place all utility connections from the facility underground, depending upon appropriate soil conditions, shape, topography of the site, sub-surface conditions, and any requirements of the utility provider.
18. Lighting of a ground-mounted solar energy facility shall be consistent with local, state and federal law. Lighting of other parts of the facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
19. Solar energy facilities and associated equipment shall not be allowed on land held under conservation easement or land for which the development rights have been sold, transferred, or otherwise removed from the parcel, unless the conditions of the easement, deed or other applicable legal document specifically allows for such facility.
20. All solar energy facilities shall be designed and located to prevent reflective glare toward any inhabited buildings or adjacent properties. Glare generated from solar panels shall not interfere with traffic or create a safety hazard.
21. The applicant is required to provide verification from a landscape architect licensed in Rhode Island at the preliminary stage of review that the landscape buffer is adequate to thoroughly screen the solar energy facility year round. In addition, the required vegetated buffer/screening shall be maintained for the life of the solar energy facility. The property owner and/or facility owner shall be required to replant any section of the buffer/screening found not to meet the requirements of

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this section as determined by the zoning enforcement officer with consultation from the town planner.

22. In any areas of the site where prime farmland or farmland of statewide importance, as determined by the United States Department of Agriculture Natural Resource Conservation Service within the most recent Rhode Island Soil Survey, and where the solar facility or a portion of is proposed the following is required:

- a. If soils need to be removed from areas of the site for installation purposes, the soils must be stored on site for future reclamation and areas under the panels are to be replanted with grass or low growth vegetation that is listed in the University of Rhode Island's native plant database;
- b. Siting of the facility overall and individual panels shall keep with the existing contours of the land, and only pile driven or ballast block footing are to be used, so as to minimize the disturbance of soils during installation; and
- c. Required vegetative buffers are to be composed of plant materials listed in the University of Rhode Island's native plant database (except as otherwise permitted in this ordinance), with a preference for pollinator-friendly materials to the maximum extent practicable.

D. ~~Applications for major land development projects~~ or special use permits. Land development project. Applications shall include, in addition to the requirements set forth in the town's land development and subdivision regulations, the following items. These items are required for submission in order for the administrative officer to certify the application as complete and place it on an agenda for review at the ~~first master plan~~ stage of review and all subsequent stages, unless otherwise specified. The ~~permitting authority planning board~~ may waive any document requirement it deems appropriate upon written request of the applicant. When the solar facility is subject to a special use permit, the following items shall serve as specific and objective criteria for the permitting authority to find compliance with prior to the establishment of the use.

1. Class I comprehensive boundary survey site plan including a T-1 topography survey;
2. Property lines and all physical features for the project site;
3. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting and screening vegetation or structures that conform to the town's land development and subdivision regulations;
4. A site plan of the solar energy facility showing the proposed layout of the system and any potential shading from nearby structures or vegetation;
5. One or three line electrical diagram detailing the solar energy facility, associated components and electrical interconnection methods, with all current state electrical code compliant disconnects and over current devices (required at preliminary plan review submission);
6. Documentation/details of major system components to be used, including the energy panels, mounting system and inverter (required at preliminary plan review submission);

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7. An operation and maintenance plan which addresses site access maintenance, vegetation management, equipment and fence maintenance and any other maintenance that may be needed to address town requirements imposed as a result of unique site conditions (required at preliminary plan review submission);
8. Proof of liability insurance in an amount approved by the town (required at final plan review submission);
9. Decommission/restoration plan including an itemized cost estimate for the decommissioning and restoration of the site (required at preliminary plan review submission);
10. A copy of the preliminary interconnection feasibility study from the applicable utility company;
11. A zoning certificate for the property on which the solar facility is proposed;
12. The calculated square footage of the proposed solar facility including rows and interspacing between panels to be used to calculate the fee for each stage of review and for the calculation of the coverage area; (required at each stage of review)
13. A project narrative, which shall contain a summary of the proposed facility, a description of the facility's context in relation to the surrounding neighboring land uses and environmental features, and detail regarding the proposed operational characteristics of the solar energy facility, including features concerning the means and methods planned to minimize or avoid off-premise impacts to adjoining land use;
14. A landscape plan, stamped by an landscape architect registered in Rhode Island showing the following information:
 - a. That the land beneath the panels will be reseeded after installation with a grass or low growth vegetation that is listed in the University of Rhode Island's native plan database to the maximum extent practicable;
 - b. Required vegetative buffers are comprised of plant materials listed in the University of Rhode Island's native plant database, with a preference for pollinator-friendly materials;
 - c. Any areas of buffering or screening required by the permitting authority~~planning board~~.
 - d. Only native vegetation and planting shall be used as screening for solar facilities. Additional landscaping vegetation and plantings must not be conspicuously different than the existing natural vegetation and planting in the project vicinity, both in the types of plants and layout configuration;
 - e. The permitting authority~~planning board~~ may allow for exceptions to these requirements in the event that the applicant requests to plant non invasive harvest crops to allow agricultural production within the limits of the solar installation.

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E. To ensure the fulfillment of the requirements of this section, the ~~permitting authority~~
~~planning board~~ shall have the authority to require the following:

1. Adjustments to the proposed location of the solar energy facility determined to be necessary to mitigate negative impacts to adjacent properties or impacts to the general public through loss of scenic vistas and/or cultural and/or historic character.
2. The provision of additional landscaping beyond the minimum requirements of this section and the town's land development and subdivision regulations, where such is necessary to mitigate negative impacts to adjacent properties or prominent viewsheds, or due to the unique characteristics of the subject property.
3. Submission of an Environmental Community Impact Study (ECIS) in accordance with section 3.4 of the land development and subdivision regulations at the master plan review stage.

F. Additional requirements for solar energy facilities in all residential zones:

1. Ground mounted solar facilities allowed pursuant to this section shall have a solar land coverage of no more than 15 percent of the parcel on which they are located including existing structures. The planning board may waive this requirement if they find that the parcel and/ or circumstances of the facility are unique and/or would serve a public benefit to allow a higher percentage of solar land coverage, this is including but not limited to contaminated sites, gravel banks and landfills.
2. Any subsequent subdivision of a parcel in residential zone that contains a solar energy facility shall be required to maintain the minimum parcel size on which the facility exists, as well as not exceeding the solar land coverage established in this ordinance.

G. Additional requirements for solar energy facilities in non-residential zoning districts (B, LR-R, LI, ~~DM, LC-Planned District~~, PVOD)

1. Ground mounted solar energy facilities in the ~~B, LB-R, LI, Planned District and PVOD zone~~ shall not have a solar land coverage of more than 25 percent of the lot on which they are located, including existing structures.

H. Additional requirements for solar energy facilities along scenic roadways:

1. Ground mounted solar energy facilities located adjacent to a designated (local or state) scenic highway shall locate the solar facility, including solar panels and any appurtenant structures, out of the viewshed of the scenic roadway.

11.1.2. Procedural Requirements

A. Building-mounted solar energy facilities.

1. ~~Building-mounted solar energy facilities are permitted in all zoning districts per section 2.4.1 of the Zoning Ordinance.~~

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2—Issuance of a building permit (local and/or state) is required prior to any installation of a building-mounted solar energy facility.

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3. All building mounted solar energy facilities adjacent to a scenic roadway (local or state designated) shall place the solar panels and appurtenant structures out of the viewshed from the scenic highway, where possible.

4. No individual panel — within a building mounted solar energy facility, shall exceed the permitted building height for the zoning district which the structure the panel is mounted on is located.

B. Solar canopies.

1. Solar canopies shall be located over parking lots, driveways or walkways.

2. All solar canopies shall meet all applicable zone requirements including but not limited to lighting, setbacks and signage.

3. All medium and large scale solar canopies shall meet the following:

a. Major land development project approval from the planning board (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)).

b. Applicable general requirements identified in section 11.1.1.C.

C. Small-scale solar energy facilities.

1. All small-scale solar energy facilities are required to obtain major land development project approval (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)). In addition, all applicable requirements under 11.1.1.C of this section shall apply.

D. Medium-scale solar energy facilities.

1. All medium-scale solar energy facilities are required to obtain major land development project approval (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)). ~~and a special use permit.~~ In addition, ~~all~~ applicable requirements under 11.1 of this section shall apply.

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E. Large-scale solar energy facilities.

1. All large-scale solar energy facilities are required to obtain major land development plan approval (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)). ~~and a special use permit.~~ All applicable requirements set forth in section 11.1 of this ordinance shall apply.

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F. Utility-scale solar energy facilities.

1. All utility-scale solar energy facilities are required to obtain major land development plan approval (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)). ~~and a special use permit.~~ All applicable requirements set forth in section 11.1 of this ordinance shall apply.

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Sec. 11.2. - Wind systems.

A. Purpose. The purpose of this section is to accommodate wind systems of appropriate size in appropriate geographic locations, while simultaneously protecting the public health, safety and welfare. In addition, this section provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established herein. Moreover, due to the rural character of Exeter and the massive size of large scale wind systems, systems of this type are deemed inappropriate for reasons of protecting public safety and general welfare.

B. Definitions.

ASSOCIATED FACILITIES. Elements or components of a wind-energy facility other than the tower, nacelle, and blades that are necessary for the proper operation and maintenance of the wind turbine, including but not limited to buildings, access roads and substations.

GENERATING FACILITIES. Wind turbines and electrical lines that are immediately associated with wind turbines.

NACELLE. The frame and housing at the top of the tower that encloses the gearbox or generator.

OCCUPIED BUILDING. A residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

RESIDENCE. A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents, and watercraft.

SHADOW FLICKER. The effect of the sun shining through the rotating blades of a wind turbine, casting a moving shadow. This shadow is perceived as a "flicker" due to the rotating blades repeatedly casting the shadow.

SMALL-UNIT TURBINE. A wind energy facility that is no more than 36 feet tall and that generates no more than 100 kw of electricity and where said electricity is used exclusively for the power needs of the property owner who is also the applicant.

SUBSTANTIAL START. That construction shall be considered to be substantially commenced when any work beyond excavation, including, but not limited to, the pouring of slab or footings, the installation of piles, the construction of columns, or the placement of a Tower on a foundation has begun.

TOWER. The freestanding structure on which a wind measuring, or energy conversion system is mounted.

TURBINE HEIGHT. The distance measured from the top of foundation (based of tower) to the highest point of any turbine rotor blade measured at the highest arc of the blade.

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WIND ENERGY FACILITY (FACILITY). A lot or lots with a facility that uses one or more wind turbines to convert wind energy to electrical energy. A wind energy facility includes generating facilities and associated facilities.

WIND TURBINE. A system for the conversion of wind energy into electricity which is comprised of a tower, generator, nacelle, rotor and transformer.

C. Approval Process. All wind systems are subject to land development project approval as follows:

1. Small wind turbine. Subject to Minor Land Development review.
2. Large wind turbine. Subject to Major Land Development Review (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)).

D. Where conditionally permitted, wind turbines are subject to the following specific and objective criteria:

1. Height. Overall turbine height must not exceed 465 feet above the foundation (base of the tower). The base may not project more than one (1) foot above the average finished grade.
2. Setbacks. Setbacks equal to 1.5 times the turbine height from the closest point of property lines, public or private ways, and occupied buildings, or manufacturer's specifications, whichever is largest.
3. Noise and sound level. Noise levels must not exceed 75 dB(A) in industrial zones, 65 dB(A) in commercial zones and 40 dB(A) in residential zones at the applicant's external property boundary lines.
4. Shadow flicker. Using realistic modeling, the applicant must demonstrate that shadow flicker will be limited to a maximum of 30 hours per year and 30 minutes per day at occupied structures or controls will be put in place to manage flicker in accordance with this standard.
5. Overspeed controls, brakes, ice detection. All wind turbines must be equipped with an overspeed control system, braking mechanism, and ice detection sensors (or heated blades, as the case may be). These systems must be of the latest proven technology available.
6. Access. All ground-mounted electrical and control equipment and all access doors to a wind turbine must be labeled and secured to prevent unauthorized access. A wind tower must not be climbable up to a minimum of 15 feet above the ground surface.
7. The applicant must incorporate the latest technology, testing parameters, and best management practices, including preapplication testing, that meet or exceed accepted industry standards into all studies and technical submissions provided in the application process.
8. The applicant must address potential hazards such as ice throw and blade throw.

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9. View Shed/Sightline Analysis. The applicant must submit accurately scaled photographic renderings for areas with the greatest expected visual impacts. These graphics are for informational purposes only.
 10. All state and local public roads to be used within the Town to transport equipment and parts for construction, operation or maintenance of the wind energy facility must be identified as part of the application. Any road damage caused by the applicant or its contractors shall be promptly repaired to town standards at the applicant's expense.
 11. Decommissioning bond. The applicant shall provide a decommissioning bond payable to the Town to cover 1.5 times the anticipated cost of removal of the facility in accordance with subsection (G) of this section.
 12. Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.
- E. General Requirements – Small Unit Turbine. The use must comply with items 2, 3, 4, 7, 9 and 10 of subsection (D) of this section as performance standards.
- F. Supplemental Application Materials. The following application materials are required for a large wind turbine in addition to the standard application requirements.
1. Description of the proposed facility that includes the number and aggregate generating capacity of all wind turbines, the turbine height and manufacturer's certificates for each wind turbine.
 2. Site plan showing the location of each wind turbine, associated facilities and the following features located within 200 feet of the property line of any property proposed for a wind turbine: parcel boundaries, required setbacks, topographic contour lines (maximum ten-foot interval), roads, rights-of-way, overhead utility lines and connections, buildings (identified by use), land cover, wetlands, streams, water bodies, areas proposed to be regraded or cleared of vegetation, the location and average height of tree cover to be retained and the location, variety, planting height and mature height of proposed trees, if any.
 3. Description of emergency and normal shutdown procedures.
 4. Decommissioning plan and sample decommissioning bond.
 5. Written summary of operation and maintenance procedures and a maintenance plan for access roads, erosion and sedimentation controls and stormwater management facilities.
 6. Sound level and shadow flicker analysis prepared by a qualified engineer.
 7. An emergency response plan for the facility that incorporates coordination and cooperation with the fire and police departments and training on the response to and handling of emergencies.
 8. Any other relevant studies, reports, certifications and approvals as may be reasonably requested to ensure compliance with this article.

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9. Documentation verifying that there will be no interference with neighboring radio, TV, satellite, or other signal communications.

G. Decommissioning.

1. When the facility is scheduled to be decommissioned, operations cease, or the use abandoned, the property owner or the facility owner or operator shall notify the Administrative Officer and Building Official by certified mail of the proposed date of discontinued operations and the plans for removal. The facility shall be physically removed no more than one hundred eighty (180) days after the use discontinued, ceased, or abandoned operations. At the time of removal, the facility site shall be restored to the state it was in before installation, if no other viable use of the site is proposed at the time of decommissioning.

2. A facility shall be considered abandoned when, absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, it fails to operate, or is not connected to a utility company's interconnection or end-user for a one-year period after initial operations commence.

3. Decommissioning shall consist of:

a. Physical removal of the systems to include all components of the system mounting systems/foundations, structures, equipment, security barriers, transmission lines and any other component that is a part of the system from the site;

b. Disposal of all solid and hazardous waste, if any, in accordance with local, state and federal disposal regulations;

c. Stabilization or revegetation of the site as determined by a landscape architect to minimize erosion; and

d. Any earth disturbance as a result of the removal of the system shall be graded and reseeded.

e. A Restoration Plan shall be submitted to the Town Engineer for review prior to decommissioning to ensure the intent of this subsection is complied with and the land is restored to a vegetated state, if no other viable land use is proposed by appropriate application at the time of decommissioning.

4. Failure to Act

a. If the property owner or system owner or operator fails to decommission the system within one hundred eighty (180) days of abandonment, or the proposed date of decommissioning, the Town shall give written notice to the system owner, operator, and property owner to commence and complete decommissioning within thirty (30) days.

b. If decommissioning has not commenced within thirty (30) days of said written notice by the Town, the Town shall have the authority to enter the property and decommission the system and charge the cost of the decommissioning including reasonable attorney's fees against the financial guarantee. Any costs that exceed the

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guarantee may be charged to the property owner and/or the system owner or operator. The Town shall have the right to impose a lien for all such charges not covered by the guarantee.

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DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE XII. – MEDICAL-MARIJUANA RELATED FACILITIES

Sec. 12.1. – Definitions.

Compassion center means, as defined in Rhode Island General Laws § 21-28.6-3, a not-for profit corporation, subject to the provisions of Chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possess, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder, who have designated it as one of their primary caregivers.

Marijuana cultivation center means any entity that, under state law, may acquire, possess, cultivate, manufacture, deliver, transfer, transport, or supply marijuana, to a registered compassion center, or other entity authorized to dispense marijuana.

Marijuana store means any retail establishment at which the sale or use of marijuana, medical or otherwise, takes place. This shall not include compassion centers regulated and licensed by the State of Rhode Island, as defined herein.

Medical marijuana cultivation center means any entity that, under state law, may acquire, possess, cultivate, manufacture, deliver, transfer, transport, or supply marijuana, for medical purposes, to a registered compassion center, or other entity authorized to dispense medical marijuana.

Non-residential cooperative cultivation means a use of land located in a non-residential zone, or of a building, or a portion thereof, located in a non-residential zone for the cultivation of marijuana by two or more cardholders, as defined in Rhode Island General Laws § 21-28.6-3.

Residential cooperative cultivation means use of land located in a residential zone, or of a building, or portion thereof, located in a residential zone, for the cultivation of marijuana by two or more cardholders, as defined in Rhode Island General Laws § 21-28.6-3.

Patient cultivation means marijuana cultivation by a single registered cardholder, as defined in Rhode Island General Laws § 21-28.6-3 and as permitted by § 21-28.6-4.(a), within his or her residential dwelling for medical use only. This use shall only be permitted as an accessory use to a lawfully permitted residential use. In a mixed use building that contains residential and nonresidential uses, this use shall be contained within the residential dwelling unit only.

Sec. 12.2. – Compassion centers.

- A. Compassion centers shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A compassion center requires Major Land Development approval by the Planning Board (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)), and must meet all of the use shall be subject to the following requirements when permitted by right and the following requirements shall serve as specific and objective criteria when the use is conditionally permitted:

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1. Evidence that the requested use at the proposed location is not within 1000 feet of any property used for school, public or private, playground, play field, youth center, licensed day-care center or any location where groups of minors regularly congregate.
2. The requested use at the proposed location will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.
3. The exterior appearance of the structure must be consistent with the exterior appearance of existing structures within the immediate neighborhood.
4. The proposed compassion center shall implement the appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.
5. All compassion center uses shall comply with all licensing and permitting requirements of the Town of Exeter and the laws of the State of Rhode Island.
6. The use of butane for the purposes of marijuana extraction shall be prohibited in all districts.
7. The proposed compassion center shall provide detailed plans to the ~~permitting authority Planning Board~~ regarding the disposal of their wastewater from the growing operations, hours of operation, number of employees, parking requirements, signage, lighting and any other items deemed necessary by the Town Planner or the Planning Board as part of the application review process.
8. See section 12.8 of this article, Building requirements.

Sec. 12.3. - Medical marijuana cultivation center.

- A. Marijuana cultivation centers shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A marijuana cultivation center shall require Major Land Development approval by the Planning Board ~~(unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)), and must meet all of the following requirements when permitted by right~~ and the following requirements shall serve as specific and objective criteria when the use is conditionally permitted:

1. Evidence that the requested use at the proposed location is not within 1000 feet of property used for school, public or private, playground, play field, youth center, licensed day care center or any location where groups of minors regularly congregate.
2. The requested use at the proposed location will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.
3. The exterior appearance of the structure must be consistent with the exterior appearance of existing structures within the immediate neighborhood.
4. The proposed cultivation center shall implement the appropriate security measures to deter and prevent unauthorized entrance into the facility and shall ensure that the facility has an operational security/alarm system.

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5. The use of butane for the purposes of marijuana extraction shall be prohibited in all districts.
6. The proposed cultivation center shall provide detailed plans to the ~~Planning Board~~ ^{permitting authority} regarding the disposal of their wastewater or waste products from the growing or manufacturing operations, hours of operation, number of employees, parking requirements, signage, lighting and any other items deemed necessary by the Town Planner or the Planning Board as part of the application review process.
7. See section 12.8 of this article, Building requirements.

Sec. 12.4. - Marijuana cultivation center.

~~Reserved.~~

~~A. Marijuana cultivation centers shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A marijuana cultivation center requires Major Land Development approval by the Planning Board (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)), and must meet all of the following specific and objective criteria when the use is conditionally permitted:~~

- ~~1. Evidence that the requested use at the proposed location is not within one-thousand feet (1,000') of any property used for school, public or private, playground, play field, youth center, licensed day-care center or any location where groups of minors under the age of twenty-one regularly congregate.~~
- ~~2. The requested use at the proposed location will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.~~
- ~~3. The exterior appearance of the structure must be consistent with the exterior appearance of existing structures within the immediate neighborhood.~~
- ~~4. The proposed marijuana cultivation center shall implement the appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.~~
- ~~5. All marijuana cultivation center uses shall comply with all licensing and permitting requirements of the Town of Exeter and the laws of the State of Rhode Island.~~
- ~~6. No single location shall have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building.~~
- ~~7. The cooperative cultivation shall not be visible from the street or other public areas.~~
- ~~8. The use of butane for the purposes of marijuana extraction shall be prohibited.~~
- ~~9. No outside storage of marijuana, related supplies, or promotional materials shall be permitted.~~
- ~~10. Marijuana facilities shall be ventilated in such a manner that:~~

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(a) No pesticides, insecticides, or other chemicals or products used in the cultivation or processing of marijuana are dispersed into the outside atmosphere; and

(b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana facility, or any adjoining use of property. An odor control plan shall be submitted that provides for adequate ventilation, detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such control.

11. The marijuana facility shall be screened along side and rear setbacks with a solid wall or fence a minimum of six feet in height.

12. Lighting shall be required such that it will illuminate the use, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front facade, and any adjoining public sidewalk. Wherever possible, lighting shall be directed straight downward and full-cutoff fixtures shall be used in order to prevent glare or light trespass.

Sec. 12.5. - Marijuana store.

~~Reserved.~~

A. Marijuana stores shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A marijuana store requires Major Land Development approval by the Planning Board (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)), and must meet all of the following specific and objective criteria when the use is conditionally permitted:

1. Evidence that the requested use at the proposed location is not within one-thousand feet (1,000') of any property used for school, public or private, playground, play field, youth center, licensed day-care center or any location where groups of minors under the age of twenty-one regularly congregate.

2. The requested use at the proposed location will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.

3. The exterior appearance of the structure must be consistent with the exterior appearance of existing structures within the immediate neighborhood.

4. The proposed marijuana store shall implement the appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.

5. All marijuana cultivation center uses shall comply with all licensing and permitting requirements of the Town of Exeter and the laws of the State of Rhode Island.

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6. No single location shall have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building.
7. The cooperative cultivation shall not be visible from the street or other public areas.
8. The use of butane for the purposes of marijuana extraction shall be prohibited in all districts.
9. No outside storage of marijuana, related supplies, or promotional materials shall be permitted.
10. Marijuana facilities shall be ventilated in such a manner that:
 - (a) No pesticides, insecticides, or other chemicals or products used in the cultivation or processing of marijuana are dispersed into the outside atmosphere; and
 - (b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana facility, or any adjoining use of property. An odor control plan shall be submitted that provides for adequate ventilation, detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such control.
11. The marijuana facility shall be screened along side and rear setbacks with a solid wall or fence a minimum of six feet in height.
12. No burning of fossil fuels.
13. Buildings shall be constructed to stretch code standards.
14. Lighting shall be required such that it will illuminate the use, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front facade, and any adjoining public sidewalk. Wherever possible, lighting shall be directed straight downward and full-cutoff fixtures shall be used in order to prevent glare or light trespass.
15. Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (a) Safe vehicular and pedestrian circulation.
16. A traffic impact study stamped by a Rhode Island licensed civil engineer that shows no decrease in service at any period in time.
17. A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application.

18. Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

Sec. 12.6. - Non-residential cooperative cultivation.

- A. Non-residential cooperative cultivation shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A non-resident cooperative cultivation allowed as a special use shall require approval as a minor land development as well as approval of a special use permit. The Planning Board will consider the applications together under unified development review. The documentation required by this ordinance shall be included in the joint application for both approvals. In the case where a non-residential cooperative cultivation is permitted by right, all required documentation shall be submitted to the zoning inspector with the request for a zoning certificate. All non-residential cooperative cultivations shall be subject to the following requirements when permitted by right and the following requirements shall serve as specific and objective criteria when the use is conditionally permitted:

1. A cardholder shall only cooperatively cultivate in one location.
2. No single location shall have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building.
3. The cooperative cultivation shall not be visible from the street or other public areas.
4. A written acknowledgment of the limitation of the right to use and possess marijuana for medical purposes in Rhode Island, that is signed by each cardholder, shall be prominently displayed on the premises.
5. The use of butane for the purposes of marijuana extraction shall be prohibited in all districts.6. See section 12.8 Building requirements of this chapter.

Sec. 12.7. - Residential cooperative cultivation.

- A. Residential cooperative cultivation shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A resident cooperative cultivation allowed as a special use shall require approval as a minor land development as well as approval of a special use permit. The Planning Board will consider the applications together under unified development review. The documentation required by this ordinance shall be included in the joint application for both approvals. In the case where a residential cooperative cultivation is permitted by right, all required documentation shall be submitted to the zoning inspector with the request for a zoning certificate. All residential cooperative cultivations shall be subject to the following requirements when permitted by right and the following requirements shall serve as specific and objective criteria when the use is conditionally permitted:

1. A cardholder shall only cooperatively cultivate in one location.
2. No single location shall have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building.
3. The cooperative cultivation shall not be visible from the street or other public areas.

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4. A written acknowledgment of the limitation of the right to use and possess marijuana for medical purposes in Rhode Island, that is signed by each cardholder, shall be prominently displayed on the premises.
5. The use of butane for the purposes of marijuana extraction shall be prohibited in all districts.
6. See section 12.8 Building requirements of this chapter.

Sec. 12.8. – Building requirements.

- A. All licensed cultivators, retail stores and compassion centers shall apply for all appropriate building, electrical, mechanical and plumbing permits as required by the building official. The building official may grant the application for permits pursuant to the R.I. building code. All licensed cultivators, retail stores and compassion centers shall apply for all required approvals and inspections by the local fire marshal. The fire marshal may grant the application for permits pursuant to the R.I. fire safety code.
- B. Additional Requirements. In addition to the requirements above, the building official or permitting authority ~~Planning Board~~ shall require the following:
 1. The area used for growing shall be secured by locked doors and an alarm system.
 2. The area used for growing shall have two means of ingress and egress.
 3. The area used for growing shall not be within ten feet of any heating source.
 4. The area used for growing shall have proper ventilation to mitigate the risk of mold.
 5. The area used for growing shall have carbon filters (or equivalent) installed to reduce odors.
 6. No single non-residential location may have more than one medical marijuana facility. For the purposes of this section, location means one structural non-residential building, not units within a structural building.
 7. No equipment or process shall be used that creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
 8. Storage and disposal of processing waste, fertilizers and any other hazardous chemical associated with the activities of the growing or processing of medical marijuana or medical marijuana products shall comply with all local, state and federal requirements.

Sec. 12.9. – Licensing requirements.

All applications for medical marijuana cultivation centers, marijuana cultivation centers, marijuana stores and/or compassion centers are required to obtain an annual business license from the Town Council. The cost of such license shall be \$400.00.

Sec. 12.10. – Confidentiality.

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Any application for a permit, any inspection reports, approvals, certificates of occupancy or any other document prepared or created pursuant to this chapter shall not include the term marijuana, cardholder, caregiver, cooperative cultivation or any other term that may indicate that such document is or has been prepared or created pursuant to this chapter.

Sec. 12.11. – Violations.

The building official, fire marshal, zoning official and/or other designated official shall be required to report a violation of any of the provisions of this section to the Rhode Island Department of Business Regulation.

Sec. 1.2. Definitions.

Where words or terms used in this ordinance are defined in the definitions section of the "Rhode Island Comprehensive Planning and Land Uses Act," R.I. Gen. Laws § 45-22.2-4, they shall have the meanings stated therein. In addition, the following words shall have the following meanings:

1. *Abutter*. One whose property abuts, that is, adjoins at a border, boundary or point with no intervening land.
2. *Accessory dwelling unit*. A dwelling unit that provides complete independent living facilities and is located on a lot where the principal use is a legally-established detached dwelling unit or residential multi-unit building.
3. *Accessory use*. A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use. An accessory use is not permitted without the principal use to which it is related.
4. *Adaptive reuse*. The conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting those elements to the new use.
5. *Affordable housing*. Year-round housing built with a federal, state, or municipal subsidy that has a deed-restricted sales price or rental amount that is within means of a household that is moderate income or less, as defined by R.I. Gen. Laws § 42-128-8.1(d), as amended. Synonymous with "low- or moderate-income housing."
6. *Age restricted housing*. Housing limited to use and residency by persons 55 years of age or older, as defined by R.I. Gen. Laws § 34-37-4.1(a)(5), the Rhode Island Fair Housing Practices Act, as amended.
7. *Aggrieved party*. A person who can demonstrate that his or her property will be injured by a decision of any town official, board or commission responsible for administering the zoning ordinance, or a person requiring notice pursuant to title 45, chapter 24 of the general laws.
8. *Agricultural land*. Land suitable for agricultural use by reason of suitability of soil or other natural characteristics or past use for agricultural purposes.
9. *Applicant*. An owner or authorized agent of the owner who submits an application.
10. *Application*. The completed form or forms and all accompanying documents, exhibits and fees required for review, approval, or permitting purposes.
11. *Area median income (AMI)*. The median household income as determined annually by the federal Department of Housing and Urban Development (HUD) and adjusted for household size by HUD and by Rhode Island Housing for the designated statistical area that includes the town as of the date of marketing of the housing unit to which it is being applied.
12. *Articulation*. The degree or manner in which a building wall or roofline is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different vertical and horizontal planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors or textures.
13. *Arterial street*. A public street on which traffic circulates into, out of, or across the town or provides service for trips of moderate length. For the purposes of the zoning ordinance, arterial streets in Exeter include Route 2, Route 3, Route 102, and Route 165.
14. *Awning*. An overhead cover of canvas or other material extending over building openings to provide protection from the sun and rain.

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15. *Bed and breakfast.* An owner-occupied home that provides lodging and meals for a fee. Hosting functions such as weddings for a fee or in conjunction with the bed and breakfast use is prohibited.
16. *Buffer.* Land that is maintained in either its natural state or landscaped, and is used to screen or mitigate the impacts of development on surrounding areas, properties or rights-of-way.
17. *Building.* Any structure used or intended for supporting or sheltering any use or occupancy.
18. *Building height.* On all structures, building height is measured to the top of the highest point of the existing or proposed structure, excluding spires, chimneys, flag poles, and similar projections. On an undeveloped lot, building height is measured from the average existing-grade elevation where the foundation of the structure will be located. On an existing structure, building height is measured from the average grade of the outermost corners of the foundation. On a structure in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps, the base flood elevation on the FEMA map, plus up to five feet of any existing or proposed freeboard, less the average existing grade elevation, is excluded from the building height calculation. Freeboard is the number of feet the lowest floor of a structure must be elevated above the base flood elevation to provide safety.
19. *Building inspector.* An appointed official responsible for issuing building permits and examining all structures during the course of their erection, alteration, repair, moving or demolition. Also called a building official.
20. *Cluster.* A site-planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in the ordinance and may include, but are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development, there is no increase in the number of lots that would be permitted under conventional development except where ordinance provisions include incentive bonuses for certain types or conditions of development.
21. *Common ownership.*
- i. Ownership of two or more contiguous lots by the same individual, individuals, entity, or entities.
 - ii. Ownership by an association of property owners such as a homeowners' association.
22. *Community residence.* A residence defined in R.I. Gen. Laws § 45-24-31(15), as amended.
23. *Comprehensive community plan.* The document adopted and approved pursuant to Title 45, Chapter 22.2 of the General Laws.
24. *Conservation development.* The site planning and design process used to implement cluster subdivisions and land developments, as defined in R.I. Gen. Laws § 45-24-31(13) Conservation development guides growth to the most appropriate areas within a parcel of land to avoid and minimize impacts to natural, cultural or recreational resources and other special features of the property, and requires the set-aside of a permanent area of open space.
25. *Day care center.* A facility that provides daytime care and supervision.
26. *Day care, family day care home.* A home where daytime care and supervision is provided for no more than eight individuals, including up to six individuals who are not related to the caregiver.
27. *Density, residential.* The number of dwelling units per unit of land.
28. *Development.* The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, any mining, excavation, landfill or land disturbance, any change in use, or alteration or extension of the use of land.

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298. *Development rights*. Those rights to develop, expressed as the maximum number of dwelling units for residential parcels that could be permitted on a designated sending area parcel under the applicable zoning and subdivision regulations in effect on the date of the transfer of development rights.
3029. *Drainage system*. A system for the removal of water from land by drains, grading or other appropriate means. Such techniques may include runoff control to minimize erosion and sedimentation during and after construction or development, the means for preserving surface [waters] and groundwaters and the prevention and/or alleviation of flooding and pollution.
319. *Dwelling unit*. A structure or portion thereof that provides permanent provisions for living, sleeping, eating, cooking and sanitation, and has a separate means of ingress and egress.
321. *Extractive industry*. The extraction of minerals including: solids, such as coal, ores and gravel and soil material; liquids, such as crude petroleum; and gases, such as natural gases. The term includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.
332. *Façade*. The front of a building or any of its sides facing public spaces, frequently distinguished by distinctive architectural treatment.
343. *Family member*. A person related by blood, marriage, or other legal means, including but not limited to a child, parent, spouse, mother-in-law, father-in-law, grandparent, grandchild, domestic partner, sibling, care recipient, or member of the household.
354. *Farm*. Five acres or more of land which is, together with principal and accessory buildings, actively devoted to agricultural or horticultural production and operated by an individual, partnership, or corporation that has filled a U.S. Internal Revenue Form 1040 (Schedule F) with the Internal Revenue Service and has a State of Rhode Island farm tax number, and has earned at least \$2,500.00 gross income on farm products in either of the proceeding two years.
365. *Farm brewery*. A brewery that is located on a farm of no less than five acres and that produces beer which is manufactured with at least one primary ingredient (hops or grain) grown on the farm and whose annual production does not exceed 150,000 gallons of beer, and where customers would have the opportunity to tour the farm and try small samples (three ounces or less), and purchase bottles (of up to 64 ounces each) to take home and consume off site.
- A farm brewery may also sell beer at wholesale to retailers with the appropriate State license. A farm brewery must have the appropriate State license to operate a brewery.
376. *Fast food restaurant*. Any business, the major operation of which is over the counter service, generating a high turnover of customers and a large volume of traffic.
387. *Floodplain or flood hazard area*. As defined in R.I. Gen. Laws § 45-22.2-4(9), as amended.
398. *Greenhouse*.
- i. *Greenhouse - Tier I (less than two acres undercover)*. Traditional hoop house, gable, A- frame, gothic arch, geodesic dome, saw tooth and lean-to structures constructed of wood, metal piping (aluminum or steel) solid polycarbonate, acrylic and fiberglass) glass walls and roofs that are customarily accessory to a principal use and do not exceed two acres undercover either by an individual structure or in aggregate for a series of structures on the same property. Houses in this category comprised of aluminum, wood or plastic PVC pipes covered with polymer plastic coverings are exempt from the coverage calculation. Unlike a Tier II and III CEA Greenhouse facilities this category employs less advanced forms of heating ventilation (HVAC) systems, water recycling, computer-managed techniques and automation and does not include floor area specifically dedicated to administration, employees, washrooms, grading, warehousing, distribution and loading docks.

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- ii. *Greenhouse - Tier II (two to four acres undercover).* A structure or structures with walls and roof made chiefly of solid transparent material, such as glass, polycarbonate, acrylic used for the cultivation or protection of tender plants. These structures could be solitary structures or are a series of structures designed for the protection of tender or out-of-season plants against excessive cold or heat. The Tier II greenhouse category limits the area undercover to the growth of plants and does not include floor area specifically dedicated to administration, employees, washrooms, warehousing, distribution and loading docks. Greenhouses in this category comprised of aluminum, wood or plastic PVC pipes covered with polymer plastic coverings are exempt.
- iii. *Greenhouse - Tier III CEA Facility (greater than 4 acres undercover).* Controlled Environmental Agricultural Facility (CEA facility) is a commercial structure that includes related equipment and appurtenances that combine engineering, horticultural science, and computer management techniques to optimize hydroponics, plant quality, and food production efficiency from the land's water for human or livestock consumption. The primary purpose of this commercial facility is to grow crops and obtain a monetary profit from the sale of plant-based food for human or livestock consumption. Unlike Tier I or Tier II greenhouses, this facility is more advanced and utilizes intensive forms of hydroponically-based agriculture along with automation to optimize horticultural practices in sophisticated climate-controlled buildings. These are glass and steel structures that often harvest roof top rainwater and are controlled by state-of-the-art computers that are able to monitor climate 365 days of the year, 24 hours a day, and make smart adjustments, data-driven adjustments, in order to maximize crop productivity, efficiency, reduce production losses. These facilities often include floor area dedicated to administration, employees, washrooms, harvesting, grading, warehousing, and distribution alongside structured parking and loading docks either as part of the facility or attached thereto.
- ~~4039.~~ *Gross floor area.* The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory ~~parking~~ (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.
- ~~410.~~ *Groundwater.* As defined in R.I. Gen. Laws § 46-13.1-3(6), as amended.
- ~~421.~~ *Home occupation.* Any activity customarily carried out for gain by a person in the person's dwelling as an accessory to the principal residential use.
43. *Hotel.* A building designed and intended for temporary lodging offered to the public for compensation, divided into separate units within the same building, and where additional services such as restaurant, meeting, conference and recreational facilities may be provided for both guest and non-guest use.
- ~~442.~~ *Household.* One or more persons living together in a single-dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food. The term "household unit" is synonymous with the term "dwelling unit" for determining the number of units allowed in a structure. An individual household consists of a family, which may also include servants and employees living with the family, or three or more unrelated persons living together.
- ~~453.~~ *Infrastructure.* Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.
- ~~464.~~ *Junk.* Items including, but not limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, construction debris, waste; or junked, dismantled or wrecked automobiles, or parts thereof; and iron, steel and other old or scrap ferrous or nonferrous material.

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475. *Junkyard.* The use of any lot, whether inside or outside a building, where an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk.
486. *Kennel, Class 1.* A fully enclosed/indoor structure or establishment other than a pound or animal shelter where over ten dogs are kept, owned, trained and/or boarded.
497. *Kennel Class 2.* A structure or establishment other than a pound or animal shelter where four to ten dogs are kept, owned, trained and/or boarded.
5048. *Land development project.* A project in which one or more lots, tracts, or parcels of land are developed or redeveloped as a coordinated site for a complex of uses, units, or structures for residential, commercial, institutional, recreational, open space, or mixed uses.
5149. *Land disturbing activity.* Any physical disturbance of land, including but not limited to clearing and grubbing for future development; excavating; filling; grading; or construction or demolition of a structure.
529. *Land unsuitable for development.* Land with natural or man-made limitations that make it unsuitable for development. Land unsuitable for development shall be excluded from density calculations in conservation developments, rural residential compounds, and planned districts, and may not be considered as part of the minimum lot area required. Land unsuitable for development includes freshwater wetlands but not the area within any regulatory wetland buffer; special flood hazard areas A and A1 through A30, as shown on the FEMA Flood Insurance Rate Maps, as amended; and land within any publicly or privately held easement on which above-ground utilities, including but not limited to electrical transmission lines, are constructed. Land shall not be classified as unsuitable for development solely because of its natural gradient.
531. *Landscaping business.* Any business whose purpose is to change or improve the natural scenery of a business or residence by placing or arranging trees, bushes, shrubs, ornamental grasses or other vegetation and also maintaining existing vegetation by pruning, mowing or other normal vegetative maintenance and also includes installation and maintenance of landscape features such as decorative ponds, waterfalls or other water elements as part of an overall landscape design.
542. *Lot.* Either (1) the basic development unit for determination of lot area, depth, and other dimensional regulations, or (2) a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and is recognized as a separate legal entity for purposes of transfer of title.
553. *Lot area.* The total area within the boundaries of a lot, including at a minimum, one acre of contiguous land that is suitable for development, usually reported in acres or square feet.
564. *Lot building coverage.* That portion of the lot that is or may be covered by buildings and accessory structures.
575. *Lot depth.* The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.
586. *Lot frontage.* That portion of a lot abutting a public street or a private street on an approved plat. Lot frontage must be contiguous to meet minimum frontage requirements.
597. *Lot line.* A line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and shall include:
- i. *Front.* The lot line separating a lot from a street right-of-way. On an interior lot, the front lot line is the lot line abutting a street. On a developed corner lot, the front lot line is the lot line currently used for that purpose. On an undeveloped corner lot, the front lot line is the lot line

chosen by the property owner when initial development begins. On a through lot, the lot line abutting the street providing the primary access to the lot.

- ii. *Rear.* The lot line opposite and more distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- iii. *Side.* Any lot line other than a front or rear lot line. On a corner lot, a side lot line is along the street lot line other than the front lot line.

6058. *Lot, through.* A lot other than a corner lot that fronts on two substantially parallel streets, or fronts on two streets that do not intersect at the boundaries of the lot.

6159. *Lot width.* The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

629. *Low-income household.* A household with an adjusted gross income that is 80 percent or less of the area median income as determined by Rhode Island Housing.

631. *Low or moderate-income housing.* See "affordable housing."

642. *Massing.* The three-dimensional bulk of a structure consisting of its height, width, and depth.

653. *Maximum gross building footprint per retail structure.* The maximum gross building footprint per retail structure shall be calculated by including the total footprint in square feet of all indoor space devoted to storage, display, and/or sale of goods to be sold at retail, and sales areas for retail goods located on the same or on contiguous lots or parcels of land for a single or commonly controlled retail business operation. Thus, even if more than one structure is utilized for a single or commonly controlled retail business operation, the combined gross footprint may not exceed 40,000 square feet. Nothing herein is intended to prohibit multiple retail structures on a single lot from exceeding a total of 40,000 square feet, as long as they are not for a single or commonly controlled retail business operation.

664. *Mixed use.* A mixture of land uses within a single development, building, or tract.

675. *Mixed use commercial development.* Commercial development in a business zone that contains a mix of commercial and residential uses as provided for in article 4, sec. 4.6 of this ordinance. A mixed use commercial development is considered a land development project.

686. *Mobile home or trailer.* A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted, or attached to a permanent foundation.

697. *Moderate income household.* A household with an adjusted gross income that is more than 80 percent but less than 120 percent of the area median income as determined by Rhode Island Housing.

7068. *Modification.* A dimensional variance granted by the zoning inspector pursuant to section 1.4 of this ordinance.

71. *Motel.* A building intended and designed for transient or overnight occupancy, divided into separate units within the same building, and with or without public dining room facilities.

7269. *Municipal government subsidy.* Assistance that is made available through a town program sufficient to make housing affordable, as affordable housing is defined in this ordinance. Such assistance may include, but is not limited to, direct financial support, waiver of fees and charges, and approval of density increases or adjustments, or any combination of forms of assistance.

739. *Natural vegetation.* Trees, shrubs, grass, or other plants which grow naturally or have been planted.

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741. *Nonconformance*. A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of the Exeter zoning ordinance and not in conformity with the provisions of such ordinance or amendment. Nonconformance shall be of only two types:
- i. *Nonconforming by use*. A lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use.
 - ii. *Nonconforming by dimension*. A building, structure or parcel of land not in compliance with the dimensional regulations of the Exeter zoning ordinance. Dimensional regulations include all regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of the Exeter zoning ordinance shall be nonconforming by use, a building or structure containing a permitted number of dwelling units by use regulations of the zoning ordinance, but not meeting the lot are per dwelling unit regulations, shall be nonconforming by dimension.
752. *Overlay district*. A zoning district that is superimposed on one or more other zoning districts or parts of districts and that imposes specified requirements in addition to but not less than those otherwise applicable to the underlying zone.
763. *Owner*. A partnership, corporation, or company, or a person who alone, or jointly or severally with others, has legal title to a premises or has control of a premises as agent, executor, executrix, administrator, trustee, guardian of the estate of the holder of legal title, or the holder of equitable title.
774. *Performance standards*. Criteria that a particular use or process must meet or may not exceed.
785. *Permitted use*. A use that is specifically authorized by right in a particular zoning district.
796. *Planned village development (PVD)*. A type of major land development project permitted only within the planned village overlay zoning district that incorporates a mix of residential and nonresidential uses in a compact, walkable environment in compliance with the standards set forth in article X of this ordinance.
8077. *Plant agriculture*. The growing of plants for food or fiber, or to sell or consume. It is a permitted use in all zoning districts, including all industrial and commercial zoning districts, except where prohibited for public health or safety reasons or the protection of wildlife habitat.
8178. *Public Water Supply*. Means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Such term includes:
- i. Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and
 - ii. Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.
8279. *Preapplication conference*. A discussion of a proposed development between the applicant and the official or board with the authority to approve the development. A preapplication conference takes place before a formal application is submitted.
839. *Residential compound*. A parcel of land containing lots for single-family dwellings having an average overall density of no greater than one dwelling unit per ten acres of land.
841. *Rhode Island Housing*. The Rhode Island Housing and Mortgage Finance Corporation, an agency of the State of Rhode Island.

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- ~~852~~. *Roofline*. The top covering of a building which may consist of a variety of styles including, but not limited to: gable roof, hip roof, shed roof, and gambrel roof.
- ~~863~~. *Scale*. The general feeling of mass and size of a building as it relates to that of other buildings along a street or block front.
- ~~874~~. *Setback line*. A line parallel to the property line marking the required depth of the front, side, or rear yard.
- ~~88~~. *Short-term rental*. The occupancy or use, for a fee, of all or portions of a dwelling unit by anyone for tourist or transient use for a period of fewer than 30 consecutive calendar days. Hotels, motels and bed and breakfasts are excluded from this definition.
- ~~895~~. *Site plan*. The development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot.
- ~~9086~~. *Solar energy facility*. The equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas or electricity produced from a non-renewable source. This shall include photovoltaic arrays and installations that utilize building-mounted and/or ground-mounted systems. Definitions applicable to solar energy facilities are as follows:
- i. *Accessory building-mounted solar array*. A solar energy system that is incidental and subordinate to the principal use(s) of the parcel, where the power produced can be used onsite, virtual net metered or sold back to the electric distribution company. An accessory building-mounted system shall be installed only on the roof of a structure.
 - ii. *Building-mounted solar energy facility*. A solar energy system that is structurally appended to the roof of a building or structure.
 - iii. *Ground-mounted solar energy facility*. A solar energy system that is structurally appended to the ground and is not supported by a structure or building.
 - iv. *Large-scale solar energy facility*. A solar energy system that occupies 40,000 square feet up to 220,000 square feet, inclusive of inter-row and panel/collector spacing.
 - v. *Medium-scale solar energy facility*. A solar energy system that occupies more than 1,600 square feet but less than 40,000 square feet of area, inclusive of inter-row and panel/collector spacing.
 - vi. *Small-scale solar-energy facility*. A solar energy system that occupies 1,600 square feet of area or less, inclusive of inter-row and panel/collector spacing.
 - vii. *Solar canopy*. A solar energy facility that is located on a new elevated structure that hosts solar panels and provides shelter to a parking area, driveway or walkway underneath.
 - viii. *Solar land coverage*. The total footprint of land occupied by all components of a solar energy system including but not limited to solar panels, mounting equipment, ancillary components of the system, inter-row and panel/collector spacing, access, and all other areas within the required perimeter fencing.
 - ix. *Utility-scale solar energy facility*. A solar energy system that occupies more than 220,000 square feet of area, inclusive of inter-row and panel/collector spacing.
- ~~9187~~. *Special use*. A conditionally permitted use that may be established with a special use permit issued by the zoning board of review or the planning board. See article I, sec. 1.3(F).
- ~~9288~~. *Street*. A public or private thoroughfare used for passage or travel by motor vehicles.

~~9389~~. *Street line*. A lot line that separates a lot from a street.

~~940~~. *Structure*. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

~~951~~. *Substandard lot of record*. Any lot lawfully existing at the time of adoption or amendment of this ordinance and not in conformance with the dimensional and/or area provisions of the ordinance.

~~962~~. *Transfer of development rights*. The ability to separate development rights from a particular parcel and use them to increase the development potential on another.

~~973~~. *Use*. The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

~~984~~. *Variance*. Permission to depart from the literal requirements of the zoning ordinance. See section 1.3(E).

~~995~~. *Waters*. As defined in R.I. Gen. Laws § 46-12-1(23).

~~10096~~. *Yield plan*. A plan of a conventional (as opposed to a conservation) subdivision that depicts the maximum number of building lots or dwelling units that could reasonably be built on a parcel of land in compliance with this ordinance, taking into account land unsuitable for development. No lot shall be considered buildable unless it can be shown to have a minimum of one acre (43,560 sq. ft.) of contiguous, accessible land that is free of wetlands, water bodies, street rights-of way, and electrical power line easements.

~~10197~~. *Zoning certificate*. A document signed by the zoning inspector that acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this zoning ordinance, or is an authorized variance, special use, or modification.

~~10298~~. *Zoning inspector*. A person elected by the people of the Town of Exeter who is charged with the responsibility of enforcing the provisions of this zoning ordinance and recording all amendments of the ordinance on the record copy of the zoning ordinance.

~~10399~~. *Zoning map*. The map that is part of this zoning ordinance and that delineate the boundaries of all mapped zoning districts within the physical boundaries of the Town.

~~1040~~. *Zoning ordinance*. The zoning ordinance enacted by the town council pursuant to Title 45, Chapter 24 of the General Laws that sets forth regulations and standards relating to the nature and extent of uses of land and structures, is consistent with the comprehensive plan, and includes the zoning map.

(Ord. of 5-25-00, § 1; Ord. of 1-6-03(2), § 4; Amd. of 3-3-03; Amd. of 10-5-04; Amd. of 3-6-06, § 1; Ord. of 8-7-06, § 1; Amd. of 5-7-07; Amd. of 6-4-07; Ord. of 9-4-07, § 1; Amd. of 4-7-08; Amd. of 4-6-09; Ord. of 9-27-12, Exh. 1; Amd. of 10-6-14, § 1; Amd. of 9-4-18; Amd. of 2-4-19, § 3; Amd. of 4-5-21; Ord. of 3-9-23, § 1; Ord. of 12-4-2023(1))

Sec. 2.4. Zoning use table follows.

TABLE 2.4. ZONING USE TABLE

		District										
2.4.1. Use Category		RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL	Planned District	PVOD
1.	Single-family structures	Y	Y	Y	Y	S	S	S	S	Y		Y
2.	Home occupations (as per article IV, section 2)	Y	Y	Y	Y	N	S	Y	S	S		S
3.	Raising of animals or fowl by a resident of the premises not to exceed USDA animal unit equivalent without a management plan by SRICD	Y	Y	Y	Y	N	S	Y	S	S		S
4.	Public telephone booths	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
5.	Signs permitted in article VI, accessory to primary use	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
6.	Parking as required in article V, accessory to primary use	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
7.	Accessory use as defined in article IV, section 1	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
8.	Farming; nurseries; forestry activities, which includes cutting, buying and selling of firewood; excluding wood processing which is listed as a special use. Buying, selling, breeding and boarding of animals, except dogs, but not including the raising of pigs primarily for the consumption and disposal of garbage	Y	Y	Y	Y	S	S	N	S	S		S

9.	Landscaping businesses											
	a. Home occupation	Y	Y	Y	Y	S	S	Y	S	S		Y
	b. Non-home occupation	N	N	S	S	S	S	Y	S	S		S
10.	Kennel business											
	a. Kennel Class 1 (over ten dogs)	N	N	S	S	Y	Y	Y	S	S	S	N
	b. Kennel Class 2 (four—ten dogs)	S	S	S	S	Y	Y	Y	S	S	S	S
11.	Erection of a roadside stand, not to exceed 200 square feet for the sale of agricultural products as an accessory use	Y	Y	Y		Y	Y	S	S	S		Y
12.	Single-family mobile homes will be allowed as temporary living structures for a period of one year under the following conditions; i.e. fire- and storm-related damage. The license will be reviewed by the zoning board of review after one year	Y	Y	Y	Y	Y	Y	N	N	S		Y
13.	Pharmacies or drugstores	N	N	N	N	Y	S	S	S	S		Y
14.	Grocery, delicatessen, bakery or other retail foodstores	N	N	N	N	Y	Y	S	S	S		Y
15.	Commercial lunchrooms, ice cream parlors. Fast food not permitted	N	N	N	N	Y	Y	S	S	S		Y
16.	Variety stores, family or independent	N	N	N	N	Y	Y	S	S	S		Y
17.	Arts and crafts shops	N	N	N	N	Y	Y	S	S	S		Y
18.	Personal service shops such as tailor, dressmaking, barber, beauty, shoe repair, laundry	N	N	N	N	Y	Y	S	S	S		Y

	pickup, dry cleaning pickup and watch repair											
19.	Antique, art, book, stationery or gift shops	S	S	S	S	Y	Y	S	S	S		Y
20.	Florists and nurseries	N	N	S	S	Y	Y	S	S	S		Y
20.a	Greenhouse Tier I	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
20.b	Greenhouse Tier II	N	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	S (see note 11)	S (see note 11)	S (see note 11)	S (see note 11)
20.c	Greenhouse Tier III-CEA Facility	N	Y (see note 10)	N	N	N	N	Y (see note 10)	N	N	N	N
21.	Funeral homes or mortuaries	N	N	N	N	Y	S	N	N	N		S
22.	Restaurants, taverns or catering establishments. Fast food service restaurants not permitted in any district	N	N	N	N	Y	Y	S	N	N		Y
23.	Package liquor stores	N	N	N	N	Y	Y	N	N	N		Y
24.	Sale of lumber, building materials, hardware, grain or feed	N	N	N	N	Y	Y	Y	N	N		Y
25.	Woodworking and furniture refinishing shops	N	N	N	N	Y	Y	Y	N	N		S
26.	General merchandise, department, furniture or other household goods stores, and food stores	N	N	N	N	Y	Y	N	N	N		Y
27.	Photography, photocopying, blue-printing or printing establishments	N	N	N	N	Y	Y	Y	N	N		Y

28.	Recreational equipment sales such as travel trailers, snowmobiles, swimming pools, tents	N	N	N	N	Y	Y	Y	N	N		Y
29.	Manufacture of wood products excluding manufacture of raw paper products or recycling of paper	N	N	N	N	N	N	Y	N	N		N
30.	Scientific and research laboratories	N	N	N	N	S	N	Y	N	N		S
31.	Manufacture of food products, other than from meat, vinegar and yeast. Fish, shellfish and rendering or refining of fats and oil products not permitted	N	N	N	N	N	N	Y	N	N		Y
32.	Lumber, coal, building materials, grain and feed storage yards, wholesale and warehouse facilities, including cold storage	N	N	N	N	S	S	Y	N	N		N
33.	Freight or trucking terminals	N	N	N	N	N	N	Y	N	N		N
34.	Manufacture of electronic products	N	N	N	N	S	N	Y	N	N		N
35.	Public utility structures	S	S	S	S	S	S	Y	S	S		S
36.	Private neighborhood halls and other uses incidental to the promotion and development of neighborhood cooperation and activities. Communal uses including grange halls, and other public or private recreation uses incidental to and for the community	S	S	S	S	N	N	N	N	N		Y

37.	Educational or religious institutions, including churches, schools and nursery schools. Size restrictions apply	S	S	S	S	S	S	N	N	S		Y
38.	Two-family dwelling structures	S	S	S	S	N	N	N	N	N		Y
39.	Mixed use commercial development					S	S					Y
40.	Government buildings and uses including libraries, town halls and public works garages, but excluding sanitary landfills, sewage treatment plants and incinerators	S	S	S	S	S	S	Y	S	S		Y
41.	Wood processing	S	S	S	S	S	S	S	N	N		N
42.	Bed and breakfast	S	S	S	S	S	S	N	N	N		Y
43.	Family day care, homes	Y	Y	Y	Y	Y	S	Y	Y	Y		Y
44.	Day care centers	S	S	S	S	S	S	N	N	S		Y
45.	Single-family mobile homes will be allowed as temporary living structures for a period of one year for new construction. Applicants must obtain a building permit before applying for a special-use permit. The license will be reviewed by the zoning board after a period of one year	S	S	S	S	N	N	N	N	N		N
46.	Medical uses, including rest homes, convalescent homes, animal hospitals and clinics	N	S	S	S	S	S	N	N	S		S
47.	Cemeteries, provided that the total area to be devoted to such	N	S	S	S	N	N	N	N	N		N

	use shall not be less than 25 acres											
48.	Structures to accommodate business and professional offices. Towers prohibited	N	S	S	S	S	S	N	S	S		Y
49.	Swimming areas, country clubs, golf courses, skiing and commercial horseback riding facilities. Private and public fishing and hunting areas, sports clubs (excluding shooting ranges). Private or commercial campgrounds or recreation, including sports clubs	N	N	S	S	N	N	N	N	N		Y
50.	Motels or hotels with not more than ten rooms per acre of gross site area, and with state-approved water supply well and ISDS systems	N	N	N	N	S	S	N	N	N		S
51.	Gasoline filling stations	N	N	N	N	S	S	N	N	N		S
52.	New and used automobile dealer-ships, provided that all repair is performed within a structure and that there is no outdoor storage of derelict or junk automobiles or parts	N	N	N	N	S	S	S	N	N		N
53.	Shopping centers, meaning a cluster of two or more stores with communal parking facilities, planned and built as an entity or subdivision of an area within a business district	N	N	N	N	S	S	N	N	N		Y

54.	Occupational schools conducted as a business such as dance, music [or] welding automobiles	N	N	N	N	S	S	N	N	N		S
55.	Extractive industries, including gravel and sandbanks, provided they are screened by an opaque fence, hedge or other natural barrier not less than six feet in height, and provided they conform to the Earth Removal Ordinance	N	N	N	N	N	N	S	N	N		N
56.	Manufacture of food products from meat, vinegar or yeast	N	N	N	N	N	N	S	N	N		S
57.	Metal fabrication	N	N	N	N	S	N	S	N	N		N
58.	Manufacture of machine tools, precision instruments, musical instruments, toys and novelties	N	N	N	N	S	N	S	N	N		S
59.	Industrial parks, meaning a cluster of two or more industrial businesses with communal parking facilities, planned and built as an entity or subdivision of an area within an individual district	N	N	N	N	N	N	S	N	N		N
60.	Breweries or distilleries	N	N	N	N	N	N	S	N	N		S
60A.	Farm Breweries		Y	Y	Y					Y		
61.	Junk or salvage yards, including the outdoor storage of used materials, provided they are screened by an opaque fence, hedge or other natural barrier not less than six feet in height	N	N	N	N	N	N	S	N	N		N

62.	Manufacture, processing and packaging of cosmetics and toiletries	N	N	N	N	N	N	S	N	N		S
63.	Private cellular communications antenna on existing nonresidential principal or accessory structure	S	S	S	S	S	S	Y	N	S		S
64.	Private cellular communications antenna on existing residential principal or accessory structure	N	N	N	N	N	N	S	S	N		S
65.	Public cellular communications antenna on existing non-residential structure	S	S	S	S	S	S	Y	N	S		S
66.	Other communications tower, including broadcast TV or radio	N	N	N	N	N	N	S	N	N		N
67.	Public cellular communications tower	N	N	N	N	N	N	S	N	N		S
68.	Private cellular communications tower	N	N	N	N	N	N	S	N	N		S
69.	Accessory building-mounted solar facility	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
70.	Solar Canopy	N	N	N	N	Y	Y	Y	N	Y	Y	Y
71.	Small-scale solar facility	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
72.	Medium-scale solar facility	S	S	S	S	Y	Y	Y	N	Y	Y	Y
73.	Large-scale solar facility	S	S	S	S	N	N	Y	N	S	Y	N
74.	Utility-scale solar facility	N	N	N	N	N	N	S	N	S	S	N
75.	Medical Marijuana											
a.	Compassion center	N	N	N	N	Y	S	Y	N	S	Y	S
b.	Medical marijuana cultivation center	N	N	S	S	Y	Y	Y	N	S	Y	Y

c.	Non-residential cooperative cultivation	N	N	N	N	Y	Y	Y	N	S	Y	S
d.	Residential cooperative cultivation	S	S	Y	Y	N	N	N	N	S	N	N
e.	Patient cultivation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
76.	Reserved - Marijuana Cultivation Center											
77.	Reserved - Marijuana Store											
78.	Short-term rental	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
	All uses not listed above are specifically prohibited											

2.4.2. Dimensional Regulations		District								
		RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	PVOD
1.	Minimum lot size, acres	2	3	4	5		2	2		See note (8)
2.	Minimum street frontage, feet	200	250	300	350	150	150	400	200	40
3.	Maximum lot coverage by all structures, percent. Refer to article VI, section 2 for number of structures (building coverage)	15 (see note 14)	15 (see note 14)	15 (see note 14)	10	25	25	25	10	See note (8)
4.	Minimum front depth (setback), feet	60	100 (see note 12)	100	150	100	100	200	200	See note (9)
5.	Minimum front depth (setback) on arterial roads, feet		100	100	150	100	100	200	200	10
6.	Minimum side depth (setback), feet	30	60	80	100	30	30	50	50	0
7.	Minimum rear depth (setback), feet	50	50	50	150	75	75	100	150	0

8.	Maximum structure height, feet (excluding farm structures), measured from highest grade	40 (see note 13) 75	40 (see note 13)	40 (see note 13)	40 (see note 13)	40	40	40	40	45
9.	Maximum building capacity, persons	250	250	250	250		250			
10.	Maximum gross retail footprint (see note #7 below), square feet	40,000	40,000	40,000	40,000	40,000	40,000	N/A	40,000	Section 10.3.3
11.	Number of structures shall be in accordance with 2.6									

NOTES:

- Any industrial structure or activity or outdoor storage shall be set at least 200 feet from the RE-2, RU-3, RU-4 and CR-5 district boundaries, and at least 100 feet from any B or LB/R district boundaries. A setback for structures and parking lots of 200 feet from all roads and suitable landscape screening shall be provided.
- No certificate of occupancy for any use shall be issued until the administrative officer has certified in writing that the use has received all required approvals.
- Each business or industry must contain within its own lot the wellhead protection for the well supplying all its water.
- For all setback requirements; setbacks shall be measured from the lot line to any part of the building that projects beyond the foundation.
- On corner lots, the rear setback shall conform to the side setback requirements that there shall be no rear yard; only a front and two side yards.
- For the purposes of calculating minimum lot dimensions, area, density, maximum percent coverage, and the maximum number of lots or dwelling units permitted in a conservation development in any zoning district where permitted, the provisions of the land development and subdivision regulations shall apply.
- The maximum gross building footprint per retail structure shall be 40,000 square feet in all zones except the LI zone which does not have a maximum. This maximum footprint shall not apply to agricultural structures.
- To be determined as part of the PVD review process by the planning board in conformance with all other provisions of PVD. Maintenance of the approved percentage of lot coverage shall be a condition of planning board approval. If an application for further development would increase the percentage of lot coverage, the application must be approved as a major land development project.
- To be determined as part of the PVD review process by the planning board in conformance with all other provisions of PVD including but not limited to those standards within the land development and subdivision regulations specifically requiring site design techniques that facilitate a

safe, pedestrian friendly, compact village development. Maintenance of the approved setbacks shall be a condition of planning board approval. If an application for further development would decrease any setback, the application must be approved as a major land development project.

10. Tier III CEA Facility Greenhouse defined in Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.2. entitled "Definitions" is allowed only if the application meets the eligibility requirements and satisfies all the standards and prohibitions contained within the Code of Ordinances of the Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.4.1 "Special Provisions"; entitled "Greenhouse Tier II and Greenhouse Tier III/CEA Facilities"
11. Tier II Greenhouse as defined in Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.2. entitled "Definitions" is subject to the review procedure and prohibitions contained within the Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.4.1 "Special provisions"; entitled "Greenhouse Tier II and Greenhouse Tier III/CEA Facilities"
12. Tier III CEA Facility Greenhouse requires a minimum front depth (setback) of 150 feet for all structures, off street loading and parking lots.
13. Tier II Greenhouse and Tier III CEA Facility Greenhouses shall not exceed a maximum structure height of 35 feet
14. Tier I and Tier II Greenhouses may have a 25 percent maximum lot coverage (building coverage) by all structures.

2.4.3. *Flexible lot frontage and width.* Upon approval of the planning board as part of a conservation development as provided in the land development and subdivision regulations, the lot frontage and lot width variations listed below may be permitted by the planning board, through a request for a waiver.

- A. In residential CR-5, RU-4, RU-3 and RE-2 zoning districts, the planning board is authorized to reduce the lot frontage and lot width of newly created lots in a subdivision or land development project on any public or approved private street to a minimum of 20 feet.
- B. Open space lots, within an approved conservation development, may have zero-frontage on a street, as long as the planning board approves access to the open space by easement or other means.

(Amd. of 6-22-00; Amd. of 3-3-03, § 8; Amd. of 4-8-03; Amd. of 11-3-03; Amd. of 10-5-04; Amd. of 11-1-04; Amd. of 3-3-05; Amd. of 3-6-06; § 2; Ord. of 8-7-06, § 2; Amd. of 5-7-07; Amd. of 6-4-07; Amd. of 4-7-08; Amd. of 4-6-09; Ord. of 9-27-12, Exh. 1; Amd. of 10-6-14, § 2; Ord. of 12-7-15; Amend. of 10-2-17; Ord. of 7-16-18, § 2; Amd. of 9-4-18; Amd. of 2-4-19, § 2; Ord. of 3-9-23, § 1; Ord. of 12-4-2023(1))

Sec. 4.9. Short-term rentals.

- A. All short-term rentals must be approved as a land development project prior to the establishment of the use.
- B. Where conditionally permitted, short-term rentals are subject to the satisfaction of the following specific and objective criteria:
 - 1. The subject property conforms to the minimum lot area of the zoning use district in which it is located.
 - 2. Maximum occupancy shall not exceed two (2) persons per bedroom.
 - 3. The number of bedrooms on the lot shall not exceed the number of bedrooms supported by the design load of the property's septic system (on-site wastewater treatment system, or "OWTS")
 - 4. The application demonstrates sufficient updated OWTS suitability (no cesspools).
 - 5. Occupancy is no greater than permitted by provided off-street parking.
 - a. Each space is a minimum of nine feet (9') by eighteen feet (18').
 - b. At least one space per bedroom.
 - 6. Sufficient water quality demonstrated through an updated well test.
 - 7. The property owner maintains annual registration with the Town with current contact information.
 - 8. The property owner maintains annual inspection for smoke and carbon monoxide detectors with a minimum of one per bedroom and one per floor with the Fire Marshal.
 - 9. A condition of approval for the special use permit shall be that the property is not subject to more than two (2) noise, improper trash disposal, disorderly conduct, parking, or other nuisance violations per year and that the property is not subject to any outstanding building, fire, zoning, or property maintenance violations.
- C. The following shall not be used as short-term rentals:
 - 1. Accessory family dwelling units;
 - 2. Accessory structures;
 - 3. Affordable housing or otherwise subject to government housing or rental assistance and/or deed restriction;

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4. Properties where weddings or other special events are occurring; and/or
 5. Manufactured homes.

Cross reference(s)—Businesses, ch. 18.

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF THE REVISED ORDINANCES
OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED

SECTION I. Chapter 2 of the Revised Ordinances of the City of East Providence, Rhode Island is hereby amended by adding thereto the following:

Sec. 2-172. Powers and duties of board.

(d) It shall be a function of the planning board to adopt, modify and amend regulations and rules governing land development, development plan review, unified development review, and subdivision projects within the city and to control land development, development plan review, unified development review, and subdivision projects pursuant to these regulations and rules. These regulations and amendments thereto, shall be adopted after a public hearing in accordance with G.L. 1956, § 45-23-25 et seq. Printed copies of the regulations shall be available to the general public and shall be revised to include amendments. Any appendices shall also be available. A reasonable charge may be made for copies.

SECTION II. Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island is hereby amended as follows:

Sec. 19-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutter means one whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land.

Accessory ~~family~~ dwelling unit (ADU) means an residential living accessory family dwelling unit on the same lot where the principal use is a legally established single-family dwelling unit or multi-family dwelling unit in an

~~owner-occupied, single-family residence that shall be permitted as a reasonable accommodation only for a family member(s) with disabilities. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling. The appearance of the structure shall maintain the single-family character of the neighborhood and the accessory family dwelling unit shall remain subordinate to the principal use of the living quarters and there shall be an internal means of egress between the principal unit and the accessory family dwelling unit. See section 19-202 for a description, general requirements and standards; and application process.~~

Accessory structure means a structure located on the same lot as a principal use but separate from the principal building and devoted or intended to be devoted to an accessory use. The accessory structure shall not be located between the public right-of-way and the principal use and said accessory structure shall be no greater than 50 percent of the gross floor area of the principal use.

Accessory use means a use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building, which shall be located on the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related. An accessory use shall be subordinate to the principal use served.

Adaptive reuse means the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.

Administrative officer means the municipal official who shall administer the land development and subdivision review regulations to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies. The administrative officer is the director of the department of planning and economic development or his or her designee.

Aggrieved party means:

- (1) Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering the zoning ordinance of a city or town; or
- (2) Anyone requiring notice pursuant to this chapter.

Agricultural land means land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes.

Amusement game center means any structure or portion thereof within which are kept for use as games, entertainment or other public patronage, four or more amusement game machines or devices as defined in this section.

Amusement game machine means a mechanical, electrical, or electronic machine or device which shall be ready for play by the insertion of a coin or by the payment of a fee, and may be operated by the public for use as a game, for entertainment, or for amusement. It shall include, but not be limited to, such devices as pinball machines, game machines, or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

Amusement park means an activity devoted to entertainment through the medium of rides, games, shows, attractions and other similar activities presented either in the open or within structures and buildings together with public dance in dance halls, refreshments in refreshment stands and dining in dining and shore dinner halls, all of which are an integral part of the park.

Applicant means an owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.

Application means the completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval, or permitting purposes.

Automotive commercial parking garage means a structure used primarily for the storing or parking of motor vehicles.

Automotive repair shop means a structure sheltering the activities of heavy or major motor vehicle repairs, rebuilding and painting.

Basement means a portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

Bed and breakfast means a small lodging establishment that offers overnight accommodation and inclusive usually of breakfast only, typically private homes offering accommodation with fewer than ten bedrooms available for commercial use. This is not to be considered as the allowable accessory use for a residential district regarding the rental of a room pursuant to section 19-171, accessory uses.

Billboard means any sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises where the sign is located.

Black box theater (or experimental theater) means a simple, typically unadorned performance space, usually a large square room with black walls and a flat floor, usually home to plays or other performances with very basic technical arrangements.

Board means the zoning board of review.

Buffer means land which is maintained in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way.

Build-to-line is a means to define the street frontage and pedestrian areas by mixed use and commercial buildings generally built to property lines at the edge of right-of-way (back of sidewalk) or to other accessible public area, e.g., in a "Main Street" manner.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building envelope means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk; by other regulations; and/or any combination thereof.

Building height means for a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA flood insurance rate maps (FIRMs), or depicted on the Rhode Island coastal resources management council (CRMC) suggested design elevation three foot sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:

- (1) The base flood elevation on the FEMA FIRM plus up to five feet of any utilized or proposed freeboard, less the average existing grade elevation; or
- (2) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a one-hundred-year storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every ten years, or as otherwise necessary.

The limitation of height of buildings and structures in section 19-145 shall not apply in any district to churches and other places of worship, religious institutions and public or private schools or ornamental features of

buildings which are in no way used for living or advertising purposes or to chimneys and ventilators ten feet or less above the peak of the roof.

Building volume means the volume of a building measured from its exterior dimensions including all portions of a structure enclosed by a roof and fixed exterior walls, as measured from the exterior faces of these walls and roof, i.e., meaning building mass, the height, width, and depth of a structure.

Business/technology development means one or more lots, tracts or parcels of land in a business/technology floating zone district totaling no less than three acres which are planned, developed or redeveloped, and operated as an integral facility for a number of separate buildings and supporting ancillary uses with more than 100,000 square feet of gross floor area, with special attention given to circulation, parking, utility needs, aesthetics and use compatibility.

Café means a restaurant serving coffee and other beverages along with baked goods or light meals.

Cellar means the portion of the building partly underground, having half or more than half its clear height below the average grade of the adjoining ground.

Cemetery means land used for the interment of the dead and dedicated for cemetery purposes including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Cluster means a site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive features and/or structures. Under cluster development there is no increase in the number of lots or dwelling units permitted under conventional development except where this chapter provides incentive bonuses for certain types of conditions of development.

Cluster development means a contiguous area or lot with a land area of five acres or more to be developed as an integral residential unit according to a plan containing primarily clusters of residential structures, common open space, and other associated permitted uses primarily for the benefit of the residential development.

Cluster development district means a floating zone district imposed upon the city zoning map which permits a residential cluster development.

Coastal feature means any coastal beach, barrier island or spit, coastal wetland, coastal headland, bluff or cliff, rocky shore, manmade shoreline or dune as outlined and defined by the coastal resources management program, and as may be amended.

Commercial educational institutions means any profit-making institution such as secretarial and business schools, technical institutes, colleges, schools, commercial colleges and other similar educational organizations or institutions.

Common ownership means ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots, or ownership by any association (such ownership may also include the city) of one or more lots under specific development techniques.

Community residence means a home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance abuse treatment facilities. This shall include, but not be limited to the following:

- (1) Whenever six or fewer children or adults with mental, intellectual, or developmental disabilities reside in any type of residence in the community, as licensed by the state pursuant to R.I.G.L. 1956, § 40.1-24-1 et seq. All requirements pertaining to local zoning are waived for these community residences;
- (2) A group home providing care or supervision, or both, to not more than eight persons that are disabled or have a mental or physical disability, and licensed by the state pursuant to R.I.G.L. 1956, § 40.1-24-1 et seq.;

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- (3) A residence for children providing care or supervision, or both, to not more than eight children including those of the care giver and licensed by the state pursuant to R.I.G.L. 1956, § 42-72.1-1 et seq.;
- (4) A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than 60 days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

Comprehensive plan means the comprehensive plan adopted and approved pursuant to state statutes and to which any zoning adopted pursuant to this act shall be in compliance.

Container means a large standard size cargo enclosure into which cargo may be packed for shipment aboard specially configured ocean-going vessels and designed to be easily interchangeable between the three basic modes of transportation: waterborne vessels, truck and rail. For purposes of this definition, railroad cars are not classified as containers.

Container terminal means an area including buildings, loading and unloading facilities and open areas for the storage and handling of containers.

Co-worker space means a shared working environment, often an office, but that houses independent activities, and those co-working are usually not employed by the same organization.

Cultural activity means any nonprofit or for profit museum, library, art gallery, legitimate theater or other similar use, and may include outdoor art as an accessory use, such as a curated mural, provided that said outdoor art does not serve as a sign.

Data processing center means a service business that prepares, services, handles, stores or processes information through the use of special equipment and techniques, such as with computers and/or office business machines.

Day care/day care center means any other day care center which is not a family day care home.

Day care/family day care home means any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to six or fewer individuals who are not relatives of the care giver, but may not contain more than a total of eight individuals receiving day care.

Days means calendar days.

Density, residential or residential density means the number of dwelling units per unit of land.

Design studio means a workplace for designers and artisans engaged in conceiving, designing, and developing new products or objects. Definition does not include large scale manufacturing of products.

Development means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; any change in use, or alteration or extension of the use, of land.

Development plan review means design or site plan review of a development of a permitted use under limited circumstances to encourage development to comply with design and/or performance standards under specific and objective guidelines, for the following categories of developments including, but not limited to:

- a. A change in use at the property where no extensive construction of improvements is sought.
- b. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.

c. An adaptive reuse project located in a residential zone that results in less than nine (9) residential units;

d. Development in a designated urban or growth center; or

e. Institutional development for educational or hospital facilities.

- (1) ~~Commercial, mixed-use, and residential development in the Main Street Overlay District as per section 19-322 of the zoning ordinance.~~
- (2) ~~Proposed developments in the Riverside Square Mixed-Use Downtown Overlay District as per section 19-359 of the zoning ordinance.~~
- (3) ~~Institutional development design review for educational or hospital facilities.~~
- (4) ~~Construction of parking lots of 15 or more spaces, or additions of 15 or more spaces to existing parking lots.~~
- (5) ~~Reserve parking areas for business/technology developments as defined in section 19-1 of the zoning ordinance.~~
- (6) ~~Drive-through facilities.~~
- (7) ~~Signage for developments consisting of one structure with a gross building area of 10,000 square feet or greater, or a multitenant development of gross building area of 10,000 square feet or greater.~~
- (8) ~~Developments in which a split zone is being used for a more intense use as per section 19-97 of the zoning ordinance.~~
- (9) ~~Outdoor dining at food service establishments as defined in R.I.G.L. 45-24.7-2.~~

Development plan review applications are formal or administrative as detailed in both Article viii of this chapter and in the land development and subdivision review regulations.

Development regulation means zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulation, soil erosion control plan or any other governmental regulation of the use and development of land.

Digital sign means a sign that features static images that change over a period of time not to exceed once every ten seconds and are used to advertise to consumers in a public place(s), including to those in private automobiles.

A *digital sign* and an *electronic message center* shall be considered synonymous terms.

Disability means, with respect to an individual:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (2) A record of such impairment; or
- (3) Being regarded as having such an impairment if the individual establishes that he or she has been subjected to an action prohibited under [R.I.G.L. 1956,] Chapter 42-87, Civil Rights of People with Disabilities, because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity;
- (4) An impairment under this section shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.

Drainage system means a system for the removal of water from land by drains, grading or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after

construction or development; the means for preserving surface and groundwaters; and the prevention and/or alleviation of flooding.

Drive-through facility means a commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served without exiting the vehicle. This shall not include establishments engaging in the retail sale of alcoholic beverages; gasoline filling station which is defined separately nor the necessary functions of a carwash facility such as vacuum cleaning stations.

Dry-bulk cargo means materials such as, but not limited to, cement, ash, salt or other loose or particulate matter which through their handling or storage have the potential to disperse or generate fugitive dust or other emissions.

Dwelling means a building or portion thereof designed exclusively for residential occupancy, but not including hotels, motels, lodginghouses, trailers or structures solely for transient or overnight occupancy.

Dwelling unit means a structure or portion thereof providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and containing a separate means of ingress and egress which may be located off a shared common space.

Easement means an interest in land created by grant or agreement express or implied, which confers a right upon the owner (grantee) thereof to some profit, benefit, dominion or lawful use out of or over the estate of another.

Electronic vehicle charging station means a public or private parking space(s) that is (are) served by battery changing equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

Emergency shelter means a structure or portion of a structure or building above or below the ground, so constructed as to provide protection to human life during periods of nuclear fallout or blast overpressure and meeting the requirements and restrictions of the city director of civil defense.

Environmental constraints means natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also Physical Constraints to Development.

Extractive industry means the extraction of minerals including: Solids, such as coal and ores; liquids such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

Façade means all the wall planes of a structure as seen from one side or view and containing the walls, fascia, windows, doors, and canopy on any building elevation. For example, the front façade of a building would include all such areas that would be shown on the site and building plans for the front elevation.

Family member means a person or persons related by blood, marriage or other legal means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

Farming means the raising and keeping of cattle, horses, sheep, goats or poultry, but not hogs or fur animals, and the growing of all agricultural products and eggs, provided that buildings or structures used wholly or in part for the keeping or raising of livestock or poultry shall be located a minimum of 100 feet from the nearest adjoining lot or property line.

Fencing establishment means a business or organization which offers training and/or competition in the sport of fencing.

Floating zone means an unmapped zoning district adopted within this chapter which is established on the zoning map only when an application for development, meeting the zone requirements, is approved.

Flood maps means the official flood insurance rate maps and flood boundary and floodway maps of the city, Nos. 445398 0001 through Nos. 445398 0008 inclusive, revised June 1, 1983, as published by the federal insurance management agency, including any subsequent amendments officially adopted. The areas of special flood hazard, including all A and V zones, and the floodways as shown on the maps shall be considered an overlay district to the city zoning maps and shall be subject to the restrictions of section 19-306 as amended, in addition to any provisions applicable to the existing zoning district.

Floodplains, or flood hazard area means an area that is subject to a flood from a storm having a one percent chance of being equaled or exceeded in any given year, as approved by federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448), 42 U.S.C. § 4011 et seq.

Floodproof means to utilize any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings. For the purposes of this chapter, the latest published floodproofing regulations prepared by the U.S. Army Corps of Engineers may be applied at the discretion of the city engineer to determine the floodproofing measures and techniques to be required and employed.

Floor area, gross. See Rhode Island State Building Code.

Freeboard means a factor of safety expressed in feet above the base flood elevation for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Front lot line. See *Lot line, front*.

Fur animal means any animal usually kept and raised for the use and sale of its skin or fur.

Gallery means a building or space for the exhibition of art, usually visual art. Paintings are the most commonly displayed art objects. However, sculpture, decorative arts, furniture, textiles, costume, drawings, pastels, watercolors, collages, prints, artists' books, photographs, and installation art are also shown. Gallery space is sometimes used to host other artistic activities, such as performance art, music concerts, or poetry readings.

Gasoline filling station means a building, structure or premises where motor vehicular fuel is stored for sale to the public and where other sales activities and any other repairs which are minor in scope and subordinate to the sale of motor vehicular fuel, oil, and lubricants are carried on. Vehicle body repair, painting, major mechanical repair and motor vehicle sales, leasing or storage of unregistered vehicles are prohibited.

Governing body means the body of the local government, generally the city or town council, having the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.

Grade means a reference plane representing the average finished ground level at the front of the building. Front of the building may be determined by the street address, and shall be done in consultation with the building inspector. Where the finished ground level slopes away from the front of the building, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a point five feet from the building.

Groundwater means water found underground which completely fills the open spaces between particles of sand, gravel, clay, silt, and consolidated rock fractures. The zone of materials filled with groundwater is called the zone of saturation.

Hardship means as defined in division 2 board of review, sections 19-36 through 19-55 of this chapter.

Hazardous waste means any waste or combination of wastes of a solid, liquid, contained gaseous or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

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- (1) Cause, or insignificantly contribute to an increase in mortality or an increase in serious irreversible illness or incapacitating reversible illness; or
 - (2) Pose a substantial present or potential hazard to human health or the environment.

Such wastes include, but are not limited to, those which are toxic, corrosive or flammable, or irritants, strong sensitizers, substances which are assimilated or concentrated in and are detrimental to tissue, or which generate pressure through decomposition or chemical reaction. In addition, such wastes include "industrial waste" as such term is used elsewhere in the state statutes, as amended, unless the context shall clearly indicate otherwise. (This definition is incorporated from R.I.G.L. 1956, § 23-19.1-1 et seq. of the hazardous waste management act and R.I.G.L. 1956, § 23-19.7-1 et seq. of the hazardous waste management facilities act. All amendments to definitions in these state acts are heretofore incorporated in this definition.)

Hazardous waste disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water. (This definition is incorporated from R.I.G.L. 1956, § 23-19.1-1 et seq., of the hazardous waste management act and R.I.G.L. 1956, § 23-19.7-1 et seq., of the hazardous waste management facilities act. All amendments to definitions in these state acts are incorporated in this definition.)

Hazardous waste management facility means a facility, excluding vehicles, for collection, source separation, storage, processing, treatment, recovery, or disposal of hazardous wastes, or a transfer station for hazardous waste, and may include a facility at which such activities occur and where waste has been generated. (This definition is incorporated from R.I.G.L. 1956, § 23-19.1-1 et seq., of the hazardous waste management act and R.I.G.L. 1956, § 23-19.7-1 et seq. of the hazardous waste management facilities act. All amendments to definitions in these state acts are incorporated in this definition.)

Heavy manufacturing means the manufacture or compounding of raw materials, and associated fabricating, packaging, distribution, and assembling, which shall be in conformance with sections 19-336 through 19-345.

Helistop means any private landing area used for the landing and taking off of a helicopter engaged in the personal or business operations of the person or company maintaining such helistop for the purposes of picking up and discharging of passengers or cargo, but not including fueling, repair or service facilities. The term helistop shall include, but not be limited to helipad, touchdown area, takeoff area, landing area, peripheral area and helicopter landing facility.

Higher educational institution means any university, college, junior college or similar public or nonprofit private educational organization or institution for post high school training.

Historic district or historic site means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites and has been registered, or is deemed eligible to be included, on the state register of historical places pursuant to state statutes.

Historical or cultural resource means any real property, structure, natural object, place, landmark, landscape, archaeological site or configuration or any portion or group of the preceding which has been listed on the federal or state register of historic places or that is considered by the Rhode Island Historical Preservation & Heritage Commission to meet the eligibility criteria for listing on the state register of historic places pursuant to § 42-45-5 or is located in a historic district established by a municipality in accordance with chapter 24.1 of this title, Historic Area Zoning.

Home occupation means an activity customarily carried out for gain by a resident, and conducted as an accessory use in the resident's dwelling unit, and as further provided for in section 19-171.

Hospital means an institution providing health services primarily for human inpatient medical, surgical, or therapeutic care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel means a building or buildings where temporary lodging is provided and offered to the public for compensation and where additional services such as restaurant, meeting, conference and recreational facilities may be provided for both guest and non-guest use.

Household means one or more persons, living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

- (1) A family, which may also include servants and employees living with the family; or
- (2) A person or group of no more than ~~four~~five unrelated persons living together, but not more than one person per bedroom, as distinguished from persons occupying a boardinghouse, lodginghouse, club, motel or hotel. The maximum number shall not apply to NARR-certified recovery residences.

Impact assessment means a concise report which accomplishes the following: Evaluates the positive and negative and direct and indirect impacts of a development or redevelopment project on the natural and manmade environment; and proposes reasonable measures to mitigate the impacts identified.

Improvement means any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.

Improvement guarantee means a security instrument accepted by the city to ensure that all improvements, facilities, or work required by these regulations, or required as a condition of approval, will be completed in compliance with the approved plans and specifications.

Incentive zoning means the process whereby the local authority may grant additional development capacity in exchange for the developer's provision of a public benefit or amenity as specified in local ordinances.

Incubator means a business company that helps new and startup companies to develop by providing services such as management training or office space, including co-working space. Business incubators differ from research and technology parks in their commitment to startup and early-stage companies.

Industrial trade schools means institutions dedicated to the instruction of trades such as, but not limited to, automotive repair, marine repair and heavy equipment repair and operation.

Infrastructure means facilities and services needed to sustain residential, commercial, industrial, institutional and other activities.

Junk materials means materials such as, but not limited to, scrap metal, unbaled scrap or waste paper, slag, sludge, or garbage or other materials which have the potential to present noxious odors.

Kiosk, free stating exterior means a freestanding exterior structure of less than 500 square feet for drive-up or walk-up window services or retail sales.

Land means real property including improvements and fixtures on, above, or below the surface.

Land development project means a project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units or structures, including, but not limited to, planned development or cluster development for residential, commercial, institutional, recreational, open space, or mixed uses, as provided for in this chapter and in the City of East Providence's Land Development and Subdivision Review Regulations. Land development projects are categorized as Major or Minor land development projects as detailed in both Article V of these regulations and in the Land Development and Subdivision Review Regulations.

Land use regulation means any governmental agency authorized by this chapter to exercise the power granted by this chapter.

Large-scale ground-mounted solar photovoltaic facility means a solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity per panel of 250 kW DC or more.

Limited manufacturing means the manufacturing, compounding, assembly, packaging, or fabrication of materials and products, with no outdoor storage, and in conformance with sections 19-336 through 19-345. Included in this category are: the manufacturing of advertising display, models and patterns; apparel and other finished products made from fabrics and similar materials; business machines; camera and photographic equipment; caskets; ceramic products; cosmetics and toiletries; electrical appliances; electronic equipment; emblems and badges; fasteners; food; games and toys; laboratory, scientific and engineering instruments; precious metal and costume jewelry; musical instruments; medical appliances and instruments; packaging products; paper products (but not the manufacture of paper from pulpwood), plastic products (but not the processing of raw materials); pharmaceuticals or optical goods; printing, publishing, engraving; sporting and athletic goods (including bicycles); tools or hardware; watches and clocks; writing instruments; and other similar products. A machine shop is included in this category.

Limited metal reclamation means the salvaging and reclamation of used metals of all types when carried on in a completely enclosed building without outside storage of any kind.

Liquid-bulk cargo means materials such as, but not limited to, petroleum products, liquefied natural gas or liquid chemical products, which, through their handling or storage, have the potential to cause environmental damage through spillage, dispersal, or leaching into the ground, groundwater or air, or damage due to explosion or fire.

Live entertainment means any activity performed live or any activity having amplified recorded sound or amplified electronic musical instruments including, but not limited to, musical bands, musical instruments, musical soloists, comedians and disc jockeys. For purpose of this definition, juke boxes and screen television entertainment are not regulated as live entertainment.

Live/work space means a building or spaces within a building used for commercial activities and areas for residential/living purposes where two-thirds or 67 percent of the unit is dedicated for residential purposes. Examples of acceptable live/work space are live-work units of insurance and financial offices, artists, boutiques, small antique shops, dance studios, personal trainers, and consultants of various type. Said business shall be of no or low impact to neighbors, and the unit shall be to be required to be occupied by the business owner.

Living space means the total floor areas of rooms used or intended to be used for living, sleeping, cooking or eating, excluding bathrooms, lavettes, laundries, pantries, foyers, communicating corridors, stairways, closets, storage spaces and any area with less than five feet of clear headroom under sloping ceilings, garages, breezeways, courts, porches, basements and cellars.

Lot means the basic unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of title transfer. Substandard lots of record shall be subject to the lot merger provisions of this chapter as defined in sections 19-131 through 19-133.

Lot area means the total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet, subject to the usable lot area provisions of this chapter as defined in this section.

Lot building coverage means that portion of the lot that is or may be covered by buildings and accessory buildings. This shall be expressed as a percent and shall express the proportion of the usable lot area that is or may be covered by the total maximum horizontal cross section of any building. For the purposes of this chapter, swimming pools shall not be considered in the measurement of lot building coverage as an accessory use in a residential district.

Lot, corner or corner lot mean lots which abut on and at the intersection of two or more streets and/or road rights-of-way.

Lot depth means the distance measured from the front lot line to the rear lot line; the distance shall be the shortest distance. For lots where the front and rear lot lines are not parallel the lot depth is an average of the depth. Average shall be measured from the midpoint of the front lot line to the midpoint of the rear lot line. Lot depth for corner and through lots shall be as determined under section 19-141.

Lot frontage means that portion of a lot abutting a street. Where all lot frontage is not contiguous, then only the largest single frontage will be considered with regard to minimum frontage requirements; in cases of equivalent noncontiguous frontage, minimum frontage will be determined by the zoning officer.

Lot line means a line of record, bounding a lot which divides one lot from another lot or from a public or private street or any other public or private space and shall include:

- (1) *Lot line, front or front lot line* mean the lot line separating a lot from a street right-of-way. Corner and through lots are subject to the provisions of section 19-141.
- (2) *Lot line, rear or rear lot line* mean the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. Irregularly shaped lots are those which the zoning officer determines do not have a readily apparent rear lot line, which meets the intent of this chapter. In the event that the front property line of an irregularly shaped lot line is a curved line then the rear property line shall be assumed to be a line not less than ten feet long, lying entirely within the lot and parallel to a line tangent to the front lot line at its midpoint. The rear lot line for corner and through lots shall be as determined under section 19-141.
- (3) *Lot line, side or side lot line* mean any lot line other than a front or rear lot line. Side lot lines for corner and through lots shall be as determined under section 19-141.

Lot, through or through lot mean a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot width means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line. For lots where the front and rear lot lines are not parallel or the front lot line is curved, width shall be measured as the distance between lot lines along a line at right angles to the depth which intersects the depth at the minimum front setback line. Width for corner and through lots shall be as determined under section 19-141.

Manufactured home means the same definition as in 42 U.S.C. §5402, meaning a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under chapter 70 of Title 42 of the United States Code; and except that such term shall not include any self-propelled recreational vehicle.

Manufactured home court means a parcel of land which has been planned for the placement of two or more manufactured homes.

Manufactured home lot means a designated site within a manufactured home court for the exclusive use of the occupants of a single manufactured home.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function,

including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Marina means a complex of boating facilities designed as a unit, including such facilities as permanent slips, launching ramps, boat rentals, ships' stores, minor repairs and accommodations for eating and sleeping and excluding major overhaul and repair, winter storage, boat sales and yacht clubs.

Massage therapist means a person engaged in the practice of massage who has completed a program in or is certified by a school or institution of learning that is approved by the Commission on Massage Therapy Accreditation (COMTA) or an equivalent academic and training program meeting the requirements of the Rhode Island Department of Health as stated in their rules and regulations for licensing massage therapists as approved by the director, other than a correspondence course which school or institution has for its purpose the teaching of the theory, practice, method, profession, or work of massage, including at least anatomy, physiology, hygiene and professional ethics, pursuant to the statutory provisions. Proof of a current license issued by the department of health shall be posted on the premises in a location visible to customers.

Massage therapy means the practice of massage by a licensed massage therapist using a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

Massage therapy establishment means an establishment approved and otherwise regulated by the licensing agency, which is the State of Rhode Island Department of Health, operating in conformance with all pertinent rules and regulations of the State of Rhode Island and all city ordinances and license requirements. Proof of a current license issued by the department of health shall be posted on the premises in a location visible to customers.

Mixed use means a mixture of land uses within a single development, building, or tract.

Modification means permission granted and administered by the zoning enforcement officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional variance other than lot area requirements from the zoning ordinance to a limited degree as determined by the zoning ordinance of the city or town, but not to exceed 25 percent of each of the applicable dimensional requirements.

Motel means a building intended and designed for transient or overnight occupancy, divided into separate units within the same building and with or without public dining room facilities.

Multifamily dwelling means a development on a building-lot intended and designed to be occupied by three two or more dwelling units. Multifamily includes two-family (two dwelling units on a lot) and three-family (three dwelling units on a lot) dwellings ~~households living independently in separate dwelling units and/or townhouses, row houses, and/or apartments.~~

Neighborhood center means a development consisting of a building or buildings used for mixed land use, that has a community or civic space that is open to the public, that provides linkages to nearby neighborhoods, civic and/or open space/park properties, while also providing a buffered edge between the center and abutting residentially used or zoned land. A neighborhood center shall provide a location for consumers to arrive and depart by public transit, such as by the provision of a bus shelter. A neighborhood center may only be developed on lots of no less than 50,000 square feet. The inclusion of a feature such as a gazebo, garden, art, etc. to provide consumers with an attractive amenity is encouraged.

Nonconformance means a building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of this chapter and not in conformity with the provisions of this chapter or amendment thereof. Nonconformance shall be of only two types:

- (1) *Nonconformance by use* means a lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use.

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- (2) *Nonconforming by dimension* means a building, structure, or parcel of land not in compliance with the dimensional regulations of this chapter. Dimensional regulations include all regulations of this chapter other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of this chapter shall be nonconforming by use, a building or structure containing a permitted number of dwelling units by the use regulations of this chapter, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

~~*One-family dwelling* means a building used exclusively for occupancy by one household.~~

Open space means any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring the open space; provided that the area may be improved with only those buildings, structures, streets, and off-street parking, and other improvements that are designed to be incidental to the natural openness of the land.

Open storage means the storage outside of a completely enclosed structure, of any commodity, equipment, supplies, material, or substance related to a business or industrial use.

Outdoor retail—accessory means retail activity that takes place in an open lot, tent, trailer, motor vehicle, enclosure or structure that is not permanently affixed to the land.

Overlay district means a district established by this chapter that is superimposed on one or more districts or parts of districts and that imposes specified requirements in addition to, but not less than, those otherwise applicable for the underlying zone.

Owner means the owner of record as recorded in the records of land evidence in the city.

Parcel means a lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a tract.

Parcel distribution center means a building devoted to the receiving, sorting, overnight storage and delivery of small parcels not exceeding 50 pounds in weight.

Parking area means all that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

Performance standards means a set of criteria or limits relating to elements which a particular use or process either must or may not exceed.

Permitted use means a use by right which is specifically authorized in a particular zoning district.

Permitting authority means the local agency of government, meaning any board, commission or administrative officer specifically empowered by state enabling law and local regulation or ordinance to hear and decide on specific matters pertaining to local land use.

Personal convenience service means any activity such as a barber or beauty shop, clothes cleaning pick up or pressing establishment, dressmaking or tailoring service, self-service laundry or dry cleaning, shoe repair, home appliance repair or any similar activity.

Persons with disabilities or *member or members with disabilities* means a person or persons having a physical or mental impairment which substantially limits one or more major life activities as defined in R.I.G.L. 1956, § 34-37-3. Disability does not include current illegal use of or addiction to a controlled substance.

Phased development means development where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.

Physical constraints to development means characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also environmental constraints.

Place of public assembly means any type of auditorium, theater, stadium, assembly hall, exhibition or convention hall, publicly supported and maintained sports arena, gymnasium, swimming pool and other similar place of assembly.

Planned development means a land development project as defined in this section and developed according to a plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

Portable storage container means any self-storage container larger than 350 cubic feet designed for temporary storage of household goods, personal property and other items which is typically rented to owners or occupants of real property for their temporary storage use and which is delivered and/or removed by truck trailer, and which shall be no larger than 20 feet in length, eight feet in width and eight and one-half feet in height.

Preapplication conference means an initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from municipal officials and others.

Premises means a lot or contiguous group of lots or parcel of land, together with all buildings, structures and uses thereon.

Property owners' association means the designated, private, nonprofit corporation of tenants-in-common set up by a developer with local government approval. Its purpose shall be to own, operate, and maintain various common properties that may exist as part of a land development project, or other common property ownership covenants. Title to common property is held by the corporation. Membership runs with the land, which means that a homeowner is automatically a member of the association.

Public improvement means any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the city or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon acceptance by the city.

Public utility means a public service corporation, either private or governmental, supplying or transmitting gas, electricity, transportation, water or communications to any or all members of the public and subject to federal, state or city regulations by virtue of its natural or legal monopoly.

Rated nameplate capacity means the maximum rated output of electric power production of the photovoltaic system in direct current (DC).

Rear lot line. See *Lot line rear*.

Religious institution means any church or other place of worship, and any convent, monastery, seminary or similar religious institution.

Reserve parking area for business/technology development means a portion of a business/technology development as defined in this section, and more particularly described in section 19-370, up to a maximum of 15 percent of the total number of off-street parking spaces as required by this chapter, being held in reserve as a landscaped area under a binding covenant running with the land between the city and the property owner/developer until such time as the zoning officer and/or the property owner, in consultation with the director of planning, deems that construction of the reserve parking spaces is required.

Restaurant means a building or premises where food and beverages are served to persons inside a building, sitting down at tables or a counter with no service window or facilities for service outside the building.

Seat means space for one person to sit on.

Setback line or lines means a line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

Short-term rental means the offering of or occupancy or use of, all or portions of a dwelling unit by anyone other than the owner for a fee for a period of fewer than 28 consecutive calendar days.

Side lot line. See *Lot line, side*.

Sign means any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixture or placement of a structure on any land or on any other structure or produced by painting, posting or placing any printed, pictured, figured or colored material on any building, structure or surface; provided however that signs placed or erected by the city or state for municipal or governmental purposes shall not be included in this definition.

Single-family dwelling means development on a lot intended and designed to be occupied by one dwelling unit.

Single ownership means an undivided ownership by one person, a corporation or by several persons, whether the tenancy be joint, in common or by entirety.

Site plan means the development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot.

Slope of land means the grade, pitch, rise or incline of the topographic landform or surface of the ground.

Solar energy device means the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, and off-loading said electricity to the grid, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced for a nonrenewable resource. Such shall include photovoltaic arrays and installations that utilize ground-mounted systems.

Solid waste means garbage, refuse, and other discarded solid materials generated by residential, institutional, commercial, industrial, and agricultural services but does not include hazardous waste as defined in the Hazardous Waste Management Act, chapter 19.1 of title 23 of the General Laws of the State of Rhode Island. For purposes of this chapter, solid waste shall also include asphalt, concrete, Portland cement, and waste and scrap tires.

Solid waste management facility means any plant, structure, equipment, and/or real or personal property operated for the receipt, storage, treatment, utilization, processing, or disposal of solid waste.

Special use means a regulated use which is permitted pursuant to a special use permit issued by the zoning board of review pursuant to state statutes, and which was formerly referred to as a special exception.

Sportsmen's club means a club whose primary purposes are conservation, hunting or fishing, and may include an indoor and/or outdoor gun range.

Stacking lane means an area of stacking spaces and driving lane provided for vehicles waiting for drive-through service, that is physically separated from other traffic and pedestrian circulation on the site.

Storm water detention means a provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm water retention means a provision for storage of stormwater runoff.

Story means that portion of a building between the upper surface of any floor and the upper surface of any floor next above having more than one-half of its height above the average elevation of the finished lot grade adjoining the building, and any portion of a building used for human occupancy between the topmost floor and the

roof. In any building not divided into customary stories, each ten feet of building height shall be counted as one story.

Street means a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See Street classification.

Street, access to means an adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

Street, alley means a public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Street, cul-de-sac means the terminus of a local street that has only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

Street, limited access highway means a freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.

Street, private means a thoroughfare established as a separate tract for the benefit of multiple adjacent properties and meeting specific City improvement standards. This definition shall not apply to driveways.

Street, public means all public property reserved or dedicated for street traffic under these regulations.

Street, right-of-way means the entire area to be dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.

Street, stub means a portion of a street reserved to provide access to future development, which may provide for utility connections.

Street classification means a method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. The major classifications are as follows:

- (1) Arterial. A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volume of traffic.
- (2) Collector. A street whose principal function is to carry traffic between local streets and arterial streets, but that may also provide direct access to abutting properties.
- (3) Local. Street whose primary function is to provide access to abutting properties, including minor and marginal access streets.

Structure means a combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water. For the purpose of this chapter, such objects as bulkheads, stairs, fences, flagpoles, retaining walls, fireplaces or similar objects shall not be considered to be structures.

Subdivision means the division of a lot, tract or parcel of land into two or more lots, tracts, or parcels or any adjustment to existing lot lines shall be considered a subdivision. The approval of a subdivision is administered in accordance with the City of East Providence Land Development and Subdivision.

Substandard lot of record means any lot lawfully existing at the time of adoption or amendment of this chapter and not in conformance with the dimensional and/or area provisions of this chapter.

Temporary use permit means a temporary use permit that confers a temporary privilege to operate beyond the defined permissible uses in any zoning district.

Three-family dwelling means a building intended and designed to be occupied by three households living independently in separate dwelling units.

Tourist home or lodginghouse means a building occupied by a resident family thereon with not less than three but not more than seven guest rooms where lodging with or without meals is provided for compensation.

~~*Trailer, house trailer or mobile home* mean a vehicle or similar portable structure without motive power to be drawn by a motor vehicle, used for living or sleeping purposes and provided with any or all of the following mechanical systems and equipment: Plumbing; heating; electrical; cooking; and refrigeration.~~

~~*Trailer court, trailer park or mobile home court or park* mean a parcel of land which has been planned for the placement of two or more trailers.~~

~~*Trailer lot* means a designated site within a trailer court for the exclusive use of the occupants of a single trailer.~~

Transit shelter means an independent structure, having a roof supported by columns, resting on a foundation and designed for the shelter of public transportation patrons.

~~*Two-family dwelling* means a building used exclusively for occupancy by two households living independently of each other.~~

Unified development review means the process by which multiple applications are reviewed and decided upon concurrently in accordance with R.I.G.L. 45-23-50.1 and 45-24-46.4 and relevant sections of these regulations and the east providence land development and subdivision regulations.

Usable lot area means, for the purpose of calculating the lot building coverage on a lot pursuant to section 19-145 and for the purpose of determining multifamily ~~area-unit density~~ requirements pursuant to sections 19-217 and 19-218, the calculation of the usable lot area for a single-family residential lot shall include the entire lot without exclusions, and for all other uses, shall exclude the following:

- (1) Lands under water measured by city datum.
- (2) Wetlands, not including setbacks, as defined by R.I.G.L. 1956, §§ 2-1-14 and 2-1-20 and R.I.G.L. 1956, § 46-23-6(B)(3)(c).
- (3) All streets or rights-of-way public or private, which serve or are intended to serve more than one principal building or use. Public access areas, exclusive of those located in wetlands, which shall be conveyed by easement to the city, state or other governmental entity solely or scenic or waterfront access may be included in lot area calculations.
- (4) Lands possessing physical constraints such as, but not limited to, areas with slopes in excess of 20 percent, ledge outcrops, cemeteries, etc., which, by their nature or severity, would preclude conventional development.
- (5) With the exception of lands located within a portion overlay district, lands located within special flood hazard areas, as defined by the Federal Emergency Management Agency's flood insurance rate map and flood boundary and flood way map, as may be amended.

Use means the purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Variance means permission to depart from the literal requirements of this chapter. An authorization for the construction or maintenance of a building, structure, or for the establishment or maintenance of a use of land, which is prohibited by this chapter. There shall be only two categories of variance, a use variance or a dimensional variance. The fact that a use may be more profitable, or that a structure may be more valuable, after the relief is granted shall not be grounds for relief.

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- (1) *Use variance* means permission to depart from the use requirements of this chapter where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this chapter.
- (2) *Dimensional variance* means permission to depart from the dimensional requirements of this chapter under the applicable standards set forth in R.I.G.L. § 45-24-41

Waters means the same as defined in R.I.G.L. 1956, § 46-12-1 et seq., including any subsequent amendments officially adopted.

Wetland, coastal or coastal wetland means as defined in R.I.G.L. 1956, § 2-1-14 et seq., including any subsequent amendments officially adopted.

Wetland, freshwater or freshwater wetland means as defined in R.I.G.L. 1956, § 2-1-20 et seq., including any subsequent amendments officially adopted.

Yacht club means a building and lot used as the meeting place for an association of persons united by a common interest in boating and shall include provisions for the land and water storage of marine crafts.

Yard means an open space on the same lot with a principal building or structure located between the lot lines and the minimum setback lines which is unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this chapter.

Yard, front or front yard mean a required yard extending along the entire lot street frontage.

Yard, rear or rear yard mean a required yard extending along the entire rear lot line or lines.

Yard, side or side yard mean a required yard extended along the side lot line between the required front yard and the required rear yard.

Zoning means the reservation of certain specified areas within a community or city for building and structures, or use of land, for certain purposes with other limitations as height, lot coverage, and other stipulated requirements.

Zoning certificate means a document signed by the zoning enforcement officer, as required by this chapter, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this chapter or is an authorized variance or modification therefrom.

Zoning map means the map or maps which are a part of this chapter and which delineate the boundaries of all mapped zoning districts within the physical boundary of the city.

Zoning ordinance means an ordinance enacted by the legislative body of the city pursuant to state statutes and in the manner providing for the adoption of ordinances in the city's Charter, which sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the comprehensive plan of the city as defined in R.I.G.L. 1956, § 45-22.2-1 et seq., which includes a zoning map, and which complies with the provisions of state statutes.

Zoning use district means the basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. The districts include, but are not limited to: Agricultural, commercial, industrial, open space and residential. Each district may include subdistricts. Districts may be combined.

(Rev. Ords. 1987, § 19-1; Ch. 457, § I, 10-7-97; Ch. 53, §§ I, II, 2-3-99; Ch. 146, §§ I—III, 10-23-00; Ch. 154, § I, 1-16-01; Ch. 453, § I, 7-15-08; Ch. 470A, § I, 10-7-08; Ch. 489A, § I, 10-6-09; Ch. 506, §§ I, II, 7-20-10; Ch. 533, § II, 9-6-11; Ch. 642, § I, 3-15-16; Ch. 721, § I, 8-21-18; Ch. 765, § I, 5-5-20; Ch. 823, § I, 11-16-21; Ch. 914, § I(Att.), 12-19-23; Ch. 919, § I, 5-7-24)

Cross reference(s)—Definitions generally, § 1-2.

State law reference(s)—Similar definitions, G.L. 1956, § 45-22.4-4, 45-23-32, and 45-24-31.

ARTICLE II. ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 19-5. Zoning officer responsibilities.

- (a) The provisions of this chapter shall be enforced by the zoning officer, unless otherwise specified, who shall be appointed by the mayor. No application, building or zoning permit, plan, specification or intended use which is not in accordance with the provisions of this chapter shall be approved by the zoning officer.
- (b) The zoning officer shall:
 - (1) Issue zoning certificates and zoning permits;
 - (2) Review and approve for zoning compliance, building permits and certificates of occupancy;
 - (3) Collect required fees for variances, modifications (which shall be the same filing fee as variance petitions), special use permits, and appeal applications;
 - (4) Receive and review for proper form, all applications for variances, special use permits, and appeals, and, as per section 19-45(c), shall have authority to administratively approve modifications from the dimensional standards of section 19-145 for structures, except for the moving of lot lines, provided the deviation is not more 25 percent, and further provided that the zoning officer receives no written objections to the requested variance within 30 calendar days from the date of notification. Should written objection be received by the zoning officer or if the zoning officer cannot make the required determinations of section 19-45(c), the application shall be considered a variance request, which may only be granted by the zoning board of review or planning board under unified development review through the standard procedures for variances in chapter 19, Zoning;
 - (5) Transmit all applications to the zoning board of review, department of planning and urban development, and planning board as specified in this chapter;
 - (6) Prepare the calendar of the zoning board of review in compliance with the board's adopted rules of procedure, and include notice of any modifications granted on the agendas of the zoning board of review;
 - (7) Keep records on compliance of uses of land;
 - (8) Inspect suspected violations and issue violation notices in cooperation with the law department.
 - ~~(9) Require that declarations and restrictions of approved accessory family dwelling units for a family member or members of an owner-occupied one-family dwelling shall be:
 - a. Recorded in the land evidence records at the cost of the applicant; and
 - b. Be filed with the zoning enforcement officer and the building official.~~
- (c) Upon written request the zoning officer shall, in order to provide guidance or clarification, issue a zoning certificate or provide information to a requesting party as to the determination by the zoning officer on issues of compliance, applicability and interpretation of this chapter. This response must be issued within 15 days of receipt of the written request. In the event that no written response is provided within such time, the requesting party shall have the right to appeal to the zoning board of review for such determination.

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- (d) When in the opinion of the zoning officer it is necessary or when required by this chapter, the zoning officer shall seek technical assistance or approval from other city officials in the administration of this chapter. Such technical assistance or approval, unless otherwise specified, may serve in whole or in part as the basis for the approval or disapproval of a zoning permit. Any permit or license issued in conflict with the provisions of this chapter shall be deemed null and void.
 - (e) Actions and decisions of the zoning officer may be appealed to the zoning board of review in accordance with section 19-51.
 - (f) Minimum qualifications for the zoning officer shall include: Graduation from a recognized college or university with a bachelor's degree in planning or closely related field and three years of experience in a position requiring office administration, review of site plans, and interpretation of zoning regulations; or a masters degree in city or regional planning or a closely related field, and one year of the specified experience; or eight years of a combination of planning experience and training which provides the abilities, knowledge and skills specified.
- (Rev. Ords. 1987, § 19-5; Ch. 470A, § II, 10-7-08; Ch. 506, § III, 7-20-10; Ch. 877, § I, 6-6-23; Ch. 914, § I(Att.), 12-19-23)

DIVISION 2. - ZONING BOARD OF REVIEW AND UNIFIED DEVELOPMENT REVIEW

Sec. 19-41. Special use permits —Application process.

Applications for special use permits shall be filed with the zoning officer acting in his capacity as clerk for the zoning board of review or in accordance with the land development and subdivision regulations if filing under unified development review. Fifteen complete copies of the application must be submitted. The application shall include:

- (1) A completed special use permit form indicating the special use permit sought, the grounds for the permit, and information on the scale and size of the proposed use as applicable.
- (2) Names and addresses of all owners of property in or within two hundred feet a (200')-foot radius as measured from of the perimeter of the subject property, whether within the city or an adjacent city or town, and as shown on the current real estate tax assessment records of the city or town in which the property is located.
- (3) A Class 1 surveyed site plan prepared by a land surveyor registered and licensed to practice in the State of Rhode Island. The site plan shall be drawn at a scale of one inch equals 20 feet (or as appropriate one inch equals 40 feet or one inch equals 80 feet) showing the following for the subject property:
 - a. The shape, dimension and area of the subject property;
 - b. The location size and use of all existing and proposed structures;
 - c. The zoning use district boundaries;
 - d. The street number and assessor's lot numbers;
 - e. Title block in the lower righthand corner showing the names of the property owners; map, block, parcel of the subject property; date of plan; north arrow; and a blank signature space for the chair; and
 - f. Such other information as may be necessary for the execution and enforcement of this chapter.
- (4) Elevations for all buildings sides and floor plans shall be prepared by those permitted to do so by the Rhode Island General Laws.
- (5) An accurate radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes:
 - a. A title block in the lower righthand corner showing the names of the property owners; map, block, parcel of the subject property; date of plan; and north arrow;
 - b. For all property in or within two hundred feet a (200')-foot radius as measured from of the perimeter of the subject property:
 1. The shape, dimension and area of property;
 2. The location of all zoning use district boundary lines; and

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3. The street numbers and assessor's lot numbers;
 4. The general location, shape and use of all existing buildings and structures; and
 5. Such other information as may be necessary for the execution and enforcement of this chapter.
 - (6) The application fee as set by the city council to cover the costs associated with review, hearing, notice and recording fees.

Applications for special use permits to the planning board through the unified development review process shall follow relevant application requirements of the city's land development and subdivision regulations.

Sec. 19-42. Special use permits—Review process.

- (a) Upon receipt of a special use permit application, in proper form, the zoning officer shall refer a copy to the department of planning and urban development in its capacity as staff to the planning board, for an advisory opinion. This department shall review the application and make a written report on its findings and recommendations as to whether or not the request is consistent with the purposes and intent of the city comprehensive plan and this chapter within 30 days of receipt of the application.
- (b) The zoning officer may refer a copy of the application to any other city departments, such as the public works department or fire department, for findings and recommendations on matters related to public safety, health and welfare.
- (c) The board shall fix a reasonable time not to exceed 30 days for a public hearing on a special use permit application. Notification including the date, time, place, purpose of the hearing, and street address of the subject property shall be:
 - (1) Published at least 14 days prior to the date of such hearing in a newspaper of ~~general~~ local circulation in the city;
 - (2) Sent by first class mail to the applicant;
 - (3) Sent ~~first-class~~~~registered or certified~~ mail to all owners of real property whose property is located ~~in at~~ or within ~~two hundred feet (a 200')-foot radius~~ of the perimeter of the subject ~~property area, as measured from the corners of the subject area~~, whether within the city or within an adjacent city or town; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located;
 - (4) Sent by first class mail to the city or town council of any city or town which is located ~~in at~~ or within 200 feet of the boundary of the subject area;
 - (5) Sent first class mail to the city or town council of any city or town where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of the subject property, regardless of the municipal boundaries;
 - (6) Sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of the subject property, provided however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof.

(7) Posted in the city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on the municipal home page of its website at least fourteen (14) days prior to the hearing.

(8) The City shall make the notice accessible on the home page of the City's website at least 14 days prior to the hearing;

(9) For notices sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

(d) The cost of the newspaper and mailing notification shall be borne by the applicant.

(Rev. Ords. 1987, § 19-42; Ch. 914, § I(Att.), 12-19-23)

Sec. 19-47. Variances —Application process.

Applications for variances that are not part of the unified development review process shall be filed with the zoning officer acting in his capacity as clerk for the zoning board of review. When a request for a variance is submitted through the unified development review process, as part of a subdivision or land development project application, it shall be submitted to the administrative officer of the planning board. Fifteen complete copies of the application must be submitted. The application shall include:

- (1) A completed variance form indicating the variance sought and the grounds for the variance;
- (2) Names and addresses of all owners of property in or within two hundred feet a (200')-foot radius as measured from of the perimeter of the subject property, whether within the city or an adjacent city or town, and as shown on the current real estate tax assessment records of the city or town in which the property is located;
- (3) A Class 1 surveyed site plan prepared by a land surveyor registered and licensed to practice in the State of Rhode Island. The site plan shall be drawn at a scale of one inch equals 20 feet (or as appropriate one inch equals 40 feet or one inch equals 80 feet) showing the following for the subject property:
 - a. The shape, dimension and area of the subject property;
 - b. The location, size and use of all existing and proposed structures;
 - c. The zoning use district boundaries;
 - d. The street number and assessor's lot numbers;
 - e. Title block in the lower righthand corner showing the names of the property owners; map, block, parcel of the subject property; date of plan; north arrow; and a blank signature space for the chair; and
 - f. Such other information as may be necessary for the execution and enforcement of this chapter.
- (4) Elevations for all buildings sides and floor plans shall be prepared by those permitted to do so by the Rhode Island General Laws.
- (5) An accurate radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes:

a. A title block in the lower righthand corner showing names of the property owners; map, block, parcel of the subject property; date of plan and north arrow;

b. For all property within two hundred feet a (200') of-foot radius as measured from the perimeter of the subject property:

1. The shape, dimension and area of the property;
2. The location of all zoning use district boundary lines; and
3. The street numbers and assessor's lot numbers.

c. In the case of a dimensional variance, the general location, shape and use of all existing buildings and structures within a 100-foot radius of the subject property;

d. In the case of a use variance, the general location, shape and use of all existing buildings and structures in or within two hundred feet a (200')-foot radius of the subject property; and

e. Such other information as may be necessary for the execution and enforcement of this chapter.

(6) The application fee as set by the city council, to cover the costs associated with review, hearing, notice and recording fees.

Applications for variances to the planning board through the unified development review process shall follow relevant application requirements of the city's land development and subdivision regulations.

Sec. 19-48. Variances —Review process.

(a) Upon receipt of a variance application, in proper form, the zoning officer shall refer a copy to the zoning board of review and the department of planning and urban development acting in its capacity as staff to the planning board. This department shall review the application and make a written report on its findings and recommendations as to whether or not the request is consistent with the purposes and intent of the city comprehensive plan and this chapter within 30 days of receipt of the application.

(b) The zoning officer, or administrative officer for the planning board through the unified development review process, may refer a copy of the application to any other city departments, such as the public works department or fire department, for findings and recommendations on matters related to public health, safety and welfare.

(c) The zoning board shall fix a reasonable time not to exceed 30 days for a public hearing on a variance application. Notification including the date, time, place, purpose of the hearing, and street address of the subject property shall be:

- (1) Published at least 14 days prior to the date of such hearing in a newspaper of local circulation in the city;
- (2) Sent by first class mail to the applicant;
- (3) Sent first class mail to all owners of real property whose property is located in at-or within two hundred feet a (200')-foot radius of the perimeter of the subject area, whether within the city or within an adjacent city or town, as measured from the corners of the subject area; such notice shall be sent to the last known address of

such owners as shown on the current real estate tax assessment records of the city or town in which the property is located;

- (4) Sent by first class mail to the city or town council of any city or town which is located in or within 200 feet of the perimeter of the subject area;
- (5) Sent by first class mail to the city or town council of any city or town where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of the subject property, regardless of the municipal boundaries;
- (6) Sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of the subject property, provided however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof;
- (7) Posted in the City Clerk's office and one other City building at least 14 days prior to the hearing;
- (8) The City shall make the notice accessible on the home page of the City's website at least 14 days prior to the hearing;
- (9) For notices sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.
- (d) The cost of newspaper and mailing notification shall be borne by the applicant.

Sec. 19-52.—Appeal application process.

(a) Application for an appeal from a decision of the zoning officer or any other zoning enforcement agency, shall be filed with the zoning officer acting in his capacity as clerk for the zoning board of review. The application shall include:

- (1) A completed appeal form indicating the grounds for the appeal.
- (2) An accurate radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes the map, block, and parcel of all property in or within two hundred feet (200')-foot radius of the perimeter of the subject property ~~as measured from the perimeter of the subject property;~~
- (3) The names and addresses of all owners of property in or within two hundred feet (a-200')-foot radius as measured from of the perimeter of the subject property, whether within the city or an adjacent city, and as shown on the current real estate tax assessment records of the city or town in which the property is located; and
- (4) The fee as set by the city council to cover costs associated with the review, hearing and notice to be paid by the applicant.

(b) The officer or agency from whom the appeal is taken shall forthwith transmit to the zoning board of review all the papers constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the planning board.

Sec. 19-54. Appeals — Review and determination.

(a) The zoning board of review shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties of interest. Notification including the date, time, place, purpose of the hearing, and street address of the subject property shall be sent by ~~first-class registered or certified~~ mail to all owners of real property whose property is located ~~in or~~ within ~~two hundred feet a (200')-foot~~ radius of the perimeter of the subject area, ~~whether within the city or an adjacent city or town as measured from the corners of the subject area~~. Such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located.

(b) The zoning board of review shall make a decision within sixty-five (65) days of the date the appeal was filed. Upon the hearing, any party may appear in person or by agent or by attorney.

(c) In exercising its powers, the zoning board of review may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the officer or agency from whom the appeal was taken; and may apply special conditions as provided for in section 19-13 of this chapter.

(d) The zoning board of review shall include in its decision all findings of fact and conditions showing the vote of each member participating thereon, and the absence of a member or his failure to vote. Decisions shall be recorded and filed in the office of the zoning board of review within 30 days from the date the decision was rendered, and shall be a public record. The decision shall also be posted in a location visible to the public in the city hall for a period of 20 days following the recording of the decision.

(e) When an appeal results in a decision by the zoning board of review which overturns a decision of another zoning enforcement agency or the zoning officer, recorded in the city land evidence records, the zoning officer as clerk for the board shall record notice of the board's decision in the city land evidence records.

DIVISION 3. - PERMITS

Sec. 19-56. Zoning permit.

- (a) No building or structure shall be erected, extended, altered, enlarged or moved, and no use of any land or premises shall be begun or changed without a zoning permit having been issued by the zoning officer. Whenever a permit or license is issued by any other department of the city, such permit or license shall be in conformity with the provisions of this chapter. Any application for such a permit shall be accompanied by a site plan, accurately drawn, showing the actual shape and dimensions of the lot or premises to be built upon; the exact location and size of all buildings or structures to be erected, constructed, reconstructed, altered or enlarged together with the lines within which all buildings or structures are to be erected, constructed, reconstructed, altered or enlarged; the existing or intended use of such building or structure; the location of all zoning district boundary lines as they may affect the lot or premises; the location and size of off-street parking and loading facilities where required, the location and design of trash storage areas and enclosures, including dumpsters, in conformance with the provisions of section 19-261; and such other information as may be necessary to provide the execution and enforcement of this chapter. The zoning permit shall be issued on the basis of the application and accompanying plans, where required, and shall authorize only the use, arrangement and construction set forth in approved plans and applications. Any use, arrangement or construction at variance with that authorized under this chapter shall be deemed in violation of this chapter.
- (b) No site plan shall be required with an application for such a permit involving only alterations of an existing building where the use and exterior surfaces of such buildings are not changed or enlarged in any manner and the use is not affected by any other section of this chapter.

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- (c) A record of all applications, plans and permits shall be kept on file in the office of the zoning officer and shall be available for public inspection during regular office hours.
- (d) In addition, the zoning officer may require the submission of plans of any proposed machinery, operations and products and specifications for the mechanisms and techniques to be used for the purpose of restricting the emission of dangerous and objectionable elements referred to in section 19-336. An affidavit may be required from the applicant acknowledging his understanding of the applicable performance standards in section 19-336 and his agreement to conform with such standards at all times. No applicant will be required to divulge confidential processes, and all information submitted will be treated confidentially if requested.
- (e) In areas of special flood hazard as delineated on the flood maps defined in section 19-1, a zoning permit shall be required for any land preparation, excavation, grading, filling or removal of earth for any purpose.
- ~~(f) The zoning officer shall require that a declaration of the accessory family dwelling unit and restrictions for a family member or members of an owner-occupied one-family dwelling shall be:~~
- ~~(1) Recorded in the land evidence records at the cost of the applicant; and~~
- ~~(2) Be filed with the zoning enforcement officer and the building official.~~

(Rev. Ords. 1987, § 19-56; Ch. 506, § IV, 7-20-10)

Cross reference(s)—Accessory family dwelling units, § 19-202.

Sec. 19-57. Occupancy permit.

- (a) An occupancy permit shall be required for any of the following:
- (1) Occupancy and use of a building or structure hereafter erected, extended, altered, enlarged or moved;
 - (2) Change in use of an existing building, structure or premises to a use of a different classification;
 - (3) Occupancy and use of vacant land except for farming;
 - (4) Change in use of land to a use of a different classification other than farming;
 - (5) Any change in use of a nonconforming use.
- ~~(6) a. No occupancy of the accessory family dwelling unit shall take place without an occupancy permit that has been reviewed and approved by the zoning officer in advance of its issuance. No occupancy permit shall be granted for an accessory family dwelling unit until it is a permitted accessory use and a declaration of the accessory family dwelling unit for the family member or members and its restrictions shall be recorded in the city's land evidence records at the cost of the applicant and filed with the zoning officer and the building official.~~
- ~~b. Occupancy permits shall not be transferable upon change in ownership or change in occupancy. In such event, the new owner of the single-family dwelling shall submit an affidavit to the zoning officer attesting to the fact that the circumstances under which the occupancy permit were granted will continue to exist. The owner of record of the subject real property is responsible for initiating each application to the zoning officer. Appropriate fees as established and posted shall be assessed for each such renewal.~~
- (b) No such occupancy, use or change of use shall take place without the issuance of an occupancy permit approved by the zoning officer. The permit shall not be issued until the building, structure, premises or land, its uses and the uses incidental thereto have been inspected and approved by the zoning officer and, if required, a business registration certificate has been secured from the city clerk's office. A record of all occupancy permits shall be kept on file in the office of the building inspector and shall be available for public inspection during regular office hours.

Commented [PF1]: Certificate of Occupancy still required from Building Official

(Rev. Ords. 1987, § 19-57; Ch. 506, § V, 7-20-10)

Cross reference(s)—Accessory family dwelling units, § 19-202.

DIVISION 4. - ADOPTION, AMENDMENT OR REPEAL

Sec. 19-72. Petition requirements.

(a) Petition forms for ordinance amendments/repeals shall be filed with the city clerk and include:

- (1) The section/or subject area that is the subject of the petition;
- (2) The intention of the proposed amendment/repeal;
- (3) The relation of the proposed action to the city comprehensive plan; and
- (4) Filing fee as set by the city council to cover the costs associated with review, hearing, notice and recording fees.

(b) In addition, if the amendment/repeal seeks a change in the zoning map, the petition shall be accompanied by:

- (1) Eleven copies of an accurately drawn radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes:

- a. A title block in the lower righthand corner showing names of the property owners; map, block, parcel of the subject property; date of plan and north arrow;

- b. For all property in or within two hundred feet (a 200') of-foot radius as measured from the perimeter of the subject property:

1. The shape, dimension and area of property;
2. The location of all zoning use district boundary lines;
3. The street numbers and assessor's lot numbers;
4. The general location, shape and use of all existing buildings and structures; and

- c. Such other information as may be necessary for the execution and enforcement of this chapter.

- (2) A listing of names and addresses of all owners of real property located in at or within two hundred feeta (200')-foot radius of the perimeter of the property, whether within the city or an adjacent city or townas measured from the corners of the property, and as shown on the current real estate tax assessment record of the city or town in which the property is located.

Sec. 19-74. Notification.

The city council shall hold a public hearing within 65 days of receipt of the petition. Opportunity shall be given to all persons interested to be heard upon the matter of the proposed amendment/repeal. Notification for this public hearing shall include:

- (1) Publication of notice in a newspaper of local circulation within the city at least once each week for three successive weeks prior to the date of such hearing, (which may include the week in which the hearing is to be held). Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

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- a. Specify the place of such hearing and the date and time of its commencement;
 - b. Indicate that adoption, amendment or repeal of a zoning ordinance is under consideration;
 - c. Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize or describe the matter under consideration;
 - d. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied;
 - e. State that the proposals shown thereon 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 and that any such alteration or amendment must be presented for comment in the course of such hearing; and
 - f. In the case of a proposed amendment which includes a specific change in a zoning district map, but does not affect districts generally, the newspaper notice shall include a map showing the existing and proposed boundaries; zoning district boundaries; labeled existing streets and roads; and city and town boundaries where appropriate.

(2) Written notice shall be mailed at least two weeks prior to the hearing to any of the following which is applicable:

- a. Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map but does not affect districts generally, notice shall be sent to all owners of real property whose property is located in at or within 200 feet of the perimeter of the area proposed for change, whether within the city or within an adjacent city or town. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. Such notice shall be sent by first class mail to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located, provided that for any notice sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. This notice shall include a map showing the existing and proposed boundaries; zoning district boundaries; labeled existing streets and roads; and city town boundaries where appropriate.
- b. To the city or town council of any city or town which is located in at or within 200 feet of the perimeter of the area proposed for change.
- c. To the city or town council of any city or town where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.
- d. To the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof.
- e. Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall

be given to all owners of the real property as shown on the current real estate tax assessment records of the city. The notice shall given by first class mail at least 2 weeks prior to the hearing at which the text amendment is to be considered, with the content required by section (1). Notice shall include reference to the merger clause to which the nonconforming lots would be subject, the notice shall include reference to the merger clause and the impacts of common ownership on non-conforming lots.

~~(3) The city clerk shall also give notice by first class mail to the petitioners of the date of the second reading and hearing for final passage of the ordinance.~~

(34) The City shall post the notice in the City Clerk's office and in one other City building at least 14 days prior to the hearing;

(45) The City shall make the notice accessible on the home page of the City's website at least 14 days prior to the hearing;

(56) For notices sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

(67) The cost of newspaper and mailing notification shall be borne by the applicant.

ARTICLE III. - DISTRICT REGULATIONS

Sec. 19-98. Schedule of use regulations.

- (a) Any use not specifically listed or otherwise permitted in a district hereinafter established by this chapter shall be deemed prohibited, with the exception of evaluations and determinations of proposed uses not specifically listed as per section 19-40.
- (b) The following is a schedule of use regulations:
- (c) All properties located within the Riverside Square Mixed Use/Downtown Overlay district shall be subject to the Commercial-2 Zoning District with respect to section 19-98 "Use", except that the following uses shall be prohibited within this district: funeral home or mortuary; fast food restaurant; drive-through facilities; and medical or dental offices.
- (d) All properties located within the Riverside Square Mixed Use/Downtown Overlay shall be subject to the supplementary district regulations contained in section 19-359 et seq.
- (e) The C-2 Neighborhood Business District is intended to permit small-scale retail, service and office uses designed to serve adjacent residential neighborhoods and structures shall be no larger than 5,000 square feet in gross floor area.

Y = Yes, permitted use

N = No, prohibited use

S = Special use permit

A = Permitted as an accessory use subordinate to the principal use

USE SCHEDULE	ZONING DISTRICTS															
	R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT
Mixed-Use	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N
AGRICULTURAL																
Farming*	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Conservation area, wildlife refuge, reforestation area or wood lot	Y	Y	Y	N	N	N	Y	N	N	N	N	N	N	N	N	N
Nursery	Y	Y	N	N	N	N	Y	Y	N	N	Y	Y	N	N	N	N
RESIDENTIAL AND RELATED USES																
One-family dwelling*	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N
Two-family dwelling* if located on a lot having an area of at least 50 percent	N	N	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N
					11,250 s.f.	7,500 s.f.										

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greater than required for a one-family dwelling					minim um	minim um											
Two-family dwelling*	N	N	N	SA	AL-S	AL-S	N	N	N	N	N	N	N	N	N	N	N
Two-family dwelling* if located on a lot having an area of at least 75 percent greater than required for a one-family dwelling	N	N	N	Y 8,750 s.f. min.	Y (with at least 50% greate r-area)	Y (with at least 50% greate r-area)	N	N	N	N	N	N	N	N	N	N	N
Three-family dwelling* and multi-family dwelling* in conformance with section 19-216 et seq. Construction of 20 units or greater requires land development project approval; see article V of this chapter	N	N	N	N	Y	N	N	Y	Y	N	N	N	N	N	N	N	N
Tourist home or lodginghouse*	N	N	N	N	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N
Motel*	N	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N
Hotel*	N	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	Y
Community residences*	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N	N
Family day care homes	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N	N
Short-term rental,* per Sec. 19-103(b)	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N	N	N	N
Live/Work Space*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
PUBLIC AND SEMI-PUBLIC																	
Municipal facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Watershed protection or supply	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Park, playground or playfield	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N	N
Public or private elementary, junior high or high school or higher education institution	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N
Dormitory for institution of higher education	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N
Church, other place of worship or religious institution	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N
Cultural activity*	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N

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Sportsmen's club	S	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Nonprofit club; civic, social or fraternal	N	N	N	N	S	S	S	Y	Y	Y	Y	Y	N	N	N	N	N
Nursery school	N	N	N	N	Y	Y	N	Y	Y	Y	N	N	N	N	N	N	N
Hospital*	N	N	N	N	N	N	Y	N	N	Y	N	N	Y	N	N	N	N
Clinic, excluding animal clinic	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nursing home, rest home or home for the aged requiring attendants	N	N	N	N	S	S	N	Y	Y	Y	Y	N	N	N	N	N	N
Funeral home or mortuary	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N
Cemetery*	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Day or overnight camp for children	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Golf course or country club	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Public utility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
RETAIL BUSINESS																	
Retail sale of products fabricated, assembled or packaged in a building on the premises provided such fabrication, assembling or packaging operations do not occupy more than 50 percent of the floor area of the building; provided, further that not more than: (1) Five persons are regularly employed therein (2) Ten persons are regularly employed therein	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N
	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N
Retail sale of food, drugs, clothing, jewelry, stationery or similar personal or specialty items	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N
Retail sale or rental of general merchandise, furniture, household goods, supplies, and appliances, sporting goods, automotive	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N

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accessories, or other similar retail products																	
Salesroom for display of motor vehicles, trailers, building supplies, boats, or machinery: (1) Without storage and repair facilities (2) With storage and repair facilities	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	N
New or used motor vehicle sales lot	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Retail services for employees as detailed in section 19-364, business/technology development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y
Café*	N	N	N	N	N	N	A	Y	Y	Y	N	N	A	A	A	A	Y
Cigar Lounge	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	N	N	N	Y
Microbrewery/distillery	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y
WHOLESALE BUSINESS AND STORAGE																	
Sale of business and/or industrial equipment and supplies	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
Wholesale showroom: (1) With storage limited to floor samples only (2) With storage and repair facilities	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Wholesale distribution or warehouse and Self storage, mini-storage, excluding truck terminal facility	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
Bulk petroleum storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N
SERVICE BUSINESS																	
Check Cashing Business	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Personal convenience service*	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Commercial educational institution*	N	N	N	N	N	N	N	Y	N	Y	Y	N	Y	N	N	N	Y
Restaurant* without live entertainment	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N

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Restaurant* including live entertainment	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Fast food restaurant	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Automatic parking garage or lot*	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	Y
Printing or publishing establishment provided that the work and storage area shall not exceed 5,000 square feet	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	Y
Automotive repair shop*	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N
Animal or veterinary hospital or kennel	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N
Marina*/Yacht Club	N	N	N	N	N	N	Y	N	N	N	N	Y	N	Y	Y	N
Commercial dock or boatyard or boat repair facility	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N
Auto body, soldering or welding shop	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N
Dry Cleaning or Laundering Plant	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	N
Dry Cleaning Drop-Off and Pick-Up Location with Dry Cleaning/Laundering Done on Premises (with cleaning equipment and storage area limited to no more than 50 percent of the total square footage of the building)	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
Dry Cleaning Drop-Off and Pick-Up Location (with no cleaning done on premises)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Passenger vehicle car wash	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N
Business or industrial services: (1) With storage and repair limited to 50 percent or less of gross floor area (2) With storage and repair facilities	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
Child day care centers	N	N	N	N	S	S	N	Y	Y	N	N	N	Y	N	N	N
Data processing facilities	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y

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(Supp. No. 85)

Massage therapy establishment*	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
SPECIAL USES																
Signs* as regulated by sections 19-441 through 19-443	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Billboards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Off-street parking as regulated by sections 19-276 through 19-284	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Off-street loading and unloading as regulated by Sections 19-285 through 19-290	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Removal of earth products as regulated by section 19-116	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N
Manufactured home ~~Trailer~~ -courts* as regulated by section 19-321	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N
Gasoline filling stations* as regulated by section 19-186 et seq.	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N
Accessory uses* as regulated by section 19-171	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Transit shelters* as regulated by section 19-174	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Amusement game centers**	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Development of new drive-through* ~~associated with a permitted use on a parcel of at least 20,000 square feet and as regulated by [sic] Article VIII~~	N	N	N	N	N	N	N	S	S	S	S	S	S	S	S	N
Tattoo Parlor	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
OFFICE USES																
Any business or professional office, studio, or agency, bank or other financial institution	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y

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Medical research, engineering or testing laboratory	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y
COMMERCIAL RECREATION																
Amusement park*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Boat, kayak, canoe rental	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Bowling alley	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Dance hall	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Driving range or miniature golf facility	N	N	N	N	N	N	Y	N	N	N	Y	Y	N	N	N	N
Fencing establishment	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	N
Health, fitness and wellness facility	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Indoor movie theatre	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Indoor Recreation/Athletic Facility	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	N
Skating rink	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Swimming or tennis facility ¹	N	N	N	N	N	N	Y	N	N	Y	Y	Y	Y	N	Y	Y
Yoga or Pilates Studio (not full gym)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
ART & ENTERTAINMENT																
Black Box Theatre*	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	N
Design Studio*	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	N
Film Studio	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Gallery*	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Photography Studio	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Recording Studio	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
Live Theatre	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
TRANSPORTATION																
Helistop per section 19-173	N	N	N	N	N	N	S	N	N	N	N	N	S	S	S	S
Freight or trucking terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Parcel distribution center	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
UTILITIES																
Radio, television or wireless telecommunication towers and antennas as per Division 17***	N	N	N	N	N	N	S	N	N	N	N	S	S	S	Y	N
Communication services and broadcasting offices	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y
INDUSTRIAL																
Limited manufacturing*, with no outdoor storage,	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y

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and in conformance with Sections 19-336 through 19-345																	
Small shop for fabricating, packaging or assembling activities in conformance with sections 19-336 through 19-345	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y
Heavy manufacturing* in conformance with sections 19-336 through 19-345	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	
Limited metal reclamation*	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	
Open storage* as regulated by subsection 19-175(a) and subject to Article VIII	N	N	N	N	N	N	N	N	N	N	N	S	S	S	S	N	
Industrial or manufacturing related office	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
Industrial trade schools*	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	
Bulk storage of chemicals accessory to a use permitted by section 19-98	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	
PORT RELATED USES																	
Port*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wharves, piers and bulkheads, commercial dock or boatyard or boat repair facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Trucking, shipping or railroad terminal primarily handling commodities shipped by waterborne transportation, including equipment necessary for the loading, unloading or transfer of commodities and cargoes	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Accessory storage—Port district* including open storage as regulated by subsection 19-175 (b)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Container terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Manufacturing, storing, processing, fabricating,	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

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packaging or assembling activities requiring direct access to waterborne shipping in conformance with article IV, division 14 of this chapter																
Packaging, assembling, mixing or other activities to prepare cargoes or commodities for loading, off-loading or distribution, primarily relating to rail, truck and waterborne commerce	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Foreign trade zone	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Definitions and further regulations relative to the uses that are denoted by an () may be found in section 19-1.

**Amusement game centers shall be allowed as a permitted use in the C-3, C-4 and C-5 districts in conformance with the requirements of section 19-231 of this chapter.

***Radio, television or wireless telecommunications towers shall be permitted in any district on property owned, leased or otherwise controlled by the city, in conformance with the requirements of section 19-351 of this chapter, and by administrative approval in any I-3 district, in conformance with the requirements of section 19-352 of this chapter.

****Radio, television or wireless telecommunications antennas shall be permitted in any district on property owned, leased or otherwise controlled by the city, in conformance with the requirements of section 19-351 of this chapter, and by administrative approval in any district, in conformance with the requirements of section 19-352 of this chapter.

(Rev. Ords. 1987, § 19-98; Ch. 457, § III, 10-7-97; Ch. 463, § III, 12-16-97; Ch. 53, §§ IV, V, 2-3-99; Ch. 146, § VI, 10-23-00; Ch. 154, § VI, 1-16-01; Ch. 194, § IV, 12-18-01; Ch. 198, § IV, 2-19-02; Ch. 216, § IV, 6-18-02; Ch. 453, § III, 7-15-08; Ch. 470A, § V, 10-7-08; Ch. 489A, § II, 10-6-09; Ch. 642, § V, 3-15-16; Ch. 867, §§ III, IV, 12-20-22; Ch. 914, § I(Att.), 12-19-23; Ch. 918, § I, 5-7-24)

ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. - LOT AREA, SETBACK AND YARD REGULATIONS

Sec. 19-132. Substandard lots of record.

Except as required in section 19-133, a lot or group of contiguous lots having dimensions and/or area of lesser amounts than required in section 19-145 for the district in which such lot is located may be considered as conforming to the minimum lot requirements of section 19-145, provided that such lot or group of contiguous lots was shown on a recorded plat or on a recorded deed on the effective date of the ordinance from which this chapter was derived (November 29, 1966). These are also referred to as prior recorded lots.

Notwithstanding the failure of a single substandard lot of record or contiguous lots of record at the effective date of adoption or amendment of the zoning ordinance (November 29, 1966) to meet the dimensional and/or quantitative requirements, and/or road frontage or other access requirements, applicable in the district, a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. ~~The setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. For any structure proposed under this section on a substandard lot of record, the following dimensional regulations shall apply:~~

(1) Minimum building setbacks, lot frontage and lot width requirements for a lot which is nonconforming in area shall be reduced by applying the building setback, lot frontage and lot width requirements from another zoning district of the same type (i.e. next less restrictive residential zone for a residentially-zoned property or next less restrictive commercial zone for a commercially-zoned property) in the municipality in which the subject lot would be conforming as to lot area. If the subject lot is not conforming as to lot area in any zoning district in the municipality, the setbacks, lot frontage and lot width shall be reduced by the same proportion that the area of such substandard lot meets the minimum lot area of the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the minimum lot area required in the district in which it is located, the setbacks, frontage and width shall each be reduced to forty percent (40%) of the requirements for those dimensional standards in the same district.

(2) Maximum lot building coverage for lots that are nonconforming in area shall be increased by the inverse proportion that the area of such substandard lot meets the minimum area requirements in the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the required minimum lot area, the maximum lot building coverage is allowed to increase by sixty percent (60%) over the maximum permitted lot building coverage in that district.

All proposals exceeding such reduced requirement shall proceed with a modification request under section 19-5 or a dimensional variance request under section 19-45, whichever is applicable.

(Rev. Ords. 1987, § 19-132; Ch. 914, § I(Att.), 12-19-23)

Sec. 19-133. - Contiguous lots under common ownership.

It is the intent of this chapter to require merger of contiguous unimproved or improved substandard lots of record in the same ownership in order to create dimensionally conforming lots or to reduce the extent of dimensional conformance.

If two or more contiguous lots are under common ownership at any time after the effective date of the ordinance from which this chapter was derived and one or more of these lots fails to meet the requirements of section 19-

145 with regard to minimum lot area or minimum lot width, or lot building coverage, or minimum setbacks as required by sections 19-144 and 19-145 of this chapter, or the off-street parking requirements of section 19-284 of this chapter, and the below standards, such lots shall be considered to be an individual lot of land for the purpose of this chapter. Contiguous lots or parcels shall share common and abutting boundary lines and not be separated by a street or other property. Contiguous parcels under separate ownership shall be considered to make up a single lot if joint application for a building permit is made by all owners of such parcels. No single lot shall be used in violation of the requirements of section 19-145 with regard to minimum lot area or minimum lot width, except as provided in this chapter.

The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of 50 percent of the lots within 200 feet of the subject lot, as confirmed by the zoning enforcement officer. Uses on multiple lots in common ownership shall be counted as one lot for the purposes of this calculation.

(a) District by district standards for determining lot mergers:

(1) Stormwater infrastructure is limited such that limiting development in the district will protect area water quality;

(2) The character of the neighborhood as described in Sec. 19-95 will be protected by the merger of the lots; and

(3) The goals and policies of the comprehensive plan pertaining to the district will be furthered by the merger of the lots.

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Sec. 19-134. Dimensional regulations generally.

- (a) Except as hereinafter provided, a dwelling, building or structure hereafter erected in any district shall not be located on a lot or parcel of land having less than the minimum dimensional and setback requirements of this chapter and shall not exceed the maximum height and percentage of lot building coverage.
- (b) No lot, parcel or tract of land shall be reduced in dimension or area such as to be in violation of section 19-145, except as hereinafter provided. A lot created after the effective date of the ordinance from which this chapter was derived shall meet at least the minimum requirements established by this chapter for the district in which such lot is located, except as provided in section 19-133.

(c) In no instances shall the floor area ratio of development exceed 3.

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(Rev. Ords. 1987, § 19-134)

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DIVISION 4. - ACCESSORY USES

Sec. 19-171. Accessory uses.

The following accessory uses shall be allowed, provided that they shall conform to all other provisions of this chapter and that they shall not be detrimental to or impair adjacent properties or the neighborhood.

- (1) Residential district:
- The raising or growing of horticultural products for home use by a resident family thereon.
 - A hen house, barn, stable, kennel or dairy incidental to a permitted farming use.
 - A garden or tool shed used only for the storage of garden implements and light home maintenance tools.

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- d. A greenhouse not exceeding 1,500 cubic feet and not used for commercial purposes.
 - e. Swimming pools, including appurtenant structures such as dressing and shower rooms and equipment houses as regulated by this chapter and other city ordinances.
 - f. A private garage or parking area as required in sections 19-276 through 19-284 in connection with a dwelling for:
 - 1. Not more than three motor vehicles, which shall not include more than one vehicle owned by a nonresident of the premises in an R-1 or R-2 district.
 - 2. Not more than four motor vehicles, which shall not include more than two vehicles owned by a nonresident of the premises in an R-3 or R-4 district.
 - 3. Not more than two motor vehicles per dwelling unit, which shall not include more than one vehicle owned by a nonresident of the premises for each two dwelling units in an R-5 or R-6 district.

In any case, not more than one commercial vehicle weighing not more than 2½ tons gross weight shall be permitted to park overnight on a residential premises in a residential district, except in the case of a farm operated on a full-time basis by a resident thereon.

- g. A professional home office or studio located within the principal building of the premises of a resident architect, artist, author, attorney, clergyman, dentist, engineer, physician or other member of a recognized profession; provided that not more than 25 percent of the total floor area, not to exceed 250 square feet is regularly devoted to such use and that no more than one other person is regularly employed therein in connection with such in an R-1, R-2, R-3 or R-4 district, and not more than two other persons are regularly employed therein in connection with such use in an R-5 or R-6 district.
- h. Any home occupation use such as dressmaking, millinery, home cooking and preservation and similar domestic crafts, excluding barbershops, beauty parlors, hair dressers, dance studios, schools and repair services of any kind, customarily conducted within the principal building by a resident of the premises, provided that there is no exterior storage of material or equipment, that no display of products shall be visible from the street, that not more than 25 percent of the total floor area, not to exceed 250 square feet is regularly devoted to such use and that no other person is regularly employed therein in connection with such use in an R-1, R-2 or R-3 district, and not more than one other person is regularly employed therein in connection with such use in an R-4, R-5 or R-6 district.

The practice of massage therapy conducted by a state licensed massage therapist* conducted within the principal building by a resident of the premises, provided that:

- 1. There is no exterior storage of material or equipment;
- 2. No display of products shall be visible from the street;
- 3. Not more than 25 percent of the total floor area, not to exceed 250 square feet is regularly devoted to such use and that no other person is regularly employed therein in the R-1, R-2, R-3, R-4, R-5 and R-6 districts;
- 4. The resident shall have obtained a special use permit under section 19-39 et seq., Special Use Permit;
- 5. The applicant shall obtain any licenses required by the city; and
- 6. Proof of a current license issued by the department of health shall be posted on the premises in a location visible to customers.

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- i. Servants' quarter.
 - j. A seasonal stall or stand for the sale of farm or garden products, the majority of which are grown or produced on the premises of a permitted farming use by the resident, owner or lessee thereof.
 - k. Dormitory or living quarters for churches or other places of worship, educational or religious institutions, hospitals, sanitariums, and other similar permitted uses.
 - l. The renting of a room to not more than two persons.
 - m. Other similar accessory uses customarily incidental to a permitted use, except that the storage of pallets in commercial form shall not be permitted in residential areas.
 - n. Portable storage containers* may be placed in a residential district for up to 30 calendar days. The building official may permit the placement of a portable storage container for more than 30 days provided that the property owner has a valid building permit for construction, reconstruction, alteration or remodeling of the structure or due to extenuating circumstances such as hurricane, fire or flood. A portable storage container* may not be used as an accessory structure to a principal use and further shall not be permitted for use as a detached permanent storage building, utility building workshop, hobby shop and other similar purposes.
- (2) Open space district:
- a. ~~One~~Single-family dwelling for a caretaker or other personnel required to reside on the premises for the protection or maintenance of a permitted use.
 - b. Seasonal stall or stand for the sale of farm or garden products, the majority of which are grown or produced on the premises by the resident owner or lessee thereof.
 - c. Dormitory or living quarters for educational or religious institutions, hospitals, sanitariums, and other similar permitted uses.
 - d. Other accessory uses customarily incidental to a permitted use.
- (3) Commercial district:
- a. ~~One~~Single-family dwelling for a caretaker or other personnel required to reside on the premises for the protection or maintenance of a permitted use.
 - b. Dormitory or living quarters for educational or religious institutions, hospitals, sanitariums, and other similar permitted uses.
 - c. Other accessory uses customarily incidental to a permitted use.
 - d. Off-street parking, as regulated by division 11 of this article and off-street loading and unloading as regulated by sections 19-285 through 19-290.
 - e. Amusement game machines, in conjunction with a permitted business use, according to section 19-98, provided such use is beyond 500 feet from the property boundary of any school, church, other place of worship or religious institution, or public recreation area. No amusement game machine, as defined by this chapter, shall be allowed to operate without the issuance of a proper license by the city council.
- (4) Industrial district:
- a. ~~One~~Single-family dwelling for a caretaker or other personnel required to reside on the premises for the protection or maintenance of a permitted use.

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- b. Seasonal stall or stand for the sale of farm or garden products, the majority of which are grown or produced on the premises by the resident owner or lessee thereof.
 - c. Other accessory uses customarily incidental to a permitted use.
 - d. Off-street parking, as regulated by division 11 of this article and off-street loading and unloading as regulated by sections 19-285 through 19-290.
 - e. Employees services located on the same premises as the principal use and which are clearly incidental to and limited to the employees of the principal use.
- (5) Business/technology floating zone district:
- a. Accessory uses customarily incidental to a permitted use.
 - b. Off-street parking as regulated by division 11 of this article, and off-street loading and unloading as regulated by sections 19-285 through 19-290.
 - c. Employee services located on the same premises as the principal use and which are clearly incidental to and limited to the employees of the principal use, and further which meet the requirements of section 19-364 relating to the definition of a business/technology development. Such services shall be limited to the ground floor only, shall not exceed a maximum of 1,000 square feet per structure housing a principal use and further in aggregate shall not exceed a total of five percent of the gross floor area of the total development. Employee services may include the following: dry cleaning services (drop-off and pick-up only with no processing on-site); convenience kiosk (for items such as newspapers, prepackaged food and beverages and coffee); automatic teller machine; coffee/donut satellite business or kiosk (with no baking on-site).
 - d. Licensed child day care centers for children of employees of the businesses in the business/technology district.

(Rev. Ords. 1987, § 19-171; Ch. 457, § VI, 10-7-97; Ch. 146, § VIII, 10-23-00; Ch. 470A, § VI, 10-7-08; Ch. 489A, § III, 10-6-09)

DIVISION 6. CARE FACILITIES

Sec. 19-202. Accessory ~~family dwelling units (ADUs).~~

- (a) *Description.* This section ~~regulates~~ authorizes the ~~establishment~~ installation of accessory ~~family dwelling units in an owner-occupied, single family house that shall be permitted as a reasonable accommodation only for a family member(s) with disabilities as allowed by G.L. 1956, § 45-24-37 and this chapter. The purpose of this section is to permit families to care for their family member(s) with a disability or disabilities at home if possible.~~
- (b) *General requirements and standards.*
- (1) ~~Only an owner, who is also an occupant, of a single family dwelling may apply for, and maintain, an accessory family dwelling unit.~~
 - (2) ~~An ADU is a permitted accessory use on the same lot where the principal use is a legally established residential use. Only one accessory family dwelling unit shall be created on a lot.~~
 - (3) ~~The accessory family dwelling unit shall be located within or attached to the principal single family owner-occupied dwelling.~~
 - (2) The ADU shall be no larger than two bedrooms:

(i) A two bedroom ADU shall be no larger than twelve hundred square feet (1,200 sq. ft.), or sixty percent (60%) of the floor area of the principal dwelling, whichever is less.

(ii) A studio or one bedroom ADU of at least nine hundred square feet (900 sq. ft), or sixty percent (60%) of the floor area of the principal dwelling, whichever is less.

- (43) The design and size of the accessory ~~family~~ dwelling unit shall conform to all applicable standards, including health regulations, building code requirements, and all other federal, state and local laws, rules and regulations, including the provisions of this chapter.
- (45) The utilities for both the principal unit and the accessory ~~family~~ dwelling unit shall be common to both (i.e., one electric service, one gas service, one oil tank, one water connection, and one sewer hook-up ~~for the structure~~).
- ~~(6) The owners of the residence in which the accessory family dwelling unit is created shall occupy one of the dwelling units, except for bona fide temporary absences not exceeding 90 consecutive days or 180 days in any single year. The owner shall be responsible for documenting the period of said absence (the commencement and ending of said absence) and providing this in writing to the zoning officer.~~
- ~~(7) The accessory family dwelling unit shall be designed so that the appearance of the structure remains that of a one family residence and the accessory family dwelling unit shall remain subordinate to the principal residence. There shall be an internal means of egress between the principal unit and the accessory family dwelling unit. If possible, no exterior entrances should be added. If additional exterior entrances are required, they shall be located to the rear or side of the structure and shall be as unobtrusive as possible. Exterior staircases shall be covered or enclosed.~~
- (85) One additional off-street parking space shall be provided for ~~the an~~ accessory family dwelling unit more than one bedroom in size or on a property that does not meet at least fifty percent of the minimum required parking for the existing use in addition to those required for residents of the principal dwelling unit and as otherwise required by section 19-284 et seq., and it shall be provided on the premises.
- ~~(9) Cessation of use. Once the family member or members with disability no longer resides in the premises on a permanent basis, or the title to the real property is transferred, the property owner shall notify the zoning official in writing, and the accessory family dwelling unit shall no longer be permitted nor shall it be marketed as an accessory family dwelling unit, unless there is a subsequent, valid application for such a unit as allowed by G.L. 1956, § 45-24-37 and this chapter. The applicant shall discharge the declaration of an accessory family dwelling unit recorded in the city's land evidence records at their expense and provide documentation of same to the zoning officer.~~
- ~~(c) Submission requirements:~~
- ~~(1) Submit original completed application form to the zoning officer and five additional copies. Said application will be a sworn and notarized declaration from the owner stating:~~
- ~~a. That the owner of the property will continue to occupy one of the dwelling units on a year-round basis, except for bona fide temporary absence(s);~~
- ~~b. Shall acknowledge that the right to use the accessory family dwelling unit terminates upon transfer of the title unless the accessory family dwelling unit is reapplied for; and~~
- ~~c. Shall identify the name of family member(s) who will occupy the accessory family dwelling unit.~~
- ~~(2) Submit original completed declaration form to the zoning officer and five additional copies.~~
- ~~(3) Submit original sealed floor plans for the entire structure which shall show the dimensions and description of all the rooms in the structure and a detailed floor plan, drawn at a scale of one-fourth [inch] to the foot, showing the floor(s) where the changes are proposed. Said plans shall show the floor~~

plans for both units and the means of connection between the two units, and shall also show means of ingress and egress.

- (4) ~~Submit graphic depiction of the elevations of the structure being affected by the change.~~
- (5) ~~A site plan drawn to scale, showing structures, landscaping, and driveway/parking area. One additional off-street parking space shall be provided for the AFDU in addition to those required for residents of the principal dwelling unit and as otherwise required by section 19-284 et seq., and it shall be provided on the premises and shall be shown on the certified site plan.~~
- (6) ~~Submit certified floor plan(s) illustrating conversion back to a single-family residential unit upon "cessation of use". The referenced plan(s) must illustrate the manner in which the improvements associated with the "accessory family dwelling unit" will be altered, once again reflecting a single-family dwelling.~~
- (7) ~~A copy of the property assessor's information.~~
- (8) ~~Application fee of \$250.00 payable by check to the City of East Providence.~~
- (9) ~~Obtain a finance department report as to taxes on the property (they must be up-to-date).~~
- (d) ~~Review and referral. The zoning officer shall refer applications for accessory family dwelling units to the director of planning, director of public works, building official, and fire chief for review and comments. The application shall be reviewed for conformance to the general requirements and standards.~~
- (e) ~~Recording, posting, inspection. The applicant shall submit a declaration of the creation of the accessory family dwelling unit including the name for the family member(s) occupying said unit and the restrictions associated with said unit which shall be recorded in the city's land evidence records at the cost of the applicant. No occupancy of the accessory family dwelling unit shall take place without an occupancy permit that has been reviewed and approved by the zoning officer prior to its issuance. The accessory family dwelling unit shall be open for inspection upon request of the city at least one time annually for conformance with requirements and restrictions.~~
- (f) ~~Failure to comply. Failure to comply with any of the provisions of this section is considered a violation of this chapter and will be subject to enforcement and prosecution in accordance with City Charter and ordinances. In the event the owner does not cure such defects within 30 calendar days following the date of such notice, the building official shall immediately revoke any certificates of occupancy or building permits and shall cite the property for a violation of this chapter. The revocation of any such accessory family dwelling unit permits for a family member(s) with disability made by the city shall be recorded in the city's land evidence records by the city.~~

(Ch. 506, § VII, 7-20-10)

DIVISION 7. - ~~MULTIFAMILY~~ DWELLINGS

Sec. 19-216. General Requirements.

Notwithstanding any other provisions of this chapter, the regulations in this division shall apply to all multifamily ~~properties~~ structures.

Sec. 19-218. Schedule for ~~multifamily~~ dwelling ~~density~~ usable lot area.

The following tables are the schedules for ~~multifamily~~ dwellings ~~density~~ usable lot area as defined in section ~~19-1~~.

Number of bedrooms per dwelling unit	Number of <u>units per lot</u> square feet
3 or more	<u>1 per 2,500</u>
2	<u>1 per 2,000</u>
<u>1 or less</u>	<u>1 per 1,500</u>

Properties with more than one dwelling unit bedroom count type shall not exceed the average per lot square feet. For example, a property with one two-bedroom dwelling unit, one one-bedroom dwelling unit, one studio, and one accessory dwelling unit could not exceed a density of one unit per 1,667 lot square feet (accessory dwelling units do not count towards residential density).

(Rev. Ords. 1987, § 19-218; Ch. 867, § VII, 12-20-22)

DIVISION 10. - TRASH STORAGE AREAS

Sec. 19-261. Trash storage areas.

- (a) In conformance with the requirements of section 19-56, trash storage areas, including provision for dumpsters where applicable, shall be required for the following uses or categories of uses as set forth in section 19-98:
- (1) Multifamily dwelling.
 - (2) Tourist home or lodginghouse.
 - (3) Motel, motor inn or hotel.
 - (4) Nonprofit club; civic, social or fraternal.
 - (5) Hospital, sanitarium, clinic, nursing home.
 - (6) Retail business.
 - (7) Wholesale business.
 - (8) Service business.
 - (9) Office uses.
 - (10) Commercial recreation.
 - (11) Transportation.
 - (12) Industrial.
 - (13) Manufactured home Trailer courts.
 - (14) Gasoline filling stations.

This requirement may be waived by the city zoning officer where the applicant for a permit demonstrates that no outdoor trash disposal area will exist on the premises.

- (b) Trash storage area, including dumpsters, shall meet the following requirements:
- (1) Shall not be located within the required front yard;

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- (2) May be located in the required side or rear yards but not less than five feet from the property line and enclosed by a stockade fence or similar screening structure at least six feet in height. The trash storage area shall be obscured from the view of the adjacent property and from the street;
 - (3) Shall be maintained by the property owner in compliance with sections 4-161 and 4-330;
 - (4) Shall not interfere with off-street parking and loading areas or requirements including safe vehicular and pedestrian movement;
 - (5) Shall not cause a public nuisance.
 - (6) Trash storage areas shall not be located between the public-right-of-way, or public rights-of-way in the case of a corner lot or parcels with more than one public street frontage, and the principal use which it serves.

(Rev. Ords. 1987, § 19-261; Ch. 198, § VI, 2-19-02; Ch. 642, § VIII, 3-15-16)

DIVISION 11. - OFF-STREET PARKING REGULATIONS

Sec. 19-279. Joint use and shared use.

(a) *Joint use.* Nothing in this chapter shall be construed to prevent the joint use of off-street parking space for two or more buildings, structures or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the provisions of this chapter.

(b) *Shared use.* No part of an off-street parking space required for any building, structure or use for the purpose of complying with the provisions of this chapter shall be included as part of an off-street parking space similarly required for another building, structure or use unless the type of use indicates that the peak period of usage of such buildings, structures or uses will not be simultaneously with each other as determined by the zoning officer. ~~Applicants requesting use of shared parking under this sub-section (b) shall submit documentation in narrative form, and graphically depicted on a development plan, the specifics of the request and justification for the shared parking arrangement, which shall be reviewed and approved by the director of planning in consultation with the zoning officer, or by the development review committee, or planning board depending upon the scale of the development.~~ All properties utilizing shared parking under this sub-section (b) shall have notice of such restriction recorded in the land evidence records of the city at the cost of the applicant.

Sec. 19-281. Methods of determining off-street parking requirements.

- (a) When the schedule requires the on-site number of spaces to be calculated per employee and employees are on the site in shifts, the number to be used is the number of employees present during the largest shift (most employees). It shall mean the total number of employees on the site who will use the site for parking at any one time.
- (b) A garage or carport may be used to meet the requirements of this section. A driveway may only be used to meet the requirements of this section where it serves a ~~one~~single-family or two-family dwelling. Parking spaces may be stacked or in tandem, for no more than two cars deep, one and two-family dwellings only. Parking in the front yard setback shall not exceed one-third of the overall lot width.
- (c) Industrial uses. Where it can be demonstrated, to the satisfaction of the zoning officer and/or the planning board or the department of planning and urban development, that employment projections indicate less parking would be needed than that required by section 19-284 and adequate land is available should future use(s) warrant additional parking, then fewer parking spaces will be allowed.

- (d) If a use is not specifically listed in the off-street parking schedule, the requirements shall be the same as for the most similar use listed as determined by the zoning officer in consultation with the department of planning and urban development referencing the Institute of Traffic Engineers Parking Generation Report.

(Rev. Ords. 1987, § 19-281; Ch. 146, § XIII, 10-23-00; Ch. 642, § IX, 3-15-16)

Sec. 19-283. Plans, construction and maintenance of off-street parking areas.

(a) The following requirements establish minimum acceptable standards for alleviating the visual and environmental effects associated with parking facilities. The application of these standards will serve to improve the compatibility and attractiveness of such facilities, provide relief from un-shaded paved areas, and minimize noise and glare from lights associated with off-street parking facilities. In addition, these requirements will improve pedestrian safety, and optimize traffic circulation patterns with better-defined space. ~~For those developments subject to the development plan review provisions of article VIII of this chapter, additional landscaping requirements apply.~~

(b) ~~[Reserved] Plans. For the purpose of converting spaces into the required parking area, plans for parking areas containing five vehicles or more shall be submitted to the zoning officer to show how the required parking space shall be arranged in the area supplied for such purposes and to indicate sufficient space for parking maneuvers as well as adequate ingress and egress to the parking area.~~

~~(1) Such plan(s) shall be prepared at a reasonable scale and shall show: property lines; building location(s) and use; the dimensions and lot area of the property; the size and arrangement of all parking and any required loading spaces; the means of ingress and egress to such parking and loading spaces from the street system and interior circulation with the property; the location and design of required landscaping; the area of the parcel available for winter snow storage (this shall not be within the public right-of-way and shall not damage required landscaped buffering); the extent of any change required in existing site conditions to provide required parking and loading spaces; and such other conditions as may be necessary to permit review and approval of the proposed parking and any required loading spaces.~~

~~(2) Such plan(s) may be referred to other agencies and city departments as may be necessary to review the proposed parking area.~~

(c) Construction standards. Every parcel of land which after the effective date of the ordinance from which this chapter was derived is changed to a parking area for five vehicles or more, shall be developed as follows, subject to the review and approval of the required plans by the city engineer/deputy director of public works and subject to the approval of the zoning officer and building official:

(1) Such area where subject to wheeled traffic shall be paved, drained, lighted and arranged and marked for convenient access and safety of pedestrians and vehicles;

(2) Any light used to illuminate the parking area shall be so arranged as to reflect the light away from adjoining premises and streets;

(3) Suitable separation shall be made between the pedestrian sidewalk and the vehicular parking or moving area with the use of appropriate bumper or wheel guards or traffic islands;

(4) Where the portion of the property used for vehicular traffic abuts a street, such portion shall be separated from the street line by a curb at least six inches high;

(5) The location and extent of the appropriate curb cuts shall be determined by the city engineer/deputy director of public works, subject to the approval of the zoning officer, and wherever state jurisdiction exists, all curb cuts shall be subject to the approval of the state department of transportation as evidenced by submission of an approved physical alteration permit. In order to minimize vehicular conflicts, curb cuts shall be placed at the maximum feasible distance from intersections or from curb cuts for adjacent properties. Except where peculiar site or safety conditions warrant, only one curb cut shall be permitted for each

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development. Where a lot has more than one street frontage, all curb cuts for multi-family, commercial, or industrial uses shall be located on the primary (arterial or collector) street. This condition may be waived only, if in the determination of the city engineer/deputy director of public works, particular site or safety conditions so warrant.

(6) A plan that identifies changes in drainage associated with the construction of paved parking areas, and the method(s) proposed to address site drainage, shall be submitted and subject to the review and approval of the city engineer/deputy director of public works in accordance with city standards and requirements.

(d) Commercial or industrial areas. Where any parking area containing five parking spaces or more and located in a commercial or industrial district adjoins or abuts a residential district or a lot or premises used for residential, educational, recreational or religious purposes, there shall be provided a five-foot wide landscaped strip containing a wall or fence of solid appearance or tight evergreen hedge having a height of not less than five and one-half feet maintained in a neat and attractive manner between the parking area and the residential district or residential, educational, recreational or religious premises, subject to the approval of the zoning officer.

- (e) Residential areas. Where any parking area containing five parking spaces or more and located in a residential district adjoins or abuts a lot or premises used for residential purposes, a wall or fence of solid appearance or tight evergreen hedge having a height of not less than five and one-half feet shall be erected and maintained in a neat and attractive manner between the parking area and the lot or premises, subject to the approval of the zoning officer.
- (f) Landscaping. Any parking area established, expanded, or required to be altered because of building alteration or reuse of premises, after the effective date of the ordinance from which this chapter was derived, shall provide a minimum five foot wide planting strip between the parking area and the street. The planting strip may be interrupted to allow for entrances and exits, but in no portion may the planting strip be less than ten feet in length. The planting strip shall be planted with trees, shrubs, plants or other live vegetation. Such other landscaping treatment as hereinbefore required and practicable to enhance the premises and make the parking area acceptable and attractive to the adjoining neighborhood shall be provided, subject to the approval of the zoning officer.
- (g) Maintenance. Any parking space or area shall be kept by the owner in a neat and attractive manner in accordance with specifications and ordinances of the city. The owner shall be responsible for maintenance of landscaping, including the removal and replacement of all dead or diseased plantings. The parking area shall be plowed and/or sanded within 24 hours after the end of any snow or sleet storm.

(Rev. Ords. 1987, § 19-283; Ch. 53, § VI, 2-3-99; Ch. 146, § XIII, 10-23-00)

Sec. 19-284. Off-street parking spaces required.

- (a) In calculating the total number of required spaces, all numbers should be rounded off to the nearest whole number. ~~As required in section 19-283, for the purpose of creating parking spaces into a required parking area, plans for parking areas containing five vehicles or more shall be submitted to the zoning officer to show how the required parking spaces shall be arranged in the lot area supplied for such purposes and to indicate sufficient space for parking maneuvers as well as adequate ingress and egress to the parking area.~~ The following numbers or amounts of off-street parking space or area shall be required for the listed uses in this section according to the following schedule:

Use	Spaces Required (Note: GFA is Gross Floor Area)
(1) Dwelling: (a) ~~One~~ Single-family and two-family (b) Three-family	(a) Two spaces for each household or dwelling unit (b) One and one-third per dwelling unit
(2) Dwelling, <u>other</u> multifamily and elderly housing: (a) Dwelling, <u>other</u> multifamily (b) Dwelling, elderly housing (publicly assisted)	(a) Two spaces for each household or dwelling unit, plus one space for each bedroom in excess of two bedrooms (b) One-half space for each dwelling unit, plus one space for each employee
(3) Congregate care or assisted living facility	One space for each three dwelling units or rental units
(4) Child day care center or nursery school	One space for each five persons of the facility's licensed capacity, plus three spaces designed for the safe and convenient loading and unloading of children
(5) Churches and other places of worship	One space for each eight seats, plus one for each employee
(6) Clinics	Four spaces for each doctor, plus one for each employee
(7) Clubs: Civic, social, fraternal	One space for each five members or one space for each five seats, whichever is greater, plus one space for each two employees
(8) Clubs: golf country, swimming and similar uses, including yacht clubs	One space for each three members, plus one space for each employee
(9) Communications services and broadcasting	One parking space for each 400 square feet of GFA
(10) Commercial education institutions, industrial trade schools	One space for each instructor, plus one space for each two employees or other staff members, plus one space for each two students
(11) Commercial recreation	One space for each 200 square feet of GFA or one space for every three seats, whichever is greater, plus one space for each employee
(12) Community or regional shopping center greater than 200,000 square feet of gross floor area	One space for each 250 square feet of retail GFA, plus one space for each employee. Total parking space for restaurant and/or each free-standing use on the premises shall be added cumulatively to the above requirements.
(13) Cultural center	One space for each 200 square feet of GFA, plus one space for each employee
(14) Funeral homes and mortuaries	One space for each three seats in meetings rooms, plus one space for each employee, plus one space for each company vehicle
(15) Helistop	Two spaces where a helistop is located more than 500 feet from the buildings or main premises of

	the owner or proprietor or as otherwise determined by the zoning officer
(16) Home occupations and professional offices or studios	One space for each 100 square feet of floor area so used, plus one space for each employee, plus two spaces for each dwelling unit for permanent occupancy
(17) Hospitals	One space for each two beds, plus one space for each two employees including accredited physicians
(18) Nursing or convalescent homes	One space for each four patient beds
(19) (a) Hotels, motels, lodging houses, boarding houses and tourist homes (b) Bed and Breakfast	(a) One space for each guest sleeping room or suite, plus one space for each employee. Total parking space for each accessory use on the premises shall be added cumulatively to the above requirements (b) One per guest room, plus one for the owner/occupant of the premises.
(20) Industrial and manufacturing establishments	One space for each 270 square feet of GFA or one space for each two employees on the largest shift, whichever is most appropriate, subject to the approval of the zoning officer
(21) Institution of higher education	One space for each classroom, plus one space for each two employees or staff members other than teachers, plus one space for each two students
(22) Marinas, yacht clubs, boatyards and docks	One space for each mooring slip or other berthing facility, plus one space for each two employees
(23) Office uses: (a) Office use including bank, professional, medical and dental (b) Office building(s) of greater than 40,000 GFA (c) Medical and dental	(a) One space for each 500 square feet of GFA (b) One space for each 500 square feet of GFA (c) One space for each 200 square feet of GFA
(24) Telemarketing uses	One space for each 150 square feet of GFA
(25) Data processing center*	One space for each 150 square feet of GFA
(26) Business/technology development, as defined in section 19-1	One space for each 250 square feet of GFA; however, up to 15 percent of the total spaces required may be held in reserve as provided for in section 19-370, pertaining to reserve parking area for business/technology development
(27) Other institutions devoted to the board, care and treatment of humans	One space for each four beds, plus one space for each two employees, including accredited physicians
(28) Theatres, auditoriums or other any public assembly area with fixed seats	One space for each three seats, plus one space for each employee

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(29) Any public assembly area without fixed seats	One space for each 100 square feet of total floor area
(30) Public and private elementary and junior high/middle schools	Two spaces for each classroom, plus one space for each employee or staff member other than teachers
(31) Public and private high schools	Two spaces for each classroom, plus one space for each employee or staff member other than teachers, plus one space for each four students of driving age
(32) Religious institution*	One space for each ten occupants, plus one space for each institution vehicle, plus one space per employee
(33) Retail and service business establishments	One space for each 500 square feet of GFA
(34) Convenience store	One space for each 500 square feet of GFA
(35) Retail furniture and major appliance showrooms	One space for each 500 square feet of GFA, plus one space for each employee
(36) Food Service Establishments and Restaurants as defined in R.I.G.L. 45-24.7-2 a) Indoors b) Outdoor c) In Mixed Use Overlay Districts	a) One space for each six seats provided for patron use, plus one space for each two employees. b) Up to 20 outdoor seats in an approved outdoor dining area shall be exempt from these requirements. c) Any indoor or outdoor seating located within the Mixed Use Overlay district is exempt from these requirements provided the physical building footprint has not increased.
(37) Fast food restaurant a) Indoors b) Outdoor c) In Mixed Use Overlay Districts	a) One space for each four seats or one space per 500 square feet of GFA, whichever is greater, plus drive-through window stacking spaces as elsewhere required by this chapter. b) Up to 20 outdoor seats in an approved outdoor dining area shall be exempt from these requirements. c) Any indoor or outdoor seating located within the Mixed Use Overlay district is exempt from these requirements provided the physical building footprint has not increased.
(38) <u>Manufactured home</u> ~~Trailer~~ courts	One and one-third spaces for each <u>manufactured home</u> ~~trailer~~ , plus one space for each employee, plus one space for each dwelling unit for permanent occupancy
(39) Wholesale, distribution and warehousing establishments	One space for each two employees, or at a minimum, one space for each 2,000 square feet of GFA, plus additional spaces for customers' vehicles as determined appropriate by the zoning officer

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(40) Dormitory for institution of higher education	One space for each two beds
(41) Other uses (Note: Drive-through stacking land requirements are contained in section 19-464.)	The requirement(s) shall be the same as for the most similar use listed as determined by the zoning officer and the department of planning and urban development referencing the Institute of Traffic Engineers Parking Generation Report.

- (b) For the calculation of off-street parking space for proposed development or re-development under the provisions of the Main Street and Neighborhood Center Overlay District, refer to subsection 19-322(d).
- (c) In addition to the hereinabove required off-street parking spaces, adequate provisions shall be made for the off-street parking of all company-owned vehicles operating out of the premises, as determined by the city engineer/deputy director of public works, subject to the approval of the zoning officer.
- (d) The number, size, location and identification of handicapped spaces shall comply with the standards of title III of the American with Disabilities Act (ADA), and as otherwise required by applicable law.
- (e) No part of any required non-residential parking area shall be used for dead storage, automotive repair work, or dismantling of any kind.
- (f) For certain critical areas of concern as identified in the city's comprehensive community plan (1992), namely the Turner Reservoir/Central Pond critical area and the Runnins River critical area, the city may prohibit the provision of off-street parking spaces that are in excess of the number of spaces required under this ordinance.
- (g) *Outdoor dining.*
 - (1) Up to 50 percent of a restaurant and/or fast food restaurant's required non-handicap, on-site parking spaces may be used for outdoor dining, up to a maximum of four required spaces. Additional parking spaces may be utilized for outdoor dining if they conform to all applicable parking and other requirements. See section 19-360.4.

(Rev. Ords. 1987, § 19-284; Ch. 457, § VII, 10-7-97; Ch. 146, § XIII, 10-23-00; Ch. 154, § II, 1-16-01; Ch. 216, § III, 6-18-02; Ch. 470A, § VII, 10-7-08; Ch. 642, § XI, 3-15-16; Ch. 867, § X, 12-20-22; Ch. 914, § I(Att.), 12-19-23; Ch. 919, § II, 5-7-24)

Sec. 19-290. Same—Plans, construction and maintenance of off-street loading areas.

(a) ~~[Reserved] Plans. Detailed plans shall be submitted to the zoning officer to show how the off-street loading space shall be arranged and to indicate sufficient space for maneuvering as well as adequate ingress and egress to and from the street, subject to review of the city traffic engineer, before any permits are issued or approved by the zoning officer.~~

(b) *Construction.* Off-street loading space and access drives shall be paved, drained and lighted and shall have appropriate bumper or wheel guards where needed, and any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a residential district or a lot or premises used for residential, educational, recreational or religious purposes, there shall be provided a wall or fence of solid appearance or tight evergreen hedge having a height of not less than five and one-half feet maintained in a neat and attractive manner between the off-street loading space and the residential district or residential, educational or religious premises, ~~subject to the approval of the zoning officer~~, provided that when the provisions of this division are in the judgment of the zoning officer impossible or impractical of performance, they may be waived by the zoning officer at his discretion.

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DIVISION 14. MANUFACTURED HOME-TRAILER COURTS

Sec. 19-321. Requirements.

(a) *General requirements.* General requirements for manufactured home-trailer courts shall be as follows:

- (1) Manufactured home-trailer courts shall be located only in those districts as allowed in section 19-98.
- (2) No manufactured home-trailer shall be located and no manufactured home-trailer court shall be established or operated until all permits and fees as required by this chapter and other ordinances and requirements of the city have been complied with.
- (3) Any individual manufactured home-trailer hereafter located and used for living purposes in the city shall be located in a manufactured home-trailer court. Storage of a single camping or travel manufactured home-trailer by a resident owner thereof may be allowed on a premises, provided that such storage shall be restricted to the rear yard of such premises.
- (4) Any manufactured home-trailer used for living purposes failing to meet the requirements of chapter 4, article III for housing and the minimum residential floor area requirements of this chapter shall not be allowed to remain in the city for more than ten days.

(b) *Specific requirements.* Specific requirements for manufactured home-trailer courts shall be as follows:

- (1) Any applicant for a special use permit for a manufactured home-trailer court shall present detailed plans and specifications acceptable to the zoning officer and suitable for making determinations as required in this section as well as sections 19-5, 19-6, 19-36 through 19-41, 19-56, 19-57, 19-71 through 19-77, 19-173 through 19-175, 19-216 through 19-218, 19-231, 19-245 through 19-250, 19-261, 19-361 through 19-370 and 19-386 through 19-392.
- (2) The plans and specifications of the proposed court shall show its area, boundaries, locations of driveways, interior streets, sites for manufactured home-trailers, automobile parking, locations and kinds of all sanitary conveniences, methods of sewage and garbage disposal and plans for water supply and lighting.
- (3) Prior to the granting of an occupancy permit by the zoning officer, the state department of health shall inspect the manufactured home-trailer court and notify the zoning officer in writing if such premises comply with the regulations of the state department of health concerning the operation of such premises. Upon receiving such notice, the zoning officer may issue an occupancy permit to the applicant, provided that the applicant has satisfied all other requirements as contained in this division.
- (4) The manufactured home-trailer court shall be under the direct supervision of the holder of the permit who shall be responsible for its proper management. The holder of the permit shall require all persons residing in the court to register in a book kept for that purpose giving their name, age, place of permanent residence, marital status and the license number of their motor vehicle and manufactured home-trailer. Such registration book shall be available at all times to the police for inspection.
- (5) Each manufactured home-trailer court shall meet the following requirements as to improvements:
 - a. Each manufactured home-trailer lot site shall be provided with suitable connections to:
 1. A potable water supply system;
 2. A sewage disposal system;
 3. An electrical distribution system.

-
- b. Whenever possible, these facilities shall be connected to the appropriate municipal facilities subject to the approval of the city engineer.
 - c. Parking for residents and visitors shall be provided as required in section 19-276 et seq., except that the required parking spaces shall be located within 50 feet of the manufactured hometrailer lot site, notwithstanding any other provisions of this chapter.
 - d. Interior streets, parking spaces and walkways shall be provided with a paved and durable surface. The paved widths shall be at least 20 feet for the interior streets and two feet for walkways.
 - e. Suitable communal recreation areas shall be provided in the court.
 - f. Where any manufactured hometrailer court adjoins or abuts a residential district or a lot or premises used for residential, educational, recreational or religious purposes, there shall be provided a wall or fence of solid appearance or tight evergreen hedge of not less than 5½ feet maintained in a neat and attractive manner between the manufactured hometrailer court and the residential district or residential, educational, recreational or religious premises, subject to the approval of the zoning officer, provided that when the provisions of this division are impossible or impractical of performance, they may be waived by the zoning officer at his discretion.
- (6) Each manufactured hometrailer court shall meet the following area requirements:
- a. The site shall contain at least five acres and shall have no more than a maximum residential density of 15 manufactured hometrailer lot sites per gross acre.
 - b. Trailer lot sites shall have a width of at least 30 feet and of not less than 1,500 square feet, provided that manufactured hometrailer courts in existence on the effective date of the ordinance from which this chapter was derived which provide manufactured hometrailer lot sites having a width or area less than that prescribed in this subsection may continue to operate with sites of the existing width and area.
 - c. Trailers shall be so harbored on each site that there shall be at least a 20-foot clearance between manufactured hometrailers, provided that with respect to manufactured hometrailers parked end to end, the end to end clearance shall not be less than 15 feet.
 - d. Trailers shall not be located closer than 20 feet from any building in the court or from any property line bounding the court.
 - e. Individual manufactured hometrailers shall conform to the requirements of subsection 19-306(2).
 - f. Adequate drainage and access for a manufactured hometrailer hauler shall be provided for each manufactured hometrailer lot site.
 - g. Use of pilings in areas subject to flooding according to section 19-306 shall conform with floodproofing requirements as provided in section 19-1.
- (7) No person shall operate a manufactured hometrailer court without first obtaining a license therefor from the city council as follows:
- a. Prior to the granting of an occupancy permit by the zoning officer, all applicants shall be required to file a petition for the issuance of a license with the city council.
 - b. No license shall be issued until a public hearing on such issuance shall be held by the city council. Notice of such hearing shall be mailed postage prepaid by the city clerk not less than ten days prior to the date of such hearing to all property owners in or within 200 feet ~~excluding streets and other public rights of way~~, of the perimeter of the subject property in question, whether within the city or an adjacent city or town. Additional notice of such public hearing specifying the

time and place shall be given by publication of such information in a newspaper of local general circulation within the city at least once each week for three successive weeks prior to the date of the hearing.

- c. At the hearing an opportunity shall be given all persons interested to be heard upon the matter of such license.
- d. After such hearing as provided in this section, the city council deems such license to be in the interest of the welfare of the city.
- e. Every such petition to the city council shall be accompanied by ten copies of a map, accurately drawn, showing the actual shape, dimensions and area of the lot or premises in question and of abutting property in or within 2400 feet ~~excluding public rights of way of the subject property, whether within the city or an adjacent city or town.~~ and such other information as may be necessary.
- f. Every such petition for city council action shall set forth the names and addresses of all property owners in or within a 200-foot radius ~~from the perimeter of the land in question, whether within the city or an adjacent city or town, excluding streets and other public rights of way,~~ where applicable, as of 30 days prior to the date and time of filing. Such names and addresses shall be used by the city clerk to give notice by mail, as required in this division, to abutting property owners.
- g. Every petition so filed shall be accompanied by a filing fee of \$50.00, payable to the city.

(Rev. Ords. 1987, § 19-321)

DIVISION 17. WIRELESS TELEPHONE COMMUNICATION TOWERS AND ANTENNAS

Sec. 19-350. General requirements.

(a) *Preapplication conference.* A preapplication conference with the zoning officer and the planning department is required before any building permit is sought. The conference will serve to familiarize the applicant with the city's regulations.

(b) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(c) *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(d) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the director of planning and zoning officer at a preapplication meeting an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The zoning officer may share such information with other applicants applying for administrative approvals or special use permits under this division or other organizations seeking to locate antennas within the jurisdiction of the city, provided, however that the zoning officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(e) *Aesthetics.* Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(f) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(g) *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this division shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(h) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within the 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(i) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal jurisdictional boundaries.

(j) *Nonessential services.* Towers and antennas shall be regulated and permitted pursuant to this division and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(k) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the zoning officer.

(l) ~~Public notice. For purposes of this division, any special permit request, variance request, or appeal of an administratively approved use or special permit shall require public notice via certified mail to all property owners within a 200-foot radius of the perimeter of the property which is the subject of the request in addition to any notice otherwise required by this chapter.~~[Reserved].

(m) *Signs.* No signs shall be allowed on an antenna or tower.

(n) *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of section 19-354.

(o) *Multiple antenna/tower plan.* The city encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(Ch. 463, § 1, 12-16-97)

Sec. 19-351. Permitted uses.

(a) *Generally.* The uses listed in this section are deemed to be permitted uses and shall not require a special use permit. All such uses shall, to the greatest extent possible, comply with the design standards of this article relating to setbacks and separation, lighting, landscaping and security fencing.

(b) *Permitted uses.* The following uses are specifically permitted:

(1) Antennas or towers located on property owned, leased, or otherwise controlled by the city provided a license or lease authorizing such antenna or tower has been approved by the city and further provided that a site plan and a copy of the executed lease shall be submitted by the applicant and approved by the zoning officer and director of planning prior to a building permit being issued.

~~(2) (a) Notification of the proposed antenna or tower on property owned, leased or otherwise controlled by the city shall be required to be sent by first class mail by the applicant to all owners of real property whose property is located at within a 200-foot radius of the perimeter of the subject area as measured from the corners of the subject area; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city at least 14 days prior to the planning board meeting at which the use of city owned property for the location of the proposed antenna or tower will be reviewed by the planning board for purpose of making its recommendation to the city council.~~

~~(b)~~ Notification of the proposed antenna or tower on property owned, leased or otherwise controlled by the city shall be required to be sent by first class mail by the applicant to all owners of real property whose property is located in or at within two hundred feet a (200')-foot-radius of the perimeter of the subject property, whether within the city or an adjacent city or town ~~area as measured from the corners of the subject area~~; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town and at least fourteen days prior to the city council meeting at which the license or lease authorizing such antenna or tower will be reviewed by the city council.

~~(c)~~ The public notice ~~to abutters provided for herein for the planning board meeting and the city council meeting~~ shall contain a copy of the radius map showing the location of the cell tower and each of the properties in or within two hundred feet the (200') of the perimeter of the subject property-foot radius of said location.

(2) Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with the tower, in any I-3 zoning district provided, however, that such tower shall be set back a distance equal to the height of the tower from any off-site residential land use, or in the case of vacant residentially zoned land, setback a distance equal to the height of the tower less the residential yard setback for the adjacent residential district.

(3) Antennas, but not towers, upon the roof of any ten story building or greater located within any zoning district.

(4) Locating antennas on existing structures or towers in any zoning district consistent with the terms of subsections a. and b. below.

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a. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the zoning officer as an accessory use to any structure in an I-3 zoning district, provided:

1. The antenna does not extend more than 30 feet above the highest point of the structure;
2. The antenna complies with all applicable FCC and FAA regulations; and
3. The antenna complies with all applicable building codes.

b. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the zoning officer and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

1. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the zoning officer allows reconstruction as a monopole.

2. Height.

(i) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(ii) The height change referred to in subsection 3.(i) of this section may only occur one time per communication tower.

(iii) The additional height referred to in subsection 3.(i) shall not require an additional distance separation as set forth in section 19-353. The tower's premodification height shall be used to calculate such distance separations.

3. On-site location.

(i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within ten feet of its existing location.

(ii) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(iii) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection 19-353(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection 19-353(b)(5).

(iv) The on-site relocation of a tower which comes within the separation distances to residential uses or residentially zoned lands as established in subsection 19-353(b)(5) shall only be permitted when approved by the zoning officer.

(5) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(Ch. 463, § I, 12-16-97; Ch. 80, § I, 8-10-99; Ch. 81, § I, 8-10-99)

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(Supp. No. 85)

Sec. 19-352. ~~[Reserved]~~Administratively approved uses.

(a) *Generally.* The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(1) The zoning officer may grant administrative approval to the uses listed in this section. The zoning officer shall seek an advisory opinion from the director of planning prior to the issuance of a decision of administrative approval.

(2) Each applicant for administrative approval shall apply to the zoning officer, providing the information set forth in subsections 19-353(b)(1) and 19-353(b)(2) of this division for towers and subsection 19-352(c) for antennas, along with a nonrefundable fee as established by the city council to reimburse the city for the costs of reviewing the application.

(3) The zoning officer shall review the application for administrative approval and determine if the proposed use complies with section 19-350 (general requirements), subsection 19-353(b)(4) (setbacks) and 19-353(b)(5) (separation) of this division. The zoning officer may refer the application to other agencies and departments as necessary in order to make an informed decision.

(4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(5) The zoning officer shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the zoning officer fails to respond to the applicant within the 60 days, then the application shall be deemed to be approved.

(6) In connection with any such administrative approval, the zoning officer may, in order to encourage shared use, administratively waive any zoning district setback requirements in section 19-353(b)(4) or separation distances between towers in section 19-353(b)(5) by up to 20 percent.

(7) In connection with any such administrative approval, the zoning officer may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

(8) If an administrative approval is denied, the applicant, prior to filing any appeal that may be available under this chapter, shall first file an application for a special use permit, pursuant to section 19-353, provided that the proposed use will be located in a district where a special use permit may be granted under the terms of section 19-98.

(9) Administrative decisions shall be posted in the land evidence records of the city and copies of all decisions shall be forwarded to the city manager, director of public works and director of planning.

(b) *List of administratively approved uses.* The following uses may be approved by the zoning officer after conducting an administrative review:

(1) Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with the tower, in any I-3 zoning district provided, however, that such tower shall be set back a distance equal to the height of the tower from any off-site residential land use, or in the case of vacant residentially zoned land, setback a distance equal to the height of the tower less the residential yard setback for the adjacent residential district.

(2) Locating antennas on existing structures or towers in any zoning district consistent with the terms of subsections a. and b. below.

a. *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the zoning officer as an accessory use to any structure in an I-3 zoning district, provided:

1. The antenna does not extend more than 30 feet above the highest point of the structure;
2. The antenna complies with all applicable FCC and FAA regulations; and
3. The antenna complies with all applicable building codes.

b. ~~Antennas on existing towers.~~ An antenna which is attached to an existing tower may be approved by the zoning officer and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

1. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the zoning officer allows reconstruction as a monopole.

2. Height.

- (i) ~~An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.~~
- (ii) ~~The height change referred to in subsection 3.(i) of this section may only occur one time per communication tower.~~
- (iii) ~~The additional height referred to in subsection 3.(i) shall not require an additional distance separation as set forth in section 19-353. The tower's premodification height shall be used to calculate such distance separations.~~

3. ~~On-site location.~~

- (i) ~~A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within ten feet of its existing location.~~
- (ii) ~~After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.~~
- (iii) ~~A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection 19-353(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection 19-353(b)(5).~~
- (iv) ~~The on-site relocation of a tower which comes within the separation distances to residential uses or residentially zoned lands as established in subsection 19-353(b)(5) shall only be permitted when approved by the zoning officer.~~

~~(3) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.~~

~~(c) Information required.~~ Applicants for administrative approval shall submit the following information, based upon a determination of applicability and need by the zoning officer.

- (1) ~~A scaled site plan clearly indicating the location, type and height of the proposed tower(s) or antenna(s), on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to~~

abutting municipalities), comprehensive plan classification of the site and adjacent properties, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower(s) or antenna(s) and any other structures, topography, parking, and other information deemed necessary by the zoning officer in order to assess compliance with this division.

(2) ~~Legal description of the parent tract and leased parcel (if applicable).~~

(3) ~~The setback distance between the proposed tower(s) or antenna(s) and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.~~

(4) ~~The separation distance from other tower(s) and/or antennas described in the inventory of existing sites submitted pursuant to subsection 19-350(d) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.~~

(5) ~~A landscape plan (if required by the zoning officer) showing specific landscape materials.~~

(6) ~~Method of fencing, and finished color and method of camouflage and illumination (if required by the zoning officer).~~

(7) ~~A description of compliance with subsections 19-350 (c), (d), (e), (f), (g), (j), (l), and (m) and all applicable federal, state or local laws.~~

(8) ~~Identification of the entities providing the backhaul network for the tower(s) and antenna(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.~~

(9) ~~A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.~~

(Ch. 463, § I, 12-16-97; Ch. 154, § IV, 1-16-01)

Sec. 19-353. Special use permits.

(a) *Generally.* The following provisions shall govern the issuance of special use permits and/or variance for towers or antennas in addition to all other requirements of this section for the issuance of special use permits:

- (1) Applications for special use permits or variance under this section shall be subject to the procedures and requirements of section 19-39 et seq. and section 19-45 et seq. of this chapter, as applicable, except as modified in this section.
- (2) In granting a special use permit, the zoning board of review may impose conditions to the extent the zoning board of review concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (3) If a tower is not a permitted use under section 19-98 of this division, then a use variance shall be required for the construction of a tower or placement of an antenna and all such applications shall submit the information required within this division for special use permits, shall meet the design standards for towers or antennas requiring a special use permit and further shall be subject to the procedures and requirements of section 19-45 et seq., except as modified in this section.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(5) An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as established by the city council to reimburse the city for the costs of reviewing the application.

(b) *Towers.*

(1) *Information required.* In addition to any information required for applications for special use permits pursuant to section 19-41 of this chapter, applicants for a special use permit for a tower shall submit the following information:

- a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distances set forth in subsection 19-353(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the zoning officer to be necessary to assess compliance with this division.
- b. Legal description of the parent tract and leased parcel (if applicable).
- c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 19-350(d) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- e. A landscape plan showing specific landscape materials.
- f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- g. A description of compliance with subsections 19-350(c), (d), (e), (f), (g), (j), (l), and (m), 19-353(b)(4), 19-353(b)(5) and all applicable federal, state or local laws.
- h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- k. A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

~~l. A certified list of the names and addresses of property owners within a 200-foot radius of the perimeter of the property which is the subject of the application.~~

(2) *Factors considered in granting special use permits or variance for towers.* In addition to any standards for consideration of special use permit applications pursuant to section 19-39 et seq. of this chapter, the following factors shall be considered in determining whether to issue a special use permit or variance:

- a. Height of the proposed tower;

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- b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection 19-353(b)(3) of this division.

(3) *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the zoning board of review that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the zoning board of review related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) *Setbacks.* The following setback requirements shall apply to all towers for which a special use permit is required:

- a. Towers must be set back a distance equal to at least seventy-five percent of the height of the tower from any adjoining lot line.
- b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(5) *Separation.* The following separation requirements shall apply to all towers and antennas for which a special use permit is required:

a. Separation from off-site uses/designated areas.

1. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

2. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:
Separation Requirements for Towers

MINIMUM STANDARDS

Off-Site Use/Designated Area	Separation Distance
Single-family or ~~duplex~~ -two-family residential units ¹	200 feet or 300 percent height of tower whichever is greater
Vacant single-family or ~~duplex~~ -two-family residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300 percent height of tower ² whichever is greater
Vacant unplatted residentially zoned lands ¹	100 feet or 100 percent height of tower whichever is greater
Existing multifamily residential units greater than ~~duplex~~ -two-family units	100 feet or 100 percent height of tower whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply
¹ Includes modular homes and mobile homes used for living purposes.	
² Separation measured from base of tower to closest building setback line.	
³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.	

b. Separation distances between towers.

1. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2:
Existing Towers—Types

MINIMUM SEPARATION BETWEEN TOWERS (BY TOWER TYPE)

	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less Than 75 Feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750

Monopole 75 Feet in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Feet in Height	750	750	750	750

(6) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate antilimbing device.

(7) *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required:

- a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
- b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the zoning board of review.
- c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(Ch. 463, § I, 12-16-97; Ch. 154, § V, 1-16-01)

Sec. 19-354. Buildings or other equipment storage.

(a) *Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with all applicable building and fire codes.

(b) *Antennas mounted on utility poles or light poles.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

- (1) In residential districts, the equipment cabinet or structure for each user may be located in accordance with the following:
 - a. All front and side yard setbacks of the district in which the tower is located shall be met and the cabinet or structure shall be no greater than 15 feet in height or 240 square feet of gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.
 - b. All rear yard setbacks of the district in which the tower is located shall be met and the cabinet or structure shall be no greater than 15 feet in height or 240 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
- (2) In commercial or industrial districts the equipment cabinet or structure shall be no greater than 15 feet in height or 240 square feet in gross floor area for each user. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(c) *Antennas located on towers.* The related unmanned equipment structure shall not contain more than 240 square feet of gross floor area or be more than 15 feet in height for each user, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(d) *Modification of building size requirements.* The requirements of subsections 19-354(a) through (c) may be modified by the permitting authority zoning officer in the case of administratively approved uses or by the zoning board of review in the case of uses permitted by special use permit or variance to encourage collocation.

(Ch. 463, § I, 12-16-97)

DIVISION 18 - CHILD DAY CARE CENTERS

Sec. 19-358. Site plan requirements.

A site plan shall be required for each application for a child day care center. ~~For child day care centers in districts where the use is permitted by right, the site plan shall be submitted to the zoning officer for review and approval.~~ The site plan shall include the following:

- (1) All driveways, off-street parking spaces, drop-off zones, outdoor play areas, fences and dumpster/trash storage locations shall be shown on the site plan.
- (2) Proposed signage shall be shown on the site plan (location and square footage of sign face(s)).
- (3) A radius plan showing lots and land uses within a 300-foot radius of the perimeter of the proposed child day care center.
- (4) A landscaping plan which shall at a minimum show location of a landscaped buffer at the perimeter of the off-street parking area, and the side and rear yard landscaping.

(Ch. 146, § XIV, 10-23-00)

DIVISION 23. - ADDITIONAL CRITERIA FOR THE ISSUANCE OF SPECIAL USE PERMITS

Sec. 19-360.10. Two-family dwellings.

Special use permit criteria. In cases where two-family dwellings is listed a special permit use in a district, the following criteria shall apply:

- (a) In the R5 and R6 districts, the lot shall have an area at least 50 percent greater than the minimum lot size; and
- (b) In the R4 district, the lot shall have an area at least 75 percent greater than the minimum lot size.

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ARTICLE V. - LAND DEVELOPMENT PROJECTS

Sec. 19-361. Purpose and objectives.

- (a) *Purpose.* The purpose of this article is to permit the review and establishment of land development projects. Land development projects are developments which have been determined to be appropriately implemented through review of the planning board in accordance with R.I.G.L. 1956, § 45-23-1 et seq., due to the impacts associated with the nature of the use; scale of the project; or other unusual conditions which require additional regulations to meet the objectives of this article, the land development and subdivision

review regulations adopted by the city planning board and the city comprehensive plan. The types and intensities of uses requiring this procedure are set forth in section 19-362. The review process for land development projects is promulgated to further the following purposes:

- (1) Provide for the orderly, thorough and expeditious review and approval of projects;
 - (2) Promote high quality and appropriate design and construction;
 - (3) Promote the protection of existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
 - (4) Promote design of land developments which are well integrated with the surrounding neighborhoods with regard to natural and built features and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
 - (5) Encourage local design and improvement standards to reflect the intent of the city comprehensive plan with regard to the physical character of various neighborhoods and districts of the municipality;
 - (6) Promote thorough technical review of all proposed land developments by appropriate local officials;
 - (7) Encourage local requirements for dedications of public land, impact mitigation and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
 - (8) Encourage the establishment and consistent application of procedures for local recordkeeping on all matters of land development review, approval and construction.
- (b) *Subdivision.* Where the land development project also constitutes a subdivision, as defined in the land development and subdivision regulations adopted by the city planning board, the two processes shall proceed concurrently in a unified manner. The procedures for review shall be in accordance with this chapter and the land development and subdivision review regulations, including requirements for applications and fees. All information must be submitted, but where there is a duplication of requested information, the application need only provide the information once and make reference to the plans/documents on the other application. At each stage, the subdivision review and action shall take place prior to the site plan review decision on the land development project.
- (c) *Objectives.* Any decision to approve a land development project or any component thereof shall be consistent with the following objectives where applicable:
- (1) To promote more economical and efficient use of the land while providing harmonious housing choices and opportunities;
 - (2) To promote greater flexibility in design and diversification in the location of structures;
 - (3) To promote greater flexibility and consequently more creative and imaginative design for the development of residential and mixed use areas than generally is possible under conventional zoning regulations;
 - (4) To provide suitable safeguard and consideration for land use and site and architectural design that is compatible with adjacent districts and uses;
 - (5) To permit development to an extent commensurate with the availability and capacity of public facilities and services and promote the safe circulation of traffic throughout the city;
 - (6) To preserve and protect natural resources and features and encourage consideration of environmental impacts and mitigative measures;
 - (7) To encourage the provision of open space and public access and give due consideration to the quality and design of landscaping;

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- (8) To encourage adequate consideration for the proper control of erosion, surface and subsurface drainage and pollution;
 - (9) To facilitate orderly and harmonious site development including safe and convenient provision and design of egress and ingress, off-street parking, truck loading, internal circulation, emergency access, refuse disposal, outdoor storage, signage and lighting;
 - (10) To give developers reasonable assurance of ultimate approval before incurring the cost of final design and engineering while providing assurances to the city and the general public that the approved project will meet with approved objectives and standards;
 - (11) To preserve natural, historical and cultural resources to the maximum extent feasible;
 - (12) To protect appropriate vistas and environmental qualities of the city; and
 - (13) To assure consideration of the various elements of the comprehensive plan of the city.
- (d) *Development standards.* Any land development project application shall conform to the following standards set forth as well as the city's land development and subdivision review regulations.
- (e) *Zoning incentives.* The permitting authority may grant zoning incentives following the required affirmative findings of RIGL § 45-23-60 consistent with the requirements of RIGL § 45-24-47 (b) and (d).
- (Rev. Ords. 1987, § 19-361; Ch. 453, § XIII, 7-15-08; Ch. 914, § I(Att.), 12-19-23)

Sec. 19-364. Definitions and regulations.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable housing. The purpose of this section is to increase the supply of affordably priced housing by providing incentives for developers to provide affordable units within market-rate residential or mixed-use developments. An increase in maximum development density of up to ten percent may be permitted commensurate to the number of affordable housing units provided such units meet the definition of "affordable housing" over time as referenced in the city housing action plan.

Business/technology development means a business/technology development as defined in section 19-1 in which the following uses are permitted:

- (1) Uses permitted by right or special use permit within the business/technology floating zone district under section 19-98; accessory or special uses as may be permitted in the BT floating zone district under section 19-98 and section 19-171.
- (2) Other uses when provided as an integral part of the overall development which are consistent with the stated purposes and objectives of this article and which are intended to serve the employees of the business/technology development and which are suitable to the proposed development, consistent with the city comprehensive plan, and compatible with the surrounding areas as determined by the planning board. No use shall be allowed except in conformity with the business/technology development plan approved in accordance with the provisions of this chapter. Other uses may include, but are not limited to, the following:
 - a. Employee services located on the same premises as the principal use and which are clearly incidental to and limited to the employees of the principal use. Such services for employees shall be limited to the ground floor only, shall not exceed a maximum of 1,000 square feet per structure housing a principal use and further in aggregate shall not exceed a total of five percent

of the gross floor area of the total development. Employee services may include the following: Dry cleaning services (drop off and pick up only with no processing on-site); convenience kiosk (for items such as newspapers, prepackaged food and beverages and coffee); automatic teller machine; coffee/donut satellite business or kiosk (with no baking on-site).

- b. Those uses incidental to the sanitation needs and mechanical operation of the business/technology development, including the following uses which shall be covered, housed or enclosed:
 - 1. Electric substation and facilities not locatable within principal structures; and
 - 2. Sewerage treatment, disposal or pumping facilities.
 - c. Licensed child day care centers provided for the children of employees of businesses in the business/technology district.
- (3) Notwithstanding any other provisions of this chapter, the following lot regulations shall apply to all business/technology developments: Building heights, setback, yard and lot requirements shall be calculated in the manner set forth in sections 19-131 through 19-145; however, in no case will a business/technology use be permitted on a site less than three acres in area. Off-street parking requirements shall be calculated in the manner prescribed by sections 19-276 through 19-284, and further prescribed by section 19-370. All of the zoning requirements shall be calculated in the manner prescribed and regulated by the underlying zoning district.
- (4) In approving a business/technology development, the planning board, subject to the requirements of this chapter, may allow reasonable variation or modification of certain zoning and land development and subdivision requirements, subject to the following:
- a. An application for a business/technology development shall identify any modification of any standard of the city's zoning and land development and subdivision regulations which would result from approval of such plans as presented, and shall include a written statement explaining the reasons or justification for any such modification as related to the objectives of this chapter.
 - b. Except where modification of standards may be approved by the planning board, as set forth in the board's adopted land development and subdivision review regulations, a business/technology development shall meet all requirements set forth in the land development and subdivision review regulations.
 - c. Each modification under this article shall be conditioned upon exceeding the stated objectives of this chapter beyond that required by existing laws or regulations. The purpose of granting modifications to zoning or land development and subdivision requirements is to obtain certain benefits for the prospective employees of the development, the abutting property owners or for the public as a whole.

Cluster development means a residential development in which the following are permitted:

- (1) Any use permitted by right in any residential district as well as any accessory and special uses as may be permitted under section 19-56 and section 19-98.
- (2) Other related uses when provided as an integral part of the overall development which are consistent with the stated purposes and objectives of this article, and which are intended primarily to serve the residents of the cluster development, and which are suitable to the proposed cluster development, consistent with the city's comprehensive plan, and compatible with the surrounding area as determined by the planning board. No use shall be allowed except in conformity with a cluster development plan approved in accordance with the procedural and regulatory provisions of this article. Other uses may include, but are not limited to, the following:

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- a. Recreation facilities, clubhouses, and meeting halls;
 - b. Maintenance, storage and utility buildings;
 - c. Parking lot areas;
 - d. Those uses incidental to the sanitation needs and the mechanical operation of the cluster development including the following uses which shall be covered, housed, or enclosed:
 - 1. Electric substation and facilities not locatable within residential structures; and
 - 2. Sewerage treatment, disposal, or pumping facilities.
- (3) The intent of this article with respect to cluster development is to permit density transfers within a cluster development. Such a density transfer will permit relaxation of the minimum lot requirements of section 19-145 as compensation for reserving an equivalent amount of land as usable open space within the cluster development. In making its determination with respect to any application for a cluster development, the planning board shall follow the following standards:
- a. In no case shall the maximum number of dwelling units permitted in the cluster development exceed the number which would have been permitted on the usable open space as defined above in the underlying zoning district in which the overall tract lies.
 - b. Notwithstanding any other provisions of this chapter, the following lot regulations shall apply to all cluster developments:
 - 1. Density for multifamily housing shall be calculated in the manner prescribed by sections 19-216 through 19-218. ~~Density for one-family, two-family or three-family dwellings, as may be permitted in the underlying zoning districts, shall be calculated on the basis of minimum land or area required per dwelling unit in accordance with the respective underlying zoning district as set forth in section 19-145.~~
 - 2. Building heights, setback, yard and lot requirements shall be calculated in the manner set forth in sections 19-131 through 19-145 and off-street parking requirements shall be calculated in the manner prescribed by sections 19-276 through 19-284, for the underlying district. All of the zoning requirements shall be calculated in the manner prescribed and regulated by the underlying zoning district.
 - c. In approving a cluster development, the planning board subject to the requirements of this chapter, may allow reasonable variation or modification of certain zoning or land development and subdivision requirements subject to the following:
 - 1. An application for a cluster development shall identify any modification of any standard of the city's zoning and land development and subdivision regulations which would result from approval of such plans as presented, and shall include a written statement explaining the reasons or justification for any such modification as related to the objectives of this chapter.
 - 2. Except where modification of standards may be approved by the planning board, as set forth in the board's adopted land development and subdivision review regulations a cluster development shall meet all requirements set forth in the land development and subdivision review regulations.
 - 3. Each modification under this article shall be conditioned upon exceeding the stated objectives of this chapter beyond that required by existing law or regulation. The purpose of granting modifications to zoning or land development and subdivision requirements to obtain certain benefits for the prospective residents of the development, the abutting property owners or for the public as a whole. It is the intent of this article that usable open

space be primarily for the benefit of the residents of the cluster development, and be maintained in private ownership with public assurance provided as necessary. Usable open space may be considered for public donation and maintenance only if it meets a demonstrated public need as identified in the city comprehensive plan. The city council reserves the right to reject any reasonable variation or modification of and all donations of open space as certain zoning or land development set forth in this section. Open space may also be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space.

4. Modifications to lot sizes, building dimensions, and building setback requirements may be permitted to accommodate the allowable dwelling unit density of the site as a whole as calculated according to subsection (2) of this definition. Any modification allowed under this article shall be conditioned by transfer of an equal amount of land area as would otherwise be required to common usable open space as defined by this section. The residue areas resulting from the reduction shall be contiguous with one another in order to provide adequate and appropriately sized parcels which shall be devoted to common usable open space as required by this chapter. However, the distance between buildings and properties adjacent to the cluster development, between parking areas and streets, and between parking areas and adjacent properties shall not be less than required in the underlying zoning district, including subsection 19-217(a).
 5. Strips of common land within a cluster development which may be necessary for access paths between residences, streets and open space areas, utility areas, drainage areas and/or buffers; or other required service functions shall not be considered or calculated as common usable open space under this section. Access areas to the common open space shall be clearly identified with appropriate materials to distinguish commonly owned open space area from private property. Common usable open space may be in one or more parcels. The size, location, shape and character of the parcel must be suitable for the designated uses.
 6. Land which has been environmentally damaged prior to final approval of the development by the planning board and acceptance by the city council, as a result of soil and earth removal operations, harvesting of trees or other natural features, refuse disposal, or other alteration of the natural environment, shall not be accepted as common open space unless and until the land is restored to a condition which the planning board and the city council determines to be reasonable and appropriate to reflect the purpose of this chapter.
- (4) Negotiated payment or donation of other acceptable land or facilities may be allowed in lieu of the provisions on-site of amenities required for adjustments to lot density and dimensional standards.

Mixed use residential/commercial development. means a mixture of residential and/or commercial uses which are permitted subject to the following:

- (1) Any use permitted by right in either an R-5 district or a C-1 district as well as any other accessory or special uses as may be permitted under section 19-98 and section 19-171.
- (2) Other uses when provided as an integral part of the overall development which are consistent with the stated purposes and objectives of this article and which are intended primarily to serve the residents of the mixed use residential/commercial development and which are suitable to the proposed development, consistent with the city comprehensive plan, and compatible with the surrounding area as determined by the planning board. No use shall be allowed except in conformity with the mixed use development plan approved in accordance with the procedural and regulatory provisions of this article. Other uses may include, but are not limited to, the following:
 - a. Recreation facilities, clubhouses, and meeting halls;

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- b. Maintenance, storage and utility buildings;
 - c. Parking garage, lots and areas;
 - d. Marinas, boat storage and repair facilities;
 - e. Retail convenience stores;
 - f. Convenience personal services such as hairdressers, laundromats or day care centers;
 - g. Restaurants, as defined in section 19-1, without live entertainment;
 - h. Professional offices or studios;
 - i. Those uses incidental to the sanitation needs and the mechanical operation of the mixed use development including the following uses which shall be covered, housed, or enclosed:
 - 1. Electric substation and facilities not locatable within residential structures; and
 - 2. Sewerage treatment, disposal, or pumping facilities.
- (3) Notwithstanding any other provisions of this chapter, the following lot regulations shall apply to all mixed use residential/commercial developments:
- a. Density for multifamily housing shall be calculated in the manner prescribed in sections 19-216 through 19-218. Areas used or intended to be used for commercial or similar nonresidential purposes, including parking areas for such uses, shall not be included in the computation of residential density.
 - b. Building heights, setback, yard and lot requirements shall be calculated in the manner set forth in sections 19-131 through 19-145 and off-street parking requirements shall be calculated in the manner prescribed by sections 19-276 through 19-284 for the underlying zoning district. All of the zoning requirements shall be calculated in the manner prescribed and regulated by the underlying zoning district.
- (4) In approving a mixed use residential/commercial development, the planning board, subject to the requirements of this chapter, may allow reasonable variations or modifications of certain zoning and land development and subdivision requirements subject to the following:
- a. An application for a mixed use development shall identify any modifications of use or other standard of the city zoning and land development and subdivision review regulations which would result from approval of such plans as presented and shall include a written statement explaining the reasons of justification for any such modification as related to the objectives of this chapter.
 - b. Except where modification of standards may be approved by the planning board as set forth in the land development and subdivision review regulations, a mixed use residential/commercial development shall meet all requirements set forth in these regulations where applicable.
 - c. Each modification under this section shall be conditioned upon exceeding the stated objectives of this chapter beyond that required by existing law or regulations. The purpose of granting modifications to zoning or land development and subdivision requirements is to obtain certain benefits for the prospective residents of the development, the abutting property owners or for the public as a whole.
 - 1. For the development as a whole, a density bonus of eight percent of the maximum density permitted by the zoning ordinance may be allowed for the dedication of each acre of usable open space as defined by this chapter beyond that required to be protected, or unaltered by existing law or regulation.

2. It is the intent of this section that usable open space be primarily for the benefit of the residents of the planned mixed use development with public access assurance provided as necessary. Usable open space may be considered for public donation and maintenance only if it meets a demonstrated public need as identified in the city's adopted comprehensive plan. The city council reserves the right to reject any and all donations of open space as set forth in this section.
3. Modification to the overall building height and location of buildings may be permitted to accommodate the allowable density as provided in this section. However, in no instance may a building in a mixed use development exceed five stories, and five stories shall not exceed 65 feet. The taller buildings in a mixed use development shall be located in such a way as to minimize any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings. However, the distance between buildings and properties adjacent to the mixed use development, between parking areas and streets, and between parking areas and adjacent properties shall not be less than required in the underlying zoning district; including subsection 19-217(a).
4. Negotiated payment or donation of other acceptable land or facilities may be allowed in lieu of the provision on-site of amenities required for adjustments to lot density and dimensional standards.

Usable open space. means, for the purpose of calculating a density bonus, space effectively separate from automobile traffic and parking, and constituting an integral part of the land development project. The term shall not include:

- (1) Areas excluded from the definition of usable lot area in section 19-1.
- (2) Required yards set forth in section 19-145, needed to maintain the distance between the land development project and abutting properties; and
- (3) Other areas required to be left unaltered.

(Rev. Ords. 1987, § 19-364; Ch. 457, § IX, 10-7-97; Ch. 146, § XV, 10-23-00)

ARTICLE VIII. - DEVELOPMENT PLAN REVIEW

Sec. 19-449. Applicability.

The City of East Providence is hereby designated an urban center pursuant to RIGL § 54-23-32 (9). No permit to build, alter or expand any of the uses requiring development plan review as outlined in the land development and subdivision regulations shall be issued by the building inspector, until a written statement of development plan review approval in accordance with this article has been received. The applicant is responsible for obtaining a building permit through the department of public works, building inspection division as is required by city ordinances. The applicant must submit all plans and documents normally required for a building permit. No alteration to any city ordinance requirements, or any necessity to gain approval by another legal jurisdiction shall be deemed to be authority by virtue of the development plan review approval under this article.

(Ch. 914, § 1(Att.), 12-19-23)

Sec. 19-450. Review.

Application requirements, review timelines, and other standards are described in the land development and subdivision regulations. The administrative officer shall be the permitting authority in instances of both administrative development plan review, and formal development plan review. Development plan review shall be

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combined with other pertinent applications, such as modification, special use permit, subdivision, and/or variance as described in the land development and subdivision regulations. In no instance shall a proposed development be subject to development plan review and land development project approval. The permitting authority may grant zoning incentives, following the required affirmative findings of § 19-451 consistent with the requirements of RIGL § 45-24-49 (b).

(Ch. 914, § 1(Att.), 12-19-23}

ARTICLE IX. WATERFRONT SPECIAL DEVELOPMENT DISTRICTS

Sec. 19-477. Public hearings and notice requirements.

(a) *Public hearings.* Public hearings shall be held on the initial application and on requests for deviations and conditional use provisions. The commission shall also have the authority to call and conduct public hearings, in accordance with established procedures, on any matters which the commission determines would benefit from a public hearing.

(1) *Design review committee.* The design review committee shall evaluate each application for conformance with the regulations and reviewing criteria and shall make recommendations to the hearing panel and/or the East Providence Waterfront special development district commission for their action.

(2) *Hearing panel.* Public hearings before the hearing panel shall be set within a reasonable time not to exceed 30 days from the date of the design review committee public hearing. It is the role of the hearing panel, if required, to summarize the facts brought out at the public hearings and submit its findings to the East Providence Waterfront special development district commission.

(3) *East Providence waterfront special development district commission.* Public hearings before the commission shall be set within a reasonable time not to exceed 30 days from the date of the design review committee public hearing or not to exceed 30 days from the date of any required public hearing before the hearing panel. At its public hearing, the commission will receive such evidence as the parties may present and may approve, modify or reject the recommendations of the design review committee and the hearing panel. Decisions of the commission shall be in writing and shall state the facts upon which the decision is based.

(b) *Public notice.* Public hearings shall be noticed in accordance with the Open Meetings Act (100-RICR-4 0-15-2).

(1) Published at least 14 days prior to the date of such hearing in a newspaper of local general circulation in the city.

(2) Sent by first class mail to the applicant.

(3) Sent first-class registered or certified mail to all owners of real property whose property is located in at or within two hundred feet a (200')-foot radius of the perimeter of the subject property, whether within the city or an adjacent city or town; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located. The applicant shall submit to the commission two (2) lists of names and mailing addresses (including zip codes) of the property owners within the notice area 200-foot radius at least 14 days prior to the public hearing. The list of property owners must be in accordance with the latest listing available in the office of the city tax assessor, and such names and address shall be listed by plat and lot numbers. At least two days prior to the hearing date, the applicant shall file with the commission a certification under oath that notice was mailed in accordance with this regulation. Within 30 days of mailing of notice, the applicant shall file with the commission all return receipts for

the certified mailing notice. Any notices which were not deliverable for any reason shall also be filed with the commission by the applicant.

The costs associated with any notice and advertising required under this section shall be borne by the applicant.

(4) Sent by first class mail to the city or town council, of any city or town that is located in at or within 200 feet of the boundary of the subject area.

(5) Sent first class mail to the city or town of any city or town where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of the subject property, regardless of the municipal boundaries.

(6) Sent to the governing body of any state or municipal water department or agency, special district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of the subject property, provided however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city with a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof.

(7) The newspaper notice shall use a type size at least as large as the normal type size used by the newspaper in its news articles, and shall specify the place of the hearing and the date and time of its commencement; indicate that an application for new development and/or for a deviation, conditional use provision is under consideration; contain a statement or summary describing the matter under consideration; advise those interested when a copy of the matter under consideration may be obtained or examined and copied; and, state that the proposals shown thereon 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.

(c) Any party may appear at the public hearing in person, or by agent or attorney. The hearing held by the commission is a public meeting and all decisions reached by the commission shall be made and voted upon at a public meeting. The commission shall hear all evidence on the request, and consider the written reports by commission staff or other relevant agencies when reaching a decision on the findings.

Sec. 19-481. Schedule of use regulations.

The following is a schedule of use regulations:

Y = Yes, permitted use

N = No, prohibited use

C = Conditional use

	Northern Waterfront Districts			Southern Waterfront Districts			
Use	Phillipsdale Subdistrict	Dexter Rd. and Pawtucket Ave. Subdistricts	Crook Pt. and Taunton Ave. Subdistricts	Bold Pt. Subdistrict	Veterans Subdistrict	Kettle Pt. Subdistrict	Metacomet Sub-district
RESIDENTIAL AND RELATED USES							
<u>OneSingle</u> -family	C	N	N	N	C	C	C

Two-family	Y	N	N	N	Y	Y	Y
Three-family	Y	N	C	N	Y	Y	Y
Apartment/condominium	Y	C	Y	Y	Y	Y	Y
Community residences	Y	N	Y	Y	Y	Y	Y
Artisan live/work	Y	Y	Y	Y	Y	Y	Y
Continuing care	N	N	C	C	C	N	Y
Adaptive reuse	Y	Y	Y	Y	Y	Y	Y
RETAIL BUSINESS							
Apparel and accessory stores	Y	Y	Y	Y	Y	C	Y
Art galleries	Y	Y	Y	Y	Y	Y	Y
Café	Y	Y	Y	Y	Y	Y	Y
Cigar Lounge	Y	Y	Y	Y	Y	Y	Y
Funeral home, mortuary	C	Y	C	C	N	N	N
Furniture, home furnishings and appliances	Y	Y	Y	Y	N	N	C
Gasoline dispensing facilities	C	C	N	C	N	N	N
General merchandise	Y	Y	Y	Y	N	C	Y
Grocery stores	Y	Y	Y	Y	C	C	Y
Microbrewery/distillery	Y	Y	Y	Y	Y	C	Y
Office supplies and equipment	Y	Y	Y	Y	N	N	C
Printing or publishing	Y	Y	Y	Y	N	N	C
Package liquor stores	Y	Y	Y	Y	Y	Y	Y
Specialty stores	Y	Y	Y	Y	Y	Y	Y
Drive-through facilities	N	N	N	N	N	N	C
EATING AND DRINKING ESTABLISHMENTS							
Restaurants, coffee shops, delicatessens, and ice cream parlors, with indoor and/or outdoor seating	Y	Y	Y	Y	C	C	Y
Fast food restaurants	N	C	C	C	N	N	C
Taverns, bars, lounges, pubs and similar establishments	Y	Y	Y	Y	C	C	C
Entertainment/clubs	Y	Y	Y	Y	C	C	N
LODGING							

Bed and breakfast	C	N	C	C	C	C	C
Conference center	C	N	Y	Y	C	N	Y
Hotel	C	N	C	C	C	N	N
Motel	N	N	C	C	N	N	N
OFFICE USES							
Banks	Y	Y	Y	Y	Y	Y	Y
Business offices	Y	Y	Y	Y	C	C	Y
Corporate headquarters	Y	Y	Y	Y	C	C	Y
Call-in center	Y	Y	C	N	N	N	N
Government offices	Y	Y	C	Y	N	N	Y
Post offices	Y	Y	Y	Y	C	C	Y
HEALTH SERVICES							
Medical offices, outpatient services	Y	Y	Y	Y	Y	Y	Y
Medical research, engineering or testing laboratory	Y	Y	C	C	N	N	Y
Nursing, congregate care, assisted living and convalescence homes	C	N	C	C	N	N	Y
Veterinary offices/clinics	C	Y	C	C	N	N	C
PERSONAL SERVICES							
Child day care centers, nursery schools	Y	N	Y	Y	Y	Y	Y
Dry cleaners	Y	Y	Y	Y	C	C	Y
Family child care homes	Y	N	N	N	Y	Y	Y
Hair salon/barber shop	Y	Y	Y	Y	Y	Y	Y
Laundromats	Y	Y	Y	Y	C	C	N
Massage therapy and/or massage therapy establishment	C	C	C	C	C	C	C
Personal services	Y	Y	Y	Y	Y	Y	Y
Pharmacies	C	N	C	C	C	C	Y
RECREATION AND CULTURE							
Auditoriums and places of assembly	Y	C	Y	Y	Y	C	Y
Boat and yacht clubs	Y	C	Y	Y	Y	Y	Y
Bowling alley	Y	N	Y	Y	N	N	C
Business and trade schools	Y	Y	Y	N	N	N	Y

Dance studio, yoga, martial arts	Y	Y	Y	Y	C	C	Y
Farmers market	C	C	Y	C	N	N	C
Film Studio	Y	Y	Y	Y	C	C	Y
Health fitness centers	Y	Y	Y	Y	C	C	Y
Libraries	Y	Y	Y	Y	Y	Y	Y
Marinas/boat launching facilities	Y	Y	Y	Y	Y	Y	N
Municipal facility	Y	Y	Y	Y	Y	Y	Y
Museums	Y	Y	Y	Y	C	C	Y
Non-profit clubs; civic, social or fraternal	Y	N	Y	Y	C	C	C
Park, playground or playfield	Y	N	Y	Y	Y	Y	Y
Photography Studio	Y	Y	Y	Y	Y	C	Y
Places of worship	Y	C	C	C	C	N	Y
Public or private elementary, junior high or high school	Y	N	Y	Y	Y	Y	Y
Recreation, indoor	Y	C	Y	Y	N	N	Y
Recreation, outdoor	C	N	C	C	C	C	Y
Theater, indoor	Y	N	C	Y	N	N	Y
Watershed protection or supply	Y	Y	Y	Y	Y	Y	Y
LIGHT INDUSTRIAL/FLEX TECH USES							
Accessory retail industry	C	C	N	N	N	N	C
Agriculture and aquiculture, indoor (excluding plants with THC)	C	N	N	N	N	N	C
Artisan design and fabrication	Y	Y	Y	Y	C	C	Y
Business accelerator, incubator	Y	Y	Y	Y	N	N	Y
Distribution center	N	Y	C	N	N	N	N
Flex tech, less than 20,000 sf	Y	Y	C	N	N	N	C
Flex tech, 20,000 sf or greater	C	C	N	N	N	N	C

Industrial or manufacturing related office	Y	Y	N	N	N	N	C
Light manufacturing	Y	Y	N	N	N	N	N
Open storage	N	C	N	N	N	N	N
Printing and publishing, bulk	Y	Y	C	C	N	N	N
Research and development	Y	Y	Y	Y	Y	Y	Y
Sale of business and/or industrial equipment and supplies	Y	Y	N	N	N	N	Y
Software design and advanced manufacturing	Y	Y	Y	Y	C	N	Y
Storage, interior only (excluding mini/self storage units with separate exterior accesses)	Y	C	N	N	N	N	N
Warehouse	C	Y	N	N	N	N	N
Wholesale showroom with storage and repair facilities	C	C	N	N	N	N	N
OTHER USES							
Parking structure	Y	Y	Y	Y	C	C	Y
Marine transport	C	C	C	C	C	C	N
Transit shelters	Y	Y	Y	Y	Y	Y	Y
UTILITIES							
Communication services and broadcasting offices	C	C	N	N	N	N	C
Public utilities not otherwise mentioned	C	C	C	C	C	C	C
Radio, television or wireless telecommunication antennas	C	C	C	C	C	C	C
ACCESSORY USES AND STRUCTURES							
Bank ATM machines	Y	Y	Y	Y	Y	Y	Y
Boat, kayak, canoe rental	C	C	C	C	C	C	C

Commercial satellite dishes	C	C	C	C	C	C	C
Construction trailer	C	C	C	C	C	C	C
Home occupation	C	N	C	C	C	C	C
Fences and walls	Y	Y	Y	Y	Y	Y	Y
Indoor rack boat storage	Y	C	C	C	C	C	Y
Off-street parking areas	Y	Y	Y	Y	Y	Y	Y
PROHIBITED USES The specific prohibited uses enumerated herein and in section 19-96 are in addition to any and all other uses which are prohibited in accordance with sections 19-4 and 19-98.							
Adult oriented businesses							
Automobile rental agencies							
Billboards							
Bulk storage of chemicals							
Car wash							
Cemetery							
Drive-through facilities							
Dumps and sanitary fills							
Farming, except for indoor agriculture and aquiculture							
Indoor agriculture with plants with THC (tetrahydrocannabinol)							
Heavy industry							
Hospitals							
Junk and salvage yards							
Mini/self-storage with separate exterior accesses							
Mobile homes							
Motor vehicle sales							
Motor vehicle supply stores							
Motor vehicle repair							
Radio, television or wireless communication towers							

(Ch. 317, § I, 3-2-04; Ch. 470A, § IX, 10-7-08; Ch. 489A, § IV, 10-6-09; Ch. 641, § I, 3-1-16; Ch. 738, § VII, 5-21-19; Ch. 810, § III, 7-20-21; Ch. 914, § I(Att.), 12-19-23)

SECTION III. Effective Date.

This ordinance shall take effect upon passage.

City of East Providence

Chapter 19 - Zoning

2025 Rewrite

Libra Planners
An RIHousing MTAP Consultant

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ARTICLE I - PURPOSE

Sec. 19-1. Purpose.

In accordance with state statutes, the following purposes have guided the adoption of this chapter. These purposes are recognized to have equal priority and are numbered for reference only:

1. Promote the public health, safety, and general welfare.
2. Provide for a range of uses and intensities of use appropriate to the character of the city and reflecting current and expected future needs.
3. Provide for orderly growth and development which recognizes:
 - a. The goals and patterns of land use contained in the comprehensive plan of the city adopted and amended thereafter pursuant to G.L. 1956, Chapter 45-22.2;
 - b. The natural characteristics of the land including its suitability for use based on soils characteristics, topography, and susceptibility to surface water or groundwater pollution;
 - c. The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - d. The values of unique or valuable natural resources and features;
 - e. The availability and capacity of existing and planned public and/or private services and facilities;
 - f. The need to shape and balance urban and rural development; and
 - g. The use of innovative development regulations and techniques.
4. Provide for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
5. Provide for the protection of the natural, historic, cultural, and scenic character of the city or town or areas therein.
6. Provide for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources and open space.
7. Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
8. Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing. Provide opportunities for the establishment of low and moderate income housing.
9. Provide opportunities for the establishment of low and moderate income housing.
10. Promote safety from fire, flood, and other natural or manmade disasters.
11. Promote a high level of quality in design in the development of private and public facilities.
12. Promote implementation of the city comprehensive plan adopted pursuant to G.L. 1956 Chapter 45-22.2.

13. Provide for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.
14. Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.
15. Provide for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special use permits and development plan review.
16. Provide for the creation of land development projects with a review procedure outlined in the land development and subdivision review regulations.
17. Providing opportunities for reasonable accommodations in order to comply with the state Fair Housing Practices Act (G.L. 1956 Chapter 34-37), the US Fair Housing Amendments of 1988 (FHAA), the state Civil Rights of Individuals with Handicaps Act (G.L. 1956 Chapter 42-87), and the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. section 12101 et seq.).

Sec. 19-2. Consistency with the Comprehensive Plan.

The city council shall have the power to adopt, amend or repeal and to provide for the administration, interpretation and enforcement of this zoning ordinance. The districts and regulations contained in this chapter are made in accordance with the city comprehensive plan as adopted and amended, in accordance with the state statutes. These regulations are adopted in order to implement the goals of the city comprehensive plan with regard to general land use throughout the city and suitable development. In instances of uncertainty in the construction or application of any section of this chapter, the ordinance shall be construed in a manner that will further the implementation of and not be contrary to, the goals and policies and applicable elements of such comprehensive plan.

Sec. 19-3. Compliance with this chapter.

All buildings or structures hereafter erected, reconstructed, altered, enlarged or moved and all uses of premises or land in the city shall be in conformity with the provisions of this chapter, and no building, structure, premises or land shall be used for any purpose or in any manner other than what is permitted in the district in which such building, structure, premises, use or land is located except as hereinafter provided.

Sec. 19-4 through 19-10. [Reserved]

ARTICLE II - DEFINITIONS

Sec. 19-11. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Abutter* means one whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land.
2. *Accessory dwelling unit (ADU)* means a residential living unit on the same lot where the principal use is a legally established single-family dwelling unit or multi-family dwelling unit. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.
3. *Accessory structure* means a structure located on the same lot as a principal use but separate from the principal building and devoted or intended to be devoted to an accessory use. The accessory structure shall not be located between the public right-of-way and the principal use and said accessory structure shall be no greater than 50 percent of the usable gross-floor area of the principal use.
4. *Accessory use* means a use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building, which shall be located on the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related. An accessory use shall be subordinate to the principal use served.
5. *Adaptive reuse* means the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.
6. *Administrative Officer* means the municipal official who shall administer the Land Development and Subdivision Review Regulations to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies. The Administrative Officer is the Director of the Department of Planning and Economic Development or his or her designee.
7. *Aggrieved party* means:
 - a. Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering the zoning ordinance of a city or town; or
 - b. Anyone requiring notice pursuant to this chapter.
8. *Agricultural land* means land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes.
9. *Amusement game center* means any structure or portion thereof within which are kept for use as games, entertainment or other public patronage, four or more amusement game machines or devices as defined in this section.
10. *Amusement game machine* means a mechanical, electrical, or electronic machine or device which shall be ready for play by the insertion of a coin or by the payment of a fee, and may be operated by the

public for use as a game, for entertainment, or for amusement. It shall include, but not be limited to, such devices as pinball machines, game machines, or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

11. *Amusement park* means an activity devoted to entertainment through the medium of rides, games, shows, attractions and other similar activities presented either in the open or within structures and buildings together with public dance in dance halls, refreshments in refreshment stands and dining in dining and shore dinner halls, all of which are an integral part of the park.
12. *Applicant* means an owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.
13. *Application* means the completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval, or permitting purposes.
14. *Automotive commercial parking garage* means a structure used primarily for the storing or parking of motor vehicles.
15. *Automotive repair shop* means a structure sheltering the activities of heavy or major motor vehicle repairs, rebuilding and painting.
16. *Basement* means a portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.
17. *Bed and breakfast* means a small lodging establishment that offers overnight accommodation and inclusive usually of breakfast only, typically private homes offering accommodation with fewer than ten bedrooms available for commercial use. This is not to be considered as the allowable accessory use for a residential district regarding the rental of a room pursuant to § 135.
18. *Billboard* means any sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises where the sign is located.
19. *Black box theater (or experimental theater)* means a simple, typically unadorned performance space, usually a large square room with black walls and a flat floor, usually home to plays or other performances with very basic technical arrangements.
20. *Board* means the zoning board of review.
21. *Buffer* means land which is maintained in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way.
22. *Build-to-line* means to define the street frontage and pedestrian areas by mixed use and commercial buildings generally built to property lines at the edge of right-of-way (back of sidewalk) or to other accessible public area, e.g., in a "Main Street" manner.
23. *Building* means any structure used or intended for supporting or sheltering any use or occupancy.
24. *Building envelope* means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk; by other regulations; and/or any combination thereof.

25. *Building height* means for a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island coastal resources management council (CRMC) suggested design elevation three foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:

- a. The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or proposed freeboard, less the average existing grade elevation; or
- b. The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every ten (10) years, or as otherwise necessary.

The limitation of height of buildings and structures in § 50 shall not apply in any district to churches and other places of worship, religious institutions and public or private schools or ornamental features of buildings which are in no way used for living or advertising purposes or to chimneys and ventilators ten feet or less above the peak of the roof.

26. *Building volume* means the volume of a building measured from its exterior dimensions including all portions of a structure enclosed by a roof and fixed exterior walls, as measured from the exterior faces of these walls and roof, i.e., meaning building mass, the height, width, and depth of a structure.

~~27. *Business/technology development* means one or more lots, tracts or parcels of land in a business/technology floating zone district totaling no less than three acres which are planned, developed or redeveloped, and operated as an integral facility for a number of separate buildings and supporting ancillary uses with more than 100,000 square feet of gross floor area, with special attention given to circulation, parking, utility needs, aesthetics and use compatibility.~~

~~28.~~27. *Café* means a restaurant serving coffee and other beverages along with baked goods or light meals.

~~29.~~28. *Cellar* means the portion of the building partly underground, having half or more than half its clear height below the average grade of the adjoining ground.

~~30.~~29. *Cemetery* means land used for the interment of the dead and dedicated for cemetery purposes including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

~~31.~~30. *Cluster* means a site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive features and/or structures. Under cluster development there is no increase

in the number of lots or dwelling units permitted under conventional development except where this chapter provides incentive bonuses for certain types of conditions of development.

~~32-31.~~ *Cluster development* means a contiguous area or lot with a land area of five acres or more to be developed as an integral residential unit according to a plan containing primarily clusters of residential structures, common open space, and other associated permitted uses primarily for the benefit of the residential development.

~~33.~~ *Cluster development district* means a floating zone district imposed upon the city zoning map which permits a residential cluster development.

~~34-32.~~ *Coastal feature* means any coastal beach, barrier island or spit, coastal wetland, coastal headland, bluff or cliff, rocky shore, manmade shoreline or dune as outlined and defined by the coastal resources management program, and as may be amended.

~~35-33.~~ *Commercial educational institutions* means any profit-making institution such as secretarial and business schools, technical institutes, colleges, schools, commercial colleges and other similar educational organizations or institutions.

~~36-34.~~ *Common ownership* means ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots, or ownership by any association (such ownership may also include the city) of one or more lots under specific development techniques.

~~37-35.~~ *Community residence* means a home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance abuse treatment facilities. This shall include, but not be limited to the following:

- a. Whenever six or fewer children or adults with mental, intellectual, or developmental disabilities reside in any type of residence in the community, as licensed by the state pursuant to G.L. 1956, Chapter 40.1-24. All requirements pertaining to local zoning are waived for these community residences;
- b. A group home providing care or supervision, or both, to not more than persons that are disabled or have a mental or physical disability, and licensed by the state pursuant to G.L. 1956 Chapter 40.1-24;
- c. A residence for children providing care or supervision, or both, to not more than eight children including those of the care giver and licensed by the state pursuant to G.L. 1956 Chapter 42-72.1;
- d. A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than 60 days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

~~38-36.~~ *Comprehensive plan* means the comprehensive plan adopted and approved pursuant to state statutes and to which any zoning adopted pursuant to this act shall be in compliance.

- ~~39-37.~~ *Container* means a large standard size cargo enclosure into which cargo may be packed for shipment aboard specially configured ocean-going vessels and designed to be easily interchangeable between the three basic modes of transportation: waterborne vessels, truck and rail. For purposes of this definition, railroad cars are not classified as containers.
- ~~40-38.~~ *Container terminal* means an area including buildings, loading and unloading facilities and open areas for the storage and handling of containers.
- ~~41-39.~~ *Co-worker space* means a shared working environment, often an office, but that houses independent activities, and those co-working are usually not employed by the same organization.
- ~~42-40.~~ *Cultural activity* means any nonprofit or for profit museum, library, art gallery, legitimate theater or other similar use, and may include outdoor art as an accessory use, such as a curated mural, provided that said outdoor art does not serve as a sign.
- ~~43-41.~~ *Data processing center* means a service business that prepares, services, handles, stores or processes information through the use of special equipment and techniques, such as with computers and/or office business machines.
- ~~44-42.~~ *Days* means calendar days.
- ~~45-43.~~ *Day care/day care center* means any other day care center which is not a family day care home.
- ~~46-44.~~ *Day care/family day care home* means any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to six or fewer individuals who are not relatives of the care giver, but may not contain more than a total of eight individuals receiving day care.
- ~~47-45.~~ *Density, residential or residential density* means the number of dwelling units per unit of land.
- ~~48-46.~~ *Design studio* means a workplace for designers and artisans engaged in conceiving, designing, and developing new products or objects. Definition does not include large scale manufacturing of products.
- ~~49-47.~~ *Development* means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; any change in use, or alteration or extension of the use, of land.
- ~~50-48.~~ *Development plan review means design or site plan review of a development of a permitted use under limited circumstances to encourage development to comply with design and/or performance standards under specific and objective guidelines, for the following categories of development:*
- a. A change in use at the property where no extensive construction of improvements is sought.*
 - b. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.*
 - c. An adaptive reuse project located in a residential zone that results in less than nine (9) residential units;*
 - d. Development in a designated urban or growth center; or*
 - e. Institutional development for educational or hospital facilities.*

~~51-49.~~ *Development regulation* means zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulation, soil erosion control plan or any other governmental regulation of the use and development of land.

~~52-50.~~ *Digital sign* means a sign that features static images that change over a period of time not to exceed once every ten seconds and are used to advertise to consumers in a public place(s), including to those in private automobiles.

~~53-51.~~ A digital sign and an electronic message center shall be considered synonymous terms.

~~54-52.~~ *Disability* means, with respect to an individual:

- a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- b. A record of such impairment; or
- c. Being regarded as having such an impairment if the individual establishes that he or she has been subjected to an action prohibited under [G.L. 1956,] Chapter 42-87, Civil Rights of People with Disabilities, because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity;
- d. An impairment under this section shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.

~~55-53.~~ *Drainage system* means a system for the removal of water from land by drains, grading or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development; the means for preserving surface and groundwaters; and the prevention and/or alleviation of flooding.

~~56-54.~~ *Drive-through facility* means a commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served without exiting the vehicle. This shall not include establishments engaging in the retail sale of alcoholic beverages; gasoline filling station which is defined separately nor the necessary functions of a carwash facility such as vacuum cleaning stations.

~~57-55.~~ *Dry-bulk cargo* means materials such as, but not limited to, cement, ash, salt or other loose or particulate matter which through their handling or storage have the potential to disperse or generate fugitive dust or other emissions.

~~58-56.~~ *Dwelling* means a building or portion thereof designed exclusively for residential occupancy, but not including hotels, motels, lodging houses, recreational vehicles or structures solely for transient or overnight occupancy.

~~59-57.~~ *Dwelling unit* means a structure or portion thereof providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and containing a separate means of ingress and egress which may be located off a shared common space.

- ~~60-58.~~ *Easement* means an interest in land created by grant or agreement express or implied, which confers a right upon the owner (grantee) thereof to some profit, benefit, dominion or lawful use out of or over the estate of another.
- ~~61-59.~~ *Electronic vehicle charging station* means a public or private parking space(s) that is (are) served by battery changing equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.
- ~~62-60.~~ *Emergency shelter* means a structure or portion of a structure or building above or below the ground, so constructed as to provide protection to human life during periods of nuclear fallout or blast overpressure and meeting the requirements and restrictions of the city director of civil defense.
- ~~63-61.~~ *Environmental constraints* means natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also Physical Constraints to Development.
- ~~64-62.~~ *Extractive industry* means the extraction of minerals including: Solids, such as coal and ores; liquids such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.
- ~~65-63.~~ *Façade* means all the wall planes of a structure as seen from one side or view and containing the walls, fascia, windows, doors, and canopy on any building elevation. For example, the front façade of a building would include all such areas that would be shown on the site and building plans for the front elevation.
- ~~66-64.~~ *Family member* means a person or persons related by blood, marriage or other legal means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.
- ~~67-65.~~ *Farming* means the raising and keeping of cattle, horses, sheep, goats or poultry, but not hogs or fur animals, and the growing of all agricultural products and eggs, provided that buildings or structures used wholly or in part for the keeping or raising of livestock or poultry shall be located a minimum of 100 feet from the nearest adjoining lot or property line.
- ~~68-66.~~ *Fencing establishment* means a business or organization which offers training and/or competition in the sport of fencing.
- ~~69-67.~~ *Floating zone* means an unmapped zoning district adopted within this chapter which is established on the zoning map only when an application for development, meeting the zone requirements, is approved.
- ~~70-68.~~ *Flood maps* means the official flood insurance rate maps and flood boundary and floodway maps of the city, Nos. 445398 0001 through Nos. 445398 0008 inclusive, revised June 1, 1983, as published by the federal insurance management agency, including any subsequent amendments officially adopted. The areas of special flood hazard, including all A and V zones, and the floodways as shown on the maps shall be considered an overlay district to the city zoning maps and shall be subject

to the restrictions of Article IV Division 1, as amended, in addition to any provisions applicable to the existing zoning district.

~~71-69.~~ *Floodplains, or flood hazard area* means an area that is subject to a flood from a storm has having a one percent (1%) chance of being equaled or exceeded in any given year, as approved by federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448), 42 U.S.C. § 4011 et seq.

~~72-70.~~ *Floodproof* means to utilize any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings. For the purposes of this chapter, the latest published floodproofing regulations prepared by the U.S. Army Corps of Engineers may be applied at the discretion of the city engineer to determine the floodproofing measures and techniques to be required and employed.

~~73-71.~~ *Floor area, gross.* See Rhode Island State Building Code.

~~74-72.~~ *Freeboard* means a factor of safety expressed in feet above the base flood elevation for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

~~75-73.~~ *Front lot line.* See Lot line, front.

~~76-74.~~ *Fur animal* means any animal usually kept and raised for the use and sale of its skin or fur.

~~77-75.~~ *Gallery* means a building or space for the exhibition of art, usually visual art. Paintings are the most commonly displayed art objects. However, sculpture, decorative arts, furniture, textiles, costume, drawings, pastels, watercolors, collages, prints, artists' books, photographs, and installation art are also shown. Gallery space is sometimes used to host other artistic activities, such as performance art, music concerts, or poetry readings.

~~78-76.~~ *Gasoline filling station* means a building, structure or premises where motor vehicular fuel is stored for sale to the public and where other sales activities and any other repairs which are minor in scope and subordinate to the sale of motor vehicular fuel, oil, and lubricants are carried on. Vehicle body repair, painting, major mechanical repair and motor vehicle sales, leasing or storage of unregistered vehicles are prohibited.

~~79-77.~~ *Governing body* means the body of the local government, generally the city or town council, having the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.

~~80-78.~~ *Grade* means a reference plane representing the average finished ground level at the front of the building. Front of the building may be determined by the street address, and shall be done in consultation with the building inspector. Where the finished ground level slopes away from the front of the building, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a point five feet from the building.

~~81-79.~~ *Groundwater* means water found underground which completely fills the open spaces between particles of sand, gravel, clay, silt, and consolidated rock fractures. The zone of materials filled with groundwater is called the zone of saturation.

~~82-80.~~ *Hazardous waste* means any waste or combination of wastes of a solid, liquid, contained gaseous or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- a. Cause, or insignificantly contribute to an increase in mortality or an increase in serious irreversible illness or incapacitating reversible illness; or
- b. Pose a substantial present or potential hazard to human health or the environment.

Such wastes include, but are not limited to, those which are toxic, corrosive or flammable, or irritants, strong sensitizers, substances which are assimilated or concentrated in and are detrimental to tissue, or which generate pressure through decomposition or chemical reaction. In addition, such wastes include "industrial waste" as such term is used elsewhere in the state statutes, as amended, unless the context shall clearly indicate otherwise. (This definition is incorporated from G.L. 1956, § 23-19.1-1 et seq. of the hazardous waste management act and G.L. 1956, § 23-19.7-1 et seq. of the hazardous waste management facilities act. All amendments to definitions in these state acts are heretofore incorporated in this definition.)

~~83-81.~~ *Hazardous waste disposal* means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water. (This definition is incorporated from G.L. 1956, § 23-19.1-1 et seq., of the hazardous waste management act and G.L. 1956, § 23-19.7-1 et seq., of the hazardous waste management facilities act. All amendments to definitions in these state acts are incorporated in this definition.)

~~84-82.~~ *Hazardous waste management facility* means a facility, excluding vehicles, for collection, source separation, storage, processing, treatment, recovery, or disposal of hazardous wastes, or a transfer station for hazardous waste, and may include a facility at which such activities occur and where waste has been generated. (This definition is incorporated from G.L. 1956, § 23-19.1-1 et seq., of the hazardous waste management act and G.L. 1956, § 23-19.7-1 et seq. of the hazardous waste management facilities act. All amendments to definitions in these state acts are incorporated in this definition.)

~~85-83.~~ *Heavy manufacturing* means the manufacture or compounding of raw materials, and associated fabricating, packaging, distribution, and assembling.

~~86-84.~~ *Helistop* means any private landing area used for the landing and taking off of a helicopter engaged in the personal or business operations of the person or company maintaining such helistop for the purposes of picking up and discharging of passengers or cargo, but not including fueling, repair or service facilities. The term helistop shall include, but not be limited to helipad, touchdown area, takeoff area, landing area, peripheral area and helicopter landing facility.

~~87-85.~~ *Higher educational institution* means any university, college, junior college or similar public or nonprofit private educational organization or institution for post high school training.

- ~~88-86.~~ *Historic district, or historic site* means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites and has been registered, or is deemed eligible to be included, on the state register of historical places pursuant to state statutes.
- ~~89-87.~~ *Historical or cultural resource* means any real property, structure, natural object, place, landmark, landscape, archaeological site or configuration or any portion or group of the preceding which has been listed on the federal or state register of historic places or that is considered by the Rhode Island Historical Preservation & Heritage Commission to meet the eligibility criteria for listing on the state register of historic places pursuant to G.L. 1956 § 42-45-5 or is located in a historic district established by a municipality in accordance with G.L. 1956 Chapter 45-24.1, Historic Area Zoning.
- ~~90-88.~~ *Home occupation* means an activity customarily carried out for gain by a resident, and conducted as an accessory use in the resident's dwelling unit, and as further provided for in § 135.
- ~~91-89.~~ *Hospital* means an institution providing health services primarily for human inpatient medical, surgical, or therapeutic care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
- ~~92-90.~~ *Hotel* means a building or buildings where temporary lodging is provided and offered to the public for compensation and where additional services such as restaurant, meeting, conference and recreational facilities may be provided for both guest and non-guest use.
- ~~93-91.~~ *Household* means one or more persons, living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:
- a. A family, which may also include servants and employees living with the family; or
 - b. A person or group of no more than five unrelated persons living together, but not more than one person per bedroom, as distinguished from persons occupying a boardinghouse, lodginghouse, club, motel or hotel. The maximum number shall not apply to NARR-certified recovery residences.
- ~~94-92.~~ *Impact assessment* means a concise report which accomplishes the following: Evaluates the positive and negative and direct and indirect impacts of a development or redevelopment project on the natural and manmade environment; and proposes reasonable measures to mitigate the impacts identified.
- ~~95-93.~~ *Improvement* means any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.
- ~~96-94.~~ *Improvement guarantee* means a security instrument accepted by the City to ensure that all improvements, facilities, or work required by these regulations, or required as a condition of approval, will be completed in compliance with the approved plans and specifications.

- ~~97-95.~~ 98-96. *Incentive zoning* means the process whereby the local authority may grant additional development capacity in exchange for the developer's provision of a public benefit or amenity as specified in local ordinances.
- ~~98-96.~~ 99-97. *Incubator* means a business company that helps new and startup companies to develop by providing services such as management training or office space, including co-working space. Business incubators differ from research and technology parks in their commitment to startup and early-stage companies.
- ~~99-97.~~ 100-98. *Industrial trade schools* means institutions dedicated to the instruction of trades such as, but not limited to, automotive repair, marine repair and heavy equipment repair and operation.
- ~~100-98.~~ 101-99. *Infrastructure* means facilities and services needed to sustain residential, commercial, industrial, institutional and other activities.
- ~~101-99.~~ 102-100. *Junk materials* means materials such as, but not limited to, scrap metal, unbaled scrap or waste paper, slag, sludge, or garbage or other materials which have the potential to present noxious odors.
- ~~102-100.~~ 103-101. *Kiosk, free standing exterior* means a freestanding exterior structure of less than 500 square feet for drive-up or walk-up window services or retail sales.
- ~~103-101.~~ 104-102. *Land* means real property including improvements and fixtures on, above, or below the surface.
- ~~104-102.~~ 105-103. *Land development project* means a project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units or structures, including but not limited to, planned development or cluster development for residential, commercial, institutional, recreational, open space, or mixed uses, as provided for in this chapter and in the City of East Providence's Land Development and Subdivision Review Regulations. Land development projects are categorized as Major or Minor land development projects as detailed in both Division 6 of Article IV of this chapter and in the Land Development and Subdivision Review Regulations.
- ~~105-103.~~ 106-104. *Land use regulation* means any governmental agency authorized by this chapter to exercise the power granted by this chapter.
- ~~106-104.~~ 107-105. *Large-scale ground-mounted solar photovoltaic facility* means a solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity per panel of 250 kW DC or more.
- ~~107-105.~~ 108-106. *Limited manufacturing* means the manufacturing, compounding, assembly, packaging, or fabrication of materials and products, with no outdoor storage. Included in this category are: the manufacturing of advertising display, models and patterns; apparel and other finished products made from fabrics and similar materials; business machines; camera and photographic equipment; caskets; ceramic products; cosmetics and toiletries; electrical appliances; electronic equipment; emblems and badges; fasteners; food; games and toys; laboratory, scientific and engineering instruments; precious metal and costume jewelry; musical instruments; medical appliances and instruments; packaging products; paper products (but not the manufacture of paper from pulpwood), plastic products (but not the processing of raw materials); pharmaceuticals or optical

goods; printing, publishing, engraving; sporting and athletic goods (including bicycles); tools or hardware; watches and clocks; writing instruments; and other similar products. A machine shop is included in this category.

~~108.~~106. *Limited metal reclamation* means the salvaging and reclamation of used metals of all types when carried on in a completely enclosed building without outside storage of any kind.

~~109.~~107. *Liquid-bulk cargo* means materials such as, but not limited to, petroleum products, liquefied natural gas or liquid chemical products, which, through their handling or storage, have the potential to cause environmental damage through spillage, dispersal, or leaching into the ground, groundwater or air, or damage due to explosion or fire.

~~110.~~108. *Live entertainment* means any activity performed live or any activity having amplified recorded sound or amplified electronic musical instruments including, but not limited to, musical bands, musical instruments, musical soloists, comedians and disc jockeys. For the purpose of this definition, juke boxes and screen television entertainment are not regulated as live entertainment.

~~111.~~109. *Live/work space* means a building or spaces within a building used for commercial activities and areas for residential/living purposes ~~where two thirds or 67 percent of the unit is dedicated for residential purposes~~. Examples of acceptable live/work space are live-work units of insurance and financial offices, artists, boutiques, small antique shops, dance studios, personal trainers, and consultants of various type. Said business shall be of no or low impact to neighbors, and ~~the operator of the unit shall be to be required to be occupied by the~~ commercial activity is a residential occupant of the unit~~business owner~~.

~~112.~~110. *Living space* means the total floor areas of rooms used or intended to be used for living, sleeping, cooking or eating, excluding bathrooms, lavettes, laundries, pantries, foyers, communicating corridors, stairways, closets, storage spaces and any area with less than five feet of clear headroom under sloping ceilings, garages, breezeways, courts, porches, basements and cellars.

~~113.~~111. *Lot* means the basic unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of title transfer.

~~114.~~112. *Lot area* means the total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet, subject to the usable lot area provisions of this chapter as defined in this section.

~~115.~~113. *Lot building coverage* means that portion of the lot that is or may be covered by buildings and accessory buildings. This shall be expressed as a percent and shall express the proportion of the usable lot area that is or may be covered by the total maximum horizontal cross section of any building. For the purposes of this chapter, swimming pools shall not be considered in the measurement of lot building coverage as an accessory use in a residential district.

~~116.~~114. *Lot, corner or corner lot* mean lots which abut on and at the intersection of two or more streets and/or road rights-of-way.

~~117.~~115. *Lot depth* means the distance measured from the front lot line to the rear lot line; the distance shall be the shortest distance. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth. Average shall be measured from the midpoint of the front lot line to the midpoint of the rear lot line. Lot depth for corner and through lots shall be as determined under § 46.

~~118.~~116. *Lot frontage* means that portion of a lot abutting a street. Where all lot frontage is not contiguous, then only the largest single frontage will be considered with regard to minimum frontage requirements; in cases of equivalent noncontiguous frontage, minimum frontage will be determined by the zoning officer.

~~119.~~117. *Lot line* means a line of record, bounding a lot which divides one lot from another lot or from a public or private street or any other public or private space and shall include:

- a. *Lot line, front or front lot line* means the lot line separating a lot from a street right-of-way. Corner, landlocked and through lots are subject to the provisions of § 46.
- b. *Lot line, rear or rear lot line* means the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. Irregularly shaped lots are those which the zoning officer determines do not have a readily apparent rear lot line, which meets the intent of this chapter. In the event that the front property line of an irregularly shaped lot line is a curved line then the rear property line shall be assumed to be a line not less than ten feet long, lying entirely within the lot and parallel to a line tangent to the front lot line at its midpoint. The rear lot line for corner and through lots shall be as determined under § 46.
- c. *Lot line, side or side lot line* means any lot line other than a front or rear lot line. Side lot lines for corner lots shall be as determined under § 46.

~~120.~~118. *Lot, through or through lot* means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

~~121.~~119. *Lot width* means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line. For lots where the front and rear lot lines are not parallel or the front lot line is curved, width shall be measured as the distance between lot lines along a line at right angles to the depth which intersects the depth at the minimum front setback line. Width for through lots shall be as determined under § 46.

~~122.~~120. *Manufactured home* means the same definition as in 42 U.S.C. §5402, meaning a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with

respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under chapter 70 of Title 42 of the United States Code; and except that such term shall not include any self-propelled recreational vehicle.

~~123.121.~~ *Manufactured home court means a parcel of land which has been planned for the placement of two or more manufactured homes.*

~~124.122.~~ *Manufactured home lot means a designated site within a manufactured home court for the exclusive use of the occupants of a single manufactured home.*

~~125.123.~~ *Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.*

~~126.124.~~ *Marina means a complex of boating facilities designed as a unit, including such facilities as permanent slips, launching ramps, boat rentals, ships' stores, minor repairs and accommodations for eating and sleeping and excluding major overhaul and repair, winter storage, boat sales and yacht clubs.*

~~127.125.~~ *Manufactured home means the same definition as in 42 U.S.C. §5402, meaning a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under chapter 70 of Title 42 of the United States Code; and except that such term shall not include any self-propelled recreational vehicle.*

~~128.126.~~ *Manufactured home court means a parcel of land which has been planned for the placement of two or more manufactured homes.*

~~129.127.~~ *Manufactured home lot means a designated site within a manufactured home court for the exclusive use of the occupants of a single manufactured home.*

~~130.128.~~ *Massage therapist means a person engaged in the practice of massage who has completed a program in or is certified by a school or institution of learning that is approved by the Commission on Massage Therapy Accreditation (COMTA) or an equivalent academic and training program meeting the requirements of the Rhode Island Department of Health as stated in their rules and regulations for licensing massage therapists as approved by the director, other than a correspondence course which school or institution has for its purpose the teaching of the theory,*

practice, method, profession, or work of massage, including at least anatomy, physiology, hygiene and professional ethics, pursuant to the statutory provisions. Proof of a current license issued by the department of health shall be posted on the premises in a location visible to customers.

~~134.~~~~129.~~ *Massage therapy* means the practice of massage by a licensed massage therapist using a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

~~132.~~~~130.~~ *Massage therapy establishment* means an establishment approved and otherwise regulated by the licensing agency, which is the State of Rhode Island Department of Health, operating in conformance with all pertinent rules and regulations of the State of Rhode Island and all city ordinances and license requirements. Proof of a current license issued by the department of health shall be posted on the premises in a location visible to customers.

~~133.~~~~131.~~ *Mere inconvenience* means as defined in § 19-45.

~~132.~~ *Mezzanine* means a story that is less than half the floor area of the building footprint.

~~134.~~~~133.~~ *Mixed use* means a mixture of land uses within a single development, building, or tract.

~~135.~~~~134.~~ *Modification* means permission granted and administered by the zoning enforcement officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional variance other than lot area requirements from the zoning ordinance to a limited degree as determined by the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%) of each of the applicable dimensional requirements.

~~136.~~~~135.~~ *Motel* means a building intended and designed for transient or overnight occupancy, divided into separate units within the same building and with or without public dining room facilities.

~~137.~~~~136.~~ *Multifamily dwelling* means a development on a lot intended and designed to be occupied by two or more dwelling units. Multifamily includes two-family (two dwelling units on a lot) and three-family (three dwelling units on a lot) dwellings..

~~138.~~~~137.~~ *Neighborhood center* means a development consisting of a building or buildings used for mixed land use, that has a community or civic space that is open to the public, that provides linkages to nearby neighborhoods, civic and/or open space/park properties, while also providing a buffered edge between the center and abutting residentially used or zoned land. A neighborhood center shall provide a location for consumers to arrive and depart by public transit, such as by the provision of a bus shelter. A neighborhood center may only be developed on lots of no less than 50,000 square feet. The inclusion of a feature such as a gazebo, garden, art, etc. to provide consumers with an attractive amenity is encouraged.

~~139.~~~~138.~~ *Nonconformance* means a building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of this chapter and not in conformity with the provisions of this chapter or amendment thereof. Nonconformance shall be of only two types:

- a. Nonconformance by use means a lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling

units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use.

- b. Nonconforming by dimension means a building, structure, or parcel of land not in compliance with the dimensional regulations of this chapter. Dimensional regulations include all regulations of this chapter other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of this chapter shall be nonconforming by use, a building or structure containing a permitted number of dwelling units by the use regulations of this chapter, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

~~140.~~139. *Open space* means any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring the open space; provided that the area may be improved with only those buildings, structures, streets, and off-street parking, and other improvements that are designed to be incidental to the natural openness of the land.

~~141.~~140. *Open storage* means the storage outside of a completely enclosed structure, of any commodity, equipment, supplies, material, or substance related to a business or industrial use.

~~142.~~141. *Outdoor retail—accessory* means retail activity that takes place in an open lot, tent, trailer, motor vehicle, enclosure or structure that is not permanently affixed to the land.

~~143.~~142. *Overlay district* means a district established by this chapter that is superimposed on one or more districts or parts of districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts consistent with other applicable state and federal laws.

~~144.~~143. *Owner* means the owner of record as recorded in the records of land evidence in the city.

~~145.~~144. *Parcel* means a lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a tract.

~~146.~~145. *Parcel distribution center* means a building devoted to the receiving, sorting, overnight storage and delivery of small parcels not exceeding 50 pounds in weight.

~~147.~~146. *Parking area* means all that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

~~148.~~147. *Performance standards* means a set of criteria or limits relating to elements which a particular use or process either must or may not exceed.

~~149.~~148. *Permitted use* means a use by right which is specifically authorized in a particular zoning district.

~~150.~~149. *Permitting authority* means the local agency of government, meaning any board, commission or administrative officer specifically empowered by state enabling law and local regulation or ordinance to hear and decide on specific matters pertaining to local land use.

~~151.~~150. *Personal convenience service* means any activity such as a barber or beauty shop, clothes cleaning pick up or pressing establishment, dressmaking or tailoring service, self-service laundry or dry cleaning, shoe repair, home appliance repair or any similar activity.

- ~~152.~~~~151.~~ *Persons with disabilities or member or members with disabilities* means a person or persons having a physical or mental impairment which substantially limits one or more major life activities as defined in G.L. 1956, § 34-37-3. Disability does not include current illegal use of or addiction to a controlled substance.
- ~~153.~~~~152.~~ *Phased development* means development where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.
- ~~154.~~~~153.~~ *Physical constraints* to development means characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also environmental constraints.
- ~~155.~~~~154.~~ *Place of public assembly* means any type of auditorium, theater, stadium, assembly hall, exhibition or convention hall, publicly supported and maintained sports arena, gymnasium, swimming pool and other similar place of assembly.
- ~~156.~~~~155.~~ *Planned development* means a land development project as defined in this section and developed according to a plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.
- ~~157.~~~~156.~~ *Portable storage container* means any self-storage container larger than 350 cubic feet designed for temporary storage of household goods, personal property and other items which is typically rented to owners or occupants of real property for their temporary storage use and which is delivered and/or removed by truck trailer, and which shall be no larger than 20 feet in length, eight feet in width and eight and one-half feet in height.
- ~~158.~~~~157.~~ *Preapplication conference* means an initial review meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from municipal officials and others
- ~~159.~~~~158.~~ *Premises* means a lot or contiguous group of lots or parcel of land, together with all buildings, structures and uses thereon.
- ~~160.~~~~159.~~ *Prior recorded lot* means a lot established in its present form prior to November 29, 1966.
- ~~161.~~~~160.~~ *Property owners' association* means the designated, private, nonprofit corporation of tenants-in-common set up by a developer with local government approval. Its purpose shall be to own, operate, and maintain various common properties that may exist as part of a land development project, or other common property ownership covenants. Title to common property is held by the corporation. Membership runs with the land, which means that a homeowner is automatically a member of the association.
- ~~162.~~~~161.~~ *Public improvement* means any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the City or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon acceptance by the City.
- ~~163.~~~~162.~~ *Public utility* means a public service corporation, either private or governmental, supplying or transmitting gas, electricity, transportation, water or communications to any or all members of the public and subject to federal, state or city regulations by virtue of its natural or legal monopoly.

- ~~164.163.~~ Rated nameplate capacity means the maximum rated output of electric power production of the photovoltaic system in direct current (DC).
- ~~165.164.~~ Rear lot line. See *Lot line rear*.
- ~~166.165.~~ Religious institution means any church or other place of worship, and any convent, monastery, seminary or similar religious institution.
- ~~167.~~ Reserve parking area for business/technology development means a portion of a business/technology development as defined in this section, and more particularly described in § 19-164, up to a maximum of 15 percent of the total number of off-street parking spaces as required by this chapter, being held in reserve as a landscaped area under a binding covenant running with the land between the city and the property owner/developer until such time as the zoning officer and/or the property owner, in consultation with the director of planning, deems that construction of the reserve parking spaces is required.
- ~~168.166.~~ Restaurant means a building or premises where food and beverages are served to persons inside a building, sitting down at tables or a counter with no service window or facilities for service outside the building.
- ~~169.167.~~ Roof deck means an occupiable roof exposed to the outdoors. An enclosed area on a roof is considered a mezzanine or a full story depending on its size.
- ~~170.168.~~ Seat means space for one person to sit on.
- ~~171.169.~~ Setback line or lines means a line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.
- ~~172.170.~~ Short-term rental means the offering of or occupancy or use of, all or portions of a dwelling unit by anyone other than the owner for a fee for a period of fewer than 28 consecutive calendar days.
- ~~173.171.~~ Side lot line. See *Lot line, side*.
- ~~174.172.~~ Sign means any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixture or placement of a structure on any land or on any other structure or produced by painting, posting or placing any printed, pictured, figured or colored material on any building, structure or surface; provided however that signs placed or erected by the city or state for municipal or governmental purposes shall not be included in this definition.
- ~~175.173.~~ Single-family dwelling means development on a lot intended and designed to be occupied by one dwelling unit.
- ~~176.174.~~ Single ownership means an undivided ownership by one person, a corporation or by several persons, whether the tenancy be joint, in common or by entirety.
- ~~177.175.~~ Site plan means the development plan for one or more lots on which is shown the existing and/or proposed conditions of the lot.
- ~~178.176.~~ Slope of land means the grade, pitch, rise or incline of the topographic landform or surface of the ground.

- ~~179.~~177. *Solar energy device* means the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, and off-loading said electricity to the grid, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced for a nonrenewable resource. Such shall include photovoltaic arrays and installations that utilize ground-mounted systems.
- ~~180.~~178. *Solid waste* means garbage, refuse, and other discarded solid materials generated by residential, institutional, commercial, industrial, and agricultural services but does not include hazardous waste as defined in the Hazardous Waste Management Act, G.L. 1956 Chapter 23-19.1. For purposes of this chapter, solid waste shall also include asphalt, concrete, Portland cement, and waste and scrap tires.
- ~~181.~~179. *Solid waste management facility* means any plant, structure, equipment, and/or real or personal property operated for the receipt, storage, treatment, utilization, processing, or disposal of solid waste.
- ~~182.~~180. *Special use* means a regulated use which is permitted pursuant to a special use permit issued by the zoning board of review pursuant to state statutes, and which was formerly referred to as a special exception.
- ~~183.~~181. *Sportsmen's club* means a club whose primary purposes are conservation, hunting or fishing, and may include an indoor and/or outdoor gun range.
- ~~184.~~182. *Stacking lane* means an area of stacking spaces and driving lane provided for vehicles waiting for drive-through service, that is physically separated from other traffic and pedestrian circulation on the site.
- ~~185.~~183. *Storm water detention* means a provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.
- ~~186.~~184. *Storm water retention* means a provision for storage of stormwater runoff.
- ~~187.~~185. *Story* means that portion of a building between the upper surface of any floor and the upper surface of any floor next above having more than one-half of its height above the average elevation of the finished lot grade adjoining the building, and any portion of a building used for human occupancy between the topmost floor and the roof. In any building not divided into customary stories, each ten feet of building height shall be counted as one story.
- ~~188.~~186. *Street* means a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See Street classification.
- ~~189.~~187. *Street, access to* means an adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.
- ~~190.~~188. *Street, alley* means a public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

~~191.189.~~ *Street, cul-de-sac* means the terminus of a local street that has only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

~~192.190.~~ *Street, limited access highway* means a freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.

~~193.191.~~ *Street, private* means a thoroughfare established as a separate tract for the benefit of multiple adjacent properties and meeting specific City improvement standards. This definition shall not apply to driveways.

~~194.192.~~ *Street, public* means all public property reserved or dedicated for street traffic under these regulations.

~~195.193.~~ *Street, right-of-way* means the entire area to be dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.

~~196.194.~~ *Street, stub* means a portion of a street reserved to provide access to future development, which may provide for utility connections.

~~197.195.~~ *Street classification* means a method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. The major classifications are as follows:

- a. *Arterial*. A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volume of traffic.
- b. *Collector*. A street whose principal function is to carry traffic between local streets and arterial streets, but that may also provide direct access to abutting properties.
- c. *Local*. Street whose primary function is to provide access to abutting properties, including minor and marginal access streets.

~~198.196.~~ *Structure* means a combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water. For the purpose of this chapter, such objects as bulkheads, stairs, fences, flagpoles, retaining walls, fireplaces or similar objects shall not be considered to be structures.

~~199.197.~~ *Subdivision* means the division of a lot, tract or parcel of land into two or more lots, tracts, or parcels or any adjustment to existing lot lines shall be considered a subdivision. The approval of a subdivision is administered in accordance with the City of East Providence Land Development and Subdivision.

~~200.198.~~ *Substandard lot of record* means any lot lawfully existing at the time of adoption or amendment of this chapter and not in conformance with the dimensional and/or area provisions of this chapter.

~~201.199.~~ *Temporary use permit* means a temporary use permit that confers a temporary privilege to operate beyond the defined permissible uses in any zoning district.

~~202-200.~~ *Tourist home or lodging house* means a building occupied by a resident family thereon with not less than three but not more than seven guest rooms where lodging with or without meals is provided for compensation.

~~203-201.~~ *Transit shelter* means an independent structure, having a roof supported by columns, resting on a foundation and designed for the shelter of public transportation patrons.

~~204-202.~~ *Unified development review* means the process by which multiple applications are reviewed and decided upon concurrently in accordance with G.L. 45-23-50.1 and 45-24-46.4 and relevant sections of these regulations and the East Providence Land Development and Subdivision Regulations.

~~205-203.~~ *Usable lot area* means, for the purpose of calculating the lot building coverage on a lot pursuant to § 50 and for the purpose of determining multifamily unit density requirements pursuant to § 34, the calculation of the usable lot area for a single-family residential lot shall include the entire lot without exclusions, and for all other uses, shall exclude the following:

- a. Lands under water measured by city datum.
- b. Wetlands, not including setbacks, as defined by G.L. 1956, §§ 2-1-14 and 2-1-20 and G.L. 1956, subsection 46-23-6(B)(3)(c).
- c. All streets or rights-of-way public or private, which serve or are intended to serve more than one principal building or use. Public access areas, exclusive of those located in wetlands, which shall be conveyed by easement to the city, state or other governmental entity solely or scenic or waterfront access may be included in lot area calculations.
- d. Lands possessing physical constraints such as, but not limited to, areas with slopes in excess of 20 percent, ledge outcrops, cemeteries, etc., which, by their nature or severity, would preclude conventional development.
- e. With the exception of lands located within a portion overlay district, lands located within special flood hazard areas, as defined by the Federal Emergency Management Agency's flood insurance rate map and flood boundary and flood way map, as may be amended.

~~206-204.~~ *Use* means the purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

~~207-205.~~ *Variance* means permission to depart from the literal requirements of this chapter. An authorization for the construction or maintenance of a building, structure, or for the establishment or maintenance of a use of land, which is prohibited by this chapter. There shall be only two categories of variance, a use variance or a dimensional variance. The fact that a use may be more profitable, or that a structure may be more valuable, after the relief is granted shall not be grounds for relief.

- a. *Use variance* means permission to depart from the use requirements of this chapter where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this chapter.

b. *Dimensional variance* means permission to depart from the dimensional requirements of this chapter under the applicable standards set forth in G.L. § 45-24-41.

~~208-206.~~ *Waters* means the same as defined in G.L. 1956, § 46-12-1 et seq., including any subsequent amendments officially adopted.

~~209-207.~~ *Wetland, coastal or coastal wetland* means as defined in G.L. 1956, § 2-1-14 et seq., including any subsequent amendments officially adopted.

~~210-208.~~ *Wetland, freshwater or freshwater wetland* means as defined in G.L. 1956, § 2-1-20 et seq., including any subsequent amendments officially adopted.

~~211-209.~~ *Yacht club* means a building and lot used as the meeting place for an association of persons united by a common interest in boating and shall include provisions for the land and water storage of marine crafts.

~~212-210.~~ *Yard* means an open space on the same lot with a principal building or structure located between the lot lines and the minimum setback lines which is unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this chapter.

~~213-211.~~ *Yard, front or front yard* means a required yard extending along the entire lot street frontage.

~~214-212.~~ *Yard, rear or rear yard* means a required yard extending along the entire rear lot line or lines.

~~215-213.~~ *Yard, side or side yard* means a required yard extended along the side lot line between the required front yard and the required rear yard.

~~216-214.~~ *Zoning* means the reservation of certain specified areas within a community or city for building and structures, or use of land, for certain purposes with other limitations as height, lot coverage, and other stipulated requirements.

~~217-215.~~ *Zoning certificate* means a document signed by the zoning enforcement officer, as required by this chapter, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this chapter or is an authorized variance or modification therefrom.

~~218-216.~~ *Zoning map* means the map or maps which are a part of this chapter and which delineate the boundaries of all mapped zoning districts within the physical boundary of the city.

~~219-217.~~ *Zoning ordinance* means an ordinance enacted by the legislative body of the city pursuant to state statutes and in the manner providing for the adoption of ordinances in the city's Charter, which sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the comprehensive plan of the city as defined in G.L. 1956, Chapter 45-22.2, which includes a zoning map, and which complies with the provisions of state statutes.

~~220-218.~~ *Zoning use district* means the basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. The districts include, but are not limited to: Agricultural, commercial, industrial, open space and residential. Each district may include subdistricts. Districts may be combined.

Sec. 19.12 through 19.20. [Reserved.]

ARTICLE III - GENERAL REQUIREMENTS*Division 1. Districts***Sec. 19-21. Districts designated.**

(a) *Districts generally.* For the purposes of this chapter, the city is divided into districts as shown on the zoning map entitled "Zoning Map of the City of East Providence," filed with the city clerk and hereby declared to be a part of this chapter. The districts, their abbreviations and common names are designated as follows:

Abbreviation	District
R-1	Residential 1 One-family.
R-2	Residential 2 One-family.
R-3	Residential 3 One-family.
R-4	Residential 4 One-family and two-family.
R-5	Residential 5 Multifamily.
R-6	Residential 6 One-family, two-family and three-family.
O-1	Open Space 1 Open space.
C-1	Commercial 1 Office business.
C-2	Commercial 2 Neighborhood business.
MS/NC	Main Street and Neighborhood Center Overlay
C-3	Commercial 3 General retail business.
C-4	Commercial 4 Highway business.
C-5	Commercial 5 Heavy business.
CMU	Commercial mixed use
I-1	Industrial 1 Limited manufacturing.
I-2	Industrial 2 General manufacturing.
I-3	Industrial 3 Heavy manufacturing.
~~BT~~	~~Business/Technology (floating, district).~~
~~RSD~~	~~Riverside Square Mixed Use/Downtown (Overlay)~~
HD	Historic District Overlay

~~(b) *Mixed use floating zone district.* The mixed use floating zone district permits planned development of mixed residential/commercial uses; see further definition in § 19-161.~~

~~(c) — *Cluster floating zone district.* The cluster floating zone district may amend any residential zone which permits clustering of residential units, with the goal of preserving open space; see further definition in § 19-161.~~

~~(d) — *Business technology floating zone district.* The business/technology floating zone district may amend the C-1, C-4, I-1, I-2 and I-3 zoning districts only with the goal of permitting business/technology developments; see further definition in § 19-161.~~

~~(e) — *C-2 neighborhood business district.* The C-2 neighborhood business district is intended to permit small scale retail, service and office uses designed to serve adjacent residential neighborhoods and structures shall be no larger than 5,000 square feet in gross floor area.~~

~~(b)f) *Main Street and Neighborhood Center Overlay.* The Main Street and Neighborhood Center Overlay District as included in § 186 is supplemental to any C-1, C-2, C-3, and TA (Taunton Avenue Waterfront) uses allowed by right or special use permit in § 32 or generally by this chapter and as shown on the Zoning Overlay Map for the district. For all the existing uses on parcels within this district, the uses may continue and any new development or redevelopment may occur as is currently allowed within the zoning district in which a parcel(s) is located or under the provisions of § 186.~~

Sec. 19-22. Determination of boundaries.

Unless otherwise indicated on the zoning map, the boundaries between districts shall be determined according to the following criteria:

- (1) Where a boundary is shown as following a street, railroad, or utility right-of-way, the boundary shall be the centerline thereon, unless otherwise indicated.
- (3) Where the boundary of a district follows a river, stream, pond or other watercourse with no intervening land to the edge of the city, the boundary line shall be deemed to be the limit of the jurisdiction of the city unless otherwise indicated.
- (3) Unzoned lands and waters bordering upon or within the city shall be deemed to bear the zoning classification of the nearest adjacent zoned land and shall be subject to the same regulations of this chapter therewith.
- (4) Where the location of a district boundary line is otherwise uncertain, the zoning officer shall determine its position in accordance with the distance in feet from other lines as given or as measured from the scale of the map.
- (5) For those lots of record which are divided by a zoning district boundary, the portions of the lot within each respective district shall be controlling for that portion of the lot.

~~Sec. 19-23. Floating zone districts; purpose and objectives.~~

~~(a) — *Purpose.* This section establishes the mechanism for the review and creation of four types of floating zone districts, which upon approval by the city council shall amend the existing zoning map. The purpose of floating zone districts is to permit high intensity or mixed use character development and to promote flexible design upon parcels deemed appropriate for such development. Floating zone districts are unmapped zoning districts which are established on the zoning map only when an application for development meeting the requirements is approved. A petitioner must establish that the site proposed is appropriate for the floating zone district, and petition, in accordance with Article XII to amend the city~~

zoning map. Except where otherwise provided for in this chapter, the floating zone district regulations are derived from the regulations of the underlying zoning district. Floating zone districts may impose supplementary requirements but do not in any manner supersede or replace any requirements of the underlying district, except where specifically provided for in this article or otherwise in this chapter. In all cases, floating zone district map amendments are conditional upon site plan approval through land development project review as provided for in Division 7 of Article IV of this chapter.

(b) ~~Objectives.~~ Decisions to approve a floating zone district shall be consistent with the following objectives where applicable:

- (1) ~~To promote diverse land uses which are consistent with the goals of the city comprehensive plan;~~
- (2) ~~To allow for mixed-use developments where the site provides adequate safeguards to adjacent districts;~~
- (3) ~~To promote greater flexibility and consequently more creative and imaginative design for the development of residential and mixed-use areas than generally is possible under conventional zoning regulations; and~~

~~Sec. 19-24. Types of floating zone districts.~~

The following floating zone districts may by action of the city council amend the city zoning map for sites determined to be appropriate.

- (1) ~~Mixed-use floating zone district.~~ A mixed-use floating zone district permits planned development of mixed residential/commercial uses; see further definition in § 19-161.
- (2) ~~Cluster floating zone district.~~ A cluster floating zone district may amend any residential zone and permits clustering of residential units with the goal of preserving open space; see further definition in § 19-161.
- (3) ~~Business/technology floating zone district.~~ The business/technology floating zone district permits business/technology uses; see further definition in § 19-161.

~~Sec. 19-25. Application process and unified review.~~

- (a) ~~A petition for a floating zone district shall be filed with the city clerk in accordance with the requirements and procedures of Article XII to amend the zoning map, including those for fees, notification and application requirements.~~
- (b) ~~The city council may consider a petition for a floating zone district map amendment simultaneously with rezoning to the underlying district, as one rezoning petition.~~
- (c) ~~All projects requiring floating zone district amendments must also be reviewed according to the land development project process of Division 7 of Article IV of this chapter. The applicant shall first obtain an advisory recommendation on the zoning change from the planning board, as well as, conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the council and then return to the planning board for subsequent required approval.~~

~~(d) — The petition for a floating zone district amendment shall be filed concurrently with the application requirements of Division 7 of Article IV of this chapter for land development project review. The key map of the land development project application may be used as the map required under § 19-442. Notification requirements shall be in accordance with the requirements of each action as specified in § 19-444 and Division 7 of Article IV of this chapter.~~

~~(e) — All floating zone district map amendments shall be approved as conditional upon land development project approval of a site plan. The floating zone district map amendment shall not become finalized until final land development project approval is received.~~

~~(f) Conditional approval of a floating zoning district map amendment shall not bind the planning board to approving a land development project.~~

~~(g) — The filing of a floating zone district map amendment petition does not imply its acceptance in whole or part by the city council. The approval of a floating zone district map amendment including any modifications, conditions or restrictions thereto, represents a legally binding commitment by an applicant to carry out the development as approved.~~

~~Sec. 19-26. Phased development or expanded development.~~

~~(a) — If the proposed land development project for which the floating zone map amendment is proposed is to be phased, the floating zone district map amendment petition shall include the area of all proposed phases.~~

~~(b) — Amendments to increase the size of a floating zone district as it appears on the zoning map, shall be treated as a new application and shall follow all of the procedures of this article.~~

Sec. 19-27 through 19-30. [Reserved.]

Division 2. Uses.

Sec. 19-31. Prohibited uses.

The following are prohibited uses and activities, whether principal or accessory uses, in all zoning districts: the disposal, processing or recycling of solid waste* in any manner within the city, except for the segregation of solid waste and recyclable materials for curbside collection and the composting of vegetative materials used for noncommercial use, not to exceed three cubic yards; underground storage of solid waste; solid waste management facilities*; the storage of waste or scrap tires for the purpose of recycling and/or processing, and the recycling and processing of waste or scrap tires and/or reclaimed rubber, including shredding, grinding and any other process that results in shredded, pulverized, granulated, crumbed, or powered rubber; carpet and textile recycling, processing, and recovery; computer and electronic equipment and appliance recycling in the form of shredding; motor vehicle shredding and recycling; and solid waste processing including: incinerators, materials recovery facilities including processing; recycling facilities, resource recovery facilities, intermediate processing facilities, and transfer stations; bulk ammonia storage; bulk liquefied natural gas (LNG) storage and bulk liquefied propane gas (LPG) storage; bulk storage of chemicals except as accessory to a use permitted by § 32; concrete manufacturing plants; paper or pulp mill; hazardous waste disposal; hazardous waste management facilities; petroleum refining; sand or gravel pit; sawmill; asphalt manufacturing plants, and any residential uses exceeding the density requirements of this ordinance.

The specific prohibited uses enumerated herein are in addition to any and all other uses which are prohibited in accordance with §§ 3 and 32.

[* Definitions and further regulations relative to the uses that are denoted by an asterisk (*) may be found in § 11.]

Sec. 19-32. Schedule of use regulations.

- (a) In addition to those uses listed in § 32, any use not specifically listed or otherwise permitted in a district hereinafter established by this chapter shall be deemed prohibited, with the exception of evaluations and determinations of proposed uses not specifically listed as per § 415.
- (b) The following is a schedule of use regulations:
- (c) All properties located within the Riverside Square Mixed Use/Downtown Overlay district shall be subject to the Commercial-2 Zoning District "Use", except that the following uses shall be prohibited within this district: funeral home or mortuary; fast food restaurant; drive-through facilities; and medical or dental offices.
- ~~(d) All properties located within the Riverside Square Mixed Use/Downtown Overlay shall be subject to the supplementary district regulations contained in Article IV Division 8.~~
- ~~(e) The C-2 Neighborhood Business District is intended to permit small-scale retail, service and office uses designed to serve adjacent residential neighborhoods and structures shall be no larger than 5,000 square feet in gross floor area.~~

Y = Yes, permitted use
N = No, prohibited use
S = Special use permit
A = Permitted as an accessory use subordinate to the principal use

#	USE SCHEDULE	ZONING DISTRICTS																Notes
		R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT	
~~A1~~	~~Mixed-Use~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~	~~N~~	~~N~~	
B	AGRICULTURAL																	
1	Farming*	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	
2	Conservation area, wildlife refuge, reforestation area or wood lot	Y	Y	Y	N	N	N	Y	N	N	N	N	N	N	N	N	N	
3	Nursery	Y	Y	N	N	N	N	Y	Y	N	N	Y	Y	N	N	N	N	
C	RESIDENTIAL AND RELATED USES																	

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#	USE SCHEDULE	ZONING DISTRICTS																	
		R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT	Notes	
1	Single-family dwelling*	Y	Y	Y	Y	Y * * * *	Y	N	N	N	N	N	N	N	N	N	N	***Attached single-family townhouses permitted as a land development project in the R5 district	
2	Two-family dwelling* at a density greater than one unit per 2,500 square feet of lot area	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
3	Two-family dwelling* at a density equal to or less than one unit per 2,500 square feet of lot area	N	N	N	S	S	S	N	N	N	N	N	N	N	N	N	N		
4	Three-family dwelling*	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	Must comply with density requirements	
5	Multifamily dwelling*	N	N	N	N	N * * * *	N	N	Y * * *	Y * * *	N	N	N	N	N	N	N	Must comply with density requirements ***Attached single-family townhouses permitted as a land development project	
6	Tourist home or lodging house*	N	N	N	N	Y	Y	N	Y	N	Y	Y	N	N	N	N	N		
7	Motel*	N	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	See § 341	
8	Hotel*	N	N	N	N	N	N	N	N	N	S	S	S	S	N	N	Y	See § 341	
9	Community residences*	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N		
10	Family day care homes	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N		
11	Short term rental*	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N	N	N	See § 301	

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#	USE SCHEDULE	ZONING DISTRICTS																	
		R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT	Notes	
12	Live/Work Space*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
C	PUBLIC AND SEMI-PUBLIC																		
1	Municipal facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
2	Watershed protection or supply	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
3	Park, playground or playfield	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N		
4	Public or private elementary, junior high or high school or higher education institution	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N		
5	Dormitory for institution of higher education	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N		
6	Church, other place of worship or religious institution	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N		
7	Cultural activity*	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N		
8	Sportsmen's club	S	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N		
9	Nonprofit club; civic, social or fraternal	N	N	N	N	S	S	S	Y	Y	Y	Y	Y	N	N	N	N	See § 337	
10	Nursery school	N	N	N	N	Y	Y	N	Y	Y	Y	N	N	N	N	N	N		
11	Hospital*	N	N	N	N	N	N	Y	N	N	Y	N	N	Y	N	N	N		
12	Clinic, excluding animal clinic	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y		
13	Nursing home, rest home or home for the aged requiring attendants	N	N	N	N	S	S	N	Y	Y	Y	Y	N	N	N	N	N	See § 338	
14	Funeral home or mortuary	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N		
15	Cemetery*	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N		
16	Day or overnight camp for children	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N		

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#	USE SCHEDULE	ZONING DISTRICTS																	
		R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT	Notes	
17	Golf course or country club	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N		
19	Public utility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
D	RETAIL BUSINESS																		
1a	Retail sale of products fabricated, assembled or packaged in a building on the premises provided such fabrication, assembling or packaging operations do not occupy more than 50 percent of the floor area of the building; provided, further that not more than: (a) Five persons are regularly employed therein				??														
			N		??	N	N	N				Y	Y		??		N		
		N		N	??				N	Y				Y	N		N		
				N															
1b	(b) Ten persons are regularly employed therein	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N		
3	Retail sale of food, drugs, clothing, jewelry, stationery or similar personal or specialty items	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N		
4	Retail sale or rental of general merchandise, furniture, household goods, supplies, and appliances, sporting goods, automotive accessories, or other similar retail products	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N		

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#	USE SCHEDULE	ZONING DISTRICTS																	
		R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT	Notes	
5	Salesroom for display of motor vehicles, trailers, building supplies, boats, or machinery: (a) Without storage and repair facilities	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	N		
6	(b) With storage and repair facilities	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N		
7	New or used motor vehicle sales lot	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N		
~~8~~	~~Retail services for employees~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~See § 19-161~~	
~~89~~	Café*	N	N	N	N	N	N	A	Y	Y	Y	N	N	A	A	A	Y		
~~910~~	Cigar Lounge	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	N	N	Y		
~~110~~	Microbrewery/distillery	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	Y	Y	Y		
E	WHOLESALE BUSINESS AND STORAGE																		
1	Sale of business and/or industrial equipment and supplies	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N		
2a	Wholesale showroom: (a) With storage limited to floor samples only	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y		
b	(b) With storage and repair facilities	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y		
3	Wholesale distribution or warehouse and Self storage, mini-storage, excluding truck terminal facility	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N		
4	Bulk petroleum storage	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	See § 332	
F	SERVICE BUSINESS																		
1	Check Cashing Business	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y		

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#	USE SCHEDULE	ZONING DISTRICTS																	
		R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT	Notes	
2	Personal convenience service*	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N		
3	Commercial educational institution*	N	N	N	N	N	N	N	Y	N	Y	Y	N	Y	N	N	Y		
4	Restaurant* without live entertainment	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N		
5	Restaurant* including live entertainment	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N		
6	Fast food restaurant	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N		
7	~~Automotive commercial parking garage or lot as a principal use*~~	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	Y		
8	Printing or publishing establishment provided that the work and storage area shall not exceed 5,000 square feet	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	Y		
9	Automotive repair shop*	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N		
10	Animal or veterinary hospital or kennel	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N		
11	Marina* / Yacht Club	N	N	N	N	N	N	Y	N	N	N	N	Y	N	Y	Y	N		
12	Commercial dock or boatyard or boat repair facility	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N		
13	Auto body, soldering or welding shop	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N		
15	Dry Cleaning or Laundering Plant	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	N		
15	Dry Cleaning Drop-Off and Pick-Up Location with Dry Cleaning/Laundering Done on Premises (with cleaning equipment and storage area limited to	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y		

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#	USE SCHEDULE	ZONING DISTRICTS																	
		R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT	Notes	
	no more than 50 percent of the total square footage of the building																		
16	Dry Cleaning Drop-Off and Pick-Up Location (with no cleaning done on premises)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y		
17	Passenger vehicle car wash	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N		
18	Business or industrial services: (1) With storage and repair limited to 50 percent or less of gross floor area (2) With storage and repair facilities																		
		N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y		
		N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	Y		
19	Child day care centers	N	N	N	N	S	S	N	Y	Y	N	N	N	Y	N	N	N	See Article VII Division 2	
20	Data processing facilities	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y		
21	Massage therapy establishment*	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N		
G	SPECIAL USES																		
1	Signs*	Y	Y	Y	Y	Y	Y	<u>S</u> ✗	Y	Y	Y	Y	Y	Y	Y	Y	Y	See Article X	
2	Billboards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
3	Off-street parking as an accessory use	Y	Y	Y	Y	Y	Y	<u>S</u> ✗	Y	Y	Y	Y	Y	Y	Y	Y	Y	See Article III Division 4	
4	Off-street loading and unloading	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	See Article III Division 4	

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#	USE SCHEDULE	ZONING DISTRICTS																	
		R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT	Notes	
5	Removal of earth products	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	See § 281	
6	Manufactured home courts*	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	See Article VII Division 5	
7	Gasoline filling stations*	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N	See § 335	
8	Other accessory uses*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	See § Article IV Division 4	
9	Transit shelters*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	See § 134	
10	Amusement game centers*	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	See § 316	
11	Drive-through*	N	N	N	N	N	N	N	S	S	S	S	S	S	S	S	N	See § 334	
12	Tattoo Parlor	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y		
H	OFFICE USES																		
1	Any business or professional office, studio, or agency, bank or other financial institution	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y		
2	Medical research, engineering or testing laboratory	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y		
I	COMMERCIAL RECREATION																		
1	Amusement park*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
2	Boat, kayak, canoe rental	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y		
3	Bowling alley	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N		
4	Dance hall	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N		
5	Driving range or miniature golf facility	N	N	N	N	N	N	Y	N	N	N	Y	Y	N	N	N	N		
6	Fencing establishment*	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	N		
7	Health, fitness and wellness facility	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N		
8	Indoor movie theater	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N		

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#	USE SCHEDULE	ZONING DISTRICTS																	
		R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT	Notes	
9	Indoor Recreation/Athletic Facility	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	N		
10	Skating rink	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N		
11	Swimming or tennis facility	N	N	N	N	N	N	Y	N	N	Y	Y	Y	Y	N	Y	Y		
12	Yoga or Pilates Studio (not full gym)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
J	ART & ENTERTAINMENT																		
1	Black Box Theatre*	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	N		
2	Design Studio*	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	N		
3	Film Studio	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y		
4	Gallery*	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
5	Photography Studio	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y		
6	Recording Studio	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y		
7	Live Theatre	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y		
K	TRANSPORTATION																		
1	Helistop	N	N	N	N	N	N	S	N	N	N	N	N	S	S	S	S	See § 336	
2	Freight or trucking terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N		
3	Parcel distribution center	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N		
L	UTILITIES																		
1	Radio, television or wireless telecommunication towers and antennas**	N	N	N	N	N	N	S	N	N	N	N	S	S	S	Y	N	See Article VII Division 6 and § 340	
2	Communication services and broadcasting offices	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y		
M	INDUSTRIAL																		

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#	USE SCHEDULE	ZONING DISTRICTS																	
		R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT	Notes	
1	Limited manufacturing*, with no outdoor storage	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y		
2	Small shop for fabricating, packaging or assembling activities	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y		
3	Heavy manufacturing*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N		
4	Limited metal reclamation*	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N		
5	Open storage*	N	N	N	N	N	N	N	N	N	N	N	S	S	S	S	N	See § 339	
6	Industrial or manufacturing related office	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y		
7	Industrial trade schools*	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N		
8	Bulk storage of chemicals accessory to a use permitted by this section	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N		
N	PORT RELATED USES																		
1	Port*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
2	Wharves, piers and bulkheads, commercial dock or boatyard or boat repair facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
3	Trucking, shipping or railroad terminal primarily handling commodities shipped by waterborne transportation, including equipment necessary for the loading, unloading or transfer of commodities and cargoes	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		

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[illegible]

Definitions and further regulations relative to the uses that are denoted by an () may be found in § 11.

****Radio, television or wireless telecommunications towers shall be permitted in any district on property owned, leased or otherwise controlled by the city, in conformance with the requirements of Article VII Division 6, and by administrative approval in any I-3 district, in conformance with the requirements of § 312. Radio, television or wireless telecommunications antennas shall be permitted in any district on property owned, leased or otherwise controlled by the city, in conformance with the requirements of § 311, and by administrative approval in any district, in conformance with the requirements of § 312.**

***Attached single-family townhouses may be permitted as a land development project

Sec. 19-34. Multifamily residential densities.

The following maximum multifamily residential densities for properties per dwelling unit type are listed below:

- (a) One or less: One per one thousand five hundred (1,500) lot square feet
- (b) Two: One per two thousand (2,000) lot square feet
- (c) Three or more: One per two thousand five hundred (2,500) lot square feet

Properties with more than one dwelling unit bedroom count type shall not exceed the average per lot square feet. For example, a property with one two-bedroom dwelling unit, one one-bedroom dwelling unit, one studio, and one accessory dwelling unit could not exceed a density of one unit per 1,667 lot square feet (accessory dwelling units do not count towards residential density).

Sec. 19-35. Temporary use permit.

- (a) A temporary use permit that confers a temporary privilege to operate beyond the defined permissible uses in any zoning district. Temporary use permits are subject to the following provisions:
 - (1) Temporary use permits shall automatically expire on January 1 of each year.
 - (2) The fee for a temporary use permit shall be set by the zoning officer.
 - (3) A temporary use permit may be revoked at any time by the zoning officer.
 - (4) Applications for temporary use permits shall be submitted to the zoning officer. Temporary use permits shall only issue if:
 - a. Unless expressly allowed by this section, the temporary use or structure complies with the yard and bulk requirements of the district in which it is located.
 - b. The temporary use does not cause, or threaten to cause, an on-site or off-site threat to the public health, safety, and welfare.
 - c. The temporary use is operated in accordance with such restrictions and conditions as the police and fire department may require. If required as a condition of approval, the operator of the temporary use shall employ appropriate security personnel.
 - d. The temporary use does not conflict with another previously authorized temporary use.
 - e. The Applicant shows proof of ownership in the relevant property.
 - f. If the relevant property contains public property, the applicant shall acquire written permission from the director of the department of public works for use of said property, subject to any conditions set by the city.

Sec. 19-36 through 19-40. [Reserved.]

Division 3. Dimensions.

Sec. 19-41. Dimensional regulations generally.

- (a) Except as hereinafter provided, a dwelling, building or structure hereafter erected in any district shall not be located on a lot or parcel of land having less than the minimum dimensional and setback requirements of this chapter and shall not exceed the maximum height and percentage of lot building coverage.
- (b) No lot, parcel or tract of land shall be reduced in dimension or area such as to be in violation of § 50, except as hereinafter provided. A lot created or modified after December 31, 2023, shall meet at least the minimum requirements established by this chapter for the district in which such lot is located. A lot set aside as open space may conform to the minimum lot dimensions of the Open Space 1 district.
- (c) In no instances shall the floor area ratio of development exceed 3.

Sec. 19-42. Use of required yards.

Yard regulations shall apply to that open area on the same lot with a principal building or structure and accessory structure located between the lot lines and the minimum setback lines which shall be unobstructed by buildings or structures from the ground to the sky, except as hereinafter provided.

- (1) In any district, the front yard as established in § 50 and hereinafter provided shall be unoccupied and unobstructed by buildings or structures other than signs, poles, ornamental and similar structures and shall not be used to fulfill the off-street parking, loading or unloading requirements of this chapter or for outdoor storage or display, except that a driveway and walkways may be located in any required front yard. In one-, two- and three-family residential properties only, parking is permitted in the front yard setback, but shall not exceed one-third of the overall lot width for one and two family dwellings only. For one-, two- and three-family residential properties only, residential structures only, a handicapped access ramp may be located within the required front yard. Balconies, open porches, decks or stoops may extend into up to one half the front yard setback. Eaves and bay windows may extend up to two feet into the front yard setback. No fence or similar screen of solid appearance in a residential district shall exceed four feet in height where located in the required front yard or along property boundaries contiguous to the required front yard.
- (2) Balconies, open porches, decks or stoops may extend into up to one half the setback. Eaves and bay windows may extend up to two feet into the setback.
- (3) In any district, the side and rear yards as established by the minimum required setback in § 50 and hereinafter provided shall be unoccupied and unobstructed by buildings or structures except as hereinafter provided. For one-, two- and three-family residential properties~~residential structures~~ only, a handicapped access ramp may be located within the required side and rear yard setback.
- (34) Except where such yard is located in a commercial or industrial district and abuts a residential or open space district, Off-street parking, loading or unloading area in conformance with Division 4 of this article and accessory to a permitted use located on the premises may be located within the required side or rear yard, ~~except where such yard is located in a commercial or industrial district~~

~~and abuts a residential or open space district~~, only if necessary to meet the minimum requirements of such sections as determined and approved by the zoning officer and city traffic engineer.

(54) In any district, any portion of a required yard not developed for a use expressly permitted under the terms of this chapter shall be landscaped and maintained to enhance the premises and to be attractive and acceptable to the neighborhood.

(65) No fence or similar screen of solid appearance in a residential district shall exceed six feet in height where located in the required rear yard or side yard or along property boundaries contiguous to the required rear yard or side yard when said boundary abuts another residential use. For a boundary between a residential and commercial or industrial use no fence or similar screen of solid appearance shall be less than six feet nor more than ten feet in height. These restrictions shall not apply to plantings such as arborvitae or other similar trees or shrubs. Said height shall be measured from the existing grade at the rear and side lot lines.

Sec. 19-43. Minimum setback measurements.

(a) The minimum front setback requirements of § 50 shall be measured along a line parallel to the lot line at the minimum distance of the required setback. If 75 percent or more of the block frontage of the same street is improved with buildings, the front ~~of the building setback shall may be built at extend~~ ~~to the median average~~ alignment of such buildings.

(b) The minimum side and rear setback measurement of § 50 shall be measured parallel to the lot line at the minimum distance of the required setback. Where no minimum side setback is required by § 50 but where a side setback is actually provided, such side setback shall not be less than five feet.

(c) Notwithstanding other provisions of this chapter, for any commercial or industrial building or structure abutting a residential zone, the minimum ~~front, side and rear~~ setback as required in § 50 abutting such residential zone shall be increased by three feet for each full floor level over the first two floor levels.

(d) Minimum side setbacks shall not apply between developable lots held in common ownership for townhouses. Lot widths may be reduced to as little as ten feet and lot area to as little as 500 square feet, provided the total width of all lots in common ownership meets the minimum established in § 50.

Sec. 19-44. Number of structures.

Not more than one structure ~~on a one-, two- or three- family lot used for residential purposes shall be built upon any single lot~~ in any R-1, R-2, R-3, R-4, R-5 or R-6 district may utilize the building height maximums afforded in § 50. All other structures on the property shall not exceed 20 feet in height.

Sec. 19-45. Measurements.

(a) *Lot frontage.* Lot frontage shall be measured along the street right-of-way line between the side lot lines and shall be not less than 40 feet. Where all frontage is not contiguous, then only the largest single frontage will be considered with regard to minimum frontage requirements; in cases of equivalent noncontiguous frontage, minimum frontage will be determined by the zoning officer.

(b) *Lot depth.* Lot depth shall be measured from the front lot line to the rear lot line; this distance shall be the shortest distance. For lots where the front and rear lot lines are not parallel the lot depth is

an average of the depth. Average shall be measured from the midpoint of the front lot line to the midpoint of the rear lot line. Lot depth for corner and through lots shall be as determined under § 46.

(b) *Lot width.* Lot width shall be measured as the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line. For lots where the front and rear lot lines are not parallel or the front lot line is curved, width shall be measured as the distance between lot lines along a line at right angles to the depth which intersects the depth at the minimum front setback line. Width for corner and through lots shall be as determined under § 46.

Sec. 19-46. Corner lots, landlocked lots and through lots.

(a) *Corner lots—Setbacks.* For corner lots, those lots which abut on and at the intersection of two or more streets and/or road rights-of-way, lot frontage shall be considered for the purposes of determining setbacks to be two or more front lot lines which shall all meet the minimum front setback requirements of § 50.

(b) *Corner lots—Lot depth and width.* Lot depth for corner lots may be measured from any front lot line measuring as indicated in lot depth, to a side lot line considered under this measurement to be a rear lot line. Lot width for corner lots shall be measured as indicated under lot width.

(c) *Use of side yard as rear yard.* Where in the case of a corner lot there is no apparent rear lot line, one side lot line shall be designated as a rear lot line and shall conform to all regulations of this chapter pertaining to rear yard setbacks.

(d) Landlocked lots - front lot line. For lots without direct access to a right-of-way. The front lot line shall be the lot line through which the easement providing access to the property runs.

(e) *Through lots—Setbacks.* For through lots, those lots which front upon two parallel streets or which front upon two streets which do not intersect at the boundaries of the lot, the lot shall be considered for the purposes of determining setbacks to have two front lot lines which shall both meet the minimum front setback requirements of § 50.

(e) *Through lots—Depth.* For through lots, those lots which front upon two parallel streets or which front upon two streets which do not intersect at the boundaries of the lot, depth shall be measured for lots with parallel front lot lines, as the distance measured from the front lot line to front lot line, the distance shall be the shortest distance. For lots where the front lot lines are not parallel, the lot depth is an average which shall be measured from midpoint to midpoint of the front lot lines.

(f) *Through lots—Width.* Width shall be measured as indicated under lot width at the minimum front setback from either front lot line.

Sec. 19-47. Determination of uncertain locations.

Where the location of a lot width or lot depth line or a front, side or rear lot line is otherwise uncertain, the zoning officer shall determine their position in a manner complying as closely as possible with the requirements of this chapter.

Sec. 19-48. Front, side and rear yards on abutting lots in adjacent districts.

(a) Notwithstanding other provisions of this division wherever a lot or parcel of land in a commercial or industrial district abuts a lot or parcel of land in a residential district fronting on the same

street, the lot or parcel of land in the commercial or industrial district shall have at least one-half of the front setback as required in the adjoining residential district but not less than that required in the commercial or industrial district.

(b) Notwithstanding other provisions of this chapter wherever a lot or parcel of land in an R-5 district, any commercial district or an I-1 district abuts a lot or parcel of land in a residential district, the side and rear yard setback on the lot or parcel in the R-5, commercial, or I-1 districts shall be measured at least 30 feet from the property line along that portion of the lot or parcel that abuts the residential district.

(c) Wherever a lot or parcel of land in an I-2 general manufacturing or an I-3 heavy manufacturing district abuts a residential district, the principal building or structure on the lot or parcel in the I-2 or I-3 district shall be set back at least 50 feet from the property line along that portion of the lot or parcel that abuts the residential district.

Sec. 19-49. Obstructing vision at corner lots.

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 2½ and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along the street lines 30 feet from the point of the intersection.

Sec. 19-50. Schedule of dimensional requirements.

The following is the schedule of area requirements:

District	Minimum Lot Requirements			Minimum Front, Side and Rear Yard Requirements			Maximum Height of Building		Maximum Percent of Coverage*	Maximum Percent of Impervious Coverage
	Area in Square Feet	Width in Feet	Depth in Feet	Front in Feet	Each Side in Feet	Rear in Feet	Story [^]	Feet	Percent+	Percent
Residential 1	18,750	125	150	30	25	30	2	35	20	
Residential 2	10,000	100	100	25	20	25	2	35	25	
Residential 3	7,500	75	100	20	15	25	2	35	25	
Residential 4	5,000	50	100	15	8	20	2	35	25	
Residential 5	7,500	75	100	20	15	25	3	40	25	
Residential 6	5,000	50	100	15	8	20	3	40	25	
Open Space 1	100,000	250	300	50	50	50	2	35	10**	
Commercial 1	10,000	100	100	15	10	20	3	40	35	
Commercial 2	5,000	50	100	5	—	20	3	40	60	
Commercial 3	10,000	100	100	5	—	20	3	40	60	
Commercial 4	15,000	100	100	15	15	20	2	30	50	
Commercial 5	10,000	100	100	10	10	15	2	30	50	
Industrial 1	30,000	150	150	25	20	25	3	40	40	
Industrial 2	40,000	175	200	30	20	20	4	60	60	

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Industrial 3	60,000	200	250	30	20	20	4	60	60	

^ The portion of a building within a pitched roof on at least two sides may be permitted as an additional story (i.e. a half story). One basement level, all cellars, and two mezzanine levels (including stair towers and roof decks) do not count as a story.

* Including accessory building(s).

**Maximum Percent of Coverage in the OS1 District shall be 20 for educational institutions.

+ In addition to lot building coverage, every parcel shall also be subject to a maximum percentage of impermeable surface coverage. The maximum amount of the site that may be covered by an impermeable surface shall be determined by adding 20 percent of the site area to the maximum percent of lot building coverage as established by this section. For the purposes of calculating the amount of impermeable surface coverage, impermeable surfaces shall include all impervious roofs, roads, driveways, parking areas, ~~buildings~~, loading areas, decking, pathways~~pools~~, and other impermeable construction covering the natural landscape. Pervious surfaces shall be maintained to preserve their permeability. Areas of buildings covered in green roofs shall receive a corresponding credit towards impervious lot coverage. The surface upon which solar panels are mounted shall be the material utilized for determining impermeable surface coverage.

Sec. 19-51. Additional lot and impervious surface coverage requirements.

In addition to lot coverage percentage requirements, lot coverage shall not exceed 5,000 square feet per housing unit and impervious surface coverage shall not exceed 10,000 square feet per housing unit.

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Sec. 19-52 through 19-60. [Reserved.]

Division 4. Parking and Loading Requirements.

Sec. 19-61. Requirements.

In any district where permitted, no use of premises shall be authorized or extended, no land shall be used or occupied and no building or structure shall be erected, altered, used or enlarged unless there is provided for such use, extension, erection, alteration or enlargement off-street automobile parking spaces as required in this division. Any building or use of premises existing at the time of the adoption of this chapter with parking space that does not meet the requirements of this chapter will not be required to do so, provided that any enlargement, extension or alteration of the building or use of the premises shall provide off-street parking space as required in this division. Such off-street parking space may be provided in the open or under cover.

Sec. 19-62. Continuation of requirements.

The off-street parking spaces associated with permitted uses as provided for and required by this chapter shall be a continuing obligation of the present or future owner of any premises and shall not be reduced, changed, encroached upon in any manner or discontinued unless a change in the parking requirements of such associated permitted uses occurs to permit a corresponding change in the size of the required off-street parking area.

Sec. 19-63. Location and street access.

Each off-street parking space required by this chapter shall have vehicular access to a street and shall be on the same lot or premises as the building, structure or use it is intended to serve, on a lot adjoining the premises or on a lot directly across an adjoining street from the premises. When practical difficulties as determined by the permitting authority prevent the location of off-street parking space as required in this division, such space shall be located within 400 feet of the premises. In such instances, appropriate deed restrictions and/or easements shall be placed in the land evidence records for both the property on which the use is located and the property on which the parking is located. Such legal documents shall be subject to the review and approval of the city solicitor. Notwithstanding any other provisions of this chapter, off-street parking for commercial or industrial uses as required in this section shall not be permitted in any residential or open space zone.

Sec. 19-64. Mixed uses.

In the case of mixed uses on a premises, the total requirements for off-street parking space shall be the sum of the requirements of the various uses computed separately as hereinafter required, and the off-street parking space for one use shall not be considered as providing the required off-street parking space for any other use.

(a) *Joint use.* Nothing in this chapter shall be construed to prevent the joint use of off-street parking space for two or more buildings, structures or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the provisions of this chapter.

(b) *Shared use.* No part of an off-street parking space required for any building, structure or use for the purpose of complying with the provisions of this chapter shall be included as part of an off-street parking space similarly required for another building, structure or use unless the type of use indicates that the peak period of usage of such buildings, structures or uses will not be simultaneously with each other as determined by the zoning officer. All properties utilizing shared parking under this subsection shall have notice of such restriction recorded in the land evidence records of the city at the cost of the applicant.

Sec. 19-65. Methods of determining off-street parking requirements.

(a) When the schedule requires the on-site number of spaces to be calculated per employee and employees are on the site in shifts, the number to be used is the number of employees present during the largest shift (most employees). It shall mean the total number of employees on the site who will use the site for parking at any one time.

(b) A garage or carport may be used to meet the requirements of this section.

(c) ~~A driveway may only be used to meet the requirements of this section where it serves a one-family, two-, or three- family dwelling. Parking spaces may be stacked or in tandem, for no more than two cars deep, one and two family dwellings only. Parking in the front yard setback shall not exceed one-third of the overall lot width.~~

Commented [1]: Moved to § 19-42

(c) Development subject to special use permits, development plan review, land development project, or subdivision approval may receive conditional approval for development that provides less than the required number of parking spaces. ~~Industrial uses. Where it can be demonstrated, to the satisfaction of the permitting authority, zoning officer and/or the planning board or the department of planning and urban development, that employment projections indicate less parking would be needed than that required by § 61 and adequate land is available should future use(s) warrant additional parking, then fewer parking spaces will be allowed. Parking in unmarked spaces and drive aisles may also be permitted by this method. The approval of the special use permit, development plan review, land development project, or subdivision shall be conditioned upon the provision of parking up to the required minimum if such need is demonstrated by future use(s).~~

(d) If a use is not specifically listed in the off-street parking schedule, the requirements shall be the same as for the most similar use listed as determined by the zoning officer in consultation with the department of planning and urban development referencing the Institute of Traffic Engineers Parking Generation Report.

Sec. 19-66. Parking space design requirements.

(a) *Minimum size.* Each parking space shall contain an area of not less than 162 square feet for the parking of one vehicle, exclusive of necessary drives or aisles. In allocating space for off-street parking, each parking space shall measure no less than nine feet by 18 feet. Minimum aisle widths shall be as follows:

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90 degree angle parking	24 feet (one-way and two-way traffic)
60 degree angle parking	23 feet (two-way traffic)
	18 feet (one-way traffic)
45 degree angle parking	21 feet (two-way traffic)
	13 feet (one-way traffic)
30 degree angle parking	20 feet (two-way traffic)
	11 feet (one-way traffic)
0 degree angle parking	20 feet (two-way traffic)
	13 feet (one-way traffic)

(b) ~~Excepting one-, two- and three-family residential properties,~~ individual parking spaces shall be clearly defined, and permanently marked and maintained on the parking surface with painted lines, or other means acceptable to the zoning officer, and directional arrows and traffic signs shall be provided as necessary for traffic control.

Sec. 19-67. Plans, construction and maintenance of off-street parking areas.

(a) The following requirements establish minimum acceptable standards for alleviating the negative visual and environmental effects associated with parking facilities. The application of these standards will serve to improve the compatibility and attractiveness of such facilities, provide relief from un-shaded paved areas, and minimize noise and glare from lights associated with off-street parking facilities. In addition, these requirements will improve pedestrian safety, and optimize traffic circulation patterns with better-defined space.

(b) Plans. For the purpose of converting spaces into the required parking area, plans for parking areas containing five vehicles or more shall be submitted to the zoning officer to show how the required parking space shall be arranged in the area supplied for such purposes and to indicate sufficient space for parking maneuvers as well as adequate ingress and egress to the parking area.

(1) Such plan(s) shall be prepared at a reasonable scale and shall show: property lines; building location(s) and use; the dimensions and lot area of the property; the size and arrangement of all parking and any required loading spaces; the means of ingress and egress to such parking and loading spaces from the street system and interior circulation with the property; the location and design of required landscaping; the area of the parcel available for winter snow storage (this shall not be within the public right-of-way and shall not damage required landscaped buffering); the extent of any change required in existing site conditions to provide required parking and loading spaces; and such other conditions as may be necessary to permit review and approval of the proposed parking and any required loading spaces.

(2) Such plan(s) may be referred to other agencies and city departments as may be necessary to review the proposed parking area.

(c) Construction standards. Every parcel of land which after the effective date of the ordinance from which this chapter was derived is changed to a parking area for five vehicles or more, shall be developed as follows, subject to the review and approval of the required plans by the city engineer/deputy director of public works and subject to the approval of the zoning officer and building official:

(1) Such area where subject to wheeled traffic shall be paved, drained, lighted, arranged and marked for convenient access and safety of pedestrians and vehicles;

(2) Any light used to illuminate the parking area shall be so arranged as to reflect the light away from adjoining premises and streets;

(3) Suitable separation shall be made between the pedestrian sidewalk and the vehicular parking or moving area with the use of appropriate bumper or wheel guards or traffic islands;

(4) Where the portion of the property used for vehicular traffic abuts a street, such portion shall be separated from the street line by a curb at least six inches high;

(5) The location and extent of the appropriate curb cuts shall be determined by the city engineer/deputy director of public works, subject to the approval of the zoning officer, and wherever state jurisdiction exists, all curb cuts shall be subject to the approval of the state department of transportation as evidenced by submission of an approved physical alteration permit. In order to minimize vehicular conflicts, curb cuts shall be placed at the maximum feasible distance from intersections or from curb cuts for adjacent properties. Except where peculiar site or safety conditions warrant, only one curb cut shall be permitted for each development. Where a lot has more than one street frontage, all curb cuts for multifamily, commercial, or industrial uses shall be located on the primary (arterial or collector) street. This condition may be waived only, if in the determination of the city engineer/deputy director of public works, particular site or safety conditions so warrant.

(6) A plan that identifies changes in drainage associated with the construction of paved parking areas, and the method(s) proposed to address site drainage, shall be submitted and subject to the review and approval of the city engineer/deputy director of public works in accordance with city standards and requirements.

(d) Commercial or industrial areas. Where any parking area containing five parking spaces or more and located in a commercial or industrial district adjoins or abuts a residential district or a lot or premises used for residential, educational, recreational or religious purposes, there shall be provided a five-foot wide landscaped strip containing a wall or fence of solid appearance or tight evergreen hedge having a height of not less than five and one-half feet maintained in a neat and attractive manner between the parking area and the residential district or residential, educational, recreational or religious premises, subject to the approval of the zoning officer.

(e) Residential areas. Where any parking area containing five parking spaces or more and located in a residential district adjoins or abuts a lot or premises used for residential purposes, a wall or fence of

solid appearance or tight evergreen hedge having a height of not less than five and one-half feet shall be erected and maintained in a neat and attractive manner between the parking area and the lot or premises, subject to the approval of the zoning officer.

(f) Landscaping. Any parking area established, expanded, or required to be altered because of building alteration or reuse of premises, after the effective date of the ordinance from which this chapter was derived, shall provide a minimum five foot wide planting strip between the parking area and the street. The planting strip may be interrupted to allow for entrances and exits, but in no portion may the planting strip be less than ten feet in length. The planting strip shall be planted with trees, shrubs, plants or other live vegetation. Such other landscaping treatment as hereinbefore required and practicable to enhance the premises and make the parking area acceptable and attractive to the adjoining neighborhood shall be provided, subject to the approval of the zoning officer.

(g) Maintenance. Any parking space or area shall be kept by the owner in a neat and attractive manner in accordance with specifications and ordinances of the city. The owner shall be responsible for maintenance of landscaping, including the removal and replacement of all dead or diseased plantings. The parking area shall be plowed and/or sanded within 24 hours after the end of any snow or sleet storm.

Sec. 19-68. Off-street parking spaces required.

(a) In calculating the total number of required spaces, all numbers should be rounded off to the nearest whole number. The following numbers or amounts of off-street parking space or area shall be required for the listed uses in this section according to the following schedule:

Use	Spaces Required (Note: GFA is Gross Floor Area)
(1) Dwelling: (a) Single-family and two-family (b) Three-family	(a) Two spaces for each household or dwelling unit (b) One and one-third per dwelling unit
(2) Dwelling, other multifamily and elderly housing: (a) Dwelling, other multifamily (b) Dwelling, elderly housing (publicly assisted)	(a) Two spaces for each household or dwelling unit, plus one space for each bedroom in excess of two bedrooms. <u>Only one space may be assigned to each unit unless additional guest parking is provided.</u> (b) One-half space for each dwelling unit, plus one space for each employee
(3) Congregate care or assisted living facility	One space for each three dwelling units or rental units
(4) Child day care center or nursery school	One space for each five persons of the facility's licensed capacity, plus three spaces designed for the safe and convenient loading and unloading of children

Commented [2]: Not sure what that means.

Commented [3]: This is referring to when parking is reserved or assigned for one apartment, i.e. "This space reserved for Unit X"

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(5) Churches and other places of worship	One space for each eight seats, plus one for each employee
(6) Clinics	Four spaces for each doctor, plus one for each employee
(7) Clubs: Civic, social, fraternal	One space for each five members or one space for each five seats, whichever is greater, plus one space for each two employees
(8) Clubs: golf country, swimming and similar uses, including yacht clubs	One space for each three members, plus one space for each employee
(9) Communications services and broadcasting	One parking space for each 400 square feet of GFA
(10) Commercial education institutions, industrial trade schools	One space for each instructor, plus one space for each two employees or other staff members, plus one space for each two students
(11) Commercial recreation	One space for each 200 square feet of GFA or one space for every three seats, whichever is greater, plus one space for each employee
(12) Community or regional shopping center greater than 200,000 square feet of gross floor area	One space for each 250 square feet of retail GFA, plus one space for each employee. Total parking space for restaurant and/or each free-standing use on the premises shall be added cumulatively to the above requirements.
(13) Cultural center	One space for each 200 square feet of GFA, plus one space for each employee
(14) Funeral homes and mortuaries	One space for each three seats in meetings rooms, plus one space for each employee, plus one space for each company vehicle
(15) Helistop	Two spaces where a helistop is located more than 500 feet from the buildings or main premises of the owner or proprietor or as otherwise determined by the zoning officer
(16) Home occupations and professional offices or studios	One space for each 100 square feet of floor area so used, plus one space for each employee, plus two spaces for each dwelling unit for permanent occupancy

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(17) Hospitals	One space for each two beds, plus one space for each two employees including accredited physicians
(18) Nursing or convalescent homes	One space for each four patient beds
(19) (a) Hotels, motels, lodging houses, boarding houses and tourist homes (b) Bed and Breakfast	(a) One space for each guest sleeping room or suite, plus one space for each employee. Total parking space for each accessory use on the premises shall be added cumulatively to the above requirements (b) One per guest room, plus one for the owner/occupant of the premises.
(20) Industrial and manufacturing establishments	One space for each 270 square feet of GFA or one space for each two employees on the largest shift, whichever is most appropriate, subject to the approval of the zoning officer
(21) Institution of higher education	One space for each classroom, plus one space for each two employees or staff members other than teachers, plus one space for each two students
(22) Marinas, yacht clubs, boatyards and docks	One space for each mooring slip or other berthing facility, plus one space for each two employees
(23) Office uses: (a) Office use including bank, professional, medical and dental (b) Office building(s) of greater than 40,000 GFA (c) Medical and dental	(a) One space for each 500 square feet of GFA (b) One space for each 500 square feet of GFA (c) One space for each 200 square feet of GFA
(24) Telemarketing uses	One space for each 150 square feet of GFA
(25) Data processing center*	One space for each 150 square feet of GFA
~~(26) Business/technology development~~	~~One space for each 250 square feet of GFA; however, up to 15 percent of the total spaces required may be held in reserve as provided for in § 19-164, pertaining to reserve parking area for business/technology development~~

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(27) Other institutions devoted to the board, care and treatment of humans	One space for each four beds, plus one space for each two employees, including accredited physicians
(28) Theatres, auditoriums or other any public assembly area with fixed seats	One space for each three seats, plus one space for each employee
(29) Any public assembly area without fixed seats	One space for each 100 square feet of total floor area
(30) Public and private elementary and junior high/middle schools	Two spaces for each classroom, plus one space for each employee or staff member other than teachers
(31) Public and private high schools	Two spaces for each classroom, plus one space for each employee or staff member other than teachers, plus one space for each four students of driving age
(32) Religious institution*	One space for each ten occupants, plus one space for each institution vehicle, plus one space per employee
(33) Retail and service business establishments	One space for each 500 square feet of GFA
(34) Convenience store	One space for each 500 square feet of GFA
(35) Retail furniture and major appliance showrooms	One space for each 500 square feet of GFA, plus one space for each employee
(36) Food service establishments and restaurants as defined in RIGL § 45-24.7-2. a) Indoors b) Outdoor c) In mixed use overlay districts	a) One space for each six seats provided for patron use, plus one space for each two employees. Up to 20 outdoor seats shall be exempt from these requirements. b) Up to 20 outdoor seats in an approved outdoor dining area shall be exempt from these requirements. c) Any indoor or outdoor seating located within the Mixed Use Overlay District is exempt from these requirements provided the physical building footprint is not increased.
(37) Fast food restaurant a) Indoors b) Outdoor c) In mixed use overlay districts	a) One space for each four seats or one space per 500 square feet of GFA, whichever is greater, plus drive-through window stacking spaces as elsewhere required by this chapter.

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	Up to 20 outdoor seats shall be exempt from these requirements. b) Up to 20 outdoor seats in an approved outdoor dining area shall be exempt from these requirements. c) Any indoor or outdoor seating located within the Mixed Use Overlay District is exempt from these requirements provided the physical building footprint has not increased.
(38) Manufactured home courts	One and one-third spaces for each manufactured home, plus one space for each employee, plus one space for each dwelling unit for permanent occupancy
(39) Wholesale, distribution and warehousing establishments	One space for each two employees, or at a minimum, one space for each 2,000 square feet of GFA, plus additional spaces for customers' vehicles as determined appropriate by the zoning officer
(40) Dormitory for institution of higher education	One space for each two beds
(41) Other uses	The requirement(s) shall be the same as for the most similar use listed as determined by the zoning officer and the department of planning and urban development referencing the Institute of Traffic Engineers Parking Generation Report.

(b) For the calculation of off-street parking space for proposed development or re-development under the provisions of the Main Street and Neighborhood Center Overlay District, refer to subsection 186(d).

(c) In addition to the hereinabove required off-street parking spaces, adequate provisions shall be made for the off-street parking of all company-owned vehicles operating out of the premises, as determined by the city engineer/deputy director of public works, subject to the approval of the zoning officer.

(d) The number, size, location and identification of handicapped spaces shall comply with the standards of title III of the American with Disabilities Act (ADA), and as otherwise required by applicable law.

(e) No part of any required non-residential parking area shall be used for dead storage, automotive repair work, or dismantling of any kind.

(f) For certain critical areas of concern as identified in the city's comprehensive community plan, namely the Turner Reservoir/Central Pond critical area and the Runnins River critical area, the city may prohibit the provision of off-street parking spaces that are in excess of the number of spaces required under this ordinance.

(g) Outdoor dining.

(1) Up to 50% of a restaurant and/or fast food restaurant's required non-handicap, on-site parking spaces may be used for outdoor dining, up to a maximum of 4 required spaces. Additional parking spaces may be utilized for outdoor dining if they conform to all applicable parking and other requirements. See § 136.

Sec. 19-69. Off-street loading and unloading—Required areas.

In order to avoid undue interference with the public use of the street, adequate space for the standing, loading and unloading of delivery vehicles shall be provided and maintained. No land or premises shall be used or occupied and no buildings or structures shall be erected or used unless off-street loading space as required by this chapter is provided. Such off-street space is not required for any building, structure or use of premises existing on the effective date of the ordinance from which this chapter was derived with off-street loading spaces that do not meet the requirements of this chapter; provided however that off-street loading space as required by this chapter shall be provided for by any enlargement, extension or alteration to any such existing structure or use if there is sufficient space on the lot after other code requirements are met.

Sec. 19-70. Same—Continuation of requirements.

Off-street spaces with ~~permitted~~ uses as required by this chapter shall be a continuing obligation of the present or future owner of any premises and shall not be reduced, changed, encroached upon in any manner or discontinued unless a change in the off-street loading requirements of such associated permitted uses occurs to permit a corresponding change in the number of off-street loading spaces.

Sec. 19-71. Same—Joint use.

Nothing in this chapter shall be construed to prevent the joint use of off-street loading space for two or more buildings, structures or uses on the same or contiguous premises if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the provisions of this chapter.

Sec. 19-72. Same—Location and street access.

The off-street loading spaces required by this chapter shall be ~~in all cases~~ on the same ~~lot~~ premises as the use, building or structure they are intended to serve, on a lot adjoining the premises or on a lot directly across an adjoining street from the premises. When practical difficulties as determined by the permitting authority prevent the location of off-street parking space as required in this division, such space shall be located within 400 feet of the premises. In such instances, appropriate deed restrictions and/or easements shall be placed in the land evidence records for both the property on which the use is located and the property on which the parking is located. Loading areas in the public right-of-way may be approved for special use permits, development plan review, or land development projects with appropriate signage. Such approval may require

Commented [4]: This may require city council approval.

additional authorization from other City officials. Such legal documents shall be subject to the review and approval of the city solicitor. Notwithstanding any other provisions of this chapter, off-street loading for commercial or industrial uses as required in this section shall not be permitted in any residential or open space zone, and shall have vehicular access to a street. In no case shall any required off-street loading space be part of an area used to satisfy the off-street parking requirements of this chapter. The use of such off-street loading space shall not hinder the free movement of vehicles and pedestrians over a street, sidewalk or alley.

Sec. 19-73. Same—Space requirements.

- (a) For each club of any type, commercial educational institution, commercial recreation, cultural center, educational institution, motel, hotel or motor inn, hospital or sanitarium, office, place of public assembly, elementary, junior or high school or other similar use not provided for in this division, off-street loading and unloading space of at least 480 square feet in area with a minimum width of 12 feet, a minimum length of 40 feet and, where covered, a minimum overhead clearance of 14 feet shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Number of Off-Street Loading Spaces
0 to 9,999	0
10,000 to 49,000	1
50,000 to 99,000	2
Each additional 100,000	1

- (b) For each business, commercial, manufacturing or industrial enterprise of over 1,000 square feet but less than 4,000 square feet of gross floor or ground area in which commodities are sold, stored, displayed, serviced, repaired, altered, processed or fabricated as the principal use of the premises, off-street loading space of at least 300 square feet in area with a minimum width of 8 feet shall be provided.

- (c) For each business, commercial, manufacturing or industrial enterprise of over 4,000 square feet of gross floor or ground area in which commodities are sold, stored, displayed, serviced, repaired, altered, processed or fabricated as the principal use of the premises, off-street loading space of at least 770 square feet in area with a minimum width of 14 feet, minimum length of 55 feet and, where covered, a minimum overhead clearance of 15 feet shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Number of Off-Street Loading Spaces
4,001 to 8,000	1
8,001 to 25,000	2

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25,001 to 40,000	3
40,001 to 100,000	4
100,001 to 250,000	5
Each additional 200,000	1

Sec. 19-74. Same—Plans, construction and maintenance of off-street loading areas.

(a) *Construction.* Off-street loading space and access drives shall be paved, drained and lighted and shall have appropriate bumper or wheel guards where needed, and any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a residential district or a lot or premises used for residential, educational, recreational or religious purposes, there shall be provided a wall or fence of solid appearance or tight evergreen hedge having a height of not less than five and one-half feet maintained in a neat and attractive manner between the off-street loading space and the residential district or residential, educational or religious premises, subject to the approval of the zoning officer, provided that when the provisions of this division are in the judgment of the zoning officer impossible or impractical of performance, they may be waived by the zoning officer at his discretion.

Sec. 19-75. Land development project approval.

Any development ~~of or construction, whether residential, commercial or industrial, requiring~~ 50 or more parking spaces, must obtain land development project approval subject to Article IV Division 6.

Sec. 19-76 through 19-80. [Reserved]

ARTICLE IV - SUPPLEMENTAL REQUIREMENTS

Division 1: Special Flood Hazard Areas

Sec. 19-81. Purpose.

The purpose of this division is to ensure public safety; minimize hazards to persons and property from flooding, to protect watercourses from encroachment, and to maintain the capability of floodplains to retain and carry off floodwaters. The City of East Providence elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

Sec. 19-82. Applicability.

- (a) *Floodplain overlay district established.* The special flood hazard areas are herein established as a floodplain overlay district. The district includes all special flood hazard areas within the City of East Providence designated as Zone A, AE, AH, AO, A99, V, or VE on the Providence County Flood Insurance Rate Map (FIRM) and Digital FIRM issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Providence County FIRM that are wholly or partially within the City of East Providence are panel numbers 44007C337G, and 44007C339G dated March 2, 2009; 44007C317J, 44007C336H, 44007C338H, and 44007C451H dated September 18, 2013; and 44007C309K, 44007C326J, 44007C327H, 44007C328J and 44007C329H dated October 2, 2015. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Providence County Flood Insurance Study (FIS) report dated October 2, 2015. The office of emergency management is responsible for floodplain management. The FIRM and FIS report and any revisions thereto are incorporated herein by reference and are on file with the Emergency Management Agency and the department of public works engineering division.
- (b) *Disclaimer of responsibility.* The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.
- (c) *Severability.* If any section, provision, or portion of this division is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.
- (d) *Other development.* For the purposes of this division, "other development" shall be defined as any action exclusive of that which requires the issuance of a building permit under the Rhode Island State Building Code. Such other development shall include, but not necessarily be limited to, the following:
- (1) Earth, gravel or mineral removal or extraction.
 - (2) Alteration of the topography by cutting, filling or grading.
 - (3) Storage of bulk materials outside of a structure.
 - (4) Construction or placement of facilities or improvements not normally requiring a building permit.
- (e) *Conflict of provisions.* This division shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this division imposes a greater restriction, the provisions of this division shall control.

Sec. 19-83. Definitions.

Unless specifically defined below, words and phrases used in this division pertain to floodplain management, have the same meaning as they have in common usage and to give this division its most reasonable application.

Accessory structure: A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of special flood hazard: See definition for "special flood hazard area".

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE): The elevation of the crest of the base flood or 100-year flood. The height, as established in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum where specified), in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement: Any area of a building having its floor subgrade (below ground level) on all sides.

Building: See definition for "Structure".

Coastal A Zone: Area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. The principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave heights shall be greater than or equal to 1.5 feet.

Cost: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, costs to correct code violations subsequent to a violation notice, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Existing manufactured home park or manufactured home subdivision: A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or existing manufactured home subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the

manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM): The official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood insurance study (FIS): The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The flood insurance rate maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. For the purposes of these regulations, the term "regulatory floodway" is synonymous in meaning with the term "floodway".

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use or facility: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities.

Highest adjacent grade (HAG): The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Limit of moderate wave action (LiMWA): An advisory line indicating the limit of the one and one-half-foot wave height during the base flood.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 C.F.R. § 60.3.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or manufactured home subdivision: A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Market value: Market value is the price of a structure that a willing buyer and seller agree upon. This can be determined by an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's actual cash value.

New construction: Structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or manufactured home subdivision: A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by the community.

Recreational vehicle: A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway: See definition for "floodway".

Sheet flow area (for community with AO, AH, or VO zones only): See definition for "area of shallow flooding".

Special flood hazard area (SFHA): The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Start of construction: For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

For insurance purposes, means:

- (1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- (2) A manufactured home ("a manufactured home," also known as a mobile home, is a structure; built on permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- (3) A travel trailer, without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, "structure" does not mean recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

Substantial damage: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition or other improvements to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

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- (1) Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (2) Any alteration of the "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance: A grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation: Failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. Construction or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Sec. 19-84. Permit required.

All proposed construction or other development within a special flood hazard area shall require a permit. The National Flood Insurance Program Special Flood Hazard Area requires permits for all projects that meet the definition of development, not just "building" projects. Development projects include any filling, grading, excavation, mining, drilling, storage of materials, temporary stream crossings. If the construction or other development within a special flood hazard area is not covered by a building permit, all other nonstructural activities shall be permitted by either the Rhode Island Coastal Resources Management Council and/or the Rhode Island Department of Environmental Management as applicable. Therefore if another state agency issues a permit, the local building official must have the opportunity for input and keep a copy of the respective permit in their files.

Prior to the issuance of a building or development permit, the applicant shall submit evidence that all necessary permits and approvals have been received from all government agencies from which approval is required by federal or state law.

Sec. 19-85. Permit fee.

A permit fee (based on the cost of the construction) may be required to be paid to the City of East Providence and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the permitting authority and/or board of appeals need the assistance of a professional engineer.

Sec. 19-86. Notification of watercourse alteration.

- (a) In a riverine situation, the building official or his/her designee shall notify the following of any alteration or relocation of a watercourse:

- (1) Adjacent communities
- (2) Bordering states (optional)
- (3) NFIP State Coordinator
Rhode Island Emergency Management Agency
645 New London Avenue
Cranston, RI 02920

(4) Risk Analysis Branch
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

The carrying capacity of the altered or relocated watercourse shall be maintained.

(b) The building official or his/her designee shall maintain, as a permanent record, copies of all flood hazard development permits issued and data relevant thereto, including reports of the zoning board of review on variances.

Sec. 19-87. Use regulations.

The special flood hazard areas are established as a floodplain overlay district. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:

- (a) Rhode Island State Building Code (as established under G.L. 1956, ch. 23-27.3)
- (b) Coastal Resources Management Act, Rhode Island Coastal Resources Management Council (G.L. 1956, ch. 46-23)
- (c) Endangered Species Act, Rhode Island Department of Environmental Management (G.L. 1956, § 20-1-2)
- (d) Freshwater Wetlands Act, Rhode Island Department of Environmental Management (G.L. 1956, § 2-1-18)
- (e) Minimum Standards Related to Individual Sewage Disposal Systems, Rhode Island Department of Environmental Management (G.L. 1956, chs., 5-56, 5-56.1, 23-19.15, 23-19.5, 23-24.3, 42-17.1, and 46-13.2)
- (f) Water Quality Regulations, Rhode Island Department of Environmental Management (G.L. 1956, chs. 42-17.1 and 42-17.6 and 46-12)
- (g) Revised Ordinances of the City of East Providence

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of the above state regulations.

Sec. 19-88. Other use regulations.

- (a) *Construction standards in special flood hazard areas (SFHA), zones AH, AO, A1-30, and AE.*
 - (1) Within zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
 - (2) Within zones AO on the FIRM, new and substantially improved residential structures shall have the top of the lowest floor at least as high as the FIRM's depth number above the highest adjacent grade and nonresidential structures shall be elevated or floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. On FIRMs without a depth number for the AO Zone, structures shall be elevated or floodproofed to at least two feet above the highest adjacent grade.

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- (3) In zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Providence County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (b) *Subdivision proposal requirements.* All subdivision proposals must be designed to assure that:
- (1) Such proposals minimize flood damage;
 - (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards.
- (c) *Accessory structures.* Detached accessory structures in zones A, AE, A1-30, AO, and AH (i.e., garages, sheds) do not have to meet the elevation or dry floodproofing requirement if the following standards are met:
- (1) The structure has a value less than \$1,000.00.
 - (2) The structure has unfinished interiors and must not be used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated.
 - (3) The structure is not in the floodway.
 - (4) The structure is not used for storage of hazardous materials.
 - (5) The structure is used solely for parking of vehicles and/or limited storage.
 - (6) The accessory must be wet floodproofed and designed to allow for the automatic entry and exit of floodwater.
 - (7) The accessory structure shall be firmly anchored to prevent flotation, collapse and lateral movement.
 - (8) Service facilities such as electrical, mechanical and heating equipment must be elevated or floodproofed to or above the base flood elevation.
 - (9) The structure must not increase the flood levels in the floodway.
- (d) *Contour intervals]* Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- (e) *Change of use.* No person shall change from business/commercial to residential use of any structure or property located in the floodway of a special flood hazard area so as to result in a use or expansion that could increase the risk to the occupants.
- (f) *The space below the lowest floor must be:*
- (1) Free of obstructions as described in FEMA Technical Bulletin 5 "Free of Obstruction Requirements for Buildings Located in Coastal High Hazard Area in Accordance with the National Flood Insurance Program"; or

- (2) Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or
- (3) Designed with an enclosed area less than 300 square feet that is constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than ten or more than 20 pounds per square foot.

Sec. 19-89. Base flood elevation and floodway data.

- (a) *Floodway data.* In zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (b) *Base flood elevation data.* Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A zones.
- (c) *Base flood elevations in A zones.* In the absence of FEMA BFE data and floodway data, the best available federal, state, local, or other BFE or floodway data shall be used as the basis for elevating residential and nonresidential structures to or above the base flood level and for floodproofing nonresidential structures to or above the base flood level.

Sec. 19-90. Enforcement.

- (a) The building official shall enforce all provisions as applicable in reference to G.L. 1956 § 23-27.3-108.1.
- (b) Every person who shall violate any provision of this code shall be subject to penalties put forth in G.L. 1956 § 23-27.3-122.3.

Sec 19-91 through 100. [Reserved.]

Division 2: Substandard Lots of Record

Sec. 19-101. Substandard lots of record.

- (a) Except as required in § 102, a lot or group of contiguous lots having dimensions and/or area of lesser amounts than required in § 50 for the district in which such lot is located may be considered as conforming to the minimum lot requirements of § 50, provided that such lot or group of contiguous lots was shown on a recorded plat or on a recorded deed prior to November 29, 1966. These are also referred to as prior recorded lots.
- (b) Notwithstanding the failure of a single substandard lot of record or contiguous lots of record to meet the dimensional and/or quantitative requirements, and/or road frontage or other access requirements, applicable in the district, a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. All proposals exceeding such reduced requirement outlined below shall proceed with a modification request under subsection 420(c) or a dimensional variance request under § 420, whichever is applicable.

For any structure proposed under this subsection on a substandard lot of record the following dimensional regulations shall apply:

- (1) Minimum building setbacks, lot frontage and lot width requirements for a lot which is nonconforming in area shall be reduced by applying the building setback, lot frontage and lot width requirements from another zoning district in the municipality in which the subject lot would be conforming as to lot area. If the subject lot is not conforming as to lot area in any zoning district in the municipality, the setbacks, lot frontage and lot width shall be reduced by the same proportion that the area of such substandard lot meets the minimum lot area of the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the minimum lot area required in the district in which it is located, the setbacks, frontage and width shall each be reduced to forty percent (40%) of the requirements for those dimensional standards in the same district.
- (2) Maximum lot building coverage for lots that are nonconforming in area shall be increased by the inverse proportion that the area of such substandard lot meets the minimum area requirements in the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the required minimum lot area, the maximum lot building coverage is allowed to increase by sixty percent (60%) over the maximum permitted lot building coverage in that district.

Sec. 19-102. Contiguous lots under common ownership.

It is the intent of this chapter to require merger of contiguous unimproved or improved [prior recorded lots and](#) substandard lots of record in the same ownership in order to create dimensionally conforming lots or to reduce the extent of dimensional conformance.

If two or more contiguous lots are under common ownership at any time on or after November 29, 1966 and one or more of these lots fails to meet the requirements of § 50 with regard to minimum lot area or minimum lot width, or lot building coverage, or minimum setbacks as required by §§ 50 and 132, or the off-street parking [and loading](#) requirements of Division 4 of Article III, and the below standards, such lots shall be considered to be an individual lot of land for the purpose of this chapter. Contiguous lots or parcels shall share common and abutting boundary lines and not be separated by a street or other property. Contiguous parcels under separate ownership shall be considered to make up a single lot if joint application for a building permit is made by all owners of such parcels. ~~No single lot shall be used in violation of the requirements of section 19-145 with regard to minimum lot area or minimum lot width, except as provided in this chapter.~~

The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of 50% of the lots within 200 feet of the subject lot, as confirmed by the zoning enforcement officer.

Uses on multiple lots in common ownership shall be counted as one lot for the purposes of this calculation.

(a) District by district standards for determining lot mergers:

- (1) Stormwater infrastructure is limited such that limiting development in the district will protect area water quality;

- (2) The character of the neighborhood as described in Sec. 19-95 will be protected by the merger of the lots; and
- (3) The goals and policies of the comprehensive plan pertaining to the district will be furthered by the merger of the lots.

Sec. 19-103 through 19-105. [Reserved.]

Division 3: Nonconforming Development

Sec. 19-106. Alteration of nonconforming use.

- (a) No addition, enlargement, expansion or intensification in the extent of the nonconforming use of premises or land shall be made, unless a special use permit is authorized in accordance with the provisions of this chapter. The conversion of an accessory porch to living space shall be permitted by right.
- (1) Special use permit criteria. In cases where addition, enlargement, expansion or intensification in the extent of a nonconforming use of premises or land is requested, the following criteria shall apply:
- a. The proposed addition, enlargement, expansion or intensification shall be limited to no more than 25% of its existing size. Such expansions shall only be permitted one time; subsequent applications that exceed a total of 25% shall not be permitted.
 - b. The proposed use shall be found by the permitting authority to not have a negative impact on the surrounding area. Factors to be reviewed may include, but are not limited to impacts to area traffic, parking, public safety, environmental quality, stormwater management / flooding, provision of adequate utilities, noise, odor, lighting, historic preservation, and economic development. The zoning board of review or planning board under unified development review may require the submission of professionally prepared studies, reports and plans to inform their decision.
- (b) A use established by variance or special use permit shall not acquire the rights of this section.
- (c) Except as provided in this division, a nonconforming use shall be changed to a permitted use and once changed to a permitted use shall not thereafter be changed to a nonconforming use. A nonconforming use of land or of a structure shall not otherwise be changed to another nonconforming use that is substantially different in nature and purpose unless a variance is granted by the zoning board of review, with the additional finding that the proposed use will have a lesser undesirable impact on the surrounding area than the preceding nonconforming use.

Sec. 19-107. Alteration of structure nonconforming by dimension.

No addition, enlargement or expansion to a structure or building nonconforming by dimension shall be made except in conformance with the provisions of this chapter or unless a special use permit is authorized in with the provisions of this chapter. This shall not apply to the conversion of an accessory porch to living space or to second story additions, providing that there is no projection beyond the existing structure. A conforming use within a building or structure which is nonconforming by dimension may be changed to any other conforming use.

Sec. 19-108. Moving.

A building or structure nonconforming by use or dimension shall not be moved in whole or in part unless such building or structure is made to conform to all of the regulations of the zone in which it is to be located.

Sec. 19-109. Restoration of damaged structures.

A structure nonconforming by dimension which is involuntarily destroyed or damaged in any manner or from any cause may be repaired or rebuilt within the limits of the original dimensions and upon the original location of such structure without conforming to the provisions of this chapter, provided that a reasonable attempt has been made to comply with the provisions of this chapter.

Sec. 19-110. Abandonment.

If a nonconforming use is abandoned, it may not be reestablished. Abandonment of a nonconforming use shall consist of some overt act, or failure to act, which would lead one to believe that the owner of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use unless such owner can demonstrate an intent not to abandon the use. An involuntary interruption of nonconforming use, such as by fire and natural catastrophe does not establish the intent to abandon the nonconforming use. However, if any nonconforming use is halted for a period of one year, the owner of such nonconforming use will be presumed to have abandoned such nonconforming use, unless such presumption is rebutted by presentation of sufficient evidence of intent not to abandon the use.

Sec. 19-111. Demolition.

If a building or structure nonconforming by dimension or a building or structure housing a nonconforming use, is demolished at the direction of the owner or other authorized parties, except as provided elsewhere in this section, the building or structure or nonconforming use shall not be reestablished, and any future building, structure or use of the lot or premises shall conform to the provisions of this chapter.

Sec. 19-112. Prior illegal establishment.

Any nonconforming use or structure nonconforming by dimension illegally established prior to the effective date of the ordinance from which this chapter was derived shall not become legally established by virtue of such enactment or subsequent amendment.

Sec. 19-113. Prior building permits.

Any building permit legally issued prior to the effective date of the ordinance from which this chapter was derived or any subsequent amendment of this chapter shall be activated within six months from the date of issuance.

Sec. 19-114. Maintenance and repair.

A structure nonconforming by dimension or a building or structure containing a nonconforming use shall be properly maintained in good repair as may be required by any other ordinance or statute, provided that any such work does not enlarge or extend any nonconforming use or otherwise increase any nonconformity.

Sec. 19-115. Nonconforming by use and dimension.

A building, structure or land nonconforming by both use and dimension shall comply with all requirements of this division. Where the regulations conflict, the most restrictive regulations shall apply.

Sec. 19-116. Governmental uses.

Notwithstanding any provision of this chapter, structures, buildings and land may be erected or used by the city, or any agency or department thereof for governmental purposes in any zoning district; and such structures, buildings and land so erected or used shall be exempt from the provisions of this chapter.

Sec. 19-117 through Sec. 130. [Reserved.]

Division 4. Accessory Uses.

Sec. 19-131. Accessory uses.

The following accessory uses shall be allowed, provided that they shall conform to all other provisions of this chapter and that they shall not be detrimental to or impair adjacent properties or the neighborhood.

(1) Residential district:

- a. The raising or growing of horticultural products for home use by a resident family thereon.
- b. A hen house, barn, stable, kennel or dairy incidental to a permitted farming use.
- c. A garden or tool shed used only for the storage of garden implements and light home maintenance tools.
- d. A greenhouse not exceeding 1,500 cubic feet and not used for commercial purposes.
- e. Swimming pools, including appurtenant structures such as dressing and shower rooms and equipment houses as regulated by this chapter and other city ordinances.
- f. A private garage or parking area as required in Division 4 of Article III in connection with a dwelling for:
 1. Not more than three motor vehicles, which shall not include more than one vehicle owned by a nonresident of the premises in an R-1 or R-2 district.
 2. Not more than four motor vehicles, which shall not include more than two vehicles owned by a nonresident of the premises in an R-3 or R-4 district.
 3. Not more than two motor vehicles per dwelling unit, which shall not include more than one vehicle owned by a nonresident of the premises for each two dwelling units in an R-5 or R-6 district.

In any case, not more than one commercial vehicle weighing not more than 2½ tons gross weight shall be permitted to park overnight on a residential premises in a residential district, except in the case of a farm operated on a full-time basis by a resident thereon.

- g. A professional home office or studio located within the principal building of the premises of a resident architect, artist, author, attorney, clergyman, dentist, engineer, physician or other member of a recognized profession; provided that not more than 25 percent of the total floor area, not to exceed 250 square feet is regularly devoted to such use and that no more than one other person is regularly employed therein in connection with such in an R-1, R-2, R-3 or R-4 district, and not more than two other persons are regularly employed therein in connection with such use in an R-5 or R-6 district.

h. Any home occupation use such as dressmaking, millinery, home cooking and preservation and similar domestic crafts, excluding barbershops, beauty parlors, hair dressers, dance studios, schools and repair services of any kind, customarily conducted within the principal building by a resident of the premises, provided that there is no exterior storage of material or equipment, that no display of products shall be visible from the street, that not more than 25 percent of the total floor area, not to exceed 250 square feet is regularly devoted to such use and that no other person is regularly employed therein in connection with such use in an R-1, R-2 or R-3 district, and not more than one other person is regularly employed therein in connection with such use in an R-4, R-5 or R-6 district.

The practice of massage therapy conducted by a state licensed massage therapist* conducted within the principal building by a resident of the premises, provided that:

1. There is no exterior storage of material or equipment;
2. No display of products shall be visible from the street;
3. Not more than 25 percent of the total floor area, not to exceed 250 square feet is regularly devoted to such use and that no other person is regularly employed therein in the R-1, R-2, R-3, R-4, R-5 and R-6 districts;
4. The resident shall have obtained a special use permit under § 19-414 et seq., Special Use Permit;
5. The applicant shall obtain any licenses required by the city; and
6. Proof of a current license issued by the department of health shall be posted on the premises in a location visible to customers.

i. A seasonal stall or stand for the sale of farm or garden products, the majority of which are grown or produced on the premises of a permitted farming use by the resident, owner or lessee thereof.

j. Dormitory or living quarters for churches or other places of worship, educational or religious institutions, healthcare facilities, and other similar permitted uses.

k. The renting of a room to not more than two persons.

l. Other similar accessory uses customarily incidental to a permitted use, except that the storage of pallets in commercial form shall not be permitted in residential areas.

m. Portable storage containers* may be placed in a residential district for up to 30 calendar days. The building official may permit the placement of a portable storage container for more than 30 days provided that the property owner has a valid building permit for construction, reconstruction, alteration or remodeling of the structure or due to extenuating circumstances such as hurricane, fire or flood. A portable storage container* may not be used as an accessory structure to a principal use and further shall not be permitted for use as a detached permanent storage building, utility building workshop, hobby shop and other similar purposes.

(2) Open space district:

- a. Single-family dwelling for a caretaker or other personnel required to reside on the premises for the protection or maintenance of a permitted use.
- b. Seasonal stall or stand for the sale of farm or garden products, the majority of which are grown or produced on the premises by the resident owner or lessee thereof.
- c. Dormitory or living quarters for educational or religious institutions, hospitals, sanitariums, and other similar permitted uses.
- d. Other accessory uses customarily incidental to a permitted use.

(3) Commercial district:

- a. Single-family dwelling for a caretaker or other personnel required to reside on the premises for the protection or maintenance of a permitted use.
- b. Dormitory or living quarters for educational or religious institutions, hospitals, sanitariums, and other similar permitted uses.
- c. Other accessory uses customarily incidental to a permitted use.
- d. Off-street parking and loading, as regulated by Division 4 of Article III.
- e. Amusement game machines, in conjunction with a permitted business use, according to § 32, provided such use is beyond 500 feet from the property boundary of any school, church, other place of worship or religious institution, or public recreation area. No amusement game machine, as defined by this chapter, shall be allowed to operate without the issuance of a proper license by the city council.
- f. Employees services located on the same premises as the principal use and which are clearly incidental to and limited to the employees of the principal use.

(4) Industrial district:

- a. Single-family dwelling for a caretaker or other personnel required to reside on the premises for the protection or maintenance of a permitted use.
- b. Seasonal stall or stand for the sale of farm or garden products, the majority of which are grown or produced on the premises by the resident owner or lessee thereof.
- c. Other accessory uses customarily incidental to a permitted use.
- d. Off-street parking and loading, as regulated by Division 4 of Article III.
- e. Employees services located on the same premises as the principal use and which are clearly incidental to and limited to the employees of the principal use.

~~(5) Business/technology floating zone district:~~

- ~~a. Accessory uses customarily incidental to a permitted use.~~
- ~~b. Off-street parking and loading, as regulated by Division 4 of Article III.~~
- ~~c. Employee services located on the same premises as the principal use and which are clearly incidental to and limited to the employees of the principal use, and further which meet the requirements of § 19-161 relating to the definition of a business/technology development. Such services shall be limited to the ground floor only, shall not exceed a maximum of 1,000~~

square feet per structure housing a principal use and further in aggregate shall not exceed a total of five percent of the gross floor area of the total development. Employee services may include the following: dry cleaning services (drop-off and pick-up only with no processing on-site); convenience kiosk (for items such as newspapers, prepackaged food and beverages and coffee); automatic teller machine; coffee/donut satellite business or kiosk (with no baking on-site).

d. ~~Licensed child day care centers for children of employees of the businesses in the business/technology district.~~

Sec. 19-132. Accessory buildings and structures.

(a) All ~~single-, two-, and three-family residentially used or zoned~~ lots shall contain no more than three accessory sheds and ~~two one~~-accessory garages.

(b) ~~_____~~ No accessory building or structure shall be located nearer than five feet from a principal building unless such accessory building or structure is attached to the principal building.

(~~b~~c) An accessory building, structure or use conforming to § 131 may be located within the required side yard setback and rear yard setback, provided it shall not be nearer than five feet from any lot line. A garden or tool shed used only for the storage of garden implements and light home maintenance tools and swimming pools including pertinent structures such as dressing and shower rooms and equipment houses as regulated by this chapter and other city ordinances are permitted when such uses are accessory to a nonconforming residential use. In-ground and above-ground swimming pools, however, shall not be located nearer than six feet from a lot line per § 421.4 (locations) of the Building Officials and Code Administrators (BOCA) Code, as amended.

(~~d~~e) An accessory building, structure or use conforming to § 131 shall be limited to no more than 20 feet in height, except as provided as follows:

An accessory structure which is attached to a principal structure may be treated as a principal structure in terms of height requirements provided the setback requirements applicable to a principal structure are met.

Sec. 19-133. Emergency shelters.

(a) Emergency shelters shall be permitted as an accessory use in any district, subject to the setback, yard and lot building coverage requirements of the district. In addition, an emergency shelter may be used for any principal or accessory use permitted in the district except for habitation by persons other than occupants of the principal dwelling. Structures or portions of buildings to be used as emergency shelters shall meet the requirements of the building code and standards issued by the department of civil defense, office of civil defense mobilization, and shall be approved by the city director of civil defense.

(b) Other provisions of this chapter notwithstanding, underground shelters or those not exceeding three feet above grade, or subterranean portions thereof, may exceed the side and rear minimum setback dimensions and lot building coverage requirements of the district and may be placed without restriction on location in relation to the principal building or structure or other accessory structures.

(c) When it is established that an emergency shelter would not be permitted under the foregoing provisions owing to topographic condition, the location and coverage upon the lot of existing structures or other characteristics peculiar to the site, the zoning board of review, in consultation with the director of civil defense, may grant the following exceptions:

- (1) An aboveground structure may be located anywhere in a side or rear yard, provided that an underground type shelter is not feasible. Whenever it is considered desirable, the zoning board of review may require that such shelters be attached and constructed to a height conforming to the principal structure.
- (2) An underground shelter or one not exceeding three feet above grade may be located in the front yard.

(d) In granting these exceptions, the zoning board of review may impose whatever conditions it may find desirable to control the appearance in relation to the street and the effect on surrounding property.

(e) Subject to approval of the city director of civil defense, the zoning board of review may permit the construction of a common shelter by two or more property owners across two or more property lines. All side and rear yard requirements may be waived except where an abutting property is not included in the joint proposal. The board shall require the execution of an agreement between all property owners involved concerning rights and obligations of taxation, access and maintenance.

(f) Subject to approval of the city director of civil defense, the zoning board of review may permit a privately owned group or neighborhood shelter as a principal use in any district.

Sec. 19-134. Transit shelters.

(a) *Permits required.* Transit shelters may be located within city or state highway rights-of-way or on adjacent properties by obtaining a city zoning and building permit, subject to the following requirements:

- (1) A transit shelter shall meet requirements of chapter 4 as it may be applicable to meeting all structural and electrical requirements in order to obtain a building permit or an electrical permit.
- (2) Permit fees will be waived for transit shelters to be erected under the authority of a public transportation agency.

(b) *Location.* The location of transit shelters shall be as follows:

- (1) Transit shelters may be located within the sidewalk area of a public right-of-way, or on adjacent private property. When the transit shelter is located on private property, the private property owner shall be a signatory to the application for a building permit.
- (2) A transit shelter, as a public convenience, shall be exempt from the lot area and yard requirements of §§ 41 through 45 but shall conform to the requirements of § 46.
- (3) In order for a zoning permit to be issued under § 441, the zoning officer shall determine that the following requirements are met:

- a. The transit shelter does not block or hinder access to adjacent property;

- b. The transit shelter does not substantially obstruct the visibility of commercial establishments abutting or adjacent to a street;
- c. Transit shelter placement must allow a safe, minimum, unobstructed width of three feet for pedestrian movement on the sidewalk, and when space permits, a four-foot width shall be required;
- d. An applicant for a permit shall provide a written guarantee that there will be no conflict or interference with the location or maintenance of public or private utilities or utility service to abutting property.

(c) *Liability.* The city shall be indemnified against any and all liability in connection with bus shelter placement, location, maintenance, use or removal.

(d) *Maintenance.* Maintenance of the transit shelter shall not be the responsibility of the city but shall be the sole responsibility of the applicant for a permit. Maintenance shall be on a routine basis with provisions for snow removal and emergency maintenance. A maintenance plan and schedule shall be submitted with the request to locate a shelter.

(e) *Cause for removal.* The city reserves the right to order removal or relocation of transit shelters at the expense of the owner/applicant with no liability to the city, upon due notice for

bona fide cause. Causes shall include but not be limited to inadequate maintenance or failure to follow the approved maintenance plan and schedule, nuisance, interference with the construction, repair or maintenance of any public or private utility service or other cause determined to impair or threaten the use, safety, welfare or the rightful use of the right-of-way.

(f) *Advertising.* Transit shelter advertising shall be as follows:

- (1) Transit shelter advertising shall be limited to one double faced advertising panel. The live area of each face shall not exceed 22 square feet in area, or a width of not greater than 48 inches;
- (2) If the advertising panel is illuminated, it shall be by internal illumination and shall meet the requirements of Article X.
- (3) Advertising shall conform to the requirements of Chapter 8, Article XI.

Sec. 19-135. Accessory dwelling units (ADUs).

(a) *Description.* This section regulates the establishment of accessory family dwelling units in [an] owner-occupied, single-family house that shall be permitted as a reasonable accommodation only for a family member(s) with disabilities as allowed by G.L. 1956 § 45-24-37 and this chapter. The purpose of this section is to permit families to care for their family member(s) with a disability or disabilities at home if possible.

(b) *General requirements and standards.*

(1) Only one accessory family dwelling unit shall be created on a lot.

(2) An ADU is a permitted accessory use on the same lot where the principal use is a legally established residential use.

(3) The ADU shall be no larger than two bedrooms:

(i) A two bedroom ADU shall be no larger than twelve hundred square feet (1,200 square feet.sq. ft.), or sixty percent (60%) of the floor area of the principal dwelling, whichever is less.

- (ii) A studio or one bedroom ADU of at least nine hundred square feet (900 sq. ft), or sixty percent (60%) of the floor area of the principal dwelling, whichever is less.
- (4) The design and size of the accessory family dwelling unit shall conform to all applicable standards, including health regulations, building code requirements, and all other federal, state and local laws, rules and regulations, including the provisions of this chapter.
- (5) The utilities for both the principal unit and the accessory family dwelling unit shall be common to both (i.e., one electric service, one gas service, one oil tank, one water connection, and one sewer hook-up for the structure).
- (6) One additional off-street parking space shall be provided for an accessory dwelling unit more than one bedroom in size or on a property that does not meet at least fifty percent of the minimum required parking for the existing use in addition to those required for residents of the principal dwelling unit and as otherwise required by Article III Division 4, and it shall be provided on the premises.

Sec. 19-136 – Outdoor dining.

(a) The purpose of this section is to provide food service establishments, as defined in G.L. 1956 § 45-24.7-2, the ability to establish outdoor dining areas while protecting public safety and minimizing negative impacts to neighboring properties.

(a) All outdoor dining of food service establishments shall comply with the following standards:

- (i) Submission of a Development Plan Review application pursuant to Article IV Division 7 of this ordinance and the East Providence Land Development and Subdivision Review Regulations. Outdoor dining areas shall be reviewed through this process by the Building Official, Fire Department and City Engineer to ensure compliance with the State Building Code and Fire Code, ADA accessibility, internal traffic circulation and vehicle crash protection.
- (ii) When outdoor dining areas are adjacent to roadways or parking areas, vehicle crash protection shall be provided to include permanent or semi-permanent barriers, bollards, or similar materials, that are capable of protecting patrons from hazards.
- (iii) Parking areas with outdoor dining must continue to comply with the parking space/parking lot design, maintenance and loading requirements in Article III Division 4 of this ordinance.
- (iv) Outdoor dining houses shall be limited to between 7:00 AM and 10:00 PM.
- (v) All outdoor lighting in the outdoor dining area shall be shielded and focused directly onto the seating area and away from abutting properties.
- (vi) All food service establishments shall comply with the parking requirements as set forth in § 19-58.
- (vii) Food service establishments that have been permitted through a Special Permit process shall not require a Special Permit for the addition of outdoor seating.

Sec. 19-137. Trash storage areas.

(a) In conformance with the requirements of § 441, trash storage areas, including provision for dumpsters where applicable, shall be required for the following uses or categories of uses as set forth in § 32:

- (1) Multifamily dwelling.

- (2) Tourist home or lodginghouse.
- (3) Motel, motor inn or hotel.
- (4) Nonprofit club; civic, social or fraternal.
- (5) Hospital, sanitarium, clinic, nursing home.
- (6) Retail business.
- (7) Wholesale business.
- (8) Service business.
- (9) Office uses.
- (10) Commercial recreation.
- (11) Transportation.
- (12) Industrial.
- (13) Manufactured home courts.
- (14) Gasoline filling stations.

This requirement may be waived by the city zoning officer where the applicant for a permit demonstrates that no outdoor trash disposal area will exist on the premises.

- (b) Trash storage area, including dumpsters, shall meet the following requirements:
 - (1) Shall not be located within the required front yard;
 - (2) May be located in the required side or rear yards but not less than five feet from the property line and enclosed by a stockade fence or similar screening structure at least six feet in height. The trash storage area shall be obscured from the view of the adjacent property and from the street;
 - (3) Shall be maintained by the property owner in compliance with §§ 4-161 and 4-330;
 - (4) Shall not interfere with off-street parking and loading areas or requirements including safe vehicular and pedestrian movement;
 - (5) Shall not cause a public nuisance.
 - (6) Trash storage areas shall not be located between the public-right-of-way, or public rights-of-way in the case of a corner lot or parcels with more than one public street frontage, and the principal use which it serves.

Sec. 19-138 through 19-155. [Reserved.]

Division 5. Beekeeping.

Sec. 19-156. Beekeeping.

- (a) *Description and purpose.* The purpose of this division is to establish sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas. Where honey bees are of benefit to mankind, by providing agriculture, fruit and garden pollination services, and by furnishing honey, wax and other useful products, and gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed and maintained, the city allows such use as an

accessory use in all zoning districts only when in accordance with this division and only when in compliance with all applicable rules and regulations of the city and state. Notwithstanding compliance with the various requirements of this division, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such a disposition as to cause a public nuisance, and/or so as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

(b) *[State regulation and registration.]* § 4-12-1 et seq. of the Rhode Island General Laws regulates apiculture and G.L. 1956, § 4-12-12 requires that all apiaries in the state are registered with the director of the Department of Environmental Management.

(c) *[Definitions.]* As used in this division, the following words and terms shall have the meanings ascribed in G.L. 1956, § 4-12-2, Definitions, unless the context clearly requires otherwise:

- (1) *Abandoned colony or apiary* means any colony or apiary which is not currently registered and has not been registered within the preceding two years and/or which the state inspector is unable to locate the owner and is unable to inspect due to conditions within the colony which render the colony or apiary uninspectable. Apiary means the assembly of one or more colonies of bees at a single location.
- (2) *Apiary* means any place or location where one or more colonies or nuclei of honeybees are kept.
- (3) *Authorized official* means the state official authorized to inspect apiaries in the state of origin of the bees being transported into or through the state.
- (4) *Beekeeper* means any individual, person, firm, association or corporation owning, possessing, or controlling one or more colonies of bees for the production of honey, beeswax, or byproducts, or for the pollination of crops for either personal or commercial use.
- (5) *Beekeeping equipment* means all hives, hive bodies, supers, frames, combs, bottom boards, covers, excluders, screens, escape boards, feeders, hive tools, slatted racks, or other devices or boxes or other containers which may have been used in the capturing or holding of swarms, and including honey which may be or have been used in or on any hive, colony, nuclei or used in the rearing or manipulation of bees or their brood.
- (6) *Bees* means any stage of the common honey bee (*Apis mellifera*) at any stage of its life kept for the production of honey, wax, or pollination, excluding the African honeybee (*Apis mellifera scutellata*) and any hybrids.
- (7) *Colony* means the bees inhabiting a single hive, nuclei or dwelling place.
- (8) *Director* means the director of the Rhode Island Department of Environmental Management.
- (9) *Disease* means American foulbrood and other infections, contagious or communicable disease affecting bees or their brood.
- (10) *Eradicate* means the destruction and or disinfection of infected and/or infested bees, equipment and/or pests by burning or by treatment approved by the state inspector.
- (11) *Feral colony* means an unowned or unmanaged colony of bees existing naturally.

(12) *Hive* means any manmade domicile with removable frames for keeping bees.

(13) *Inspector* means a person appointed by the director of the Department of Environmental Management to check for diseased conditions or pest infestations in one or more apiaries as authorized by law.

(14) *Pests* means the honey bee tracheal mite, *Acrapis woodi*, and the Varroa mite, *Varroa jacobsoni*, and other arthropod pests detrimental to honey bees; and genetic strains of the Africanized bee subspecies, *Apis mellifera adansonii* and/or *Apis mellifera scutellata*.

(15) *Swarms* means a natural division of a colony in the process of becoming a feral colony.

(d) *Standards and requirements.*

(1) *Registration.* As required by Rhode Island State Law, all honey bee colonies shall be registered annually with the Rhode Island Department of Environmental Management, Division of Agriculture, in compliance with their rules and regulations, and a copy of said registration shall be submitted annually to the city's zoning officer and animal control officer.

(2) *Beekeeping equipment.* Bees shall be kept in hives with removable frames which shall be kept in sound and usable condition.

(3) *Colony densities.* It is unlawful to keep more than the following number of colonies on any lot of land within the city, based upon the size and/or configuration of the lot on which the apiary is located. All setbacks and other regulations shall be met.

- a. A lot of a minimum of 7,000 square feet: One hive.
- b. A lot of minimum 7,000 square feet but 10,000 square feet or less: Two hives.
- c. A lot of at least one-half acre (21,768 square feet) but less than one acre (43,560 square feet): Four hives.
- d. One acre or larger lot size: Eight hives
- e. Regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines on which the apiary is situated, there shall be no limit to the number of colonies.

(4) *Hive placement.* Hives shall be located in a side or rear yard only and shall be set back a minimum of ten feet from any adjoining property line. Hives shall be kept as far away as possible from roads, sidewalks, and rights-of-way. Hives shall be placed on a lot so that general flight patterns avoid contact with humans and domestic animals.

(5) *[Commercial or industrial building hives.]* Commercial or industrial building rooftop hives or garage roof-mounted hives shall meet all applicable building codes and standards and shall apply for and receive a building permit prior to commencement of work.

(6) *Water source.* Each beekeeper shall ensure that a convenient source of water is available to all bees at all times during the year on the lot on which the hive(s) is located so that the bees will not congregate at swimming pools, faucets, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.

(7) *Queens*. All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly requeen the colony with another marked queen. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

(8) *Flyway Zone*. In each instance in which any colony is situated within ten feet of a developed public or private property line on the lot upon which the apiary is situated, as measured from the nearest point of the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall or fence parallel to the property line and extending five feet beyond the hive in each direction so that all bees upon leaving the hive are forced to fly at an elevation of at least six feet above ground level over the flyway structure.

(9) *General maintenance*. Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

(10) *Prohibited*. The keeping by any person of honeybee colonies in the city not in strict compliance with this chapter is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony not residing in a standard or homemade hive structure which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the city by the city manager or designee. Unless such bees present an imminent threat to public safety, the Department of Environmental Management, Division of Agriculture, and the city's animal control officer shall first be contacted to assess the possibility of collecting and relocating the bees by a person or company possessing the means to safely remove said bees.

Sec. 19-157. Certificate of zoning compliance required.

No one shall engage in apiculture without first obtaining a zoning certificate as provided for in this division. A certificate of zoning shall not be issued until the applicant submits proof of registration of the apiary with the Rhode Island Department of Environmental Management, Division of Agriculture.

(1) *Information required*. Applicants seeking to engage in apiculture must provide the following on the site plan and/or in accompanying documentation in conjunction with an application for a zoning certificate:

- a. A copy of a current, valid apiary registration application to the Rhode Island Department of Environmental Management, Division of Agriculture, and proof that they have also notified and/or provided the city's animal control officer with a copy of said registration application.
- b. Property owner name and address, assessors map block and parcel and existing structures on the lot.
- c. Location of hive(s) showing setbacks; location of roads, sidewalks and rights-of-way in relation to the location of the hive(s).
- d. Location of and manner of fencing of flyways, if required under subsection 156(d)(8).

- e. Location of required water source.
- f. Any other relevant information related to the operation of the apiary, if requested by the zoning officer.
- g. If the hive(s) shall be located on a rooftop, the applicant shall also apply for a building permit and provide all information required for such by the building official.

(2) *Operation.* It shall be presumed for purposes of this division that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the lot upon which a hive or hives are situated. The certificate of zoning authorizing such use shall be recorded in the city's land evidence records at the expense of the applicant. This shall not be changed but by a written agreement authorizing another person to maintain the colony or colonies upon the lot setting forth the name, address, and telephone number of the other person who is acting as the beekeeper, which is reviewed for a certificate of zoning and which shall then be recorded in the city's land evidence records at the expense of the applicant.

Division 6. Land Development Projects

Sec. 19-158. Purpose and objectives.

(a) *Purpose.* The purpose of this division is to permit the review and establishment of land development projects. Land development projects are developments which have been determined to be appropriately implemented through review of the planning board in accordance with G.L. 1956 § 45-23-1 et seq. due to the impacts associated with the nature of the use; scale of the project; or other unusual conditions which require additional regulations to meet the objectives of this division, the land development and subdivision review regulations adopted by the city planning board and the city comprehensive plan. The types and intensities of uses requiring this procedure are set forth in the Land Development and Subdivision Regulations. The review process for land development projects is promulgated to further the following purposes:

- (1) Provide for the orderly, thorough and expeditious review and approval of projects;
- (2) Promote high quality and appropriate design and construction;
- (3) Promote the protection of existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promote design of land developments which are well integrated with the surrounding neighborhoods with regard to natural and built features and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encourage local design and improvement standards to reflect the intent of the city comprehensive plan with regard to the physical character of various neighborhoods and districts of the municipality;
- (6) Promote thorough technical review of all proposed land developments by appropriate local officials;

(7) Encourage local requirements for dedications of public land, impact mitigation and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and

(8) Encourage the establishment and consistent application of procedures for local recordkeeping on all matters of land development review, approval and construction.

(b) *Subdivision.* Where the land development project also constitutes a subdivision, as defined in the land development and subdivision regulations adopted by the city planning board, the two processes shall proceed concurrently in a unified manner. The procedures for review shall be in accordance with this chapter and the land development and subdivision review regulations, including requirements for applications and fees. All information must be submitted, but where there is a duplication of requested information, the application need only provide the information once and make reference to the plans/documents on the other application. At each stage, the subdivision review and action shall take place prior to the site plan review decision on the land development project.

(c) *Objectives.* Any decision to approve a land development project or any component thereof shall be consistent with the following objectives where applicable:

- (1) To promote more economical and efficient use of the land while providing harmonious housing choices and opportunities;
- (2) To promote greater flexibility in design and diversification in the location of structures;
- (3) To promote greater flexibility and consequently more creative and imaginative design for the development of residential and mixed use areas than generally is possible under conventional zoning regulations;
- (4) To provide suitable safeguard and consideration for land use and site and architectural design that is compatible with adjacent districts and uses;
- (5) To permit development to an extent commensurate with the availability and capacity of public facilities and services and promote the safe circulation of traffic throughout the city;
- (6) To preserve and protect natural resources and features and encourage consideration of environmental impacts and mitigative measures;
- (7) To encourage the provision of open space and public access and give due consideration to the quality and design of landscaping;
- (8) To encourage adequate consideration for the proper control of erosion, surface and subsurface drainage and pollution;
- (9) To facilitate orderly and harmonious site development including safe and convenient provision and design of egress and ingress, off-street parking, truck loading, internal circulation, emergency access, refuse disposal, outdoor storage, signage and lighting;
- (10) To give developers reasonable assurance of ultimate approval before incurring the cost of final design and engineering while providing assurances to the city and the general public that the approved project will meet with approved objectives and standards;
- (11) To preserve natural, historical and cultural resources to the maximum extent feasible;

(12) To protect appropriate vistas and environmental qualities of the city; and

(13) To assure consideration of the various elements of the comprehensive plan of the city.

(d) Design Standards. Any land development project application shall conform to the following standards set forth as well as the city's land development and subdivision review regulations unless a waiver or modification is granted by the permitting authority.

(e) Zoning incentives. The permitting authority may grant zoning incentives following the required affirmative findings of G.L. 1956 § 45-23-60 consistent with the requirements of G.L. 1956 subsections 45-24-47 (b) and (d).

Sec. 19-159. Applications and review procedures.

Land development projects shall be reviewed in accordance with the land development and subdivision regulations adopted by the city planning board. These regulations shall provide for application requirements, review procedures, findings, amendments and appeals.

Sec. 19-160 - Unified development review and zoning modifications

As per Article XI Division 6, the planning board, as part of its review of land development projects, shall also consider and decide on any related requests for zoning variances or special use permits under the unified development review process.

Land development project applications which require dimensional relief from the zoning regulations which qualifies only as a modification under subsection 420(c) may proceed by filing a land development project application and a request for a modification to the zoning officer. If such a modification is granted, the application shall then proceed to be reviewed by the permitting authority. If the modification is denied or an objection is received as set forth in subsection 420(c) such application shall proceed under unified development review.

Sec. 19-161. Definitions and regulations.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable housing. The purpose of this section is to increase the supply of affordably priced housing by providing incentives for developers to provide affordable units within market-rate residential or mixed-use developments. An increase in maximum development density of up to ten percent may be permitted commensurate to the number of affordable housing units provided such units meet the definition of "affordable housing" over time as referenced in the city housing action plan.

~~*Business/technology development* means a business/technology development as defined in § 19-11 in which the following uses are permitted:~~

~~(1) Uses permitted by right or special use permit within the business/technology floating zone district under § 19-32; accessory or special uses as may be permitted in the BT floating zone district under §§ 19-32 and 19-131.~~

~~(2) Other uses when provided as an integral part of the overall development which are consistent with the stated purposes and objectives of this article and which are intended to serve the employees of the business/technology development and which are suitable to the proposed~~

development, consistent with the city comprehensive plan, and compatible with the surrounding areas as determined by the planning board. No use shall be allowed except in conformity with the business/technology development plan approved in accordance with the provisions of this chapter. Other uses may include, but are not limited to, the following:

- a. ~~Employee services located on the same premises as the principal use and which are clearly incidental to and limited to the employees of the principal use. Such services for employees shall be limited to the ground floor only, shall not exceed a maximum of 1,000 square feet per structure housing a principal use and further in aggregate shall not exceed a total of five percent of the gross floor area of the total development. Employee services may include the following: Dry cleaning services (drop off and pick up only with no processing on-site); convenience kiosk (for items such as newspapers, prepackaged food and beverages and coffee); automatic teller machine; coffee/donut satellite business or kiosk (with no baking on-site).~~
 - b. ~~Those uses incidental to the sanitation needs and mechanical operation of the business/technology development, including the following uses which shall be covered, housed or enclosed:~~
 1. ~~Electric substation and facilities not locatable within principal structures; and~~
 2. ~~Sewerage treatment, disposal or pumping facilities.~~
 - c. ~~Licensed child day care centers provided for the children of employees of businesses in the business/technology district.~~
- (3) ~~Notwithstanding any other provisions of this chapter, the following lot regulations shall apply to all business/technology developments: Building heights, setback, yard and lot requirements shall be calculated in the manner set forth in Article III Division 3; however, in no case will a business/technology use be permitted on a site less than three acres in area. Off street parking requirements shall be calculated in the manner prescribed by Article III Division 4, and further prescribed by § 19-164. All of the zoning requirements shall be calculated in the manner prescribed and regulated by the underlying zoning district.~~
- (4) ~~In approving a business/technology development, the planning board, subject to the requirements of this chapter, may allow reasonable variation or modification of certain zoning and land development and subdivision requirements, subject to the following:~~
- a. ~~An application for a business/technology development shall identify any modification of any standard of the city's zoning and land development and subdivision regulations which would result from approval of such plans as presented, and shall include a written statement explaining the reasons or justification for any such modification as related to the objectives of this chapter.~~
 - b. ~~Except where modification of standards may be approved by the planning board, as set forth in the board's adopted land development and subdivision review regulations, a business/technology development shall meet all requirements set forth in the land development and subdivision review regulations.~~

~~c. Each modification under this division shall be conditioned upon exceeding the stated objectives of this chapter beyond that required by existing laws or regulations. The purpose of granting modifications to zoning or land development and subdivision requirements is to obtain certain benefits for the prospective employees of the development, the abutting property owners or for the public as a whole.~~

Cluster development means a residential development in which the following are permitted:

- (1) Any use permitted by right in any residential district as well as any accessory and special uses as may be permitted under §§ 32 and 441.
- (2) Other related uses when provided as an integral part of the overall development which are consistent with the stated purposes and objectives of this division, and which are intended primarily to serve the residents of the cluster development, and which are suitable to the proposed cluster development, consistent with the city's comprehensive plan, and compatible with the surrounding area as determined by the planning board. No use shall be allowed except in conformity with a cluster development plan approved in accordance with the procedural and regulatory provisions of this division. Other uses may include, but are not limited to, the following:
 - a. Recreation facilities, clubhouses, and meeting halls;
 - b. Maintenance, storage and utility buildings;
 - c. Parking areas;
 - d. Those uses incidental to the sanitation needs and the mechanical operation of the cluster development including the following uses which shall be covered, housed, or enclosed:
 1. Electric substation and facilities not locatable within residential structures; and
 2. Sewerage treatment, disposal, or pumping facilities.
- (3) The intent of this article with respect to cluster development is to permit density transfers within a cluster development. Such a density transfer will permit relaxation of the minimum lot requirements of § 50 as compensation for reserving an equivalent amount of land as usable open space within the cluster development. ~~In making its determination with respect to any application for a cluster development, the planning board shall follow the following standards:~~
 - ~~a. In no case shall the maximum number of dwelling units permitted in the cluster development exceed the number which would have been permitted on the usable open space as defined above in the underlying zoning district in which the overall tract lies.~~
 - ~~b. Notwithstanding any other provisions of this chapter, the following lot regulations shall apply to all cluster developments:~~
 - ~~1. Density for multifamily housing shall be calculated in the manner prescribed by sections 19-216 through 19-218. Density for one-family, two-family or three-family dwellings, as may be permitted in the underlying zoning districts, shall be calculated on the basis of minimum land or area required per dwelling unit in accordance with the respective underlying zoning district as set forth in section 19-145.~~

~~2. Building heights, setback, yard and lot requirements shall be calculated in the manner set forth in sections 19-131 through 19-145 and off-street parking requirements shall be calculated in the manner prescribed by sections 19-276 through 19-284, for the underlying district. All of the zoning requirements shall be calculated in the manner prescribed and regulated by the underlying zoning district.~~

- c. In approving a cluster development, the permitting authority subject to the requirements of this chapter, may allow reasonable variation and/or modification of certain zoning or land development and subdivision requirements, respectively, subject to the following:
1. An application for a cluster development shall identify any variation or modification of any standard of the city's zoning and land development and subdivision regulations which would result from approval of such plans as presented, and shall include a written statement explaining the reasons or justification for any such variation as related to the objectives of this chapter.
 2. Except where modification of standards may be approved by the planning board, as set forth in the board's adopted land development and subdivision review regulations, a cluster development shall meet all requirements set forth in the land development and subdivision review regulations.
 3. Each modification or variation under this division shall be conditioned upon exceeding the stated objectives of this chapter beyond that required by existing law or regulation. The purpose of granting variations to zoning or modifications to land development and subdivision requirements to obtain certain benefits for the prospective residents of the development, the abutting property owners and/or for the public as a whole. It is the intent of this division that usable open space be primarily for the benefit of the residents of the cluster development, and be maintained in private ownership with public assurance provided as necessary. Usable open space may be considered for public donation and maintenance only if it meets a demonstrated public need as identified in the city comprehensive plan. The city council reserves the right to reject any reasonable variation or modification of and all donations of open space as certain zoning or land development set forth in this section. Open space may also be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space.
 4. Variations or modifications to lot sizes, building dimensions, and building setback requirements may be permitted to accommodate the desired open space-allowable dwelling unit density of the site as a whole as calculated according to subsection (2) of this definition. Any variation or modification allowed under this division shall be conditioned by transfer of an equal amount of land area as would otherwise be required to common usable open space as defined by this section. The residual areas resulting from the reduction shall be contiguous with one another in order to provide adequate and appropriately sized parcels which shall be devoted to common usable open space as required by this chapter. However, the distance between buildings and properties adjacent

to the cluster development, between parking areas and streets, and between parking areas and adjacent properties shall not be less than required in the underlying zoning district, ~~including subsection 19-217(a).~~

5. Strips of common land within a cluster development which may be necessary for access paths between residences, streets and open space areas, utility areas, drainage areas and/or buffers; or other required service functions shall not be considered or calculated as common usable open space under this section. Access areas to the common open space shall be clearly identified with appropriate materials to distinguish commonly owned open space area from private property. Common usable open space may be in one or more parcels. The size, location, shape and character of the parcel must be suitable for the designated uses.

6. Land which has been environmentally damaged prior to final approval of the development by the permitting authority and acceptance by the city council, as a result of soil and earth removal operations, harvesting of trees or other natural features, refuse disposal, or other alteration of the natural environment, shall not be accepted as common open space unless and until the land is restored to a condition which the permitting authority and the city council determines to be reasonable and appropriate to reflect the purpose of this chapter.

(4) Negotiated payment or donation of other acceptable land or facilities may be allowed in lieu of the provisions on-site of amenities required for adjustments to lot density and dimensional standards.

~~Mixed-use residential/commercial development. means a mixture of residential and/or commercial uses which are permitted subject to the following:~~

~~(1) Any use permitted by right in either an R-5 district or a C-1 district as well as any other accessory or special uses as may be permitted under §§ 19-32 and 19-131.~~

~~(2) Other uses when provided as an integral part of the overall development which are consistent with the stated purposes and objectives of this division and which are intended primarily to serve the residents of the mixed use residential/commercial development and which are suitable to the proposed development, consistent with the city comprehensive plan, and compatible with the surrounding area as determined by the planning board. No use shall be allowed except in conformity with the mixed use development plan approved in accordance with the procedural and regulatory provisions of this division. Other uses may include, but are not limited to, the following:~~

- ~~a. Recreation facilities, clubhouses, and meeting halls;~~
- ~~b. Maintenance, storage and utility buildings;~~
- ~~c. Parking garage, lots and areas;~~
- ~~d. Marinas, boat storage and repair facilities;~~
- ~~e. Retail convenience stores;~~
- ~~f. Convenience personal services such as hairdressers, laundromats or day care centers;~~
- ~~g. Restaurants, as defined in § 19-11, without live entertainment;~~

~~h. Professional offices or studios;~~

~~i. Those uses incidental to the sanitation needs and the mechanical operation of the mixed use development including the following uses which shall be covered, housed, or enclosed:~~

~~1. Electric substation and facilities not locatable within residential structures; and~~

~~2. Sewerage treatment, disposal, or pumping facilities.~~

~~(3) Notwithstanding any other provisions of this chapter, the following lot regulations shall apply to all mixed use residential/commercial developments:~~

~~a. Density for multifamily housing shall be calculated in the manner prescribed in sections 19-216 through 19-218. Areas used or intended to be used for commercial or similar nonresidential purposes, including parking areas for such uses, shall not be included in the computation of residential density.~~

~~b. Building heights, setback, yard and lot requirements shall be calculated in the manner set forth in Article III Division 3 and off-street parking requirements shall be calculated in the manner prescribed by sections Article III Division 4 for the underlying zoning district. All of the zoning requirements shall be calculated in the manner prescribed and regulated by the underlying zoning district.~~

~~(4) In approving a mixed use residential/commercial development, the permitting authority, subject to the requirements of this chapter, may allow reasonable variations and/or modifications of certain zoning and land development and subdivision requirements, respectively, subject to the following:~~

~~a. An application for a mixed use development shall identify any variations and/or modifications of use or other standard of the city zoning and land development and subdivision review regulations which would result from approval of such plans as presented and shall include a written statement explaining the reasons of justification for any such modification as related to the objectives of this chapter.~~

~~b. Except where modification of standards may be approved by the permitting authority as set forth in the land development and subdivision review regulations, a mixed use residential/commercial development shall meet all requirements set forth in these regulations where applicable.~~

~~c. Each modification under this section shall be conditioned upon exceeding the stated objectives of this chapter beyond that required by existing law or regulations. The purpose of granting variations or modifications to zoning or land development and subdivision requirements, respectively, is to obtain certain benefits for the prospective residents of the development, the abutting property owners or for the public as a whole.~~

~~1. For the development as a whole, a density bonus of eight percent of the maximum density permitted by the zoning ordinance may be allowed for the dedication of each acre of usable open space as defined by this chapter beyond that required to be protected, or unaltered by existing law or regulation.~~

~~2. It is the intent of this section that usable open space be primarily for the benefit of the residents of the planned mixed use development with public access assurance provided as necessary. Usable open space may be considered for public donation and maintenance only if it meets a demonstrated public need as identified in the city's adopted comprehensive plan. The city council reserves the right to reject any and all donations of open space as set forth in this section.~~

~~3. Modification to the overall building height and location of buildings may be permitted to accommodate the allowable density as provided in this section. However, in no instance may a building in a mixed use development exceed five stories, and five stories shall not exceed 65 feet. The taller buildings in a mixed use development shall be located in such a way as to minimize any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings. However, the distance between buildings and properties adjacent to the mixed use development, between parking areas and streets, and between parking areas and adjacent properties shall not be less than required in the underlying zoning district; including subsection 19-217(a).~~

~~4. Negotiated payment or donation of other acceptable land or facilities may be allowed in lieu of the provision on-site of amenities required for adjustments to lot density and dimensional standards.~~

Usable open space. means, for the purpose of calculating a density bonus, space effectively separate from automobile traffic and parking, and constituting an integral part of the land development project. The term shall not include:

- (1) Areas excluded from the definition of usable lot area in § 11.
- (2) Required yards set forth in § 48, needed to maintain the distance between the land development project and abutting properties; and
- (3) Other areas required to be left unaltered.

Sec. 19-163. Public/private street standards.

(a) *Criteria.* The following criteria are designed to establish policy and standards for public and private streets. The city shall only permit the development of privately developed, controlled and maintained roadways under circumstances where the following requirements are met:

- (1) It shall be demonstrated that there is no need for a continuous or harmonious street system to serve the area in question or to provide for present or future access to adjacent land for purposes of establishing a harmonious circulation pattern to the surrounding area, at present or in the future;
- (2) It shall be demonstrated that public access or travel through the area in question is not necessary, including access or travel by emergency vehicles or personnel. Every development shall have at least two means of public emergency access, one of which may be exclusively reserved for such use, subject to police and fire department approval;
- (3) Private roadways shall be built to city public street standards for pavement, infrastructure, utilities, and improvements as established in the land development and subdivision review

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regulations. Any waiver of city standards must receive prior approval of the planning board and shall be specifically requested and justified on the basis of accepted criteria;

(4) All utilities shall be built to city standards for construction and improvements as established in the land development and subdivision review regulations;

(5) Legal documents shall be submitted for approval by the planning board which shall provide for perpetual maintenance responsibility by the developer and/or successor landowner association, for the establishment of a fund for such perpetual maintenance responsibility, and which will absolve the city from any future claims, obligations, damages, or lawsuits. Such documents shall specifically permit the city to impose a municipal lien on the property if for any reason the city is called upon to correct a problem or conduct any repair to the street or infrastructure in the future;

(6) A means of identifying the roadway to the public as a private roadway and/or providing security restricting access to those having business on the premises shall be set forth and shall be a continuing obligation of the developer and/or successor landowner/association;

(7) Any development subject to planning board approval shall provide that the developer will post a performance and payment bond to cover all roadway improvements and infrastructure normally public but proposed to be private. In lieu of such a bond, a bond will be required between the developer and contractor which shall be subject to the approval and release of the city;

(8) Any private roadway shall meet requirements of the police and fire departments for adequate public emergency access, and shall be maintained and controlled according to such requirements;

(b) *Waiver.* Under certain conditions, waiver to city street standards and construction requirements may be considered by the planning board provided all of the following criteria are met:

(1) Any waiver shall be specifically requested by the developer at the time of application with justification set forth in writing which addresses each of the criteria which follow;

(2) Any waiver shall be conditioned on meeting the specific stated objective of the land development and subdivision review regulations or ordinances of the city as may be applicable, and shall be subject to the approval of the planning board;

(3) The applicant shall state the rationale for and give assurance that the underlying public interest basis of or purpose for any requirement for which a waiver is requested will be fully met in an alternative manner; and that any substitution of material or method will constitute an equal or better alternative;

(4) In requesting waiver of any requirement, the developer and its successors in title shall thereby explicitly agree to indemnify and hold the city harmless from any claim, lawsuit, damages, or other obligations which may result in the future from the granting of any waiver by the city;

(5) Waiver of any requirement or obligation shall be conditioned on the developer and/or successor landowner/association providing assurances of perpetual obligations for maintenance, replacement, and upkeep to municipal standards of safety, health, and general welfare.

~~Sec. 19-164. Reserve parking area for business/technology development.~~

~~(a) For a business/technology development as defined in § 19-11, up to 15 percent of the total parking spaces required under § 19-58 may be held in reserve only upon review and approval under the~~

provisions of this division. Such reserve parking area shall be maintained as a landscaped area until such time as the zoning officer and/or the property owner, in consultation with the director of planning, deems that construction of the reserve parking spaces is required.

(b) — The applicant for such a parking reduction shall provide a parking management plan (PMP), which shall provide justification that the number of parking spaces to be supplied will exceed peak parking demand. The PMP shall be based upon nationally accepted methodology and standards for estimating parking demand and shall provide an estimate of peak parking generation based upon square footage, proposed uses, number of employees and all other applicable factors. The PMP should describe any factors which the applicant is utilizing to justify lowering of parking generation figures, such as: Any alternative modes of transportation, including carpools or vanpool; varied work shifts; use of company operated buses; and availability of public transit.

(c) — The developer/applicant, and the property owner, where different, shall be required to sign a binding covenant, with the city a party thereto, to construct the reserve spaces when they are deemed required. Such covenant shall run with the land and be binding upon future landowners and shall be recorded in the city's land evidence records. Such covenant shall be subject to review and approval as to form by the city solicitor. The covenant will detail the conditions under which the city may require construction of the reserve parking spaces, including, but not limited to, on-going parking in unauthorized areas of the site, such as in aisles, driveways and in landscaped areas of a site, and unauthorized off-site parking.

(d) — A request for approval of a reserve parking area shall be submitted and reviewed in accordance with the provisions of this division. A site plan meeting the requirements of Division 8 of Article IV shall be submitted which shall show the layout of all required parking spaces, aisles, landscaping and other applicable standards, and further shall show the reserve parking spaces in relation to the buildings which these spaces will serve. The reserve parking area, when constructed, shall be required to comply with all applicable provisions of this chapter.

(e) — Drainage and erosion control plans and drainage calculations prepared by a professional engineer shall be submitted for the entire site and shall address how the stormwater runoff from the reserve parking area will be accommodated at such time as the reserve parking spaces are constructed. Since the reserve parking may be constructed when deemed necessary, this landscaped area shall be considered an interim use and shall be counted as impervious area for purposes of calculating the maximum impermeable surface permitted for the site as detailed in § 19-48.

Sec. 19-164~~5~~ through 19-170. [Reserved.]

Division 7. Development Plan Review

Sec. 19-171. Development plan review.

- (a) There shall be development plan review for uses that are permitted by right under the zoning ordinance.
- (b) Permitting authority. The permitting authority shall be the administrative officer.
- (c) Specific and objective guidelines. Design of all projects shall be consistent with the provisions of this division as well as Article 16 of the Land Development and Subdivision Review Regulations.

- (d) Waivers. The permitting authority may grant waivers of design standards as set forth in the Land Development and Subdivision Review Regulations.
- (e) Urban center designated. East Providence is hereby designated an urban center pursuant to G.L. 1956 subsection 45-23-32 (9).
- (f) The permitting authority may grant zoning incentives following the required affirmative findings of § 173 consistent with the requirements of G.L. 1956 subsection 45-24-49 (b).

Sec. 19-172. Applicability.

The entirety of the jurisdiction of the City of East Providence is hereby designated an urban center pursuant to RIGL § 54-23-32 (9). No permit to build, alter or expand any of the uses requiring development plan review as outlined in the land development and subdivision regulations shall be issued by the building inspector, until a written statement of development plan review approval in accordance with this division has been received. The applicant is responsible for obtaining a building permit through the department of public works, building inspection division as is required by city ordinances. The applicant must submit all plans and documents normally required for a building permit. No alteration to any city ordinance requirements, or any necessity to gain approval by another legal jurisdiction shall be deemed to be authority by virtue of the development plan review approval under this division.

Sec. 19-173. Standards for Approval.

- (a) *General standards for approval.* The permitting authority shall review plans and supporting documentation submitted in accordance with the requirements in the land development and subdivision regulations and shall issue development plan review approval (including appropriate revisions and conditions) provided that the applicant has proved to the permitting authority that the following standards will be met:
 - (1) The design of the proposed development will be consistent with the goals of the city comprehensive plan, and will implement the purposes of development plan review;
 - (2) Erosion will be adequately controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities and services;
 - (3) Provisions have been made for stormwater and drainage facilities, and that increased runoff due to development on the site will not be injurious to any nearby property owners or cause hazardous conditions on any streets;
 - (4) The movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient and adequate provision has been made for snow removal;
 - (5) All utilities, infrastructure, streets, roadways, sidewalks, walkways and parking area improvements will be provided for the development in a manner meeting the applicable requirements and standards of the city. Construction standards for utilities and improvements serving the public, as applicable to a subdivision under Chapter 15, shall be applicable to a development under this division;
 - (7) The location, arrangement, appearance, and sufficiency of off-street parking and loading comply in all respects with the zoning ordinance and are adequate to serve the development;
 - (8) The provisions of § 339 on open storage be complied with in all respects;

(9) The proposed development and all uses and structures therein, shall comply in all respects with this chapter. Nothing in this division shall prevent an applicant from seeking a variance or special use permit.

Sec. 19-174. Appeals.

Appeals may be taken in accordance with the Land Development and Subdivision Regulations.

Sec. 19-175. Interpretation, conflict, and severability.

(a) In their interpretation and application, the provisions of this division shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.

(b) Where the permitting authority recognizes the approval and/or procedural requirements for development plan review approval outlined in this division and the land development and subdivision regulations cannot be fully met, the permitting authority has the authority to approve site plans incorporating a balance of the design standards in a manner which maximizes the achievement of the stated objectives of this division. Compensating amenities and features exceeding standards and objectives must be identified within such a site plan. The permitting authority shall address these offsetting features in writing as part of its statement of final decision.

(c) Where the conditions imposed by any provisions of this division are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this division or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(d) The provisions of this division are severable. If a section, sentence, clause, or phrase of this article is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this article.

Sec. 19-176 - Unified development review and zoning modifications

As per Article XI Division 6, the planning board, as part of its review of development plan review, shall also consider and decide on any related requests for zoning variances or special use permits under the unified development review process.

Development plan review applications which require dimensional relief from the zoning regulations which qualifies only as a modification under subsection 420(c) may proceed by filing a development plan review application and a request for a modification to the zoning officer. If such a modification is granted, the application shall then proceed to be reviewed by the permitting authority. If the modification is denied or an objection is received as set forth in subsection 420(c) such application shall proceed under unified development review.

Sec. 19-177 through 19-185. [Reserved.]

Division 8. Mixed Use Hub Overlay Districts

Sec. 19-186. Main Street and Neighborhood Center Overlay Districts.

(a) *Application.* The Main Street and Neighborhood Center Overlay Districts within the city shall include the following designated districts:

- (1) Taunton Avenue Overlay District—All those parcels directly fronting on the northerly and southerly sides of Taunton Avenue from the westerly side of its intersection with Walnut Street and going easterly on the southerly side of Taunton Avenue to its intersection with Carlton Avenue, and on the northerly side of Taunton Avenue to its intersection with Irving Avenue, as shown on the East Providence Zoning Map, and as defined in G.L. ch. 45-24 (Overlay Districts). All properties located within the Taunton Avenue Overlay District may choose either to develop or redevelop subject to the provisions of this section or may choose to develop or redevelop under the current underlying zoning of the property (C-1, C-2, C-3, and (Taunton Avenue) TA).
- (2) Waterman Avenue Overlay District—All those parcels directly fronting on the northerly and southerly sides of Waterman Avenue, commencing on the western terminus from its intersection with Massasoit Avenue and North Brow Street, proceeding easterly, and terminating at its intersection with Pawtucket Avenue, as shown on the East Providence Zoning Map, and as defined in G.L. ch. 45-24 (Overlay Districts). All properties located within the Waterman Avenue Overlay District may choose either to develop or redevelop, subject to the provisions of this section or may choose to develop or redevelop under the current underlying zoning of the property (C-1, C-2 and C-3).
- (3) Warren Avenue Overlay District—All those parcels directly fronting on the northerly and southerly sides of Warren Avenue, commencing on the western terminus of Warren Avenue from its intersection with Waterfront Drive, proceeding easterly, and terminating at its intersection with Boyd Avenue, as shown on the East Providence Zoning Map, and as defined in G.L. 1956 § 45-24-31 (Overlay Districts). All properties located within the Warren Avenue Overlay District may choose either to develop or redevelop, subject to the provisions of this section or may choose to develop or redevelop under the provisions of the current underlying zoning of the property (C-1, C-2, C-3 and Bold Point Harbor (BPH).
- (4) Riverside Square Overlay District—All those parcels directly fronting on the easterly and westerly sides of Bullocks Point Avenue from parcel 13 of map 311, block 1 and commencing southerly to the intersection of Beach Road on the westerly side and Crescent View Avenue on the easterly side, and inclusive of parcel 6 of map 312 block 8, and with the exception of parcel 20 of map 312, block 12 (former Vamco site, as regulated under Division 10 of Zoning entitled Riverside Square Mixed Use/Downtown Overlay) and all parcels fronting on the easterly and westerly sides of Pawtucket Avenue from the intersection of Hoppin Avenue and commencing southerly to the intersection of Turner Avenue and as defined in G.L. 1956 § 45-24-31 (Overlay Districts). All properties located within the Riverside Square Overlay District may choose either to develop or redevelop, subject to the provisions of this section or may choose to develop or redevelop under the provisions of the current underlying zoning of the property (C-1, C-2, C-3).
- (5) However, within the Main Street and Neighborhood Center Overlay Districts as defined within this Code, the provision of off-street parking is not required for non-residential uses located within existing structures. New construction or development involving expansion of a building footprint is required to comply fully with the provisions of this section.

(b) *Intent.*

(1) It is the intent of this section to encourage new opportunities for mixed land use(s), in "Main Street" and/or neighborhood center configurations, that promote a mixture of land use(s), including multi-unit residential and a variety of neighborhood oriented commercial land uses and to realize commercial and/or mixed use development with a storefront character using a typical Main Street build-to-line* configuration with buildings at the sidewalk and front property line, whenever feasible. Main Street uses primarily provide convenience retail sales and services to the surrounding residential neighborhood and gives priority to the access and convenience of pedestrians. Building types are small commercial structures, multi-story mixed use, and residential structures (by special use permit). Non-residential uses typically occupy the street front, although residential uses are conditionally permitted by special use permit. These uses may include, but are not limited to, a combination of commercial use(s), offices, retail, residential, personal convenience service businesses, cultural activity* and public and civic uses. Land uses may be mixed by floor (vertically within a building) or horizontally on a parcel of land. Pedestrian linkages from mixed commercial/residential, retail, personal service and recreational land uses to existing areas of neighborhood residential land use shall be encouraged. The scale of mixed use may range from a single stand-alone retail use with office or residential use on the upper stories to a larger scale development such as a neighborhood center* that integrates commercial, retail, offices, housing and public spaces, or to a stand-alone residential facility.

(2) Neighborhood center* may only be developed on a lot consisting of not less than a minimum of 50,000 square feet. A neighborhood center* means a development consisting of a building or buildings used for mixed land use, that has a community or civic space that is open to the public. A neighborhood center development shall include a location for a public transit stop (when applicable to available transit routes), provide pedestrian linkages to surrounding neighborhoods, while also providing a buffered edge between the center and abutting residentially used or zoned land. A neighborhood center* should be adjacent to a residential district(s) they are intended to serve. A neighborhood center should be oriented to streets with pedestrian amenities. The mixed land use in a neighborhood center* may include multifamily dwelling* provided that the commercial, retail, office, and/or personal convenience use(s) comprises more than 50 percent of the gross leasable area of the total building(s) area either of an existing or proposed building(s) on the parcel. Neighborhood centers* and mixed uses are destinations for people and draw the public to a space. A public feature such as a gazebo, garden, art, etc., that provides consumers with an attractive amenity is encouraged.

(3) Development proposals shall comply with all applicable sections of this chapter and shall be consistent with all city rules, standards, regulations and ordinances (including adopted plans). For all the parcels within this district, development may alternatively occur as is currently allowed within the zoning district in which parcel(s) is located and not under the provisions of this division.

(4) All commercial and mixed-use development and redevelopment under this section, other than minor modifications to existing permissible land uses, shall minimally be reviewed in accordance with Division 7 of Article IV, Development Plan Review. Purely residential land uses that comply with the requisite off-street parking regulations as described within this section, shall be deemed

permissible, and likewise reviewed in accordance with Division 7 of Article IV, Development Plan Review. Purely residential land uses that fail to comply with the requisite off-street parking regulations as described within this section, shall necessitate both development plan review, as well as a special use permit pursuant to § 414, provided the degree of deficiency does not exceed 25 percent of the overall development, otherwise both a special use permit (§ 414) and corresponding dimensional variance pursuant to § 420, shall be required.

When a Special Use Permit is required for less than required off-street parking, the zoning board of review, or planning board, in the case of unified development review, must consider the following criteria:

- a. Consideration of a parking impact analysis, prepared by a professional civil engineer, licensed in the State of Rhode Island, or a professional planner with relevant experience in providing such analyses. The study shall analyze parking supply (on and off-site) and projected demand, projected impacts on surrounding areas, potential parking management strategies for the development, loading considerations, available public transit, and emergency access considerations.
- b. Consideration of the proposal's impact on the revitalization of the City's main street corridors, economic development implications of the development, preservation of historic resources, and possible benefits related to a reduction in the amount of impervious area on-site.

(c) *Uses.*

(1) Mixed use is permitted subject to the following: Any use permitted by right in either a C-1, C-2, C-3 and/or Taunton Avenue TA or Bold Point Harbor (BPH) zoning district, as well as any other accessory or special uses as may be permitted generally by this chapter and under §§ 32 and 131 shall be allowed, except that the following shall be prohibited uses:

Self-storage, mini-storage; automotive repair shop*, auto body, or soldering or welding shop; limited manufacturing*: motel*, thrift shops and similar type of uses, and retail uses with across the board maximum pricing or "everything under" pricing and surplus goods and cash checking operations.

(2) In addition to those uses permitted under § 32 in the underlying zoning districts, other uses are permitted, and may include, but are not limited to, the following:

- a. Mixed use*;
- b. Incubator*;
- c. Photography studio;
- d. Black box theatre*;
- e. Cafe*;
- f. Cultural activity*;
- g. Gallery*;
- h. Co-worker space*;
- i. Museum* (art, history, fashion, etc.), small design showroom*, e.g., lighting, interior design, handcrafted furniture;

- j. Film studio;
- k. Recording studio;
- l. Design studio*;
- m. Yoga or pilates studio (not a commercial full-service gym);
- n. Live/work space*;
- o. Small fabricating shops not to include industrial trade schools, and further provided that the activity does not include a use that is prohibited in the C-4, C-5, I-1, I-2 and/or I-3 zoning districts;
- p. Cigar lounge;
- q. Tattoo parlors;
- r. Previously owned goods and merchandise including antiques, collectibles, coins, consignment and stamps, excluding pawn shops;
- s. Transit shelters, drop off-points, bicycle rack(s) and/or corrals, and informational or retail kiosks, as accessory uses to permitted principal land use(s). Layover locations for buses shall be prohibited;
- t. Public structure or public use including, but not limited to, public and private park, community or civic space, museum, gallery, or community center, as accessory uses to permitted principal land use(s).
- u. Bicycle paths and/or road bike lanes and pedestrian paths, bicycle racks or corrals, as accessory uses to permitted principal land use(s).
- v. Multifamily dwelling* - Subject to the provisions described under subsection (3) below.
- w. Professional office limited to the Riverside Square Overlay District with a building footprint of less than 4,000 square feet.

(3) Multifamily dwelling* in Mixed Use Development "Main Street" parcels or without the presence of any commercial entit(ies).

- a. Multifamily dwelling* in "Main Street" configuration. Multifamily dwelling* is permitted and when mixed with a commercial, retail, and/or office use in a Main Street configuration at a density that is proportional to the ability to provide 50 percent of the total off-street parking spaces required if the uses were calculated separately based upon §Article III Division 4, off-street parking.
- b. Multifamily dwelling* without the presence of any commercial entit(ies) is likewise a permissible land use, provided requisite off-street parking is appropriately furnished. Residential density will be based upon the provision of one off-street parking space per residential dwelling unit, and compliance with all other applicable regulations pursuant to Article III Division 4. Off street parking that fails to meet the referenced one to one ratio, but does not exceed a 25 percent deficiency, or a minimum of .75 spaces per residential unit, may still be permitted by special use permit. Any deficiency greater than 25 percent, shall necessitate both a special use permit and a dimensional variance.

c. A neighborhood center* shall be permitted on lots of not less than 50,000 square feet and such a development shall consist of a building or buildings used for mixed land use. The mixed land use in a neighborhood center* may include multifamily dwelling* provided that the other commercial, retail, office, and/or personal convenience uses comprises more than 50 percent of the gross leasable area of the total building(s) area either of an existing or proposed building(s) on the parcel. The neighborhood center* provides a location for a public transit stop (when applicable to available transit routes), linkages to surrounding neighborhoods and properties, while also providing a buffered edge between the center and abutting residentially used or zoned land. Neighborhood centers* are destinations for people. The mixed use draws the public to the space and a public feature such as a gazebo, garden, art, etc. provides consumers with an attractive amenity.

d. Other uses shall be permitted in the Main Street and Neighborhood Center Overlay District when provided as an integral part of the overall development and such use(s) are consistent with the stated purposes of this chapter and which are intended to serve the commercial and residential users of a mixed use development. Other uses shall be suitable to the proposed development, consistent with the comprehensive plan, and compatible with the surrounding land uses. Said determination shall be made by the zoning officer in consultation with the director of planning.

(d) *Off-street parking and off-street loading.*

(1) For those properties proposing development in the Main Street Overlay Districts, and not "neighborhood center" scale development, off-street parking with the exception of professional office uses shall be provided at no less than 50 percent of the total off-street parking spaces required if the uses were calculated separately based upon Article III Division 4, provided that the proposal meets the intent of this overlay district. Additionally, required employee parking that is stacked or in tandem shall be permitted and counted towards the total number of off-street parking spaces required provided there is a written agreement among the individual tenants of a building provided to the zoning officer. The zoning officer shall have the authority to monitor such an arrangement and require modified parking or a petition to the zoning board of review regarding the off-street parking if it is apparent that the stacked employee parking arrangement is unfeasible and/or there are unforeseeable impact to adjoining streets with overflow parking, particularly local residential streets. A purely residential development shall not require introduction of any off-street loading, and shall be subject to the off-street parking density referenced in subsection (b). above. However, within the overlay districts as defined within this Code, the provision of off-street parking is not required for non-residential uses located within existing structures. New construction or development involving expansion of a building footprint is required to comply fully with the provisions of this section.

(2) A neighborhood center development shall provide off-street parking as required by Article III Division 4. However, this amount may be reduced by ten percent provided that the applicant/owner shall submit a valet parking plan, including certification that a valet is on-duty during business hours, and documenting authorized use of a satellite parking area to the zoning officer such that a

modification may be granted. An applicant or developer of a neighborhood center* may further reduce parking subject to the provisions mixed, joint and shared use provisions of Article III Division 4, where the applicant and/or owner are able to provide a shared parking study and plan to the zoning officer.

(3) Bonus height structured parking incentive. An additional one (12 foot) building story shall be permitted for every story of structured parking provided in a building, with the overall height not to exceed five stories or 60 feet.

(e) *Purposes.* Consistent with the City of East Providence Comprehensive Plan, the purposes of the Main Street and Neighborhood Center Overlay Districts are to:

- (1) Promote flexibility in the siting and design of new development to allow a mixture of complimentary land uses on a parcel(s) that may include, but is not limited to, commercial, housing, retail, offices, and personal convenience services to create economic and social vitality that otherwise might not be possible under conventional zoning regulations that separate land uses.
- (2) To provide a desirable mix of land uses, including commercial and residential, that will serve the community interest in job creation, housing, and economic development, including uses related to the arts and culture.
- (3) Encourage efficient use of land by facilitating centers and minimizing the amount of land that is needed for surface parking.
- (4) Encourage quality development that facilitates utilization of public transportation, where applicable.
- (5) Provide opportunities to businesses within the districts for coordinated mixed use development, pedestrian and bicycle connections, and innovative site design.
- (6) Provide safe, comfortable and attractive pedestrian connections from existing areas such as residential and open space to currently predominantly commercial roadways and to public transportation, and to new areas of land use and new neighborhood centers*.
- (7) Reinforce public rights-of-way, shoulder sides of roadways and sidewalks, as public places that encourage pedestrian and bicycle travel.
- (8) Enhance linkages and pedestrian connections to residential areas, schools, and recreational space in the vicinity of the overlay districts for the convenience of the public.
- (9) Encourage the use of sidewalks for outdoor cafes, sitting, and shop displays where possible, and when new development or redevelopment is proposed, look for opportunities to widen the sidewalk/pedestrian area in front of the building(s) for outdoor cafe seating, sitting, restaurant and shop displays, and trees for shade.

(f) *General standards.* All applicants whose proposals require permits from other agencies, e.g., a state agency such as the Department of Transportation, shall obtain any and all such applicable permits, including city building permits and licenses. As with all other proposed development reviewed under this chapter, the proposal shall meet the general purposes of § 1, and the following:

- (1) The design of the proposed development will be consistent with the goals of the city comprehensive plan and will implement the purposes of the Main Street and Neighborhood Center Overlay Districts.
- (2) Erosion will be adequately controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities and services; provisions have been made for storm water and drainage facilities, and that increased runoff due to development on the site will not be injurious to any nearby property owners or cause hazardous conditions on any streets.
- (3) The movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient and adequate provision has been made for snow removal.
- (4) All utilities, infrastructure, streets, roadways, sidewalks, walkways and parking areas improvements will be provided for the development in a manner meeting the applicable requirements and standards of the city. Construction standards for utilities and improvements serving the public shall meet city standards.
- (5) The location, arrangement, appearance, and sufficiency of off-street parking and loading comply in all respects with this chapter and/or the provisions of subsection(d) of this section as applicable, and are adequate to serve the proposed development.
- (6) The proposed development and all uses and structures therein, shall comply in all respects with this chapter. Nothing in this article shall prevent an applicant from seeking a variance.

(g) *Dimensional criteria pursuant to § 48.* Development within the Main Street Overlay Districts will be given great flexibility and allowed to pursue the most lenient dimensional standard(s) prescribed in either the C-1, C-2, C-3, Taunton Avenue (TA) or Bold Point Harbor (BPH) districts, in accordance with §§ 50, or 224 (in the case of Taunton Avenue (TA) and Bold Point Harbor (BPH) districts), unless the subject Main Street Overlay Districts regulations permit even greater latitude, then they may take precedence.

- (1) To promote flexibility in the siting and design of new development to allow a mixture of complimentary land uses on a parcel(s) that may include, but not be limited to, commercial, housing, retail, offices, and personal convenience services to create economic and social vitality that otherwise might not be possible under conventional zoning regulations that separate land uses.
- (2) To provide a desirable mix of land uses, including commercial and residential, that will serve the community interest in job creation, housing and economic development, including uses related to the art and culture.

Sec. 19-187. Definition.

Mixed use means combination of residential and commercial land uses within a single development, building, or tract. Mixed use development in a C-1 through C-5 district must be reviewed through the land development project review process.

Sec. 19-188 through 19-190. [Reserved.]

Division 8. Riverside Square Mixed Use/Downtown Overlay

~~Sec. 19-191. Purposes and review process.~~

~~(a) — Purposes. The purpose of this section is to:~~

- ~~(1) Allow a mixture of complimentary land uses that may include housing, retail, offices, commercial services, and civic uses, to create economic and social vitality;~~
- ~~(2) Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;~~
- ~~(3) Provide flexibility in the siting and design of new developments and redevelopment;~~
- ~~(4) Reinforce streets as public places that encourage pedestrian and bicycle travel;~~
- ~~(5) Provide roadway and pedestrian connections to residential areas;~~
- ~~(6) Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking; and~~
- ~~(7) Facilitate development (land use mix, density and design) that utilizes public transit, where applicable;~~

~~(b) *Review process.* The planning board shall review and approve proposals within the Riverside Square Mixed Use/Downtown Overlay District following the process for development plan review identified in Article IV Division 8 and the city's land development and subdivision review regulations. The permitting authority may apply such special conditions, restrictions or stipulations as it may deem necessary to maintain consistency with the comprehensive plan, zoning ordinance, and subdivision and land development regulations to maintain harmony with neighboring uses.~~

~~(c) *Design intention and functioning.*~~

- ~~(1) [Reserved.]~~
- ~~(2) Maximize the building floor area on each lot.~~
- ~~(3) Locate parking off the street frontage to the rear of parcels so that businesses can move close to the sidewalk and more readily attract pedestrians.~~
- ~~(4) Place buildings at a minimal front setback line, close behind a sidewalk of adequate width.~~
- ~~(5) Encourage construction of at least two-story buildings.~~
- ~~(6) Locate retail uses on the ground floor street frontage, preferably adjacent to other retail uses.~~
- ~~(7) Develop sidewalks and building features (e.g. entrances, weather protection) so as to maximize safety, comfort, ease of movement, and convenience for pedestrians.~~
- ~~(8) Encourage building heights of two and one-half stories (maximum height of 35 feet), with first floor commercial use and second floor residential use. Residential use may also be provided on the first floor but the main entrance of such first floor residential use shall be limited to the rear or side of the structure.~~
- ~~(9) Floors above ground level shall have independent, separate access to the street.~~
- ~~(10) Driveway and parking surfaces are encouraged to be permeable, using such materials as brick, concrete pavers, "grass-crete" and other similar permeable materials, but not gravel. Vegetative buffers shall be planted to treat runoff as it percolates into the soil. Use of low impact development (LID) techniques is encouraged.~~

~~(11) Walk-up windows to retail uses may be permitted provided that such windows shall be located on the front lot line facing a street, with no curb cut or allowance of any motorized vehicular access.~~

~~Sec. 19-192. Standards for development.~~

~~(a) No development plan shall be approved unless it is determined that the following standards are reached to the maximum extent feasible, or to the extent feasible given the circumstances of the property, in accordance with the provisions of these regulations:~~

~~(1) *Build-to-line requirement.* In no case shall the front setback specified for the underlying zoning district take precedence. All building front setback requirements shall be zero, except under the following circumstances:~~

~~a. Where other site requirements such as utility or access easements preclude such building placement.~~

~~b. Where it is determined that the use of existing buildings on adjacent parcels would be significantly adversely affected by setbacks from front or side property lines that are smaller than those on the adjoining parcels (e.g., light would be blocked from existing windows on the side of a building).~~

~~c. Where minimum required clearance from an overhead electric power line, based on the National Electric Code, must be maintained, especially for buildings of more than one story.~~

~~(2) *Setbacks.* For a particular development plan, a determination shall be required that proposed setbacks are consistent with the purposes and design intention of this overlay district.~~

~~(3) *Ground floor facade.* At least 50 percent of the ground floor facade of non-residential use shall be constructed of transparent material or otherwise designed to allow pedestrians to view activities inside the building. The ground floor facade shall be composed of windows opening into the interior, display windows (which need not be open into the interior), or entrances, which openings are determined to be well distributed along the face of the building or addition so as to minimize the lengths of blank wall areas.~~

~~(4) *Building width.* A new building or addition to an existing building shall occupy the full width of the lot, except in the following circumstances:~~

~~a. A pedestrian passageway to parking or other businesses to the rear of the building is provided.~~

~~b. A side yard is used as an outside seating area for a cafe or a public courtyard.~~

~~c. A driveway to parking spaces in the rear is allowed alongside the building because there is no other access to the parking spaces.~~

~~d. A utility easement precludes use of the full width, in which case one of the above uses shall be placed over the easement.~~

~~(5) *Outdoor patron seating areas.* Administrative review and issuance of an outdoor use area permit is required for designation of proposed outdoor seating areas, to ensure that the standards in this Chapter are met and that public safety and access for pedestrians, persons with disabilities, and emergency response personnel will not be compromised.~~

(6) ~~Signage.~~ The signage requirements of Article X shall be met, except as provided below:

a. ~~Wall sign.~~ Wall signs shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic). Signs shall be placed on the building so as not to obscure architectural features and details. Internally illuminated neon signs are permitted.

b. ~~Free standing sign.~~ A freestanding sign shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic).

(7) ~~Parking.~~ Each development in this district shall be required to demonstrate to the satisfaction of the DPR Committee that the location, arrangement, appearance, and sufficiency of off street parking and loading shall be adequate to serve the development. No parking, driveway, or other area for vehicles htshall be placed between the building and the street.

a. ~~Parking ratios.~~ The number of parking spaces provided for a site shall be considered as a base from which to adjust, as applicable and appropriate, to an adequate number and location of spaces. In no case shall the number of off street parking spaces exceed the number calculated from the parking ratios required by the zoning ordinance. For a building of two or more stories, floor area within stairwells and elevator shafts shall not be included in total floor area for parking calculations.

b. ~~Shared parking.~~ Where a parking area will serve two or more uses for which peak parking demand occurs at different times, the parking spaces provided may be counted toward the parking requirement for more than one of those uses provided that the requirements of Article III Division 4 are met.

c. ~~Parallel parking.~~ Where parallel parking is allowed on a street section abutting the property and on the same side of the street as the property, such parallel parking shall count toward meeting the parking requirement for the property.

d. ~~Alleys.~~ As development or redevelopment occurs, alleys shall be created for access to parking on the rear of properties.

e. ~~Off site parking.~~ Where alternative off site parking (either public parking or private parking obtained by lease or recorded easement) is provided within 300 feet of the property, the on site parking requirement shall be reduced, provided that the total of on site and alternative off site parking together shall meet the requirement for the proposed use.

~~Sec. 19-193 through 19-195. [Reserved.]~~

Division 9. Commercial Mixed Use (CMU) District

Sec. 19-191. Purpose and objective.

- (a) *Commercial mixed use (CMU).* The purpose of the commercial mixed use district is to encourage more active use and redevelopment of oversized multi-tenant commercial properties by promoting more flexibility of uses and design that is well suited for active economic activity along Newport Avenue.

(b) *Qualification.* On the date any parcel of land is placed into a CMU Zone, it shall be part of one or more contiguous parcels of land containing a minimum of 45,000 square feet of land that is adjacent to Newport Avenue and that are under common control/ownership, unless otherwise waived by the city council and the planning commission. The term "common control/ownership" means and relates to either one person or entity, or separate entities in which the underlying ownership is held in part by one or more of the same person, persons, or entities.

Sec. 19-192. Dimensional regulations; permitted uses; additional criteria.

(a) *Dimensional regulations.* Dimensional regulations, as presented in Article III Division 3, as amended below for the commercial mixed use district, shall apply to all uses in the CMU Zone.

Zone and Use	Minimum Lot Size	Minimum Lot Frontage	Maximum Lot Coverage	Minimum Yard Setback Line			Maximum Height of Structures	
	(square feet)	(square feet)	(percentage)	(feet)	(feet)	(feet)	(feet)	(feet)
Commercial Mixed Use	45,000	50	50%					
Main structures between 46 and 100 feet				10	20*	10	100	
Main structures up to 45 feet				0	0	5	45	
Accessory structures				0	0	5		45

*Minimum side yard setback requirement when directly abutting residential zoning districts only, minimum side yard setback of ten feet applies when abutting commercial or industrial zoning districts. Minimum side yard setback of zero feet applies for contiguous parcels under the same ownership.

(b) *Permitted uses.*

(1) Uses permitted by right in the commercial retail business (C-3) district are permitted in the CMU Zone.

a. The following uses, listed in the schedule of uses table, are also permitted in the CMU Zone:

1. Three-family dwelling* and multifamily dwelling*;
2. Hotel*;
3. Sportsmen's club;
4. Salesroom for display of motor vehicles, trailers, building supplies, boats, or machinery:
 - (2) With storage and repair facilities;
5. New or used motor vehicle sales lot shall be limited to the display of a maximum of ten vehicles.

~~6. Retail services for employees as detailed in § 19-161, business/technology* development;~~

~~6-7.~~ Sale of business and/or industrial equipment and supplies;

- ~~78.~~ Wholesale showroom: (2) With storage and repair facilities;
- ~~89.~~ Wholesale distribution or warehouse, excluding truck terminal facility;
- ~~940.~~ Automotive repair shop*;
- ~~101.~~ Animal or veterinary hospital or kennel;
- ~~112.~~ Business or industrial services: (2) With storage and repair facilities;
- ~~123.~~ Child day care centers*;
- ~~134.~~ Data processing centers*;
- ~~145.~~ Gasoline filling stations*;
- ~~156.~~ Amusement game centers*;
- ~~167.~~ Radio, television or wireless telecommunication towers and antennas (see definition of antenna in § 308)
- ~~178.~~ Communication services and broadcasting offices;
- ~~189.~~ Industrial trade schools

*As currently defined in § 11

b. The following uses, not listed in the schedule of uses table, are also permitted in the CMU Zone:

1. Residence above first story business use;
2. Mixed use*;
3. Small fabricating shops;
4. Previously owned goods and merchandise shops, including antiques, collectibles, coins, consignment and stamps;
5. Electric vehicle charging station;
6. Kiosk, free standing exterior;
7. Outdoor retail—accessory;
8. Music and dance studio;
9. Garden center;
10. Adult day care.

*As currently defined in 11

(2) Uses allowed by special use permit in the commercial retail business (C-3) District are permitted by special use permit in the CMU Zone, unless allowed by right above.

(3) Uses permitted as accessory uses in the commercial retail business (C-3) District are permitted in the CMU Zone.

(c) *Number of buildings on a lot.*

(1) More than one commercial or mixed-use primary structure located on a single lot is permitted in the CMU Zone.

(d) *Signs.* Any permitted signs for the commercial retail business (C-3) District as set forth in Article X shall be permitted in the CMU Zone. Any electronic messaging centers (EMC signs) shall only be permitted by special use permit. Defined in § 365.

(e) *Additional criteria for approval.*

- (1) There is no maximum requirement for off-street parking in the CMU Zone. Parking design standards as set forth in § 66 shall apply.
- (2) Minimum parking requirements in the CMU Zone are: Residential: one and one-half spaces/unit; Office: four spaces/1,000 square feet; Retail/restaurant: four and one-half spaces/1,000 square feet.
- (3) Maximum impervious coverage is 90 percent.
- (4) Off-street loading minimum requirements:
Size:
Length: 55 feet;
Width: 12 feet.
Number:
4,000 square feet to 20,000 square feet = one space;
20,000 square feet + = one space per 20,000 square feet or fraction thereof.
Office uses are excluded from off-street loading requirements.

Sec. 19-193 through 19-195. [Reserved.]

Division 10. Adaptive Reuse

Sec. 19-196. Purpose and objective.

- (a) Adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed use developments which include the development of at least fifty percent (50%) of the existing gross floor area into residential units, shall be a permitted use, except where such is prohibited by environmental land use restrictions recorded on the property by the State of Rhode Island Department of Environmental Management or the United States Environmental Protection Agency preventing the conversion to residential use.
- (b) *Parking.* Adaptive Reuse projects shall require a minimum of one off-street parking space per dwelling unit. In cases where Adaptive Reuse projects are located within Main Street and Neighborhood Center Overlay Districts, a minimum of 0.5 off-street parking spaces per dwelling unit may be provided for 1 bedroom units.
- (c) *Density.*
 - (1) For projects that meet the following criteria, these regulations shall not limit the maximum residential density:
 - a. Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building and fire codes and utilities; and

- b. The development includes at least twenty percent (20%) low- and moderate-income housing; and
 - c. The development has access to public sewer and water service or has access to adequate private water, such as a well and/or wastewater treatment system(s) approved by the relevant state agency for the entire development as applicable.
- (2) For all other adaptive reuse projects, the residential density permitted in the converted structure shall be a maximum of thirty (30) units per acre.
- (d) *Setbacks.* Notwithstanding any other provisions of this chapter, for adaptive reuse projects, existing buildings setbacks shall remain and shall be considered legal nonconforming, but no additional encroachments shall be permitted into any nonconforming setback.
- (e) *Building Height.* For adaptive reuse projects, notwithstanding any other provisions of this chapter, the height of the existing structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal non-conforming, and any rooftop construction shall be included within the height exemption.

Sec. 19-197 through 19-200. [Reserved.]

Division 11. Hazardous Waste Sites

Sec. 19-201. Hazardous waste sites.

Any person seeking to develop a hazardous waste management facility in a neighboring community shall file with the city clerk ten copies of all original application documents submitted to, and siting agreements made with the state department of environmental management and the neighboring community including applications and agreements made in variance of the original permit and agreements.

Sec. 19-202 through 19-210. [Reserved.]

ARTICLE V - WATERFRONT SPECIAL DEVELOPMENT DISTRICTS

Sec. 19-211. Purpose.

The purpose of this article is to provide for appropriate mixed use development within the context of protecting the important scenic and recreational resources along the East Providence Waterfront. The properties along the Providence and Seekonk Rivers are viewed by the city to hold great potential to generate year-round activity with linkages to surrounding neighborhoods, downtown amenities, labor, regional access, and the recreational and scenic attributes of the waterfront location. The intent of the waterfront development district is to provide for a diverse mix of compatible land uses and densities that promote high quality development in a manner consistent with the intent of the 2003 East Providence Waterfront Special Development District Plan. The objective of the waterfront development district is to attract new businesses and jobs, create housing opportunities for a wide range of income levels, provide recreational, civic and cultural opportunities, and ensure protection of and public access to and along the valuable environmental resources found along the East Providence Waterfront.

The provisions of this article shall not preclude an applicant, developer, and/or property owner from the requirement to meet other provisions of Chapter 19, zoning, and/or other city requirement and ordinances, as applicable.

All projects are required to conform to the policies, standards and regulations of the Rhode Island Coastal Resources Management Council ("CRMC"), including, but not limited to, the Coastal Resources Management Program (Red Book) and the Metro Bay Region Special Area Management Plan.

Sec. 19-212. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Additionally, the definitions set forth in Article II of the city zoning ordinance shall also apply to any words, terms or phrases included herein. In the event of any conflict or discrepancy between these definitions and those in article I, the following definitions shall apply.

Accessory use. A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building, which shall be located on the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related. An accessory use shall be subordinate in area, extent, or purpose to the principal use served.

Adaptive reuse. The conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.

Advanced manufacturing. Use of innovative technologies to manufacture, fabricate, or produce existing products and the invention and design of new products. Advanced manufacturing can include the use of computer systems to plan, manage, and control the operations of a manufacturing plant through either direct or indirect computer interface with the plant's production resources.

Applicant. An owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.

Application. The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval or permitting purposes.

Building stories. The portion of a building between the upper surface of any floor and the upper surface of any floor next above having no more than one-half its height above the average elevation of the finished lot grade adjoining the building, and any portion of a building used for human occupancy between the topmost floor and the roof. In any building not divided into customary stories, each ten feet of building height shall be counted as one story.

Coastal Resources Management Program (650-RICR-20-00-01), also known as the "Red Book." A program administered by CRMC, and contains the policies and regulations for uses in tidal waters, shoreline features and contiguous areas. See also Metro Bay Region Special Area Management Plan.

Commission. The East Providence Waterfront special development district commission enabled by state statutes and charged with overseeing, planning, implementing and administering the development of areas within the East Providence Waterfront special development district.

Conditional use provisions. A use permitted pursuant to and in accordance with the conditions and/or circumstances issued by the East Providence Waterfront special development district commission pursuant to state statutes.

Continuing care. An age restricted development that provides a continuum of accommodations and care, consisting of a mix of independent and/or assisted living accommodations and long-term bed care together with a variety of ancillary uses. Permitted ancillary uses which are subordinate and incidental to a continuing care facility include: community facilities and meeting rooms for social civic, cultural and educational activities; recreational facilities for residents and their guests; common living, dining, laundry security and housekeeping facilities; central kitchen for food served in dining areas or for distribution to resident living units; medical and dental services for residents; retail shops for sale of goods or rendering of personal services to residents and guests; and sales offices.

Development. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any change in use, or alteration or extension of the use, of land.

Developer. Any land owner, agent of a land owner or tenant with permission of such land owner, who makes an application for development.

Deviations. Permission to deviate from the area and performance standards of these regulations which regulate the manner in which a use permitted may be implemented by the owner as approved by the commission.

Entertainment/clubs. An establishment dispensing liquor and meals and in which live music, dancing, or entertainment is conducted.

Executive director. The primary liaison between the developer and each of the reviewing bodies within the waterfront development district, responsible for coordinating review of development projects and coordination of activities of the commission.

Flex tech. A mixed-use office/warehouse which is designed to accommodate users with flexible space needs. Primary uses include general business, office, artisan and technological development, as well as low-scale light manufacturing uses, including warehouse distribution centers. The design of the building includes potential for expansion or consolidation, and shared common space between tenants for services such as reception, restrooms or other accessory uses.

Food stores. A single store which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines and general hardware articles. Does not include sales of gasoline or other fuels.

Light manufacturing. The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding raw materials industrial processing. These activities do not necessitate the storage of large volumes of hazardous, flammable, toxic matter or explosive materials needed for the manufacturing process. These activities do not include manufacturing processes predominantly comprised of hazardous, flammable, toxic or explosive materials. These activities shall take place within a wholly enclosed building.

Marina. A complex of boating facilities designed as a unit, including such facilities as permanent slips, launching ramps, ships' stores, minor repairs and accommodations for eating, and excluding major overhaul and repair, winter storage and boat sales.

Massage therapy. The practice of massage by a licensed massage therapist using a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

Massage therapy establishment. An establishment approved and otherwise regulated by the licensing agency, which is the State of Rhode Island Department of Health, operating in conformance with all pertinent rules and regulations of the State of Rhode Island and all city ordinances and license requirements. Proof of a current license issued by the department of health shall be posted on the premises in a location visible to customers.

Metro Bay Region Special Area Management Plan (650-RICR-20-00-5), as amended. A planning and regulatory document administered by CRMC to guide and facilitate waterfront redevelopment with the Urban Coastal Greenways Policy for Providence Harbor and Seekonk River areas, and used in conjunction with the Coastal Resources Management Program, as amended.

Nonconforming structure. A building or structure, or parcel of land not in compliance with the performance standards or site development criteria of this article.

Nonconforming use. A lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be a nonconforming use.

Parking structure. A structure or portion of a structure of one or more levels or floors associated with a permitted or conditional use and used exclusively for the parking of vehicles and which may be totally below grade (as in an underground garage) or either partially or totally above grade with those levels being either open or enclosed.

Performance standards. A system of development regulations that promotes flexibility in site design through prescribed standards for building placement and coverage, open space, density, parking provisions and impervious surfaces.

Permitted use. A use by right which is specifically authorized in a particular zoning district.

Prohibited use. A use of land which is specifically unauthorized in a particular zoning district due to incompatibility with surrounding uses or negative impacts to the public well being.

Special Area Management Plan, also known as the "Green Book," is a planning and regulatory document adopted by the Rhode Island Coastal Resources Management Council, CRMC, to guide and facilitate waterfront redevelopment in the Providence Harbor area, and used in conjunction with the Coastal Resources Management Program, as amended.

Sub-districts. Areas within the East Providence Waterfront district that due to geographical or surrounding physical context have been identified as being better suited for particular land uses and densities.

Waterfront development district. An independent public instrumentality and body corporate and politic for the purposes set forth in this article with a separate legal existence from the city and from the state and the exercise by the district of the powers conferred by this article shall be deemed and held to be the performance of an essential public function. The boundaries of the district have been established by ordinance of the city council. The district shall oversee, plan, implement, and administer the development of areas within the district.

Sec. 19-213. Sub-districts defined.

The waterfront development district consists of a series of sub-districts that due to geographical or surrounding physical context have been identified by the city in the comprehensive plan and the East Providence Waterfront special development district plan as being suitable for various land uses and densities. Notwithstanding to other provisions of this article, the following sub-districts are herein defined:

- (1) *Kettle Point.* The Kettle Point sub-district generally extends from the Watchemoket Cove southerly to the Squantum Woods Reservation, which, along with a portion of Veterans Memorial Parkway, also borders this district to the east. The district extends down to the Providence River as the western boundary.
- (2) *Veterans Memorial Parkway.* The Veterans Memorial Parkway sub-district generally extends from Teofila Braga Way to Watchemoket Cove. Properties on the westerly side of the Veteran's Memorial Parkway are included in this sub-district from the beginning of the Parkway to Watchemoket Cove.
- (3) *Bold Point Harbor.* The Bold Point Harbor sub-district generally extends from the Washington Bridge (I-195) southerly to the Providence and Worcester South Quay, and extends from the waterfront inland easterly to include portions of Warren Avenue (the historic area of the former Watchemoket Square), and First Street (from Warren Avenue to Mauran Avenue).
- (4) *Crook Point.* The Crook Point sub-district generally extends along the Seekonk River from the Washington Bridge (Interstate 195) northerly to the Henderson Bridge, bordered on the east by Valley Street, North Brow Street, and a small portion of South Brow Street.
- (5) *Dexter Road.* The Dexter Road sub-district generally extends from the Henderson Bridge northerly to Omega Pond. This sub-district includes all those properties fronting on, or gaining access from, Dexter Road. This sub-district is bordered on the east in part by Massasoit Avenue and by a Providence and Worcester rail corridor. The western boundary of the sub-district extends to the Seekonk River.

(6) *Phillipsdale*. The Phillipsdale sub-district extends from Roger Williams Avenue northerly to the Narragansett Bay Commission Bucklin Point Water Pollution Control facility, including properties located off Bourne Avenue (west of Roger Williams Avenue) and Noyes Avenue. The westerly boundary of this sub-district extends to the Seekonk River. The Roger Williams Avenue corridor (including properties on both sides of the street) from Magnolia Avenue northerly to approximately Ruth Avenue is included within this sub-district.

(7) *Pawtucket Avenue*. The Pawtucket Avenue sub-district is located at 10 New Road and Pawtucket Avenue, and 105 Pawtucket Avenue, the property is the former Fram Automotive property.

(8) *Taunton Avenue*. The Taunton Avenue sub-district consists of properties which are impacted by the proposed transportation improvements for the Interstate 195 highway ramping changes, and three vacant and deteriorating properties along Taunton Avenue.

(9) *Metacomet*. The Metacomet sub-district is located at 500 Veterans Memorial Parkway.

Sec. 19-214. Administration.

The East Providence Waterfront special development district commission was created under Rhode Island Public Law 2003, Chapter 345. The commission consists of 17 members: five members shall be appointed by the city council; five members shall be appointed by the governor with the advice and consent of the senate; the mayor and the governor shall jointly appoint a member who shall serve as the chairperson; and there shall be six ex officio non-voting members, including the mayor, the city planning director, the public works director, the executive director of the RI Economic Development Corporation, the director of the department of transportation, and the director of the department of environmental management or an associate director designated by the director.

All development in the East Providence Waterfront special development district shall be subject to review and approval by the East Providence Waterfront special development district commission. To assist in the design review of projects the East Providence Waterfront special development district commission has created two committees: the design review committee (DRC) and the hearing panel (HP), Members on the committees are appointed by the commission.

(1) *Reviewing body roles and responsibilities.*

a. Administration for the East Providence Waterfront special development district commission shall be coordinated by an executive director. Initial review of all projects shall be made by the executive director who shall also serve as the primary liaison between the development and each of the reviewing bodies. The primary role of the executive director shall be to determine whether the application package is complete. The executive director may use technical support from the state and the city and depending upon need and budgetary constraints, the executive director may retain outside consultants with the approval of the commission. The resources available to the executive director may include expertise in architecture/urban design, real estate development, planning and law.

b. The design review committee shall review all applications for the development of parcels in the waterfront district, including conformance with the city land development and

subdivision review regulations, conformance with or proposed amendments to the performance standards and site development criteria, plans for public improvements, and requests for deviations or conditional use provisions. It shall evaluate each application presented by the executive director for conformance with the reviewing criteria set forth in § 225 herein and make recommendations to the hearing panel and the commission for their action as set forth in these procedures.

The design review committee shall distribute copies of pertinent portions of the application under the planning board's purview to the planning board for review for conformance with the purposes and intent of the city comprehensive plan. The planning board shall respond with comments on applications within 30 days from the date of receipt.

Any meetings or actions of the design review committee shall be conducted in accordance with § 218 of this article. The design review committee shall hold one public hearing on each application pursuant to and in accordance with the procedures set forth in § 218, including the procedures for public notice set forth in § 220.

c. The commission may designate a hearing panel to which the executive director may refer applications for deviations, or conditional use provisions. Such review by the hearing panel shall take place after the review and recommendation of the design review committee. Standards for instances where deviations or conditional use provisions shall be reviewed by the hearing panel are set forth in § 218.

In the case of any application for a deviation or conditional use provision approval to the performance standards or the site development criteria referred to the hearing panel, the hearing panel shall hold a public hearing on each such application pursuant to and set forth in § 218, including the procedures for public notices set forth in § 218.

d. The recommendations of the design review committee, the transcript of any public hearing(s), and, where reference to the hearing panel established pursuant to § 218 has been made, the finding of fact of the hearing panel shall be forwarded to the commission, the only body authorized to make a decision of the merits of the application.

Any meetings or actions of the East Providence Waterfront special development district commission shall be conducted in accordance with § 218. The commission shall review the record and hold a public hearing on each application, for which notice shall be given in accordance with the procedures set forth in § 118.

In each case where no reference to the hearing panel has been made, the commission shall receive such evidence as the parties may present on questions of fact and may approve, modify or reject the recommendations of the design review committee. Where reference to the hearing panel has been made, the commission shall not hear new evidence and shall not substitute its judgment for that of the hearing panel as to the weight of the evidence of questions of fact, but may approve, modify or reject the recommendations of the design review committee and the hearing panel. The commission may remand the matter to the design review committee, or, where an initial reference has been made to the hearing panel, to the hearing panel for further findings or other action.

If after a public hearing or at any step of the review process, the commission approves a project in a form materially different than the form in which the project was submitted to the public hearing, the commission shall determine whether a hearing on the project as approved is required. If so, a subsequent hearing shall be held in accordance with § 218.

A majority of the appointed voting commissioners shall constitute a quorum for the transaction of business at a meeting. The affirmative vote of a majority of the members of the commission at a meeting which a quorum is present shall be necessary to render a decision.

Sec. 19-215. Design review committee.

(a) The design review committee shall consist of three commissioners (the "commission members"), the city planning director or his/her designee, the public works director or his/her designee, and four other individuals having the following qualifications:

- (1) One member shall be an architect licensed as such under the laws of the state who is presently engaged in practice and is familiar with principles and practices of urban design.
- (2) One member shall be a landscape architect licensed as such under the laws of the state who is presently engaged in practice and is familiar with context sensitive site design, sustainable site practices, and local and regional hardscape and plant materials.
- (3) One member shall be familiar with the financial aspects of real estate development, with experience in implementing large scale construction or land development projects.
- (4) One member shall be a professional engaged in other design trades as determined feasible and appropriate by the commission. The non-board members of the design review committee are hereinafter referred to as the "advisory members."

(b) Members of the design review committee shall serve initial staggered terms of one, two, and three years, as follows:

- (1) One commission member and one advisory member shall each serve for a term of one year or until his/her death or resignation or until his/her successor is appointed and shall have qualified.
- (2) One commission member and one advisory member shall serve for a term of two years or until his/her death or resignation or until his or her successor is appointed and shall have qualified.
- (3) The chairman of the design review committee, one commission member, and one advisory member shall each serve for a term of three years or until his/her death or resignation or until his/her successor is appointed and shall have qualified.
- (4) The city planning director and the public works director shall serve as ongoing members of the design review committee until his/her death or resignation or until his/her successor is appointed and shall have qualified.

The terms of each member of the design review committee shall be for three years. Each member of the design review committee shall be appointed by the board of commissioners, and a chairman of the design review committee shall be selected from among the commission members by the board of commissioners.

(c) The chairman shall invite the following individuals or their designees to attend each meeting of the design review committee. However, these individuals shall have no authority to vote on committee matters:

- (1) The city manager;
- (2) The executive director of the Rhode Island Economic Development Corporation;
- (3) The director of the department of transportation;
- (4) The director of the department of environmental management;
- (5) The director of the Rhode Island Coastal Resources Management Council.

(d) A majority of the design review committee shall constitute a quorum for the transaction of business at a meeting. The affirmative vote of a majority of the members of the design review committee at a meeting at which a quorum is present shall be necessary to adopt recommendations to be made to the hearing panel (if required) and to the board of commissioners.

Sec. 19-216. Hearing panel.

The commission shall designate from among its members a hearing panel consisting of five members, none of whom shall be serving a concurrent term on the design review committee. The members of the hearing panel shall serve a one-year term commencing on January of each year until such member's death, resignation or removal from the board of commissioners or until his or her successor shall have been appointed or shall have qualified. The board of commissioners shall appoint a chairperson from among the hearing panel members and said members shall constitute a committee of the board of commissioners.

Sec. 19-217. Procedure and applications.

(a) Prior to the submission of a formal application for the development and design of a parcel or parcels, developers are encouraged to meet with the executive director on an informal basis to discuss the submittal requirements, performance standards for the waterfront district, the site development criteria and the commission's review process. Pre-application workshops are required, and shall include the review of the city zoning officer.

(b) Process.

- (1) Before any structure may be erected, constructed, altered, repaired or demolished within the waterfront district, and prior to submitting an application, the person proposing such construction or other alteration shall meet with the executive director and city staff, including the planning director, DPW director, and fire chief for a pre-application meeting. This staff-level meeting shall be held prior to meeting with the design review committee of the commission in a series of design workshops to review and revise the project for conformance to these regulations.
- (2) Before any structure may be erected, constructed, altered, repaired or demolished within the waterfront district, and following the design workshops, the person proposing such construction or other alteration shall file with the commission such application for permission to erect, construct, alter, repair or demolish such structure, together with such plans and specifications as the commission may reasonably require as a result of the design review process.

(3) The application for a permit shall be submitted in a format required by the commission and containing such information, drawings, plans and specifications as specifically requested and any additional information that the commission may reasonably request. Each application shall specifically include a statement describing how the proposed site plan and building design meet the spirit and intent of these regulations and the East Providence Waterfront Special Development District Plan. All plans submitted as part of the application package shall be stamped by the appropriate licensed professional in accordance with state law.

(4) If the commission shall fail to act on an application, which is complete in form and substance, within 40 days from the date of filing, the application shall be deemed to constitute approval unless the commission and the applicant shall mutually agree upon an extension of time in which the commission may make its decision, or unless the commission shall make a finding of fact that circumstances require additional time for study, in either case up to a maximum of 90 days. Said mutual extension of time or said finding of fact shall be in writing and signed by a designated representative of the commission and by the party in interest. Such presumptive approval, should it occur, shall not, however, automatically also be deemed in conformance with applicable municipal, state and/or federal agency requirements, i.e., CRMC, ACO, etc. if in their respective jurisdiction(s). Additional approvals may be required from these agencies.

(5) The design review committee shall to the extent practicable incorporate the findings, policies and regulations of the Coastal Resources Management Program in order to foster the best design and the smoothest decision-making process. Applicants shall be advised of the likely need for a CRMC assent and strongly encouraged to address the respective requirements.

(c) Submittal requirements.

(1) The applicant shall file with the commission (number to be determined) copies each of the application and documentation related to the project. The application and plans must be accompanied by the required filing fee, as approved by the commission and may be amended from time to time. The application should also include any supporting documentation as determined in the preapplication conference with the executive director or the workshops with the design review committee.

(2) The applicant shall include a brief description of the project, including the project names, a summary of uses, size of buildings, square footage by use, total number of parking spaces, and a listing of public amenities. The description must include certification from the applicant's architect that the project complies with the intent of these regulations. If the project does not comply with the site development criteria contained within these regulations, or with the city zoning ordinance, a fully documented explanation of the requested deviations and/or conditional use provisions must be provided.

(3) A phasing plan, if phasing is required, that includes, in part, the proposed schedule for completion of the development of the entire parcel and justification for the phasing request.

(4) A rendering, showing the project and its relationship to surrounding structures and context shall be included.

- (5) A site plan containing the following information:
- a. All site plans shall be drawn to a scale of one inch equals 20 feet, one inch equals 40 feet or one inch equals 80 feet, whichever is appropriate to the size of the proposal. All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest ten seconds. The error of closure shall not exceed one to 10,000. Digitized map data on computer storage mediums (if available) may be submitted in addition to the site plans.
 - b. A key map, drawn to scale of no less than one inch equals 200 feet, showing the location of the tract with reference to surrounding areas and existing street intersections, and all zoning district boundaries within 500 feet.
 - c. North arrow, scale of map, assessor's plat information (map, block and parcel), and name, address, license number and seal of the person preparing the site plan.
 - d. Date of site plan. All revisions must be noted and dated.
 - e. Name of the proposed development, and the name and address of both the record owner and applicant. If the owner of record is a corporation, the name and address of the president and secretary shall be submitted with the application.
 - f. The assessor's plat information (map, block and parcel) and names of all owners of record of all properties within 200 feet of the subject property.
 - g. Boundaries of the property and lines of existing streets, lots, reservation, easements and areas dedicated to public use, including grants, restrictions and rights-of-way. The boundaries of the property shall also be marked in the field by survey flags or some other means acceptable to the commission, to identify limits of the property.
 - h. Acreage of parcel to the nearest tenth of an acre.
 - i. The waterfront district zoning boundaries must be shown on the site plan.
 - j. Zoning data block showing all calculations necessary to develop site and building dimensions based upon the performance standards.
 - k. All distances as measured along the right-of-way lines of existing streets abutting the property to the nearest intersection with any other public street.
 - l. Existing contours (with intervals of two feet where slopes are more than three percent but less than 15 percent, and five feet where slopes are 15 percent or more) referred to city datum, are to be indicated by a dashed line. Where any changes in contours are proposed, finished grades must be shown as solid lines. Spot evaluations must also be shown.
 - m. Location of existing environmental features including general soil types, rock outcrops, wooded areas and major trees (12-inch caliper and over), watercourses, depressions, ponds, marshes, wetlands, floodplains, and other significant environmental features including previous flood elevation of watercourses, ponds and marsh areas as determined by survey. If any portion of the proposed development is located within a flood hazard area as defined in Article IV Division 1, base flood elevation data must be provided.

- n. Location and spot elevations of existing buildings, which shall remain and all other existing structures such as walls, fences, culverts, bridges, roadways, etc. Structures to be removed shall be indicated by dashed lines.
- o. A place for the signature of the commission members must be provided on all plans and/or documents to be approved by the commission.
- p. The proposed use or uses of land, buildings, structures, and equipment and the proposed location of buildings, structures and equipment including proposed grades. Such features must be indicated on a separate drawing where required by the building inspector. Floor space of all buildings shall also be indicated.
- q. The location, type and density of land use to be allocated to parts of the site to be developed.
- r. Layout, floor plans, architectural elevations, (with measurements as needed for each interpretation) and height (including relationship to existing and proposed grades) of proposed buildings, structures or equipment. Exterior elevations must include articulation of entries and rooflines and any roof structures.
- s. Samples and descriptions of building materials to be used for all facades, roofs and architectural elements.
- t. Sketches as needed to illustrate the visual impact on the community, with emphasis given to preserving and protecting view corridors to and from the waterfront.
- u. Location, size, sketch and illumination, if any, of proposed signs.
- v. 1. A drainage plan that incorporates the change in land use and routes stormflow through the site to meet requirements set by the city shall be submitted. The drainage plan shall consist of a plan showing existing and proposed drainage structures, drainage basin areas and drainage flow paths. Also included shall be a report summarizing drainage calculations. The rational method, SCS TR55 or method approved by the city engineer shall be used for runoff calculations. The design storm condition shall be one with a 25-year return period. Where use of aboveground or underground retention or detention basin is proposed, the 25-year design storm shall be used in design calculations, unless such detention or retention system is located in a special flood hazard zone, in which case a 100-year design storm shall be used. Calculations shall include predevelopment and post development conditions. Redevelopment runoff rates based on assumption of vacant land site conditions from the proposed site shall be maintained unless approved by the commission. The drainage plan shall address potential impacts on downstream properties based on a 25-year storm.

Off-site analysis of runoff shall be included in the drainage plan when applicable. All drainage structures shall conform to the standard specification of the city and subject to approval of the city engineer.

For all retention or detention basins, whether aboveground or underground, percolation tests or test pits shall be performed at the proposed site of the basin. This information will determine the suitability of the subsurface to accommodate the designed basin.

2. Location of all existing and proposed sanitary sewers, water mains and other utilities, whether publicly or privately owned, above or underground showing pipe sizes, grades and directions of flow. All proposed sanitary sewers, water mains and other utilities shall conform to the applicable requirements and standards of the city and the appropriate utility.

w. The proposed location, direction of illumination, power and time of proposed outdoor lighting, and the location of any outdoor storage areas and dumpsters.

x. The proposed screening and landscaping plan, as well as all other landscaping materials and treatments such as paving, lighting and street furniture. Such plan shall indicate the location, type and size of all plantings, both at time of planting and at maturity. The plan shall be prepared by a registered landscape architect unless such requirement is specifically waived by the commission.

y. All means of vehicular access to and from the site onto public streets showing the size and location of driveways, curb cuts, parking and loading areas, and other off-site traffic improvements necessary to ensure public safety.

z. All proposed streets with profiles indicating grading, and cross sections showing width of roadway and location and width of sidewalks. All proposed improvements must be designed and constructed according to the standards and specifications of the city.

aa. Such other information as may be required to show that the details of the site plan are in accordance with this section and all applicable requirements and standards of this article.

(d) Supporting documentation.

(1) An impact assessment shall be prepared in support of all applications, except that the commission, as part of a preapplication review, may decide that the project is not of a size or nature requiring an impact assessment or may scope an impact assessment focusing on one or more significant impacts. Where the project will involve obtaining a CRMC assent, the applicant will be encouraged to integrate documentation. Such a decision regarding the scope of the impact assessment shall be rendered within one week of the preapplication conference. The commission shall provide the applicant with written justification as to why each element of the impact assessment is being required and will coordinate with the CRMC to consolidate information requirements to the greatest practicable extent.

The impact assessment must be prepared by recognized professionals; the names, education, disciplines and experience of whom shall be included in the report.

The assessment will include an evaluation of all influences, both positive and negative, which can be expected to affect the natural and manmade environment in the vicinity of the proposed project, or will demonstrate the lack of any such impact. Both direct and indirect impacts shall be evaluated. A traffic impact study, as described below, must be included as part of the impact assessment. Other impacts which shall be considered as part of the impact assessment are environmental, waterfront protection and access, scenic, view corridor protection, use-compatibility, noise, air quality and similar such items.

Methods designed to mitigate, and where appropriate, monitor the impacts shall be proposed; the party responsible for implementing the mitigation and monitoring shall be identified. The commission may require the applicant to pay the reasonable costs of such consultants as the commission may deem reasonably necessary to assist in the evaluation of the impact assessment. The consultant shall be selected only after consultation with the applicant, and only upon the joint review and approval of the experience and qualification of the consultant, and joint review and approval of the proposed scope of work and cost estimate. A written report of such consultant review shall be provided to the commission and the applicant.

To provide assurances that performance standards are not to be exceeded, the commission may require, as a condition of the plan approval, that independent environmental monitoring be conducted periodically; the commission shall approve the monitoring firm and such monitoring will be supervised by the commission and carried out at the expense of the applicant. The applicant, as part of its application, shall propose appropriate monitoring activities consistent with the foregoing. It is suggested that an outline of the impact assessment be submitted for review during the preapplication meeting.

(2) A traffic impact study (TIS) analyzing both on-site and off-site conditions as they affect surrounding areas. The TIS shall be prepared by a firm that is licensed to do work as an engineer in the state. The purpose of a TIS is to review impacts of the proposed development on the local and state highways system. The evaluation should consider traffic capacity, signalization and safety issues. This report will be used to determine the needed improvements in the vicinity of the site access and provide data to the commission, the city and RIDOT on what off-site improvements need to be considered.

The following are intended as guidelines for preparing a traffic impact report for developments within the waterfront development districts.

A TIS may be required for any development that generates more than 50 peak hour trips. For any TIS prepared as a requirement of these guidelines, with a lower threshold, the report will conform to these guidelines.

Once it is determined that an impact study is required, a scoping meeting may be held with the developer or his consultant and the appropriate representatives of the city and or commission. It will be the responsibility of the consultant to initiate this meeting, working through these development requirements. The purpose of this meeting is to discuss site specific information concerning the development. All interested parties should receive copies of the minutes from this meeting.

The study area should generally be in accordance with generally accepted practices for traffic impact studies; however, in all cases the network should be analyzed to the nearest signalized public street intersection in all directions from each access point; generally not greater than one mile from the access point(s).

An impact study report should include the following information:

- a. Table of contents.

- b. Introduction with and explanation of the project, purpose of the report, and an area map showing site location.
- c. A description of existing conditions, including traffic counts and analysis, and sketches of existing roadway configurations.
- d. Background conditions without site development, including annual growth in traffic to build year, if appropriate, Traffic generated by other approved developments, and a background analysis (with background traffic equal to existing traffic plus growth in existing traffic and that of other approved developments in the area), and background analysis with approved/funded highway projects.
- e. Projected conditions, with development of the site, including: traffic generated by the proposed development (i.e. site generated traffic) at build out, and/or at any significant stage of development, total traffic analysis (where total traffic is equal to existing traffic plus background growth plus additional approved development in the area and proposed site generated traffic; and, an analysis of total traffic with improvements.
- f. Conclusions/Recommendations that explain the results of analysis, and consultant/developer or RIDOT suggestions for reasonable improvements to mitigate the site traffic impacts (The level-of-service (LOS) standard that should be achieved at state intersections is "D.")
- g. Appendix, including all work sheets, traffic counts and pertinent correspondence.

The following is a more detailed explanation of the various aspects involved in preparing the report:

- a. Existing traffic shall include traffic counts performed at each intersection to be analyzed, if current turning movement counts are not available. The most recent traffic volume counts, whether by RIDOT, consultant or the city, may be used for the study. Counts should, as a rule, not be more than one year old from when the report is prepared. Counts between one and three years old may be used if factored to the current year. Counts older than three years will not be accepted.

Peak hour counts are acceptable at intersections, generally from 7:00 to 9:00 a.m. and from 4:00 to 6:00 p.m.

Counts are not to be taken on state or federal holidays.

The presence of schools in the area must be considered when determining the date of counts.

- b. Analysis of all intersections will be analyzed using the Highway Capacity Manual (HCM) at the most up to date version at the time.
- c. Trip generation and distribution should use local trip generation rates. If local rates are not available, the latest ITE trip generation rates should be used. In the event ITE does not address the development, or is of a limited sample size, studies of similar uses may be used. Documentation of these studies should be submitted for verification. There must be some discussion of the assumptions behind the distribution of generated trips (both for the site and other approved developments in the area). The methodology to be used should be discussed at the scoping meeting.

d. Growth in existing traffic. Growth in existing traffic is described as a factor representative of travel growth outside the study area. This factor should be applied to the existing through traffic, and appropriate turning movements, before approved development traffic is applied. The volume should be compounded to the reasonable build out years, typically 3—10 years, depending on the build out schedule. For developments with a build out of less than 3 years, growth in existing traffic need not be applied. If the city does not require growth in existing traffic, then this factor should not be applied.

e. Approved development traffic. Approved development traffic is described as traffic generated by all approved developments within the area at the time of the report preparation. These sites can be obtained from the city and should be documented in the TIS.

f. Background analysis. Background analysis includes existing traffic, plus growth in existing traffic, plus approved development. This analysis should take into consideration all transportation improvements expected to be in place within the study area. These improvements should include those which are already programmed or bonded by the state, the city or developer(s). These improvements should be documented in the TIS.

g. Projected conditions shall include traffic which will be generated by the development and total traffic calculated after the site traffic is projected. After total traffic is developed, an analysis of traffic operations, with projected future roadway improvements in place (i.e. improvements addressed in the background analysis), is to be performed.

After the analysis of total traffic is completed, all intersections and/or links within the study area resulting in a level-of-service worse than "D" must be identified and improvement(s) recommended.

h. Conclusions/recommendations should identify any improvement suggested as being implemented by "others" and should indicate by whom. If the improvements are funded by a public agency (i.e. the RIDOT), then a copy of the page from the appropriate document should be included in the report. If funded by another developer, then documentation should likewise be included.

There must be some discussion of the feasibility of constructing any recommended improvements. While detailed construction plans are not expected, some discussion of any obvious constraints is necessary.

Consideration should be given to providing improvements at locations that experience a significant decrease in capacity due to the proposed development. A final analysis of the study area must be performed to include any recommended improvements. If a traffic signal is to be proposed, then a signal warrant analysis must be performed in accordance with RIDOT's warrant analysis procedures, and included in the report. After review of this analysis, RIDOT may require additional study, including exploring other alternatives to signalization, before reaching a final determination on the need for a signal.

The report should include a discussion of the improvements that the developer will construct and/or fund as part of the development proposal.

- (3) The location and size of any common or public open space, including public access to and along the waterfront, and the form of organization proposed to own and maintain any common or public open space areas. The proposed organization shall include provisions which recognize the right of the commission or the city to enforce the maintenance of common open space in reasonable order and condition and to assess the property owners for the cost of such maintenance in the event of the failure of the organization to maintain the common open space. Such assessment shall become a lien on the properties. This will be carried out in conjunction with Rhode Island Coastal Resources Management Council policies and decisions on public access and rights-of-way to the shore.
- (4) A copy of any covenants, deed restrictions or conditional provisions that are intended to cover all or any part of the tract.
- (5) A survey prepared by a licensed professional land surveyor in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations shall accompany the site plan and shall show the boundaries of the parcel and the limits of all proposed streets, recreation areas, and other property to be dedicated to public use. Appropriate assurances shall be provided by the applicant to the commission indicating that all private roads and other applicable facilities will be maintained, and other supplementary services will be provided by the applicant or successors and assigns.

Sec. 19-218. Public hearings and notice requirements.

- (a) *Public hearings.* Public hearings shall be held on the initial application and on requests for deviations and conditional use provisions. The commission shall also have the authority to call and conduct public hearings, in accordance with established procedures, on any matters which the commission determines would benefit from a public hearing.
 - (1) *Design review committee.* The design review committee shall evaluate each application for conformance with the regulations and reviewing criteria and shall make recommendations to the hearing panel and/or the East Providence Waterfront special development district commission for their action.
 - (2) *Hearing panel.* Public hearings before the hearing panel shall be set within a reasonable time not to exceed 30 days from the date of the design review committee public hearing. It is the role of the hearing panel, if required, to summarize the facts brought out at the public hearings and submit its findings to the East Providence Waterfront special development district commission.
 - (3) *East Providence waterfront special development district commission.* Public hearings before the commission shall be set within a reasonable time not to exceed 30 days from the date of the design review committee public hearing or not to exceed 30 days from the date of any required public hearing before the hearing panel. At its public hearing, the commission will receive such evidence as the parties may present and may approve, modify or reject the recommendations of the design review committee and the hearing panel. Decisions of the commission shall be in writing and shall state the facts upon which the decision is based.
- (b) *Public notice.* Public hearings shall be noticed in accordance with the Open Meetings Act (100-RICR-4 0-15-2).

- (1) Published at least 14 days prior to the date of such hearing in a newspaper of general circulation in the city.
- (2) Sent by first class mail to the applicant.
- (3) Sent first-class mail to all owners of real property whose property is located in or within two hundred feet (200') of the perimeter of the subject property, whether located within the city or an adjacent city or town; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located. The applicant shall submit to the commission two (2) lists of names and mailing addresses (including zip codes) of the property owners within the notice area at least 14 days prior to the public hearing. The list of property owners must be in accordance with the latest listing available in the office of the city tax assessor, and such names and address shall be listed by plat and lot numbers. At least two days prior to the hearing date, the applicant shall file with the commission a certification under oath that notice was mailed in accordance with this regulation. Within 30 days of mailing of notice, the applicant shall file with the commission all return receipts for the certified mailing notice. Any notices which were not deliverable for any reason shall also be filed with the commission by the applicant.

The costs associated with any notice and advertising required under this section shall be borne by the applicant.

- (4) Sent by first class mail to the city or town council, of any city or town that is located in or within 200 feet of the boundary of the subject area.
- (5) Sent first class mail to the city or town of any city or town where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of the subject property, regardless of the municipal boundaries.
- (6) Sent to the governing body of any state or municipal water department or agency, special district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of the subject property, provided however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city with a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof.
- (7) The newspaper notice shall use a type size at least as large as the normal type size used by the newspaper in its news articles, and shall specify the place of the hearing and the date and time of its commencement; indicate that an application for new development and/or for a deviation, conditional use provision is under consideration; contain a statement or summary describing the matter under consideration; advise those interested when a copy of the matter under consideration may be obtained or examined and copied; and, state that the proposals shown thereon 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.

(c) Any party may appear at the public hearing in person, or by agent or attorney. The hearing held by the commission is a public meeting and all decisions reached by the commission shall be made and voted upon at a public meeting. The commission shall hear all evidence on the request, and consider the written reports by commission staff or other relevant agencies when reaching a decision on the findings.

Sec. 19-219. Issuance of permits.

(a) Upon making a decision, the commission shall file with the building inspector, or such other duly delegated authority, a certificate of approval or certificate of rejection of all plans submitted to it for review. No construction and/or demolition shall begin until a certificate of approval has been filed. In the event the commission issues a certificate of rejection, such certificate of rejection shall be binding upon the building inspector or other duly delegated authority, and no permit shall be issued in such case.

(b) In the event that a certificate of approval is issued, the applicant must then file the certificate of approval with the building inspector when requesting a permit. The applicant shall make no changes to the plans after issuance of a certificate of approval without the written consent of the commission or a duly authorized commission official, in accordance with written procedures established by the commission and applicable in a uniform and non-discriminatory manner to all applicants who have received certificate of approval for plans.

(c) No permit shall be granted by the city building inspector until the commission has acted thereon and is hereinafter provided, and no construction or alteration of a structure may be undertaken without such permit.

(d) Follow-up review. At the completion of design development and at other times as the commission may deem appropriate, the developer shall submit additional design materials to the commission for the purpose of determining whether the developer is proceeding in accordance with the certificate of approval. The developer shall notify the commission of any design changes subsequent to the date of the certificate of approval on a follow-up review form provided by the commission.

(e) Time limit on approval. The approval of a plan, or modification or amendment thereof, shall remain effective for a period of two years from the date of the recorded notice of decision. Vesting may be extended for a subsequent one-year period, for good cause shown, if requested in writing by the applicant prior to the expiration of the initial two-year period, and approved by the East Providence Waterfront special development district commission. Vesting shall include all general and specific conditions as shown on the recorded notice of decision and/or plan. No more than three one-year extensions shall be considered. At the termination of the extension period, submission and approval of a new application shall be required. Requests for extension of time shall be made to the executive director and accompanied by a check payable to the East Providence Waterfront Commission in the amount of \$500.00.

Sec. 19-220. Deviations and conditional use provisions.

(a) Pursuant to and in accordance with G.L. 1956, § 45-24.4-13, the commission may entertain applications for, and in its discretion, grant or deny, deviations and conditional use provisions from these regulations.

- (b) As provided herein, "deviations" shall mean permission to deviate from the area and performance standards of these regulations which regulate the manner in which a use permitted under the terms of these regulations may be implemented by the owner.
- (c) As used herein, "conditional use provisions" shall mean a use permitted in these regulations pursuant to and in accordance with the conditions and/or circumstances established in these regulations.
- (d) Deviations to the terms of these regulations may be granted by the commission when literal enforcement of the regulations relating to setbacks, building heights, parking requirements and other area and dimensional restrictions set forth in the performance standards as outlined in subsection (g) below would preclude the full enjoyment of the owner of a permitted use and would amount to more than a mere inconvenience.
- (e) Conditional use provisions may be granted by the commission in those cases where the use permitted specifies a conditional use. The conditions provided, and the use granted shall be limited to those which ensure the convenience and welfare of the public and do not substantially or permanently injure the value of neighboring property. The applicant must demonstrate to the satisfaction of the commission that neither the proposed use nor its location on the site would have a detrimental effect on the public health, safety, welfare or morals.
- (f) In granting a deviation or conditional use provision, the commission may impose such special conditions as are deemed necessary to maintain harmony with other parcels or subdivisions thereof within the waterfront district and to promote the objectives and intent of these regulations and of the development plan.
- (g) In reviewing any application for a deviation or conditional use provision on any site, the commission may consider, among other factors, the following:
- (1) Protection of adjoining properties and other parcels in the waterfront district from any detrimental use on the site.
 - (2) Convenience and safety of vehicular and pedestrian movement within the site in relation to adjacent streets, properties, improvements and in conformance with the express design intent.
 - (3) Adequacy of the methods of disposal for sewage, refuse and other wastes, and methods of drainage of surface water.
 - (4) Provisions of off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the site.
 - (5) Adequacy of all other municipal facilities and services to meet the needs of the site.
 - (6) Achievement of overall design objectives of the development plan.
- (h) Any person desiring approval for a deviation or conditional use provision shall make an application to the commission on a form prescribed by the commission, which shall describe the relief sought and shall contain such information as may be required by these regulations and by the rules of the commission.
- (i) Any deviation or conditional use provision granted by the commission shall expire within one year from the date of granting by the commission unless the applicant exercises the permission granted, or receives a building permit to do so, or seeks an extension from the commission, which extension may be granted

for good cause shown. The applicant may petition the commission for up to six six-month extensions. No additional extensions will be permitted and the certificate will expire. However, at the expiration of all the extensions, the developer may choose to refile the existing, or a revised application. This refiled and/or revised application is subject to all the design review workshops, public hearing and notice requirements described herein.

Sec. 19-221. Uses permitted.

(a) The following table lists the sub-districts within the waterfront district, and the uses permitted within each sub-district. The purpose of these regulations is to ensure compatibility and efficient, economical use of land within the waterfront district. These regulations are also intended to encourage development projects and use of land which is functional, and to protect the city's residences, businesses, and infrastructure in a manner that is consistent with the comprehensive plan.

This article is intended to enable the development of the waterfront district in keeping with the scale and character set forth in the East Providence Waterfront Special Development District Plan. It provides a framework to allow higher land use densities in a context that promotes mixing land uses and building types, provides larger common open space areas and contiguous public access to and along the waterfront, lowers street and utility costs because of reduced frontage, and promotes a concentration of uses within a pedestrian friendly environment. Waterfront development is guided by a development plan review process in which the East Providence Waterfront special development district commission has significant involvement in determining the scale of the development and the character of the uses.

- (1) Permitted uses are any use allowed in the waterfront district by this article, subject to the provisions applicable to that sub-district contained within this article.
- (2) Accessory uses are uses which are considered to be subordinate to, and serve the main building or principal use; contribute to the comfort, convenience or necessity of the occupants of the main building or principal use served; are subordinate in area, extent and purpose to the main building or principal use served; are located within or external to the main building or principal use, but on the same lot.
- (3) Conditional uses are a discretionary entitlement which may be granted under the provisions of this article, and which, when granted, authorize a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement by the East Providence Waterfront special development district commission.

(b) Any change in the principal use of a property, or within the buildings or structures located on a property, shall be required to be reviewed by the executive director for compliance with the district regulations set forth for the zoning of said property, prior to the occurrence of the proposed change in use.

(c) Unnamed uses, or uses not specifically defined in this article, are not allowed except as follows:

- (1) Upon application therefore, the executive director may determine whether a proposed use which is not specifically named within any zone district created by this article, and is not an accessory use, is similar to and compatible with uses otherwise allowed within a specific zone district

and may, upon making a determination of similar and compatible uses, allow the proposed use within that district.

(2) In making the determination of similarity and compatibility, the executive director shall consider, among other relevant matters, traffic generation, density of population, and hours of operation of the proposed use in comparison to specifically named uses within the district in question, and with named uses permitted in other zone districts.

(d) The waterfront district encourages mixed land uses which may include, but are not limited to, any combination of housing, offices, retail and service businesses, and public and civic uses. Land uses may be mixed by floor (vertically within a building) or horizontally on a parcel of land. Office and residential uses are encouraged above ground level retail spaces. The scale of mixed use may range from a single stand-alone retail use with residential uses on upper stories, to a major development that integrates housing, offices, shops, streets and public spaces.

The intent of the waterfront district is to provide uses in conformance with the East Providence Waterfront Special Development District Plan. The plan identifies a range of general land uses within each of the waterfront sub-districts, as described in the following subsections:

- (1) *Kettle Point*: Medium density residential, with ancillary commercial uses including restaurants, clubhouses, marinas and limited retail geared toward residents.
- (2) *Veterans Memorial Parkway*: Medium density multifamily residential along the Veterans Memorial Parkway frontage, with commercial and retail uses at the lower levels of the site, and marina uses at the waterfront.
- (3) *Bold Point Harbor*: A mixed-use high density area of commercial, office, retail and high density multifamily residential uses. Hospitality uses, including hotels and lodging, cafes, restaurants, bars and entertainment venues are also encouraged. Marinas, with limited support services, and water-transit related services are also permitted. Heavy commercial or industrial land uses are not permitted.
- (4) *Crook Point*: Retail and hospitality uses are encouraged closer to the Washington Bridge, with commercial office, retail and high density residential uses transitioning north toward the Henderson Bridge.
- (5) *Dexter Road*: Technology-oriented light manufacturing, including offices, research and development, commercial education institutions and supportive commercial retail uses. Heavy commercial, mini-storage or industrial land uses are not permitted.
- (6) *Phillipsdale*: A mix of commercial office, retail, mixed-density residential (single-family, townhouses and multifamily condominiums), light manufacturing (in selected areas) and artisan live/work studio space.
- (7) *Pawtucket Avenue*: Commercial office, light manufacturing and research and development, with medium density multifamily residential in selected areas.
- (8) *Metacomet*: A mix of commercial office, retail, mixed-density residential (single-family, townhouses and multifamily condominiums), continuing care, fast food, conference centers, hotel, pharmacies, recreation and outdoor uses.

Sec. 19-222. Schedule of use regulations.

The following is a schedule of use regulations:

Y = Yes, permitted use

N = No, prohibited use

C = Conditional use

	Northern Waterfront Districts			Southern Waterfront Districts			
Use	Phillipsdale Subdistrict	Dexter Rd. and Pawtucket Ave. Subdistricts	Crook Pt. and Taunton Ave. Subdistricts	Bold Pt. Subdistrict	Veterans Subdistrict	Kettle Pt. Subdistrict	Metacomet Subdistrict
RESIDENTIAL AND RELATED USES							
Single-family	C	N	N	N	C	C	C
Two-family	Y	N	N	N	Y	Y	Y
Three-family	Y	N	C	N	Y	Y	Y
Apartment/condominium	Y	C	Y	Y	Y	Y	Y
Community residences	Y	N	Y	Y	Y	Y	Y
Artisan live/work	Y	Y	Y	Y	Y	Y	Y
Continuing care	N	N	C	C	C	N	Y
Adaptive reuse	Y	Y	Y	Y	Y	Y	Y
RETAIL BUSINESS							
Apparel and accessory stores	Y	Y	Y	Y	Y	C	Y
Art galleries	Y	Y	Y	Y	Y	Y	Y
Café	Y	Y	Y	Y	Y	Y	Y
Cigar Lounge	Y	Y	Y	Y	Y	Y	Y
Funeral home, mortuary	C	Y	C	C	N	N	N
Furniture, home furnishings and appliances	Y	Y	Y	Y	N	N	C

2024 East Providence Zoning Rewrite

	Northern Waterfront Districts			Southern Waterfront Districts			
Use	Phillipsdale Subdistrict	Dexter Rd. and Pawtucket Ave. Subdistricts	Crook Pt. and Taunton Ave. Subdistricts	Bold Pt. Subdistrict	Veterans Subdistrict	Kettle Pt. Subdistrict	Metacomet Subdistrict
Gasoline dispensing facilities	C	C	N	C	N	N	N
General merchandise	Y	Y	Y	Y	N	C	Y
Grocery stores	Y	Y	Y	Y	C	C	Y
Microbrewery/distillery	Y	Y	Y	Y	Y	C	Y
Office supplies and equipment	Y	Y	Y	Y	N	N	C
Printing or publishing	Y	Y	Y	Y	N	N	C
Package liquor stores	Y	Y	Y	Y	Y	Y	Y
Specialty stores	Y	Y	Y	Y	Y	Y	Y
Drive-through facilities	N	N	N	N	N	N	C
EATING AND DRINKING ESTABLISHMENTS							
Restaurants, coffee shops, delicatessens, and ice cream parlors, with indoor and/or outdoor seating	Y	Y	Y	Y	C	C	Y
Fast food restaurants	N	C	C	C	N	N	C
Taverns, bars, lounges, pubs and similar establishments	Y	Y	Y	Y	C	C	C
Entertainment/clubs	Y	Y	Y	Y	C	C	N
LODGING							

2024 East Providence Zoning Rewrite

	Northern Waterfront Districts			Southern Waterfront Districts			
Use	Phillipsdale Subdistrict	Dexter Rd. and Pawtucket Ave. Subdistricts	Crook Pt. and Taunton Ave. Subdistricts	Bold Pt. Subdistrict	Veterans Subdistrict	Kettle Pt. Subdistrict	Metacomet Subdistrict
Bed and breakfast	C	N	C	C	C	C	C
Conference center	C	N	Y	Y	C	N	Y
Hotel	C	N	C	C	C	N	N
Motel	N	N	C	C	N	N	N
OFFICE USES							
Banks	Y	Y	Y	Y	Y	Y	Y
Business offices	Y	Y	Y	Y	C	C	Y
Corporate headquarters	Y	Y	Y	Y	C	C	Y
Call-in center	Y	Y	C	N	N	N	N
Government offices	Y	Y	C	Y	N	N	Y
Post offices	Y	Y	Y	Y	C	C	Y
HEALTH SERVICES							
Medical offices, outpatient services	Y	Y	Y	Y	Y	Y	Y
Medical research, engineering or testing laboratory	Y	Y	C	C	N	N	Y
Nursing, congregate care, assisted living and convalescence homes	C	N	C	C	N	N	Y
Veterinary offices/clinics	C	Y	C	C	N	N	C
PERSONAL SERVICES							
Child day care centers, nursery schools	Y	N	Y	Y	Y	Y	Y
Dry cleaners	Y	Y	Y	Y	C	C	Y

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	Northern Waterfront Districts			Southern Waterfront Districts			
Use	Phillipsdale Subdistrict	Dexter Rd. and Pawtucket Ave. Subdistricts	Crook Pt. and Taunton Ave. Subdistricts	Bold Pt. Subdistrict	Veterans Subdistrict	Kettle Pt. Subdistrict	Metacomet Subdistrict
Family child care homes	Y	N	N	N	Y	Y	Y
Hair salon/barber shop	Y	Y	Y	Y	Y	Y	Y
Laundromats	Y	Y	Y	Y	C	C	N
Massage therapy and/or massage therapy establishment	C	C	C	C	C	C	C
Personal services	Y	Y	Y	Y	Y	Y	Y
Pharmacies	C	N	C	C	C	C	Y
RECREATION AND CULTURE							
Auditoriums and places of assembly	Y	C	Y	Y	Y	C	Y
Boat and yacht clubs	Y	C	Y	Y	Y	Y	Y
Bowling alley	Y	N	Y	Y	N	N	C
Business and trade schools	Y	Y	Y	N	N	N	Y
Dance studio, yoga, martial arts	Y	Y	Y	Y	C	C	Y
Farmers market	C	C	Y	C	N	N	C
Film Studio	Y	Y	Y	Y	C	C	Y
Health fitness centers	Y	Y	Y	Y	C	C	Y
Libraries	Y	Y	Y	Y	Y	Y	Y
Marinas/boat launching facilities	Y	Y	Y	Y	Y	Y	N
Municipal facility	Y	Y	Y	Y	Y	Y	Y
Museums	Y	Y	Y	Y	C	C	Y

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	Northern Waterfront Districts			Southern Waterfront Districts			
Use	Phillipsdale Subdistrict	Dexter Rd. and Pawtucket Ave. Subdistricts	Crook Pt. and Taunton Ave. Subdistricts	Bold Pt. Subdistrict	Veterans Subdistrict	Kettle Pt. Subdistrict	Metacomet Subdistrict
Non-profit clubs; civic, social or fraternal	Y	N	Y	Y	C	C	C
Park, playground or playfield	Y	N	Y	Y	Y	Y	Y
Photography Studio	Y	Y	Y	Y	Y	C	Y
Places of worship	Y	C	C	C	C	N	Y
Public or private elementary, junior high or high school	Y	N	Y	Y	Y	Y	Y
Recreation, indoor	Y	C	Y	Y	N	N	Y
Recreation, outdoor	C	N	C	C	C	C	Y
Theater, indoor	Y	N	C	Y	N	N	Y
Watershed protection or supply	Y	Y	Y	Y	Y	Y	Y
LIGHT INDUSTRIAL/FLEX TECH USES							
Accessory retail industry	C	C	N	N	N	N	C
Agriculture and aquiculture, indoor (excluding plants with THC)	C	N	N	N	N	N	C
Artisan design and fabrication	Y	Y	Y	Y	C	C	Y
Business accelerator, incubator	Y	Y	Y	Y	N	N	Y
Distribution center	N	Y	C	N	N	N	N
Flex tech, less than 20,000 sf	Y	Y	C	N	N	N	C

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	Northern Waterfront Districts			Southern Waterfront Districts			
Use	Phillipsdale Subdistrict	Dexter Rd. and Pawtucket Ave. Subdistricts	Crook Pt. and Taunton Ave. Subdistricts	Bold Pt. Subdistrict	Veterans Subdistrict	Kettle Pt. Subdistrict	Metacomet Subdistrict
Flex tech, 20,000 sf or greater	C	C	N	N	N	N	C
Industrial or manufacturing related office	Y	Y	N	N	N	N	C
Light manufacturing	Y	Y	N	N	N	N	N
Open storage	N	C	N	N	N	N	N
Printing and publishing, bulk	Y	Y	C	C	N	N	N
Research and development	Y	Y	Y	Y	Y	Y	Y
Sale of business and/or industrial equipment and supplies	Y	Y	N	N	N	N	Y
Software design and advanced manufacturing	Y	Y	Y	Y	C	N	Y
Storage, interior only (excluding mini/self storage units with separate exterior accesses)	Y	C	N	N	N	N	N
Warehouse	C	Y	N	N	N	N	N
Wholesale showroom with storage and repair facilities	C	C	N	N	N	N	N
OTHER USES							
Parking structure	Y	Y	Y	Y	C	C	Y

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	Northern Waterfront Districts			Southern Waterfront Districts			
Use	Phillipsdale Subdistrict	Dexter Rd. and Pawtucket Ave. Subdistricts	Crook Pt. and Taunton Ave. Subdistricts	Bold Pt. Subdistrict	Veterans Subdistrict	Kettle Pt. Subdistrict	Metacomet Subdistrict
Marine transport	C	C	C	C	C	C	N
Transit shelters	Y	Y	Y	Y	Y	Y	Y
UTILITIES							
Communication services and broadcasting offices	C	C	N	N	N	N	C
Public utilities not otherwise mentioned	C	C	C	C	C	C	C
Radio, television or wireless telecommunication antennas	C	C	C	C	C	C	C
ACCESSORY USES AND STRUCTURES							
Bank ATM machines	Y	Y	Y	Y	Y	Y	Y
Boat, kayak, canoe rental	C	C	C	C	C	C	C
Commercial satellite dishes	C	C	C	C	C	C	C
Construction trailer	C	C	C	C	C	C	C
Home occupation	C	N	C	C	C	C	C
Fences and walls	Y	Y	Y	Y	Y	Y	Y
Indoor rack boat storage	Y	C	C	C	C	C	Y
Off-street parking areas	Y	Y	Y	Y	Y	Y	Y
PROHIBITED USES The specific prohibited uses enumerated herein and in § 31 are in addition to any and all other uses which are prohibited in accordance with § 32.							

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	Northern Waterfront Districts			Southern Waterfront Districts			
Use	Phillipsdale Subdistrict	Dexter Rd. and Pawtucket Ave. Subdistricts	Crook Pt. and Taunton Ave. Subdistricts	Bold Pt. Subdistrict	Veterans Subdistrict	Kettle Pt. Subdistrict	Metacomet Subdistrict
Adult oriented businesses							
Automobile rental agencies							
Billboards							
Bulk storage of chemicals							
Car wash							
Cemetery							
Drive-through facilities							
Dumps and sanitary fills							
Farming, except for indoor agriculture and aquaculture							
Indoor agriculture with plants with THC (tetrahydrocannabinol)							
Heavy industry							
Hospitals							
Junk and salvage yards							
Mini/self-storage with separate exterior accesses							
Mobile homes							
Motor vehicle sales							
Motor vehicle supply stores							
Motor vehicle repair							
Radio, television or wireless communication towers							

Sec. 19-224. Performance standards.

(a) Flexible and creative lot layout and site design is encouraged to promote a mix of residential, commercial, office and public uses in a vibrant pedestrian oriented environment. The following performance standards delineate provisions for site development for uses permitted in the various sub-districts in the waterfront district. **Performance standards for adaptive reuse projects are contained within subsection (b) following the table below.**

The intent of the performance standards is to control the location of buildings to define and contain the street space, and to concentrate and reinforce pedestrian activity. Buildings in the waterfront district should reinforce the characteristics consistent with urban waterfront areas, with "build to" lines maintained for most of their frontage at the edge of the public right-of-way.

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(A) Land Use	(B) Land Allocation	(C) Lots and Buildings	(D) Streets and Ways	(E) Off-Street Parking
1. General: Land within the waterfront district shall be available for uses as provided below.	1. Similar land uses should front each other. 2. Dissimilar land use categories may abut along rear lot lines or across streets.	1. All lots shall front on a street or public open space. 2. All buildings except outbuildings shall have their main entrance opening on a street or public open space. 3. Attics and raised basements/covered parking shall not count against story height limitations. 4. Stoops, open porches and outdoor seating areas may encroach into the front setback.	1. All lots/tracts shall have access to a public street or way. 2. Rear alleys are encouraged and when utilized shall be a minimum width of 24 feet. 3. No block shall have a length greater than 400 feet unless an alley or other means of public access is provided for through access. 4. Street lamps shall be provided at intervals of no more than 100 feet. 5. Street trees shall be provided at a maximum of 60 feet on center.	1. On street parking adjacent to a lot shall count toward meeting parking requirements for the lot's uses. 2. Parking lots shall generally be located at the rear of the buildings to the maximum extent practicable, and shall be screened from public ways. 3. Parking lots/decks shall not terminate public street vistas to the waterfront.

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(A) Land Use	(B) Land Allocation	(C) Lots and Buildings	(D) Streets and Ways	(E) Off-Street Parking
2. Public land use includes land designated for parks, squares, streets and ways, and public open space. Civic uses may be located within public use lots.	1. A minimum of five percent of residential tracts (gross area) shall be designated public open space. 2. Parks, squares and waterfront open space shall have at least 50 percent of their perimeter abutting a public right-of-way. 3. Waterfront properties must maintain a minimum of a 50-foot setback for contiguous waterfront access. 4. Such allocation will count toward the provisions for designated open space.	1. Balconies may encroach up to four feet into public ways and open space, and shall be protected by easements.		1. Shared parking is encouraged for public uses. Parking lots for public use shall be landscaped, but may be unpaved where determined appropriate.

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(A) Land Use	(B) Land Allocation	(C) Lots and Buildings	(D) Streets and Ways	(E) Off-Street Parking
3. Civic land use contains community buildings including libraries, post offices, schools, museums, religious buildings, performing arts, municipal and cultural buildings and others by conditional use provision approval.	1. Civic lots should be located on public parks, squares or on lots terminating at a street vista.	1. There shall be no height restriction for buildings designated for civic use.		1. Shared parking shall be utilized for civic uses where feasible. 2. Generally, parking shall be located at the rear of the building and screened from public ways.

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4. Commercial land use includes lots/tracts containing buildings primarily for business uses including retail, office, medical office, entertainment, restaurant, lodging, artisan, and those buildings or developments mixed with a residential component.	1. Retail lots shall have a maximum street frontage of 175 feet.	1. Buildings shall be setback between zero to 15 feet from the front yard right-of-way. Commercial buildings shall have their front facade built within five feet of the setback line or right-of-way along a minimum of 70 percent of their frontage. 2. Side setbacks, if provided, shall be at least five feet from the property line. 3. Building coverage shall not exceed 70 percent of the lot area. 4. A 100 percent coverage is allowed if parking is under the building. Commercial buildings shall have no required side yard setbacks. 5. Buildings shall not exceed four stories in height except in special designated areas as	1. Commercial lots/tracts shall front on public streets/ways which have a minimum right-of-way of 50 feet, with two travel lanes, parallel parking on both sides, and six foot sidewalks. 2. Street trees shall be planted-a maximum of 60 feet on both sides of streets. 3. Service alleys at the rear of commercial lots are encouraged.	1. There shall be one parking space per 300 square feet of building area for office, retail, and entertainment uses. 2. There shall be one parking space per 250 square feet for medical offices. 3. There shall be one parking space for every four seats of restaurant uses. 4. There shall be one parking space per room of lodging. 5. There shall be one parking space per unit for senior housing. 6. There shall be two parking spaces per unit of residential and artisan live/work uses. 7. Shared parking will be utilized for mixed-use areas where feasible. 85 percent of the parking must be provided on the site. 8. There shall be a limit of two parking bays on one side of a lot, or one bay on each side. 9. General parking is not

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(A) Land Use	(B) Land Allocation	(C) Lots and Buildings	(D) Streets and Ways	(E) Off-Street Parking
		approved by the commission; a minimum of two stories is encouraged. 6. When fronting on public open space buildings should be stepped with a setback of six feet for levels over the first two stories.		permitted in the front of a building lot.

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(A) Land Use	(B) Land Allocation	(C) Lots and Buildings	(D) Streets and Ways	(E) Off-Street Parking
5. High density residential includes land designated for residential and a mix of limited business use including limited office, lodging, retail, artisan, community, recreational and other uses by conditional use provision approval.	1. A maximum of ten percent of the total parcel area devoted to a mixed residential project may be single-family lots. 2. Single-family lots shall have a maximum size of 7,260 square feet. 3. Single-family lots shall have a minimum of 50 to a maximum of 75 feet of frontage.	1. High density residential shall be limited to designated areas in the waterfront district. 2. Within such areas, building height limits shall be evaluated on a case by case basis by the commission with regard to view corridor assessments from within and outside of the waterfront district. 3. Building coverage shall not exceed 70 percent of the lot area. 4. A 100% coverage is allowed if parking is under the building. 5. Front yard setback shall be a minimum of five feet. 6. There shall be no required side yard setback. Side setbacks, if provided, shall be at least five feet from the property line.	1. High density lots should front on streets having a minimum right-of-way of 50 feet with two travel lanes, parallel parking on both sides, and six-foot sidewalks. 2. Street trees shall be planted-a maximum of 60 feet on both sides of streets containing high density residential uses.	1. There shall be two parking spaces per unit of residential and artisan live/work uses. 2. There shall be one parking space per unit for senior housing. 3. There shall be one parking space per 300 square feet of building area for office, retail, and entertainment uses. 4. There shall be one parking space for every four seats of restaurant uses. 5. There shall be one parking space per room of lodging. 6. Shared parking will be utilized for mixed-use areas where feasible. 7. All off-street parking shall be at the rear of the building to the maximum extent practicable and screened from public ways.

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(A) Land Use	(B) Land Allocation	(C) Lots and Buildings	(D) Streets and Ways	(E) Off-Street Parking
6. Medium density residential is land designated for residential and limited commercial uses, including townhomes, apartments and other attached housing, artist live/work studios, home offices and smaller scale neighborhood oriented retail establishments.	1. A maximum of fifteen percent of the total parcel area devoted to a mixed residential project may be single-family lots. 2. Single-family lots shall have a maximum size of 7,260 square feet. 3. Single-family lots shall have a minimum of 50 to a maximum of 75 feet of frontage.	1. Buildings shall be setback between zero to 25 feet from the front yard right-of-way. 2. Buildings shall be setback from side lot lines equivalent to no less than 20 percent of the lot width. 3. The entire side yard setback may be allocated to one side. 4. Building coverage shall not exceed 70 percent of the lot area. 5. Building height shall not exceed five stories.	1. Lots shall front on streets with a minimum right-of-way of 50 feet with at least two ten-foot travel lanes, parallel parking and six-foot sidewalks on both sides. 2. Where minimum setback is utilized, building height at the street shall be no more than three stories; stories above this must be setback an additional ten feet. 3. The use of rear alleys is encouraged; the width of such alleys shall be 24 feet.	1. There shall be a minimum of one space per two bedrooms of residential uses. 2. On-street parking may be used to meet the requirements of non-residential uses within a mixed-use building or in a stand-alone facility. 3. All off-street parking shall be located to the rear or side of the building to the maximum extent practicable and screened from public ways.

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(A) Land Use	(B) Land Allocation	(C) Lots and Buildings	(D) Streets and Ways	(E) Off-Street Parking
7. Low density residential land shall be in lots containing buildings for residential uses including single-family homes, artist studios, guest cottages, home offices and others by conditional use provision approval. All of the building area above the ground floor shall be for residential use, with accessory uses permitted on each lot.	1. Low density residential may be included where a mix of housing types and densities is desired. 2. A maximum of 25 percent of the total parcel area devoted to a mixed residential project may be single-family lots. 3. Single-family lots shall have a maximum size of 7,260 square feet. 4. Single-family lots shall have a minimum of 50 to a maximum of 75 feet of frontage.	1. Buildings shall be set back from zero to 25 feet from the frontage line. 2. Buildings shall be set back from side lot lines no less than 20 percent of the lot width. 3. The entire setback can be allocated to one side of the lot. Primary buildings shall be set back no less than 30 feet from the rear lot line except for outbuildings. 4. Building coverage shall not exceed more than 70 percent of the lot area. 5. Buildings shall not exceed more than two stories in height.	1. Single-family lots shall front on streets with a minimum of 40 feet of right-of-way. 2. Street trees shall be installed on both sides at no more than 60 foot intervals. 3. Lots may have their rear lot lines coincide with a minimum 24-foot alley.	1. One off street parking space should be provided per two bedrooms of residential uses. 2. Parking and garages for all residential uses shall be prohibited in front yard setback areas. Garages facing a front yard property line shall not be located closer to the front lot line than the foremost facade of the principal building facing the front property line.
8. Business uses includes land designated for office, medical offices, light	1. Business use lots shall have a minimum of 100 feet of frontage.	1. There shall be no front yard setback requirement. 2. Building coverage shall not exceed 70 percent of the lot area.	1. Business lots/tracts shall front on public streets/ways which have a minimum right-of-way of 50 feet, with two travel	1. There shall be one parking space per 250 square feet for office and medical office uses. 2. There shall be one space per 500 square feet for all other

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(A) Land Use	(B) Land Allocation	(C) Lots and Buildings	(D) Streets and Ways	(E) Off-Street Parking
industry, artisan, warehousing, instructional and other uses by conditional use provision approval.		3. Building height shall not exceed three stories.	lanes, parallel parking on both sides, and six-foot sidewalks. 2. Street trees shall be planted—a maximum of 60 feet on both sides of streets. 3. Service alleys at the rear of commercial lots are encouraged.	uses except uses identified in 7, below. 3. Off street parking may be to the side or rear of the building. 85 percent of the parking must be provided on the site. 4. There shall be a limit of two parking bays on one side of a lot, or one bay on each side. 5. To the maximum extent practicable, general parking is not permitted in the front of a building lot. 6. Where a business use abuts a residential use parking must be screened. 7. For light industry, artisan, warehousing, one space per 500 sf or 0.5 spaces per employee on the largest shift if located within 1,000 feet of a bus stop and 0.8 spaces per employee if located more than 1,000 feet from a bus stop

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(A) Land Use	(B) Land Allocation	(C) Lots and Buildings	(D) Streets and Ways	(E) Off-Street Parking
				(with a minimum of two spaces per unit).

(b) Standards for adaptive reuse projects. Adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments is a permitted use, under the criteria described below under Eligibility.

(1) Eligibility. Adaptive reuse development must include at least 50% of existing gross floor area developed into residential units. The property must have no environmental land use restrictions recorded by the RIDEM or United States Environmental Protection Agency preventing conversion to residential use.

(2) Density calculations. For projects that meet the following criteria, the maximum residential density permitted shall be no less than fifteen (15) dwelling units per acre:

- i. Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building fire code, and utility requirements.
- ii. The development includes at least twenty percent (20%) low- and moderate-income housing onsite.
- iii. The development has access to public sewer and water service or has access to adequate private water, such as well and/or wastewater treatment systems approved by the relevant state agency for the entire development as applicable.

For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing and has access to public sewer and water services or has access to adequate private water, such as well and wastewater treatment systems approved by the relevant state agency for the entire development, as applicable. The density proposed for any adaptive reuse project shall be determined to meet all public health and safety standards.

(3) Dimensional requirements.

- I. Notwithstanding any other provisions of this section, existing building setbacks shall remain and are considered legal nonconforming.

- II. No additional encroachments shall be permitted into any nonconforming setback unless relief is granted by the permitting authority.
- III. Notwithstanding other provisions of this section, the height of the structure shall be considered legal nonconforming if it exceeds the maximum height of the zoning district in which the structure is located.
 - i. Any rooftop construction necessary for building or fire code compliance, or utility infrastructure is included in the height exemption.

(4) Parking requirements. Adaptive reuse developments shall provide one parking space per dwelling unit. The applicant may propose additional parking in excess of one space per dwelling unit. The parking requirements and design standards in Sec. 19-482 and 19-483 shall apply to all uses proposed as part of the project unless otherwise approved by the commission. The number of parking spaces required shall apply for uses other than residential.

(5) Allowed uses. Residential dwelling units are a permitted use in an adaptive reuse project regardless of the zoning district in which the structure is located, in accordance with the provisions of this section. Any nonresidential uses proposed as part of an adaptive reuse project must comply with the provisions of Sec. 19-481 for the zoning district in which the structure is located.

Sec. 19-225. Site development criteria.

- (a) Applicants are encouraged to design developments to coincide with the goals and intent of the East Providence Waterfront special development district plan, including proposed building styles and materials, the relationships between any proposed buildings and the site, and the overall physical appearance of the waterfront district.

The following site development criteria will be evaluated by the design review committee in its review of all development in the waterfront district. Applications for project review shall include a certification for the applicant's architect that the project complies with the intent of these regulations. If the project does not comply, a fully documented explanation of the requested deviations and/or conditional use provisions must be provided.

- (b) Architectural standards.
- (1) The architectural design of buildings, structures and site layout shall be visually compatible with a traditional New England waterfront scale and character, including building materials, massing, density, scale and roof lines.
 - (2) Where practical, buildings should be placed at the sidewalk or near to the front property line, with their primary entrances oriented to the street. Treatment of the sides and rear of all buildings shall be comparable in appearance and amenities of the treatment given to street frontages. Except for single-family development, buildings on waterfront sites will have their primary facades facing the river. Buildings will orient their required open space to the waterfront. However, care must also be taken to create a pleasing facade to the street-side frontage and entrance of such sites.
 - (3) Integration of all properties within the waterfront district is critical to promote vitality and sustain the mixed use character of the area. Interconnectivity is encouraged through the use of street design and pedestrian connections. Private roads are discouraged, unless they are designed to provide connections to service areas within the property. Campus like developments, such as suburban style office parks or "gated" residential communities, are highly discouraged.
 - (4) Building placement and design should work with varying site grades and topographical elements to incorporate covered/structured parking at lower levels of the building or below grade. Lower level covered parking should be accessed from the side or the rear of the lot, with efforts made to ensure that the primary facade of the building reflects the internal uses and include inviting entrances.
 - (5) Parking structures should be compatible with adjacent uses and architecture, including use of similar facade materials and design. Parking uses and the appearance of parking structures should not dominate the public streetscapes. The design of all above grade parking structures should include usable retail, commercial and/or residential uses as appropriate along first floor and street frontages.

- (6) The height of buildings should be compatible with surrounding development and neighborhoods. Only low-scale buildings shall be located along the water's edge and adjacent to residential neighborhoods. Scenic view corridors of the water should be preserved.
- (7) A diversity of roof heights, gable orientations and volumes in new buildings shall be provided. Buildings shall be designed with traditional roof forms that are compatible with the character of the surroundings, including but not limited to gambrel, gable and hipped roofs commonly found in New England cities and towns.
- (8) Architectural elements such as dormers should be in proportion with the overall building and should also be in keeping with the context of surrounding buildings. Exaggerated or excessively large architectural elements should be avoided. Traditional and contemporary architectural detailing which creates variety, interest and texture on new buildings and additions is encouraged.
- (9) Traditional building materials such as shingles, wood clapboards, brick and stone should be used for the exterior of new construction and additions. Additional materials, such as precast concrete, prefabricated panels or architectural metals, may be used if they are of a high quality finish and are in a design consistent with a traditional waterfront or New England town character. These materials shall be considered for all buildings or portions of buildings facing public or private streets. Buildings of entirely glass and/or mirrored exterior finishes shall not be permitted.
- (10) Developers and designers are encouraged to incorporate sustainable design practices and environmentally friendly building materials. Efforts should be made to include elements into the site and building design process that conserve energy and minimize pollution from demolition/construction through building occupancy. Building design should incorporate elements that take full advantage of solar energy for lighting and warming; embrace techniques that optimize water conservation and protect water quality; and implement measures to improve air quality and ventilation.
- (11) Building facades at lower levels should be a masonry-like material of a high quality and level of finish. Detail and ornamentation should enhance street level facades with entrance points denoted through front porches, columns, differential ceiling heights, lighting and variation of materials to accentuate lobby areas.
- (12) Primary building entrances should be oriented to the public sidewalks along the primary street frontage. Development along new or existing public streets should provide open and inviting facades and should foster a walkable and enjoyable pedestrian environment. New development should avoid large expanses of blank walls and should provide frequent street level entries. At least 50 percent of the ground floor facade of non-residential buildings shall be constructed of transparent materials, or otherwise designed to allow pedestrians to view activities inside the building. For retail uses, buildings sited along primary streets should utilize traditional storefront design principles along the ground floor, and provide appealing displays and clear glazing to allow views into store windows and building interiors to enhance the pedestrian experience.

(13) In sub-districts designated for mixed-uses or commercial and office environments, the ground floor of buildings should primarily entail uses geared toward pedestrians, such as retail stores, cafes and restaurants, or civic and cultural uses such as a museum, galleries or community facilities.

(14) Upper levels of building facades should be clad in lighter color materials, with a presentation that responds to a waterfront character. For second floors and above, between 25 percent and 60 percent of the facade should be windows or transparent glazing. Emphasis should be given to using materials and ornamentation to provide a sense of depth and relief to enrich the wall surfaces, including materials that provide a sense of scale and texture, and that reinforce a vertical orientation.

(15) The construction of buildings which are designed according to themes or architectural styles associated with chain stores or restaurants shall be reviewed by the East Providence Waterfront special development district commission, and may be modified or prohibited if found to be inconsistent with the intent of this article.

(16) Residential buildings should be clustered or located in such a manner that provides a distinctive and traditional urban neighborhood character. Buildings shall be oriented to the street, with front yards and entryways that provide easy and inviting access to pedestrian connections.

(17) Large scale development shall take the form of village-like groupings of small scale buildings, rather than large individual structures or box-like buildings set back on a large expanse of paved parking. New buildings shall not be large bulky horizontal masses, but shall be scaled down into groupings of smaller attached or detached structures with a vertical orientation.

(18) Infill development and/or redevelopment within existing built areas shall require a "build-to" line to re-establish continuity of the street wall. Likewise, small-scale development without a directly abutting neighbor should be guided by adjacent development patterns as a means to incrementally fill empty portions of the streetscape and achieve compatibility with surrounding neighborhoods.

(19) New public and civic structures should use the highest quality materials and design to assign a sense of permanence and importance to their role in the community. Design of the buildings should reflect an inviting appearance, and incorporate plazas or open space areas to encourage public gathering. Additionally, these structures should relate strongly to the streets and open spaces where they are located.

(20) Where feasible, emphasis shall be given to protect historic structures from demolition and carefully rehabilitate them in a way that is consistent with their original architectural intent. New additions to historically significant buildings should be designed for compatibility with the original structure in size, composition and material and should result in the minimum necessary loss of original architectural material. Consultation with the state historic preservation and heritage commission shall occur when historic properties are considered for rehabilitation or redevelopment.

(21) Service areas, mechanical equipment, dumpsters and loading areas shall be placed to the rear or side of buildings in visually unobtrusive locations and shall not impede on-site vehicular and

pedestrian circulation. On waterfront locations the service and loading facilities shall not be located on the water side of the structure and shall be placed in a manner to minimize and screen such uses from public view. Service areas and loading areas shall be screened through landscaping or structural elements to prevent direct views from adjacent properties or from public or private streets used by the general public. Mechanical equipment and dumpsters should be screened through walled units or integrated into architectural features of the buildings.

(22) The East Providence Waterfront special development district commission shall require schematic architectural drawings of the exteriors of all proposed new buildings to be submitted as part of review process. The commission shall review these drawings for conformity with the design guidelines set forth herein. The commission may permit specific written or graphic architectural standards or codes for building appearance and design to be submitted by the applicant for review and approval.

(c) Open space and public areas.

(1) Site design and layout in the waterfront district should incorporate elements such as plazas and usable open spaces, especially adjacent to buildings next to the waterfront or in mixed-use and retail areas. To ensure that open space is well-used, the space should be visible, easily accessible and barrier free, with multiple points of entry from public areas (streets, sidewalks, and walkways or bike paths). Open spaces should be oriented to maximize exposure to the water and scenic views. East-west streets should be designed as boulevards with landscaped medians and wide corridor views towards the water. Community entries should be identified by maintaining them as large open spaces within the streetscape.

(2) Public greens and common areas should be provided within residential areas to provide useable open space and park like settings within a neighborhood context.

(3) Open space areas should be well buffered from moving vehicles so that users can enjoy and relax in the space. The space may be visible from streets or internal drives but should not be wholly exposed to them. "Outdoor rooms" that are partially enclosed with building walls, freestanding walls, landscaping, raised planters, or on-street parking buffers are encouraged.

(4) Public spaces should abut active uses to encourage pedestrian traffic between such uses. Public use of the waterfront, such as through passenger ferry, marinas, retail activities, cafes and restaurants, and recreational uses, should all provide context for open space.

(5) Plants used in landscaped areas should be native species and of the highest quality and of sufficient quantity and sale to make a visual impact. Plantings should be selected and located so that their functional and aesthetic qualities can be maximized. Public open space should provide shade areas wherever possible.

(6) Open space areas should provide adequate amenities for comfort and convenience, such as seating, lighting, directional signage, bicycle racks, drinking fountains, shelters, trash receptacles and public restrooms.

(7) Open spaces and plazas should be built with high quality, durable materials that reflect detailing consistent and compatible with the architectural character of nearby buildings and the waterfront location. Paving materials should be selected according to the intended use of the space. Designers are encouraged to utilize permeable paving materials wherever practicable to reduce stormwater runoff.

(8) Open spaces within private developments should contribute to public spaces with linkages that reinforce the pedestrian environment. Private developments should take the "indoors" outdoors by incorporating interior space (e.g. dining areas, merchandise displays) onto walkways and plazas connected to the public sidewalk system. Similarly, developments should bring the "outdoors" into the building by opening interior spaces through elements such as atriums connected to the public sidewalk system.

(9) Sites of historic interest or sites providing an opportunity and context for historical interpretation along the waterfront should be incorporated into open space areas and appropriately commemorated and marked with interpretative signage. The state historical preservation commission or other appropriate agency should assist in developing an appropriate context for commemoration initiatives.

(10) Development in the waterfront district should integrate artwork into public and private settings. Artwork may consist of freestanding pieces (e.g. sculptures or water fountains) or may be integrated with its surroundings (e.g. relief sculpture imbedded into the pavement or a wall, mosaics or murals, sound effects, decorative railings or lighting) to create a stronger sense of place. Artwork should be appropriate, and ideally, custom-made and should complement and reinforce the character of the site in terms of subject, scale, style, and materials. Art may be used to reveal historical facts about the site, or draw attention to a unique physical quality of the site. Public spaces should be designed to accommodate live performing arts and public gatherings.

(11) For higher density non-residential uses in the waterfront district that abut lower density residential properties, a minimum 100-foot open space setback is required. Landscaping in this open space setback shall include planting elements to ensure an effective visual and audio screen and buffer between residential and non-residential uses.

(12) Street-trees should be provided along all pedestrian corridors along with the planting of ground cover. The street tree canopy should appear tight, formal and planted in clusters at entry nodes and plazas. Ground cover planting materials should be natural and soft, and remain low, well below sight lines of pedestrians. Tree and shrub plantings shall be selected as suitable for their use in the interest of creating an aesthetically pleasing environment.

(d) Waterfront resources.

(1) Properties adjacent to the waterfront shall maintain an appropriate contiguous area, to the maximum extent possible, to include setbacks for public waterfront access and buffer zones for maintenance and preservation of natural areas. The buffer zone is to preserve the value and utility

of the water's edge, including enhanced measures to protect and restore natural habitat areas and environmental resources. The Rhode Island Coastal Resources Management Program should be referred to for its specific findings, policies, guidelines and regulations for projects within the coastal zone requiring an assent. Early consultation with CRMC program staff is strongly encouraged to identify coastal features and address setback, hazard mitigation, shoreline protection, storm water run-off and other requirements. Public access to and along the waterfront and recreational amenities shall be provided within the contiguous area, including connections and coordination with adjacent properties as part of an integrated public waterfront facility.

(2) Public access to and along the water's edge shall be provided in the most generous and integrated way that is compatible with the function of the land, water uses and activities. Interest in water for active and passive purposes is widespread and should be accommodated to the maximum extent feasible. Public access in the coastal zone, both vertical and perpendicular, must conform with state policies and regulations, including the Rhode Island Coastal Resources Management Program.

(3) Recreation and excursion access to and along the waterfront are desirable and should be fully integrated into the site design. Waterfront facilities should be oriented towards providing multi-modal transportation opportunities for boating, pedestrians, bicyclists, and public bus or ferry users, and accommodations made for such transportation needs. Comfort and convenience amenities such as racks, benches, trash receptacles, shelters, ticket kiosks and restroom facilities should be provided.

(4) Design details for such features as lighting, paving, bollards, benches, or other amenities should be carefully selected to reflect the waterfront heritage of the area. Such features should be coordinated as much as possible between public and private improvements. For waterfront locations, the quality and durability of these amenities should be of the highest standards, and of timeless aesthetic character to withstand many years of use and exposure to weather.

(5) Only low-scale commercial or public buildings shall be located near the water's edge, except for in designated areas in the sub-districts as determined by the commission. Views to the water should be preserved from critical public vantage points. Massing and placement of buildings should be designed to minimize impacts on water views and retain value for upland development potential.

(6) Parking shall not be located directly on the water's edge.

(e) Parking and circulation standards.

(1) Structured parking within the waterfront development district is encouraged where feasible, either beneath or within commercial and higher density residential buildings, in order to maximize the use of valuable land for principal uses and to reduce the appearance of excessive amounts of surface parking within the district.

(2) Parking structures should be compatible with adjacent uses and architecture. Parking uses and the appearance of parking structures should not dominate public streetscapes. The design of all

above-grade parking structures should include usable retail, commercial, and/or residential uses as appropriate to their location along first floor and street frontages.

(3) Surface parking lots shall be located to the side or rear of buildings or in the interior of a block, except for waterfront lots, in which case the parking shall not be located on the water-side of such buildings. Parking lots and driveways should not dominate the frontage of streets, interrupt pedestrian routes, or negatively impact the environment or surrounding developments. Parking lots should be sufficiently screened with natural landscape, decorative fencing or walls to minimize visual impacts.

(4) Surface parking areas should be designed to include internal landscaped islands and exterior landscaped buffer areas to soften the visual impacts of automobiles and asphalt. Shade tree location should buffer pedestrian circulation routes and should respect view corridors to the water. All parking lots should be planted with sufficient trees so that at full growth a significant majority of the surface area of the lot is shaded. At a minimum, developments should comply with the parking and loading standards of Division 4 of Article III.

(5) On-site pedestrian circulation networks should be designed to provide safe access through the site, especially between buildings and parking areas. Paving and ground surface treatments should reinforce and define pedestrian circulation direction and patterns. Materials may be simple, but should have a level of patterning and detail through change in materials, color or scoring patterns.

(6) Stormwater management facilities shall be provided in conjunction with parking areas for flood control purposes and to treat stormwater to effectuate pollutant removal in accordance with city and state standards and regulations. Permeable paving materials, vegetated buffers and infiltration systems should be used wherever possible and practical to reduce the volume and improve the quality of stormwater.

(7) Pedestrian lighting should be incorporated into the design of parking areas and along pedestrian walkways. Additional lighting should be used to reinforce architectural edges as well as highlight special site elements. Nighttime illumination should provide for safety and security of residents and visitors. Lighting for parking and vehicle queuing areas should provide adequate illumination for vehicle and pedestrian safety and security while shielding surrounding areas from excessive light trespass and glare.

(8) Parking areas shall include provisions for the "parking" of bicycles in locations that are safely segregated from automobile traffic and parking.

(9) Shared access driveways and parking areas should be encouraged where ever possible for mixed use developments and/or adjacent uses which have different hours, days and/or seasons of peak parking demand.

(10) Design of internal parking and roadways should be looped rather than dead ended to allow for efficient circulation and movement through the waterfront district and shared parking areas.

(11) Design of parking lots should include measures to reduce the number of curb-cuts along roadways. Properties should be limited to one curb-cut per parking area, or at least be located a minimum of 100 feet from curb-cuts either on site or on adjacent properties. Where feasible, access and parking lot entryways to abutting properties across roadways should be aligned to create direct intersections, providing efficiency and safety for vehicles entering and exiting the sites.

(12) Roadways and internal vehicle circulation corridors should be designed to accommodate the type and volume of vehicles that are expected to enter during the peak design period, with minimal impacts to levels of service on- and off-site.

(13) Parking and garages for all residential uses shall be prohibited in front yard setback areas. Garages facing a front yard property line shall not be located closer to the front lot line than the foremost facade of the principal building facing the front property line.

(14) On-street parking may be permitted by the East Providence Waterfront special development district commission, and may be added to the number of off-street spaces for the purpose of calculating minimum parking requirements.

(f) Streetscape standards.

(1) New streets, as well as existing streets that are rehabilitated or reconstructed, should be designed to accommodate expected vehicles and pedestrians safely while encouraging appropriate speeds.

(2) Street placement and design should provide for views to and from the water. Streets that connect to the waterfront shall be designed and developed to pedestrian-scale with a high-level of amenities. Distinctive architectural and landscape features should be encouraged at intersections to enliven the space, including permanent installations of landscaped gateways, public art and/or flag displays in key locations. Where possible, gateway access to the waterfront, and east-west oriented streets, shall be wide boulevard-type roadways with divided travel lanes and landscaped medians. Additionally, for certain streets, unique destination and gateway treatments should be implemented. Community name and directional signs should be placed at gateways and should be compatible with the architectural themes and character of the neighborhood.

(3) Sidewalks shall be provided on both sides of all roadways, with curbing, grassed landscape strips between the sidewalk and the curb, street trees and other plantings to soften roadway edges. Sidewalks should be wide enough to accommodate pedestrians comfortably and safely. Textured paving within the street should be utilized to distinguish crosswalks. The pedestrian environment should be further enhanced through the use of fixed street furniture, compatible and consistent lighting, trash receptacles, and shade trees.

(g) Street and site furnishings.

(1) Consistency in the form and quality of street and site furniture is essential to the ambiance of the public areas. A standard design shall be used in public areas throughout the waterfront district, with recommended types and styles provided by the design review committee. Variations and

additions should be considered for unique situations along waterfront areas. It is also essential that a program of regular care and maintenance be provided.

(2) Furnishings within individual development sites shall be chosen to complement the specific architectural and site design. Inclusion of furnishings to enrich the setting and provide amenities is strongly encouraged.

(3) Furnishings such as flagpoles, kiosks and public art should be considered and selected in part based on their compatibility with other furnishings and the building architecture. In general, furnishings should be understated and should not detract from the overall character of the site either through their appearance, siting or proliferation. The materials used for receptacles, seating and light poles should be consistent within the development site.

(4) The provision of benches is encouraged within development sites. In addition to free standing benches, options for integral seating such as broad steps and cheek walls should be considered in the design of open spaces and building entries. Benches shall be located based on a practical consideration of where people would like to sit and the demand for seating in a particular area. Areas closely associated with employees going outdoors for lunch or break time and areas where drop-off and pick-ups, such as building entries, should be considered for locating seating.

(5) Seating along sidewalks or trails shall be placed on a hard surface and immediately adjacent to the walkway to allow for free circulation on the sidewalk or trail. Along the walkway, the layout should have a perceivable order, such as placing benches or other furnishings along the same side or in a consistent manner. Clustering or paring benches is recommended as a means of offering seating for groups and creating a rhythm of furnishings.

(6) Benches shall be placed on a hard surface and surface mounted.

(7) Trash receptacles shall be of the designated design and will be used along the public sidewalks and trail system. Site developers will be responsible for providing receptacles in public areas. Trash and ash receptacles within the building zone should be chosen to complement the architectural and site design of a particular development.

The receptacles should be durable and in keeping with the other materials selected for the site including lighting and benches. Plastic, aggregate surfaced concrete and fiberglass receptacles are not permitted. Removable trash liners are recommended for easy disposal. If refuse is to be sorted for recycling, receptacles with three-holed recycling tops are recommended. The divided recycling top allows the number of receptacles to be kept to a minimum.

Trash receptacles shall be sited along heavily trafficked walks, in close proximity to building entries, and in areas where people gather for eating or break time. Ash receptacles shall be placed to minimize cigarette litter, for example, near building entries and designated smoking areas. Receptacles shall be conveniently located for use, but shall not impede circulation or interrupt the view of the building entry. Receptacles shall be surface-mounted to maintain their designated locations.

(8) Daily newspapers and printed materials, such as free real estate and employment guides, shall be incorporated into a unified newspaper kiosk placed in or adjacent to the right-of-way provided by the city and/or private developers in convenient locations. Separate boxes for all these various printed materials, typically found chained to utility poles and traffic signs shall be prohibited.

(9) Inclusion and placement of mailboxes, overnight delivery and newspaper boxes shall be considered as part of the overall site design. For all commercial and office buildings, these amenities shall be incorporated within the building, and shall not exist outside of the building in any location other than one specifically designated for such service areas. For other building types, such as hotel and retail uses, the boxes shall be located for the convenience of the building users and mail delivery systems used within the development. Boxes shall be accessible to pedestrians and relatively convenient to vehicles associated with their use. Their placement must not impede circulation or interrupt the view toward the building entry. In all cases boxes shall be grouped together in an area that is visible but unobtrusive. All boxes must be located on a hard surface and be surface mounted.

(10) Lighting standards.

- a. The character and brightness of exterior lighting on different development sites shall remain relatively constant. This consistency is important in establishing the overall visual quality of the night time environment of the waterfront district and providing a sense of security. Lighting shall illuminate driveways, sidewalks and bikepaths, define outdoor spaces at night, and provide orientation to building entries.
- b. Lighting shall be organized in simple patterns which are sympathetic to the spatial form of the site design. The pattern of light fixtures and poles shall reinforce the pattern of drives, walks and open space. Lighting of open spaces shall be along the perimeter to emphasize the form of the space.
- c. In general, roadways and site drives shall be lit from both sides. Exceptions to this standard may include instances where the drive forms one edge of a large contiguous space, for example, where an entry drive may encircle an entry court landscape. When placed on both sides, lights shall be located opposite one another rather than in an alternating or staggered pattern. Driveway and walkway lighting shall be placed parallel to the pavement edge with a recommended uniform setback of two to six feet. Lighting shall be located in rhythm with related tree plantings.
- d. The use of a consistent light source, a family of fixtures and poles, and a hierarchy of lighting levels shall unify development parcels and connect the various waterfront sub-districts with each other. A designated family of fixtures shall be used along public roadways, site driveways, public sidewalks and bikeways, and parking lots in order to reinforce a unified image.
- e. Within parking lots a pole height of 25 feet is required. The pole height has been established to balance a desire to maintain a mounting height compatible with the scale of

adjacent buildings and trees and to minimize the number of poles. Exceptions to this requirement may be considered on an individual basis.

f. Poles should be located behind raised curbs either within a raised median or along curbed sidewalks. Poles within paved areas (not behind a raised curb) are strongly discouraged.

g. All fixtures shall employ shielding and glare control devices to make the night time environment more pedestrian friendly, and to direct light downward rather than upward. Lights intended to provide a lantern effect, such as might be used to define the edge of an entry drive, shall utilize a shielding device that allows the fixture to be lit while continuing to minimize light loss to the sky.

h. Driver and pedestrian orientation shall be provided through a hierarchy of lighting effects that correspond to different zones and uses within development sites. Height of poles shall be scaled according to function, for example, poles along driveways shall be 20—25 feet, and in pedestrian areas lighting shall be 10—15 feet. Driveway and pedestrian lights may be used along circulation drives and sidewalks within parking lots to clarify movement and provide a hierarchy of lighting associated with use.

i. The housing for uplighting and architectural lighting placed in the landscape shall not be conspicuously visible. Flush ground mounted fixtures are recommended, where practical. In situations where this is not practical, lighting sources and mounting fixtures shall be located to minimize visibility by day and by night.

j. An increased sense of security shall be provided by using light to define the edges of the space, such as the outer edge of open spaces, parking lots and driveway corridors. Brighter lights shall be provided at the destination edge, such as the building entry. The lowest levels of light should appear within the parking lot and not at its edges.

k. Intersections, decision points, crossings, steps, arrival points, etc. should be articulated in a manner that signals their presence, shape and nature. The illumination pattern should provide visual clues as to what conditions may lie ahead.

l. The relationship between plant material and lighting shall be considered when determining the spacing, height and distribution pattern of lighting. Lighting design shall avoid foliage shadows and provide good uniformity and vertical surface illumination.

(h) Landscaping.

(1) Landscaping shall be used as a unifying design element and a cost-effective long-term aesthetic and environmental enhancement for public and private spaces. Primary landscape treatment shall consist of three tiers, ground cover, shrubs, and trees, and shall be combined with appropriate walks and street surfaces to provide an attractive development pattern. Landscaping can be in the form of planting beds, raised planters, berms, containers or window boxes. Landscape materials selected should be appropriate to the local growing conditions.

- (2) Streets and parking lots shall be planted with deciduous trees that will over time bring the canopy together, provide shade and visual relief from automobile clutter. Guard plane plantings should be selected for hardiness, maintenance requirements, and water consumption.
- (3) Loading and receiving areas, and trash storage areas shall be screened from the public view by landscaping treatment and by appropriate screening. Plantings and walls may be used to screen outdoor areas from wind and unsightly views.
- (4) Specimen trees shall be used as accents and focal points in locations such as community and neighborhood entries. Colorful flowering shrubs, groundcovers and annual flower plantings should also be used to accent entries.
- (5) Planting of ground surface materials should remain low, well below sight lines of pedestrians. The tree canopy should appear tight, formal and planted in clusters at entry nodes and plazas. Natural soft planting should be used in public areas adjacent to the waterfront.
- (6) Plant materials along the river should be native species or improved horticultural varieties of the same.
- (7) All plantings should be irrigated using latent drip technologies to maximize efficiency and preservation of resources. A strong landscape maintenance program by a licensed professional shall be required of any development program.

(i) Signage standards.

- (1) Signage and graphics within the waterfront district shall introduce visitors and motorists to the area, direct them, and provide a means for orientation and wayfinding. Use of high quality graphics is essential to the overall visual experience. Informational and directional signs should serve as gateway elements and complement the landscape and architectural style of the overall development. Signs should be simple in form and color, and be clearly legible.
- (2) Mixed-use buildings shall provide locations on the commercial areas of the building facade that are specifically designed to accommodate changeable tenant signage including wall signs, projecting signs and window signs. Structure, materials, detailing and power sources shall be designed with consideration of signage installation requirements and shall be readily adaptable and repairable as tenant sign needs change.
- (3) Sign locations shall be oriented to the public right-of-way and shall avoid facing residential uses wherever possible.
- (4) Direct exposure of light sources and internally illuminated signage shall be avoided in residential areas. Indirect and external light sources shall be the preferred option where lighting is required. Orientation of any illuminated sign or light source shall be directed to avoid visibility, spill light or glare into residential uses.
- (5) Small scale signs projecting from the building face, perpendicular to the right-of-way, shall be considered appropriate in pedestrian oriented contexts. Tenant identification signs may also be incorporated into canopies above primary building entrances or storefronts.

(6) Signs should be traditional in design and easy to read, with proportion and balance in mind. Signs with dark background and light letters provide better visibility. Letterform, logos and artwork should look comfortable within the sign perimeter. Long, narrow and odd shaped signs should be avoided, as they tend to distract the balance ratio.

(7) Signs should creatively use two and three dimensional form, profile and iconographic representation: lighting, typography, color and materials in expressing the character of the use, the identity of the development, the character of the neighborhood, and the architecture of the building are encouraged.

(8) Signage shall be limited to one business identification per frontage and shall include only tenant identification text and logos. Product advertisement on signage or in display windows is prohibited.

(9) Pole signs and monuments are not permitted in the waterfront district. Signage for multiple uses in a single building or complex should be incorporated into decorative wall signs mounted onto the building or incorporated into decorative screening elements or walls to screen parking areas.

(10) Signs should fit within the architectural features of the facade and complement the building's architecture. Signs should not overlap and conceal architectural elements.

(11) Support structures, hangers and brackets should be proportional to the sign face and remain dark in color as not to compete with the sign itself.

(12) Temporary signs are permitted for a period not to exceed 12 months. Up to one temporary sign may be permitted off-premises with the written approval of the property owner. Temporary signs may not be placed within a public right-of-way. Signage shall meet the standards of subsections- 225(i)(1)—(11). Banners or flags may be permitted for up to two months and must be replaced or removed when tattered, faded, or torn. All temporary signage or banners shall be removed at the end of the permitted period at the owner's expense. Application and fee for a temporary sign permit shall be made to the East Providence waterfront special development district commission.

(j) Fencing.

(1) In instances where security and safety relating to certain land uses and activities require fencing, such fencing should be no higher or more extensive than needed to provide general safety or security needs and it shall be constructed of ornamental materials or some other appropriate material.

(2) For properties along the waterfront, fencing shall not be used to deter public access to and along the waterfront or to inhibit migration of wildlife between natural areas.

(k) Utilities.

(1) On-site utilities shall be located underground unless otherwise recommended by the utility company. At a minimum, the utilities feeding the site shall be placed underground in the access right-of-way. The East Providence Waterfront special development district commission may waive, upon good cause shown at the public hearing, a portion of or this entire requirement.

- (2) Service areas and mechanical equipment should be screened through walled units or integrated into architectural features of the buildings.

Sec. 19-226. Nonconformances.

Within the waterfront districts established herein, or by amendments which may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this article was passed or amended, but which would be prohibited, regulated or restricted under the terms of this article or future amendments. It is the intent of this article to permit these non-conformities to continue until they are removed, but not to encourage their survival. Nonconforming uses are declared by this article to be incompatible with permitted uses in the districts involved. It is further the intent of this article that nonconformities shall not be enlarged, expanded or extended, reconstructed, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- (1) All work performed on a nonconforming structure shall be pursuant to a building permit, meet all the requirements of this article and all city codes, and conform to any other health or safety regulations of laws imposed by local, county, state, regional or federal agencies in effect at the time of the work and shall not expand any nonconformity.
- (2) Ordinary maintenance and minor repair of nonconforming structures is permitted if the aggregate cost of the work done in any period of 12 consecutive months does not exceed 25 percent of the replacement value of the structure, as determined by the building inspector and if the size of the structure or the number of building units is not increased.
- (3) A damaged nonconforming structure, restoration of which will cost 50 percent or less of its full replacement cost immediately prior to such damage, as determined by the building inspector, may be restored to its previous nonconforming state but must otherwise comply with all provisions of this article. A damaged nonconforming structure, restoration of which costs more than 50 percent of its full replacement cost, shall not be restored.
- (4) Repairs and alterations may be made to nonconforming residential structures, including multifamily structures, without replacement cost limitations, if located in a district permitting residential dwellings and if the requirements of subsection (1) above are met, including the limitation therein that the repairs and alterations shall not expand the nonconformity. New construction on property with a nonconforming residential structure shall comply with the current applicable standards of this article.
- (5) Repairs, interior modifications, and alterations to nonconforming nonresidential structures may be made only if none of the structural alterations prolong the life of the supporting members of the structure, including without limitation bearing walls, columns, beams or girders. Structural elements may be modified or repaired only if the building inspector determines that such modification or repair is immediately necessary to protect the public health, safety and welfare of occupants of the nonconforming structures or adjacent property, and the cost of all repairs or alterations does not exceed 50 percent of the replacement cost of the nonconforming structure immediately before such

repairs or alterations, as determined by the building inspector. New construction on property with a nonconforming nonresidential structure shall comply with the current applicable standards of this article. No expansion, intensification, or modification of a nonconforming nonresidential structure shall be permitted without the permission of the executive director and/or commission, as appropriate. Modifications may be made to a nonconforming nonresidential use for the addition of new employees, provided that alterations are limited to the interior of the structure and are in compliance with § 218, and that sufficient parking can be provided on the site and in compliance with the parking and circulation standards contained herein. Such modifications shall be reviewed by the executive director through a preapplication consultation prior to issuance of any permits, and may be subject to review by the commission in accordance with § 218.

(6) If the use of a nonconforming structure is discontinued, the structure shall lose its nonconforming structure status, and shall be removed or altered to conform to the provisions of this article. Such removal or alteration to conform to the provisions of this article shall occur within 12 months of the date that loss of nonconforming structure status is determined or within such other date that the commission decides pursuant to public hearing outlined in § 218. Failure to remove or alter the structure beyond that period without written approval of the executive director on behalf of the commission due to unusual circumstances constitutes a violation of this article and a public nuisance. A use of a nonconforming structure shall be considered abandoned or discontinued whenever any of the following apply:

- a. The use of a nonconforming structure is discontinued for a period of six or more calendar months.
- b. The actual removal of characteristic furnishings, equipment, structures, machinery, or other components of the use occurs during the 12 month period.
- c. No business receipts or records are available for the 12 month period.
- d. Utility bills indicate that no use has occurred during the 12-month period.

(7) The change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, but only if the use, extent, and intensity of use does not change.

(8) A nonconforming residential use in a nonconforming residential structure may continue to be used as a residence until such time as the building is amortized, condemned, removed, converted to a conforming use, or destroyed such that restoration would cost more than 50 percent of its full replacement value before it was damaged.

(9) If a nonconforming use is discontinued for a period of six or more calendar months, the use shall lose its nonconforming status, and all rights to reestablish or continue the nonconforming use shall terminate regardless of any reservation of an intent not to abandon or of an intent to resume active operations. Abandonment or discontinuance of use shall be deemed to have occurred whenever any of the following apply:

- a. The nonconforming use is discontinued to a period of six or more consecutive calendar months.
- b. A nonconforming use is replaced by a conforming use.
- c. The actual removal of characteristic furnishings, equipment, structures, machinery, or other components of the use occurs during the six-month period.
- d. No business receipts or records are available for the six-month period.
- e. Utility bills indicate that no use has occurred during the six-month period.

(10) Replacement of a nonconforming use with another nonconforming use is prohibited.

(11) Expansion or intensification of a nonconforming use is prohibited without the permission of the executive director and/or the commission, as appropriate. Modifications may be made to a nonconforming nonresidential use for the addition of new employees, provided that alterations are limited to the interior of the structure and are in compliance with § 218, and that sufficient parking can be provided on the site and in compliance with the parking and circulation standards contained herein. Such modifications shall be reviewed by the executive director through a preapplication consultation prior to issuance of any permits, and may be subject to review by the commission in accordance with § 218.

(12) When any nonconforming structure or use is no longer permitted pursuant to the provisions of this article (loss of nonconforming status, or at the end of an amortization period (as outlined below) determined by the commission), no building permit or certificate of occupancy shall thereafter be issued for further continuance, alteration or expansion of the use or structure. Any building permit or certificate of occupancy issued in error shall not be construed as allowing the continuation of the structure or use.

(13) The commission may adopt amortization schedules for nonconforming structures, uses of land and structures, and characteristics of use within the waterfront district, pursuant to the procedures outlined for public hearings as provided in § 218. At the public hearing, the commission shall hear a report by the executive director on the issue and shall determine if the use or structure should be amortized and over what period. The nonconforming structure or use shall be discontinued within the amortization period determined by the commission. In determining a reasonable amortization period for a nonconforming use or structure, the commission shall consider the following factors:

- a. The amount of original investment in or original cost of the structure or use.
- b. The present actual or depreciated value of the structure or use.
- c. The remaining time period, if any, to amortize the costs of the structure or facilities associated with the use under the provisions of the Internal Revenue Code.
- d. The salvage value of the structure or facilities associated with the use.
- e. The remaining useful life of the structure or facilities associated with the use.

- f. The remaining term of any lease for the property on which the structure or use is located.
- g. The harm to the public that will result if the structure or use remains beyond the time period recommended by the executive director for amortizing the structure or use.

The executive director shall provide estimates of all costs and valuations required by this section. The owner or operator of a nonconforming structure or use shall have the burden of proving that the amortization period recommended by the executive director is unreasonable.

(Ch. 317, § I, 3-2-04)

Sec. 19-227. Affordable/inclusionary housing.

Developers of new market rate single- and/or multifamily housing developments within the waterfront district are required to provide affordable housing units for low- and moderate-income households in order to ensure safe, decent and affordable housing to families, elderly and people with special needs.

(1) Applicability. The inclusionary zoning requirement shall apply to all developments resulting in the net addition of five (5) or more housing units.

(2) Affordability requirements.

- a. For all applicable projects, at least twenty five percent (25%) of the units within the development must qualify as affordable housing, as defined by RIGL 42-128-8.1(d)(1).
- b. Fractional units. Where the required number of affordable units results in a fraction the applicant shall round up to the nearest whole number.
- c. The applicant shall enter into a monitoring service agreement with a qualified organization, to be approved by the executive director.

(3) Off-site options.

- a. Off-site options. The commission, at its sole discretion, may allow an applicant to comply with the inclusionary zoning requirement by constructing inclusionary units on a site within the Waterfront District other than that at which the development is located. The following may be required by the commission for such off-site construction.
 - 1. Off-site rehabilitation of affordable units in existing buildings.
 - 2. Off-site construction of affordable units in new or existing buildings.
- b. Conditions. Provisions of off-site inclusionary units shall be subject to the following conditions:
 - 1. Off-site inclusionary units shall have a certificate of occupancy prior to, or simultaneous with, the occupancy of market-rate units.
 - 2. Renovated off-site units shall be in full compliance with all applicable construction and occupancy codes and shall be sufficiently maintained or rehabilitated so that all major systems meet standards comparable to new construction.

(4) Incentives.

- a.** Density bonus. The number of housing units allowable on the site or sites involved shall be increased to two market rate units for each affordable unit. The performance standards set forth in 19-482 shall otherwise apply.

~~(5) Fee In-Lieu Payments:~~

~~a. The developer may choose the option to pay a fee in lieu of the construction of provision of affordable housing. In the event the developer chooses this option, the application is not eligible for the density bonus outlined in this section.~~

~~b. Amount of fee in lieu. For affordable single family homes and condominium units, the per unit fee shall be the difference between the maximum affordable sales price for a family of four (4) earning eighty percent (80%) of the area median income as determined annually by the U.S. Department of Housing Urban Development and the average cost of developing single unit of affordable housing. The average cost of developing a single unit of affordable housing shall be determined annually based on average, per unit development cost of affordable homes financed by Rhode Island housing and mortgage finance corporation (RIHMF) over the previous three (3) years, excluding existing units that received preservation financing.~~

~~1. Notwithstanding subsection (b) above, in no case shall the per unit fee for affordable single family homes and condominium units be less than forty thousand dollars (\$40,000.00).~~

~~2. The commission will allocate in lieu payments within three years of collection to the creation of affordable housing.~~

~~3. Fifty percent of any fee required pursuant to this section shall be paid prior to the issuance of a building permit for the project. The remaining 50 percent shall be paid in full before a certificate of occupancy is issued for any unit in the housing project.~~

~~4. Any fee required by this section shall be paid to the East Providence Waterfront Commission Affordable Housing Fund.~~

Sec. 19-228 through 19-240. [Reserved.]

ARTICLE VI - HISTORIC AREA ZONING

Sec. 19-241. Purpose of article.

The regulations set forth in this article are adopted in accordance with G.L. 1956, § 45-24.1-1 et seq., entitled "Historic Area Zoning," to safeguard the heritage of the city by preserving its cultural, social, economic and architectural history; foster neighborhood pride; maintain property values; strengthen the local economy through tourism; and promote the use of historic districts for the education, pleasure and welfare of the residents of the city.

Sec. 19-242. Power and authority.

The city shall have the authority, as provided for in the G.L. 1956 § 45-24.1-2, to establish, change, layout and define districts which are deemed to be of historical or architectural value in the same manner as cities and towns are presently empowered to establish or change areas and classifications of zoning.

Sec. 19-243. Definitions.

The following terms have the following respective meanings unless a different meaning clearly appears from the context:

Alteration means an act that changes one or more of the exterior architectural features of a structure or its appurtenances, including, but not limited to, the erection, construction, reconstruction, or removal of any structure or appurtenance.

Appurtenances means features other than primary or secondary structures which contribute to the exterior historic appearance of a property, including, but not limited to, paving, doors, windows, signs, materials, decorative accessories, fences, and historic landscape features.

Certificate of appropriateness means a certificate issued by a historic district commission established under G.L. 1956 Chapter 45-24.1 indicating approval of plans for alteration, construction, repair, removal, or demolition of a structure or appurtenances of a structure within a historic district. Appropriate for the purposes of passing upon an application for a certificate of appropriateness means not incongruous with those aspects of the structure, appurtenances, or the district which the commission has determined to be historically or architecturally significant.

Construction means the act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including, but not limited to, buildings, extensions, outbuildings, fire escapes, and retaining walls.

Demolition means an act or process that destroys a structure in part or in whole.

Historic district means a specific division of a city or town as designated by ordinance of the city or town pursuant to G.L. 1956 Chapter 45-24.1. A historic district may include one or more structures.

Rehabilitation means a process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property and structure which are significant to its historic, architectural, and cultural values.

Removal means a relocation of a structure on its site or to another site.

Repair means a change meant to remedy damage or deterioration of a structure or its appurtenances.

Structure means for the purpose of this article a building exclusively intended for residential occupancy.

Sec. 19-244. Designation of historic districts.

Property owned by the city within the boundaries of the designated historic district shall not be exempt from the provisions of this article.

The following properties are deemed as historic districts:

Hunt's Mills Historic District

Map 505, Block 1, Parcel 1

Rumford Historic District (to be protected solely by § 247)

Map 404, Block 18, Parcel 21.2

Map 501, Block 1, Parcel 1

Map 504, Block 1, Parcels 2, 3, 4, 5, 7, 8, 18, 19, 20, 22, 32, 43, 44, 45, 55, 56, 63, 64, 68, 82, 83, 84 and 96

Map 504, Block 2, Parcels 1 and 7

Map 504, Block 4, Parcels 3 and 5

Map 504, Block 5, Parcels 1, 2, 3, 4, 5, 6, 7, 9, 11, 12 and 13

Map 504, Block 8, Parcel 2

Map 504, Block 9, Parcels 1, 2, 3, 4, 5 and 6

Map 504, Block 10, Parcel 1

Map 504, Block 11, Parcels 1, 2, 3, 4, 5, 6 and 7

Map 504, Block 12, Parcels 1, 2 and 3

Map 504, Block 13, Parcels 1, 2, 3, and 4

Map 504, Block 14, Parcels 1, 34, 35, 36, 37, 45 and 46

Map 504, Block 15, Parcels 1 and 2

Map 504, Block 16, Parcel 1

Map 604, Block 1, Parcels 33, 35 and 36

Sec. 19-245. Historic district commission.

(a) The commission shall consist of seven members who are residents of the city, five of which shall be appointed by the city council with one at the recommendation of each council member, the remaining two shall be appointed by the mayor, provided that the initial members serve staggered terms. Members should have a demonstrated interest in historic preservation, architectural history, planning, archaeology, historic construction, architecture, or local history. The city council shall have the right to name a council member as an auxiliary member of the commission, to sit as a non-voting eighth member of the commission and the right to designate two ex-officio non-voting members that have a

demonstrated interest in historic preservation, architectural history, planning, archaeology, historic construction, architecture, or local history.

(b) Appointed members shall serve a period of three years and be eligible for reappointment. If a vacancy occurs on the commission, interim appointments of appointed members shall be made by the original appointing authority to complete the unexpired term of such position.

(c) The commission shall organize annually by electing from its membership a chair, vice-chair, and secretary and may adopt rules of procedure deemed necessary in discharging its duties.

Sec. 19-246. Powers and procedures of historic district commission.

(a) Before a property owner may authorize or commence construction, alteration, repair, removal or demolition affecting the exterior appearance of a structure or its appurtenances within the historic district, the owner must apply for and receive a certificate of appropriateness from the commission. The building inspector shall not issue a building permit until the commission has granted a certificate of appropriateness. The owner of the property must obtain a certificate of appropriateness whether or not state law requires a permit from the building inspector.

(b) Applications for certificates of appropriateness shall be filed with the commission at the department of planning, whose staff shall determine if such application is complete. Once the application has been determined to be complete, it shall be forwarded to the commission along with all maps, plans, and other data provided by the applicant to the commission for their review. The department of planning shall provide to the commission a written opinion stating whether the application meets the standards of review stated in this chapter.

(c) In applying, the owner must comply with application procedures as established by the commission pursuant to G.L. 1956, § 45-24.1-1 et seq., and this article. The owner shall submit information which is reasonably necessary to evaluate the proposed construction, alteration, repair, removal or demolition, including but not limited to plans, drawings, photographs or any other information set forth in the application procedures.

(d) All decisions of the commission shall be in writing. The commission shall articulate and explain the reasons and bases of each decision on a record, or if the decision is not to issue a certificate of appropriateness, the commission shall include the bases for its conclusion that the proposed activity would be incongruous with those aspects of the structure, appurtenance or the district which the commission has determined to be historically or architecturally significant. The commission shall send a copy of all decisions to the applicant, building inspector, and planning department.

(e) The commission's secretary shall record minutes of all meetings. The records of the commission shall be available for public inspection in accordance with all applicable federal, state and local laws and regulations at the office of the city clerk.

(f) Fish passage facilities, accessory structures, and related river modifications associated with the Ten Mile River Fish Restoration Project are exempt from a review by the historic district commission.

Sec. 19-167. Standards of review.

(a) The commission shall pass only on exterior features of a structure and its appurtenances and shall not consider interior arrangements. In reviewing an application for certificate of appropriateness, the historic district commission shall give consideration to the following:

- (1) The historic and architectural significance of the structure and its appurtenances;
- (2) The historic character and historic ecological features of the surrounding landscape;
- (3) The way in which the structure and its appurtenances contribute to the historical and architectural significance of the district; and
- (5) The appropriateness of the general design, arrangement, texture, materials and siting proposed in the plans.
- (6) The commission shall use as their primary guide the standards contained in the publication "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", Office of Archeology and Historic Preservation, Heritage Conservation and Recreation Service, U.S. Department of Interior, Washington, D.C., 20240.

Sec. 19-247. Special criteria for demolition and removal.

Demolition of historic structures within a designated historic district shall be discouraged. When reviewing an application for removal and demolition of an historic structure or appurtenance, the commission shall consider the following criteria, in addition to adopted standards:

- (1) In the case of an application for construction, alteration, repair, removal or demolition affecting the exterior appearance of a structure, which the commission deems so valuable to the city, state or nation that the loss thereof will be a great loss to the city, state or nation, the commission shall endeavor to work out with the owner an economically feasible plan for the preservation of such structure;
- (2) The commission shall approve an application for demolition when in the opinion of the fire chief or building inspector that the building constitutes a hazard to public safety;
- (3) Unless the commission votes to issue a certificate of appropriateness for such construction, alteration, repair, removal, and demolition, the commission shall file with the building inspector and director of planning its rejection of such application;
- (4) In the absence of change in such structure arising from casualty, no new application for the same or similar work shall be filed within one year after such rejection;
- (5) In the case of an application for demolition of any structure or a portion of a structure which the HDC has deemed to be valuable for the period of architecture it represents and important to the neighborhood within which it exists, the HDC may file with the building inspector and director of planning its certificate of appropriateness for demolition if the HDC finds that any of the following exists:

- a. Preservation of the structure is a deterrent to a major improvement program which will be of substantial benefit to the community;
- b. Preservation of the structure would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner, including the sale of the structure to any purchaser willing to preserve the structure;
- c. The preservation of the structure would not be in the interest of the majority of the community.

(6) When considering an application for demolition or removal of a historic structure, the commission shall assist the owner in identifying and evaluating alternatives to demolition, including sale of the structure on its present site;

(7) In addition to any other criteria, the commission shall consider whether there is a reasonable likelihood that some person or group other than the current owner is willing to purchase, move and preserve such structure, and whether the owner has made continuing and reasonable efforts to sell the structure to any such purchaser willing to move and preserve such structure.

Sec. 19-248. Meetings and actions of historic district commission.

- (a) All meetings of the historic district commission shall be open to the public, and any person or such person's duly constituted representative shall be entitled to appear and be heard on any matter before the commission before its decision is reached.
- (b) The commission shall keep a record, which shall be open to public view in the city clerk's office of its resolutions, proceedings, findings, decisions and actions. The commission shall provide notice of its meetings and shall comply in all respects with the requirements of the open meeting law.
- (c) The commission shall file with the building inspector its certificate of appropriateness or rejection of all plans submitted to it for review. No work shall begin until such certificate has been filed, but in case of rejection, such certificate shall be binding upon the building inspector, and no permit shall be issued in such case.
- (d) The failure of the commission to act within 45 days from the date of an application deemed to be complete by the department of planning shall constitute an approval, unless an extension is agreed upon mutually by the applicant and the commission.
- (e) If the historic district commission makes a finding of fact that the circumstances of a particular application requires further time and information than can be obtained within the period of 45 days, the commission shall have a period of up to 90 days which to act upon such application.

Sec. 19-249. Functions of designation and study transferred.

The historic properties designation and study commission shall be disbanded and dissolved and the functions, duties and authorities of that commission shall be subsumed into the historic district commission. The historic district commission will have the following added responsibilities.

- (1) Conduct a survey of neighborhoods, areas, places, and structures within the city for the purpose of determining those of a particular historic, aesthetic, architectural, archeological, or cultural significance or value and of compiling appropriate descriptions, facts and lists. As part of such survey the commission shall study and make report, in conjunction with and under the direction of the director of survey of the state historic preservation and heritage commission, of the exteriors of buildings, structures, features, sites, objects, and surroundings in the city. All survey and inventory work shall be conducted in accordance with the United States Secretary of the Interior's Standards and Guidelines; Archaeology and Historic Preservation, and shall be done to the satisfaction of the state historic preservation commission. The results of such survey shall be recorded on the historic building data sheet and shall be transmitted to the state historic preservation and heritage commission, along with copies of survey files and maps, and photographic negatives of all inventoried properties within 60 days of the completion of a survey project. In addition, all survey and inventory files shall be made available to the public upon request.
- (2) After careful study the commission shall make a written report to the city council which will recommend those structures, places, areas and neighborhoods of a particular historic, aesthetic, architectural, archeological, or cultural significance or value to be designated by the city council respectively as historic landmarks, historic sites.
- (3) Compile and maintain a list of designated historic landmarks.
- (4) Participate with and respond to the requests of the state historic preservation and heritage commission in the nomination of historic landmarks to the National Register.
- (5) The commission shall, as deemed appropriate or at the request of the mayor or city council, conduct a study of the need for the preservation of historic landmarks in the city. Based upon this study, the commission shall make a written report to the city council with recommendations regarding the preservation of historic landmarks. Any such recommendation including, but not limited to, the establishment of a historic zoning district, shall be consistent with any applicable laws of the state, the state historical preservation commission's certified local government program regulations and any applicable federal laws and regulations regarding historic preservation.

Sec. 19-250. Exceptions from article.

Nothing in this article shall be construed to prevent ordinary maintenance or repair of any structure within the historic districts, provided that such maintenance or repair does not result in any change of design, type of material or appearance of the structure or its appurtenances, nor shall anything in this article be construed to prevent the construction, alteration, repair, moving or demolition of any structure under a permit issued by the building inspector prior to the effective date of the ordinance from which this article derives.

Sec. 19-251. Enforcement.

Any authorized local official or any local building official may bring an action against any property owner who fails to comply with the requirements of § 246. Actions shall be brought in the superior court having

jurisdiction where the violation occurred or is likely to occur. Plaintiffs may seek restraining orders and injunctive relief to restrain and enjoin violations or threatened violations of this article.

Sec. 19-252. Appeals.

A person jointly or severally aggrieved by a decision of the historic district commission shall have the right to appeal the decision to the zoning board of review. When appealing a commission decision, the zoning board of review shall not substitute its own judgment for that of the commission, but must consider the issue upon the findings and record of the commission. The zoning board of review shall not reverse a commission decision except on a finding of prejudicial procedural error, clear error or lack of support by the weight of the evidence in the record. The zoning board of review shall put all decisions of appeal in writing. The zoning board of review shall articulate and explain the reasons and bases of each decision on the record, and the zoning board of review shall send a copy of the decision to the applicant and to the historic district commission. Any person jointly or severally aggrieved by a decision of the zoning board of review on a matter of appeal under this article may appeal to the state superior court in the same manner provided in G.L. 1956, § 45-24-20 and from the superior court to the supreme court by writ of certiorari.

Sec. 19-252 through 19-270. [Reserved.]

ARTICLE VII - PERFORMANCE STANDARDS

Division 1. General Performance Standards

Sec. 19-271. Requirements.

Development shall not exceed the standards of performance as established in this division and required by this chapter.

Sec. 19-272. Smoke.

No emission at any point from any chimney or otherwise of visible gray smoke of a shade darker than No. 2 on the Ringelmann Smoke Chart, as published by the U.S. Bureau of Mines in August, 1955, as information circular 7718 (revision of i.c. 6888), is permitted, except that visible smoke of a shade darker than No. 2 on such chart may be emitted for not more than four minutes in any 30 minutes in a C-5 district or in an I-1 or I-2 district and not more than eight minutes in any 30 minutes in an I-3 district. These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color, excluding steam and other nontoxic emissions, but with an equivalent apparent opacity. Controlled burns of organic material sanctioned by the fire department are not subject to enforcement under this section.

Sec. 19-273. Dust and other particulate matter.

Any handling, transfer or storage of materials shall use best available technology to control fugitive emissions of dust or other particulate matter from migrating to off-site locations in any amount which is injurious to human health, animals, vegetation or other forms of property or which causes any excessive soiling at any point beyond the property lines. Such technology may include dust collection/suppression systems, wind guards and spraying of stockpiles with surfactants.

Sec. 19-274. Odor.

No emission of odorous gases or other odorous matter in such quantities as are offensive outside the ~~industry~~ property shall be permitted. No odorous emission shall be permitted which is determined to be obnoxious or which unduly transfers with or prevents the comfortable enjoyment of life or property.

Sec. 19-275. Gases; fumes.

U~~Industrial~~ use shall not emit noxious, toxic or corrosive fumes or gases in concentrations or amounts causing unreasonable discomfort or injury to humans or harm to vegetation. When acceptable air quality criteria are developed by the U.S. public health service, these standards shall be considered for adoption in this section.

Sec. 19-276. Noise.

- (a) Noise shall be measured from the nearest industrial 3 district boundary line in an industrial 3 district and from the nearest property line in all other districts-commercial 5 district or an industrial 1 or 2 district or floating zone district. At the specified points of measurement, the sound pressure level of noise radiated continuously from an industrial operation or plant other than background noises produced by non-industrial sources such as vehicular traffic or other transportation shall not exceed the values given in Table I of § 10-53 in octave bands of frequency. The sound-pressure level shall be measured with a

sound level meter and an octave band analyzer that conform to specifications published by the American Standards Association. American standard sound level meters for measurement of noise and other sounds, S1.4-1961, and American standard specification for an octave band filter set for the analysis of noise and other sounds, Z24.10-1963, American Standards Association, Inc., New York, New York, shall be used.

(b) The maximum permissible sound-pressure levels at specified points of measurement for noise radiated continuously from a facility shall conform with the values in subsection 10-53(c)(2).

(c) The aforementioned limits are intended for normal continuous day-to-day operations. A variance to exceed these limits by a reasonable amount may be granted for temporary and shortterm operations during construction, maintenance or emergency conditions.

Sec. 19-277. Vibration.

(a) Vibration shall be measured from the nearest I-3 district boundary line in an I-3 district and property line in ~~all other districts C-5 district or an I-1 or I-2 district and~~.

(b) No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any hour of the day between 7:00 a.m. and 7:00 p.m. or of 30 seconds or more duration in any one hour between 7:00 p.m. and 7:00 a.m. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the safe range of Table 7, U.S. Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any structure. The methods and equations of such bulletin shall be used to compute all values for enforcement of this regulation.

Sec. 19-278. Heat and glare.

No ~~industrial~~ use shall carry on any operation that would produce heat or glare beyond the I-3 district boundary line in an I-3 district or the property line in ~~all other districts C-5 district or an I-1 or I-2 district~~. No ~~industrial~~ activity shall use ~~interior or industrial and~~ exterior lighting in a manner that produces glare on ~~rights-of-way property highways~~ or neighboring property.

Sec. 19-279. ~~S~~Industrial sewage and waste.

(a) ~~S~~Industrial sewage and waste may be deposited in a public sewage system when available. Such wastes, if adequately treated by a private treatment plant, may be disposed into other than a public sewage system provided that:

- (1) A septic tank, tile field or other disposal place for any waste shall be located at least 50 feet from the nearest point of any river, pond, swampy area or district boundary of a residential district or 1,000 feet from any drinking water source or supply unless the water is adequately treated and chlorinated to be satisfactory for such use or unless evidence is given to show that geologically it is not possible for the waste to migrate into or contaminate any drinking water supply;
- (2) No effluent shall contain any acids, oils, dust, toxic metals or corrosive or other toxic substances in concentrations which would create obnoxious odors or discolor, poison or otherwise pollute any stream or watershed adversely.

- (b) Wherever feasible, process or cooling waters shall be recirculated and reused.

Sec. 19-280. Radiation.

~~Industrial~~ operations shall cause no dangerous radiation at the property line as specified by the regulations of the Nuclear Regulatory Commission.

Sec. 19-281. Removal of earth products.

(a) The removal from any premises of more than three cubic yards of sod, clay, loam, sand, gravel or rock in any one year is prohibited, except when incidental to and in connection with the construction of a building, structure, street or highway, public utility, state or municipal facility, subdivision or other activity authorized by this chapter. However, a use of premises for the excavation or removal of sand and gravel existing on the effective date of the ordinance from which this chapter was derived may be continued if the operation has been in continuous use for three years or more on the effective date of the ordinance from which this chapter was derived, notwithstanding any of the provisions contained in Division 3 of Article IV.

(b) Upon the completion of any earth removal from premises existing prior to the effective date of the ordinance from which this chapter was derived or authorized by this chapter or the zoning board of review, such premises shall be graded with topsoil and seeded in such a manner so as to prevent erosion, the blowing of soil or other harmful or detrimental conditions. Removal of soil or other earth products other than specifically permitted in this chapter shall be classified as stripping and is prohibited.

Sec. 19-282. Lighting.

- (a) Lighting shall be directed away from nearest property lines.
- (b) No light shall shine into any window on abutting property under the control of a different owner.
- (c) No light shall shine onto any right-of-way without the approval of the Director of Public Works.
- (d) No exterior light shall change brightness or color more than once per minute; exceptions may be made for holiday decorations between the hours of 5pm and 8pm.
- (e) All permanent exterior lighting shall be dark sky compliant.

Sec. 19-283. View corridors.

- (a) View corridors are established to preserve important views.
- (b) Structures or landscaping located within view corridors shall not exceed a height of three feet, as measured from the start of the view corridor.

Sec. 19-284 through 19-285. [Reserved.]

Division 2. Child Day Care Centers

Sec. 19-286. Requirements applicable to child day care centers.

- (a) Notwithstanding the district regulations applicable to the district in which a child day care center is located, the following requirements shall also apply to child day care centers, however, these regulations shall not apply to any part of a public or private school system or to a Sunday school conducted by a religious

institution where children are cared for during short periods of time while persons responsible for such children are attending religious services. Any and all required licenses must be obtained from the state.

- (1) *Permitted districts.* Child day care centers* shall be permitted by special use permit only in the residential-5 and residential-6 zoning districts, and permitted by right in the commercial-1, commercial-2 and industrial-1 zoning districts.
- (2) *Increased required yards.* Increased yards adjacent to side and rear property lines shall be provided and shall not be less than 25 feet in depth. The first ten feet from these property lines shall be landscaped.
- (3) *Minimum separation distance from potential hazards.* No child day care center shall be located within a 300-foot distance from gasoline pumps, underground gasoline storage tanks, or any other storage and/or use of hazardous, explosive and/or flammable materials, said 300 feet to be measured from the perimeter of the property on which the day care center is proposed. No child day care center shall be sited in a location which exposes children to commercial and/or industrial land uses and/or activities which involve toxic emissions, noxious odors, and/or other potential dangers.
- (4) *Location of outdoor play area.* No outdoor play area or part of an outdoor play area shall be permitted in the front yard as required by § 50 for the applicable zoning district, and no outdoor play area shall be sited in a manner which poses threats to children from motor vehicle operations. No outdoor play area shall be located in a manner which creates a potential conflict with truck access to trash storage areas, such as dumpsters.

Sec. 19-287. Site plan requirements.

A site plan shall be required for each application for a child day care center.. The site plan shall include the following:

- (1) All driveways, off-street parking spaces, drop-off zones, outdoor play areas, fences and dumpster/trash storage locations shall be shown on the site plan.
- (2) Proposed signage shall be shown on the site plan (location and square footage of sign face(s)).
- (3) A radius plan showing lots and land uses within a 300-foot radius of the perimeter of the proposed child day care center.
- (4) A landscaping plan which shall at a minimum show location of a landscaped buffer at the perimeter of the off-street parking area, and the side and rear yard landscaping.

Sec. 19-288 through 19-290. [Reserved.]

Division 3. Large-scale solar photovoltaic facilities

Sec. 19-291. Purpose - Large-scale, ground-mounted solar photovoltaic facility.

1. The purpose of this division is to promote the development of large-scale solar photovoltaic facilities (SPF) to promote sustainable renewable energy options through the use of such equipment as solar photovoltaic cells and potentially the use of said facility as an educational opportunity regarding green technology and renewable energy. This division applies to large-scale ground-

mounted solar photovoltaic installations proposed to be constructed after the effective date of this division.

2. A large-scale, solar photovoltaic facility shall be a permitted accessory use on portions of the property owned by the City of East Providence, known as the former Forbes Street Landfill, Parcel 001, Block 1, Assessors Map 511, zoned Open Space - 1, subject to review and approval by the planning board as a land development project (LDP).

3. The construction and operation of all large-scale solar photovoltaic installations shall be reviewed in accordance with the procedures and standards of Article IV Division 6. The land proposed for the SPF is owned by the City of East Providence and an SPF shall not be approved unless the applicant(s) has/have executed a contingent sale (based on an SPF being approved) or an executed long-term lease (ten (10) years or more) for all the property composing the proposed SPF. The Board shall impose any reasonable conditions they find appropriate to improve the site design. The underlying zoning of the site shall stay in effect. In addition, electrical, plumbing and/or building permits from the Building Division shall be required.

4. Preapplication conference: The applicant shall have at least one preapplication conference with the director of the department of planning. The planning director, as administrative officer, may invite the director of public works, city engineer, fire chief, building official, zoning officer, and any other party deemed to be appropriate to the preapplication review.

Sec. 19-292. General requirements and standards.

1. Consistency with the comprehensive plan. The proposed large scale solar photovoltaic facility shall further the implementation of the City's adopted comprehensive plan and a finding of consistency with said document shall be required.

2. Front, rear and side yard building setback regulations. SPFs shall meet all required setbacks from all property lines which form the perimeter of the site and any interior access driveways and rights-of-ways shall be platted on the site plan and their material for construction, right-of-way width, and paved width, shall be shown on the required plans.

3. Operation and maintenance requirements for the SPF. The property shall be maintained by the owner(s) of the property and/or the operators of in such a way that the property shall be cleared of debris, weeds, trash etc. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. The equipment shall remain in good repair and working order; malfunctioning, equipment in disrepair or inoperable equipment shall be removed from the property immediately and disposed of in accordance with all applicable local, state and federal regulations.

4. Compliance with laws. The construction and operation of a ground-mounted solar photovoltaic facility shall comply with all applicable local, state, and federal requirements, including, but not limited to, all applicable safety, construction, electrical, and communications requirements. All

buildings and fixtures forming part of or associated with a ground-mounted solar photovoltaic facility shall be constructed in accordance with the state building code.

5. A sign at the facility shall be required to identify the name of the owner and operator of the facility and provide a 24-hour emergency contact phone number. The facility shall not be used for displaying any advertising except for reasonable identification of the operator of the facility. And any such signs shall meet the city's zoning regulations.

6. No large-scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit. This requirement shall not interfere with national grid requirements on net metering.

Sec. 19-293. Large-scale, ground-mounted solar photovoltaic facility - standards.

(a) The maximum height of a ground-mounted solar energy panels shall be 15 feet. The height of a ground-mounted solar energy system shall be measured from the ground level or the base of the system's pedestal to the highest point of the solar energy system or the base of the system's pedestal.

(b) Ground-mounted solar energy systems shall conform to the yard requirements of the applicable zoning district or be setback a distance equal to the total height of a panel, whichever is greater.

(c) Electrical wiring and connections from the solar energy system to any building(s) they serve shall be underground to the extent compatible with the topography and site conditions, unless the electrical lines must come aboveground at their termination point to connect to the building or utility line receiving the solar-generated electricity.

(d) Electrical, plumbing, and/or building permits from the building official, following LDP approval from the planning board, shall be required.

(e) Any and all construction shall comply with the yard and height requirements of the zoning district in which the parcel is located, Open Space - 1.

(f) Parking and aisle width requirements. The applicant shall demonstrate that adequate access, parking, driveway and access aisle widths and circulation are provided for service and emergency vehicles as determined by the board in consultation with the fire chief.

(g) Drainage. Erosion and sedimentation control shall conform to the Rhode Island Department of Environmental Management Stormwater Design Manual and all applicable regulations of the City of East Providence.

(h) Landscaping. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted, solar photovoltaic field or as otherwise prescribed by applicable laws, regulations, and by-laws.

(i) Reasonable efforts, as determined by the board, shall be made to place all utility connections from the SPF underground, depending upon appropriate soil conditions, shape, topography of the site, sub-surface conditions, and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

(j) Lighting of a ground-mounted solar photovoltaic facility shall be consistent with local, state, and federal law. Lighting of other parts of the facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(k) Main access. At the main entrance to the facility, the property shall be secured from unauthorized access subject to the review and acceptance of the planning board and concurrence of the director of public works and the fire chief as it relates to the provision of emergency services.

Sec. 19-294. Large-scale, solar photovoltaic land development project review.

1. LDP application form signed by both the City of East Providence and an authorized representative of the proposed operator(s) of the facility, an executed ground lease for the location of the facility on portions of the city's former Forbes Street landfill, and a description of the financial surety that satisfies Sec. 19-280. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Rhode Island.
2. Site plan. The applicant shall submit a site plan containing the following information:
 - (a) The boundaries of the property and the area, including dimensions and square footage of the total installation and number of arrays, showing where the solar arrays are proposed to be installed;
 - (b) Geotechnical feasibility study relating to possible landfill settlement post-installation;
 - (c) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - (d) Location and dimensions of proposed parking areas, roads, and other site improvements;
 - (e) Existing and proposed grading, clearing and/or placement of vegetation;
 - (f) Location of existing and proposed electric lines;
 - (g) Location and perimeters of existing and proposed easements;
 - (h) Location of all underground utilities, water and sewer lines;
 - (i) The construction schedule and any phasing schedule for development of the SPF.
 - (j) The large-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the city's fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- [3.] Proof of liability insurance.

4. **Operation and Maintenance Plan.** The applicant shall submit a plan for the operation and maintenance of the large scale solar photovoltaic facility, which shall include measures for maintaining safe access to the facility, stormwater control, as well as general procedures for operational maintenance of the facility. Maintenance shall include, but be not limited to, painting, structural repairs, and integrity of security measures.
5. **Additional materials.** The applicant shall submit additional information, reports or other information required by the planning board to make an informed decision.
6. **Utility notification.** No large-scale ground mounted photovoltaic facility shall be constructed until evidence has been given to the board that the utility company that operates the electrical grid where the facility is to be located has been informed of the solar photovoltaic facility owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Sec. 19-295. Abandonment and decommissioning.

1. **Removal requirements.** Any large-scale ground-mounted SPF which has reached the end of its useful life or has been abandoned consistent with other provisions of this chapter shall be removed. The owner or operator shall physically remove the facility no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (a) Physical removal of all large-scale ground-mounted SPF's, structures, equipment, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
2. **Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the SPF shall be considered abandoned when it fails to operate for more than one year without the written consent of the city council and planning board as it relates to the land development project approval. If the owner or operator of the large-scale ground-mounted SPF fails to remove the facility in accordance with the requirements of this division within 180 days of abandonment or the proposed date of decommissioning, the city may physically remove the facility.
3. **Financial surety.** Applicants proposing to develop large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the city must remove the facility and restore the landscape, in an amount and form determined to be reasonable by the board (and subject to the review of the city solicitor), as agreed to and detailed in the site lease agreements. As part of the review for the lease agreements, the applicant shall submit a fully inclusive estimate of the costs

associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. Such surety will not be required for municipally or state-owned facilities.

Sec. 19-296 through 19-300. [Reserved.]

Division 4. Short Term Rentals

Sec. 19-301. Short-Term Rentals

(1) A dwelling unit in a single-family, two-family, three-family, or multifamily dwelling may be used as a short-term rental, subject to the following standards:

- a. Properties used as short-term rentals in residential districts must:
 1. *Local representative.* Identify a local representative or property management company authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises. Said local representative shall:
 - i. Provide contact information that is monitored 24 hours a day.
 - ii. In the case of a complaint regarding use of the temporary use permit for short-term rentals, immediately respond to city officials, including, but not limited to, the police department, but in no case shall such response take more than 12 hours.
 - iii. Respond to, and be physically present at, the short-term rental within 12 hours upon request of the East Providence Police Department.
 2. *Nuisances.* At no time shall the short-term rental be used in such a manner that it creates a nuisance, especially any pattern of nuisance that is otherwise uncommon in residential districts.
 3. *Events or Parties.* At no time shall the short-term rental be used to host events or parties except as may be expressly approved by the city by way of a one-day entertainment license pursuant to, § 8-6.
- b. The owner must supply all of the following within the dwelling unit:
 1. Visible printed materials with diagrams of all points of egress, written in English, Spanish, and Portuguese.
 2. Clearly marked visible fire extinguisher(s).
 3. A copy of the nuisance requirements set forth herein.
 4. A copy of any and all conditions placed on the temporary use permit.
 5. Instructions for the disposal of rubbish and recyclables in a manner consistent with City ordinances and regulations.
- c. *Advertisement of the rental.* Any advertisement of a short-term rental within the city shall include:
 1. A statement that the short-term rental has been approved by the city.

2. A recitation of any conditions placed on the temporary use permit.
 3. A notice that no party or event may occur unless authorized by the property owner and expressly approved by the city by way of a one-day entertainment license pursuant to § 8-6.
- d. *Authorized information disclosure.* Any party advertising a short-term rental, or any party who accepts a short-term rental temporary use permit, in doing so, agrees to provide the city with a full copy of all rental data and information including, but not limited to, nights rented and gross revenues generated, excluding only the personal information of any renter, within 48 hours of a request for such information by the city solicitor. A \$500.00 per day fine may be imposed for each day any party fails to comply with this division.
- e. *Enforcement.* The zoning officer shall have the power to impose conditions on any short-term rental temporary use permit with or without cause whenever the zoning officer deems those conditions to be reasonably necessary to maintain the residential character of abutting properties.
1. *Advertisement of a residential short-term rental without a temporary use permit.* The zoning officer may impose a \$500.00 per day fine for each date of advertisement in violation of this division. Such fines may be recorded as liens against the subject property. The zoning officer may abate such fines if the property owner applies for a residential short-term rental temporary use permit within seven calendar days of any written notice provided by the city.
 2. *Citation by the East Providence Police Department.* If the East Providence Police Department responds to a property and finds that the property is not being managed or maintained in a manner comparable and complimentary to the abutting properties, or otherwise has generated an unreasonable nuisance, any report to that effect shall be sufficient cause for the zoning officer to impose conditions on the short-term rental temporary use permit.
 3. *Violation of law or regulation.* Any finding by any officer or agent of the city or any other governing authority with concurrent jurisdiction that the property is in violation of any standard regarding property maintenance or use of the property or is otherwise found to be used in an illegal manner shall be sufficient cause for the zoning officer to impose conditions on the short-term rental temporary use permit.
 4. *Pattern of improper use.* The zoning officer may revoke a temporary use permit for a residential short-term rental if the record is indicative of a pattern of improper use. Examples of a pattern of improper use include multiple instances of cause sufficient for the imposition of conditions on the temporary use permit and/or violations of conditions imposed on a temporary use permit.
- In lieu of revocation, the zoning officer shall impose a minimum fine of seven days of maximum potential revenue of the listing and may impose a maximum fine of up to, \$500.00 for each day a violation of § 32 occurred at the property in question.

- a. If a full year passes without any instance of a cause sufficient to impose conditions, any past instance of cause sufficient to impose conditions or violations of any such conditions shall be removed from the record.
- b. Properties with a clean record may petition the Zoning Officer to remove any conditions on the temporary use permit.
- f. Any decision of the zoning officer or any other city official regarding a temporary use permit is subject to appeal pursuant to Article XI Division 5.

Division 5. Manufactured Home Courts

Sec. 19-306. Requirements.

- (a) *General requirements.* General requirements for manufactured home courts shall be as follows:
 - (1) Manufactured home courts shall be located only in those districts as allowed in § 32.
 - (2) No manufactured home shall be located and no manufactured home court shall be established or operated until all permits and fees as required by this chapter and other ordinances and requirements of the city have been complied with.
 - (3) Any individual manufactured home hereafter located and used for living purposes in the city shall be located in a manufactured home court. Storage of a single camping or travel trailer by a resident owner thereof may be allowed on a premises, provided that such storage shall be restricted to the rear yard of such premises.
 - (4) Any manufactured home used for living purposes failing to meet the requirements of chapter 4, article III for housing and the minimum residential floor area requirements of this chapter shall not be allowed to remain in the city for more than ten days.
- (b) *Specific requirements.* Specific requirements for manufactured home courts shall be as follows:
 - (1) Any applicant for a special use permit for a manufactured home court shall present detailed plans and specifications acceptable to the zoning officer and suitable for making determinations as required in this section as well as Article IV Divisions 4 and 6 and Article XI.
 - (2) The plans and specifications of the proposed court shall show its area, boundaries, locations of driveways, interior streets, sites for manufactured homes, automobile parking, locations and kinds of all sanitary conveniences, methods of sewage and garbage disposal and plans for water supply and lighting.
 - (3) Prior to the granting of an occupancy permit by the zoning officer, the state department of health shall inspect the manufactured home court and notify the zoning officer in writing if such premises comply with the regulations of the state department of health concerning the operation of such premises. Upon receiving such notice, the zoning officer may issue an occupancy permit to the applicant, provided that the applicant has satisfied all other requirements as contained in this division.

- (4) The manufactured home court shall be under the direct supervision of the holder of the permit who shall be responsible for its proper management. The holder of the permit shall require all persons residing in the court to register in a book kept for that purpose giving their name, age, place of permanent residence, marital status and the license number of their motor vehicle and manufactured home. Such registration book shall be available at all times to the police for inspection.
- (5) Each manufactured home court shall meet the following requirements as to improvements:
- a. Each manufactured home lot site shall be provided with suitable connections to:
 1. A potable water supply system;
 2. A sewage disposal system;
 3. An electrical distribution system.
 - b. Whenever possible, these facilities shall be connected to the appropriate municipal facilities subject to the approval of the city engineer.
 - c. Parking for residents and visitors shall be provided as required in Article III Division 4, except that the required parking spaces shall be located within 50 feet of the manufactured home lot site, notwithstanding any other provisions of this chapter.
 - d. Interior streets, parking spaces and walkways shall be provided with a paved and durable surface. The paved widths shall be at least 20 feet for the interior streets and two feet for walkways.
 - e. Suitable communal recreation areas shall be provided in the court.
 - f. Where any manufactured home court adjoins or abuts a residential district or a lot or premises used for residential, educational, recreational or religious purposes, there shall be provided a wall or fence of solid appearance or tight evergreen hedge of not less than 5½ feet maintained in a neat and attractive manner between the manufactured home court and the residential district or residential, educational, recreational or religious premises, subject to the approval of the zoning officer, provided that when the provisions of this division are impossible or impractical of performance, they may be waived by the zoning officer at his discretion.
- (6) Each manufactured home court shall meet the following area requirements:
- a. The site shall contain at least five acres and shall have no more than a maximum residential density of 15 manufactured home lot sites per gross acre.
 - b. Manufactured home lot sites shall have a width of at least 30 feet and of not less than 1,500 square feet, provided that manufactured home courts in existence on the effective date of the ordinance from which this chapter was derived which provide manufactured home lot sites having a width or area less than that prescribed in this subsection may continue to operate with sites of the existing width and area.

- c. Manufactured homes shall be so harbored on each site that there shall be at least a 20-foot clearance between manufactured homes, provided that with respect to manufactured homes parked end to end, the end to end clearance shall not be less than 15 feet.
- d. Manufactured homes shall not be located closer than 20 feet from any building in the court or from any property line bounding the court.
- e. Adequate drainage and access for a trailer hauler shall be provided for each manufactured home lot site.
- f. Use of pilings in areas subject to flooding according to Article IV Division 1 shall conform with floodproofing requirements of that division.

(7) No person shall operate a manufactured home court without first obtaining a license therefor from the city council as follows:

- a. Prior to the granting of an occupancy permit by the zoning officer, all applicants shall be required to file a petition for the issuance of a license with the city council.
- b. No license shall be issued until a public hearing on such issuance shall be held by the city council. Notice of such hearing shall be mailed postage prepaid by the city clerk not less than ten days prior to the date of such hearing to all property owners in or within two hundred feet (200') of the perimeter of the subject property, whether within the city or an adjacent city or town. Additional notice of such public hearing specifying the time and place shall be given by publication of such information in a newspaper of local circulation within the city at least once each week for three successive weeks prior to the date of the hearing.
- c. At the hearing an opportunity shall be given all persons interested to be heard upon the matter of such license.
- d. After such hearing as provided in this section, the city council deems such license to be in the interest of the welfare of the city.
- e. Every such petition to the city council shall be accompanied by ten copies of a map, accurately drawn, showing the actual shape, dimensions and area of the lot or premises in question and of abutting property in or within two hundred feet (200') of the subject property, whether within the city or an adjacent city or town, and such other information as may be necessary.
- f. Every such petition for city council action shall set forth the names and addresses of all property owners in or within two hundred feet (200') of the perimeter of the subject property, whether within the city or an adjacent city or town, where applicable, as of 30 days prior to the date and time of filing. Such names and addresses shall be used by the city clerk to give notice by mail, as required in this division, to abutting property owners.
- g. Every petition so filed shall be accompanied by a filing fee of \$50.00, payable to the city.

Division 6. Wireless Communications Towers and Antennas

Sec. 19-307. Purpose and objectives.

- (a) The purpose of this division is to establish requirements~~general guidelines~~ for the siting of wireless communications towers and antennas. The goals of this division are to:
- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 - (2) Encourage the location of towers in nonresidential areas;
 - (3) Minimize the total number of towers throughout the community;
 - (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - (7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
 - (8) Consider the public health and safety of communication towers; and
 - (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (b) In furtherance of these goals set out in subsection (a), the city shall give due consideration to the comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Sec. 19-308. Definitions.

As used in this division, the following terms shall have the meanings set forth below:

Alternative tower structure means manmade trees, clock towers, bell steeples, light poles, flag poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Backhaul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Preexisting towers and preexisting antennas means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this division, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Sec. 19-309. Applicability.

- (a) *New towers and antennas.* All new towers or antennas in the city shall be subject to these regulations, except as provided in subsections (b) through (e), inclusive. The height limitations of § 50 applicable to buildings and structures shall not apply to towers and antennas.
- (b) *Amateur radio station operators/receive only antennas.* This division shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (c) *Preexisting towers or antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this division, other than the requirements of subsections 310(f) and (g).
- (d) *AM array.* For purposes of implementing this division, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- (e) *Antennas.* See 312.

Sec. 19-310. General requirements.

- (a) *Preapplication conference.* A preapplication conference with the zoning officer and the planning department is required before any building permit is sought. The conference will serve to familiarize the applicant with the city's regulations.
- (b) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (c) *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage

requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(d) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the director of planning and zoning officer at a preapplication meeting an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The zoning officer may share such information with other applicants applying for administrative approvals or special use permits under this division or other organizations seeking to locate antennas within the jurisdiction of the city, provided, however that the zoning officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(e) *Aesthetics.* Towers and antennas shall meet the following requirements:

- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
- (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(f) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(g) *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this division shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(h) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into

compliance with such standards. Failure to bring such tower into compliance within the 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(i) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal jurisdictional boundaries.

(j) *Nonessential services.* Towers and antennas shall be regulated and permitted pursuant to this division and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(k) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the zoning officer.

(l) *Signs.* No signs shall be allowed on an antenna or tower.

(m) *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of § 313.

(n) *Multiple antenna/tower plan.* The city encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

Sec. 19-311. Permitted uses.

(a) *Generally.* The uses listed in this section are deemed to be permitted uses and shall not require a special use permit. All such uses shall, to the greatest extent possible, comply with the design standards of this article relating to setbacks and separation, lighting, landscaping and security fencing.

(b) *Permitted uses.* The following uses are specifically permitted:

(1) Antennas or towers located on property owned, leased, or otherwise controlled by the city provided a license or lease authorizing such antenna or tower has been approved by the city and further provided that a site plan and a copy of the executed lease shall be submitted by the applicant and approved by the zoning officer and director of planning prior to a building permit being issued.

(a) Notification of the proposed antenna or tower on property owned, leased or otherwise controlled by the city shall be required to be sent by first class mail by the applicant to all owners of real property whose property is located in or within two hundred feet (200') of the perimeter of the subject property, of the perimeter of the subject property, whether within the city or an adjacent city or town; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city and at least fourteen days prior to the city council meeting at which the license or lease authorizing such antenna or tower will be reviewed by the city council. The public notice shall contain a copy of the radius map showing the location of the cell tower and each of the properties in or within two hundred feet (200') of the perimeter of the subject property.

(2) Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with the tower, in any I-3 zoning district provided, however, that such tower shall be set back a distance equal to the height of the tower from any off-site residential land

use, or in the case of vacant residentially zoned land, setback a distance equal to the height of the tower less the residential yard setback for the adjacent residential district.

(3) Antennas, but not towers, upon the roof of any ten story building or greater located within any zoning district.

(4) Locating antennas on existing structures or towers in any zoning district consistent with the terms of subsections a. and b. below.

a. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the zoning officer as an accessory use to any structure in an I-3 zoning district, provided:

1. The antenna does not extend more than 30 feet above the highest point of the structure;
2. The antenna complies with all applicable FCC and FAA regulations; and
3. The antenna complies with all applicable building codes.

b. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the zoning officer and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

1. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the zoning officer allows reconstruction as a monopole.

2. Height.

(i) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(ii) The height change referred to in subsection 3.(i) of this section may only occur one time per communication tower.

(iii) The additional height referred to in subsection 3.(i) shall not require an additional distance separation as set forth in section 19-353. The tower's premodification height shall be used to calculate such distance separations.

3. On-site location.

(i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within ten feet of its existing location.

(ii) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(iii) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection 19-353(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection 19-353(b)(5).

(iv) The on-site relocation of a tower which comes within the separation distances to residential uses or residentially zoned lands as established in subsection 19-353(b)(5) shall only be permitted when approved by the zoning officer.

(5) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

Sec. 19-312. Buildings or other equipment storage.

(a) *Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with all applicable building and fire codes.

(b) *Antennas mounted on utility poles or light poles.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(1) In residential districts, the equipment cabinet or structure for each user may be located in accordance with the following:

a. All front and side yard setbacks of the district in which the tower is located shall be met and the cabinet or structure shall be no greater than 15 feet in height or 240 square feet of gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

b. All rear yard setbacks of the district in which the tower is located shall be met and the cabinet or structure shall be no greater than 15 feet in height or 240 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(2) In commercial or industrial districts the equipment cabinet or structure shall be no greater than 15 feet in height or 240 square feet in gross floor area for each user. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(c) *Antennas located on towers.* The related unmanned equipment structure shall not contain more than 240 square feet of gross floor area or be more than 15 feet in height for each user, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(d) *Modification of building size requirements.* The requirements of subsections 354(a) through (c) may be modified by the permitting authority to encourage collocation.

Sec. 19-313. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or

tower within the 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Sec. 19-314. Nonconforming uses.

- (a) *Nonexpansion of nonconforming use.* Towers that are constructed, and antennas that are installed, in accordance with the provisions of this division shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (b) *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this division.
- (c) *Rebuilding damaged or destroyed nonconforming towers or antennas.* Notwithstanding § 314, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the setback and separation requirements specified in subsections 340(b)(4) and 340(b)(5). The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, the tower or antenna shall be deemed abandoned as specified in § 314.

Division 7. Amusement Game Center

Sec. 19-315. Amusement game center.

- (a) Amusement game centers shall be located only in the C-3, C-4 and C-5 districts subject to compliance with the regulations of this section.
- (b) No amusement game center shall be located within 500 feet of the property boundary of any public or nonprofit school, church, other place of worship, religious institution, or public recreation area; within a 200-foot radius of a residentially zoned area; and not within 2,500 feet of each other.
- (c) Each machine in an amusement game center shall meet all licensing requirements of the city, and any other ordinance provisions of the city that may be applicable.
- (d) Amusement game centers shall be physically separated and isolated from a business establishment of another character whenever located as part of another business establishment.

Sec. 19-316 through 19-331. [Reserved.]

ARTICLE VIII - CONDITIONAL USE CRITERIA

Sec. 19-332. Bulk petroleum storage.

Special Use Permit criteria. In cases where bulk petroleum storage is listed a special permit use in a district, the following criteria shall apply:

- (a) Evidence of compliance with the ~~performance standards~~[Industrial Processes regulations in Division 16 of this chapter](#)~~these regulations.~~
- (b) Submission of evidence that any proposed fuel storage, deliveries or transportation will not pose a fire safety risk to neighboring residents or properties, or the general public, and will conform to all relevant fire safety codes.
- (c) Submission of evidence that any proposed fuel storage, deliveries or transportation will not have a negative impact on surface or groundwater resources, air quality, and/or other environmental factors. The applicant must ensure that releases due to spills and overfill will not occur. Leak prevention measures must be included. Spill release plans shall be developed and approved by relevant authorities. The applicant must provide for an ongoing inspection program conforming to all relevant laws, regulations and best management practices. All safety measures must continue after the closure of any bulk petroleum storage facility.
- (d) Submission of evidence, including but not limited to a drainage analysis and related plans, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that any development will not have a negative effect on adjacent properties or natural resources.
- (e) Submission of evidence, including but not limited to an erosion and sediment control management plan, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that any development will not have a negative effect on adjacent properties or natural resources.
- (f) Submission of evidence that the facility will be compatible with neighboring land uses, including but not limited to management of truck traffic, trash, potential light pollution and provisions for landscaping and screening of the facility.

Sec. 19-333. Requirements applicable to child day care centers.

Special Use Permit criteria. In cases where child day care centers are allowable by special use permit in a district, the following criteria shall apply:

- (1) Adequacy of the neighboring transportation network to accommodate the proposed use, and adequacy of proposed parking arrangements as evidenced by:
 - a. The zoning board of review or planning board under unified development review may require submission of traffic and/or parking impact studies analyzing both on and off-site conditions as they affect surrounding areas including, but not limited to:
 - 1. Analysis of roadways which may be influenced by the project; including adjacent roads and major intersections;
 - 2. Safety (accident data, sight distance, roadway conditions, etc.)

3. Capacity analysis utilizing the most current Transportation Research Board guidelines or other document as specified by the Director of Public Works;
4. Existing volumes (traffic counting);
5. Site-generated and future traffic;
6. Planned transportation improvements, if any;
7. Projected parking demand for the facility, and adequacy of available on-site and off-site parking;
8. Analysis of the specific impacts of child drop-off and pick-up related to the above factors.

(2) Compatibility with neighboring residential land uses as evidenced by:

- a. Submission of a landscaping plan, which shows how the proposed development will be adequately landscaped and screened from adjacent residential properties. The zoning board or planning board under unified development review may require plans to be prepared by a professional landscape architect, licensed in the State of Rhode Island.
- b. Submission of evidence that the proposed development's noise, lighting, trash management, and other operations will not unduly disturb nearby residents.
- c. Submission of evidence, including but not limited to a drainage analysis and related plans, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that any construction and/or site development will not have a negative impact on adjacent properties or natural resources.
- d. Submission of evidence, including but not limited to an erosion and sediment control management plan, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that any construction and/or site development will not have a negative effect on adjacent properties or natural resources.

(3) Safety of children as evidenced by the proposal's conformance with fire, building and health codes, and other relevant state and federal requirements, conformance to other dimensional requirements for child day care centers listed in this section, as well as other relevant public safety factors.

Sec. 19-334. Drive-through facilities.

Special Use Permit criteria. In cases where development of new drive-through facilities is listed a special permit use in a district, the following criteria shall apply:

- (a) Compatibility with the neighboring transportation network as evidenced by submission of traffic and/or parking impact studies analyzing both on and off-site conditions as they affect surrounding areas including, but not limited to:
 - (1) Analysis of roadways which may be influenced by the project; including adjacent roads and major intersections;
 - (2) Safety (accident data, sight distance, roadway conditions, etc.);
 - (3) Capacity analysis utilizing the most current Transportation Research Board guidelines or other document as specified by the Director of Public Works;

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- (4) Existing volumes (traffic counting);
 - (5) Site-generated and future traffic;
 - (6) Planned transportation improvements, if any;
 - (7) Projected parking demand for the facility, and adequacy of available on-site parking;
 - (8) Adequacy of proposed queuing areas, parking and travel lane geometry and emergency access.

(b) Conformance with the following standards for stacking lanes and traffic circulation:

- (1) Vehicular stacking capacity of the drive-through facility and the internal circulation of the site shall be reviewed and approved by the development plan review committee. The petitioner shall submit information addressing the following issues with the application:
 - a. Nature of the product or service being offered;
 - b. Method by which the order is processed;
 - c. Time required to serve typical customer;
 - d. Anticipated arrival rate of customers;
 - e. Peak demand hour;
 - f. Anticipated vehicular stacking required;
 - g. Site plan reflecting all elements of internal circulation including parking, loading, stacking, traffic aisles and means to be used to delineate between these areas, e.g., striping, change of materials, landscaping etc.;
 - h. Location and size of signs (including order boards);
 - i. Location of trash storage areas and consumer trash receptacles;
 - j. Location, direction, power and timing of outdoor lighting; and
 - k. Areas for snow storage.

- (2) Stacking spaces for vehicles waiting to complete a transaction shall be provided in addition to the off-street parking spaces required under Article III, Division 4. The following are guidelines for numbers of stacking spaces by type of use. The required amount is to be calculated by the development plan review committee based on these guidelines and information provided by the applicant:

Restaurant	7 per station
Bank	5 for the first station, plus 2 for each additional station
Use with no order board	4 per station

In addition there shall be at least one stacking space after the service window, before entrance to a traffic aisle.

- (3) Each stacking space shall be a minimum of ten feet in width and 20 feet in length. Stacking lanes shall be a minimum of ten feet in width along straight portions and a minimum of 12 feet

in width at curved segments. Stacking lanes shall be clearly designated by signs and delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping, the use of alternative paving material or raised medians.

- (4) Stacking lanes shall be designated to prevent circulation congestion, both on-site and on adjacent public streets. The site circulation shall:
 - a. Separate drive-through traffic from site circulation;
 - b. Not impede or impair vehicular or pedestrian traffic movement; and
 - c. Minimize conflicts between pedestrian and vehicular traffic by providing physical and visual separation between pedestrian ways and stacking lanes and driveways, or at the crossing of the two. Stacking lanes shall not interfere with required loading and trash storage areas. No drive-through lane shall exit onto a street.
- (5) Walk-in customer access should not intersect the drive-through lanes, but where it does, clearly marked pedestrian crosswalks shall be provided. These crosswalks must be emphasized by enriched paving or striping and include signage aimed at drivers in the drive-through lane.
- (6) Entrances to drive-through facilities shall be off-set at least 50 feet from an intersection. The distance shall be measured along the property line from the junction of the two used right-of-way lines to the nearest edge of the entrance. Where a choice is possible, exits from facilities with a drive-through shall be onto collector or arterial streets rather than minor streets. Curb cut design shall be consistent with the additional provisions of § 19-57.

(c) Conformance with the following standards for signage and lighting:

Menu boards or other informational boards at the window area, shall face away from public rights-of-way. Adequate directional signs shall be provided to assure smooth traffic circulation and pedestrian safety including marking entrances, exits and one way path of drive-through areas. The placement of all directional and street level advertising signage shall be subject to the review and approval of the development plan review committee to ensure that safe and efficient traffic circulation patterns and adequate sight distances will be maintained both within the street and the interior site parking area. The facility is subject to the signage standards of Article X. All lighting associated with the menu boards, window service area or site security, shall be directed and shielded to prevent any glare or reflection on adjoining streets or property.

(d) Conformance with the following standards for litter and noise control:

- (1) Drive-through facilities are subject to the requirements of § 137, with regard to trash storage areas. The business shall be operated so that the premises, adjacent properties, and public areas or rights-of-way nearby are free of litter and trash originating from the site. In addition refuse receptacles for customer use shall be placed at appropriate locations along the end of drive-through areas.
- (2) Exterior loudspeakers shall not be used for advertising or entertainment. No outside loudspeaker system shall be installed within 50 feet of a residential use or district. Limitations on the hours of operation for the outdoor speaker system may be necessary in

order to be compatible with neighboring residential uses. Outdoor speakers with a night time lower volume control are preferred.

(e) Conformance with the following landscaping standards:

- (1) Conformance to the landscaping requirements of § 67.
- (2) Screen drive-through lanes from public rights-of-way and abutting residential properties;
- (3) Minimize the visual impact of reader boards and headlights of stacked cars; and
- (4) If applicable be part of the additional buffer requirements of § 48.

(f) Conformance with the following fire protection standards:

- (1) Flammable and hazardous materials used in the conduct of a drive-through business shall be stored within the building or outside the building in accordance with § 5-28. Proper care shall be exercised in the location of fuel storage containers to protect public safety.
- (2) Every business which utilizes drive-through service lanes must install a six-inch steel pipe, concrete filled, to be placed within two feet of the property's gas meter to protect such meters from being accidentally struck while vehicles are moving through the drive-through lane.

(g) The subject lot is at least 20,000 square feet in size.

Sec. 19-335. Gasoline filling stations.

(a) Special Use Permit criteria. The following criteria shall apply for gasoline filling station applications:

(1) Compatibility with the neighboring transportation network as evidenced by:

- a. The zoning board of review or planning board under unified development review may require submission of traffic and/or parking impact studies analyzing both on and off-site conditions as they affect surrounding areas including, but not limited to:
 1. Analysis of roadways which may be influenced by the project; including adjacent roads and major intersections;
 2. Safety (accident data, sight distance, roadway conditions, etc.);
 3. Capacity analysis utilizing the most current Transportation Research Board guidelines or other document as specified by the Director of Public Works;
 4. Existing volumes (traffic counting);
 5. Site-generated and future traffic;
 6. Planned transportation improvements, if any;
 7. Projected parking demand for the facility, and adequacy of available on-site parking;
 8. Analysis of the specific impacts of fuel deliveries.

(2) Compatibility with neighboring land uses as evidenced by:

- a. Submission of a landscaping plan, prepared by a professional landscape architect, licensed in the State of Rhode Island, which shows how the proposed development will be adequately landscaped and screened from adjacent properties. Suitable landscaping shall be provided on the site in all areas not required for pedestrian or vehicular traffic movement to enhance and make the premises acceptable and attractive to the surrounding area. Suitable separation shall

be made between the pedestrian sidewalk and the vehicular moving area by means of a landscaped barrier to vehicular movement.

- b. Submission of evidence that the proposed development's, noise, trash management, and other operations will not unduly disturb nearby residents.
- c. Submission of a lighting plan that includes suitable illumination arranged as to reflect the light away from adjoining property;
- d. Hours of operation, which may be modified by the zoning board or planning board, shall be compatible with neighboring residential uses.
- e. All buildings shall not be less than 30 feet from the lot line fronting the street.
- f. Pumps and other facilities shall be set back not less than 15 feet from the lot line fronting the street.
- g. Where any filling station adjoins or abuts a residential district or a lot or premises used for residential, educational, recreational, or religious purposes, a wall or fence of solid appearance or tight evergreen hedge shall be erected to a height of not less than 5½ feet. Such fence shall be maintained in a neat and attractive manner.
- h. The filling station building shall be located not less than 50 feet from any residential building.

(3) Protection of environmental resources as evidenced by:

- a. Submission of evidence, including but not limited to, a drainage analysis and related plans, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that any development will not have a negative effect on natural resources or neighboring properties.
- b. Submission of evidence, including but not limited to an erosion and sediment control management plan, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that any development will not have a negative effect on natural resources or neighboring properties. Surfaces that are subject to automobile traffic shall be paved with a durable surface.
- c. Submission of evidence that fuel will be properly stored, managed and delivered, and will not lead to negative effects on surface or groundwater resources, air quality, or other environmental factors. The applicant shall provide evidence of spill prevention measures, spill planning, leak prevention and ongoing safety inspections.

(4) Protection of public safety as evidenced by:

- a. Submission of evidence of the proposal's conformance with relevant fire, building, health codes and other relevant state and federal requirements, as well as other relevant public safety factors.
- b. The filling station premises shall be located not less than 200 feet from the premises or any park, playground or other public recreational facility, school or municipal building, church or other place of worship, religious or educational institution, cultural center, cemetery or hospital.

The filling station property shall be separated from the streetline by a curb at least six inches high. The location and extent of curb cuts shall be subject to the approval of the city traffic engineer or the state traffic engineer in accordance with their respective jurisdictions.

Sec. 19-360.5 – Sportsmen’s clubs.

- (a) Notwithstanding any other provisions of this chapter, the following regulations shall apply to all sportsman’s clubs:
- (1) Minimum lot size of 5 acres.
- (b) Special Use Permit criteria. In cases where sportsman’s clubs are a special permit use in a district, the following criteria shall apply:
- (1) Compatibility with neighboring residential land uses as evidenced by:
 - a. Submission of a landscaping plan, prepared by a professional landscape architect, licensed in the State of Rhode Island, which shows how the proposed development will be adequately landscaped and screened from adjacent residential properties.
 - b. Submission of evidence that any proposed firearm activity will not pose a public safety risk to neighboring residents, users of the facility, or the general public, and that all relevant firearm related laws will be met.
 - c. Submission of evidence that noise from any proposed firearm activity will not unduly disturb residents in proximity of the site. In order to make this determination, the zoning board of review or planning board under unified development review may require submission of an acoustical impact analysis, prepared by an acoustical engineer, licensed in the State of Rhode Island.
 - d. Submission of evidence, including but not limited to a drainage analysis and related plans, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that any development will not have a negative effect on adjacent properties or natural resources.
 - e. Submission of evidence, including but not limited to an erosion and sediment control management plan, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that any development will not have a negative effect on adjacent properties or natural resources.

Sec. 19-336. Helicopter landing areas.

- (a) *General requirements.* Notwithstanding any other provisions of this chapter, the following criteria shall apply to all helistops in order to assure public safety:
- (1) Helistops shall be located only in those districts as allowed by special use permit in § 32;
 - (2) No helistop shall be established or operated in the city until all applicable federal and state rules, regulations, requirements and permits are obtained and complied with;
 - (3) No helistop shall be established or operated in the city until all permits or fees as required by this chapter and the provisions of all other ordinances of the city and all other requirements are complied with;

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- (4) All helistop landing areas shall be located at ground level and shall not be permitted on roof tops, buildings or other elevated structures;
- (5) The landing and taking off of helicopters at helistops shall be permitted only during daylight hours between sunrise and sunset;
- (6) For the administration and enforcement of this section and the location, design and layout of helistops, the publication Heliport Design Guide AC 150/5390-1A by the Federal Aviation Administration, U.S. Department of Transportation dated November, 1969 or its latest equivalent, shall be used for standards and reference;
- (7) A detailed site plan shall be submitted with all applications showing the size, location and other pertinent information of the touchdown, landing and peripheral area, types and location of constructed facilities, paving markings and location of safety equipment, parking layout, fencing and landscaping and all other facilities as required or provided. Additionally, a plot plan shall be submitted showing the helicopter landing facility with two clearance planes (approach and departure paths and side slopes) in relation to all physical features of the land including development thereon for a radius of at least 500 feet from the landing area.
- (b) *Approach, location and area requirements.* Approach, location and area requirements shall be as follows:
- (1) Approach and departure paths shall be selected to provide the most advantageous lines of flight to and from the landing and touchdown area and to minimize the adverse effects of excessive noise on residential areas, schools, churches, religious institutions and similar public and semi-public facilities.
- (2) Every helistop shall be so located and used so as to provide at least two approach paths oriented as much as possible into the prevailing wind, at least 90 degrees apart, and clear of obstructions above an imaginary plane having a slope of eight feet horizontally to one foot vertically (8:1) flaring uniformly from the width of the landing area to a width of 500 feet at 4,000 feet from the landing area. If necessary, a curved approach may be used, however, it shall have a turning radius of not less than 700 feet.
- (3) There shall be no obstructions adjacent to the landing area and the approach and departure paths above an imaginary plane (side slope) having a slope of two feet horizontally to one foot vertically (2:1) from the centerline of the approach and departure paths to a distance of 250 feet.
- (4) The dimension of the touchdown area shall be equal to rotor dimensions of the largest helicopter anticipated to use the landing facility but in any instance not less than 20 feet by 20 feet.
- (5) The width and length dimensions of the landing area including the touchdown area shall be at least 1.50 times the overall length of the largest helicopter anticipated to use the landing facility but in any instance not less than 50 feet by 50 feet.
- (6) A peripheral clear area of at least ten feet shall be provided around the landing area for safety purposes.
- (7) Helistops shall not be located any nearer than 200 feet to any adjacent residential zone boundary line.

(c) *Improvement requirements.* Improvement requirements for helicopter landing areas shall be as follows:

- (1) All helicopter land pads, touchdown and landing areas shall be paved with dust-proof material and all pathways, driveways, parking areas and other similar associated facilities shall be paved.
- (2) The peripheral area shall be surrounded by a fence or wall at least four feet in height and constructed in such a manner as to deflect the horizontal wind velocities caused by the rotation of the helicopter rotor blades.
- (3) Landing markers and a wind indicating device shall be provided and be in conformance with any applicable state regulation and federal recommendation.
- (4) At least one fire extinguisher shall be provided at helistops and an approved means of emergency communications such as telephone, fire alarm box or other signaling device may be required. All fire protection devices, equipment and the location thereof shall be subject to the approval of the fire prevention officer of the city fire department and he may impose such other safety requirements as deemed necessary.

Sec. 19-337. Nonprofit club; civic, social or fraternal.

Special Use Permit criteria. In cases where nonprofit clubs are a special permit use in a district, the following criteria shall apply:

- (a) Compatibility with neighboring residential land uses as evidenced by:
- (1) Submission of a landscaping plan, prepared by a professional landscape architect, licensed in the State of Rhode Island, which shows how the proposed development will be adequately landscaped and screened from adjacent residential properties.
 - (2) Submission of evidence that any proposed events or activities will not pose a public safety risk to neighboring residents, users of the facility, or the general public and will adequately manage traffic, parking, emergency access, trash and potential light pollution.
 - (3) Submission of evidence that noise from any proposed events or activities will not unduly disturb residents in proximity of the activity. In order to make this determination, the zoning board of review or planning board under unified development review may require submission of an acoustical impact analysis, prepared by an acoustical engineer, licensed in the State of Rhode Island.
 - (4) Submission of evidence, including but not limited to a drainage analysis and related plans, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that any development will not have a negative effect on adjacent properties or natural resources.
 - (5) Submission of evidence, including but not limited to an erosion and sediment control management plan, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that any development will not have a negative effect on adjacent properties or natural resources.

Sec. 19-338. Nursing homes, rest homes and homes for the aged.

- (a) Notwithstanding any other provisions of this chapter, the following regulations shall apply to all nursing homes, rest homes and homes for the aged:
- (1) The maximum percent of coverage of all buildings and structures shall not exceed 30 percent of the lot or premises.
 - (2) Every room used for sleeping purposes shall contain at least 100 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least an additional 60 square feet of floor space for each additional occupant thereof.
 - (3) Landscaping and architectural treatment shall be in harmony with the surrounding residential development. The building and grounds shall be maintained so as to enhance the appearance of the premises.
 - (4) Provisions for outdoor passive recreation shall be provided in the form of paved walks and patios and shall include benches and similar facilities. Area devoted to passive recreation shall equal at least ten percent of the lot or premises.
- b) Special Use Permit criteria. In cases where nursing homes, rest homes and homes for the aged are allowable by special use permit in a district, the following criteria shall apply:
- (1) Compatibility with the neighboring transportation network as evidenced by:
 - a. Submission of a traffic impact study analyzing both on and off-site conditions as they affect surrounding areas including, but not limited to:
 1. Analyses of roadways which may be influenced by the project; including adjacent roads and major intersections;
 2. Safety (accident data, sight distance, roadway conditions, etc.)
 3. Capacity analysis utilizing the most current Transportation Research Board guidelines or other document as specified by the Director of Public Works;
 4. Existing volumes (traffic counting);
 5. Site-generated and future traffic;
 6. Planned transportation improvements, if any.
 - (2) Compatibility with neighboring residential land uses as evidenced by:
 - a. Submission of a landscaping plan, prepared by a professional landscape architect, licensed in the State of Rhode Island, which shows how the proposed development will be adequately landscaped and screened from adjacent residential properties.
 - b. Submission of evidence that the proposed development's loading, trash management, and other operations will not unduly disturb nearby residents.
 - c. Submission of evidence, including but not limited to a drainage analysis and related plans, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that development will not have a negative effect on adjacent properties or natural resources.

- d. Submission of evidence, including but not limited to an erosion and sediment control management plan, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that the development will not have a negative effect on adjacent properties or natural resources.

(3) Safety of the development's residents as evidenced by the proposal's conformance with relevant fire code, building code and health code requirements, conformance to other dimensional requirements listed in this section, as well as other relevant public safety factors.

Sec. 19-339. Open storage.

(a) *Generally.* The following regulations shall apply to all open storage which may qualify as an accessory use or open storage of a temporary nature or duration:

- (1) The open storage shall not occur within any required front, side, or rear yard as established by the minimum setback requirements of § 50;
- (2) The open storage shall not exceed the maximum height limitation of the district as provided in § 50;
- (3) The open storage shall be secured from unauthorized access;
- (4) The open storage shall be contained and/or covered as necessary so as to prevent its movement or transport by act of nature, including leaching into the ground. Without limiting the foregoing, materials which are subject to erosion by wind shall be protected by effective cover or other treatment, which shall be identified in the application. Materials which are subject to erosion by water or leaching shall be protected through effective control measures, which shall be identified in the application.
- (5) The open storage shall be screened from the view of adjacent residential properties and from public streets; the proposed method of screening shall be noted in the application and on the plans;
- (6) The open storage of anything that can be moved or damaged by water, or which is wholly or partly soluble in water shall be prohibited within floodways, special flood hazard areas, or V zones, as provided in Article IV Division 1;
- (7) The open storage shall only be allowed where the findings required in § 414 are met;
- (8) Open storage shall conform in all respects to the standards set forth in Article VII.
- (9) A special use permit granted for open storage shall be limited to the specific type and quantity of commodity, equipment, supplies, material(s), and substance(s), and the manner of storage of such items, as specified on the special use permit application and shall not be deemed permissive of any other type of open storage activity. A change in open storage activity from that previously granted through a special use permit shall require a new special use permit petition to the zoning board of review.
- (10) Petitions for special use permit for open storage shall meet the application requirements for a special use permit and shall additionally include the following:
 - a. A specific listing of the commodity, equipment, supplies, material(s), or substance(s) for which the open storage special use permit is being requested, which shall include the specific

type and specific quantity of commodity, equipment, supplies, material(s) or substance(s), and the manner in which such items shall be stored;

b. A site plan which shall specifically identify and show the location of the proposed open storage on the parcel which is the subject of the special use permit.

c. Fire plan. A fire plan, subject to the review and approval of the fire chief, shall be part of the application and, at a minimum, shall address the following: proximity of fire hydrants to the open storage; accessibility and access for emergency vehicles; the chemical nature and qualities of the material(s) to be stored and a statement as to their combustibility; flammability; and/or explosive or corrosive qualities; and any potential threats to public safety, health and welfare.

Sec. 19-340. Wireless telephone communication towers and antennas.

(a) *Generally.* The following provisions shall govern the issuance of special use permits and/or variance for towers or antennas in addition to all other requirements of this section for the issuance of special use permits:

- (1) Applications for special use permits or variance under this section shall be subject to the procedures and requirements of § 414 et seq. and § 420 et seq. of this chapter, as applicable, except as modified in this section.
- (2) In granting a special use permit, the zoning board of review may impose conditions to the extent the zoning board of review concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (5) An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as established by the city council to reimburse the city for the costs of reviewing the application.

(b) *Towers.*

(1) *Information required.* In addition to any information required for applications for special use permits pursuant to § 417 of this chapter, applicants for a special use permit for a tower shall submit the following information:

- a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distances set forth in subsection(b)(5) below, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the zoning officer to be necessary to assess compliance with Article VII Division 6.
- b. Legal description of the parent tract and leased parcel (if applicable).
- c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

- d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 310(d) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- e. A landscape plan showing specific landscape materials.
- f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- g. A description of compliance with subsections 310(c), (d), (e), (f), (g), (j), (l), and (m), 19-340(b)(4), 19-340(b)(5) and all applicable federal, state or local laws.
- h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- k. A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(2) *Factors considered in granting special use permits or variance for towers.* In addition to any standards for consideration of special use permit applications pursuant to § 414 et seq. of this chapter, the following factors shall be considered in determining whether to issue a special use permit or variance:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress; and
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection 340(b)(3).

(3) *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the zoning board of review that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An

applicant shall submit information requested by the zoning board of review related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) *Setbacks.* The following setback requirements shall apply to all towers for which a special use permit is required:

- a. Towers must be set back a distance equal to at least seventy-five percent of the height of the tower from any adjoining lot line.
- b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(5) *Separation.* The following separation requirements shall apply to all towers and antennas for which a special use permit is required:

- a. Separation from off-site uses/designated areas.
 1. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 2. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:
Separation Requirements for Towers
MINIMUM STANDARDS

Off-Site Use/Designated Area	Separation Distance
Single-family or two-family residential units ¹	200 feet or 300 percent height of tower whichever is greater
Vacant single-family or two-family residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300 percent height of tower ² whichever is greater
Vacant unplatted residentially zoned lands ¹	100 feet or 100 percent height of tower whichever is greater
Existing multifamily residential units greater than two-family units	100 feet or 100 percent height of tower whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply
¹ Includes modular homes and mobile homes used for living purposes.	
² Separation measured from base of tower to closest building setback line.	
³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than two-family.	

b. Separation distances between towers.

1. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2:

Existing Towers—Types

MINIMUM SEPARATION BETWEEN TOWERS (BY TOWER TYPE)

	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less Than 75 Feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Feet in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Feet in Height	750	750	750	750

(6) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticleimbing device.

(7) *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required:

- a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
- b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the zoning board of review.
- c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

Sec. 19-341. Hotels and Motels.

Special use permit criteria. In cases where hotels and motels are allowable by special use permit in a district, the following criteria shall apply:

- (a) Compatibility with the neighboring transportation network as evidenced by:
 - (1) Submission of a traffic impact study analyzing both on and off-site conditions as they affect surrounding areas including, but not limited to:
 - a. Analyses of roadways which may be influenced by the project; including adjacent roads and major intersections;
 - b. Safety (accident data, sight distance, roadway conditions, etc.)

- c. Capacity analysis utilizing the most current Transportation Research Board guidelines or other document as specified by the Director of Public Works;
- d. Existing volumes (traffic counting);
- e. Site-generated and future traffic;
- f. Planned transportation improvements, if any.

(b) Compatibility with neighboring uses as evidenced by:

- (1) Submission of a landscaping plan, prepared by a professional landscape architect, licensed in the State of Rhode Island, which shows how the proposed development will be adequately landscaped and screened from adjacent properties.
- (2) Submission of evidence that the proposed development's loading, trash management, lighting, noise, and other operations will not unduly disturb nearby residents.
- (3) Submission of evidence, including but not limited to a drainage analysis and related plans, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that development will not have a negative effect on adjacent properties or natural resources.
- (4) Submission of evidence, including but not limited to, an erosion and sediment control management plan, prepared by a professional civil engineer, licensed in the State of Rhode Island, showing that the development will not have a negative effect on adjacent properties or natural resources.
- (5) Submission of evidence, that any accessory activities, such as event and/or conference space, restaurants, bars, live music, and recreational facilities, will not disturb area residents. Information shall include, but not be limited to, proposed hours and scope of activities. The Zoning Board, or Planning Board in the case of Unified Development Review, may require the applicant to submit a noise analysis prepared by a professional acoustical engineer in cases where live music is proposed. Such a study shall analyze expected noise levels and shall include recommendations to mitigate any expected excessive noise.

- (c) Submission of evidence that adequate safety provisions for guests and employees will be provided as evidenced by the proposal's conformance with fire, building and health codes, and other relevant state and federal requirements.

Sec. 19-341. Two-family dwellings.

Special use permit criteria. In cases where two-family dwellings are allowable by special use permit in a district, the following criteria shall apply:

- (a) In the R5 and R6 districts, the lot shall have an area at least 50 percent greater than the minimum lot size; and

- (b) In the R4 district, the lot shall have an area at least 75 percent greater than the minimum lot size.

Sec. 19-344 through 19-350 [Reserved.]

ARTICLE IX - RESERVED

Sec. 19-351 through 19-360. [Reserved.]

ARTICLE X - SIGNS

Sec. 19-361. Purpose and intent.

- (a) The purpose of this article is to promote and protect public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and all outdoor signs of all types. It is intended to protect property values, create a more attractive economic business climate by allowing sufficient freedom to identify and promote the availability of goods and services, enhance and protect the physical appearance of the city and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by unsafe signs, curb the deterioration of the natural environment, and enhance community development.
- (b) This article authorizes the regulation of signs with regard to size, lighting, layout, style, typography, and arrangements compatible with their surroundings, appropriate to the identification of individual properties, occupants, or of the community, and as appropriate to traffic safety. Authority for this article is granted under the G.L. 1956, Chapter 45-24. Signs and appurtenances shall be contained within the legal boundaries of the property on which the sign is located.
- (c) This article authorizes the installation and/or replacement and/or alteration to a sign or signs and/or requires the removal of obsolete and abandoned signs in order to provide for the orderly, harmonious and aesthetic display of signs within the city; ensure that signs are an effective means of communication which adequately identifies uses, activities and enterprises for the convenience of the public; avoid the erection of signs which produce deleterious light impacts to adjoining properties and roadways; encourage a positive visual environment; create an attractive environment which is conducive to business, industry and tourism, and improve and maintain the visual quality of commercial areas, which promotes the economic interests of the city, and promote the physical health, safety and welfare of the public.
- (d) No sign shall be erected without the issuance of a building permit having first been approved by the permitting authority under either development plan review or as a land development project. For properties located within the East Providence Waterfront Special Development District and seeking permission to erect a sign or signs, applicants shall follow the processes of Article V, Waterfront Special Development.
- (e) G.L. 1956 § 24-7-1 "Sidewalks" grants the city the authority and power to make ordinances and regulations relative to the altering or repairing thereof, to the use, to the removal of posts, steps, and other obstructions therein, and to the maintenance and removal of awnings, signs and other structures projecting over the sidewalk. Signs shall be contained within the legal boundaries of the property on which the sign is located, and shall not be located on the public sidewalk.
- (f) The requirements of this article shall be enforced by the zoning officer in accordance with the rules, regulations and practices of the city.

Sec. 19-362. Permitted signs and general provisions.

- (a) *Permitted signs.* The following signs are permitted and are exempt from the application process provided that they are not threat to public health, safety or welfare:

- (1) Historical designation plaques for local, state, or national designated properties or structures of historic significance.
 - (2) Church, school or other public use may have one sign, not to exceed a total area of 15 square feet.
 - (3) Real estate signs advertising sale or rent, or signs naming the builder, architect, developer or engineer of a project for which a building permit is in effect and the work is in progress, placed on the premises, not exceeding six square feet. Only one residential real estate sign per lot shall be permitted. Commercial and industrial real estate signs shall be permitted for industrial and commercial properties and shall not exceed 20 square feet in area. All residential, commercial and industrial signs shall be removed within seven days of the sale or lease of the property or unit, or completion of the project for which the sign was placed.
 - (4) Residence signs, not exceeding a total of two square feet, displaying the name and address of the occupant or resident of the premises or pertaining to a permitted accessory use.
 - (5) Signs prohibiting trespass, hunting, and the like, warning signs of danger, such as high voltage, and necessary public utility signs, not to exceed an area of two square feet.
 - (6) Adoptees of Adopt-an-Island Program, sponsor signs sold to advertisers, sponsors or boosters of youth sports teams or leagues which are placed within a field, stadium or arena and otherwise meet all applicable sections of city ordinances and regulations.
 - (7) Temporary signs for nonprofit or charitable organizations, including exterior messages for national and state holidays, provided, however, that no such temporary sign may be erected for a period of more than 30 days. In all residential districts, such signs shall be limited to nine square feet and setback a minimum of ten feet from any property line.
 - (8) Traffic and other governmental signs, erected by any public safety agency in the discharge of any governmental function. Such signs may be illuminated. The city council shall have sole discretion as to the suitability of all signs erected, or to be erected on city-owned property, under lease of private enterprise, or otherwise. Any person wishing to place a sign on or over city property shall make a request to the city council.
- (b) *General provisions.*
- (1) Obsolete, abandoned, or defunct signs. Any sign advertising, an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located and identifying a business or organization which is either defunct or no longer located on the premises must be physically removed, not just covered over, with 30 days of the business or organization closing or moving.
 - (2) Any sign authorized and/or having received prior approvals under this article may contain a noncommercial message constituting a form of expression.
 - (3) Severability. This article and its various parts are hereby declared to be severable. If any section, clause, provision or portion of this article is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of either this article as a whole or any parts not declared invalid or unconstitutional.

- (4) Conflict. If any part of this article is found to be in conflict with any other ordinance of the city, the most restrictive or highest standard shall prevail.

Sec. 19-363. Prohibited signs.

All signs that are not specifically permitted in this article, or exempt from regulation hereunder, including, but not limited to, the following types of signs, are prohibited:

(a) *Captive balloon and inflatable signs.* This includes signs, or portions thereof, that hold their shape by receiving a one-time or continuous supply of air or gas.

(b) *Electronic message center signs.* This type of sign includes, but is not limited to, television screens, plasma screens, flat screens, light emitting diode screens, video boards and screens, and holographic displays. This is not intended to prohibit the use of light bulbs, neon tubes, or other such light sources of internal or external illumination, as permitted by this article. This shall not include a digital sign(s) as defined in subsection 365(c).

(c) *Projected signs.* This includes signs that are formed by projecting the sign copy, image, text, and/or message into the sky or onto a surface, including, but not limited to, the ground or the side of a building. This includes signs that [sic] are created using projectors, light beams, lasers, holograms or holographic displays, or other such technologies.

(d) *Animated signs.* This includes signs, or portions thereof, that blink, flash, or emit, a varying intensity of color or light.

(e) *Moving, revolving or rotating signs, banners and pennants.* This includes signs, or portions thereof, having visible moving, revolving, or rotating parts, or visible movement of any kind, or giving the illusion of movement. Such movement can be achieved by wind, electric, electronic, or any other means. This is not intended to prohibit the manual changing of channel letters or numbers when the changing is part of an approved sign or movable hands or analog clocks.

(f) Billboards, as defined in Sec. 19-1.

(f) *Inappropriate signs.* Any sign that constitutes a hazard to the public safety, health or that impedes vision or access to or from public streets, sidewalks or other places of ingress or egress. This includes signs which, because of size, location or manner of illumination, obstruct the vision of a driver or detract from the effectiveness of traffic control devices. With the exception of traffic, regulatory, or informational signs, signs shall not use the words, "stop", "caution", or "danger", and shall not incorporate red, amber, green or blue lights resembling traffic signals or emergency vehicles, and/or shall not resemble "stop" or "yield" signs in shape or color.

Sec. 19-364. Residential districts.

Exterior signs in all residential districts and the open space district shall be nonmoving and shall be lighted only by nonflashing, nonanimated illumination so arranged as to reflect light away from adjoining premises and streets and may be located in any required yard, except that the signs shall be set back from any side lot line at least the side distance required in the adjoining lot and shall not project above any roofline or extend over any sidewalk. Permitted are the following exterior signs:

- (1) One sign for each household residing on the premises indicating the name of the owner or occupant and street address provided, however, that such signs shall not exceed two square feet in

area, and one sign for a permitted accessory home occupation or use; provided, however, that such sign shall not exceed two square feet in area.

(2) One sign not over nine square feet in area pertaining to permitted buildings, structures and uses of the premises other than dwellings and their accessory buildings.

(3) Temporary signs aggregating not over 12 square feet in area pertaining to the sale or lease of the premises on which the signs are located; provided that such sign shall be permitted for a period not exceeding one year.

(4) Directional signs not exceeding two square feet in area pertaining to churches, schools, institutions and other public or nonprofit uses.

Sec. 19-365. Sign definitions.

(a) *Building frontage.* The maximum width of a building measured in a straight line parallel with the abutting street, or in cases of buildings perpendicular to the street frontage, the frontage shall be measured where the primary entrance(s) to the building(s) are located. All determinations of building frontage shall be made by the zoning officer.

(b) *Canopy.* Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door entrance, window, or outdoor service area. The lowest portion of any canopy shall be not less than eight feet above the level of a sidewalk or public right-of-way. No canopy shall extend beyond a point five feet inside the curb line. There shall be no advertising on any canopy, except that the business name and street number may appear on the vertical portion of the street apron which is geometrically parallel to the building front, provided that the maximum amount of permitted signage is not exceeded. A canopy sign shall provide at least eight feet clearance to grade from the bottom edge of the canopy.

(c) *Digital sign.* This type of sign is a component of either a freestanding, pylon or monument sign that features static images that may change over a period of time not to exceed one message change per ten seconds and are used to advertise to consumers in a public place(s), including in private automobiles.

Digital menu boards associated with a permitted drive through operation shall be exempt from the sign regulations for use purposes only. A digital menu board associated with a permitted drive through shall comply with all other sign requirements.

A *digital sign* and an *electronic message center* shall be considered synonymous terms.

(d) *Directional/informational sign.* An on-premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy (e.g., parking or exit and entrance signs). The logo may not be more than 20 percent of the total sign area.

(e) *Monument sign.* A monument sign is a freestanding sign for which the sign face is supported by a continuous and solid monolithic base which extends the full length of the sign face or within one foot of the ground and whose bottom is permanently attached to the ground. One monument sign shall be allowed per lot in lieu of a freestanding sign and shall have a maximum area of 50 square feet, shall be set back a minimum of ten feet from all property lines, and the maximum sign height shall be eight feet.

(f) *Freestanding sign.* A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure), that is not an integral part of, or attached to a building, also called a

pylon sign. All permanently installed freestanding signs shall be protected from vehicular circulation and parking areas. Such signs shall not exceed 20 feet in height from grade. No freestanding sign or display shall be erected so as to block or obstruct the sight line of automobiles exiting from the premises. For drive-in uses requiring a menu board, one such sign may be permitted in addition to a permitted freestanding sign, said sign shall not be larger than any permitted freestanding sign for such use.

(g) *Projecting sign.* Projecting signs means a sign erected so as to project approximately perpendicular from the exterior of a building, ceiling or wall. These signs shall be restricted to one per business. Such signs shall have a clear height of eight feet above the sidewalk or other traveled way and be erected and secured in such a manner as to preclude their becoming a safety hazard to the public. Projecting signs may not project over a public sidewalk more than three feet from the building wall.

(h) *Sign structure.* The support or supports, uprights, bracing and framework which supports the sign face. In the case of a sign structure consisting of two or more sign faces or projections thereof, each side shall be considered a separate sign.

(i) *Sign area.* The entire area within a single continuous perimeter enclosing all elements of a sign which are intended to be part of the visual image of the sign including spaces between letters and/or pictorial images, but not including supporting structure provided it does not contain advertising text or images. When a sign has two or more faces, the area of all faces shall be included in determining the sign area.

(j) *Sign height.* No portion of any freestanding on-premises sign shall be more than 20 feet above the highest elevation of the grade immediately adjacent to the sign, grade as being defined by this chapter.

(k) *Wall sign.* A wall sign is defined as a sign attached parallel to, or painted on, the vertical wall of a building exterior.

(l) *Credit card signs and customary business signs.* Credit card signs and customary business signs (e.g., open, closed) not exceeding 1.5 square feet in area may be affixed to the building or window and may not be counted towards the calculation of window signage.

(m) *Window sign.* A window sign is any sign affixed to, in contact with, or within 12 inches of a window thereof. Window signs include paper affixed to window, painted, etched on glass, or some other materials hung inside a window. Window signs permanently erected or maintained in the window of any building shall not occupy more than 25 percent of the window area of a structure, and/or 25 percent of the window area for each individual tenant in a multitenant structure in the C-3, C-4 or C-5 zoning district, or shall not occupy more than ten percent of the window area of a structure, and/or ten percent of the window area for each individual tenant in a multitenant structure in the C-1, and C-2 zoning districts. Normal displays of merchandise in store windows shall not be considered signs.

Sec. 19-366. Permitting, signage allowed, and supplemental sign regulations.

(a) All signs shall meet all applicable local and state building and electrical codes. Application for sign approval, sign relocation, and/or sign alteration shall be made in writing by an owner or an applicant having the legal permission of the owner of the building, structure or land to which or on which the sign is to be erected on forms prescribed and provided by the building division, which shall include the following:

- (1) A site plan which shall include a scale drawing of the building and lot on which the signage is proposed and shall show the position of all existing and/or proposed signs, including directional signs. Such site plan shall include the distance and relationship to all existing, proposed and/or adjoining structures or premises. The site plan shall show the location of any existing and proposed signs in relation to all property lines, right-of-way lines, and streets. The building official and/or zoning officer may require any such other information as may be reasonably necessary to administer the provisions of this ordinance relating to signs.
- (2) Scaled drawings of all proposed signs and all specifications. Scaled drawings shall be submitted which shall show each proposed sign, including the area, height, width, thickness, illumination and material of which the sign is proposed to be constructed. This information shall include all sign specifications, including the size of letters and graphics, and a description of the sign and frame materials and colors, and associated construction and electrical specifications and details. The area of the sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open space or enclosed.
- (3) Building permit fee.
- (b) For properties within the East Providence Special Development Waterfront Districts, refer to Article V of this chapter for process, standards and regulations.
- (c) Signage for developments consisting of one structure with a gross building area of 10,000 square feet or greater, or a multitenant development of gross building area of 10,000 square feet or greater, shall be reviewed under the development plan review process. Sign applications may be referred to other city staff as appropriate, including the police chief, for review for safety and access considerations.
- (d) Issuance of permits. If the building official and zoning officer find the proposed sign(s) to be in conformance with this chapter, a building permit shall be issued. If the erection or installation of the sign authorized under any such permit has not been started within six months from the date of the issuance of such permit, the permit shall become null and void.
- (e) Maximum permitted sign area. In all zoning districts but the residential districts, the maximum permitted area for signs on a building shall be based on the building frontage. In buildings with more than one tenant, each tenant's sign shall be based on the building frontage of each individual tenant space, as long as the total area of all signs on the buildings does not exceed the total allowable signage. Where a building fronts on two or more streets, the total area for signs for each building street shall be based on the building frontage for that street.

TABLE 1

Office uses (Commercial 1, Commercial 2, and Business Technology): The maximum total area of all signs on any premises shall not exceed 1.5 square feet per every one foot of building frontage. Window signs shall not be included in this calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited as follows:

Sign Type	Area (Maximum)	Height (Feet)	Setback (Feet)	Projection Over Public Right-of-Way (Feet)
Canopy	1.5 s.f. (square feet) per 1 foot of building frontage	—	—	— ⁽²⁾
Freestanding ⁽¹⁾	30 s.f. per side, not to exceed 60 s.f.	20 Maximum	5 Minimum	—
Projecting	3 s.f. per side, not to exceed 6 s.f.	3	—	Maximum 3 feet over public sidewalk ⁽³⁾
Roof	Not permitted	—	—	—
Wall	60 s.f.	—	—	—
Window	10% of building's window area	—	—	—

⁽¹⁾ Only one freestanding sign is permitted per street frontage. A monument sign may be used in place of a freestanding sign.

⁽²⁾ An awning covering a window or door may extend no more than two feet over a sidewalk or an area of pedestrian activity.

⁽³⁾ A projected sign shall not extend from the exterior of a building, ceiling or wall more than five feet from over any publicly traveled way other than a sidewalk.

TABLE 2

General business, highway business, and heavy business (C-3, C-4, C-5): The maximum area of all signs on any premises shall not exceed two square feet per one foot of building frontage. Window signs shall not be included in this calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited as follows:

Sign Type	Area (Maximum)	Height (Feet)	Setback (Feet)	Projection Over Public Right-of-Way (Feet)
Canopy	2 s.f. per 1 foot of building frontage	—	—	— ⁽²⁾
Freestanding ⁽¹⁾	100 s.f. per side, not to exceed 200 s.f. Digital cannot exceed 50 percent of the overall sign face per side	25	5	—
Projecting	20 s.f.	5		1 ⁽³⁾
Roof	Not permitted	—	—	—
Wall	200 s.f.	—	—	—
Window	25% of building's window area	—	—	—

⁽¹⁾ Only one freestanding sign is permitted per street frontage. A monument sign may be used in place of a freestanding sign.

⁽²⁾ An awning covering a window or door may extend no more than two feet over a sidewalk or an area of pedestrian activity.

⁽³⁾ A projected sign shall not extend from the exterior of a building, ceiling or wall more than five feet from over any publicly traveled way other than a sidewalk.

TABLE 3

Industrial 1, Industrial 2, Industrial 3: The maximum area of all signs on any premises shall not exceed one square foot per one foot of building frontage. Window signs shall not be included in this calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited as follows:

Sign Type	Area (Maximum)	Height (Feet)	Setback (Feet)	Projection Over Public Right-of-Way (Feet)
Canopy	2 s.f. per 1 linear foot of building frontage	—	—	— ⁽²⁾
Freestanding ⁽¹⁾	50 s.f. per side, not to exceed 100 s.f.	20	5	—
Projecting	20	10	—	1 ⁽³⁾
Roof	Not permitted	—	—	—
Wall	100 s.f.	—	—	—
Window	Not permitted	—	—	—

⁽¹⁾ Only one freestanding sign is permitted per street frontage. A monument sign may be used in place of a freestanding sign.

⁽²⁾ An awning covering a window or door may extend no more than two feet over a sidewalk and/or an area of pedestrian activity.

⁽³⁾ A projected sign shall not extend from the exterior of a building, ceiling or wall more than five feet from over any publicly traveled way other than a sidewalk.

(f) Supplemental sign regulations.

(1) Exterior signs in all commercial and industrial districts shall be lighted only by electrical illumination so arranged as to reflect light away from adjoining residential districts and streets and shall be located 25 feet or more from any residential district boundary line or at least 50 feet from the property lines of any residential use. Such signs shall pertain only to a use or business connected on the premises on which it is located and freestanding signs shall not exceed 20 feet in height. Projecting signs shall not extend more than three feet from the face of any building over any sidewalk, but in any case shall not project within three feet of the curb line.

(2) In the instance of a lot or parcel containing frontage on more than one street, each street frontage may have one freestanding sign.

(3) Illumination standards:

a. No signs which are internally illuminated shall be located in any designated historic districts.

b. Illuminated signs shall not cause off-site glare, nor shall they direct light or shine light off the premises on which the sign is located.

(4) Sign maintenance. With all zones and districts, all signs shall be constructed of durable materials and shall be maintained in good structural condition and appearance in compliance with this article at all times. All supports, braces, guys and anchors shall be kept in good repair and shall be kept clean, and free from all hazards so as not to endanger public safety.

(5) For corridors identified in the comprehensive plan for targeted revitalization and/or retention as scenic or residential parkway corridors, the following standards for signs shall be adhered to:

a. Willett Avenue: For properties with frontage on Willett Avenue located from the intersection on the north side of Pawtucket Avenue and Willett Avenue to the intersection of the north side of Park Drive and Willett Avenue, there shall be no internal illumination or backlighting of signs. Any sign illumination shall be external, meaning by a light source located at a distance from the sign and with said light illuminating the sign face, e.g., gooseneck lighting or a spotlight. Signs may be illuminated by a stationary white or off-white steady light only. These lights shall not provide glare, nor shall they direct light or shine off the premises.

b. Veteran's Memorial Parkway: Only monument signs shall be allowed along the frontage of this State-designated Scenic Roadway and shall be externally lit.

Sec. 19-367. Religious and educational institution signs.

Notwithstanding any other provisions of this chapter religious and public educational institutions shall be permitted to erect signs in the aggregate of not more than 15 square feet.

Sec. 19-368. Political signs—Generally.

(a) Political signs are any signs as defined in § 11, urging the election or defeat of any candidate seeking public office, election as an official in a private organization, or urging the passage or defeat of any ballot measure.

(b) In a campaign for public or private office, the candidate for such office shall be deemed responsible for the posting of political signs, unless he first notifies the zoning officer of another person who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president or chief officer of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the zoning officer of some other person responsible, in the manner described in this section. The candidate, or in the case of a ballot measure, the committee president or chief officer or other responsible person if so designated, shall be liable to pay any fees or costs for the removal of illegal signs, as set out in this chapter.

Sec. 19-369. Same—Erection.

Political signs may be erected except where prohibited under subsection 9-9(b) providing that they must meet the following requirements:

- (1) *Posting.* Political signs may be erected 90 days prior to the election for which the sign is posted and removed 15 days after the election.
- (2) *Political signs erected on residential premises.* Political signs erected on residential premises are limited to an area of 16 square feet.
- (3) *Traffic hazard.* Political signs are required to be erected in a safe manner subject to § 49.

Sec. 19-370 through 19-390. [Reserved.]

ARTICLE XI - ADMINISTRATION

Division 1. Generally

Sec. 19-391. Zoning officer responsibilities.

- (a) The provisions of this chapter shall be enforced by the zoning officer, unless otherwise specified, who shall be appointed by the city manager. No application, building or zoning permit, plan, specification or intended use which is not in accordance with the provisions of this chapter shall be approved by the zoning officer.
- (b) The zoning officer shall:
- (1) Issue zoning certificates and zoning permits;
 - (2) Review and approve for zoning compliance, building permits and certificates of occupancy;
 - (3) Collect required fees for variances, modifications (which shall be the same filing fee as variance petitions), special use permits, and appeal applications;
 - (4) Receive and review for proper form, all applications for variances, special use permits, and appeals, and, as per subsection 420(c), shall have authority to administratively approve modifications from the dimensional standards of § 50 for structures, except for the moving of lot lines, provided the deviation is not more twenty-five percent, and further provided that the zoning officer receives no written objections to the requested variance within 30 calendar days from the date of notification. Should written objection be received by the zoning officer or if the zoning officer cannot make the required determinations of subsection 420(c), the application shall be considered a variance request, which may only be granted by the zoning board of review or planning board under unified development review through the standard procedures for variances in this chapter;
 - (5) Transmit all applications to the zoning board of review, department of planning and urban development, and planning board as specified in this chapter;
 - (6) Prepare the calendar of the zoning board of review in compliance with the board's adopted rules of procedure, and include notice of any modifications granted on the agendas of the zoning board of review;
 - (7) Keep records on compliance of uses of land;
 - (8) Inspect suspected violations and issue violation notices in cooperation with the law department.
- (c) Upon written request the zoning officer shall, in order to provide guidance or clarification, issue a zoning certificate or provide information to a requesting party as to the determination by the zoning officer on issues of compliance, applicability and interpretation of this chapter. This response must be issued within 15 days of receipt of the written request. In the event that no written response is provided within such time, the requesting party shall have the right to appeal to the zoning board of review for such determination.
- (d) When in the opinion of the zoning officer it is necessary or when required by this chapter, the zoning officer shall seek technical assistance or approval from other city officials in the administration of this chapter. Such technical assistance or approval, unless otherwise specified, may serve in whole or in

part as the basis for the approval or disapproval of a zoning permit. Any permit or license issued in conflict with the provisions of this chapter shall be deemed null and void.

(e) Actions and decisions of the zoning officer may be appealed to the zoning board of review in accordance with Division 5 of this article.

(f) Minimum qualifications for the zoning officer shall include: Graduation from a recognized college or university with a bachelor's degree in planning or closely related field and three years of experience in a position requiring office administration, review of site plans, and interpretation of zoning regulations; or a masters degree in city or regional planning or a closely related field, and one year of the specified experience; or eight years of a combination of planning experience and training which provides the abilities, knowledge and skills specified.

Sec. 19-392. Publication and availability of the zoning ordinance and zoning map.

(a) Printed copies of this chapter and zoning map of the city shall be available to the general public and shall be revised to include all amendments as set out in Article XII. A reasonable charge shall be made for copies to reflect printing and distribution costs. The city clerk shall be responsible for providing these copies and collecting fees.

Sec. 19-393. Maintenance of the zoning ordinance and zoning map.

(a) The city clerk shall be the custodian of the zoning ordinance and zoning map created thereunder. In addition the city clerk shall be responsible for maintaining and updating the text and zoning map comprising the zoning ordinance. Changes which impact the zoning map shall be depicted on the map within 90 days of such authorized changes and changes to the text shall be included in the zoning ordinance within 30 days of such authorized changes.

(b) In the case of a conditional zone change, the limitations, restrictions and conditions shall not be included on the zoning map until the zone change has become effective.

(c) It shall be the responsibility of the city clerk to receive, in proper form, petitions for amendments or repeals to the zoning ordinance and/or amendments to the zoning map as outlined in Article XII. The city clerk shall collect the required fees for such petitions as set by the city council.

(d) Minimum qualifications of the city clerk shall be as set out in § 2-16 of the Charter.

Sec. 19-394. Conflict.

(a) This chapter shall not repeal, annul or impair any existing provisions of law, this chapter, other ordinances or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises. However, wherever the terms of this chapter require a greater width or size of yards or other open spaces, a lower height of building or less number of stories or a greater percentage of lots to be left unoccupied or impose other greater standards than are required in any other statute, ordinance or regulation, the provisions of this chapter shall govern. Wherever the provisions of any other statute, ordinance or regulation require a greater width or size of yards, courts or other open spaces, a lower height of building or less number of stories or a greater percentage of lots to be left unoccupied or impose other higher standards than are required in this chapter, the provisions of such statute, ordinance or regulation shall govern.

(b) All variances and exceptions heretofore granted by the zoning board of review, and approvals by other zoning enforcement bodies, shall remain in full force and effect, and all terms, conditions and obligations imposed by the board or other zoning enforcement agency shall remain in effect and be binding to the same extent as if this chapter had not been enacted. All violations of previous provisions shall be punishable as if they had not been repealed and shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

Sec. 19-395. Annual review.

The provisions of this chapter shall be reviewed annually after public notice by the planning board for the purpose of considering proposed amendments deemed appropriate in the light of changing conditions or policies. After such annual review the planning board shall make a written report to the city council advising the council of its review and transmitting recommendations the planning board may have, if any, regarding the provisions of this chapter. In addition whenever the city comprehensive plan is amended, the planning board shall identify any changes necessary to the zoning ordinance, to ensure consistency and forward these changes to the city council.

Sec. 19-396. Penalty for violations.

(a) Any person, whether as principal, agent, employee or otherwise, who violates any of the provisions of this chapter, any of the conditions under which a permit is issued or any decision rendered by the zoning board of review, city council, zoning officer, or technical review committee shall be fined not exceeding \$500.00 for each offense, such fine to inure to the city, and each day that such violation shall continue shall be deemed to constitute a separate offense. The penalty shall be reasonably related to the seriousness of the offense.

(b) The erection, construction, reconstruction, alteration, enlargement or moving of any building or structure and the use of any land, premises, building or structure which is continued, operated or maintained contrary to the provisions of this chapter is hereby declared to be a violation of this chapter and unlawful. The city solicitor shall institute appropriate legal action to redress such violations.

(c) The city may also cause suit to be brought in the supreme court or superior court, or any municipal court including a municipal housing court having jurisdiction in the name of the city, to restrain the violation of, or to compel compliance with, the provisions of this chapter. The city may consolidate an action for injunctive relief and/or fines under this chapter in the superior court of the county.

Sec. 19-397. Participation in a zoning hearing.

Participation in a zoning hearing or other proceeding by a party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

Sec. 19-398. Extension of deadlines by consent.

The provisions of this chapter pertaining to decision deadlines, shall not be construed to apply to any extension for good cause, consented to by an applicant.

Sec. 19-399. Special conditions.

In making any determination upon which it is required to pass after public hearing under this chapter, the zoning board of review or other zoning enforcement agency may apply such special conditions that may, in the opinion of the board or agency, be required to promote the intent and purposes of the city comprehensive plan and this chapter. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, be incorporated into the decision, and may include but are not limited to provisions for:

- (1) Minimizing adverse impact of the development upon other land, including the type, intensity, design, and performance of activities;
- (2) Controlling the sequence of development, including when it must be commenced and completed;
- (3) Controlling the duration of use or development and the time within which any temporary structure must be removed;
- (4) Assuring satisfactory installation and maintenance of required public improvements;
- (5) Designating the exact location and nature of development; and
- (6) Establishing detailed records by submission of drawings, maps, plats, or specifications.

Sec. 19-400. Setting fees.

The city council shall set a fee schedule for the applications contained within this chapter to cover the costs associated with the review, hearing, notice and recording fees. These fees shall be reviewed at a minimum on an annual basis and not more than a quarterly basis. It shall be the responsibility of the city clerk to ensure fees are reviewed in accordance with this schedule.

Fees as set by the city council are contained in appendix A, land use and development fees, on file in the office of the city clerk.

Sec. 19-401. Coordination with contiguous communities.

It is the intention of this chapter to facilitate coordination with contiguous municipalities and state agencies with regard to land use decisions which may affect shared resources and facilities, abutting property, and the greater public good. This coordination shall be carried out by assuring this chapter is consistent with the city comprehensive plan and any amendments thereto, which is reviewed by other municipalities and state agencies, and notifying, in accordance with state statutes, property owners, water resource boards, and/or city or town governing bodies of pending variance and special use applications or zoning map amendment petitions, and associated public hearings. Notices of proposals in neighboring communities or by state agencies, shall be forwarded to the department of planning and urban development for their review and when concerns exist with regard to consistency with the objectives of the city comprehensive plan, comments shall be prepared and forwarded to the agency submitting notice.

Sec. 19-402 through 19-410. [Reserved.]

Division 2. Zoning Board of Review¹

Sec. 19-411. Zoning Board of Review Membership.

- (a) There shall be a zoning board of review which shall consist of five members, who shall be qualified electors of the City, each to hold office for a term of five years. Members shall be appointed by the Mayor, subject to City Council approval, with at least one standing member to be a resident of each ward in the City.

Each member shall continue in office until his successor has been duly appointed and qualified. In case any vacancy shall occur in the board for any cause, the vacancy shall be filled in the manner provided above, and the appointee shall serve for and during the unexpired term of his predecessor.

- (b) Any member of the board may be removed by the city council for due cause including malfeasance, misfeasance, or nonfeasance generally and in particular:

- (1) Failure to maintain reasonable familiarity with state statutes and local ordinances and rules affecting the board;
- (2) Failure to disclose conflict of interest for purposes of disqualification when a member has personal or monetary interest in the matter involved or will be affected by a decision of the board.

- (c) In addition to the five standing members, the mayor shall appoint up to four two alternates to be designated as each respective alternate. Alternates shall not reside in the same ward. AThe first ~~alternates~~ shall serve for a term of five years ~~and the second alternate for a term of four years~~. These alternate members shall sit and may actively participate in hearings. The first alternate shall vote if a member of the board is unable to serve at a hearing and the second shall vote if two members of the board are unable to serve at a hearing; if there is a third alternate, such alternate shall vote if three members of the board are unable to serve at a hearing; and if there is a fourth alternate, such alternate shall vote if four members of the board are unable to serve at a hearing. In the absence of anthe first alternate member, the next numbered second alternate member or members shall serve in the position thatof the first alternate or alternates. The alternate members shall exercise the same duties and functions of a regular member when serving on the board and may be removed from office by the city council in the same manner as a regular member.

Sec. 19-412. Organization.

- (a) Once each year the zoning board of review shall organize by electing from its membership a vice-chair, and secretary. The zoning officer may serve as clerk of the board and shall perform such duties as are provided by this chapter. Meetings of the board shall be held at the call of the chair or as may be fixed by the board. The chair, or in his absence the vice-chair, may administer oaths and compel the attendance of witnesses by the issuance of subpoena.

¹Cross reference(s)—Boards, committees and commissions, § 2-36 et seq.

State law reference(s)—Zoning board of review, G.L. 1956, § 45-24-56 et seq.

- (b) The zoning board of review shall adopt written rules of procedure within six months of the adoption of this chapter.
- (c) All hearings and meetings of the board shall be open to the public. All decisions shall be made and voted upon at a public hearing.
- (d) No member or alternate may vote on any matter before the board unless they have attended all hearings concerning such matter.
- (e) Four active members, which may include alternates, are necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall recuse himself or herself, shall not sit as an active member, and shall take no part in the conduct of the hearing. A maximum of five members, which may include alternates, are entitled to vote on any issue.
- (f) The concurring vote of a majority of members of the zoning board of review sitting at a hearing are necessary to reverse any order, requirement, decision, or determination of any zoning administrative officer from whom an appeal was taken; and the concurring vote of a majority of members of the zoning board of review sitting at a hearing is required to decide in favor of an applicant on any matter within the discretion of the board upon which it is required to pass under the ordinance, including variances and special use permits.
- (g) No member of the board shall pass on any matter in which he has a business, professional or personal interest. As soon as a conflict occurs for a member, that member shall recuse himself and shall not sit as an active member and shall take no part in the conduct of the hearing.
- (h) For any proceeding in which the right of appeal lies to the superior court or supreme court, the zoning board of review shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.
- (i) The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board of review and shall be a public record.
- (j) Any decision by the zoning board of review, including any special conditions attached thereto shall be mailed to the applicant. In addition a copy of the decision shall be sent to the office of the zoning officer.
- (k) All decisions of the zoning board of review shall be posted in a location visible to the public in the city hall for a period of 20 days following the recording of the decision.
- (l) Members of the zoning board of review shall receive remuneration for their service on the board, as established by the city council.

Sec. 19-413. Powers.

- (a) The zoning board of review shall have the following powers and duties:
- (1) To hear and decide appeals in a timely fashion where it is alleged there is error in any order, requirement, decision, or determination made by an administrative officer ~~or~~ in the enforcement or interpretation of this chapter, or of any ordinance adopted pursuant to this chapter, as per G.L. 1956 § 45-23-67.
 - (2) To hear and decide appeals from any decision or determination made by an administrative officer in accordance with G.L. 1956 § 45-23-67.
 - (3) To authorize upon application, in specific cases of hardship, variances in the application of the terms of the zoning ordinance, pursuant to the state statutes and § 420 with the exception of variances issued by the planning board through the unified development review process.
 - (4) To authorize upon application, in specific cases special use permits, pursuant to the general laws of state and Division 3 of this article, with the exception of special use permits issued by the planning board through the unified development review process.
 - (5) To refer matters to the planning board or to other boards or agencies of the city as the zoning board of review may deem appropriate, for findings and recommendations.
 - (6) To provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals which are necessary are pending. A conditional zoning approval shall be revoked in the instance where any necessary state or federal agency approvals are not received within a specified time period.
 - (7) To hear and decide such other matters, according to the terms of this chapter or other statutes, and upon which such board may be authorized to pass under this chapter or other statutes.
- (b) Appeals of zoning board of review decisions shall be as follows:
- (1) An aggrieved party may appeal a decision of the zoning board of review to the superior court for the county by filing a complaint setting forth the reasons of appeal within 20 days after such decision has been recorded and posted in the office of the city clerk. The decision shall be posted in a location visible to the public in the city hall for a period of 20 days following the recording of the decision. The zoning board of review shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within 30 days after being served with

a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant such original applicant or appellant and the members of the zoning board shall be made parties to such proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

(2) When an appeal results in a decision by a court of competent jurisdiction, which overturns a decision of the zoning board of review recorded in the city land evidence records, the city solicitor's office shall record notice of the court's decision in the city land evidence records.

State law reference(s)—Powers and duties of zoning board of review, G.L. 1956 § 45-24-57 et seq.

Division 3. Special Use Permits

Sec. 19-414. Special use permit—Findings required.

(a) In granting a special use permit, the zoning board of review, or planning board under the unified development review process, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings. The special use permit shall conform to the specific criteria established in this ordinance for each type of use category, which criteria shall be in conformance with the purposes and intent of the comprehensive plan and this ordinance.

(b) In granting a special use permit, the zoning board of review, or planning board under the unified development review process, may apply such special conditions as provided for in § 399.

(c) An applicant may apply for, and be issued, a dimensional variance in conjunction with a special-use permit. If the special use could not exist without the dimensional variance the zoning board of review, or planning board under the unified development review process, shall consider the special-use permit and the dimensional variance together to determine if granting the special use is appropriate based on each respective special use criteria and the dimensional variance evidentiary standard.

Sec. 19-415. Special use permits—Intent and eligibility.

(a) Within the city generally and in particular some zoning districts, certain uses are specified in the schedule of use, § 32 as allowed by special use permit only. These uses are of a nature requiring review, in accordance with the state statutes, to determine whether they should be permitted in specific locations; if they meet special conditions and safeguards; and what additional conditions may be required if permission is granted.

(b) To the extent a proposed land use is not specifically listed in Sec. 19-98, the property owner may submit a written request to the zoning officer for an evaluation and determination of whether the proposed use is of a similar type, character, and intensity as a listed use requiring a special use permit. The zoning officer will have 30 days to provide a written evaluation to the property owner. Upon such a positive determination, the proposed use may be considered to be a use requiring a special use permit. The applicant shall include the zoning officer's written determination as part of their special use permit application submission. The zoning board, or planning board, as part of the unified review process, may either concur with the zoning officer's determination or state on the record its reasons for disagreement with the zoning officer's determination. Disagreement with the zoning officer's determination shall be grounds for denial of an application.

Sec. 19-416. Special use permits —Application process.

Applications for special use permits shall be filed with the zoning officer acting in his capacity as clerk for the zoning board of review or in accordance with the land development and subdivision regulations if filing under unified development review. Fifteen complete copies of the application must be submitted. The application shall include:

- (1) A completed special use permit form indicating the special use permit sought, the grounds for the permit, and information on the scale and size of the proposed use as applicable.
- (2) Names and addresses of all owners of property in or within two hundred feet (200') of the perimeter of the subject property, whether within the city or an adjacent city or town, and as shown on the current real estate tax assessment records of the city or town in which the property is located.
- (3) A Class 1 surveyed site plan prepared by a land surveyor registered and licensed to practice in the State of Rhode Island. The site plan shall be drawn at a scale of one inch equals 20 feet (or as appropriate one inch equals 40 feet or one inch equals 80 feet) showing the following for the subject property:
 - a. The shape, dimension and area of the subject property;
 - b. The location size and use of all existing and proposed structures;
 - c. The zoning use district boundaries;
 - d. The street number and assessor's lot numbers;
 - e. Title block in the lower righthand corner showing the names of the property owners; map, block, parcel of the subject property; date of plan; north arrow; and a blank signature space for the chair; and
 - f. Such other information as may be necessary for the execution and enforcement of this chapter.

- (4) Elevations for all buildings sides and floor plans shall be prepared by those permitted to do so by the Rhode Island General Laws.
- (5) An accurate radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes:
 - a. A title block in the lower righthand corner showing the names of the property owners; map, block, parcel of the subject property; date of plan; and north arrow;
 - b. For all property in o within two hundred feet (200') of the perimeter of the subject property:
 - 1. The shape, dimension and area of property;
 - 2. The location of all zoning use district boundary lines; and
 - 3. The street numbers and assessor's lot numbers;
 - 4. The general location, shape and use of all existing buildings and structures; and
 - 5. Such other information as may be necessary for the execution and enforcement of this chapter.
- (6) The application fee as set by the city council to cover the costs associated with review, hearing, notice and recording fees.

Applications for special use permits to the planning board through the unified development review process shall follow relevant application requirements of the city's land development and subdivision regulations.

Sec. 19-417. Special use permits —Review process.

- (a) Upon receipt of a special use permit application, in proper form, the zoning officer shall refer a copy to the department of planning and urban development in its capacity as staff to the planning board, for an advisory opinion. This department shall review the application and make a written report on its findings and recommendations as to whether or not the request is consistent with the purposes and intent of the city comprehensive plan and this chapter within 30 days of receipt of the application.
- (b) The zoning officer may refer a copy of the application to any other city departments, such as the public works department or fire department, for findings and recommendations on matters related to public safety, health and welfare.
- (c) The board shall fix a reasonable time not to exceed 30 days for a public hearing on a special use permit application. Notification including the date, time, place, purpose of the hearing, and street address of the subject property shall be:

- (1) Published at least 14 days prior to the date of such hearing in a newspaper of local circulation in the city;
- (2) Posted in the city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on the municipal home page of its website at least fourteen (14) days prior to the hearing.
- (3) Sent by first class mail to the applicant;
- (4) Sent first-class mail to all owners of real property whose property is located in or within two hundred feet (200') of the perimeter of the subject property; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located;
- (5) Sent by first class mail to the city or town council of any city or town which is located in or within 200 feet of the perimeter of the subject property;
- (6) Sent first class mail to the city or town council of any city or town where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of the subject property, regardless of the municipal boundaries;
- (7) Sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of the subject property, provided however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof.
- (8) Posted in the City Clerk's office and one other City building at least 14 days prior to the hearing;
- (9) The City shall make the notice accessible on the home page of the City's website at least 14 days prior to the hearing;
- (10) For notices sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

- (d) For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. The cost of the newspaper and mailing notification shall be borne by the applicant.

Sec. 19-418. Special use permits —Determination.

- (a) Any party may appear at the hearing in person, or by agent or by attorney. The hearing held by the zoning board of review or planning board under unified development review is a public meeting and all decisions reached by the board shall be made and voted upon at a public meeting. The board shall hear all evidence on the special use permit request; and consider the written reports of city staff when reaching a decision on the findings required by § 414.
- (b) Decisions shall be recorded and filed in the office of the zoning board of review within 30 working days from the date when the decision was rendered, and shall be a public record.

Sec. 19-419. Special use permits —General conditions.

- (a) The zoning officer, acting in his capacity as clerk for the zoning board of review, shall be responsible for the recording with the city clerk in the land evidence records of the city, decisions on special use permits. The decision shall also be posted in a location visible to the public in the city hall for a period of 20 days following the recording of the decision.
- (b) Any special use permit granted by the zoning board of review or planning board under unified development review shall expire within six months from the date of its issuance, unless the applicant shall within that period exercise the right granted by the decision. The board may upon application within the six-month period and for good cause shown, extend the limitation for one additional six-month period. The application for an extension need not be advertised.
- (c) No application for a special use permit involving the same parcel and same request, which was denied or withdrawn with prejudice, may be resubmitted for a special use permit for a period of 18 months, unless the zoning board of review determines there is a substantial change of circumstances, which justifies a special use permit application.
- (d) If the board allows an amendment to an original application which changes the terms under which the application was advertised or which alters the basic facts upon which the application was presented, the amended application shall be readvertised and referred to the department of planning and urban development.
- (e) Any aggrieved party may appeal decisions of the zoning board of review or planning board under unified development review to the superior court for the county in accordance with subsection 413(b).
- (f) All work approved by the issuance of a special use permit shall be carried out only in conformity with the application and any conditions, modifications and restrictions set by the zoning board of review or planning board under unified development review. Minor changes must be approved by the zoning officer in consultation with the building

inspector. Changes deemed to be major by the zoning officer or building inspector shall be resubmitted to the zoning board of review in the form of a new application. Any work carried out in violation of this provision shall be ordered halted and fully removed.

Division 4. Variances

Sec. 19-420. Variances—Findings required.

- (a) In granting a variance, the zoning board of review, or the planning board under the unified development review process, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings that:
- (1) The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and not due to a physical or economic disability of the applicant excepting those physical disabilities addressed in Rhode Island General Laws 45-24-30(16).
 - (2) Such hardship is not the result of any prior action of the applicant; and
 - (3) The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the city comprehensive plan upon which this chapter is based.
- (b) The zoning board of review, or the planning board under the unified development review process, shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
- (1) In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
 - (2) In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief. The zoning board of review, or the planning board under the unified development review process, has the power to grant dimensional variances where the use is permitted by special use permit.
- (c) *Modifications permitted by zoning officer.* The zoning officer shall have authority to administratively approve modifications from the literal dimensional requirements of §

50 in the instance of the construction, alteration, or structural modification of a structure, except for the moving of lot lines, provided the deviation is no more than twenty-five percent. Within ten days of the receipt of a request for a modification, the zoning officer shall make a decision as to the suitability of the requested modification based on the following determinations:

- (1) The modification requested is reasonably necessary for the full enjoyment of the permitted use;
- (2) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
- (3) The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations; and
- (4) The modification does violate any rules or regulations with respect to freshwater or coastal wetlands.

Upon an affirmative determination, in the case of a modification of 5% or less, the zoning officer shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than 5%, the zoning officer shall notify, by first class mail, all property owners abutting the property which is the subject of the modification request and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the city that the modification will be granted unless written objection is received within 14 days of the public notice. If written objection is received within 14 days, the request for a modification shall be scheduled for the next available hearing before the zoning board of review on application for a dimensional variance, following standard procedures for such variances, including notice requirements provided for under this chapter. If no written objections are received within 14 days, the zoning officer shall grant the modification. The zoning officer may apply any special conditions to the permit as may, in the opinion of the office, be requested to conform to the intent and purposes of the zoning ordinance. The zoning officer shall keep public records of all requests for modifications, and of findings, determinations, and any objections received. Costs of any notice required under this subsection shall be borne by the applicant requesting the modification.

- (d) In granting a variance the zoning board of review may apply special conditions as provided for in § 399.

Sec. 19-421. Variances—Intent and eligibility.

Any person, group, agency or corporation may apply for relief from the literal requirements of this chapter, which is not contrary to the public interest, in instances where owing to special conditions of the parcel, a strict application of this chapter results in unnecessary and undue hardship. Two types of variances are allowed: Dimensional variance

and use variance. Both variance applications follow the same procedure, while the standards of findings differ as noted in § 420.

Sec. 19-422. Variances —Application process.

Applications for variances that are not part of the unified development review process shall be filed with the zoning officer acting in his capacity as clerk for the zoning board of review. When a request for a variance is submitted through the unified development review process, as part of a subdivision or land development project application, it shall be submitted to the administrative officer of the planning board. Fifteen complete copies of the application must be submitted. The application shall include:

- (1) A completed variance form indicating the variance sought and the grounds for the variance;
- (2) Names and addresses of all owners of property in or within two hundred feet (200') of the perimeter of the subject property, whether within the city or an adjacent city or town, and as shown on the current real estate tax assessment records of the city or town in which the property is located;
- (3) A Class 1 surveyed site plan prepared by a land surveyor registered and licensed to practice in the State of Rhode Island. The site plan shall be drawn at a scale of one inch equals 20 feet (or as appropriate one inch equals 40 feet or one inch equals 80 feet) showing the following for the subject property:
 - a. The shape, dimension and area of the subject property;
 - b. The location, size and use of all existing and proposed structures;
 - c. The zoning use district boundaries;
 - d. The street number and assessor's lot numbers;
 - e. Title block in the lower righthand corner showing the names of the property owners; map, block, parcel of the subject property; date of plan; north arrow; and a blank signature space for the chair; and
 - f. Such other information as may be necessary for the execution and enforcement of this chapter.
- (4) Elevations for all buildings sides and floor plans shall be prepared by those permitted to do so by the Rhode Island General Laws.
- (5) An accurate radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes:
 - a. A title block in the lower righthand corner showing names of the property owners; map, block, parcel of the subject property; date of plan and north arrow;

b. For all property in or within a two hundred feet (200') of the perimeter of the subject property:

1. The shape, dimension and area of the property;
2. The location of all zoning use district boundary lines; and
3. The street numbers and assessor's lot numbers.

c. In the case of a dimensional variance, the general location, shape and use of all existing buildings and structures within a 100-foot radius of the subject property;

d. In the case of a use variance, the general location, shape and use of all existing buildings and structures within a 200-foot radius of the subject property; and

e. Such other information as may be necessary for the execution and enforcement of this chapter.

(6) The application fee as set by the city council, to cover the costs associated with review, hearing, notice and recording fees.

Applications for variances to the planning board through the unified development review process shall follow relevant application requirements of the city's land development and subdivision regulations.

Sec. 19-423. Variances —Review process.

(a) Upon receipt of a variance application, in proper form, the zoning officer shall refer a copy to the zoning board of review and the department of planning and urban development acting in its capacity as staff to the planning board. This department shall review the application and make a written report on its findings and recommendations as to whether or not the request is consistent with the purposes and intent of the city comprehensive plan and this chapter within 30 days of receipt of the application.

(b) The zoning officer, or administrative officer for the planning board through the unified development review process, may refer a copy of the application to any other city departments, such as the public works department or fire department, for findings and recommendations on matters related to public health, safety and welfare.

(c) The zoning board shall fix a reasonable time not to exceed 30 days for a public hearing on a variance application. Notification including the date, time, place, purpose of the hearing, and street address of the subject property shall be:

- (1) Published at least 14 days prior to the date of such hearing in a newspaper of local circulation in the city;
- (2) Sent by first class mail to the applicant;

(3) Sent first class mail to all owners of real property whose property is located in or within two hundred feet (200') of the perimeter of the subject area, whether within the city or an adjacent city or town; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located;

(4) Sent by first class mail to the city or town council of any city or town which is located in or within 200 feet of the perimeter of the subject property;

(5) Sent by first class mail to the city or town council of any city or town where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of the subject property, regardless of the municipal boundaries;

(6) Sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of the subject property, provided however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof;

(7) Posted in the City Clerk's office and one other City building at least 14 days prior to the hearing;

(8) The City shall make the notice accessible on the home page of the City's website at least 14 days prior to the hearing;

(9) For notices sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

(d) The cost of newspaper and mailing notification shall be borne by the applicant.

Sec. 19-424. Variances —Determination.

(a) Any party may appear at the hearing in person, or by agent or by attorney. A hearing held by the zoning board of review or planning board is a public meeting and all decisions reached by the zoning board of review or planning board shall be made and voted upon at a public meeting. The board shall hear all evidence on the variance request, and consider the written reports of city staff when reaching a decision on the findings required by § 420.

(b) Decisions shall be recorded and filed in the office of the zoning board of review within 30 working days from the date when the decision was rendered, and shall be a public record.

Sec. 19-425. Variances —General conditions.

(a) The zoning officer, acting in his capacity as clerk for the zoning board of review, shall be responsible for the recording with the city clerk, in the land evidence records of the city, all decisions on variance applications. The decision shall also be posted in a location visible to the public in the city hall for a period of 20 days following the recording of the decision.

(b) Any variance granted by the zoning board of review or planning board under unified development review shall expire within six months from the date of the issuance, unless the applicant shall within that period exercise the right granted by the decision. The board may upon application within the six-month period and for good cause shown, extend the limitation for one additional six-month period. The application for an extension need not be advertised.

(c) No application for a variance involving the same parcel and same request, which was denied or withdrawn may be resubmitted for a variance for a period of 18 months, unless the zoning board of review determines there is a substantial change of circumstances, which justifies a variance application.

(d) If the board allows an amendment to an original application which changes the terms under which the application was advertised or which alters the basic facts upon which the application was presented, the amended application shall be readvertised and referred to the department of planning and urban development.

(e) Any aggrieved party may appeal decisions of the zoning board of review or planning board under unified development review to the superior court for the county in accordance with subsection 413(b).

(f) All work approved by the issuance of a variance shall be carried out only in conformity with the application and any conditions, modifications and restrictions set by the zoning board of review or planning board under unified development review. Minor changes must be approved by the zoning officer in consultation with the building inspector. Changes deemed to be major by the zoning officer or building inspector shall be resubmitted to the zoning board of review in the form of a new application. Any work carried out in violation of this provision shall be ordered halted and fully removed.

(g) Granting of a variance does not eliminate the requirement to obtain a building permit. The applicant is responsible for obtaining a building permit through the Department of Public Works, Building Inspection Division.

Division 5. Appeals to the Zoning Board of Review

Sec. 19-426. Appeal to zoning board of review—Intent and eligibility.

An appeal to the zoning board of review from a decision of any other zoning enforcement agency or officer, except a permitting authority, which is appealed in accordance with subsection 413 (b), may be taken by an aggrieved party. Such appeal shall be taken within 30 days of the recording of the decision by the zoning officer or agency.

Sec. 19-427. Appeal application process.

- (a) Application for an appeal from a decision of the zoning officer or any other zoning enforcement agency, shall be filed with the zoning officer acting in his capacity as clerk for the zoning board of review. The application shall include:
- (1) A completed appeal form indicating the grounds for the appeal.
 - (2) An accurate radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes the map, block, and parcel of all property in or within two hundred feet (200') of the subject property as measured from the perimeter of the subject property;
 - (3) The names and addresses of all owners of property in or within two hundred feet (200') of the perimeter of the subject property, whether within the city or an adjacent city or town, and as shown on the current real estate tax assessment records of the city or town in which the property is located; and
 - (4) The fee as set by the city council to cover costs associated with the review, hearing and notice to be paid by the applicant.
- (b) The officer or agency from whom the appeal is taken shall forthwith transmit to the zoning board of review all the papers constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the planning board.

Sec. 19-428. Appeals—Stay of proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning officer or agency from whom the appeal is taken certifies to the zoning board of review, after an appeal shall have been duly filed, that by reason of facts stated in the certificate a stay would in the officer's or agency's opinion cause imminent peril to life or property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by a court of competent jurisdiction on application thereof and upon notice to the officer or agency from whom the appeal is taken on due cause shown.

Sec. 19-429. Appeals —Review and determination.

- (a) The zoning board of review shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties of interest.

Notification including the date, time, place, purpose of the hearing, and street address of the subject property shall be sent by first-class mail to all owners of real property whose property is located in or within two hundred feet (200') of the perimeter of the subject area, whether within the city or an adjacent city or town. Such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located.

(b) The zoning board of review shall make a decision within sixty-five (65) days of the date the appeal was filed. Upon the hearing, any party may appear in person or by agent or by attorney.

(c) In exercising its powers, the zoning board of review may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the officer or agency from whom the appeal was taken; and may apply special conditions as provided for in § 399.

(d) The zoning board of review shall include in its decision all findings of fact and conditions showing the vote of each member participating thereon, and the absence of a member or his failure to vote. Decisions shall be recorded and filed in the office of the zoning board of review within 30 days from the date the decision was rendered, and shall be a public record. The decision shall also be posted in a location visible to the public in the city hall for a period of 20 days following the recording of the decision.

(e) When an appeal results in a decision by the zoning board of review which overturns a decision of another zoning enforcement agency or the zoning officer, recorded in the city land evidence records, the zoning officer as clerk for the board shall record notice of the board's decision in the city land evidence records.

Sec. 19-430. Appeals —General conditions.

(a) An appeal from a decision of the permitting authority may be taken by an aggrieved party to the superior court for the county, in accordance with subsection 413(b).

(b) Participation in a zoning hearing or other proceeding by a party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

Division 6. Unified Development Review

Sec. 19-431. Unified Development Review.

- a. Unified development review established. There shall be unified development review for the issuance of variances and special use permits for properties undergoing review by development plan review, land development project and/or subdivision review.
- b. Public hearing. All development plan review, land development project and/or subdivision applications, that include requests for variances and/or special-use permits submitted pursuant to this section, shall require a public hearing that meets the requirements of § 417 and/or § 423, respectively.
- c. In granting requests for dimensional and use variances, the planning board shall be bound to the requirements of Sec. 19-45 relative to entering evidence into the record in satisfaction of the applicable standards.
- d. In reviewing requests for special use permits, the planning board shall be bound to the conditions and procedures under which a special use permit may be issued, the criteria for the issuance of such permits, and shall be required to provide for the recording of findings of fact and written decisions pursuant to this division of the zoning ordinance.
- e. Appeals. An appeal from any decision made pursuant to this section must be taken pursuant to the Land Development and Subdivision Regulations.

Sec. 19-432 through 19-440. [Reserved.]

Division 7. Permits

Sec. 19-441. Zoning permit.

- (a) No building or structure shall be erected, extended, altered, enlarged or moved, and no use of any land or premises shall be begun or changed without a zoning permit having been issued by the zoning officer. Whenever a permit or license is issued by any other department of the city, such permit or license shall be in conformity with the provisions of this chapter. Any application for such a permit shall be accompanied by a site plan, accurately drawn, showing the actual shape and dimensions of the lot or premises to be built upon; the exact location and size of all buildings or structures to be erected, constructed, reconstructed, altered or enlarged together with the lines within which all buildings or structures are to be erected, constructed, reconstructed, altered or enlarged; the existing or intended use of such building or structure; the location of all zoning district boundary lines as they may affect the lot or premises; the location and size of off-street parking and loading facilities where required, the location and design of trash storage areas and enclosures, including dumpsters, in conformance with the provisions of § 137; and such other information as may be necessary to provide the execution and enforcement of this chapter. The zoning permit shall be issued on the basis of the

application and accompanying plans, where required, and shall authorize only the use, arrangement and construction set forth in approved plans and applications. Any use, arrangement or construction at variance with that authorized under this chapter shall be deemed in violation of this chapter.

(b) No site plan shall be required with an application for such a permit involving only alterations of an existing building where the use and exterior surfaces of such buildings are not changed or enlarged in any manner and the use is not affected by any other section of this chapter.

(c) A record of all applications, plans and permits shall be kept on file in the office of the zoning officer and shall be available for public inspection during regular office hours.

(d) In addition, the zoning officer may require the submission of plans of any proposed machinery, operations and products and specifications for the mechanisms and techniques to be used for the purpose of restricting the emission of dangerous and objectionable elements referred to in Article VII. An affidavit may be required from the applicant acknowledging his understanding of the applicable performance standards and his agreement to conform with such standards at all times. No applicant will be required to divulge confidential processes, and all information submitted will be treated confidentially if requested.

(e) In areas of special flood hazard as delineated on the flood maps defined in § 11, a zoning permit shall be required for any land preparation, excavation, grading, filling or removal of earth for any purpose.

Sec. 19-442. Occupancy permit.

(a) An occupancy permit shall be required for any of the following:

- (1) Occupancy and use of a building or structure hereafter erected, extended, altered, enlarged or moved;
- (2) Change in use of an existing building, structure or premises to a use of a different classification;
- (3) Occupancy and use of vacant land except for farming;
- (4) Change in use of land to a use of a different classification other than farming;
- (5) Any change in use of a nonconforming use.

(b) No such occupancy, use or change of use shall take place without the issuance of an occupancy permit approved by the zoning officer. The permit shall not be issued until the building, structure, premises or land, its uses and the uses incidental thereto have been inspected and approved by the zoning officer and, if required, a business registration certificate has been secured from the city clerk's office. A record of all occupancy permits

shall be kept on file in the office of the building inspector and shall be available for public inspection during regular office hours.

Sec. 19-443 through 19-450. [Reserved.]

ARTICLE XII - ADOPTION, AMENDMENT OR REPEAL

Sec. 19-451. Consent and eligibility.

- (a) To be effective, this chapter must be amendable. Such changes may include deleting requirements which are obsolete, adjusting requirements which are inadequate or adding requirements based on advances in knowledge. Petitions for amendment or repeal of this chapter may come from the city council on its own motion or the planning board or on petition to the city council, filed in the office of the city clerk, by any person or group of persons desiring such amendment. Action may include the adoption of a new zoning ordinance.
- (b) Amendments/repeals may be to ordinance language alone, the zoning map alone or a combination of the language and map.

Sec. 19-452. Petition requirements.

- (a) Petition forms for ordinance amendments/repeals shall be filed with the city clerk and include:
- (1) The section/or subject area that is the subject of the petition;
 - (2) The intention of the proposed amendment/repeal;
 - (3) The relation of the proposed action to the city comprehensive plan; and
 - (4) Filing fee as set by the city council to cover the costs associated with review, hearing, notice and recording fees.
- (b) In addition, if the amendment/repeal seeks a change in the zoning map, the petition shall be accompanied by:
- (1) Eleven copies of an accurately drawn radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes:
 - a. A title block in the lower righthand corner showing names of the property owners; map, block, parcel of the subject property; date of plan and north arrow;
 - b. For all property in or within two hundred feet (200') of the perimeter of the subject property:
 1. The shape, dimension and area of property;
 2. The location of all zoning use district boundary lines;
 3. The street numbers and assessor's lot numbers;
 4. The general location, shape and use of all existing buildings and structures; and
 - c. Such other information as may be necessary for the execution and enforcement of this chapter.

- (2) A listing of names and addresses of all owners of real property located in or within two hundred feet (200') of the perimeter of the property, whether within the city or an adjacent city or town, and as shown on the current real estate tax assessment record of the city or town in which the property is located.

Sec. 19-453. Review process.

- (a) Upon receipt of a petition to amend/repeal this chapter, or adopt a new zoning ordinance, the city clerk shall transmit a copy of such petition to the city council and to the planning board for study and recommendation. The planning board shall in turn notify and seek the advice of the department of planning and economic development. The department of planning and economic development shall review and make a written recommendation which outlines the petition's effect upon the city comprehensive plan or any portion thereof and indicates whether or not a comprehensive plan amendment would be necessary in order to grant the petition. The planning board shall consider the department of planning and economic development's recommendation and prepare a written report to the city council within 45 days of receipt of the proposal. This report shall include:

- (1) A statement on the general consistency of the proposal with the city comprehensive plan, including the goals and policies statement, the implementation program and all other applicable elements of the city comprehensive plan;
- (2) A demonstration of recognition and consideration of each of the applicable purposes of zoning (listed in § 1); and
- (3) A statement indicating whether or not a comprehensive plan amendment would be necessary in order to grant the petition.

- (b) Where a proposal for adoption, amendment or repeal of a zoning ordinance or zoning map is initiated by the planning board, the requirement for study by such board may be waived provided the proposal by the planning board includes a report which includes the findings and recommendations as required above.

Sec. 19-454. Notification.

The city council shall hold a public hearing within 65 days of receipt of the petition. Opportunity shall be given to all persons interested to be heard upon the matter of the proposed amendment/repeal. Notification for this public hearing shall include:

- (1) Publication of notice in a newspaper of local circulation within the city at least once each week for three successive weeks prior to the date of such hearing, (which may include the week in which the hearing is to be held). Such newspaper notice shall:

- a. Specify the place of such hearing and the date and time of its commencement;
 - b. Indicate that adoption, amendment or repeal of a zoning ordinance is under consideration;
 - c. Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize or describe the matter under consideration;
 - d. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied;
 - e. State that the proposals shown thereon 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 and that any such alteration or amendment must be presented for comment in the course of such hearing; and
 - f. In the case of a proposed amendment which includes a specific change in a zoning district map, but does not affect districts generally, the newspaper notice shall include a map showing the existing and proposed boundaries; zoning district boundaries; labeled existing streets and roads; and city and town boundaries where appropriate.
- (2) Written notice shall be mailed at least two weeks prior to the hearing to any of the following which is applicable:
- a. Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map but does not affect districts generally, notice shall be sent to all owners of real property whose property is located at or within 200 feet of the perimeter of the area proposed for change, whether within the city or within an adjacent city or town. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. Such notice shall be sent by first class mail to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located, provided that for any notice sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. This notice shall include a map showing the existing and proposed boundaries; zoning district boundaries; labeled existing streets and roads; and city town boundaries where appropriate.

b. To the city or town council of any city or town which is located at or within 200 feet of the perimeter of the area proposed for change.

c. To the city or town council of any city or town where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.

d. To the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof.

e. Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the city. The notice shall be given by first class mail at least 2 weeks prior to the hearing at which the text amendment is to be considered, with the content required by subsection (1). Notice shall include reference to the merger clause to which the nonconforming lots would be subject, the notice shall include reference to the merger clause and the impacts of common ownership on non-conforming lots.

(3) The City shall post the notice in the City Clerk's office and in one other City building at least 14 days prior to the hearing;

(4) The City shall make the notice accessible on the home page of the City's website at least 14 days prior to the hearing;

(5) For notices sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

(6) The cost of newspaper and mailing notification shall be borne by the applicant.

Sec. 19-455. Determination.

The city council shall consider the recommendation of the planning board, the city comprehensive plan, the concerns expressed at the public hearing, and the public interest, in making a determination on the petition. Any alteration or amendment to the petition, which

will be voted on prior to the close of the public hearing, must be presented for comment in the course of such hearing.

Sec. 19-456. General conditions.

- (a) *Defect.* No defect in the form of any notice under this section shall render any ordinance or amendment invalid, unless such defect is found to be intentional or misleading.
- (b) *Repetitive petitions.* No petition involving the same lot or parcel of land or any part thereof including a request for different zoning classification than requested in initial petition for an amendment to this chapter or zoning map, shall be accepted by the city clerk, if a petition requesting an amendment, for the same lot or parcel of land or any part thereof has been denied or the petitioner withdrew such petition within the preceding 18 months. However, such a petition may be accepted at any time with the consent of the city council if in the opinion of the council it sets forth facts indicating a substantial change of circumstances justifying a hearing on the petition.
- (c) *Limitations, conditions and restrictions.* In granting an amendment to the zoning map the city council may limit the change to one of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations, conditions and restrictions, including without limitation:
 - (1) Requiring the petitioner to obtain a permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and use which are the subject of the zoning change;
 - (2) Relating to the effectiveness or continued effectiveness of the zoning change; and/or
 - (3) Relating to the use of the land as it deems necessary.

The city clerk shall cause the limitations and conditions so imposed to be clearly noted on the zoning map and recorded in the land evidence records, provided, however, in the case of a conditional zone change, the limitations, restrictions, and conditions shall not be noted on the zoning map until the zone change has become effective. If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two years or more after the zone change becomes effective, the city council may, after a public hearing as set forth in this division, change the land to its original zoning use before such petition was filed. If any limitation, condition, or restriction in an ordinance is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

- (d) *Comprehensive plan amendment.* Where a proposed change requires an amendment to the comprehensive plan, the city council shall approve such amendment to

the comprehensive plan prior to granting the petition following the requirements of the state statutes. A condition of the approval of the petition, however, shall be that the comprehensive plan amendment receive approval from the state director of administration in accordance with the state statutes.

(e) *Copies of amendment to be sent to state.* Upon adoption of a zoning ordinance, and zoning map, and any amendments thereto, the city clerk shall send a copy, without charge, to the state law library.

(f) Severability. A finding by a court of competent jurisdiction that any provision of this chapter is unenforceable shall not affect any other provision of this chapter.

Sec. 19-457. Vested rights.

(a) Any application for development under this chapter, including an application for a special use permit, variance, or development plan review, shall be considered vested when the submitted application is deemed to be substantially complete by the proper administration and/or official designated to receive such applications. An application shall include all required forms, plans, supporting documentation, and required fees. Any application considered by the city under the provisions of this section shall be reviewed according to the regulations applicable in the zoning ordinance in force at the time the application was deemed substantially complete.

(b) If an application for development under the provisions of this section is approved, the applicant shall initiate and substantially complete development of the property within the time limit established for each of these actions in the appropriate section of the zoning ordinance.

(c) Failure to initiate development of the property prior to the time limit established at approval, shall render the approval null and void. Any development of the property proposed after the lapse of the time limit established at approval, shall require a resubmission of development plans by the applicant subject to the regulations in the appropriate sections of the zoning ordinance.

Sec. 19-458. Appeals.

(a) An appeal of an amendment to this chapter may be taken to the superior court for the county by filing a complaint as set forth in this division within 30 days after such enactment, or amendment has become effective. Such appeal may be taken by an aggrieved party or by any legal resident or landowner of the municipality or by any association of residents or landowners of the municipality. The appeal shall not stay the enforcement of this chapter, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

- (b) The complaint shall set forth with specificity the area or areas in which the enactment or amendment does not conform with the comprehensive plan and/or the manner in which it constitutes a taking of private property without just compensation.
- (c) When an appeal results in a decision by a court of competent jurisdiction, which overturns a decision recorded in the city land evidence records, the city solicitor's office shall record notice of the court's decision in the city land evidence records.

CITY OF EAST PROVIDENCE, RHODE ISLAND
MAJOR SUBDIVISION FINAL PLAN
CHECKLIST
FORM R

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____-____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY				
	#	Fee: \$ 125 plus \$20 per lot (No Street)	Check #	Date Submitted
Received by (initial)	Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot		Check	
COC	Street Creation or Extension ?		(Yes or N) # of Lots	
	Date of Display Ad	Public Hearing Date (if required)	Action and Date	
Appeal Plan Signed				
(Note: None or date of Appeal) Other Action(s) Required? (Date)				

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. If any changes have been made, drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
	3. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval	
	4. East Providence Tax Collector account statement showing a zero balance	
	57. All updated permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and excavations and connections to streets, and evidence of completion of any necessary amendments to the Official Streets Map maintained by the City Council.	
	6. Public Dedication Form if any public dedications are proposed	
	7. Proposed terms of any improvement guarantees for improvements required by Article 15 of the East Providence Land Development and Subdivision Regulations, and cost estimates to complete the required improvements	
	8. For phased developments, copies of as-built drawings of all public improvements from prior phases.	
	9. (All applications except administrative subdivisions) an updated Stormwater Management Plan, if any changes are necessitated by changes made to the application since the previous stage of approval	
	10. A drawn plan of the new lots in digital (.pdf) format no larger than 24"X 36" at a scale of 1" to 50', or other scale as the Administrative Officer may require, and depicting items at the bottom of the table.	
	11. An updated profile of any proposed streets with adequate ties to existing streets, if any changes are necessitated by changes made to the application since Preliminary Plan submission	
	12. Additional items deemed necessary by the permitting authority	

	during the previous review stage	

Subdivision Survey requirements:

- a. Subdivision name;
- b. Name and address of record owner, subdivider and subdivision designer;
- c. Date prepared, north arrow, acreage and number of lots;
- d. Graphic scale;
- e. Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;
- f. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- g. Size(s) of the new lot(s) in square feet;
- h. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- i. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- j. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- k. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- l. Location of wooded areas and areas of active agricultural use;
- m. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- n. Identification of the following areas of special concern:
 - i. Natural Heritage Areas, as defined by RIDEM
 - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - iii. A Groundwater Protection Overlay District
 - iv. A Wellhead Protection Area
 - v. Groundwater Recharge Area
 - vi. Areas within a TMDL watershed, as identified by RIDEM
 - vii. OWTS Critical Resource Area, as defined by RIDEM
 - viii. A Drinking Water Supply Watershed, as defined by RIDEM
 - ix. National Register of Historic Places
- o. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- p. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- q. Indication of purpose of easements, if any;
- r. Names of existing streets;
- s. Proposed names of any proposed streets;
- t. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- u. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan);
- v. Boundaries and total area of any land classified as "unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record);
- w. Any landscape buffering, landscaping, hardscape and lighting proposed; and
- x. The location of existing and proposed monuments.
- y. Certification (stamp) of the land surveyor indicating that a Class I and Class III survey have been performed or are otherwise correct;

- z. Any new Assessor's Lot numbers, as provided by the Administrative Officer in consultation with the Tax Assessor;
- aa. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line, and to reproduce the same upon the ground. All metes shall contain X/Y coordinates referencing the most recent State Plane Feet Datum. All bounds shall indicate the direction and measure;
- bb. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended; and
- cc. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended.

CITY OF EAST PROVIDENCE, RHODE ISLAND
MAJOR SUBDIVISION PRELIMINARY PLAN
CHECKLIST
FORM Q

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY			
	#	Fee: \$ 125 plus \$20 per lot (No Street)	Check # Date Submitted
Received by (initial)	Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot		Check
COC	Street Creation or Extension ?	(Yes or N)	# of Lots
	Date of Display Ad	Public Hearing Date (if required)	Action and Date
Appeal		Plan Signed	
(Note: None or date of Appeal) Other Action(s) Required?			(Date)

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. Drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
	3. If a special use permit or variance is requested, all application materials for such required by the City of East Providence. An application with an outstanding modification request will not be certified complete.	
	4. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, and connections to state roads.	
	5. Proposed arrangements for the completion of any improvements, including construction schedule / improvement guarantees	
	6. A stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
	7. A preliminary plat, no larger than 11"x17" depicting items at the bottom of the table.	
	8. A sketch of any remaining part of the entire tract shall accompany the plat, showing the location, names and present widths of adjacent existing streets and the proposed general layout of streets in the entire tract	
	9. Profiles of any proposed streets with adequate ties to existing streets	
	10. Additional items deemed necessary by the permitting authority during the previous review stage	

Subdivision Survey requirements:

- Subdivision name;
- Name and address of record owner, subdivider and subdivision designer;
- Date prepared, north arrow, acreage and number of lots;
- Graphic scale;
- Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;

- f. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- g. Size(s) of the new lot(s) in square feet;
- h. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- i. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- j. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- k. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- l. Location of wooded areas and areas of active agricultural use;
- m. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- n. Identification of the following areas of special concern:
 - i. Natural Heritage Areas, as defined by RIDEM
 - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - iii. A Groundwater Protection Overlay District
 - iv. A Wellhead Protection Area
 - v. Groundwater Recharge Area
 - vi. Areas within a TMDL watershed, as identified by RIDEM
 - vii. OWTS Critical Resource Area, as defined by RIDEM
 - viii. A Drinking Water Supply Watershed, as defined by RIDEM
 - ix. National Register of Historic Places
- o. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- p. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- q. Indication of purpose of easements, if any;
- r. Names of existing streets;
- s. Proposed names of any proposed streets;
- t. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- u. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan); and
- v. Boundaries and total area of any land classified as "unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record).

CITY OF EAST PROVIDENCE, RHODE ISLAND
MAJOR SUBDIVISION MASTER PLAN
APPLICATION AND CHECKLIST
FORM P

(complete one form for each lot included in the application)
 (File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____
 4. Applicant Name _____
 Address(es) _____
 5. Owner(s) Name (if different) _____
 Address(es) _____
 6. Any Covenants, Conditions, Restrictions (CCRs) on the land? _____
 For Informational Purposes Only. Private CCRs are not enforceable by the City.

Owner's Certification: "As sole owner (or authorized representative of all owners) of the above-referenced property, I do hereby authorize this application, said property being described in deed(s) recorded in the East Providence Land Evidence Records at Book____, Page____.

Owner Signature(s) _____ Date _____

Applicant Signature certifying application as true and correct _____ Date _____

FOR OFFICE USE ONLY			
	File #	Fee: \$ 125 plus \$20 per lot (No Street)	
	Check #	Date Submitted	Fee: Street Extension or Creation: \$325
	plus twenty-dollar (\$20) per lot Check		
Received by (initial)	Street Creation or Extension ?	(Yes or N)	# of Lots
COC	Date of Display Ad	Public Hearing Date (if required)	Action and Date
Appeal	Plan Signed		
(Note: None or date of Appeal)		Other Action(s) Required?	(Date)

Instructions:

Submit one checklist per application. Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. Title Report	
	3. If a special use permit or variance is requested, all application materials for such required by the City of East Providence. An application with an outstanding modification request will not be certified complete.	
	4. A letter certified as true and correct identifying: A. Changes made since pre-application B. Any required zoning approvals C. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations	
	5. A written narrative containing: A. Information on the natural and built features of the surrounding neighborhood B. Existing natural and man-made conditions of the tract, including topographic, freshwater wetland, and coastal features, the floodplains, proposed improvements and dedications, tentative construction phasing; C. Potential neighborhood impacts; D. Description of the application's consistency with the East Providence Comprehensive Plan; E. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features and the design's compatibility with the existing character of East Providence; and F. For major land development projects only: If the proposed development is proposed for phased construction, a description and timing for individual phases.	
	6. A sketch at no larger than 11" x 17" depicting items at the bottom of the table.	
	7. A locus map of the subject property highlighting all properties in or within 200' of the perimeter of the subject property with a radial line identifying Assessor's plat and lot. Include a tabulated list of properties within the notice area identifying owner on file with the East Providence Tax Assessor, mailing address, and assessor's plat and lot.	

Subdivision Survey requirements:

- a. Subdivision name;
- b. Name and address of record owner, subdivider and subdivision designer;
- c. Date prepared, north arrow, acreage and number of lots;
- d. Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;
- e. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- f. Size(s) of the new lot(s) in square feet;
- g. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- h. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- i. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- j. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- k. Location of wooded areas and areas of active agricultural use;
- l. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- m. Identification of the following areas of special concern:
 - i. Natural Heritage Areas, as defined by RIDEM
 - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - iii. A Groundwater Protection Overlay District
 - iv. A Wellhead Protection Area
 - v. Groundwater Recharge Area
 - vi. Areas within a TMDL watershed, as identified by RIDEM
 - vii. OWTS Critical Resource Area, as defined by RIDEM
 - viii. A Drinking Water Supply Watershed, as defined by RIDEM
 - ix. National Register of Historic Places
- n. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- o. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- p. Indication of purpose of easements, if any;
- q. Names of existing streets;
- r. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- s. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan); and
- t. Boundaries and total area of any land classified as "unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record).

CITY OF EAST PROVIDENCE, RHODE ISLAND
MINOR SUBDIVISION FINAL PLAN
CHECKLIST
FORM N

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____-____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY					
	125 plus \$20 per lot (No Street)	Check #	Date Submitted	File #	Fee: \$
Received by (initial)	Extension or Creation: \$325 plus twenty-dollar (\$20) per lot		Check		Fee: Street
COC	Street Creation or Extension ?	(Yes or N)		# of Lots	
	Date of Display Ad	Public Hearing Date (if required)	Action and Date		
Appeal		Plan Signed			
(Note: None or date of Appeal)		Other Action(s) Required?		(Date)	

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. If any changes have been made, drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
	3. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval	
	4. East Providence Tax Collector account statement showing a zero balance	
	5. All updated permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and excavations and connections to streets, and evidence of completion of any necessary amendments to the Official Streets Map maintained by the City Council.	
	6. Public Dedication Form if any public dedications are proposed	
	7. Proposed terms of any improvement guarantees for improvements required by Article 15 of the East Providence Land Development and Subdivision Regulations, and cost estimates to complete the required improvements	
	8. A stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
	9. A drawn plan of the new lots in digital (.pdf) format no larger than 24"X 36" at a scale of 1" to 50', or other scale as the Administrative Officer may require, and depicting items at the bottom of the table.	
	10. An updated profile of any proposed streets with adequate ties to existing streets, if any changes are necessitated by changes made to the application since Preliminary Plan submission	
	11. Additional items deemed necessary by the permitting authority during the previous review stage	

Subdivision Survey requirements:

- a. Subdivision name;
- b. Name and address of record owner, subdivider and subdivision designer;
- c. Date prepared, north arrow, acreage and number of lots;
- d. Graphic scale;
- e. Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;
- f. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- g. Size(s) of the new lot(s) in square feet;
- h. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- i. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- j. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- k. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- l. Location of wooded areas and areas of active agricultural use;
- m. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- n. Identification of the following areas of special concern:
 - i. Natural Heritage Areas, as defined by RIDEM
 - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - iii. A Groundwater Protection Overlay District
 - iv. A Wellhead Protection Area
 - v. Groundwater Recharge Area
 - vi. Areas within a TMDL watershed, as identified by RIDEM
 - vii. OWTS Critical Resource Area, as defined by RIDEM
 - viii. A Drinking Water Supply Watershed, as defined by RIDEM
 - ix. National Register of Historic Places
- o. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- p. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- q. Indication of purpose of easements, if any;
- r. Names of existing streets;
- s. Proposed names of any proposed streets;
- t. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- u. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan);
- v. Boundaries and total area of any land classified as "unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record);
- w. Any landscape buffering, landscaping, hardscape and lighting proposed; and
- x. The location of existing and proposed monuments.
- y. Certification (stamp) of the land surveyor indicating that a Class I and Class III survey have been performed or are otherwise correct;
- z. Any new Assessor's Lot numbers, as provided by the Administrative Officer in consultation with the Tax Assessor;

- aa. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line, and to reproduce the same upon the ground. All metes shall contain X/Y coordinates referencing the most recent State Plane Feet Datum. All bounds shall indicate the direction and measure;
- bb. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended; and
- cc. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended.

City of East Providence, Rhode Island

Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations

Review Areas Highlighted as follows:

 = Planning Board

 = Solicitor

 = Planning Department

Adopted by the
City of East Providence Planning Board
December 18, 1995

And as Amended by Vote of the East Providence Planning Board
December 14, 1999,
November 12, 2003

January 9, 2012

March 8, 2021

December 4, 2023

 XXX YY, 2025

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

City of East Providence Planning Board:

**Michael P. Robinson, Chairman
Christopher Grant, Vice Chairman
Eric Crook
Octavio Cunha
Greg Miller
Michelle Rockwell**

East Providence Department of Planning & Economic Development:

**Keith A. Brynes, Director of Planning and Economic Development
James Moran, Chief Planner
Patrick Hanner, Principal Planner
Dominic Leonardo, Senior Planner**

**City Hall
Room 309
145 Taunton Avenue
East Providence, Rhode Island 02914
401-435-7531**

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

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**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

I – Purpose and Definitions

A. Title

The full title of these Regulations shall be “The East Providence Development Plan Review, Land Development, Paper Street, and Subdivision Review Regulations”. As a short title these Regulations shall be known, and may be cited as, the “Development Review Regulations”

B. Authority

These Land Development, Paper Streets, and Subdivision Regulations “Regulations” are hereby adopted and enacted in accordance with the provisions of the State of Rhode Island Land Development and Subdivision Review Enabling Act, Title 45, Chapter 23, of the General Laws of Rhode Island, as amended, hereinafter referred to as the Development Review Act; and in accordance with Rhode Island General Laws Chapters 45-22.2, 45-23.1, and 45-24 and Chapters 2, 15 and 19 of the Revised Ordinances of the City of East Providence, as amended. The conditions under which approval is required in accordance with these Regulations is outlined in the aforementioned laws.

C. Construction and Intent

1. These Regulations are not intended to supersede, abrogate, or interfere with any provision of any law. In the event where the conditions imposed by any provisions of these Regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these Regulations or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
2. Private deed restrictions or private covenants for a subdivision, which have not been included as a part of the approved subdivision plan, do not fall within the jurisdiction of enforcement by any local agency.

D. Purposes

It is the intent of these Regulations to aid in the implementation of the adopted *Comprehensive Plan* and *Zoning Code* for the City of East Providence and are designed to further the purposes set forth in the Development Review Act, and for the following purposes as stated in the act, each with equal priority and numbered for reference purposes only:

1. Providing for the orderly, thorough and expeditious review and approval of *land developments* and *subdivisions*;
2. Promoting high quality and appropriate design and construction of *land developments* and *subdivisions*;

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3. Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed *development* on the existing environment;
4. Promoting design of *land developments* and *subdivisions* which are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate *development* in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
5. Encouraging local design and *improvement* standards to reflect the intent of the *Comprehensive Plan* with regard to the physical character of the various neighborhoods and districts of the city;
6. Promoting thorough technical review of all proposed *land developments* and *subdivisions* by City officials;
7. Encouraging local requirements for *dedications* of public *land*, impact mitigation, and *payment-in-lieu thereof*, to be based on clear documentation of needs and to be fairly applied and administered;
8. Encouraging the establishment and consistent application of procedures for recordkeeping on all matters of *land development* and *subdivision* review, approval and construction, and

E. Consistency

These Regulations are hereby adopted to further the purposes of the *Comprehensive Plan* and *Zoning Code*. Any amendment to these Regulations shall be *consistent with the policies and goals of the adopted Comprehensive Plan*. In the instance of uncertainty in the construction or application of any section or part of these Regulations, they shall be construed in a manner that will further the implementation of and not be contrary to, the goals and policies and applicable elements of the *Comprehensive Plan* and the Development Review Act.

F. Definitions

Where words or phrases used in these Regulations are defined in the definitions of either the Rhode Island Comprehensive Planning and Land Use Regulation Act, the Zoning Enabling Act of 1991, or the Development Review Act, as amended, they shall have the meaning stated therein. Relevant definitions are repeated in this section for clarification purposes and are linked to this location throughout the document, except when the context of the use of the word clearly indicates an alternate meaning.

1. Abutter. One whose property abuts, that is, adjoins at a border, boundary, or point with no intervening *land*.

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2. Administrative Officer. The municipal official(s) designated to administer the land development and subdivision regulations to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff, and state agencies as set forth herein. The Administrative Officer is the Director of the Department of Planning and Economic Development or his or her designee in accordance with § 2-178(c) of the Revised Ordinances of East Providence.
3. Aggrieved party. Any person, or persons, or entity, or entities, who or that can demonstrate that his, her, or its property will be injured by a decision of the *permitting authority* or anyone requiring notice pursuant to these Regulations.
4. Applicant. An owner or authorized agent of the owner submitting an *application* or appealing an action of the *Administrative Officer*, *Zoning Officer*, Planning Board or the Zoning Board of Review or any official of the City involved in the enforcement of these Regulations. See also *subdivider*.
5. Application. The completed form, or forms, and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval, or permitting purposes.
6. Approved Development Plan Review Plan. The final drawing(s) of all or a portion of a *development* subject to *development plan review* to be recorded after approval and any accompanying material as required.
7. Approved Land Development Plan. The final drawing(s) of all or a portion of a *land development* to be recorded after approval and any accompanying material as required.
8. Assessor's plat. Neighborhood-scale maps of *Assessor's lots* for ease of display, maintained by the City of East Providence Tax Assessor and Geographic Information Systems Division.
9. Assessor's lot. A *lot* recognized by the City of East Providence for tax, *zoning*, and conveyance purposes, maintained by the *City of East Providence Planning Board* per these Regulations.
10. Board of Appeal. The local review authority for appeals of actions of the administrative officer, which shall be the Zoning Board of Review constituted as the Board of Appeal.
11. Buildable lot. A *lot* where construction for the *use(s)* permitted on the site under the *Zoning Code* is considered practicable by the *Planning Board*, considering the *physical constraints to development* of the site as well as requirements of the pertinent federal, state, and City *development regulations*.
12. Building. Any *structure* used or intended for supporting or sheltering any *use* or occupancy.

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13. Buffer. *Land* that is maintained in either a natural or landscaped state, and is used to screen or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.
14. Capital improvement program. A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.
15. Certificate of Completeness. A notice issued by the *Administrative Officer* informing an *applicant* that the *application* is complete and meets the requirements of these Regulations, and that the *applicant* may proceed with the review process.
16. City Engineer. The City Engineer or duly authorized representative.
17. Coastal feature. Any coastal beach, barrier island or spit, coastal wetland, coastal headland, bluff or cliff, rocky shore, manmade shoreline or dune as outlined and defined by the coastal resources management program.
18. Comprehensive Plan. The Comprehensive Plan prepared by the East Providence Planning Board with technical assistance from the East Providence Planning Department containing the required components specified in Rhode Island General Law Chapter 45-22.2, enacted as specified in Rhode Island General Law Chapter 45-22.2-3, and to which these Regulations shall be in compliance.
19. Concept Plan. A drawing with accompanying information showing the basic elements of a proposed *land development* or *subdivision* as used for *pre-application meetings* and early discussions, and classifications of the project within the approval process.
20. Consistency with the Comprehensive Plan. A requirement of local land use regulations that regulations and subsequent actions be in accordance with the public policies arrived at through detailed study and analysis and adopted by the City as the Comprehensive Plan as specified in Rhode Island General Law § 45-22.2-3.
21. Days. Calendar days.
22. Dedication. The ownership, maintenance, and/or *use of land / improvements* assigned through covenant to another party other than the *subdivider*.
23. Dedication, fee-in-lieu-of. Payments of cash which are authorized in these Regulations when requirements for mandatory *dedication of land* are not met because of physical conditions of the site or other reasons. The conditions under which the payments will be allowed and all formulas for calculating the amount are specified in § VI.H.
24. Development. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any *structure*; any mining, excavation, landfill, or land disturbance any change in *use*, or alteration or extension of the *use*, of *land*.

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25. Development plan review. Design or site plan review of a development of a permitted use. A municipality may utilize development plan review under limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines, for the following categories of developments:
- a. A change in use at the property where no extensive construction of improvements is sought;
 - b. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought;
 - c. An adaptive reuse project located in a residential zone that results in less than nine (9) residential units;
 - d. Development in a designated urban or growth center; or
 - e. Institutional development for educational or hospital facilities.
26. Development regulation. *Zoning, subdivision, land development plan, development plan review, historic district, official map, floodplain regulation, soil erosion control or any other governmental regulation of the use and development of land.*
27. Drainage system. A system for the removal of water from *land* by drains, grading, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or *development*, the means for preserving surface and groundwaters, and the prevention and/or alleviation of flooding.
28. Easement. An interest in *land* created by grant or agreement, express or implied, which confers right upon the owner (grantee) to profit, benefit, dominion, or lawful use out of or over the estate of another.
29. Endorsement. The signature of the permitting authority Chair, Secretary, or Administrative Officer, as applicable, permitting the recording of an approved final plan.
30. Environmental constraints. Natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special *development* techniques to prevent degradation of the site, or may require limited *development*, or in certain instances, may preclude *development*. See also *physical constraints to development*.
31. Final Plan. The final stage of *land development* and *subdivision* review or a formal development plan review application.
32. Final Plat. The final drawing(s) of all or a portion of a *subdivision* to be recorded after approval and any accompanying material as required. See also *plat*.

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33. Floor Area, Gross. Gross floor area shall be the floor area within the perimeter of the outside walls of the *building* under consideration, without deduction for hallway, stairs, closets, thickness of walls, columns, or other features.
34. Floodplain. An area that is subject to flood from a storm having a one percent (1%) chance of being equaled or exceed in any given year, as delineated by the federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448), 42 U.S.C. 4011 et seq.
35. Freshwater wetlands. Includes, but is not limited to, those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support a prevalence of vegetation adapted for life in saturated soil conditions. Includes, but is not limited to: marshes, swamps, bogs, emergent, and submergent plant communities, and for the purposes of these Regulations, rivers, streams, ponds, and vernal pools.
36. Governing body. The East Providence City Council.
37. Improvement. Any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.
38. Improvement, fee-in-lieu-of. Payments of cash equivalents that are authorized in these Regulations when *required improvements* are not met because of physical conditions of the site or other reasons. The conditions under which the payments will be allowed and all formulas for calculating the amount are specified in § VI.H.
39. Improvement guarantee. A security instrument accepted by the City to ensure that all *improvements*, facilities, or work required by these Regulations, or *required by the City as a condition of approval*, will be completed in compliance with the approved plans and specifications of a *development*.
40. Land. Real property including *improvements* and fixtures on, above, or below the surface.
41. Land development project. A project in which one or more *lots*, tracts, or parcels or *land* are to be developed or redeveloped as a coordinated site for a complex of *uses*, units, or *structures*, including, but not limited to, planned development or cluster development for residential, commercial, institutional, recreational, *open space*, or mixed *uses* as may be provided for in the *Zoning Code* and these Regulations.
- a. Minor Land Development. A land development project involving any one of the following categories which has not otherwise been specifically designated as development plan review:
- i. Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing, or industrial development, or less; or

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- ii. An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing, or industrial structures; or
 - iii. Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less; or
 - iv. Multi-family residential or residential condominium development of nine (9) units or less; or
 - v. Change in use at the property where no extensive construction of improvements is sought; or
 - vi. An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought; or
 - vii. An adaptive reuse project located in a residential zone that results in less than nine (9) residential units;
- b. Major Land Development. A land development project that exceeds the thresholds for a minor land development project as set forth in these Regulations.
42. Land disturbing activity. Any physical land development activity which includes such actions as clearing of vegetation, moving or filling of land, removal or excavation of soil or mineral resources, or similar activities.
43. Land surveyor. A professional land surveyor qualified under Chapter 5-8.1 of the General Laws of Rhode Island, as amended.
44. Limited-access right-of-way. The limited legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another. May be limited by number of users and/or access points. Includes the roadway, curbs, landscaping, sidewalk, and/or unimproved areas. Owners or occupants of abutting *land* or other persons have no right or *easement* of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility. See also *right-of-way*.
45. Lot. Either: (i) The basic development unit for determination of lot area, depth, and other dimensional regulations (zoning); or (ii) A parcel of *land* whose boundaries have been established by some legal instrument, such as a recorded deed or recorded map, and that is recognized as a separate legal entity for purposes of transfer of title. See also *Assessor's lot*
46. Lot building coverage. That portion of the *lot* that is, or may be, covered by *buildings* and accessory *buildings*.

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47. Lot line. A line of record, bounding a *lot*, that divides one *lot* from another *lot* or from a *public* or *private* street or any other public or private space and shall include:
- a. Front: the lot line separating a *lot* from a *street right-of-way*. The Zoning Code specifies the method to be used to determine the front lot line on *lots* fronting on more than one *street*, for example, corner and through lots;
 - b. Rear: the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped *lots*, an assumed line at least ten feet (10') in length entirely within the *lot*, parallel to and at a maximum distance from, the front lot line; and
 - c. Side: any lot line other than a front or rear lot line. On a corner *lot*, a side lot line may be a street lot line, depending on requirements of the Zoning Code.
48. Maintenance guarantee. Any security instrument which may be required and accepted by the City to ensure that necessary *improvements* will function as required for a specific period of time. See also *improvement guarantee*.
49. Master Plan. An overall plan for a proposed project site outlining general, rather than detailed, *development* intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. The Master Plan is required in *Major Land Development* or *Major Subdivision* review only. It is the first formal review step of the major land development or major subdivision process and the step in the process in which the public hearing is held.
50. Modification of requirements. See § IX.C.
51. Open Space. Any parcel or area of land or water *set aside, dedicated, designated, or reserved* for public or private use or enjoyment or for the use and enjoyment of owners and occupants of *land* adjoining or neighboring the open space; provided that the area may be improved with only those *buildings, structures, streets*, and off-street *parking*, and other *improvements* that are designed to be incidental to the natural openness of the *land*.
52. Paper street. See *Street, paper*.
53. Paper Street Improvement. A process by which an entity other than the owner of a *paper street* who is not performing a subdivision petitions the *Administrative Officer* for approval to utilize said *street* to satisfy a requirement for a building permit.
54. Paper Street Improvement Certificate. A document certifying an *improvement* to a *paper street* has been inspected and approved by the *Administrative Officer*, following approval of an *application* for a *Paper Street Improvement* in accordance with these Regulations.
55. Parking Area or Lot. All that portion of development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

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56. Permitting authority. The local agency of government, meaning any board, commission, or administrative officer specifically empowered by state enabling law and local regulation or ordinance to hear and decide on specific matters pertaining to local land use.
57. Phased development. *Development*, usually for large-scale projects, where construction of *public* and/or private *improvements* proceeds by sections subsequent to approval of a *Master Plan* for the entire site.
58. Physical constraints to development. Characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the *uses* permitted on that site, or would require extraordinary construction methods. See also *environmental constraints*.
59. Planning Board. The official planning agency of the City of East Providence designated as the Planning Board of the City of East Providence and established by the municipality under Chapter 22 of Title 45 of the Rhode Island General Laws.
60. Plat. A drawing or drawings of a *subdivision* showing the location, boundaries, and *lot lines* of individual properties, as well as other necessary information as specified in these Regulations. See also *Assessor's plat* and *Final Plat*.
61. Pre-application conference. An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.
62. Preliminary Plan. The required stage of *Land Development* and *Subdivision* review which shall require detailed engineering drawings and all required state and federal permits.
63. Public dedication. *Land* and *improvements dedicated* to the City of East Providence, as approved on the *Approved Development Plan Review Plan / Paper Street Improvement Certificate / Approved Land Development Plan / Final Plat*.
64. Public hearing. A hearing before the *Planning Board* which is duly noticed in accordance with § IV.B. and which allows public comment. A public hearing is not required for an application or stage of approval unless otherwise stated in this chapter.
65. Public improvement. Any *street* or other roadway, sidewalk, pedestrianway, tree, lawn, off-street *parking area*, *drainage* feature, or other facility for which the City or other governmental entity is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon the City's acceptance. See also *improvement*.
66. Public street. See *street*, *public*.

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67. Required improvement. An *improvement* constructed by the *applicant* as a condition of approval by the *permitting authority*.
68. Right-of-way (ROW). The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another. Includes roadway, curbs, landscaping, sidewalk, and/or unimproved areas. See also *limited-access right-of-way*.
69. Special use. A regulated use that is permitted pursuant to the special-use permit issued by the authorized governmental entity, pursuant to Rhode Island General Law § 45-24-42.
70. State road. Major arterials as defined by the State of Rhode Island Highway Classification System. Access and alterations to State roads require a Physical Alteration Permit from the Rhode Island Department of Transportation. Public streets *in* East Providence that are *State roads* are on file with the City Engineer. See *street classification*.
71. Street. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.
72. Street, access to. An adequate and permanent way of entering a *lot*. All *lots of record* shall have access to a *public street* for all vehicles normally associated with the *uses* permitted for that *lot*.
73. Street, alley. A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other *street*.
74. Street, cul-de-sac. A local *street* with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.
75. Street, hammerhead. The terminus of a street, laid out to provide a three-point turn-around area for trucks.
76. Street, limited-access highway. A freeway or expressway providing for through traffic. Owners or occupants of abutting property on *lands* and other persons have no legal right to access, except at such points in such manner as may be determined by the public authority having jurisdiction over the highway. See *limited-access right-of-way*. *Abutting a limited-access highway does not necessarily qualify as access to a public street*.
77. Street, paper. A *street* that has never been improved or is in a state of disrepair or alteration to the point of being impassable, but is shown on a recorded plan, *Tax Assessor's plat*, or official map.

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78. Street, private. A thoroughfare established as a separate tract for the benefit of multiple adjacent properties and meeting specific, *municipal improvement standards*. This definition shall not apply to driveways.
79. Street, public. All public property reserved or dedicated for street traffic.
80. Street, stub. A portion of a *street* reserved to provide access to future *development*, which may provide for utility connections.
81. Street classification. A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use, and design character of neighborhoods and districts. These are the major categories:
- a. Arterial. A major *street* that serves as an avenue for the circulation of traffic into, out of, or around the city and carries high volumes of traffic.
 - b. Collector. A *street* whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
 - c. Local. *Streets* whose primary function is to provide access to abutting properties.
82. Structure. A combination of materials to form a construction for *use*, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.
83. Subdivider. Any person who (1) having an interest in *land* causes it, directly or indirectly, to be divided into a *subdivision*, or who (2) directly or indirectly sells, leases, or develops, or offers to sell, lease or develop, or advertises to sell, lease or develop, any interest, *lot*, parcel, site, unit, or plat in a *subdivision*, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or *development* a *subdivision* or any interest, *lot*, parcel, site, unit, or plat in a *subdivision*. See also *applicant*.
84. Subdivision. The subdivision or re-division, of a *lot*, tract or parcel of *land* into two or more *lots*, tracts, or parcels. Any adjustment to existing *lot lines* of a *recorded lot* by any means shall be considered a *subdivision*. All *re-subdivision* activity shall be considered a *subdivision*. The division of property for purposes of financing constitutes a *subdivision*.
- a. Administrative Subdivision. Subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots.
 - b. Minor Subdivision. A subdivision creating nine (9) or fewer buildable lots.
 - c. Major Subdivision. A subdivision creating ten (10) or more buildable lots.
85. Use. The purpose or activity for which land or *buildings* are designed, arranged, or intended, or for which land or *buildings* are occupied or maintained.

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86. Variance. Permission to depart from the literal requirements of a *zoning ordinance*. An authorization for the construction or maintenance of a *building* or *structure*, or for the establishment or maintenance of a *use of land*, that is prohibited by a *zoning ordinance*. There are only two (2) categories of variance, a use variance or a dimensional variance.
- a. Use variance. Permission to depart from the *use* requirements of a *zoning ordinance* where the *applicant* for the requested variance has shown by evidence upon the record that the subject *land* or *structure* cannot yield any beneficial *use* if it is to conform to the provisions of the *zoning ordinance*.
 - b. Dimensional variance. Permission to depart from the dimensional requirements of a *zoning ordinance*, where the *applicant* for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial *use* of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a *use* may be more profitable or that a *structure* may be more valuable after the relief is granted are not grounds for relief.
87. Vested rights. The right to initiate or continue the *development* of an approved project for a specified period of time under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to the completion of the project.
88. Waiver of requirements. See § IX.C.
89. Zoning. The reservation of certain specified areas within a community or city for *building* and *structures*, or *use of land*, for certain purposes with other limitations as height, *lot coverage*, and other stipulated requirements.
90. Zoning Code. An ordinance enacted by the *City Council of the City of East Providence* pursuant to Title 45 Chapter 24 of the General Laws of Rhode Island which sets forth regulations and standards relating to the nature and extent of *uses of land* and *structures*, which is consistent with the *Comprehensive Plan of the City*, which includes a zoning map, and complies with the provisions of Title 45 Chapter 24 of the General Laws of Rhode Island. The text of the Zoning Code is available at https://library.municode.com/ri/east_providence/codes/code_of_ordinances?nodeId=PTIIREOR_CH19ZO.
91. Zoning district. The basic unit in *zoning*, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified *use*. Each zoning district may include sub districts. Zoning districts may be combined.
92. Zoning Officer. The person appointed by the Mayor to perform duties in accordance with § 19-5 of the *Zoning Code*.

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II – Application Requirements and Review Fees

A. Development Plan Review

1. Administrative Development Plan Review

a. *Pre-application Conference*

- i. A completed *application* form with (*Form A*) with payment of seventy-five dollars (\$75.00). Each additional requested pre-application conference shall require additional payment of the seventy-five-dollar (\$75.00) review fee.
- ii. A *concept plan* sketch on the *Assessor's Plat* showing the proposed *development plan*.

b. *Application*

- i. A completed *application* form with *application* checklist (*Form B*) and all necessary material and payment of the required fee.
- c. The *Approved Development Plan Review Plan* shall be submitted in conformity with *Final Plan* approval (See *Form C*) along with payment of ten dollars (\$10.00) per page.

2. Formal Development Plan Review

a. *Pre-application Conference*

- i. A completed *application* form (*Form A*) with payment of one-hundred-fifty dollars (\$150.00). Each additional requested pre-application conference shall require additional payment of the one-hundred-fifty-dollar (\$150.00) review fee.
- ii. A *concept plan* sketch on the *Assessor's plat* showing the proposed *development plan*.

b. *Preliminary Plan Application*

- i. A completed *application* form with *application* checklist (*Form D*) with all necessary material and payment of the required fee.
- ii. Review fee payment of one-hundred-twenty-five dollars (\$125.00).

c. *Final Plan Application*

- i. A letter requesting *Final Plan* approval and completed *application* checklist (*Form E*) with all necessary material and payment of the required fee.

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- ii. *Application* fee payment of one-hundred-twenty-five dollars (\$125.00). In cases where the preliminary and final plan stages have been combined, no additional filing fee will be required.
- d. The *Approved Development Plan Review Plan* shall be submitted in conformity with *Final Plan* approval (See *Form F*) along with payment of **ten dollars (\$10.00) per page**.

B. Land Development Project

1. Minor Land Development

a. Pre-application Conference

- i. A completed *application* form (*Form A*) with payment of seventy-five dollars (\$75.00). **Each additional requested pre-application conference shall require additional payment of the seventy-five-dollar (\$75.00) review fee.**
- ii. A *concept plan* sketch on the *Assessor's plat* showing the proposed *land development project*.

b. Preliminary Plan Application

- i. A completed *application* form with *application* checklist (*Form D*) with all necessary material and payment of the required fee.
- ii. Review fee payment of one-hundred-twenty-five dollars (\$125.00).

c. Final Plan Application

- i. A letter requesting *Final Plan* approval and completed *application* checklist (*Form E*) with all necessary material and payment of the required fee.
- ii. *Application* fee payment of one-hundred-twenty-five dollars (\$125.00). In cases where the preliminary and final plan stages have been combined, no additional filing fee will be required.
- d. The *Approved Land Development Plan* shall be submitted in conformity with *Final Plan* approval (See *Form F*) along with payment of **ten dollars (\$10.00) per page**

2. Major Land Development

a. Pre-application Conference

- i. A completed *application* form (*Form A*) with payment of one-hundred-fifty dollars (\$150.00). **Each additional requested pre-application conference shall**

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require additional payment of the one-hundred-fifty-dollar (\$150.00) review fee.

- ii. A *concept plan* sketch on the *Assessor's plat* showing the proposed *land development project*.

b. *Master Plan Application*

- i. A completed *application* form with *application* checklist (*Form G*) with all necessary material and payment of the required fee.
- ii. *Application* fee payment of four-hundred-fifty dollars (\$450.00). Where the master plan and preliminary plan stage are combined, the applicant shall submit one filing fee in the amount of five-hundred fifty dollars (\$550.00).

c. *Preliminary Plan Application*

- i. A letter requesting *Preliminary Plan* approval and completed *application* checklist (*Form H*) with all necessary material and payment of the required fee.
- ii. Review fee payment of four-hundred-fifty dollars (\$450.00).

d. *Final Plan Application*

- i. A letter requesting *Final Plan* approval and completed *application* checklist (*Form I*) with all necessary material and payment of the required fee.
- ii. Review fee payment of one-hundred-seventy-five dollars (\$175.00).

- e. The *Approved Land Development Plan* shall be submitted in conformity with *Final Plan* approval (See *Form F*) along with payment of ten dollars (\$10.00) per page.

C. *Paper Street Improvement*

1. *Pre-application Conference*

- a. A completed *application* form (*Form A*) with payment of seventy-five dollars (\$75.00). Each additional requested pre-application conference shall require additional payment of the seventy-five-dollar (\$75.00) review fee.

2. For *Application* approval:

- a. A completed *application* form with *application* checklist and all necessary material (*Form J*) and payment of the required fee.

b. *Application* fee payment of two hundred dollars (\$200.00).

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D. Subdivision

1. Administrative Subdivision

a. Pre-application Conference

- i. A completed *application* form (*Form A*) with payment of seventy-five dollars (\$75.00).
- ii. A *concept plan* sketch on the *Assessor's plat* showing the proposed subdivision.

b. For Application approval:

- i. A completed *application* form with *application* checklist and all necessary material (*Form K*) and payment of the required fee.
- ii. Application fee payment of one-hundred dollars (\$100.00), plus a fee of five dollars (\$5.00) per lot.

- c. The *Final Plat* shall be submitted in conformity with approval (See *Form L*) along with payment of one hundred dollars (\$100.00) per *Final Plat* page.

2. Minor Subdivision

a. Pre-application Conference

- i. A completed *application* form (*Form A*) with payment of seventy-five dollars (\$75.00). Each additional requested pre-application conference shall require additional payment of the seventy-five-dollar (\$75.00) review fee.
- ii. A *concept plan* sketch on the *Assessor's Plat* showing the proposed subdivision.

b. Preliminary Plan Application

- i. A completed *application* form with *application* checklist (*Form M*) and all necessary material and payment of the required fee.
- ii. Where no street creation or extension is proposed, *application* fee payment in the amount of one-hundred twenty-five dollars (\$ 125.00) plus ten dollars (\$10.00) per lot. Where street creation or extension is proposed, *application* fee payment in the amount of three hundred twenty-five dollars (\$325.00) plus twenty dollars (\$20.00) per lot.

c. Final Plan Application

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- i. A letter requesting *Final Plan* approval and completed *application* checklist (*Form N*) with all necessary material and payment of the required fee.
- ii. Review fee payment of one-hundred-twenty-five dollars (\$125.00). In cases of subdivision on existing frontage where the preliminary and final plan stages have been combined, no review fee will be required.
- d. The ***Final Plat*** shall be submitted in conformity with Final Plan approval (See *Form O*) along with payment of one-hundred dollars (\$100.00) per *Final Plat* page.

3. Major Subdivision

a. Pre-application Conference

- i. A completed *application* form (*Form A*) with payment of one-hundred-fifty dollars (\$150.00). Each additional requested pre-application conference shall require additional payment of the one-hundred-fifty-dollar (\$150.00) review fee.
- ii. A *concept plan* sketch on the *Assessor's plat* showing the proposed subdivision.

b. Master Plan Application

- i. A completed *application* form with *application* checklist (*Form P*) and all necessary material and payment of the required fee.
- ii. *Application* fee payment of four-hundred-fifty dollars (\$450.00) plus twenty dollars (\$20.00) per lot. Where the master plan and preliminary plan stage are combined, the applicant shall submit one filing fee in the amount of five-hundred fifty dollars (\$550.00) plus twenty dollars (\$20.00) per lot.

c. Preliminary Plan Application

- i. A letter requesting *Preliminary Plan* approval and completed *application* checklist (*Form Q*) with all necessary material and payment of the required fee.
- ii. Review fee payment of four-hundred-fifty dollars (\$450.00) plus twenty dollars (\$20.00) per lot.

d. Final Plan Application

- i. A letter requesting *Final Plan* approval and completed *application* checklist (*Form R*) with all necessary material and payment of the required fee.

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- ii. Review fee payment of one-hundred-seventy-five dollars (\$175.00).
- e. The ***Final Plat*** shall be submitted in conformity with Final Plan approval (See *Form O*) along with payment of one hundred dollars (\$100.00) per *Final Plat* page.

III - Pre-application Meetings and Concept Review Procedures

A. *Pre-application Meetings and Concept Review*

1. One or more *pre-application meeting(s)* shall be held for all *Paper Street Improvements, Administrative Subdivision, Minor Land Development, Minor Subdivision, Major Land Development and Major Subdivision petitions*. *Pre-application meetings* shall allow the *applicant* to meet with the *Administrative Officer* or their agent and, where appropriate, other local officials and/or state agencies, for advice as to the required steps in the approval process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed *application*.
2. When the *Planning Board* is the *permitting authority*, the applicant may request, with reasonable notice, a *pre-application conference* with the *Planning Board*. The purpose of the *concept plan* review is also to provide the *Planning Board* input in the formative stages of major *land development / subdivision* concept design. *The Planning Board shall grant the request.*
3. *Applicants* seeking a *pre-application meeting* shall submit materials in advance of the meeting(s) as requested by the *Administrative Officer* or their agent.
4. *Pre-application meetings* shall aim to encourage information sharing and discussion of project concepts among the participants. *Pre-application* discussions are intended for the guidance of the *applicant* and shall not be considered approval of a project or its elements.
5. Provided that at least one *pre-application meeting* has been held for a *Paper Street Improvements / Administrative Subdivision / Minor Land Development / Minor Subdivision / Major Land Development / Major Subdivision* petition or sixty (60) days has elapsed from the acknowledged filing of the pre-application submission and no *pre-application meeting* has been scheduled to occur within those sixty (60) days, nothing shall be deemed to preclude an *applicant* from thereafter filing and proceeding with an *application* for a *land development / development plan review / subdivision* project.
6. When more than six (6) months elapses between the pre-application conference and the plan submission or where factors have substantially changed since the time of the initial pre-application conference, a new pre-application conference shall be required with payment of the associated fee.

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IV – Application Classification and Certificate of Completeness

A. Classification.

The *Administrative Officer* shall advise the *applicant* as to which approvals are required and appropriate permitting authority for a project. Any development otherwise subject to *development plan review* that requires a *special use permit* and/or *variance* shall be classified as a *land development project*. Applications that are subject to *land development project review* are exempt from *development plan review*. All development creating streets or public right(s)-of-way or easements shall be classified as a *subdivision* so that the public may be adequately notified, the information may be included in the City's GIS, and that the City may accept maintenance and enforcement responsibilities.

The following types of *applications* may be filed:

1. *Development Plan Review*
 - a. *Administrative*
 - b. *Formal*
2. *Land Development Project*
 - a. *Minor*
 - b. *Major*
3. *Paper Street Improvement*
4. *Subdivision*
 - a. *Administrative*
 - b. *Minor*
 - c. *Major*

B. Review Type.

The following chart depicts the various development application types, as consistent with the development review act:

ACTIVITY	Admin DPR	Formal DPR	Minor LDP	Major LDP
1. Parking thresholds				
a. Construction, (re)paving, or design alteration of parking areas of 5 or more spaces or loading areas		X		
2. Commercial square footage thresholds				
a. 2,500 – 49,999 gross square feet of floor area of new commercial, manufacturing or industrial development			X	
b. 50,000 or greater gross square feet of floor area of new commercial, manufacturing or industrial development				X
3. Residential thresholds				
a. Multi-family residential of 4-19 units			X	

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ACTIVITY	Admin . DPR	Forma l DPR	Mino r LDP	Majo r LDP
b. Multi-family residential of 20 units or more				X
4. Mixed use thresholds				
a. Mixed-use development consisting of up to 19 dwelling units or up to 9,999 gross square feet of commercial space			X	
b. Mixed-use development consisting of 20 or more dwelling units or 10,000 or more gross square feet of commercial space				X
5. Other				
a. A large-scale ground-mounted photovoltaic field				X
b. Institutional development design review for educational or hospital facilities		X		
c. Signage for developments consisting of one structure with a gross building area of 10,000 square feet or greater, or a multitenant development of gross building area of 10,000 square feet or greater	X			
d. Developments in which a split zone is being used for a more intense use	X			
e. Wireless telephone communication towers and antennas		X		
f. Outdoor dining	X			
g. Any development subject to development plan review not subject to administrative development plan review or within categories of both administrative and formal development plan review		X		
h. Land development project where no extensive construction or improvements is sought.			X	
i. A development meeting the criteria for any other land use activity that may be established only through the land development project process				X

A land development project that exceeds any of the thresholds for a minor land development project, as defined in § I.F., and contains elements in this section that require review as a major land development project, shall be reviewed as a major land development project.

C. Certificate of Completeness.

An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer. In the event such certification

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of the *application* is not made within the time period specified in these Regulations for the type of *application*, the *application* shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such application as specified in these Regulations and the Administrative Officer has notified the applicant in writing of the deficiencies of the application.

D. Requirement for additional information

Notwithstanding § B above, the *permitting authority* may subsequently require correction of any information found to be in error, and submission of additional information specified in these Regulations but not required by the *Administrative Officer* prior to the certification, as is necessary to make an informed decision.

Where the review is postponed with the consent of the *applicant*, pending further information or revision of information, the time period for review shall be stayed and shall resume when the *Administrative Officer* or *permitting authority* determines that the required *application* information is complete.

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V - Application Procedure

A. Development Plan Review

1. *Administrative Development Plan Review Procedure*

- a. Review for Completeness – The application shall be certified, in writing, complete or incomplete by the administrative officer within fifteen (15) days in accordance with § IV.B.
 - i. The running of the time period set forth in this Subsection A.1.a. will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
 - ii. If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.
- b. Review and decision. The administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § VII.D. and in accordance with the criteria in § 19-451 of the Revised Ordinances of the City of East Providence either: approve, deny, or approve with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and administrative officer. The decision shall be in writing and a copy shall be mailed first class to the applicant.
- c. Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the administrative development plan review and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.
- d. The decision of the permitting authority shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty-(20) day appeal period shall be calculated from the date of the posting of the decision.
- e. Vesting. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, an *Approved Development Plan Review Plan*, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the administrative officer or permitting authority, whichever entity approved the application, upon a showing of good cause. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00).

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f. Changes to approved *applications*.

- i. **Minor Changes.** Minor changes are those which result in little or no significant impact on surrounding properties or on the safe and efficient flow of traffic through nearby city roadways. For a proposed alteration to be deemed “minor” in nature, it shall be limited to alterations of the text of the approved sign. A review fee of fifty (\$50.00) dollars shall be submitted for the request. All such changes shall be made a part of the permanent record of the petition.
- ii. **Major changes.** Major changes, changes which are not minor or which are deemed to be major changes by the *Administrative Officer*, may be approved only by the *permitting authority* and must follow the same review process for approval. Minor change approvals shall be granted within fourteen (14) days of submission.

2. Formal *Development Plan Review* Procedure

- a. **Combining Review Stages.** The *Administrative Officer* may combine the review stages, provided the submission requirements of both stages of review are met by the application to the satisfaction of the *Administrative Officer*.
- b. **Preliminary Approval**
 - i. **Plan Referral/Plan Review.** The *Administrative Officer* may refer *Development Plan Review* applications to municipal officials for review and comment, including, but not limited to, the City Engineer, Zoning Officer, Building Inspector, Fire Marshal, and Water Superintendent, as appropriate.
 - ii. **Review for Completeness.** The application shall be certified, in writing, complete or incomplete by the administrative officer within fifteen (15) days in accordance with § IV.B.
 - (1). The running of the time period set forth in this Subsection A.2.b.ii. will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
 - (2). If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.
 - iii. **Review and decision.** The administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § VII.D. and in accordance with the criteria in § 19-451 of the Revised Ordinances of the

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City of East Providence either: approve, deny, or approve with conditions within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority. The decision shall be in writing and a copy shall be mailed first class to the applicant.

- iv. Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.
 - v. The decision of the permitting authority shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty-(20) day appeal period shall be calculated from the date of the posting of the decision.
 - vi. Vesting. Preliminary approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for final approval. Validity may be extended for an additional period upon application to the administrative officer or permitting authority, whichever entity approved the application, upon a showing of good cause. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00).
 - vii. Effect of Preliminary Development Plan Review Approval. Preliminary development plan review approval does not constitute permission to move forward with the development. The applicant must apply for and receive development plan approval prior to commencing with the development.
- c. Final Approval Procedure.
- i. Review for Completeness - The application shall be certified, in writing, complete or incomplete by the administrative officer within fifteen (15) days in accordance with § IV.B.
 - (1). The running of the time period set forth in this Subsection A.2.d.i. will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
 - (2). If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

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- ii. Review and decision. The administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § VII.D. and in accordance with the criteria in § 19-451 of the Revised Ordinances of the City of East Providence either: approve, deny, or approve with conditions within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing. The decision shall be in writing and a copy shall be mailed first class to the applicant.
 - iii. Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.
 - iv. The decision of the permitting authority shall be posted in the office of the City Clerk by the Administrative Officer as soon as practicable after the date of the decision, but in no case later than two (2) business days after the date of the decision. The twenty-(20) day appeal period shall be calculated from the date of the posting of the decision.
 - v. Vesting. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, an *Approved Development Plan Review Plan*, in conformity with approval, and as defined in these Regulations, is submitted for signature and recording. Validity may be extended for an additional period upon application to the administrative officer or permitting authority, whichever entity approved the application, upon a showing of good cause. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00).
- d. Changes to approved *applications*.
- i. Minor changes. Minor changes are those which result in little or no significant impact on surrounding properties or on the safe and efficient flow of traffic through nearby city roadways. For a proposed alteration to be deemed “minor” in nature, it shall meet one or more of the following conditions. The proposed alteration shall:
 - (1). Alter the land use mix of the development by a cumulative total of less than ten (10) percent in any use;
 - (2). Decrease the overall density of the development by up to 25%;
 - (3). Allow minor reorientation of one or more points of access, the internal roadway network and/or the parking plan, made necessary due to actions taken by the City or State subsequent to the approval date of the *Approved Development Plan Review Plan*;
 - (4). Allow minor changes in location, orientation and/or design of parking facilities, provided such changes do not decrease the total number of parking spaces;

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- (5). Allow minor changes in *structure* location made necessary by previously unforeseen natural conditions;
- (6). Allow changes in landscaping materials, lighting plan and siting of pedestrian and accessory facilities as made necessary by other approved alterations;
- (7). Allow other site design modifications which would not substantially alter the character of the *Approved Development Plan Review Plan*;
- (8). Allow for ancillary *Administrative Subdivisions*; and/or
- (9). Extend the timeline for construction of the *required improvements* for one year. This extension shall not be granted more than twice.

Minor changes shall not include the construction of any additional *structures* other than ancillary *structures* or the reduction in quality of any site *improvements*. A review fee of fifty (\$50.00) dollars shall be submitted for the request. All such changes shall be made a part of the permanent record of the petition. Denial of a request for a minor change shall require submission of a major change. Minor change approvals shall be granted within fourteen (14) days of submission.

- ii. Major changes. Major changes, changes which are not minor or which are deemed to be major changes by the *Administrative Officer*, may be approved only by the *permitting authority* and must follow the same review process for approval, at the *Preliminary Plan* stage.

B. Land Development Project

1. Minor Land Development Review

- a. Unified Development Review. Applications under this Subsection B.1. which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development review and a request for review shall accompany the preliminary plan application.
- b. Review Stages. *Minor Land Development* review consists of two stages, *Preliminary Plan* and *Final Plan*. The *Administrative Officer* may combine the approval stages, providing requirements for both stages have been met by the *applicant* to the satisfaction of the *Administrative Officer*.
- c. Re-assignment to Major Review. The *Planning Board* may re-assign a proposed *Minor Land Development* to *Major Land Development* review only when the *Planning Board* is unable to make the positive findings required by § V.D. Where re-assigned, all submittal and review processes for a major land development project shall be followed.
- d. Preliminary approval.

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- i. Certification. In accordance with § IV.B., an *application* submitted to the *Administrative Officer* shall be *certified as complete or incomplete* by the *Administrative Officer* within fifteen (15) days of its receipt if no unified development review is requested; the *application* shall be *certified as complete or incomplete* by the *Administrative Officer* within twenty-five (25) days of its receipt if unified development review is requested. If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth herein will not begin until the decision on the modification is made. The running of the time period set forth in this Subsection B.1.d.i. will be deemed stopped upon the issuance of a certificate of incompleteness of the *application* by the administrative officer and will recommence upon the resubmission of a corrected *application* by the *applicant*. However, in no event will the *Administrative Officer* be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. In the event such certification of the *application* is not made within this time period, the *application* shall be deemed complete for purposes of commencing the review period.
- ii. Administrative approval. If no street creation or extension or unified development review is required, the administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § VII.D., and in accordance with the requirements of § VI.D., either: approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant. The decision shall be in writing and a copy shall be mailed first class to the applicant.
- iii. Public Hearing. In the case of a minor land development project where the application is reviewed under unified development review, a public hearing shall be held by the Planning Board which shall meet the notice requirements set forth in § IV.A.
 - (1). If the development is concurrently applying for major subdivision approval, and the public hearing is scheduled for the same Planning Board meeting, the public hearing for the minor land development project shall be advertised and conducted concurrently with the hearing for the major subdivision.
- iv. Planning Board action. If a request for a *variance(s) / special-use permit* has been made in accordance with unified development review, the *Planning Board* shall conditionally approve or deny the request(s) for the *variance(s) / special-use permit* before considering the *Preliminary Plan*. Approval of the *variance(s) / special-use permit* shall be conditioned on approval of the *Final Plan*. The *Planning Board* shall consider any waiver and/or modification of requirements submitted in accordance with § VII.D. and/or subsection IX.C.2., and in accordance with the requirements of § VI.D., either: approve, deny, or approve with conditions the *Preliminary Plan* within ninety-five (95) days of

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application completeness, or within such further time as is agreed to by the *applicant* and the *Planning Board*. The decision shall be recorded in the land evidence records within twenty (20) days after the *Planning Board* vote. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the *Applicant* and to any objector who has filed a written request for notice with the *Administrative Officer*.

- v. Failure to Act. Failure of the *permitting authority* to act within the time period prescribed shall constitute approval of the *Preliminary Plan* and a certificate of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued on request of the *applicant*.
- vi. Vesting. Preliminary approval of a Minor Land Development shall expire one (1) year from the date of approval unless within such period a final plan application is submitted. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the Planning Board. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00).
- vii. Effect of Preliminary Plan. Approval of a Preliminary Plan does not constitute approval of a subdivision and a Preliminary Plan shall not be recorded in the Land Evidence records. No lot may be marketed, sold or transferred, or building permit obtained based upon an approved preliminary subdivision.
- e. Final Plan. This phase is intended to be ministerial in nature, to ensure that all necessary changes, documentation, etc. have been properly made and submitted. Final plans shall be reviewed and approved by the administrative officer. The administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § IX.C. and in accordance with the requirements of § V.D. either approve, deny, approve with conditions or refer the final plan to the Planning Board upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.
- i. Certification. In accordance with § IV.B., an *application* submitted to the *Administrative Officer* shall be *certified as complete or incomplete* in accordance with these Regulations by the *Administrative Officer* within fifteen (15) days of its receipt if no unified development review is requested; the *application* shall be *certified as complete or incomplete* by the *Administrative Officer* within twenty-five (25) days of its receipt if unified development review is requested. If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth herein will not begin until the decision on the modification is made. The running of the time period set forth in this Subsection B.1.e.i. will be deemed stopped upon the issuance of a certificate of incompleteness of the *application* by the administrative officer and will recommence upon the resubmission of a

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corrected *application* by the *applicant*. However, in no event will the *Administrative Officer* be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. In the event such certification of the *application* is not made within this time period, the *application* shall be deemed complete for purposes of commencing the review period.

- ii. Decision. Final plans shall be reviewed by the *Administrative Officer*. The officer will report its actions, in writing to the *Planning Board* at its next regular meeting, to be made part of the record. The *Administrative Officer* shall consider any waiver and/or modification of requirements submitted in accordance with § VII.D., and in accordance with the requirements of § VI.D., either: approve, deny, approve with conditions, or deny the *application* within twenty-five (25) days of the certificate of completeness. The decision shall be in writing and a copy shall be mailed first class to the applicant.
- iii. Failure to Act. Failure of the *permitting authority* to act within the time period prescribed shall constitute approval of the *Preliminary Plan* and a certificate of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued on request of the *applicant*.
- iv. Vesting. Approval of a *Minor Land Development* shall expire one (1) year from the date of approval unless within such period an *Approved Land Development Plan* in conformity with such approval is submitted for signature and recording. Validity may be extended for a longer period, for cause shown, if requested by the *applicant* in writing, and approved by the *Planning Board*. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00).
- f. Changes to approved *applications*.
 - i. Minor changes. Minor changes are those which result in little or no significant impact on surrounding properties or on the safe and efficient flow of traffic through nearby city roadways. For a proposed alteration to be deemed “minor” in nature, it shall meet one or more of the following conditions. The proposed alteration shall:
 - (1). Alter the land use mix of the development by a cumulative total of less than ten (10) percent in any use;
 - (2). Decrease the overall density of the development by up to 25%;
 - (3). Allow minor reorientation of one or more points of access, the internal roadway network and/or the parking plan, made necessary due to actions taken by the City or State subsequent to the approval date of the *Approved Land Development Plan*;
 - (4). Allow minor changes in location, orientation and/or design of parking facilities, provided such changes do not decrease the total number of parking spaces;

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- (5). Allow minor changes in *structure* location made necessary by previously unforeseen natural conditions;
- (6). Allow changes in landscaping materials, lighting plan and siting of pedestrian and accessory facilities as made necessary by other approved alterations;
- (7). Allow other site design modifications which would not substantially alter the character of the *Approved Land Development Plan*;
- (8). Allow for ancillary *Administrative Subdivisions*; and/or
- (9). Extend the timeline for construction of the *required improvements* for one year. This extension shall not be granted more than twice.

Minor changes shall not include the construction of any additional *structures* other than ancillary *structures* or the reduction in quality of any site *improvements*. Such changes may be authorized without additional public hearings, at the discretion of the *Administrative Officer*. A review fee of fifty (\$50.00) dollars shall be submitted for the request. All such changes shall be made a part of the permanent record of the petition. Denial of a request for a minor change shall require submission of a major change. Minor change approvals shall be granted within fourteen (14) days of submission.

- ii. Major changes. Major changes, changes which are not minor or which are deemed to be major changes by the *Administrative Officer*, may be approved only by the *permitting authority* and must follow the same review process for approval, at the *Preliminary Plan* stage, which shall include a public hearing if originally required as part of the *application*.

2. Major Land Development Review

- a. Unified Development Review. Applications under this Subsection B.2. which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development review and a request for review shall accompany the preliminary plan application.
- b. Review Stages. Following the *pre-application meeting(s)* outlined in Article III, *Major Land Development* review shall consist of three (3) stages of review, *Master Plan*, *Preliminary Plan*, and *Final Plan*. The Administrative Officer may combine review stages but only the Planning Board may waive requirements as specified in § IX.C. Review stages may be combined only after the Administrative Officer determines that all necessary requirements have been met by the applicant or the Planning Board has waived any submission requirements not included by the applicant in accordance with § IX.C.
- c. **Master Plan**
 - i. Review for Completeness. The *application* shall be *certified complete or incomplete* by the *Administrative Officer* within twenty-five (25) days in

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accordance with § IV.B. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the *application* by the administrative officer and will recommence upon the resubmission of a corrected *application* by the applicant. However, in no event will the *Administrative Officer* be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. In the event such certification of the *application* is not made within this time period, the *application* shall be deemed complete for purposes of commencing the review period.

- ii. Distribution and Review. The Administrative Officer shall coordinate review and comment by:
 - (1). Local City departments including, but not limited to, planning, public works, fire, police; the East Providence Conservation Commission; and the Recreation Advisory Board;
 - (2). Adjacent communities;
 - (3). State agencies, as appropriate, including the Department of Environmental Management, Department of Transportation, and the Coastal Resources Management Council; and,
 - (4). Federal agencies, as appropriate.

The Administrative Officer shall review the application and shall comment and make recommendations to the Planning Board. The Administrative Officer will refer any comments received from other local, state or federal agencies responsible for reviewing the proposed development to the Planning Board.

- iii. Public Hearing. A *public hearing* shall be held prior to the *Planning Board* decision on the *Master Plan*.
 - (1). If the major land development project is applying for major subdivision master plan approval, and the public hearing is scheduled for the same Planning Board meeting, the public hearing for the major land development project shall be advertised and conducted concurrently with the hearing for the major subdivision.
 - (2). If the major land development project is applying for minor subdivision preliminary plan approval with a street extension or creation, and the public hearing is scheduled for the same Planning Board meeting, the public hearing for the major land development project shall be advertised and conducted concurrently with the hearing for the minor subdivision.
- iv. Decision. If a request for a *variance(s)* / *special-use permit* has been made in accordance with unified development review, the *Planning Board* shall conditionally approve or deny the request(s) for the *variance(s)* / *special-use permit* before considering the *Master Plan*. Approval of the *variance(s)* / *special-use permit* shall be conditioned on approval of the *Final Plan*. The

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Planning Board shall, within ninety (90) days of *certification of completeness*, or within such further time as may be consented to by the *applicant*, consider any waiver and/or modification of requirements submitted in accordance with § VII.D. and/or subsection IX.C.2., and in accordance with the requirements of § VI.D., either: approve, approve with conditions, or deny the *master plan application*. The decision shall be recorded in the land evidence records within twenty (20) days after the *Planning Board* vote. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the *Applicant* and to any objector who has filed a written request for notice with the *Administrative Officer*.

- v. Failure to Act. Failure of the *Planning Board* to act within the time period prescribed shall constitute approval of the *Master Plan* and a certificate of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued on request of the *applicant*.
- vi. Vesting. The approved *Master Plan* shall be *vested* for a period of two (2) years, with two (2) one (1) year extensions upon written request by the *applicant*, who must appear before the *Planning Board* for the annual review. *Vesting* may be extended for a longer period for good cause shown, if requested by the *applicant* in writing and approved by the *Planning Board*. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00). The applicant must appear before the *Planning Board* for the annual review. *Master Plan vesting* shall include the zoning requirements, conceptual layout, and all conditions shown on the approved *Master Plan* drawings and supporting materials. The initial four-year vesting for the approved *Master Plan* shall constitute the *vested rights* for the *subdivision* as required by these Regulations.

For a *phased development*, the approved *Master Plan* remains *vested* as long as it can be proved, to the satisfaction of the *Planning Board*, that work is proceeding on either the approval stages or on the construction of the *development* as shown in the approved *Master Plan* documents. Vesting extends to all information shown on the approved *Master Plan* documents.

- vii. Effect of Master Plan. Approval of a Master Plan does not constitute approval of a subdivision or land development project and a Master Plan application shall not be recorded in the Land Evidence records. No lot may be sold or transferred, or building permit obtained, based solely upon an approved master plan subdivision or land development project.

d. Preliminary Plan

- i. Certification. The *applicant* shall have the ability to request alteration of any *variance(s)* / *special-use permit* granted by the *Planning Board* during the *Master Plan* stage of review, and/or to request a new *variance(s)* / *special-use*

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permit based on the outcomes of the more detailed planning and design necessary for the *Preliminary Plan*. If requested, the *applicant* shall submit such requests and all supporting documentation along with the *Preliminary Plan* application materials. The *Administrative Officer* shall solicit final, written comments and/or approvals of the Department of Utilities, Department of Public Services, the City Solicitor, other local government departments, commissions, or authorities, as appropriate. The *application* for *Preliminary Plan* approval shall be *certified complete or incomplete* by the *Administrative Officer* within twenty-five (25) days in accordance with § IV.B. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the *application* by the *Administrative Officer* and will recommence upon the resubmission of a corrected *application* by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. In the event such certification of the *application* is not made within this time period, the *application* shall be deemed complete for purposes of commencing the review period.

- ii. Distribution. The Administrative Officer shall distribute the plans and supporting materials to applicable city staff for review and shall solicit final written comments and/or approvals of the department of public works, the city engineer, the city solicitor, and other local government departments, commissions or authorities as appropriate. The applicable city staff having received the plans and supporting materials for review shall forward written comments to the Administrative Officer. Staff may meet with or without the applicant to discuss the plans. The Administrative Officer will forward the comments to the Planning Board.
- iii. Public notice. Prior to the first Planning Board meeting on the preliminary plan, public notice shall be sent to abutters only at least fourteen (14) days before the hearing
- iv. Decision. If a request for a *variance(s)* / *special-use permit* has been made in accordance with unified development review, the *Planning Board* shall conditionally approve or deny the request(s) for the *variance(s)* / *special-use permit* before considering the *Preliminary Plan*. Approval of the *variance(s)* / *special-use permit* shall be conditioned on approval of the *Final Plan*. If the *Planning Board* denies the request for alteration(s), new *variance(s)*, and/or a new *special-use permit*, the *Planning Board* shall have the option of remanding the application back to the *Master Plan* stage of review or the applicant may consent to an extension of the mandated decision period so that additional information can be provided. The *Planning Board* shall, within ninety (90) days of the date when it is *certified complete*, or within such further time as may be consented to by the applicant, consider any waiver and/or modification of requirements submitted in accordance with § VII.D. and/or subsection IX.C.2., and in accordance with the requirements of § VI.D., either: approve, deny, or approve with conditions the *Preliminary Plan*. The decision

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shall be recorded in the land evidence records within twenty (20) days after the *Planning Board* vote. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the *Applicant* and to any objector who has filed a written request for notice with the *Administrative Officer*.

- v. Failure to Act. Failure of the *Planning Board* to act within the time period prescribed shall constitute approval of the *Preliminary Plan* and a certificate of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued on request of the *applicant*.
- vi. Vesting. The approved *Preliminary Plan* shall be *vested* for a period of two (2) years with the right to extend for two (2), one-year extensions if requested in writing by the *applicant*. The applicant must appear before the *Planning Board* for the annual review and provide proof of valid state and federal permits as applicable. *Vesting* may be extended for a longer period, for good cause shown. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00). The *vesting* for the *Preliminary Plan* approval shall include all general and specific conditions as shown on the approved *Preliminary Plan* drawings and supporting material.

e. Final Plan

- i. Certification. An *application* for *Final Plan* approval shall be *certified complete or incomplete* by the *Administrative Officer* within fifteen (15) days of its receipt in accordance with § IV.B. This time period may be extended to twenty-five (25) days by written notice from the *Administrative Officer* to the *applicant* where the *application* contains changes to or elements not included in the *Preliminary Plan* approval. The running of the time period shall be deemed stopped upon the issuance of a certificate of incompleteness of the *application* by the *Administrative Officer* and shall recommence upon the resubmission of a corrected *application* by the *applicant*. However, in no event shall the *Administrative Officer* be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the *Administrative Officer* certifies the *application* as complete and determines that further submission to the *Planning Board* is not required as stipulated below, the *Final Plan* shall be considered to be approved. Projects proposing *improvement guarantees* shall be referred to the *Planning Board* for review and approval of the cost estimates as part of *Final Plan* approval.
- ii. Decision. The *Administrative Officer* shall, within forty-five (45) days after the *certification of completeness*, or within such further time as may be consented to by the *applicant*, consider any waiver and/or modification of requirements submitted in accordance with § VII.D., and in accordance with the requirements of § VI.D., either: approve, deny, approve with conditions, or deny the *application*. The decision shall be in writing and a copy shall be mailed first class to the applicant.

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- iii. Failure to Act. Failure of the *Administrative Officer* to act within the time period prescribed shall constitute approval of the *Final Plan* and a certificate of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued on request of the *applicant*.
- iv. Recording. The *Final Plan* approval of a *Major Land Development* shall expire one (1) year from the date of approval, unless, within that period, the *Approved Land Development Plan* has been submitted for signature and recording or, upon written request by the *applicant*, who must appear before the *Planning Board*, the *Planning Board* extends, for good cause shown, the period for recording for an additional period.

f. Changes to approved *applications*.

i. Minor changes. Minor changes are those which result in little or no significant impact on surrounding properties or on the safe and efficient flow of traffic through nearby city roadways. For a proposed alteration to be deemed “minor” in nature, it shall meet one or more of the following conditions. The proposed alteration shall:

- (1). Alter the land use mix of the development by a cumulative total of less than ten (10) percent in any use;
- (2). Decrease the overall density of the development by up to 25%;
- (3). Allow minor reorientation of one or more points of access, the internal roadway network and/or the parking plan, made necessary due to actions taken by the City or State subsequent to the approval date of the *Approved Land Development Plan*;
- (4). Allow minor changes in location, orientation and/or design of parking facilities, provided such changes do not decrease the total number of parking spaces;
- (5). Allow minor changes in *structure* location made necessary by previously unforeseen natural conditions;
- (6). Allow changes in landscaping materials, lighting plan and siting of pedestrian and accessory facilities as made necessary by other approved alterations;
- (7). Allow other site design modifications which would not substantially alter the character of the *Approved Land Development Plan*;
- (8). Allow for ancillary *Administrative Subdivisions*; and/or
- (9). Extend the timeline for construction of the *required improvements* for one year. This extension shall not be granted more than twice.

Minor changes shall not include the construction of any additional *structures* other than ancillary *structures* or the reduction in quality of any site *improvements*. Such changes may be authorized without an additional *Planning Board* meeting. A review fee of fifty (\$50.00) dollars shall be submitted for the request. All such changes shall be made a part of the permanent record of the petition. Denial of a request for a minor change shall require submission of a major change. Minor change approvals shall be granted within fourteen (14) days of submission.

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- ii. Major changes. Major changes, changes which are not minor or which are deemed to be major changes by the *Administrative Officer*, may be approved only by the *Planning Board* and must include a public hearing with notice as required by § VI.A.

C. *Paper Street Improvement Review*

1. Certification. An *application* submitted to the *Administrative Officer* shall be *certified as complete or incomplete* in accordance with these Regulations by the *Administrative Officer* within a fifteen (15) business day period from the date of its submission.
2. Review Process:
 - a. Within fifteen (15) days of *certification of completeness*, the *Administrative Officer* shall consider any waiver and/or modification of requirements submitted in accordance with subsection IX.C.2., and in accordance with the requirements of § VI.D., either approve, approve with conditions, or deny the petition expeditiously. Any required information to satisfactorily complete the review shall be provided expeditiously by the applicant or relevant staff, as the case may be. The decision shall be in writing and a copy shall be mailed first class to the applicant.
3. Vesting. Approval of a *Paper Street Improvement* shall expire two (2) years from the date of approval unless within such period any *required improvements* have been completed and a *Paper Street Improvement Certificate* has been issued.
4. Changes to approved *applications*.
 - a. Minor Changes. Minor changes are those which result in little or no significant impact on surrounding properties or on the safe and efficient flow of traffic through nearby city roadways. For a proposed alteration to be deemed “minor” in nature, it shall be limited to changes necessitated by unforeseen site conditions. A review fee of fifty (\$50.00) dollars shall be submitted for the request. All such changes shall be made a part of the permanent record of the petition. Minor change approvals shall be granted within fourteen (14) days of submission.
 - b. Major changes. Major changes, changes which are not minor or which are deemed to be major changes by the *Administrative Officer*, may be approved only by the *permitting authority* and must follow the same review process for approval.

D. *Subdivision*

1. *Administrative Subdivision Review*

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- a. Certification. An *application* submitted to the *Administrative Officer* shall be *certified as complete or incomplete* by the *Administrative Officer* within a fifteen (15) day period from the date of its submission in accordance with § IV.B.
 - i. A copy of the plan will be referred to the Zoning Officer for review and certification of the proposed development as to compliance with the provisions of Chapter 19 Zoning, of the Revised Ordinances of East Providence. The Zoning Officer shall advise the Administrative Officer if additional information is required in order to assess compliance of the plan with Chapter 19, Zoning. The Administrative Officer will not certify completeness until such certification is received, or in the case of a proposed plan requiring variances as determined by the Zoning Officer, until an applicant indicates their intention to proceed with the subdivision and to submit an application for the required variance(s).
 - ii. The Administrative Officer may distribute copies of the *application* to other City staff to assist in review for completeness, as appropriate.
- b. Review Process:
 - i. Upon receipt of a complete application, the Administrative Officer shall distribute copies of the application to the Department of Public Works, Assessment Division, Fire Department, and other local, state and federal departments and agencies for review and recommendation at the discretion of the Administrative Officer, as appropriate.
 - ii. Within fifteen (15) days of *certification of completeness*, the *Administrative Officer* shall, in accordance with the requirements of § VI.D., either: approve, deny or refer it to the *Planning Board* with recommendations. Any approval shall be evidenced by a written decision which shall be filed and posted in the office of the City Clerk. Denial of an Administrative Subdivision shall not be appealable and shall then require the plan to be submitted as a *Minor Subdivision*. The *Administrative Officer* shall report its actions to the *Planning Board* at its next regular meeting for it to be made part of the record.
 - iii. If no action is taken by the *Administrative Officer* within the fifteen (15) days, the petition shall be placed on the agenda of the next regular *Planning Board* meeting. If referred to the *Planning Board*, the *Board* shall consider the *application* and the recommendations of the *Administrative Officer* and shall either approve, approve with conditions, or deny the petition within sixty-five (65) days of *certification of completeness*. Failure of the *Planning Board* to act within the time period prescribed shall constitute approval of the *Administrative Subdivision* plan and a certificate of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued upon request of the *applicant*.

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- c. Vesting. Approval of an *Administrative Subdivision* shall expire ninety (90) days from the date of approval unless within such period a *Final Plat* in conformity with such approval is submitted for signature and recording. Validity may be extended for a longer period for cause shown if requested by the applicant in writing and approved by the Administrative Officer or Planning Board. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00).
 - 1.
- d. Changes to approved *applications*.
 - i. Minor Changes. Minor changes are those which result in little or no significant impact on surrounding properties or on the safe and efficient flow of traffic through nearby city roadways. For a proposed alteration to be deemed “minor” in nature, it shall be limited to changes necessitated by unforeseen site conditions. A review fee of fifty (\$50.00) dollars shall be submitted for the request. All such changes shall be made a part of the permanent record of the petition. Minor change approvals shall be granted within fourteen (14) days of submission.
 - ii. Major changes. Major changes, changes which are not minor or which are deemed to be major changes by the *Administrative Officer*, may be approved only by the *permitting authority* and must follow the same review process for approval.

2. *Minor Subdivision Review*

- a. Unified Development Review. Applications under this subsection D.2. which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development review and a request for review shall accompany the preliminary plan application.
- b. Street Creation or Extension. Any application involving a street creation or extension shall be reviewed by the Planning Board and require a public hearing. The Administrative Officer shall review and grant, grant with conditions or deny all other applications under this Subsection D.2.
- c. Review Stages. *Minor Subdivision* review consists of two stages, *Preliminary Plan* and *Final Plan*, provided that if a *street* creation or extension is involved, a public hearing is required. The *Planning Board* may combine the approval stages, providing requirements for both stages have been met by the *applicant* to the satisfaction of the planning officials.
- d. Re-assignment to Major Review. The *Planning Board* may re-assign a proposed *Minor Subdivision* to *Major Subdivision* review only when the *Planning Board* is unable to make the positive findings required by these Regulations. Where re-assigned, all submittal and review processes for major subdivision shall be followed.

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- e. Preliminary approval.
 - i. Certification. In accordance with § IV.B., an *application* submitted to the *Administrative Officer* shall be *certified as complete or incomplete* in accordance with these Regulations by the *Administrative Officer* within fifteen (15) days of its receipt if no street creation or extension is involved; the *application* shall be *certified as complete or incomplete* by the *Administrative Officer* within twenty-five (25) days of its receipt if unified development review is requested and/or a street creation or extension is involved. If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth herein will not begin until the decision on the modification is made. The running of the time period set forth in this Subsection C.2.d.i. will be deemed stopped upon the issuance of a certificate of incompleteness of the *application* by the *Administrative Officer* and will recommence upon the resubmission of a corrected *application* by the *applicant*. However, in no event will the *Administrative Officer* be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. In the event such certification of the *application* is not made within this time period, the *application* shall be deemed complete for purposes of commencing the review period.
 - ii. Administrative approval. If no street creation or extension or unified development review is required, the administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § VII.D., and in accordance with the requirements of § VI.D., either: approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant. The decision shall be in writing and a copy shall be mailed first class to the applicant.
 - iii. Public Hearing - In the case of a minor subdivision where street creation or extension is proposed or the application is reviewed under the unified development review, a public hearing shall be held by the Planning Board which shall meet the notice requirements set forth in § IV.A..
 - (1). If the development is concurrently applying for major land development project approval, and the public hearing is scheduled for the same Planning Board meeting, the public hearing for the minor subdivision shall be advertised and conducted concurrently with the hearing for the major land development project.
 - iv. Planning Board action. If a request for a *variance(s) / special-use permit* has been made in accordance with unified development review, the *Planning Board* shall conditionally approve or deny the request(s) for the *variance(s) / special-use permit* before considering the *Preliminary Plan*. Approval of the *variance(s) / special-use permit* shall be conditioned on approval of the *Final*

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Plan. The *Planning Board* shall consider any waiver and/or modification of requirements submitted in accordance with § VII.D. and/or subsection IX.C.2., and in accordance with the requirements of § VI.D., either: approve, deny, or approve with conditions the *Preliminary Plan* within ninety-five (95) days of *application* completeness, or within such further time as is agreed to by the *applicant* and the *Planning Board*. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the *Applicant* and to any objector who has filed a written request for notice with the *Administrative Officer*.

- v. *Failure to Act.* Failure of the *permitting authority* to act within the time period prescribed shall constitute approval of the *Preliminary Plan* and a certificate of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued on request of the *applicant*.
 - vi. *Vesting.* Preliminary approval of a *Minor Subdivision* shall expire one (1) year from the date of approval unless within such period a final plan application is submitted. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the Planning Board. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00).
 - vii. *Effect of Preliminary Plan.* Approval of a Preliminary Plan does not constitute approval of a subdivision and a Preliminary Plan shall not be recorded in the Land Evidence records. No lot may be marketed, sold or transferred, or building permit obtained based upon an approved preliminary subdivision.
- f. *Final Plan.* This phase is intended to be ministerial in nature, to ensure that all necessary changes, documentation, etc. have been properly made and submitted. Final plans shall be reviewed and approved by the administrative officer. The administrative officer shall consider any waiver and/or modification of requirements submitted in accordance with § IX.C. and in accordance with the requirements of § VI.C. either approve, deny, approve with conditions or refer the final plan to the Planning Board upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.
- i. *Certification.* In accordance with § IV.B., an *application* submitted to the *Administrative Officer* shall be *certified as complete or incomplete* in accordance with these Regulations by the *Administrative Officer* within fifteen (15) days of its receipt if no unified development review is requested; the *application* shall be *certified as complete or incomplete* by the *Administrative Officer* within twenty-five (25) days of its receipt if unified development review is requested. If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth herein will not begin until the decision on the modification is made. The running of the time period set forth in this Subsection C.2.e.i. will be deemed stopped upon

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the issuance of a certificate of incompleteness of the *application* by the administrative officer and will recommence upon the resubmission of a corrected *application* by the *applicant*. However, in no event will the *Administrative Officer* be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. In the event such certification of the *application* is not made within this time period, the *application* shall be deemed complete for purposes of commencing the review period.

- ii. Decision. Final plans shall be reviewed by the *Administrative Officer*. The officer will report its actions, in writing to the *Planning Board* at its next regular meeting, to be made part of the record. The *Administrative Officer* shall consider any waiver and/or modification of requirements submitted in accordance with § VII.D., and in accordance with the requirements of § VI.D., either: approve, deny, approve with conditions, or deny the *application* within twenty-five (25) days of the certificate of completeness. The decision shall be in writing and a copy shall be mailed first class to the applicant.
- iii. Failure to Act. Failure of the *permitting authority* to act within the time period prescribed shall constitute approval of the *Preliminary Plan* and a certificate of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued on request of the *applicant*.
- g. Vesting. Approval of a *Minor Subdivision* shall expire one (1) year from the date of approval unless within such period a *Final Plat*, in conformity with such approval, and as defined in § VI.E., is submitted for signature and recording. Validity may be extended for a longer period, for cause shown, if requested by the *applicant* in writing, and approved by the *Planning Board*. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00)..
- h. Changes to approved *applications*.
 - i. Minor changes. Minor changes are those which result in little or no significant impact on surrounding properties or on the safe and efficient flow of traffic through nearby city roadways. For a proposed alteration to be deemed “minor” in nature, it shall meet one or more of the following conditions. The proposed alteration shall:
 - (1). Alter the land use mix of the development by a cumulative total of less than ten (10) percent in any use;
 - (2). Decrease the overall density of the development by up to 25%;
 - (3). Allow minor reorientation of one or more points of access, the internal roadway network and/or the parking plan, made necessary due to actions taken by the City or State subsequent to the approval date of the *Final Plat*;

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- (4). Allow minor changes in location, orientation and/or design of parking facilities, provided such changes do not decrease the total number of parking spaces;
- (5). Allow minor changes in *structure* location made necessary by previously unforeseen natural conditions;
- (6). Allow changes in landscaping materials, lighting plan and siting of pedestrian and accessory facilities as made necessary by other approved alterations;
- (7). Allow other site design modifications which would not substantially alter the character of the Final Plat;
- (8). Allow for ancillary *Administrative Subdivisions*; and/or
- (9). Extend the timeline for construction of the *required improvements* for one year. This extension shall not be granted more than twice.

Minor changes shall not include the construction of any additional *structures* other than ancillary *structures* or the reduction in quality of any site *improvements*. Such changes may be authorized without additional public hearings, at the discretion of the *Administrative Officer*. A review fee of fifty (\$50.00) dollars shall be submitted for the request. All such changes shall be made a part of the permanent record of the petition. Denial of a request for a minor change shall require submission of a major change. Minor change approvals shall be granted within fourteen (14) days of submission.

- ii. Major changes. Major changes, changes which are not minor or which are deemed to be major changes by the *Administrative Officer*, may be approved only by the *permitting authority* and must follow the same review process for approval, at the *Preliminary Plan* stage, which shall include a public hearing if originally required as part of the *application*.

3. Major Subdivision Review

- a. Unified Development Review. Applications under this Subsection D.3. which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development review and a request for review shall accompany the preliminary plan application.
- b. Review Stages. Following the *pre-application meeting(s)* outlined in Article III, *Major Land Development* review shall consist of three (3) stages of review, *Master Plan*, *Preliminary Plan*, and *Final Plan*. The Administrative Officer may combine review stages but only the Planning Board may waive requirements as specified in § IX.C. Review stages may be combined only after the Administrative Officer determines that all necessary requirements have been met by the applicant or the Planning Board has waived any submission requirements not included by the applicant in accordance with § IX.C.
- c. ***Master Plan***

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- i. Review for Completeness. The *application* shall be *certified complete or incomplete* by the *Administrative Officer* within twenty-five (25) days in accordance with § IV.B. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the *application* by the administrative officer and will recommence upon the resubmission of a corrected *application* by the applicant. However, in no event will the *Administrative Officer* be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. In the event such certification of the *application* is not made within this time period, the *application* shall be deemed complete for purposes of commencing the review period.
- ii. Distribution and Review. The Administrative Officer shall coordinate review and comment by:
 - (1). Local City departments including, but not limited to, planning, public works, fire, police; the East Providence Conservation Commission; and the Recreation Advisory Board;
 - (2). Adjacent communities;
 - (3). State agencies, as appropriate, including the Department of Environmental Management, Department of Transportation, and the Coastal Resources Management Council; and,
 - (4). Federal agencies, as appropriate.

The Administrative Officer shall review the application and shall comment and make recommendations to the Planning Board. The Administrative Officer will refer any comments received from other local, state or federal agencies responsible for reviewing the proposed development to the Planning Board.

- iii. Public hearing. A *public hearing* shall be held prior to the *Planning Board* decision on the *Master Plan*.
 - (1). If the major land development project is applying for major subdivision master plan approval, and the public hearing is scheduled for the same Planning Board meeting, the public hearing for the major land development project shall be advertised and conducted concurrently with the hearing for the major subdivision.
 - (2). If the major land development project is applying for minor subdivision preliminary plan approval with a street extension or creation, and the public hearing is scheduled for the same Planning Board meeting, the public hearing for the major land development project shall be advertised and conducted concurrently with the hearing for the minor subdivision.
- iv. Decision. If a request for a *variance(s)* / *special-use permit* has been made in accordance with unified development review, the *Planning Board* shall

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conditionally approve or deny the request(s) for the *variance(s) / special-use permit* before considering the *Master Plan*. Approval of the *variance(s) / special-use permit* shall be conditioned on approval of the *Final Plan*. The *Planning Board* shall, within ninety (90) days of *certification of completeness*, or within such further time as may be consented to by the *applicant*, consider any waiver and/or modification of requirements submitted in accordance with § VII.D. and/or subsection IX.C.2., and in accordance with the requirements of § VI.D., either: approve, approve with conditions, or deny the *master plan application*. The decision shall be recorded in the land evidence records within twenty (20) days after the *Planning Board* vote. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the *Applicant* and to any objector who has filed a written request for notice with the *Administrative Officer*.

- v. Failure to Act. Failure of the *Planning Board* to act within the time period prescribed shall constitute approval of the *Master Plan* and a certificate of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued on request of the *applicant*.
- vi. Vesting. The approved *Master Plan* shall be *vested* for a period of two (2) years, with two (2) one (1) year extensions upon written request by the *applicant*, who must appear before the *Planning Board* for the annual review. *Vesting* may be extended for a longer period for good cause shown, if requested by the *applicant* in writing and approved by the *Planning Board*. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00). The applicant must appear before the *Planning Board* for the annual review. *Master Plan vesting* shall include the *zoning* requirements, conceptual layout, and all conditions shown on the approved *Master Plan* drawings and supporting materials. The initial four-year vesting for the approved *Master Plan* shall constitute the *vested rights* for the *subdivision* as required by these Regulations.

For a *phased development*, the approved *Master Plan* remains *vested* as long as it can be proved, to the satisfaction of the *Planning Board*, that work is proceeding on either the approval stages or on the construction of the *development* as shown in the approved *Master Plan* documents. Vesting extends to all information shown on the approved *Master Plan* documents.

- vii. Effect of Master Plan. Approval of a Master Plan does not constitute approval of a subdivision or land development project and a Master Plan application shall not be recorded in the Land Evidence records. No lot may be sold or transferred, or building permit obtained, based solely upon an approved master plan subdivision or land development project.

d. ***Preliminary Plan***

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- i. Certification. The *application* for *Preliminary Plan* approval shall be *certified complete or incomplete* by the *Administrative Officer* within twenty-five (25) days in accordance with § IV.B. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the *application* by the *Administrative Officer* and will recommence upon the resubmission of a corrected *application* by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. In the event such certification of the *application* is not made within this time period, the *application* shall be deemed complete for purposes of commencing the review period.
- ii. Distribution. The *Administrative Officer* shall distribute the plans and supporting materials to applicable city staff for review and shall solicit final written comments and/or approvals of the department of public works, the city engineer, the city solicitor, and other local government departments, commissions or authorities as appropriate. The applicable city staff having received the plans and supporting materials for review shall forward written comments to the *Administrative Officer*. Staff may meet with or without the applicant to discuss the plans. The *Administrative Officer* will forward the comments to the *Planning Board*.
- iii. Public notice. Prior to the first *Planning Board* meeting on the preliminary plan, public notice shall be sent to abutters only at least fourteen (14) days before the hearing
- iv. Decision. If a request for a *variance(s) / special-use permit* has been made in accordance with unified development review, the *Planning Board* shall conditionally approve or deny the request(s) for the *variance(s) / special-use permit* before considering the *Preliminary Plan*. Approval of the *variance(s) / special-use permit* shall be conditioned on approval of the *Final Plan*. If the *Planning Board* denies the request for alteration(s), new *variance(s)*, and/or a new *special-use permit*, the *Planning Board* shall have the option of remanding the application back to the *Master Plan* stage of review or the applicant may consent to an extension of the mandated decision period so that additional information can be provided. The *Planning Board* shall, within ninety (90) days of the date when it is *certified complete*, or within such further time as may be consented to by the applicant, consider any waiver and/or modification of requirements submitted in accordance with § VII.D. and/or subsection IX.C.2., and in accordance with the requirements of § VI.D., either: approve, deny, or approve with conditions the *Preliminary Plan*. The decision shall be recorded in the land evidence records within twenty (20) days after the *Planning Board* vote. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the *Applicant* and to any objector who has filed a written request for notice with the *Administrative Officer*.

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- v. Failure to Act. Failure of the *Planning Board* to act within the time period prescribed shall constitute approval of the *Preliminary Plan* and a certificate of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued on request of the *applicant*.
- vi. Vesting. The approved *Preliminary Plan* shall be vested for a period of two (2) years with the right to extend for two (2), one-year extensions if requested in writing by the *applicant*. The applicant must appear before the *Planning Board* for the annual review and provide proof of valid state and federal permits as applicable. Vesting may be extended for a longer period, for good cause shown, if requested by the *applicant* in writing and approved by the *Planning Board*. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00). The vesting for the *Preliminary Plan* approval shall include all general and specific conditions as shown on the approved *Preliminary Plan* drawings and supporting material.

e. Final Plan

- i. Certification. An *application* for *Final Plan* approval shall be *certified complete or incomplete* by the *Administrative Officer* within fifteen (15) days of its receipt in accordance with § IV.B. This time period may be extended to twenty-five (25) days by written notice from the *Administrative Officer* to the *applicant* where the *application* contains changes to or elements not included in the *Preliminary Plan* approval. The running of the time period shall be deemed stopped upon the issuance of a certificate of incompleteness of the *application* by the *Administrative Officer* and shall recommence upon the resubmission of a corrected *application* by the *applicant*. However, in no event shall the *Administrative Officer* be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the *Administrative Officer* certifies the *application* as complete and determines that further submission to the *Planning Board* is not required as stipulated below, the *Final Plan* shall be considered to be approved. Projects proposing *improvement guarantees* shall be referred to the *Planning Board* for review and approval of the cost estimates as part of *Final Plan* approval.
- ii. Decision. The *Administrative Officer* shall, within forty-five (45) days after the *certification of completeness*, or within such further time as may be consented to by the *applicant*, consider any waiver and/or modification of requirements submitted in accordance with § VII.D., and in accordance with the requirements of § VI.D., either: approve, deny, approve with conditions, or deny the *application*. The decision shall be in writing and a copy shall be mailed first class to the applicant.
- iii. Failure to Act. Failure of the *Administrative Officer* to act within the time period prescribed shall constitute approval of the *Final Plan* and a certificate

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of the *Administrative Officer* as to the failure of the *Planning Board* to act within the required time and the resulting approval shall be issued on request of the *applicant*.

- iv. Vesting. The *Final Plan* approval of a *Major Subdivision* shall expire one (1) year from the date of approval, unless, within that period, the *Final Plat* has been submitted for signature and recording. *Vesting* may be extended for a longer period, for good cause shown, if requested by the *applicant* in writing and approved by the *Planning Board*. Such request shall be accompanied by payment of an extension request fee of fifty dollars (\$50.00).
- f. Changes to approved *applications*.

viii. Minor changes. Minor changes are those which result in little or no significant impact on surrounding properties or on the safe and efficient flow of traffic through nearby city roadways. For a proposed alteration to be deemed “minor” in nature, it shall meet one or more of the following conditions. The proposed alteration shall:

- (1). Alter the land use mix of the development by a cumulative total of less than ten (10) percent in any use;
- (2). Decrease the overall density of the development by up to 25%;
- (3). Allow minor reorientation of one or more points of access, the internal roadway network and/or the parking plan, made necessary due to actions taken by the City or State subsequent to the approval date of the *Final Plat*;
- (4). Allow minor changes in location, orientation and/or design of parking facilities, provided such changes do not decrease the total number of parking spaces;
- (5). Allow minor changes in *structure* location made necessary by previously unforeseen natural conditions;
- (6). Allow changes in landscaping materials, lighting plan and siting of pedestrian and accessory facilities as made necessary by other approved alterations;
- (7). Allow other site design modifications which would not substantially alter the character of the *Final Plat*;
- (8). Allow for ancillary *Administrative Subdivisions*; and/or
- (9). Extend the timeline for construction of the *required improvements* for one year. This extension shall not be granted more than twice.

Minor changes shall not include the construction of any additional *structures* other than ancillary *structures* or the reduction in quality of any site *improvements*. Such changes may be authorized without an additional *Planning Board* meeting. A review fee of fifty (\$50.00) dollars shall be submitted for the request. All such changes shall be made a part of the permanent record of the petition. Denial of a request for a minor change shall require submission of a major change. Minor change approvals shall be granted within fourteen (14) days of submission.

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- ix. Major changes. Major changes, changes which are not minor or which are deemed to be major changes by the *Administrative Officer*, may be approved only by the *Planning Board* and must include a public hearing with notice as required by § VI.A.

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VI – General Provisions

A. Public Hearing and Notice for Petitions

1. A public hearing shall be required at the Master Plan Stage for a Major Land Development requesting unified development review. A public hearing shall be required at the *Preliminary Plan* stage for a *Major Land Development/Major Subdivision*, a *Minor Subdivision* proposing a *street* creation or extension, or a *Minor Land Development* requesting unified development review.
2. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation in the city following the municipality's usual and customary practices for this kind of advertising. The same notice shall be posted in City Hall and one other municipal building in East Providence and made accessible on home page of the City website at least fourteen (14) days prior to the hearing. Notice shall be sent to the applicant, the Barrington, Pawtucket, Providence, and Seekonk Planning Boards, and the East Providence City Council, to those entities listed in subsections IX.G.2. and 3., and to each owner within two hundred feet (200') from the boundaries of the *Assessor's lot(s)* included in the application, by first class mail, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application at least fourteen (14) days prior to the hearing. The notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile.
3. The cost of all such notices shall be borne by the *applicant*. The applicant will be provided with a statement for the cost of the advertisement.
4. Stenographic Services. For those applications requiring a public hearing, the applicant shall reimburse the City of East Providence for the actual cost of the stenographic services. In cases where a stenographer is present at a Planning Board meeting for more than applicant's hearing, each applicant will be provided with a statement for their prorated share of the total costs. Should an applicant wish to obtain a transcript of the record of the hearing, the applicant will directly arrange the obtainment of that transcript with the stenographer or with the stenographer's employment service

B. Phased Developments

The *Planning Board* hereby enables *development* and *subdivision* to be completed in phases, in which *Major Land Developments / Major Subdivisions* are completed in phases. Subsequent to *Master Plan* approval, the *applicant* may include only a portion of the parcel for subsequent approval stages. The *Master Plan* documents shall contain information on the physical limits of the phases, the schedule and sequence of *public improvement* installation, *improvement guarantees*, and the work and completion

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schedules for approvals and construction of the phases. The physical limit of phases shall reasonably align with *structure* boundaries, *lot lines*, *easements*, and *rights-of-way*. Completion schedules, *improvement* and *maintenance* guarantees, progression to additional phases, nor a limit on the number of phases under review at one time are in any way limited by phase. Interim *public improvements*/construction conditions may be approved and removed by phase. Significant changes to previous approvals, as determined by the *Administrative Officer*, shall require resubmission for those approvals.

C. Required Findings

For all *Administrative Subdivisions*, *Minor Land Developments*, *Minor Subdivisions*, *Major Land Developments*, and *Major Subdivisions*, the approving authorities responsible for *land development* and *subdivision* review and approval shall address each of the general purposes of these Regulations and shall make positive findings on the following standard provisions, as part of the project's record prior to approval:

1. The proposed *development* is *consistent with the Comprehensive Plan* and/or has satisfactorily addressed the issues where there may be inconsistencies;
2. The proposed *development* is in compliance with the standards and provisions of the *City of East Providence Zoning Code*;
3. There will be no significant negative environmental impacts from the proposed *development*, as shown on the final plans, with all required conditions for approval;
4. The *subdivision*, as proposed, will not result in the creation of individual *lots* with such *physical constraints to development* that building on such *lots* according to pertinent regulations, codes and building standards would be impracticable. *Lots* with such *physical constraints to development* may be created only if identified as permanent *open space* or permanently reserved for a public purpose on the approved, recorded plans; and
5. All proposed *land development* and all *subdivision lots* have adequate and *permanent physical access to a public street*. *Lot* frontage on a *public street* without physical access shall not be considered compliance with this requirement.
6. All *subdivision* proposals within a *floodplain* are designed to assure that:
 - 1 Such proposals minimize flood damage;
 - 2 All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - 3 Adequate *drainage* is provided to reduce exposure to floodplain.

Except for *Administrative Subdivisions*, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.

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D. Signature and Recording

1. Following approval, the applicant shall submit the *Approved Development Plan Review Plan / Final Plat / Approved Land Development Plan* containing all necessary changes, documentation, and any requirements set forth by the permitting authority during final plan approval as a reproducible plan prepared on mylar or other material capable of clear reproduction meeting the requirements of these Regulations for plan content and format and being of sufficient size to clearly show all required information, however, measuring not more than twenty-four (24) inches by thirty-six (36) inches at its outside edges, along with five (5) paper copies and one electronic .PDF copy of the plat. The final plan shall also be submitted to the City in an electronic .dwg file. The title block shall be revised to show the plan's status as a(n) *Approved Development Plan Review Plan / Final Plat / Approved Land Development Plan*.
2. All signing and recording of a(n) *Approved Development Plan Review Plan / Final Plat / Approved Land Development Plan* shall be coordinated by the Administrative Officer or their agent. Signatures will only be affixed after the twenty-day (20) approval appeal period has expired without the filing of an appeal, or if an appeal has been filed, after the final adjudication of all appeals. Any *required improvement or maintenance guarantees* must be accepted and on deposit or otherwise be held by the City of East Providence.
3. *Approved Development Plan Review Plans, Approved Land Development Plans and Final Plats for Administrative Subdivisions, Minor Land Developments, and Minor Subdivisions* shall be signed by the Administrative Officer. All *Approved Land Development Plans for Major Land Developments and Final Plats for Major Subdivisions* shall be signed by either the Chair or the Secretary of the Planning Board, with the date of approval and attesting to the approval by the Planning Board.
4. Other parts of the petition record, including all meeting records, plans, site analyses, impact analyses, and legal agreements, shall be kept permanently in the Department of Planning.
5. The Administrative Officer shall notify the Tax Assessor and Geographic Information Systems Divisions with the information required by each of the authorities.

E. Improvements

1. The *permitting authority* shall approve any and all agreements for the completion of all *required* and *public* improvements during the course of *Final Plan* approval in the form of: (a) completion of actual construction of all *improvements*; (b) *improvement guarantees*; or (c) a combination thereof.
2. All *required* and *public* improvements must reflect the character defined for that neighborhood or district by the *Comprehensive Plan*.

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3. Where *required* and *public* improvements are constructed without an *improvement guarantee*, the work is to be completed prior to *Final Plan* approval.
4. *Improvement guarantees* shall be in an amount and with all necessary conditions to secure for the City the actual construction and complete installation of all the *required improvements* within the period specified by the *permitting authority*. The amount shall be based on actual cost estimates for all *required improvements* and these estimates shall be reviewed and approved by the *permitting authority*. The *permitting authority* may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions.
5. In case of *land development projects/subdivisions* that are being *approved and constructed in phases*, the *permitting authority* shall specify *improvement guarantee* requirements related to each particular phase.
6. The *permitting authority* shall also require *maintenance guarantees* to be provided for a one- (1) year period subsequent to completion, inspection, and acceptance of the *improvement(s)*, unless there are extenuating circumstances. Such *maintenance guarantee* shall not exceed ten percent (10%) of the original guarantee amount.
7. When utilizing a guarantee, a performance bond (or in lieu thereof, a certified check, tripartite lender agreement, or cash), conditioned on the completion of *required improvements* and maintenance requirements, shall be filed with the *Administrative Officer* prior to the start of construction. The bond will be released when the *Administrative Officer* certifies that the *required improvements* have been satisfactorily completed. Release of performance bonds for *public improvements* requires action of the *City Council*.
8. The City of East Providence is granted the power to enforce the guarantees by all appropriate legal and equitable remedies.
9. All construction shall be inspected and approved by the *Administrative Officer* as substantially constructed in accordance with approval. The *Administrative Officer*, or their designee, shall inspect the *required* and *public* improvements upon the request of the *applicant* and certify that the *required* and/or *public* improvements have or have not been constructed in accordance with approval within fourteen (14) days of request. An inspection fee of two percent (2%) of the *improvement guarantee* (or estimate thereof if constructed without a *guarantee*) shall be provided to the City of East Providence at the time of the inspection request.

F. Dedications to the Public

Signature and recording of the *Approved Development Plan Review Plan / Paper Street Improvement Certificate / Approved Land Development Plan / Final Plat* shall constitute the acceptance by the City of any *public dedications*. As-built drawings must be submitted to the City and the *City Council* must accept all *public dedications* as constructed in accordance with the *Approved Development Plan Review Plan / Paper Street*

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Improvement Certificate / Approved Land Development Plan / Final Plat prior to the City assuming any maintenance or improvement responsibility.

No *public dedications* of *land* or *payment-in-lieu of* may be required until the need for the *dedications* are identified and documented by the City in the *Comprehensive Plan* and the *land* proposed for *dedication* is determined to be appropriate for the proposed *use*.

G. Negative Impacts

The significant negative impacts of the proposed development on the existing conditions must be clearly documented when *dedications* or *payments-in-lieu-of*, *improvements* or *payment-in-lieu-of*, and/or payments are required as a condition of approval to mitigate negative impacts. The required mitigation must be related to the significance of the identified impact.

All payment-in-lieu of *dedication* or *improvement* to mitigate the impacts of the proposed development shall be kept in restricted accounts and shall only be spent on the mitigation of the identified impacts for which it is required. The expenditure of such funds shall be done by an act of the *City Council*.

H. Review Fees

1. The *permitting authority* may require the *applicant* to pay additional review fees to conduct review of impact analyses submitted by applicant and to conduct independent reviews, which may include reviews by City staff. The elements of an application for which the *permitting authority* may require additional review fees shall include, but not be limited to, the following: drainage, traffic, noise, environmental assessments, and geotechnical sampling and testing. In addition, the *permitting authority* may require an architectural peer-review of *Land Development Projects* at the *master* or *preliminary* review stage for projects proposing 75 or more units to encourage a creative building and site design that is in harmony with adjacent land uses in a vibrant pedestrian oriented environment that accommodates public transportation. The amount of the professional review fee escrow shall be based upon written cost estimates prepared by qualified personnel based upon a written scope of work prepared by the Administrative Officer in consultation with applicable city staff. The applicant shall be afforded opportunity to review and comment on the scope of work and the proposed fees. These review fees shall be deposited in a review escrow account established by the City.
2. If any such review is required by the *permitting authority*, the *permitting authority* shall so indicate that at the Pre-Application stage of review, based upon a recommendation of the *Administrative Officer*. The *permitting authority's* determination will be based upon the understanding of the *permitting authority* and staff, at that time, of the issues posed by an *application*. This shall not preclude the *permitting authority* from requiring such review at a later stage in the review process if additional information is received which leads the *permitting authority* to believe that such is required for an adequate review of the proposal.

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3. As part of the public record the *permitting authority* shall indicate its intent to spend any portion of this account and shall specify the purpose for the proposed expenditure(s). Those monies deposited by the applicant and not spent by the in the course of the review shall be returned to the applicant within thirty days (30) after the *permitting authority* renders its final decision on the application.

I. Payments

All payments required in these Regulations shall be made via check payable to the City of East Providence (preferred) or cash to the *Administrative Officer* or their designee.

The *permitting authority* may permit, as a condition of approval, the payment of cash or cash equivalents to the City of East Providence or a worthwhile charitable organization when requirements for mandatory *dedication of land or improvements* or construction of *improvements* are not met because of physical conditions of site or other reasons or to offset significant negative impacts.

The formula for calculating a *payment-in-lieu of dedication for land* that would otherwise have been *dedicated* shall be \$10 per square feet of *land* for natural areas and \$100 per square feet of *land* for developed areas.

The formula for calculating a *payment-in-lieu of construction of improvements* shall be one-hundred-fifty-percent (150%) of the estimated cost of the construction of the required improvements under typical site conditions.

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VII – Physical Design Requirements

A. Protection of Natural Features

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and other community assets. Approval may be conditioned upon these assets being preserved, with or without a covenant.

B. Standards for *Minor* and *Major* Subdivisions

1. *Lots*

- a. The shape and orientation of *lots* shall be appropriate for the location of the *subdivision* and the type of *development* contemplated.
- b. All *lots* shall be served by public sewer and water.
- c. All *lots* shall have *satisfactory access to a public street*.
- d. *Side lot lines* shall be substantially at right angles or radial to street lines.
- e. Proposed lots and access thereto shall be designed to minimize conflict with existing adjacent uses, driveways, buildings or other structures, streets, intersections, hills, curves or other similar existing features;
- f. All lots for development shall have at least forty feet (40') of frontage, with the exception of townhouses/rowhouses.
- g. Wherever possible and practical, the lots shall be subdivided so as to avoid creation of individual lots having sole direct frontage on an existing public arterial or collector street. In such cases, the permitting authority shall require the applicant to submit alternative plans to demonstrate the feasibility of creating other types of subdivisions, such as an internal street.
- h. Double frontage and reverse frontage *lots* should be avoided, except where needed to overcome specific disadvantages, such as *arterial streets*, topography or orientation. A screen planting in a non-access reservation at least ten (10') feet wide shall be provided in such cases.
- i. Lot lines shall be substantially at right angles whenever possible.
- j. Scenic views shall be maintained to the greatest extent possible.
- k. Subdivisions that are 75 units or more shall be designed with creative building and site design in a vibrant pedestrian oriented environment that accommodates public transportation

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- l. Lots with off-street loading and parking shall be of sufficient depth and width to afford such use
 - m. In cases where there is the potential for further subdivision of the parcel which is the subject of the application under current applicable zoning regulations, the Planning Board shall consider the impacts from such future development in their review of the proposed subdivision and may impose any or all of the requirements and standards allowed by these Regulations.
2. *Street Names*

The primary goal of a *street* name is to provide emergency services and the US Postal Service with clear and accurate addresses that meet the requirements of the 911 program on both public and private properties. The proposed name cannot duplicate or be similar to any other *street* within East Providence. A street planned as a continuation of or that is obviously in alignment with an existing street shall be given the same name as the existing street. It must be easy, uncomplicated, conventional, and use appropriate words so that children can use the name in an emergency. Homonyms having similar pronunciation but different spelling of similar *streets* within East Providence is prohibited. No special characters are allowed. The name must be short enough to fit onto a 36" street sign using East Providence and Federal Standards.

3. *Blocks*
 - a. The length, width, and shape of city blocks shall be determined with due regard to:
 - i. Provision of adequate building sites for the type of *use* contemplated;
 - ii. *Zoning* requirements as to *lot* sizes and dimensions; and
 - iii. Need for convenient access, circulation and safety of pedestrian and vehicular traffic.

C. Standards for *Development Plan Review* and *Land Development Projects*

In accordance with §§ 19-361 (d) and 448 (c) of the Zoning Code, development plan review land development projects applications, respectively, are subject to the design standards of this section. Applications shall be reviewed by relevant City staff, including, but not limited to, the City Engineer, Fire Marshal and Zoning Officer, for consistency with these standards.

1. Purpose and objectives. The purpose of this section is to promote and protect public health, safety, general welfare and amenity. Effective site planning, development design, and landscaping can accomplish the following objectives:

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- a. Promote the most desirable use of land and arrangement of development in the city and thus to conserve the value of land and buildings, and thereby protect the city's tax revenues;
 - b. Improve the physical environment through the provision of amenities such as open space, street trees, and live vegetation;
 - c. Preserve the character and scale of existing development and control new development in conformity with the existing character of the area;
 - d. Provide a transition between and a reduction in the environmental, aesthetic, and other impacts of one type of land use upon another;
 - e. Promote safe and efficient pedestrian and traffic circulation patterns;
 - f. Lessen the transmission of noise, dust, pollution and glare from one lot to another;
 - g. Improve air quality through production of oxygen and reduction of dangerous carbon monoxide;
 - h. Through shading, provide cooling of air and land to offset radiational heating;
 - i. Minimize the negative impacts of stormwater runoff to enhance and protect surface and groundwater quality; and promote effective flood management;
 - j. Control damaging impacts of sheet runoff and resultant surface water contamination;
 - k. Through vegetative root systems, stabilize groundwater tables and play an important and effective part in soil conservation, erosion control, flood control, and absorption of pollutants.
2. Development standards.
- a. Compatibility. Applicants are encouraged to design developments consistent with the goals of the *Comprehensive Plan*, including proposed style and materials, the relationship between any proposed buildings and the site, and the overall physical appearance.
 - b. Townhouse development design. Not more than four contiguous townhouses shall be built in a row with the same or approximately the same front line, and not more than eight townhouses shall be contiguous. Each townhouse should have its own yard containing not less than 400 square feet, reasonably secluded from view from the street or from neighboring property. Such yards may occur in required setbacks, but shall not be used for off-street parking, garages, driveways, trash units, or for any accessory building.

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- c. Infill development design. Any residential, commercial or industrial developments on lots with less than 200 feet of street frontage, shall be considered infill developments. The design of such developments shall take into consideration the prevailing street setbacks and facade heights of abutting developments.
- 3. Contextual design.
 - a. New buildings exist in context with adjacent buildings. Additions exist in context with earlier portions of a building.
 - b. Additions to buildings shall relate to the existing building in architectural details and composition.
 - c. Transition lines create a distinction between upper and lower stories. New buildings or façade redesign shall use transition lines to relate to existing adjoining buildings.
 - d. Building facades shall be built within a build-to zone of between zero and eight feet from the front setback line. Such facades shall occupy this build-to zone for at least 80% of each lot frontage of the property.
 - e. Building height and massing shall relate to adjacent structures.
 - f. Buildings that have side walls that are adjacent to publicly accessible space should add detail, glazing or entrances to the side wall to avoid large blank surfaces.
- 4. Massing.
 - a. The second floor shall be a minimum of 12' above grade at the street facade.
 - b. The first-floor height of additions may align with the first-floor height of an existing building.
- 5. Façade design.
 - a. Building facades facing rights-of-way shall not contain blank wall areas that exceed 25 linear feet measured parallel to the right-of-way. Blank walls shall be separated by areas of transparency of at least three feet in width.
 - b. Building facades that are 100 linear feet or more shall include a repeating architectural pattern with two or more of the following elements: color change, texture change, material change, or a wall articulation change such as a reveal, pilaster, or projecting rib.
 - c. Awnings shall be constructed of metal, canvas, or fire-resistant acrylic. Use of plastic and vinyl are prohibited.

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- d. Dome and waterfall awning types are prohibited, with the exception of a dome awning over the building entrance only. The use of one continuous awning across more than one building is prohibited.
6. Fenestration.
- a. Ground floor facades with commercial use and customer entrance shall contain a total area of transparency of 50% or more of the wall area of the ground floor, measured between two and nine feet above the adjacent grade.
 - b. Commercial facades within ten feet of a sidewalk shall provide areas of transparency equal to at least 20% of the wall area, between the height of one and 12 feet from the ground.
 - c. Service entrances shall contain a peephole or video system that shows the vicinity of the service entrance to those opening the service door.
 - d. For existing structures originally designed for retail use on the ground floor, the ground floor shall maintain the original storefront design and shall not be modified to the ground floor transparency minimum.
 - e. Residential uses shall provide areas of transparency equal to at least 15% of each facade area.
 - f. Upper story façade residential and commercial uses shall provide areas of transparency equal to at least 35% of the wall area of the story on all sides of the building.
 - g. For automotive commercial parking garages, the area of transparency may be met with windowless openings.
 - h. Windows shall only be composed of clear or lightly tinted glass. Highly reflective window coatings are prohibited. The use of opaque materials such as vinyl, brick, metal, or sheetrock to cover or fill a window opening is prohibited.
7. Entrance design.
- a. All buildings shall have an orientation to and pedestrian entrance from the sidewalk along the primary building frontage.
 - b. Buildings shall be designed to have multiple entrances, with no more than 50 feet between entrances.
 - c. Entrances shall be architecturally distinct from the remaining portions of the façade along which they are located.

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- d. A ground floor building entrance shall not be recessed more than six feet from the required front build to line, and shall not be wider than eight feet. Such a recess is considered to meet any required minimum build-to percentage.
8. Roof.
- a. Parapet walls along the roof shall feature three-dimensional cornice treatments or other shadow-creating details.
 - b. “Green” (supporting plant life on its surface) and “blue” (limiting stormwater runoff) roof designs are encouraged.
 - c. Reflective surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.
9. Building materials. The primary exterior finish materials on the facade shall be:
- a. Brick and terra cotta
 - b. Natural stone
 - c. Cast stone
 - d. Glass
 - e. Metal
 - f. Wood
 - g. Wood-texture-simulated vinyl
 - h. Cement-based composite
 - i. Phenolic resin- based composites, or other similar material.
- The use of non-durable materials such as vinyl and other similar products is prohibited on the ground floor within 10 feet of a public right-of-way.
10. The following building materials are prohibited on any façade; however, such materials may be used as decorative or detail elements for up to 25% of the façade:
- a. Corrugated metal
 - b. Cellular vinyl trim
 - c. The following building materials are prohibited on any façade:

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- d. Plain concrete block
- e. Glass block
- f. Exposed aggregate (rough finish) concrete wall panels
- g. T-111 composite plywood siding
- h. Plastic

11. Mechanical equipment.

- a. Mechanical equipment located on the ground or on the roof shall be screened so as not to be visible to a pedestrian from within the adjacent right-of-way. The screening shall complement the design of the building through the use of similar materials, colors, finishes and architectural details.
- b. Louvers, exhaust equipment, ducts, alarm devices, cable boxes, utility meters and other mechanical and/or electrical equipment shall not be mounted on the front main façade.

12. Security grates.

- a. The use of solid roll down security grates is prohibited.
- b. Alternatives to solid roll down grates include ornamental wrought-iron doors, interior roll down grates or other security devices that can be completely concealed during regular business hours.
- c. Security guards shall be designed so as not to impact the historic quality of existing buildings.

13. Fencing and walls. Walls and fences shall be erected where required for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions. The design and materials used shall be functional and compatible with existing and proposed site architecture. No fence or wall shall be so constructed or installed as to constitute a hazard to traffic or safety.

- a. Fences and walls visible from occupiable land, structures, and water outside the owner's property:
 - i. Exterior landscaping walls shall be faced to complement the surrounding architecture.

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- ii. Walls of a uniform material shall vary in pattern, texture, and color, and employ elements such as columns, pilasters, banding, or cornices to interrupt the monotony of continuous lengths of wall.
- iii. Fences shall be constructed of cedar or other rot-resistant wood; or painted, sealed, or stained other solid wood; steel; aluminum; or wrought or cast iron and may include stone or brick piers. Fence colors should blend into the landscape.
- iv. Fences and walls shall not exceed seven feet in height.

14. Signs. Signs must comply with Article X - Signs and shall meet the following additional standards:

- a. The maximum total area of all permanent signs on a facade shall not exceed three square feet per one linear foot of building frontage.
- b. Window signs are not included in the above calculation.
- c. Permanent signs shall be made of metal, painted wood, or other painted similar material (no plastic). This does not apply to awning and canopy sign material.

15. Lighting. Lighting must comply with the *Zoning Code* and shall meet the following additional standards:

- a. Light fixtures shall be decorative or concealed.
- b. Electrical conduit and junction boxes shall be located so as to minimize or, if possible, eliminate their visibility from the public right-of-way.
- c. Building lighting shall be appropriate to the building's architectural style.
- d. Path and pedestrian walkway lighting is encouraged. Lighting shall be contextual. Light levels shall be a minimum of 0.5 foot candles and no more than 2 foot candles.
- e. Indirect lighting shall be provided where possible.
- f. Illumination levels shall be minimal along property lines and shall not intrude upon abutters without their consent.

16. Landscaping standards.

- a. General requirements.
 - i. Landscaping shall be provided as part of site plan design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site

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design, preserving and enhancing the particular identity of the site where appropriate. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, and street furniture.

- b. Site protection and general planting requirements.
 - i. Topsoil preservation. To the maximum extent practicable, the developer shall minimize the areas of the site to be re-graded or disturbed.
 - ii. Protection of existing plantings. Maximum effort should be made to save tree or other plant specimens which are large for their species, rare to the area, or of special horticultural or landscape value. In the event that any such tree or plant specimens are to be removed, they are to be replaced elsewhere on the project site with specimens of a comparable size and type.
 - iii. Slope plantings. Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot vertically to three feet horizontally shall be planted with vegetative ground cover appropriate for the purpose and for soil conditions and environment.
 - iv. Additional landscaping. In residential developments, besides the screening and street trees required, additional plantings or landscaping elements may be required throughout the development to mitigate climatic extremes, to promote effective drainage control, to mitigate water and air quality impacts, provide privacy and enhance the appropriate use of adjacent properties, in accordance with the landscape plan as approved by the *permitting authority*. In nonresidential developments, all areas of the site not occupied by buildings and *required improvements* shall be landscaped by the planting of grass or other vegetative ground cover, shrubs, and trees as part of the approved landscape plan.
 - v. Planting specifications. Deciduous trees shall have at least a 2½-inch caliper at the time of planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub.
 - vi. Plant species. The plant species selected should be hardy for the particular climatic zone in which the development is located and appropriate in terms of function and size. The applicant is encouraged to select plant species which have minimal requirements for watering and fertilization. In selection of plant species reference shall be made to the plant types recommended in the land development and subdivision review regulations or of a variety approved by the superintendent of parks.
- c. Street trees.

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- i. Location. Except where greater distances are approved by the *permitting authority* for the maintenance or planting of large shade trees, shade trees shall be either planted or maintained at intervals of no more than 35 feet on center along both sides of all new or existing streets abutting a development site in accordance with the approved landscape plan.
 - ii. Tree type. Tree type may vary depending on overall effect desired, but as a general rule, all trees on a street shall be the same kind except to achieve special effects.
 - iii. Planting specifications. Street trees shall have a minimum caliper of 2 1/2 inches at time of planting, and be nursery grown, of substantially uniform size and shape and have straight trunks. Street trees with the exception of ornamental trees, shall have or will have, when fully mature, a minimum caliper of 12 inches.
- d. Buffering.
- i. Function and materials. Buffering shall provide a year-round visual screen in order to minimize adverse impacts. The buffer may contain fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the objectives.
 - ii. When required. Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when there is a need (1) to shield neighboring properties from any adverse external effects of a development; or (2) to shield the development from negative impacts of adjacent uses; or (3) to minimize stormwater impacts on flood management and water quality. In high-density developments, when building design and siting do not provide privacy, the *permitting authority* may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways.
 - iii. Minimum amount required.
 - (1). A five-foot (5') buffer strip of grass or other vegetation is required around the entire perimeter of the site, except for driveways and paths for direct offsite access.
 - (2). Where more-intensive land uses abut less-intensive uses (including situations where a street or right-of-way separates the uses), a buffer strip twenty-five feet (25') in width shall be required between such uses.
 - (3). Parking lots, garbage collection and utility areas, and loading and unloading areas should be screened around their perimeters by a buffer strip a minimum of five feet (5') wide.

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- (4). Where residential developments abut both *higher-classification streets* (collectors or arterials) and *lower-classification streets*, lots shall front on *lower-classification streets*, and a landscaped buffer area shall be provided along the property line abutting the *higher-classification street*. The buffer strip shall be a minimum of twenty-five feet wide (25') or wider where necessary for the health and safety of the residents. It shall include both trees and shrubs.
 - iv. Design. Arrangement of plantings in buffers shall provide maximum protection to contiguous properties and avoid damage to existing plant material. Earthen berms may be used in the buffer design, provided side slopes are adequately stabilized by plant materials. Such berms may be used to calculate effective buffer height.
 - v. Planting specifications. Plant materials shall be sufficiently large and planted in such a fashion that a year-round effective buffer height at least eight feet in height shall be produced within three growing seasons. All plantings shall be installed according to accepted horticultural standards.
- e. Parking areas.
- i. Trees. Except where greater distances are approved by the *permitting authority* for the maintenance or planting of large shade trees, shade trees shall be either planted or maintained at intervals of no more than 35 feet on center around all parking areas in accordance with the approved landscape plan.
 - ii. Parking areas shall be suitably landscaped with trees, shrubs, plants or other live vegetation. In addition to the required buffer strip a minimum of ten square feet of landscaping for each parking space shall be provided within the interior of any off-street parking area. Each row of parking spaces shall be terminated by landscaped islands which measure not less than five feet in width and not less than 18 feet in length. The interior of the parking area shall incorporate landscaped areas in appropriate locations in order to prevent long, uninterrupted rows of parking spaces. Such landscaped islands may be included in calculating the required landscaped area. Interior islands and divider medians shall be protected from encroachment of motor vehicles. Pedestrian paths may be incorporated within the landscaped area, provided a minimum dimension of four feet, exclusive of paved areas, is maintained for all landscaped areas.
 - iii. The interior of parking areas shall be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least 12 inches in diameter. The minimum caliper of new trees at time of planting shall be at least 2½ inches. At maturity, each tree shall be presumed to shade a circular area having a radius of 15 feet with the trunk as the center, and there must be sufficient trees so that, using this standard, 20 percent of the parking area will be shaded. Trees shall be located so that they

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are surrounded by at least 180 square feet of unpaved area, which may be counted towards calculating the required landscaped area. Parking areas shall be laid out and detailed to prevent vehicles from striking trees and to provide for the healthy growth of the selected tree species. Vehicles will be presumed to have a body overhang of three feet six inches.

17. Automotive commercial parking garages. Automotive commercial parking garage facades shall conceal the entirety of all parked vehicles from the view of a pedestrian within right-of-way.
18. Surface parking. Surface parking is discouraged but is permitted subject to the following conditions:
 - a. Surface parking is not permitted in front of the building.
 - b. Drive aisles and driveway access should be nine feet per travel lane. The maximum width of drive aisles and the driveway access is 24 feet.
 - c. On a lot with street frontage, accessory use parking is prohibited within 20 feet of the street.
 - d. Surface parking shall be separated from the right-of-way by a landscaped strip of 6' or more.
 - e. Surface parking areas for multifamily, commercial, and industrial uses shall be landscaped or fenced to shield the parked cars from view from pedestrians on the right-of-way.
 - f. The surface parking surface shall utilize low-impact-development practices appropriate to an urban environment consistent with city ordinance and state laws to treat and discharge stormwater.
 - g. Light poles shall not exceed 18 feet in height.
 - h. Impervious surfaces shall be limited to the minimum area necessary for the surface parking.
 - i. All parking areas shall provide the minimum required widths for traffic aisles and driveways as described in the table below. At the discretion of the city traffic engineer, the width of the aisles and driveways may be required to be greater than the minimum, should traffic and safety considerations so warrant.

	Parking Angle (in degrees)				
	0	30	45	60	90
One-way traffic aisle width	13'	11'	13'	18'	24'

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Two-way traffic aisle width	20'	20'	21'	23'	24'

- j. Pedestrian and vehicular circulation. Pedestrian and vehicle circulation areas shall be designed so as to provide safe and efficient traffic flow patterns. Conflicts between pedestrian and vehicular traffic shall be minimized by providing physical and visual separation between pedestrian ways and traffic lanes or at crossings of the two.
 - k. Signage. The placement of all directional and street level advertising signage shall be subject to the review and approval of the traffic engineer to ensure that safe and efficient traffic circulation patterns and adequate sight distances will be maintained both within the public right-of-way and the interior site parking area.
19. Loading.
- a. Off street loading docks and areas are subject to following provisions:
 - b. Access to loading docks and areas from a main frontage street is permitted only when the lot has no frontage on a secondary street.
 - c. Exterior loading docks on front facades are prohibited.
 - d. Loading on front facades shall be screened from view by solid, non-transparent doors which shall remain closed when the loading dock is not in use. The doors used to screen the docks shall be designed to be consistent with similar building elements, such as windows and doors, and be constructed of materials found elsewhere on the building.
 - e. The maximum width of the driveway access to the loading dock/area is 12 feet per travel lane and 24 feet total.
- Impervious surfaces shall be the minimum area necessary for the loading function.
20. Paving materials for pedestrian areas. Design and choice of paving materials used in pedestrian areas shall consider such factors as function, climate, characteristics of users, availability, cost, maintenance, glare, drainage, noise, appearance, and compatibility with surroundings. Acceptable materials shall include, but are not limited to, concrete, brick, asphalt, asphaltic pavers, cement pavers, and stone.
21. Street furniture. Street furniture, such as, but not limited to, trash receptacles, benches, and bus shelters, shall be located and sized in accordance with function. The different street furniture components shall be compatible in form, material, and finish. Design and materials shall be coordinated with existing and proposed site architecture. Selection of street furniture shall also take into consideration function, durability, maintenance, and long term cost.

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22. Drainage/erosion standards.

- a. Purpose and objectives. The purpose of this subsection is to promote the design of developments which effectively control the impacts of erosion, inadequate drainage and stormwater runoff. Effective drainage, site design techniques and erosion control can accomplish the following:
 - i. Reduce nonpoint source pollutants generated from erosion of sediments and stormwater runoff;
 - ii. Prevent damage to private and public property from flooding caused by poor drainage system design;
 - iii. Improve surface water and groundwater quality by minimizing runoff volumes and peak discharge rates, and by promoting the overland flow and infiltration of uncontaminated runoff;
 - iv. Minimize the negative impacts of stormwater runoff to enhance and protect surface and groundwater quality, and promote effective flood management;
 - v. Through vegetative root systems, stabilize groundwater tables and play an important part in soil conservation, erosion control and flood control.
- b. Soil erosion and sedimentation. Soil erosion and sediment runoff shall be adequately controlled during and after construction and shall not adversely affect adjacent or neighboring properties, surface water and groundwater, or public facilities and services.
- c. Drainage standards.
 - i. Drainage system. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
 - (1). The retention results from a technique, practice or device installed as part of an approved sedimentation or stormwater runoff control plan; or
 - (2). The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.
 - ii. No surface water may be channeled or directed into a sanitary sewer.
 - iii. To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and preexisting manmade drainageways shall remain undisturbed.

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- iv. Whenever practicable, the drainage system of development shall coordinate with and connect to the drainage system or drainageways on surrounding properties or streets.
- v. Drainage systems shall be designed so that there will be no increase in the rate of runoff from the post-development site as compared to the predevelopment site based on an assumption of a predevelopment site condition of vacant land.
- vi. Underground or aboveground detention or retention basins shall be designed to accommodate a minimum 25-year storm. For any detention or retention systems proposed to be located within special flood hazard zones (as defined by the Federal Emergency Management Agency's flood insurance rate map and flood boundary and floodway map, as may be amended), such systems shall be designed to accommodate a minimum 100-year storm.

For all retention or detention basins, whether aboveground or underground, percolation tests and test pits shall be performed at the proposed site of the basin in accordance with the requirements of the city engineer. This information will determine the suitability of the subsurface to accommodate the designed basin. The maximum high groundwater (HGW) level shall also be determined at the location of any proposed detention or retention basins. The HGW level shall be determined between January and April. If the HGW level is not determined between January and April, a registered professional engineer shall estimate and certify the maximum HGW.

- vii. Stormwater management. All developments shall be constructed and maintained such that adjacent or neighboring properties are not unreasonably burdened with surface waters as a result of such developments.
 - (1). No development may be designed such that development unreasonably impedes the natural flow of water from higher adjacent or neighboring properties across such development, thereby unreasonably causing substantial damage to such higher adjacent or neighboring properties;
 - (2). No development may be designed such that surface waters from the development are unreasonably collected and channeled onto lower adjacent or neighboring properties at such locations or at such volumes as to cause substantial damage to such properties. The drainage plan shall address potential impacts on downstream property based on a 25-year storm. Off-site analysis shall be included in the drainage plan when required by the *permitting authority*; and
 - (3). Storm drains shall be designed based on a ten-year storm design.
- viii. Impermeable surface coverage.

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- (1). Amount permitted. For developments located near (within 200 feet of surface waters which are sensitive to runoff impacts, or for any developments from which runoff is discharged into any wetland or coastal feature, as defined by the state department of environmental management or the RI CRMC, the *permitting authority* may require a reduction of up to ten percent of the maximum allowable area of impermeable surface in order to mitigate the potential impact to the surface waters or wetland system.
- (2). Design. Applicants shall integrate the location of permeable surfaces with the overall drainage plan for the site. Natural buffer strips should be maintained adjacent to surface waters. Where this is not possible, vegetative filter strips, using seed mixtures recommended for this purpose and which require minimal or no fertilization should be used.

23. Drive-throughs.

- a. For sites involving multiple buildings or a multiple tenant building, the plans submitted shall address the relationship of the parking, driveways, stacking lane(s) and other applicable aspects of the drive-through facility with the other buildings or tenants. The purpose of this section is to reduce the negative impacts associated with drive-through facilities including noise, traffic and litter.
- b. Stacking lanes/traffic circulation. Vehicular stacking capacity of the drive-through facility and the internal circulation of the site shall be reviewed and approved by the City Engineer and Fire Marshal. The petitioner shall submit information addressing the following issues with the application:
 - i. Nature of the product or service being offered;
 - ii. Method by which the order is processed;
 - iii. Time required to serve typical customer;
 - iv. Anticipated arrival rate of customers;
 - v. Peak demand hour;
 - vi. Anticipated vehicular stacking required;
 - vii. Site plan reflecting all elements of internal circulation including parking, loading, stacking, traffic aisles and means to be used to delineate between these areas, e.g., striping, change of materials, landscaping etc.;
 - viii. Location and size of signs (including order boards);
 - ix. Location of trash storage areas and consumer trash receptacles;

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- x. Location, direction, power and timing of outdoor lighting; and
- xi. Areas for snow storage.
- c. Stacking spaces for vehicles waiting to complete a transaction shall be provided in addition to the off-street parking spaces required under the *Zoning Code*. The following are guidelines for numbers of stacking spaces by type of use. The required amount is to be calculated by the *permitting authority* based on these guidelines and information provided:

Restaura nt	7 per station
Bank	5 for the first station, plus 2 for each additional station
Use with no order board	4 per station

In addition there shall be at least one stacking space after the service window, before entrance to a traffic aisle.

- d. Each stacking space shall be a minimum of ten feet in width and 20 feet in length. Stacking lanes shall be a minimum of ten feet in width along straight portions and a minimum of 12 feet in width at curved segments. Stacking lanes shall be clearly designated by signs and delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping, the use of alternative paving material and/or raised medians.
- e. Stacking lanes shall be designated to prevent circulation congestion, both onsite and on adjacent public streets. The site circulation shall:
 - i. Separate drive-through traffic from site circulation;
 - ii. Not impede or impair vehicular or pedestrian traffic movement; and
 - iii. Minimize conflicts between pedestrian and vehicular traffic by providing physical and visual separation between pedestrianways and stacking lanes and driveways, or at the crossing of the two. Stacking lanes shall not interfere with required loading and trash storage areas. No drive-through lane shall enter from or exit onto a street.
- f. Walk-in customer access should not intersect the drive-through lanes, but where it does, raised pedestrian crosswalks shall be provided. These crosswalks must be

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emphasized by enriched paving or striping and include signage aimed at drivers in the drive-through lane.

- g. Entrances to drive-through facilities shall be offset at least 50 feet from an intersection. The distance shall be measured along the property line from the junction of the two right-of-way lines to the nearest edge of the entrance. Where a choice is possible, exits from facilities with a drive-through shall be onto collector or arterial streets rather than minor streets. Curb cut design shall be consistent with the additional provisions of these regulations.
- h. Signage and lighting. Menu boards or other informational boards at the window area shall face away from public rights-of-way. Adequate directional signs shall be provided to assure smooth traffic circulation and pedestrian safety including marking entrances, exits and one way path of drive-through areas. The placement of all directional and street level advertising signage shall be subject to the review and approval of the development plan review committee to ensure that safe and efficient traffic circulation patterns and adequate sight distances will be maintained both within the street and the interior site parking area. The facility is subject to the signage standards of Zoning Regulations Article VII, Section 19-442. All lighting associated with the menu boards, window service area, or site security shall be directed and shielded to prevent any glare or reflection on adjoining streets or property.
- i. Litter and noise control.
 - i. Drive-through facilities are subject to the requirements of Article IV, Division 10 of the *Zoning Code*, Solid Waste Facilities, with regard to trash storage areas. The business shall be operated so that the premises, adjacent properties, and public areas or rights-of-way nearby are free of litter and trash originating from the site. In addition, refuse receptacles for customer use shall be placed at appropriate locations along the end of drive-through areas.
 - ii. Exterior loudspeakers shall not be used for advertising or entertainment. No outside loudspeaker system shall be installed within 50 feet of a residential use or district. Limitations on the hours of operation for the outdoor speaker system may be necessary in order to be compatible with neighboring residential uses. Outdoor speakers with a nighttime lower volume control are preferred.
- j. Landscaping. Drive-through facilities are subject to the landscaping and buffer requirements of this section for parking areas. In addition, the facility shall provide landscaping to screen drive-through lanes from public rights-of-way and minimize the visual impact of reader boards and headlights of stacked cars.
- k. Storage of flammable and hazardous materials. Flammable and hazardous materials used in the conduct of a drive-through business shall be stored within the building or outside the building in accordance with § 5-28 of the revised East Providence

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ordinances. Proper care shall be exercised in the location of fuel storage containers to protect public safety.

- l. Protection of gas meters. Where a gas meter is within striking distance of a drive-through lane, every business which utilizes drive-through service lanes must install a six-inch steel pipe, concrete filled, to be placed within two feet of the property's gas meter to protect such meters from being accidentally struck while vehicles are moving through the drive-through lane.
24. Exterior Insulation and Finish Systems (EIFS) is permitted provided that the following conditions are satisfied:
- a. EIFS must include an integral air and moisture barrier.
 - b. So that it is impact resistant, for areas up to 8 feet above grade, the EIFS shall include a base mesh layer weighing a minimum 20 oz./sq. yd., followed by a second mesh layer weighing a minimum of 4 oz./sq. Yd.
 - c. For all areas exposed to direct impact higher than 8 feet above grade (such as balconies), the use of a single layer of reinforcing mesh with a minimum weight of 12 oz./sq. yd. is required.
 - d. The material shall be an aesthetically-appropriate facsimile of stone, brick, stucco, metal panel, or other traditional building material.
 - e. Removal or covering of historic features in order to install EIFS shall be prohibited.

D. Waivers.

The permitting authority may waive the requirements of this Article for good cause shown, e.g. where the unique site conditions support a granting of a waiver in support of sound planning and without detriment to the character of the city of East Providence. These provisions may be waived to create courtyards, wider sidewalks, open space, and/or outdoor seating. It is preferable that such areas contribute to a planned network of connected pedestrian and bike ways and parks.

VIII – Public Design and Improvement Standards

A. Applicability

The applicant shall construct all *improvements as required* by these Regulations at their own expense. All *required improvements* shall reflect the physical character and design for that neighborhood as specified in the *Comprehensive Plan*.

1. Consistency with the Comprehensive Plan

- a. The proposed *land development project / subdivision* shall be consistent with, as far as practicable, the *Comprehensive Plan*.

2. Consistency with published standards.

All *public improvements* shall be consistent with the standards and details published by the Department of Public Works prior to the application's date of vesting.

3. Resiliency

All improvements constructed pursuant to this article shall be designed and constructed to eliminate or minimize flood damage.

4. Paper Streets

Where access to *lot(s)* being *subdivided* or *development* subject to a building permit is proposed to be from a *paper street(s)*, the *applicant* shall be required to improve said *street(s)* in full accordance with this article from the improved *public street(s)* to their *lot(s)*.

5. Streets

- a. General Design: The arrangement, character, extent, width, grade, and location of all *streets* shall be considered in their relation to existing and planned *streets*, adjacent conditions, public conveniences and safety. Due consideration shall also be given by the designer to the attractiveness of the street layout in order to obtain the maximum livability of the tract. All *streets* shall be designed so that, in the opinion of the *Planning Board*, they will provide safe pedestrian and vehicular travel. **Parking lanes shall be constructed with pervious surfaces.**
- b. **Limited-access highways are not permitted in the City of East Providence. The City Council may exercise its police powers in limiting certain types of through travel on certain streets through ordinance, but the creation of "expressways" devoid of pedestrian activity is highly discouraged.**

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- c. **Arterial streets:** separation may be required by the **Planning Board** by use of marginal access roads, a planting screen in a non-access reservation, or other suitable treatment.
- d. *Local streets* shall be so laid out that their use by through motor vehicle traffic will be discouraged.
- e. **Stubbed streets** shall be planned but not constructed until the *street* is extended, as they degrade the pedestrian environment.
- f. Reserve strips prohibiting *access to streets* or adjoining property are prohibited except through ordinance of the *City Council* and may never restrict pedestrian access.
- g. *Streets* shall intersect as nearly as possible at right angles. No *street* shall intersect any other *street* at less than sixty degrees (60°). **Intersections not at right angles shall include additional design measures to safely control yielding traffic.**
- h. Intersections shall be spaced at least one-hundred-twenty-five feet (125') apart.
- i. *Street Width*

- i. **Street widths.** Street right-of-way widths shall not be less than the following:

Street Type	Right-of-way Width
Arterial	80 feet
Collector	60 feet
Local:	
Minor	50 feet
Marginal access	40 feet
Alley	20 feet

In industrial areas the street width shall not be less than sixty (60) feet.

- j. **Streets** shall not exceed their required width. Travel lanes shall be between nine (9') and ten (10') feet on *collector and arterial streets* and seven (7') and nine (9') feet on *local streets*. Parking lanes shall not exceed eight (8') feet in width. **Shoulders shall not exceed two (2') feet in width unless designated as a bicycle lane.**
 - k. *Street Grade*

The maximum grade of arterial and collector streets shall be five (5) percent, and the minimum grade shall be one-half of one (0.5) percent. The maximum grade of minor street shall be eight (8) percent, and the minimum grade shall be one-half of one (0.5)

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percent. Where, in the judgment of the City Engineer, it is not feasible to maintain a grade of eight (8) percent or less, the engineer may allow a steeper grade, but in no case shall the grade exceed twelve (12) percent.

6. Standards for *Paper Street Improvements, Minor Subdivisions, and Major Subdivisions*

a. Open Spaces:

Before approval of a plan, the Planning Board may also, in proper cases, require the dedication or reservation of such area within the subdivision for a school, playground, or other public use, or for light and air, as they deem suitable to the needs created by the subdivision.

b. Protection of Natural Features:

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and other community assets, which, if preserved, will add attractiveness and value to the property.

c. Utilities:

In minor and major subdivisions, all electric utility lines, communications lines, and street lighting lines shall be installed underground.

d. Control of Stormwater Runoff

Unmitigated stormwater from areas altered by *development* may pose public health and safety threats and affect the general welfare. Potential contaminants in stormwater runoff may include suspended solids, nitrogen, phosphorus, hydrocarbons, heavy metals, pathogenic organisms (bacteria and viruses), and road salts. In order to protect the health, safety, and general welfare of the residents of East Providence, as well as to protect, sustain, and enhance the surface and ground water resources of East Providence, *drainage* and stormwater management practices shall be utilized as directed herein to reduce the impact of these pollutants and to control the flooding impact of stormwater runoff.

The following stormwater management and erosion control measures shall apply:

- i. Reduce impervious surface to the greatest extent practicable and retain as much natural undisturbed vegetation as possible.
- ii. Maintain natural *drainage* patterns wherever possible.
- iii. Incorporate natural elements into the *drainage system* design (e.g. grass swales, catch basins, etc.)
- iv. Storm drains, catch basins, and related facilities shall be designed to adequately drain all low points along *streets*, prevent additional water from flowing onto adjacent properties, and intercept stormwater runoff along *streets*.

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- v. The *drainage* system shall be designed to accommodate stormwater to the maximum extent practicable.
- vi. The tract shall be graded consistent with *drainage* in the immediate area and in such a manner that *development* of the tract will not result in detrimental *drainage* to adjacent parcels. All maintenance plans, stormwater design plans, and performance criteria shall conform to Rhode Island Stormwater Management, Design, and Installation standards. The stormwater design shall utilize modern nonstructural low impact design practices and techniques to the maximum extent practicable.

7. Curbs

- a. Granite curbing shall be required along the gutter lines of all streets. Circular granite curbing shall have a minimum radius of twelve (12) feet at corners. Granite curbing shall be six inch (6”) thick on top and eighteen inches (18”) deep with sawn top and edges and split face. Transition sections shall be used for access ramps.
 - 2.
- b. Curb cuts shall not be permitted closer than seventy-five (75’) feet to the center point of an intersection.

8. Driveways Aprons

Driveway aprons shall be constructed in accordance with the standard specifications of the City of East Providence.

9. Alleys

- a. The use of alleys is encouraged when appropriate to the area/*neighborhood* of the city.
- b. Alleys are not permitted in one- and two-family zones.

10. Dead-End Streets

- a. Streets should be bounded by intersections whenever possible; dead-end streets and *cul-de-sacs* are strongly discouraged.
- b. Dead-end streets are prohibited for *collector and arterial streets*.
- c. *Cul-de-sacs* shall be provided at the closed end with a turnaround roadway having a minimum outside curb radius at least fifty (50) feet and shall not exceed six hundred (600) feet in length.

11. Streetlights

- a. Streetlights shall be provided and installed at the *applicant’s* expense in accordance with the *guidelines of the Dark Sky Society*, as they may be amended:

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- i. For all public *rights-of-way*, unless closed from dusk to dawn by ordinance of the *City Council*
- ii. Along *arterial or collector streets*; and
- iii. On all *streets* in nonresidential *zoning districts*.

12. Utilities

- a. In *Minor Subdivisions* and *Major Subdivisions*, all overhead wires, including electric utility lines, communications lines, and streetlight lines, shall be installed underground.
- b. All utility lines shall be so located as to preserve the character and livability of the neighborhood.
- c. Sewer lines and related equipment, such as manholes and connecting Y's, shall be constructed in conformity with the City of East Providence standards and specifications.
- d. Water lines and related equipment, such as hydrants and Main Street off valves, shall be constructed in conformity with the City of East Providence standards and specifications.
- e. Where installed , gas mains shall be a minimum of fifteen feet from water mains whenever possible.

13. Sidewalks

- a. Sidewalks (or sidepaths if so planned) shall be installed at the *applicant's* expense along all *public streets*, abutting and within the *applicant's* tract for pedestrian safety.
- b. Following one (1) travel lane, the priority shall be sidewalks on both sides of the *street* to Americans with Disabilities Act (ADA) standards. Subsequent *right-of-way* may be allocated to landscaping, additional travel lanes, and parking.
- c. In the event an ADA-compliant sidewalk is being installed on only one side of the *street*, the side shall be selected to plan for an ADA compliant sidewalk for the length of the *street* with minimal crossings.
- d. Sidewalks shall be designed on a six-inch gravel base with four (4) inches of concrete and with six (6) inches of concrete with wire mesh at driveway openings.

14. Curbs

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Granite curbs shall be constructed along the gutterline of all *streets*, except where curbs are not desired by the Planning Board for aesthetic or historic reasons.

15. Easements

- a. *Easements* across *lots* or centered on *rear or side lot lines* shall be provided for utilities through a *subdivision* and shall be a minimum width as outlined below:

Type of Easement	Easement Width
For sewers, storm drains, and sub-drainage facilities	20 feet
For pole lines	15 feet
For water and gas mains	20 feet
For underground conduits and cables	5 feet
For all other purposes	as necessary

- b. Where a *subdivision* is traversed by a water course, *drainage* way, channel or stream, there shall be provided a stormwater *easement* or *right-of-way* conforming substantially with the lines of such water course. Further width or construction, or both, may be required to provide adequate *drainage* or access of maintenance vehicles, but in no case be less than twenty (20) feet in width.

- c. *View easements* may be required by the Planning Board as a condition of approval in order to provide sightlines at intersections or the protection of important views.

16. Pedestrianways

Public *right(s)-of-way* a minimum of ten feet (10') in width may be required within city blocks to provide pedestrian access to schools, playgrounds or other community facilities.

17. Crosswalks

Pedestrian crosswalks may be required across streets through the middle of blocks where deemed essential for pedestrian access to schools, playgrounds, shopping centers or other community facilities and shall not be less than ten (10) feet wide.

18. Street Signs

Street signs shall be provided at all street intersections within the subdivision. Dead-end streets shall be properly signed. Street signs shall conform to the City of East Providence standards and specifications.

19. Monuments

- a. Permanent monuments shall be installed at all *street* intersections, at all points in changes of direction or curvature of *streets*, and at other parts where, in the opinion of the *permitting authority*, permanent monuments are necessary.

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- b. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.
- c. All monuments shall be constructed of reinforced concrete or granite, minimum dimensions to be four inches square and thirty-six inches long (4" x 4" x 36").
- d. Elevation.
 - i. All monuments installed adjacent to a street shall be installed so that the top surface of the monument shall be four (4) inches above grade.
 - ii. All monuments not adjacent to a street shall be installed so that the top surface is level with the ground.
- e. Delineation of Buffers and Conservation Restriction Areas. Where areas of natural vegetation are proposed to be maintained for buffers in accordance with the conditions of any plan approvals, the limits of these areas shall be marked in the field with permanent concrete bounds.

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IX - Administration

A. *The Administrative Officer*

1. The *Administrative Officer's* responsibilities shall include:
 - a. advising *applicants* as to which category of approval is required and appropriate for a proposed *development* or *subdivision*;
 - b. issuing *Certificates of Completeness*, failure to act notices, approval notices;
 - c. reviewing and coordinating the review process on petitions for subject to these Regulations;
 - d. collecting required fees for *applications*;
 - e. receiving and reviewing for proper form all *applications*;
 - f. transmitting all petitions to the *Planning Board* and other City officials as is necessary for proper review;
 - g. coordinating review and approval procedures with adjacent municipalities and with various federal and state officials as appropriate;
 - h. approving *applications* consistent with these Regulations.
 - i. keeping records on compliance of these Regulations;
 - j. inspecting suspected violations of these Regulations and issuing violation notices;
 - k. collecting fees for violations;
 - l. maintaining and updating the text and appendices of these Regulations;
 - m. reviewing these Regulations at regular intervals; and, whenever changes are necessary, identifying the changes and forwarding recommendations to the *Planning Board*; and
 - n. upon written request and reasonable notice, the Administrative Officer shall, in order to provide guidance and clarification, coordinate the *pre-application conference*.
2. These Regulations shall be enforced by the *Administrative Officer*, who is hereby authorized to cause any *structure*, premises or *use* in connection with a petition for *subdivision* to be inspected or examined, and to order, in writing, remedying of any condition found to exist therein or thereon in violation of any provisions of these Regulations. It shall be the duty of the City Solicitor whenever a violation or contemplated violation of any provisions of these Regulations is brought to their attention, to institute due legal proceedings to compel compliance or to restrain the erection, alteration or *use* of any *structure* or *use*, altered or *used* in violation of any of the provisions of these Regulations. The City may also cause suit to be brought in the supreme court or superior court, or municipal court, including a municipal housing court having jurisdiction in the City, to restrain the violation of, or to compel compliance with, the provisions of these Regulations.
3. Whoever violates or fails to comply with any of the provisions of these Regulations or violates the terms and conditions of any action imposed by the *Planning Board* or any other agency or officer charged in these Regulations with enforcement of any of the provisions shall be fined not more than five-hundred dollars (\$500) for

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each offense, such fine to inure to the City. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs.

4. Violations of these Regulations shall include any action related to the transfer or sale of *land* in unapproved *subdivisions*. Any owner, or agent of the owner, who transfer, sells or negotiates to sell any *land* by reference to or exhibition of, or by any other *use*, a plat of the *subdivision* before the plat has been approved by the *Planning Board* and recorded in the Land Evidence Office of the City of East Providence, shall be in violation of these Regulations and subject to penalties as provided for in these Regulations. The description of said land by metes and bounds in the instrument of transfer or other documents used in the process of transferring or selling shall not exempt the transaction from the provisions of these Regulations and shall be subject to penalties and/or other actions as provided in these Regulations. Violations shall also include noncompliance with any terms or conditions of any action imposed by the *Planning Board* or of any other agency or officer charged in these Regulations with enforcement of any of the provisions of these Regulations.

The City of East Providence may enjoin such transfer or sale of agreement by action for injunction brought in the Superior Court of Providence County, or may recover such penalty by an action of the case in any court of competent jurisdiction, or may pursue both of these remedies.

Any sale of *land* subdivided in violation of the provisions of these Regulations shall be voidable at the option of the purchaser thereof, and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged therefore, together with any damages sustained by the purchaser, who may maintain an action in the case to recover any amounts due him under the provisions of this paragraph.

B. *Planning Board* – Procedures

1. All records of the *Planning Board* proceedings and decisions shall be written and kept permanently available for public review. Completed *applications* for proposed *subdivisions* under review by the *Planning Board* shall be available for public review.
2. Participation in a *Planning Board* meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.
3. All final written comments to the *Planning Board* from the *Administrative Officer*, other City departments and boards, State and Federal agencies and commissions, shall be made part of the permanent record of the petition.
4. All votes of the *Planning Board* shall be made part of the permanent record and shall show the members present and their votes. A decision by the *Planning Board* to approve any *development plan review*, *land development project*, or *subdivision*

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petition before it shall require a vote for approval by a majority of the *Planning Board* members present at the time of the vote. A decision by the *Planning Board* to approve a variance or special-use permit pursuant to any adopted unified development review regulations requires a vote for approval by a majority of the *Planning Board* members that were present at the public hearing at which the request was heard.

C. Procedure: Waivers, Modifications, Reinstatement and Rescission of Plans

1. Waiver of Development Plan Review or Land Development Approval

- a. The *permitting authority* may waive requirements for *development plan review* or *land development* approval where there is a change in use or occupancy and no extensive construction of *improvements* is sought. The waiver may be granted only by a decision by the *permitting authority* finding that the use will not affect existing *drainage*, circulation, relationship of *buildings* to each other, landscaping, *buffering*, lighting, and other considerations of *development plan review* or *land development* approval, and that the existing facilities do not require upgraded or additional site improvements.
- b. The petition for a waiver of *development plan review* or *land development* approval review shall include documentation, as required by the *Planning Board*, on prior use of the site, the proposed use, and its impact.

c. An application fee of two hundred (\$200.00) dollars shall be submitted with the petition.

2. Waiver and/or Modification of Requirements

The *Planning Board* shall have the power to grant such waivers and/or modifications from the requirements for *Paper Street Improvements* and *land development* and *subdivision* approval as may be reasonable and within the general purposes and intents of the provisions of these Regulations. A fee of ten (\$10.00) dollars shall be charged per request. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one or more provisions of these Regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the *land* in question or where such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the *Comprehensive Plan* and the *Zoning Code*.

3. Reinstatement

In cases where deadlines in these Regulations or approvals have been exceeded for *Administrative Development Plan Review*, *Paper Street Improvements* or *Administrative Subdivisions*, the applicant shall be required to resubmit the application. In cases where deadlines in these Regulations or approvals have been exceeded for *Formal Development Plan Review*, *Minor Land Development*, *Minor Subdivision*, *Major Land Development*, and/or *Major Subdivision* petitions, the petition

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shall be reinstated at the previous approval stage in the same format as that for issuing a *Certificate of Completeness*. Formal *Development Plan Review*, *Minor Land Developments*, *Minor Subdivisions*, *Major Land Developments*, and/or *Major Subdivisions* with *Final Plan* approval shall be reinstated at the *Preliminary Plan* stage of the review when major changes are proposed. Reinstated petitions shall be vested from the date of reinstatement.

4. Rescission

The *Planning Board*, upon petition by all landowners subject area, may rescind a(n) *Approved Development Plan Review Plan / Approved Land Development Plan / Final Plat*. Subsequent to a public hearing as required in § IV.A., the *Board* may determine that an approval is not consistent with the *Comprehensive Plan* and is not in compliance with the standards and provisions of the *Zoning Code* and/or these Regulations. A processing fee of five hundred (\$500.00) dollars shall be submitted with the petition. The *Board* shall approve, approve with conditions or modifications, or deny the petition. If it is necessary to abandon any *public street*, the *Board* shall submit to the *City Council* the documents necessary for the abandonment process. Once the required process for rescission or for rescission and abandonment has been completed, the revised *Approved Development Plan Review Plan / Approved Land Development Plan / Final Plat* shall be signed and recorded.

D. Precedence of Approvals

1. Zoning Board.

- a. Where an *applicant* requires both a variance from the *Zoning Code* and *development plan review / land development project* approval / *subdivision* under these *Regulations*, the *application* shall be reviewed under unified development review.
- b. Where an *applicant* requires both a special use permit from the *Zoning Code* and *development plan review / land development project* approval / *subdivision* under these *Regulations*, the *application* shall be reviewed under unified development review.

2. *Zoning Code* amendment. Where an *applicant* requires both a *Zoning Code* amendment from the *City Council* and *Planning Board* approval, the *applicant* shall first obtain an advisory recommendation from the *Planning Board*, as well as conditional *Planning Board* approval, for the first approval stage for the proposed *land development project / subdivision*, which may be simultaneous, then obtain *Council* approval of the *Zoning Code* amendment, and then return to the *Planning Board* for subsequent required approval(s).

E. Validity of Recorded Plans

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1. The *Final Plat*, once recorded, shall remain valid as the approved *subdivision* unless changes are approved under procedures set forth in § F below or a new *subdivision* petition is approved in accordance with these Regulations.
2. The *Approved Development Plan Review Plan / Approved Land Development Plan* shall remain valid as the approved *development* unless changes are approved under procedures set forth in § F below or a new *development plan review* or *land development* petition is approved in accordance with these Regulations.

F. Changes to Recorded Plans

1. For all changes to recorded *Approved Development Plan Review Plan / Final Plats / Approved Land Development Plans* subject to these Regulations, an amended *Approved Development Plan Review Plan / Final Plat / Approved Land Development Plan* is required prior to the issuance of any building permits. The procedure shall be the same as that for changes to approved plans, as listed within each application type in Article V. Any such approved changes to the *Approved Development Plan Review Plan / Final Plat / Approved Land Development Plan* shall be recorded as amendments in the same manner.

G. Public Hearing and Notice – Adoption and Amendment

1. No Development Plan Review, Land Development, Paper Streets, or Subdivision Regulations shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the *Planning Board*. The *Planning Board* shall first give notice of the public hearing by publication of notice in a newspaper of general circulation in the city at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. The same notice shall be posted in the city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home pages of its website at least fourteen (14) days prior to the hearing. At this hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations. The newspaper notice shall:
 - a. Specify the place of said hearing and the date and time of its commencement;
 - b. indicate that adoption, amendment or repeal of location regulations is under consideration;
 - c. Contain a statement of the proposed amendments to the Land Development and Subdivision or Paper Streets Regulations, which may be printed once in its entirety or may summarize or describe the matter under consideration;
 - d. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
 - e. State the proposals shown thereon 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 such alteration or amendment must be presented for comment in the course of said hearing.

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2. Notice of the public hearing shall be sent by first class mail to the city or town planning board of any municipality where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, located within two thousand feet (2,000') of the municipal boundaries.
3. Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the municipality or two thousand feet (2,000') of the municipal boundaries, provided, however, that a map survey has been filed with the building inspector as specified in Rhode Island General Laws § 45-24-53 (E).
4. Notwithstanding any of the requirements set forth in subsections 1 through 3 above, the *Administrative Officer* shall establish and maintain a public notice registry allowing any person or entity to register for electronic notice of any changes to these Regulations. The *Administrative Officer* shall annually provide public notice of existence of the registry by a publication of notice in a newspaper of general circulation within the municipality. Provided, however, notice pursuant to a public notice registry as per this section, does not alone qualify a person or entity on the public notice registry as an *aggrieved party*.
5. No defect in the form of any notice under this section shall render any regulations invalid, unless such defect is found to be intentional or misleading.
6. The cost of newspaper notice and mailings shall be borne by the applicant.
7. The above requirements are to be construed as minimum requirements.

H. Effective Date

These Regulations shall take effect on *December 31, 1995*, and shall supersede all other subdivision regulations in effect at the time of such adoption. Subsequent amendments adopted by the East Providence Planning Board shall take effect upon their date of adoption or a subsequent date set by the Planning Board in the course of the adoption.

I. Publication and Availability

1. Complete copies, including any appendices and/or amendments, of these Regulations shall be available to the general public within one week of adoption free on the City of East Providence website and in printed form from the *Administrative Officer* for a fee of twenty (\$20.00) dollars.
2. Upon publication of these Regulations and any amendments thereto, the Administrative Officer shall send a copy to the State Law Library.

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J. Continuation of Prior Regulations

Applications shall be reviewed under the laws, ordinances, regulations, and rules in effect on the date of submission of a substantially complete in accordance with the following:

1. Incomplete Application - An incomplete application has no vested rights and will be reviewed under the terms of the laws, ordinances, regulations, and rules in effect on the date a *substantially complete application* is submitted.
2. Substantially Complete Application - Any application which is subsequently certified complete without further amendment or addendum.
3. Abandoned Applications - Applications which exceed the timeframes of vesting and do not receive an extension from the permitting authority must resubmit the application and will be reviewed under the terms of the laws, ordinances, regulations, and rules in effect on the date a *substantially complete application* is submitted.

K. Setting Fees

The Planning Board shall establish fees for the applications contained within these Regulations to cover costs associated with review, hearing, and notice. These fees shall be reviewed at a minimum on an annual basis, and not more than a quarterly basis. Recording fees shall be collected separately and shall be as provided in Title 34, Chapter 13 of Rhode Island General Laws.

L. Appeals to the *Board of Appeal*

1. An appeal to the *Board of Appeal* from a decision or action of the *Administrative Officer* may be taken by an *aggrieved party*. Such appeal must be taken within twenty (20) days after the decision has been recorded and posted in the office of the City Clerk.
2. The appeal shall be in writing and shall state clearly and unambiguously the issue or decision which is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with the return receipt requested, or shall be hand delivered to the *Board of Appeal* via the Zoning Clerk.
3. Upon receipt of an appeal, the *Board of Appeal* shall require the *Administrative Officer* to transmit forth with to the *Board of Appeal*, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.
4. An appeal shall stay all proceedings in furtherance of the action being appealed.
5. The *Board of Appeal* shall hold a public hearing on the appeal within forty-five (45) days of the receipt of the appeal and give public notice thereof, as well as due notice to the parties of interest. At the hearing any party may appear in person, or may be represented by an agent or attorney. The *Board of Appeal* shall render a decision

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

within ten (10) days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the appellant.

6. The *Board of Appeal* shall only hear appeals of the actions of the *Administrative Officer* at a meeting called especially for the purpose of hearing such appeals and which has been so advertised.
7. The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board of Review, must be held as a separate meeting from any Zoning Board of Review meeting. Separate minutes and records of votes shall be maintained by the *Board of Appeal*.
8. In instances of a *Board of Appeal* review of an *Administrative Officer* decision on matters subject to these Regulations, the *Board of Appeal* shall not substitute its own judgment for that of the *Planning Board* or *Administrative Officer*, but must consider the issue upon the findings and record of the *Planning Board* or the *Administrative Officer*. The *Board of Appeal* shall not reverse a decision of the *Planning Board* or the *Administrative Officer* except the on finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
9. The concurring vote of three (3) of the five (5) members by the *Board of Appeal*, shall be necessary to reverse any decision of the *Planning Board* or the *Administrative Officer*.
10. In the instance where the *Board of Appeal* overturned the decision of the *Administrative Officer*, the proposed project petition shall be remanded to the *Administrative Officer*, at the stage of processing from which the appeal was taken, for further proceedings before the *Planning Board* or the *Administrative Officer* and/or for the final disposition, which shall be consistent with the *Board of Appeal* decision.
11. The *Board of Appeal* shall keep complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing. The *Board of Appeal* shall include in the written record the reasons for each decision.

M. Appeals to Superior Court

1. An *aggrieved party* may appeal a decision of the *Board of Appeal*, a decision of the *Administrative Officer* where authorized to approve or deny an application, or a decision of the *Planning Board* to the Providence County Superior Court by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the office of the City Clerk. Recommendations by any public body or officer under this chapter are not appealable under this section. The *permitting authority* shall file the original comments effect upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other faxes may be pertinent, with the Clerk of the Court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original *applicant* or appellant, the original *applicant* or appellant and

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the members of the *Planning Board* shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant the stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

2. Appeals from a decision granting or denying approval of a final plan shall be limited to elements of the approval or disapproval not contained in the decision reached by the *permitting authority* at the preliminary stage; providing that, a public hearing has been held on the plan, if required pursuant to these Regulations.
3. The review shall be conducted by the Superior Court without a jury. The Court shall consider the record and, if it shall appear to the Court that the additional evidence is necessary for the proper disposition of the matter, it may allow any party to the appeal to present the evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the Court shall be made.
4. The Court shall not substitute its judgment for that of the *permitting authority* as to the weight of the evidence on questions of fact. The court may affirm the decision of the *Board of Appeal* or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant had been prejudiced because of findings, inferences, conclusions, or decisions which are:
 - a. In violation of constitutional, statutory, ordinance, or *Planning Board* regulation provisions;
 - b. In excess of the authority granted to the *Planning Board* by statute or ordinance;
 - c. Made upon unlawful procedure;
 - d. Effected by other error of law;
 - e. Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or,
 - f. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

N. The Appeal of Enactment or Amendment to these Regulations

1. An appeal of enactment or amendment to these Regulations may be taken to the Providence County Superior Court by filing a complaint, as set forth herein, within thirty (30) days after the enactment or amendment has become effective. The appeal may be taken by an *aggrieved party* or by any legal resident or landowner of the city or by any association of residents or landowners of the city. The appeal shall not stay the enforcement of these Regulations as enacted or amended, but the court may, at its discretion, grant a stay on appropriate terms including the filing of bonds and other orders as it deems necessary for an equitable disposition of the appeal.
2. The complaint shall set forth with specificity the area, or areas, in which the enactment or amendment is not consistent *with the Comprehensive Plan, Zoning Code, Comprehensive Planning Act, or Zoning Enabling Act*.

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
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3. The review shall be conducted by the Court without a jury. The Court shall first consider whether the enactment or amendment of these Regulations is *consistent with the Comprehensive Plan*. If the enactment or amendment is *inconsistent with the Comprehensive Plan*, then the court shall invalidate the enactment or the amendment, or those parts of the enactment or amendment which are not *consistent*. The Court shall not revise these Regulations to be *consistent with the Comprehensive Plan*, but may suggest appropriate language as part of the court decision.
4. The Court may, in its decision, upon motion of the parties or on its own motion, award reasonable attorneys' fees to any party to an appeal, as set forth therein, including the City.

O. Severability

If any provision of these Regulations or of any rule, regulation, or determination made thereunder, or the application thereof to any person, agency, or circumstance, is held invalid by a court of competent jurisdiction, the remainder of these Regulations, rule, regulation, or determination and the application of the provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of these Regulations shall not affect the validity of the remainder of these Regulations.

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form A – *Pre-Application Conference Application* Form

CITY OF EAST PROVIDENCE, RHODE ISLAND
APPLICATION for: PRE-APPLICATION CONFERENCE

FORM A

(complete one form for each lot included in the application)

File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence

See Section 5 – 7 of the Regulations for Requirements

Type or print clearly

1. **Contact Name** _____
 Address _____
 Phone Number (____)____ - _____ **Email** _____
2. **Street Address of Property** _____
3. **Assessors Map/Block/Parcel Number** _____
4. **Owner(s) Name** _____
 Address(es) _____
5. **Any Covenants, Conditions, Restrictions (CCRs) on the land?** _____
 For Informational Purposes Only. Private CCRs are not enforceable by the City.

FOR OFFICE USE ONLY

Date Submitted	Date of pre-Application Conference	Received by (initial)
Application is for:	Minor Subdivision Major Subdivision	Land Development Project
Fee \$ (\$75 for Minor, \$150 for Major Subdivision of Land Development Project)		
Other Action(s) Required?	(Yes or No)	
Explain		

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

**Form B - Administrative *Development Plan Review* Application Form and
Checklist**

CITY OF EAST PROVIDENCE, RHODE ISLAND
ADMINISTRATIVE DEVELOPMENT PLAN REVIEW
APPLICATION AND CHECKLIST
FORM B

(complete one form for each lot included in the application)
(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
Address _____
Phone Number (____)____ - _____ Email _____
2. Street Address of Property _____
3. Assessors Map/Block/Parcel Number _____
4. Applicant Name _____
Address(es) _____
5. Owner(s) Name (if different) _____
Address(es) _____
6. Any Covenants, Conditions, Restrictions (CCRs) on the land? _____
For Informational Purposes Only. Private CCRs are not enforceable by the City.

Owner's Certification: "As sole owner (or authorized representative of all owners) of the above-referenced property, I do hereby authorize this application, said property being described in deed(s) recorded in the East Providence Land Evidence Records at Book____, Page____.

Owner Signature(s) _____ Date _____

Applicant Signature certifying application as true and correct _____ Date _____

FOR OFFICE USE ONLY			
	125 plus \$20 per lot (No Street) Check #	File #	Fee: \$
	Extension or Creation: \$325 plus twenty-dollar (\$20) per lot Check	Date Submitted	Fee: Street
Received by (initial)	Street Creation or Extension ?	(Yes or N)	# of Lots
COC	Date of Display Ad	Public Hearing Date (if required)	Action and Date
Appeal _____ Plan Signed _____			
(Note: None or date of Appeal) Other Action(s) Required? _____ (Date) _____			

Instructions:

Submit one checklist per application. Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. A letter certified as true and correct identifying: A. Changes made since pre-application B. Any required zoning approvals C. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations D. Any proposed public improvements or dedications E. Use allocation by total square footage of each proposed use, according to § 19-98 of the City of East Providence Code of Ordinances	
	3. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, and connections to state roads.	
	4. Public Dedication Form if any public dedications are proposed	
	5. Proposed terms of any improvement guarantees for improvements required by Article VIII of the East Providence Land Development and Subdivision Regulations, and cost estimates to complete the required improvements	
	6. Preliminary drawings at no larger than 11"x17" showing items at the bottom of this table.	
	6. Three (3) daytime photographs of the site showing access and the location of the proposed development submitted as .jpg digital image files to the Administrative Officer	
	7. For communications towers, antenna arrays, and equipment shelters only: A. Photo simulations from multiple ground planes in the vicinity of the site depicting the full height of the tower in a photorealistic rendering at scale. Additional photo simulations may be required by the permitting authority prior to approval. B. Provide a definition of the area of service and indicate the current coverage capacity, and information showing that the proposed facility would provide the needed coverage and/or capacity.	

	C. A map or maps, covering the entire City and showing all existing, proposed or planned sites of such carrier, including alternative sites from which the needed coverage could also be provided, and indicating the zoning for all such sites. D. A statement identifying the owner, operator or manager of any wires, cables or connective devices that enter or exist on or along any public street or right of way.	

Drawing submission requirements:

- A. Site Plan. The applicant shall provide a proposed site plan for all areas of lots containing the entire tract, whether or not intended for development showing:
1. Name of proposed development, name of owner, name of the architectural designer, engineers(s) (if applicable), landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
 2. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
 3. Existing and proposed streets, drives, parking areas (including arrangement and dimensions of parking spaces and drive aisles as well as points of ingress/egress), loading areas, and walks, including location, name and right-of-way widths on entire tract and on abutting property, as well as point(s) of access to the site;
 4. Coastal features, verified freshwater wetlands and the proposed drainage system;
 5. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended;
 6. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended;
 7. Other conditions, including the location of rock outcrop, wooded areas, existing structures, embankments or retaining walls, railroads, power lines and significant physical features on the site and on adjacent land that may have an influence on the development of the site;
 8. Public access areas, including parcels of land proposed to be dedicated for public use;
 9. Solid waste collection areas;
 10. Existing zoning on the site and on all abutting properties;
 11. Location and orientation of all structures and their proposed uses identifying gross square footage of floor area according to § 19-98 of the City of East Providence Code of Ordinances;
 12. Proposed location and treatment of any public or private common areas or structures including open spaces, green roofs, plazas, parks or recreation areas. Applicant shall include a statement addressing long term maintenance of such areas; and
 13. Proposed renewable energy facilities and electric vehicle charging locations.
- B. Building Floor Plans and Structure Elevations. The applicant shall provide proposed structures elevations and floor plans for all buildings showing:
1. Name of proposed development, name of owner, name of the architectural designer and other consultants involved in the preparation of the drawings, date, north point and scale;
 2. Base flood elevation data, if any portion of the proposed development is located within a flood hazard area as identified by the Federal Emergency Management Agency's "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" or RI CRMC's three-foot (3') sea level rise map as being inundated during a one-hundred-year storm, as may be amended;

3. General division of leasable units within structures and associated square footages, according to § 19-98 of the City of East Providence Code of Ordinances, including identification of affordable and market-rate housing units;
 4. Location of all building entrances and identification of which entrances shall be primary entrances, ADA accessible, exit only, and/or access-controlled;
 5. Areas of glazing and identification of operable windows; and
 6. Identification of façade materials.
- C. Landscape Plan. A landscape plan that indicates the general treatment proposed for the site, including the approximate amount, location and type of buffering, landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.

Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025

Form C – Approved Administrative *Development Plan Review* Checklist

CITY OF EAST PROVIDENCE, RHODE ISLAND
APPROVED ADMINISTRATIVE DEVELOPMENT PLAN REVIEW
CHECKLIST
FORM C

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

Type or print clearly

1. Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
2. Street Address of Property _____
3. Assessors Map/Block/Parcel Number _____

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. A letter certified as true and correct requesting recording and identifying any changes made to the application since the previous stage of approval	
	2. Final plans in conformity with the previous stage of approval in digital (.pdf) format and generated on mylar able to be recorded by the Office of Land Evidence Records no larger than 24"X 36" at a scale of 1/4" to 1', or other scale as the Administrative Officer may require, and containing the following information: A. All the essential aspects of the approved design; B. The implementation schedule; C. Special conditions placed by the City; D. Permits and agreements with state and federal reviewing agencies; E. Other information required by the permitting authority; and F. Three lines, three inches long and one inch apart in the lower left-hand corner of each drawing for approval signatures.	
	3. Additional items deemed necessary by the permitting authority during the previous review stage	

Drawing submission requirements:

- A. Site Plan. The applicant shall provide a proposed site plan for all areas of lots containing the entire tract, whether or not intended for development showing:
1. Name of proposed development, name of owner, name of the architectural designer, engineers(s) (if applicable), landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
 2. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
 3. Existing and proposed streets, drives, parking areas (including arrangement and dimensions of parking spaces and drive aisles as well as points of ingress/egress), loading areas, and walks, including location, name and right-of-way widths on entire tract and on abutting property, as well as point(s) of access to the site;
 4. Coastal features, verified freshwater wetlands, and the proposed drainage system;
 5. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended;
 6. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended;
 7. Other conditions, including the location of rock outcrop, wooded areas, existing structures, embankments or retaining walls, railroads, power lines and significant physical features on the site and on adjacent land that may have an influence on the development of the site;
 8. Public access areas, including parcels of land proposed to be dedicated for public use;
 9. Solid waste collection areas;
 10. Existing zoning on the site and on all abutting properties;
 11. Location and orientation of all structures and their proposed uses identifying gross square footage of floor area according to § 19-98 of the City of East Providence Code of Ordinances;
 12. Proposed location and treatment of any public or private common areas or structures including open spaces, green roofs, plazas, parks or recreation areas. Applicant shall include a statement addressing long term maintenance of such areas;
 13. Proposed renewable energy facilities and electric vehicle charging locations; and
- B. Building Floor Plans and Structure Elevations. The applicant shall provide proposed structures elevations and floor plans for all buildings showing:
1. Name of proposed development, name of owner, name of the architectural designer and other consultants involved in the preparation of the drawings, date, north point and scale;
 2. Base flood elevation data, if any portion of the proposed development is located within a flood hazard area as identified by the Federal Emergency Management Agency's "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" or RI CRMC's three-foot (3') sea level rise map as being inundated during a one-hundred-year storm, as may be amended;
 3. General division of leasable units within structures and associated square footages, according to § 19-98 of the City of East Providence Code of Ordinances, including identification of affordable and market-rate housing units;
 4. Location of all building entrances and identification of which entrances shall be primary entrances, ADA accessible, exit only, and/or access-controlled;
 5. Areas of glazing and identification of operable windows; and
 6. Identification of façade materials.
- C. Landscape Plan. A landscape plan that indicates the general treatment proposed for the site, including the approximate amount, location and type of buffering, landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

**Form D – Formal *Development Plan Review* / *Minor Land Development Project*
Preliminary *Application* Form and Checklist**

**CITY OF EAST PROVIDENCE, RHODE ISLAND
FORMAL DEVELOPMENT PLAN REVIEW OR MINOR LAND
DEVELOPMENT PROJECT**

**APPLICATION AND PRELIMINARY PLAN CHECKLIST
FORM D**

(complete one form for each lot included in the application)
(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
Address _____
Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____
 4. Applicant Name _____
Address(es) _____
 5. Owner(s) Name (if different) _____
Address(es) _____
 6. Any Covenants, Conditions, Restrictions (CCRs) on the land? _____
For Informational Purposes Only. Private CCRs are not enforceable by the City.

Owner's Certification: "As sole owner (or authorized representative of all owners) of the above-referenced property, I do hereby authorize this application, said property being described in deed(s) recorded in the East Providence Land Evidence Records at Book____, Page____.

Owner Signature(s) _____ Date _____

Applicant Signature certifying application as true and correct _____ Date _____

FOR OFFICE USE ONLY			
	#	Fee: \$ 125 plus \$20 per lot (No Street) Check #	Date Submitted
Received by (initial) COC	Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot	Check	# of Lots
	Street Creation or Extension ?	(Yes or N)	
	Date of Display Ad	Public Hearing Date (if required)	Action and Date
AppealPlan Signed			
(Note: None or date of Appeal)Other Action(s) Required?(Date)			

Instructions:

Submit one checklist per application stage. Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. A written narrative containing: A. Information on the natural and built features of the surrounding neighborhood B. Existing natural and man-made conditions of the tract, including topographic, freshwater wetland, and coastal features, the floodplains, proposed improvements and dedications, tentative construction phasing; C. Potential neighborhood impacts; D. Description of the application's consistency with the East Providence Comprehensive Plan; E. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features and the design's compatibility with the existing character of East Providence; and F. For major land development projects only: If the proposed development is proposed for phased construction, a description and timing for individual phases.	
	3. A letter certified as true and correct identifying: 1. Changes made since pre-application 2. Any required zoning approvals 3. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations 4. Any proposed public improvements or dedications 5. Use allocation by total square footage of each proposed use, according to § 19-98 of the City of East Providence Code of Ordinances	
	4. If a special use permit or variance is requested, all application materials for such required by the City of East Providence. An application with an outstanding modification request will not be certified complete.	
	5. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, and connections to state roads.	
	6. Proposed arrangements for the completion of any improvements,	

	including construction schedule / improvement guarantees	
	7. A sketch at no larger than 11" x 17" depicting the items listed under the bottom of the table.	
	8. Three (3) daytime photographs of the site showing access and the location of the proposed development submitted as .jpg digital image files to the Administrative Officer	

Drawing submission requirements:

1. Name of proposed development, name of owner, name of the architect, engineers, landscape designer, and other consultants involved in the preparation of the plan, date, north point;
2. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
3. Existing and proposed streets, approximate parking areas;
4. Concept for collecting and discharging stormwater;
5. Concept for grading, including limits of disturbance;
6. Names of abutting property owners and property owners immediately across any streets adjacent to the subject parcel;
7. Location and approximate size of existing buildings or significant aboveground structures on the subject parcel;
8. Location of wetlands, watercourses or coastal features within and immediately adjacent to the subject parcel;
9. Location of wooded areas and areas of agricultural use;
10. Location of any unique or historic features, including historic cemeteries; within or immediately adjacent to the subject lot(s);
11. Existing zoning on the site and on all abutting properties;
12. Availability of utilities;
13. Proposed buildings;
14. Proposed number of building lots;
15. Proposed number of dwellings;
16. Concept for collecting and discharging stormwater; and
17. Concept for grading, including limits of disturbance

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

**Form E – Formal *Development Plan Review* / *Minor Land Development Project*
Final Plan Checklist**

CITY OF EAST PROVIDENCE, RHODE ISLAND
FORMAL DEVELOPMENT PLAN REVIEW OR MINOR LAND
DEVELOPMENT PROJECT
FINAL PLAN CHECKLIST
FORM E

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY

	ile #	Fee: \$ 125 plus \$20 per lot (No Street)	Check #	Date Submitted
Received by (initial)		Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot	Check	
COC		Street Creation or Extension ?	(Yes or N)	# of Lots
	Date of Display Ad	Public Hearing Date (if required)	Action and Date	

Appeal _____ Plan Signed _____

(Note: None or date of Appeal) Other Action(s) Required? _____ (Date) _____

F

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval	
	3. All updated permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and connections to streets.	
	4. Public Dedication Form if any public dedications are proposed	
	5. Proposed terms of any improvement guarantees for improvements required by AArticle 15 of the East Providence Land Development and Subdivision Regulations, and cost estimates to complete the required improvements	
	6. A stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
	7. Final drawings at no larger than 11"x17" showing items at the bottom of the table.	
	8. Additional items deemed necessary by the permitting authority during the previous review stage	

Drawing submission requirements:

- A. Site Plan. The applicant shall provide a proposed site plan for all areas of lots containing the entire tract, whether or not intended for development showing:
1. Name of proposed development, name of owner, name of the architectural designer, engineers(s) (if applicable), landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
 2. Name of proposed development, name of owner, name of the architect, engineers, landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
 3. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
 4. Existing and proposed streets, drives, parking areas (including arrangement and dimensions of parking spaces and drive aisles as well as points of ingress/egress), loading areas, and walks, including

- location, name and right-of-way widths on entire tract and on abutting property, as well as point(s) of access to the site;
5. Utilities, indicating pipe sizes, grades, and manholes, proposed utility extensions, and text defining ownership and maintenance plans (water utilities to be verified by the Bristol County Water Authority and sewer utilities to be verified by the Department of Public Works);
 6. Topography, including contours at suitable intervals;
 7. Location of areas of active agricultural use or containing prime agricultural soils and farmland soils of statewide importance;
 8. Identification of the following areas of special concern:
 - a) Natural Heritage Areas, as defined by RIDEM
 - b) The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - c) A Groundwater Protection Overlay District
 - d) A Wellhead Protection Area
 - e) Groundwater Recharge Area
 - f) Areas within a TMDL watershed, as identified by RIDEM
 - g) OWTs Critical Resource Area, as defined by RIDEM
 - h) A Drinking Water Supply Watershed, as defined by RIDEM
 - i) National Register of Historic Places
 9. Coastal features, verified freshwater wetlands, and the proposed drainage system;
 10. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended;
 11. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended;
 12. Other conditions, including the location of rock outcrop, wooded areas, existing structures, embankments or retaining walls, railroads, power lines and significant physical features on the site and on adjacent land that may have an influence on the development of the site;
 13. Public access areas, including parcels of land proposed to be dedicated for public use;
 14. Solid waste collection areas;
 15. Existing zoning on the site and on all abutting properties;
 16. Location and orientation of all structures and their proposed uses identifying gross square footage of floor area according to § 19-98 of the City of East Providence Code of Ordinances;
 17. Proposed location and treatment of any public or private common areas or structures including open spaces, green roofs, plazas, parks or recreation areas. Applicant shall include a statement addressing long term maintenance of such areas;
 18. Proposed renewable energy facilities and electric vehicle charging locations; and
 19. The stamp of a RI licensed professional architect and engineer.
- B. Building Floor Plans and Structure Elevations. The applicant shall provide proposed structures elevations and floor plans for all buildings showing:
1. Name of proposed development, name of owner, name of the architect and other consultants involved in the preparation of the drawings, date, north point and scale;
 2. Base flood elevation data, if any portion of the proposed development is located within a flood hazard area as identified by the Federal Emergency Management Agency's "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" or RI CRMC's three-foot (3') sea level rise map as being inundated during a one-hundred-year storm, as may be amended;

3. General division of leasable units within structures and associated square footages, according to § 19-98 of the City of East Providence Code of Ordinances, including identification of affordable and market-rate housing units;
 4. Location of all building entrances and identification of which entrances shall be primary entrances, ADA accessible, exit only, and/or access-controlled;
 5. Areas of glazing and identification of operable windows; and
 6. Identification of façade materials.
- C. Landscape Plan. A landscape plan, prepared by a landscape professional, that indicates the general treatment proposed for the site, including the approximate amount, location and type of buffering, landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.

Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025

Form F – Approved Formal *Development Plan Review* / *Minor Land Development Project* Checklist

CITY OF EAST PROVIDENCE, RHODE ISLAND
APPROVED FORMAL DEVELOPMENT PLAN REVIEW PLAN OR APPROVED LAND
DEVELOPMENT PROJECT

CHECKLIST
FORM F

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

Type or print clearly

1. Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
2. Street Address of Property _____
3. Assessors Map/Block/Parcel Number _____

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. A letter certified as true and correct requesting recording and identifying any changes made to the application since the previous stage of approval	
	2. Final plans in conformity with the previous stage of approval in digital (.pdf) format and generated on mylar able to be recorded by the Office of Land Evidence Records no larger than 24"X 36" at a scale of 1/4" to 1', or other scale as the Administrative Officer may require, and containing the following information: A. All the essential aspects of the approved design; B. The implementation schedule; C. Special conditions placed by the City; D. Permits and agreements with state and federal reviewing agencies; E. Other information required by the permitting authority; and F. Three lines, three inches long and one inch apart in the lower left-hand corner of each drawing for approval signatures.	
	3. Additional items deemed necessary by the permitting authority during the previous review stage	

Drawing submission requirements:

- A. Site Plan. The applicant shall provide a proposed site plan for all areas of lots containing the entire tract, whether or not intended for development showing:
1. Name of proposed development, name of owner, name of the architectural designer, engineers(s) (if applicable), landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
 2. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
 3. Existing and proposed streets, drives, parking areas (including arrangement and dimensions of parking spaces and drive aisles as well as points of ingress/egress), loading areas, and walks, including location, name and right-of-way widths on entire tract and on abutting property, as well as point(s) of access to the site;
 4. Coastal features, verified freshwater wetlands, and the proposed drainage system;
 5. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended;
 6. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended;
 7. Other conditions, including the location of rock outcrop, wooded areas, existing structures, embankments or retaining walls, railroads, power lines and significant physical features on the site and on adjacent land that may have an influence on the development of the site;
 8. Public access areas, including parcels of land proposed to be dedicated for public use;
 9. Solid waste collection areas;
 10. Existing zoning on the site and on all abutting properties;
 11. Location and orientation of all structures and their proposed uses identifying gross square footage of floor area according to § 19-98 of the City of East Providence Code of Ordinances;
 12. Proposed location and treatment of any public or private common areas or structures including open spaces, green roofs, plazas, parks or recreation areas. Applicant shall include a statement addressing long term maintenance of such areas;
 13. Proposed renewable energy facilities and electric vehicle charging locations; and
 14. The stamp of a RI licensed professional architect and engineer.
- B. Building Floor Plans and Structure Elevations. The applicant shall provide proposed structures elevations and floor plans for all buildings showing:
1. Name of proposed development, name of owner, name of the architectural designer and other consultants involved in the preparation of the drawings, date, north point and scale;
 2. Base flood elevation data, if any portion of the proposed development is located within a flood hazard area as identified by the Federal Emergency Management Agency's "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" or RI CRMC's three-foot (3') sea level rise map as being inundated during a one-hundred-year storm, as may be amended;
 3. General division of leasable units within structures and associated square footages, according to § 19-98 of the City of East Providence Code of Ordinances, including identification of affordable and market-rate housing units;
 4. Location of all building entrances and identification of which entrances shall be primary entrances, ADA accessible, exit only, and/or access-controlled;
 5. Areas of glazing and identification of operable windows; and
 6. Identification of façade materials.
- C. Landscape Plan. A landscape plan, prepared by a landscape professional, that indicates the general treatment proposed for the site, including the approximate amount, location and type of buffering,

landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

**Form G – Major *Land Development Project Master Plan* Application Form and
Checklist**

**CITY OF EAST PROVIDENCE, RHODE ISLAND ADMINISTRATIVE
MAJOR LAND DEVELOPMENT PROJECT**

APPLICATION AND MASTER PLAN CHECKLIST

FORM G

(complete one form for each lot included in the application)

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

Type or print clearly

1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
2. Street Address of Property _____
3. Assessors Map/Block/Parcel Number _____
4. Applicant Name _____
 Address(es) _____
5. Owner(s) Name (if different) _____
 Address(es) _____
6. Any Covenants, Conditions, Restrictions (CCRs) on the land? _____
 For Informational Purposes Only. Private CCRs are not enforceable by the City.

Owner's Certification: "As sole owner (or authorized representative of all owners) of the above-referenced property, I do hereby authorize this application, said property being described in deed(s) recorded in the East Providence Land Evidence Records at Book____, Page____.

Owner Signature(s) _____ Date _____

Applicant Signature certifying application as true and correct _____ Date _____

FOR OFFICE USE ONLY			
	ile #	Fee: \$ 125 plus \$20 per lot (No Street)	Check #
		Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot	Date Submitted
Received by (initial)	Street Creation or Extension ?	(Yes or N)	# of Lots
COC	Date of Display Ad	Public Hearing Date (if required)	Action and Date

Appeal

Plan Signed

(Note: None or date of Appeal) Other Action(s) Required?

(Date)

F

Instructions:

Submit one checklist per application stage. Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. A written narrative containing: A. Information on the natural and built features of the surrounding neighborhood B. Existing natural and man-made conditions of the tract, including topographic, freshwater wetland, and coastal features, the floodplains, proposed improvements and dedications, tentative construction phasing; C. Potential neighborhood impacts; D. Description of the application's consistency with the East Providence Comprehensive Plan; E. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features and the design's compatibility with the existing character of East Providence; and F. For major land development projects only: If the proposed development is proposed for phased construction, a description and timing for individual phases.	
	3. A letter certified as true and correct identifying: 1. Changes made since pre-application 2. Any required zoning approvals 3. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations 4. Any proposed public improvements or dedications 5. Use allocation by total square footage of each proposed use, according to § 19-98 of the City of East Providence Code of Ordinances	
	4. If a special use permit or variance is requested, all application materials for such required by the City of East Providence. An application with an outstanding modification request will not be certified complete.	
	5. A locus map of the subject property highlighting all properties in or within 200' of the perimeter of subject property with a radial line identifying Assessor's plat and lot. Include a tabulated list of properties within the notice area identifying owner on file with the East Providence Tax Assessor, mailing address, and assessor's plat and lot.	

	6. A sketch at no larger than 11" x 17" depicting the items listed under A at the bottom of the table.	
	7. Three (3) daytime photographs of the site showing access and the location of the proposed development submitted as .jpg digital image files to the Administrative Officer	

Drawing submission requirements:

A. Master Plan Sketch.

1. Name of proposed development, name of owner, name of the architect, engineers, landscape designer, and other consultants involved in the preparation of the plan, date, north point;
2. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
3. Existing and proposed streets, approximate parking areas;
4. Concept for collecting and discharging stormwater;
5. Concept for grading, including limits of disturbance;
6. Names of abutting property owners and property owners immediately across any streets adjacent to the subject parcel;
7. Location and approximate size of existing buildings or significant aboveground structures on the subject parcel;
8. Location of wetlands, watercourses or coastal features within and immediately adjacent to the subject parcel;
9. Location of wooded areas and areas of agricultural use;
10. Location of any unique or historic features, including historic cemeteries; within or immediately adjacent to the subject lot(s);
11. Existing zoning on the site and on all abutting properties;
12. Availability of utilities;
13. Proposed buildings;
14. Proposed number of building lots;
15. Proposed number of dwellings;
16. Concept for collecting and discharging stormwater; and
17. Concept for grading, including limits of disturbance

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form H - Major *Land Development Project* Preliminary Plan Checklist

CITY OF EAST PROVIDENCE, RHODE ISLAND
MAJOR LAND DEVELOPMENT PROJECT
PRELIMINARY PLAN CHECKLIST
FORM H

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY

Received by (initial)	ile #	Fee: \$ 125 plus \$20 per lot (No Street)	Check #	Date Submitted
COC	Street Creation or Extension ?	Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot	(Yes or N)	Check # of Lots
	Date of Display Ad	Public Hearing Date (if required)	Action and Date	

Appeal

Plan Signed

(Note: None or date of Appeal) Other Action(s) Required?

(Date)

F

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. A written narrative containing: A. Information on the natural and built features of the surrounding neighborhood B. Existing natural and man-made conditions of the tract, including topographic, freshwater wetland, and coastal features, the floodplains, proposed improvements and dedications, tentative construction phasing; C. Potential neighborhood impacts; D. Description of the application's consistency with the East Providence Comprehensive Plan; E. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features and the design's compatibility with the existing character of East Providence; and F. For major land development projects only: If the proposed development is proposed for phased construction, a description and timing for individual phases.	
	3. A letter certified as true and correct identifying: A. Changes made since pre-application B. Any required zoning approvals C. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations D. Any proposed public improvements or dedications E. Use allocation by total square footage of each proposed use, according to § 19-98 of the City of East Providence Code of Ordinances	
	4. If a special use permit or variance is requested, all application materials for such required by the City of East Providence. An application with an outstanding modification request will not be certified complete.	
	5. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, and connections to state roads.	
	6. Proposed arrangements for the completion of any improvements,	

	including construction schedule / improvement guarantees	
	7. A stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
	8. A sketch at no larger than 11" x 17" depicting the items listed at the bottom of the table.	
	9. Three (3) daytime photographs of the site showing access and the location of the proposed development submitted as .jpg digital image files to the Administrative Officer	

Drawing submission requirements:

1. Name of proposed development, name of owner, name of the architectural designer, engineers(s) (if applicable), landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
2. Name of proposed development, name of owner, name of the architect, engineers, landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
3. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
4. Existing and proposed streets, drives, parking areas (including arrangement and dimensions of parking spaces and drive aisles as well as points of ingress/egress), loading areas, and walks, including location, name and right-of-way widths on entire tract and on abutting property, as well as point(s) of access to the site;
5. Utilities, indicating pipe sizes, grades, and manholes, proposed utility extensions, and text defining ownership and maintenance plans (water utilities to be verified by the Bristol County Water Authority and sewer utilities to be verified by the Department of Public Works);
6. Topography, including contours at suitable intervals;
7. Location of areas of active agricultural use or containing prime agricultural soils and farmland soils of statewide importance;
8. Identification of the following areas of special concern:
 - a) Natural Heritage Areas, as defined by RIDEM
 - b) The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - c) A Groundwater Protection Overlay District
 - d) A Wellhead Protection Area
 - e) Groundwater Recharge Area
 - f) Areas within a TMDL watershed, as identified by RIDEM
 - g) OWTS Critical Resource Area, as defined by RIDEM
 - h) A Drinking Water Supply Watershed, as defined by RIDEM
 - i) National Register of Historic Places
9. Coastal features, verified freshwater wetlands, and the proposed drainage system;
10. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended;
11. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended;

12. Other conditions, including the location of rock outcrop, wooded areas, existing structures, embankments or retaining walls, railroads, power lines and significant physical features on the site and on adjacent land that may have an influence on the development of the site;
 13. Public access areas, including parcels of land proposed to be dedicated for public use;
 14. Solid waste collection areas;
 15. Existing zoning on the site and on all abutting properties;
 16. Location and orientation of all structures and their proposed uses identifying gross square footage of floor area according to § 19-98 of the City of East Providence Code of Ordinances;
 17. Proposed location and treatment of any public or private common areas or structures including open spaces, green roofs, plazas, parks or recreation areas. Applicant shall include a statement addressing long term maintenance of such areas;
 18. Proposed renewable energy facilities and electric vehicle charging locations; and
 19. The stamp of a RI licensed professional architect and engineer.
- B. Building Floor Plans and Structure Elevations. The applicant shall provide proposed structures elevations and floor plans for all buildings showing:
1. Name of proposed development, name of owner, name of the architectural designer and other consultants involved in the preparation of the drawings, date, north point and scale;
 2. Name of proposed development, name of owner, name of the architect and other consultants involved in the preparation of the drawings, date, north point and scale;
 3. Base flood elevation data, if any portion of the proposed development is located within a flood hazard area as identified by the Federal Emergency Management Agency's "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" or RI CRMC's three-foot (3') sea level rise map as being inundated during a one-hundred-year storm, as may be amended;
 4. General division of leasable units within structures and associated square footages, according to § 19-98 of the City of East Providence Code of Ordinances, including identification of affordable and market-rate housing units;
 5. Location of all building entrances and identification of which entrances shall be primary entrances, ADA accessible, exit only, and/or access-controlled;
 6. Areas of glazing and identification of operable windows; and
 7. Identification of façade materials.
- C. Landscape Plan. A landscape plan that indicates the general treatment proposed for the site, including the approximate amount, location and type of buffering, landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form I - Major *Land Development Project* Final Plan Checklist

CITY OF EAST PROVIDENCE, RHODE ISLAND
MAJOR LAND DEVELOPMENT PROJECT
FINAL PLAN CHECKLIST
FORM I

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY

Received by (initial)	File #	Fee: \$ 125 plus \$20 per lot (No Street)	Check #	Date Submitted
COC	Street Creation or Extension ?	Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot	(Yes or N)	Check
	Date of Display Ad	Public Hearing Date (if required)		# of Lots
				Action and Date

Appeal _____ Plan Signed _____

(Note: None or date of Appeal) Other Action(s) Required?

(Date)

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval	
	3. All updated permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and connections to streets.	
	4. Public Dedication Form if any public dedications are proposed	
	5. Proposed terms of any improvement guarantees for improvements required by AArticle 15 of the East Providence Land Development and Subdivision Regulations, and cost estimates to complete the required improvements	
	6. For phased developments, copies of as-built drawings of all public improvements from prior phases.	
	7. An updated Stormwater Management Plan, if any changes are necessitated by changes made to the application since Preliminary Plan submission	
	8. Final drawings at no larger than 11"x17" showing items at the bottom of the table.	
	9. Additional items deemed necessary by the permitting authority during the previous review stage	

Drawing submission requirements:

- A. Site Plan. The applicant shall provide a proposed site plan for all areas of lots containing the entire tract, whether or not intended for development showing:
1. Name of proposed development, name of owner, name of the architectural designer, engineers(s) (if applicable), landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
 2. Name of proposed development, name of owner, name of the architect, engineers, landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
 3. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
 4. Existing and proposed streets, drives, parking areas (including arrangement and dimensions of parking spaces and drive aisles as well as points of ingress/egress), loading areas, and walks, including

- location, name and right-of-way widths on entire tract and on abutting property, as well as point(s) of access to the site;
5. Utilities, indicating pipe sizes, grades, and manholes, proposed utility extensions, and text defining ownership and maintenance plans (water utilities to be verified by the Bristol County Water Authority and sewer utilities to be verified by the Department of Public Works);
 6. Topography, including contours at suitable intervals;
 7. Location of areas of active agricultural use or containing prime agricultural soils and farmland soils of statewide importance;
 8. Identification of the following areas of special concern:
 - a) Natural Heritage Areas, as defined by RIDEM
 - b) The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - c) A Groundwater Protection Overlay District
 - d) A Wellhead Protection Area
 - e) Groundwater Recharge Area
 - f) Areas within a TMDL watershed, as identified by RIDEM
 - g) OWTs Critical Resource Area, as defined by RIDEM
 - h) A Drinking Water Supply Watershed, as defined by RIDEM
 - i) National Register of Historic Places
 9. Coastal features, verified freshwater wetlands, and the proposed drainage system;
 10. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended;
 11. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended;
 12. Other conditions, including the location of rock outcrop, wooded areas, existing structures, embankments or retaining walls, railroads, power lines and significant physical features on the site and on adjacent land that may have an influence on the development of the site;
 13. Public access areas, including parcels of land proposed to be dedicated for public use;
 14. Solid waste collection areas;
 15. Existing zoning on the site and on all abutting properties;
 16. Location and orientation of all structures and their proposed uses identifying gross square footage of floor area according to § 19-98 of the City of East Providence Code of Ordinances;
 17. Proposed location and treatment of any public or private common areas or structures including open spaces, green roofs, plazas, parks or recreation areas. Applicant shall include a statement addressing long term maintenance of such areas;
 18. Proposed renewable energy facilities and electric vehicle charging locations; and
 19. The stamp of a RI licensed professional architect and engineer.
- B. Building Floor Plans and Structure Elevations. The applicant shall provide proposed structures elevations and floor plans for all buildings showing:
1. Name of proposed development, name of owner, name of the architectural designer and other consultants involved in the preparation of the drawings, date, north point and scale;
 2. Name of proposed development, name of owner, name of the architect and other consultants involved in the preparation of the drawings, date, north point and scale;
 3. Base flood elevation data, if any portion of the proposed development is located within a flood hazard area as identified by the Federal Emergency Management Agency's "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" or RI CRMC's three-foot (3') sea level rise map as being inundated during a one-hundred-year storm, as may be amended;

4. General division of leasable units within structures and associated square footages, according to § 19-98 of the City of East Providence Code of Ordinances, including identification of affordable and market-rate housing units;
 5. Location of all building entrances and identification of which entrances shall be primary entrances, ADA accessible, exit only, and/or access-controlled;
 6. Areas of glazing and identification of operable windows; and
 7. Identification of façade materials.
- C. Landscape Plan. A landscape plan, prepared by a landscape professional. that indicates the general treatment proposed for the site, including the approximate amount, location and type of buffering, landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

**Form J - *Paper Street* Improvement Certificate Application Form and
Preliminary Plan Checklist**

CITY OF EAST PROVIDENCE, RHODE ISLAND
PAPER STREET IMPROVEMENT CERTIFICATE
APPLICATION AND CHECKLIST
FORM J

(complete one form for each paper street to be improved)
 (File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Preparer(s)'s Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street address of Property(ies) to be served by paper street improvement _____

 3. Assessors Map/Block/Parcel Number _____
 4. Owner(s) _____
 Address(es) _____
 5. Street to be improved _____
 6. Any Covenants, Conditions, Restrictions (CCRs) on the paper street? _____
 For Informational Purposes Only. Private CCRs are not enforceable by the City.
 7. Applicant Name _____
 Address _____
- Applicant Signature certifying application as true and correct _____ Date _____

FOR OFFICE USE ONLY			
	#	Fee: \$ 125 plus \$20 per lot (No Street)	File
		Check #	Date Submitted
Received by (initial)		Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot	Check
COC		Street Creation or Extension ?	(Yes or N) # of Lots
	Date of Display Ad	Public Hearing Date (if required)	Action and Date
Appeal Plan Signed			
(Note: None or date of Appeal) Other Action(s) Required? (Date)			

Instructions:

Submit one checklist per application. Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. A letter certified as true and correct identifying: A. Changes made since pre-application B. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations C. Any proposed public improvements or dedications	
	3. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, land disturbance, and connections to state roads.	
	4. Public Dedication Form if any public dedications are proposed	
	5. Proposed arrangements for the completion of any improvements, including construction schedule / improvement guarantees	
	6. Proposed terms of any improvement guarantees for improvements required by Article VIII of the East Providence Land Development and Subdivision Regulations, and cost estimates to complete the required improvements	
	7. Drawings at no larger than 24"x36" showing items at the bottom of this table.	
	8. Profiles of any proposed streets with adequate ties to existing streets	
	9. A stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
	10. Three (3) daytime photographs of the street to be improved showing access and the location of the proposed improvements submitted as .jpg digital image files to the Administrative Officer	

Drawing submission requirements:

- A. Site Plan. The applicant shall provide a proposed site plan for all areas of the paper street, whether or not intended for improvement showing:
1. Name of paper street, name of consultants involved in the preparation of the plan, date, north point and scale;
 2. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;

3. Portions of the paper street located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended;
 4. Portions of the paper street located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended;
 5. Other conditions, including the location of rock outcrop, wooded areas, existing structures, embankments or retaining walls, railroads, power lines and significant physical features on the paper street and on adjacent land that may have an influence on the construction of the improvements;
 6. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- B. Landscape Plan. A landscape plan that indicates the general treatment proposed for the paper street, including the approximate amount, location and type of buffering, landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form K – *Administrative Subdivision Application* Form and Checklist

CITY OF EAST PROVIDENCE, RHODE ISLAND
ADMINISTRATIVE SUBDIVISION
APPLICATION AND CHECKLIST
FORM K

(complete one form for each lot included in the application)
 (File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____
 4. Applicant Name _____
 Address(es) _____
 5. Owner(s) Name (if different) _____
 Address(es) _____
 6. Any Covenants, Conditions, Restrictions (CCRs) on the land? _____
 For Informational Purposes Only. Private CCRs are not enforceable by the City.

Owner's Certification: "As sole owner (or authorized representative of all owners) of the above-referenced property, I do hereby authorize this application, said property being described in deed(s) recorded in the East Providence Land Evidence Records at Book____, Page____.

Owner Signature(s) _____ Date _____

Applicant Signature certifying application as true and correct _____ Date _____

FOR OFFICE USE ONLY			
	125 plus \$20 per lot (No Street)	Check #	Date Submitted
	Extension or Creation: \$325 plus twenty-dollar (\$20) per lot	Check	Fee: Street
Received by (initial)	Street Creation or Extension ?	(Yes or N)	# of Lots
COC	Date of Display Ad	Public Hearing Date (if required)	Action and Date
Appeal _____		Plan Signed _____	
(Note: None or date of Appeal)		Other Action(s) Required?	(Date)

Instructions:

Submit one checklist per application. Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. Drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
	3. Title Report	
	4. A letter certified as true and correct identifying: A. Changes made since pre-application B. Any required zoning approvals C. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations	
	5. East Providence Tax Collector account statement showing a zero balance	
	6. All permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and excavations and connections to streets, and evidence of completion of any necessary amendments to the Official Streets Map maintained by the City Council.	
	7. Public Dedication Form if any public dedications are proposed	
	8. A preliminary plat at no larger than 11"x17" depicting items at the bottom of the table.	

Subdivision Survey requirements:

- Subdivision name;
- Name and address of record owner, subdivider and subdivision designer;
- Date prepared, north arrow, acreage and number of lots;
- Graphic scale;
- Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;
- Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- Size(s) of the new lot(s) in square feet;
- Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;

- i. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- j. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- k. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- l. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- m. Indication of purpose of easements, if any;
- n. Names of existing streets;
- o. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- p. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan);
- q. The location of existing and proposed monuments.
- r. Certification (stamp) of the land surveyor indicating that a Class I and Class III survey have been performed or are otherwise correct;
- s. Any new Assessor's Lot numbers, as provided by the Administrative Officer in consultation with the Tax Assessor; and
- t. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line, and to reproduce the same upon the ground. All metes shall contain X/Y coordinates referencing the most recent State Plane Feet Datum. All bounds shall indicate the direction and measure.

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form L – *Administrative Subdivision Final Plat Checklist*

CITY OF EAST PROVIDENCE, RHODE ISLAND
ADMINISTRATIVE SUBDIVISION FINAL PLAT
CHECKLIST
FORM L

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Contact Name _____
 Address _____
 Phone Number (____)____-____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY					
	125 plus \$20 per lot (No Street)	Check #	Date Submitted	File #	Fee: \$
	Extension or Creation: \$325 plus twenty-dollar (\$20) per lot		Check	Fee: Street	
Received by (initial)	Street Creation or Extension ?		(Yes or N)		# of Lots
COC	Date of Display Ad	Public Hearing Date (if required)	Action and Date		
Appeal		Plan Signed			
(Note: None or date of Appeal)			Other Action(s) Required?		(Date)

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. Final versions of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
	2. A letter certified as true and correct requesting recording and identifying any changes made to the application since the previous stage of approval	
	3. A Final Plat of the Assessor's lot(s) in conformity with the previous stage of approval in digital (.dwg) format and generated on mylar able to be recorded by the Office of Land Evidence Records no larger than 24"X 36" at a scale of 1" to 50', or other scale as the Administrative Officer may require, and containing the following information: A. All the essential aspects of the approved subdivision design; B. The implementation schedule for improvement guarantees, if any; C. Special conditions placed by the City; D. Permits and agreements with state and federal reviewing agencies; E. Other information required by the permitting authority; F. The surveyor shall sign, date, and stamp the final plat below the following statement written on the final plat: "I do hereby certify that this subdivision plat was prepared under my direction and that, to the best of my knowledge and belief, the boundaries of the property being subdivided are true and accurate." (Date, Surveyor's Signature, address and stamp) G. A signature block for the endorsement of approval shall be included in the bottom left corner and shall read as follows: "I do hereby certify that this subdivision plat meets the requirements of the East Providence Land Development and Subdivision Review Regulations, and is now eligible for recording." (Date, Planning Director's signature as Administrative Officer); and H. A signature block for certification by the Zoning Officer that the plan conforms with the provisions of Chapter 19 Zoning, of the Revised Ordinances of East Providence and shall read as follows: " I do hereby certify that the lots shown on subdivision plat meet the Schedule of Area and other dimensional provisions of Chapter 19 Zoning, of the Revised Ordinances of East Providence." (Date, Zoning Officer's signature).	
	4. Additional items deemed necessary by the permitting authority during the previous review stage	

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form M – *Minor Subdivision Preliminary Plan Application* Form and Checklist

CITY OF EAST PROVIDENCE, RHODE ISLAND
MINOR SUBDIVISION PRELIMINARY PLAN
APPLICATION AND CHECKLIST
FORM M

(complete one form for each lot included in the application)
 (File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____
 4. Applicant Name _____
 Address(es) _____
 5. Owner(s) Name (if different) _____
 Address(es) _____
 6. Any Covenants, Conditions, Restrictions (CCRs) on the land? _____
 For Informational Purposes Only. Private CCRs are not enforceable by the City.

Owner's Certification: "As sole owner (or authorized representative of all owners) of the above-referenced property, I do hereby authorize this application, said property being described in deed(s) recorded in the East Providence Land Evidence Records at Book____, Page____.

Owner Signature(s) _____ Date _____

Applicant Signature certifying application as true and correct _____ Date _____

FOR OFFICE USE ONLY			
	125 plus \$20 per lot (No Street)	Check #	Date Submitted
	Extension or Creation: \$325 plus twenty-dollar (\$20) per lot	Check	Fee: Street
Received by (initial)	Street Creation or Extension ?	(Yes or N)	# of Lots
COC	Date of Display Ad	Public Hearing Date (if required)	Action and Date
Appeal	Plan Signed		
(Note: None or date of Appeal)		Other Action(s) Required?	(Date)

Instructions:

Submit one checklist per application. Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. Drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
	3. Title report	
	4. If a special use permit or variance is requested, all application materials for such required by the City of East Providence. An application with an outstanding modification request will not be certified complete.	
	5. A letter certified as true and correct identifying: A. Changes made since pre-application B. Any required zoning approvals C. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations	
	6. A written narrative containing: A. Information on the natural and built features of the surrounding neighborhood B. Existing natural and man-made conditions of the tract, including topographic, freshwater wetland, and coastal features, the floodplains, proposed improvements and dedications, tentative construction phasing; C. Potential neighborhood impacts; D. Description of the application's consistency with the East Providence Comprehensive Plan; E. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features and the design's compatibility with the existing character of East Providence; and F. For major land development projects only: If the proposed development is proposed for phased construction, a description and timing for individual phases.	
	7. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, and connections to state roads.	
	8. Proposed arrangements for the completion of any improvements, including construction schedule / improvement guarantees	
	9. If a street extension or creation is proposed, a locus map of the subject property highlighting all properties in or within 200' of the perimeter of the subject property with a radial line identifying Assessor's plat and lot. Include a tabulated list of properties within the notice area identifying owner on file with the East Providence Tax Assessor, mailing address, and assessor's plat and lot.	

	10. A preliminary plat, no larger than 11"x17" depicting items at the bottom of the table.	
	11. A sketch of any remaining part of the entire tract shall accompany the plat, showing the location, names and present widths of adjacent existing streets and the proposed general layout of streets in the entire tract	
	12. Profiles of any proposed streets with adequate ties to existing streets	

Subdivision Survey requirements:

- a. Subdivision name;
- b. Name and address of record owner, subdivider and subdivision designer;
- c. Date prepared, north arrow, acreage and number of lots;
- d. Graphic scale;
- e. Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;
- f. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- g. Size(s) of the new lot(s) in square feet;
- h. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- i. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- j. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- k. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- l. Location of wooded areas and areas of active agricultural use;
- m. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- n. Identification of the following areas of special concern:
 - i. Natural Heritage Areas, as defined by RIDEM
 - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - iii. A Groundwater Protection Overlay District
 - iv. A Wellhead Protection Area
 - v. Groundwater Recharge Area
 - vi. Areas within a TMDL watershed, as identified by RIDEM
 - vii. OWTS Critical Resource Area, as defined by RIDEM
 - viii. A Drinking Water Supply Watershed, as defined by RIDEM
 - ix. National Register of Historic Places
- o. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- p. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- q. Indication of purpose of easements, if any;
- r. Names of existing streets;
- s. Proposed names of any proposed streets;
- t. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- u. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan); and

- v. Boundaries and total area of any land classified as “unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record).

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form N – *Minor Subdivision Final Plan Checklist*

CITY OF EAST PROVIDENCE, RHODE ISLAND
MINOR SUBDIVISION FINAL PLAN
CHECKLIST
FORM N

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____-____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY					
	125 plus \$20 per lot (No Street)	Check #	Date Submitted	File #	Fee: \$
Received by (initial)	Extension or Creation: \$325 plus twenty-dollar (\$20) per lot		Check		Fee: Street
COC	Street Creation or Extension ?	(Yes or N)		# of Lots	
	Date of Display Ad	Public Hearing Date (if required)	Action and Date		
Appeal		Plan Signed			
(Note: None or date of Appeal)		Other Action(s) Required?		(Date)	

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. If any changes have been made, drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
	3. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval	
	4. East Providence Tax Collector account statement showing a zero balance	
	5. All updated permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and excavations and connections to streets, and evidence of completion of any necessary amendments to the Official Streets Map maintained by the City Council.	
	6. Public Dedication Form if any public dedications are proposed	
	7. Proposed terms of any improvement guarantees for improvements required by Article 15 of the East Providence Land Development and Subdivision Regulations, and cost estimates to complete the required improvements	
	8. A stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
	9. A drawn plan of the new lots in digital (.pdf) format no larger than 24"X 36" at a scale of 1" to 50', or other scale as the Administrative Officer may require, and depicting items at the bottom of the table.	
	10. An updated profile of any proposed streets with adequate ties to existing streets, if any changes are necessitated by changes made to the application since Preliminary Plan submission	
	11. Additional items deemed necessary by the permitting authority during the previous review stage	

Subdivision Survey requirements:

- a. Subdivision name;
- b. Name and address of record owner, subdivider and subdivision designer;
- c. Date prepared, north arrow, acreage and number of lots;
- d. Graphic scale;
- e. Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;
- f. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- g. Size(s) of the new lot(s) in square feet;
- h. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- i. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- j. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- k. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- l. Location of wooded areas and areas of active agricultural use;
- m. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- n. Identification of the following areas of special concern:
 - i. Natural Heritage Areas, as defined by RIDEM
 - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - iii. A Groundwater Protection Overlay District
 - iv. A Wellhead Protection Area
 - v. Groundwater Recharge Area
 - vi. Areas within a TMDL watershed, as identified by RIDEM
 - vii. OWTS Critical Resource Area, as defined by RIDEM
 - viii. A Drinking Water Supply Watershed, as defined by RIDEM
 - ix. National Register of Historic Places
- o. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- p. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- q. Indication of purpose of easements, if any;
- r. Names of existing streets;
- s. Proposed names of any proposed streets;
- t. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- u. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan);
- v. Boundaries and total area of any land classified as "unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record);
- w. Any landscape buffering, landscaping, hardscape and lighting proposed; and
- x. The location of existing and proposed monuments.
- y. Certification (stamp) of the land surveyor indicating that a Class I and Class III survey have been performed or are otherwise correct;
- z. Any new Assessor's Lot numbers, as provided by the Administrative Officer in consultation with the Tax Assessor;

- aa. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line, and to reproduce the same upon the ground. All metes shall contain X/Y coordinates referencing the most recent State Plane Feet Datum. All bounds shall indicate the direction and measure;
- bb. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended; and
- cc. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended.

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form O – *Minor / Major Subdivision Final Plat Checklist*

CITY OF EAST PROVIDENCE, RHODE ISLAND
MINOR OR MAJOR SUBDIVISION
FINAL PLAT
CHECKLIST
FORM O

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY			
	125 plus \$20 per lot (No Street)	Check #	Date Submitted
	Extension or Creation: \$325 plus twenty-dollar (\$20) per lot	Check	Fee: Street
Received by (initial)	Street Creation or Extension ?	(Yes or N)	# of Lots
COC	Date of Display Ad	Public Hearing Date (if required)	Action and Date
Appeal		Plan Signed	
(Note: None or date of Appeal)		Other Action(s) Required?	(Date)

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. Final versions of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
	2. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval	
	3. An updated Stormwater Management Plan, if any changes are necessitated by changes made to the application since the previous stage of approval	
	4. A Final Plat of the Assessor's lot(s) in conformity with the previous stage of approval in digital (.dwg) format and generated on mylar able to be recorded by the Office of Land Evidence Records no larger than 24"X 36" at a scale of 1" to 50', or other scale as the Administrative Officer may require, and containing the following information: A. All the essential aspects of the approved subdivision design; B. The implementation schedule for improvement guarantees, if any; C. Special conditions placed by the City; D. Permits and agreements with state and federal reviewing agencies; E. Other information required by the permitting authority; F. The surveyor shall sign, date, and stamp the final plat below the following statement written on the final plat: "I do hereby certify that this subdivision plat was prepared under my direction and that, to the best of my knowledge and belief, the boundaries of the property being subdivided are true and accurate." (Date, Surveyor's Signature, address and stamp) G. A signature block for the endorsement of approval shall be included in the bottom left corner and shall read as follows: "I do hereby certify that this subdivision plat meets the requirements of the East Providence Land Development and Subdivision Review Regulations, and is now eligible for recording." (Date, Planning Director's signature as Administrative Officer); and H. A signature block for certification by the Zoning Officer that the plan conforms with the provisions of Chapter 19 Zoning, of the Revised Ordinances of East Providence and shall read as follows: " I do hereby certify that the lots shown on subdivision plat meet the Schedule of Area and other dimensional provisions of Chapter 19 Zoning, of the Revised Ordinances of East Providence." (Date, Zoning Officer's signature).	
	5. Additional items deemed necessary by the permitting authority during the previous review stage	

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form P – *Major Subdivision Master Plan Application* Form and Checklist

CITY OF EAST PROVIDENCE, RHODE ISLAND
MAJOR SUBDIVISION MASTER PLAN
APPLICATION AND CHECKLIST
FORM P

(complete one form for each lot included in the application)
 (File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____
 4. Applicant Name _____
 Address(es) _____
 5. Owner(s) Name (if different) _____
 Address(es) _____
 6. Any Covenants, Conditions, Restrictions (CCRs) on the land? _____
 For Informational Purposes Only. Private CCRs are not enforceable by the City.

Owner's Certification: "As sole owner (or authorized representative of all owners) of the above-referenced property, I do hereby authorize this application, said property being described in deed(s) recorded in the East Providence Land Evidence Records at Book____, Page____.

Owner Signature(s) _____ Date _____

Applicant Signature certifying application as true and correct _____ Date _____

FOR OFFICE USE ONLY			
	File #	Fee: \$ 125 plus \$20 per lot (No Street)	
	Check #	Date Submitted	Fee: Street Extension or Creation: \$325
	plus twenty-dollar (\$20) per lot Check		
Received by (initial)	Street Creation or Extension ?	(Yes or N)	# of Lots
COC	Date of Display Ad	Public Hearing Date (if required)	Action and Date
Appeal		Plan Signed	
(Note: None or date of Appeal)		Other Action(s) Required?	(Date)

Instructions:

Submit one checklist per application. Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. Title Report	
	3. If a special use permit or variance is requested, all application materials for such required by the City of East Providence. An application with an outstanding modification request will not be certified complete.	
	4. A letter certified as true and correct identifying: A. Changes made since pre-application B. Any required zoning approvals C. Any requested waivers or modification of requirements as written in the East Providence Land Development and Subdivision Regulations	
	5. A written narrative containing: A. Information on the natural and built features of the surrounding neighborhood B. Existing natural and man-made conditions of the tract, including topographic, freshwater wetland, and coastal features, the floodplains, proposed improvements and dedications, tentative construction phasing; C. Potential neighborhood impacts; D. Description of the application's consistency with the East Providence Comprehensive Plan; E. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features and the design's compatibility with the existing character of East Providence; and F. For major land development projects only: If the proposed development is proposed for phased construction, a description and timing for individual phases.	
	6. A sketch at no larger than 11" x 17" depicting items at the bottom of the table.	
	7. A locus map of the subject property highlighting all properties in or within 200' of the perimeter of the subject property with a radial line identifying Assessor's plat and lot. Include a tabulated list of properties within the notice area identifying owner on file with the East Providence Tax Assessor, mailing address, and assessor's plat and lot.	

Subdivision Survey requirements:

- a. Subdivision name;
- b. Name and address of record owner, subdivider and subdivision designer;
- c. Date prepared, north arrow, acreage and number of lots;
- d. Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;
- e. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- f. Size(s) of the new lot(s) in square feet;
- g. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- h. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- i. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- j. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- k. Location of wooded areas and areas of active agricultural use;
- l. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- m. Identification of the following areas of special concern:
 - i. Natural Heritage Areas, as defined by RIDEM
 - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - iii. A Groundwater Protection Overlay District
 - iv. A Wellhead Protection Area
 - v. Groundwater Recharge Area
 - vi. Areas within a TMDL watershed, as identified by RIDEM
 - vii. OWTS Critical Resource Area, as defined by RIDEM
 - viii. A Drinking Water Supply Watershed, as defined by RIDEM
 - ix. National Register of Historic Places
- n. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- o. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- p. Indication of purpose of easements, if any;
- q. Names of existing streets;
- r. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- s. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan); and
- t. Boundaries and total area of any land classified as "unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record).

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form Q – *Major Subdivision Preliminary Plan* Checklist

CITY OF EAST PROVIDENCE, RHODE ISLAND
MAJOR SUBDIVISION PRELIMINARY PLAN
CHECKLIST
FORM Q

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____ - _____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY				
	#	Fee: \$ 125 plus \$20 per lot (No Street)	Check #	Date Submitted
Received by (initial)	Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot		Check	
COC	Street Creation or Extension ?	(Yes or N)	# of Lots	
	Date of Display Ad	Public Hearing Date (if required)	Action and Date	
Appeal		Plan Signed		
(Note: None or date of Appeal)			Other Action(s) Required?	(Date)

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. Drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
	3. If a special use permit or variance is requested, all application materials for such required by the City of East Providence. An application with an outstanding modification request will not be certified complete.	
	4. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, and connections to state roads.	
	5. Proposed arrangements for the completion of any improvements, including construction schedule / improvement guarantees	
	6. A stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
	7. A preliminary plat, no larger than 11"x17" depicting items at the bottom of the table.	
	8. A sketch of any remaining part of the entire tract shall accompany the plat, showing the location, names and present widths of adjacent existing streets and the proposed general layout of streets in the entire tract	
	9. Profiles of any proposed streets with adequate ties to existing streets	
	10. Additional items deemed necessary by the permitting authority during the previous review stage	

Subdivision Survey requirements:

- Subdivision name;
- Name and address of record owner, subdivider and subdivision designer;
- Date prepared, north arrow, acreage and number of lots;
- Graphic scale;
- Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;

- f. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- g. Size(s) of the new lot(s) in square feet;
- h. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- i. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- j. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- k. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- l. Location of wooded areas and areas of active agricultural use;
- m. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- n. Identification of the following areas of special concern:
 - i. Natural Heritage Areas, as defined by RIDEM
 - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - iii. A Groundwater Protection Overlay District
 - iv. A Wellhead Protection Area
 - v. Groundwater Recharge Area
 - vi. Areas within a TMDL watershed, as identified by RIDEM
 - vii. OWTS Critical Resource Area, as defined by RIDEM
 - viii. A Drinking Water Supply Watershed, as defined by RIDEM
 - ix. National Register of Historic Places
- o. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- p. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- q. Indication of purpose of easements, if any;
- r. Names of existing streets;
- s. Proposed names of any proposed streets;
- t. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- u. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan); and
- v. Boundaries and total area of any land classified as "unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record).

**Development Plan Review, Land Development, Paper Streets, and Subdivision Regulations
City of East Providence, RI – XXX YY, 2025**

Form R – *Major Subdivision Final Plan Checklist*

CITY OF EAST PROVIDENCE, RHODE ISLAND
MAJOR SUBDIVISION FINAL PLAN
CHECKLIST
FORM R

(File with the Department of Planning, City Hall, 145 Taunton Ave., Room 309, East Providence)

- Type or print clearly
1. Applicant Contact Name _____
 Address _____
 Phone Number (____)____-____ Email _____
 2. Street Address of Property _____
 3. Assessors Map/Block/Parcel Number _____

FOR OFFICE USE ONLY			
	#	Fee: \$ 125 plus \$20 per lot (No Street)	Check # Date Submitted
Received by (initial)	Fee: Street Extension or Creation: \$325 plus twenty-dollar (\$20) per lot	Street Creation or Extension ?	Check (Yes or N) # of Lots
COC	Date of Display Ad	Public Hearing Date (if required)	Action and Date
Appeal		Plan Signed	
(Note: None or date of Appeal) Other Action(s) Required? (Date)			

Instructions:

Complete the boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). Submit all information in .pdf format, unless otherwise specified. For the Location column, provide the electronic file name and page number.

✓	Description of Required Submission Material	Location
	1. All application materials consistent with the Design and Public Improvement Standards, Article VIII, and Land Development Project and Development Plan Review Physical Design Requirements, Article VII, of the East Providence Land Development and Subdivision Regulations	
	2. If any changes have been made, drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
	3. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval	
	4. East Providence Tax Collector account statement showing a zero balance	
	57. All updated permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and excavations and connections to streets, and evidence of completion of any necessary amendments to the Official Streets Map maintained by the City Council.	
	6. Public Dedication Form if any public dedications are proposed	
	7. Proposed terms of any improvement guarantees for improvements required by Article 15 of the East Providence Land Development and Subdivision Regulations, and cost estimates to complete the required improvements	
	8. For phased developments, copies of as-built drawings of all public improvements from prior phases.	
	9. (All applications except administrative subdivisions) an updated Stormwater Management Plan, if any changes are necessitated by changes made to the application since the previous stage of approval	
	10. A drawn plan of the new lots in digital (.pdf) format no larger than 24"X 36" at a scale of 1" to 50', or other scale as the Administrative Officer may require, and depicting items at the bottom of the table.	
	11. An updated profile of any proposed streets with adequate ties to existing streets, if any changes are necessitated by changes made to the application since Preliminary Plan submission	
	12. Additional items deemed necessary by the permitting authority	

	during the previous review stage	

Subdivision Survey requirements:

- a. Subdivision name;
- b. Name and address of record owner, subdivider and subdivision designer;
- c. Date prepared, north arrow, acreage and number of lots;
- d. Graphic scale;
- e. Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;
- f. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- g. Size(s) of the new lot(s) in square feet;
- h. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- i. Zoning setback lines and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- j. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- k. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- l. Location of wooded areas and areas of active agricultural use;
- m. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- n. Identification of the following areas of special concern:
 - i. Natural Heritage Areas, as defined by RIDEM
 - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI CRMC
 - iii. A Groundwater Protection Overlay District
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 - vi. Areas within a TMDL watershed, as identified by RIDEM
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 - ix. National Register of Historic Places
- o. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water and sewer utilities to be verified by the Department of Public Works);
- p. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- q. Indication of purpose of easements, if any;
- r. Names of existing streets;
- s. Proposed names of any proposed streets;
- t. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- u. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan);
- v. Boundaries and total area of any land classified as "unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record);
- w. Any landscape buffering, landscaping, hardscape and lighting proposed; and
- x. The location of existing and proposed monuments.
- y. Certification (stamp) of the land surveyor indicating that a Class I and Class III survey have been performed or are otherwise correct;

- z. Any new Assessor's Lot numbers, as provided by the Administrative Officer in consultation with the Tax Assessor;
- aa. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line, and to reproduce the same upon the ground. All metes shall contain X/Y coordinates referencing the most recent State Plane Feet Datum. All bounds shall indicate the direction and measure;
- bb. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended; and
- cc. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended.

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

**AN ORDINANCE IN AMENDMENT OF THE REVISED ORDINANCES
OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED**

SECTION I. Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island is hereby amended by adding thereto the following:

Article XIII. Inclusionary Zoning

Sec. 19-499. Affordable and fully physically accessible inclusionary housing.

Housing developments are granted incentives, and at a higher threshold, required, to provide affordable for low- and moderate-income households and fully physically accessible housing units in order to ensure safe, decent and affordable housing to families, elderly, people with special needs, and individuals with disabilities. The policy of the City of East Providence is that affordable and fully physically accessible housing units shall not be concentrated to certain areas of the city, but distributed equally throughout the city. Concentrated affordable housing development is contrary to the intent of this article.

This article is intended to meet the requirements of a municipal subsidy as required by RIGL § 45-53-3 (9) and one of the purposes of this article is for affordable housing units created pursuant to this article to be counted as affordable housing pursuant to RIGL Ch. 45-53.

(1) Applicability. This section shall apply to all developments and subdivisions on a contiguous site by an applicant or property owner, under the control of the same individual, within a thirty (30)-year period resulting in the net addition of housing units.

(2) Threshold at which the provision of inclusionary units is required. Development and/or subdivision resulting in ten (10) or more units, as defined in subsection (1) of this section, shall

provide the required percentage of affordable and fully physically accessible units provided for in subsections (4) and (5), respectively, of this section.

(3) Fractional units. Where the required number of affordable and/or fully physically accessible units results in a fraction the number of required units shall round up to the nearest whole number.

(4) Affordability requirements. For all applicable projects, at least twenty percent (20%) of the units within the development must qualify as affordable housing, as defined by RIGL §42-128-8.1 (d) (1).

(5) Fully physical accessible requirements. For all applicable projects, at least twenty percent (20%) of the units, equally split between affordable units and market-rate units, shall be fully physically accessible for persons with disabilities. Such units shall be reserved for individuals with disabilities until all other units are occupied.

(6) Conditions. Provisions of inclusionary units shall be subject to the following conditions:

- a. Have a certificate of occupancy prior to, or simultaneous with, the occupancy of noninclusionary units.
- b. Constructed as part of the same contiguous development as noninclusionary units.
- c. As a condition of approval, the application shall perform all requirements required by RIGL Ch. 45-53 for any provided affordable units to meet state requirements for consistency with the need for affordable housing, as established in RIGL Ch. 45-53. Any required land lease and/or deed restriction shall be for a period of at least fifty (50) years.

(7) Incentives.

- a. Density bonus. The number of housing units allowable on the site or sites involved shall be increased by one-and-one-half (1.5) market rate units for each affordable unit. The total number of units permitted shall equal the number originally proposed, including the required number of affordable units, plus the number of bonus units. Minimum lot dimensions shall be correspondingly reduced as reasonably necessary to permit the total number of units permitted.
 - b. Property tax. Affordable housing that is not owner-occupied is subject to property tax at the rate of eight percent (8%) of the property's previous year's gross scheduled rental income pursuant to RIGL §44-5-13.11.
 - c. Tax Stabilization. Inclusionary housing consistent with the requirements of Article V of Chapter 16, Tax Stabilization for Qualified Businesses, is eligible for the benefits afforded by that Article.
-

- d. Parking. No more than one (1) parking space shall be required for each inclusionary housing unit. No more than one and one-half (1.5) parking spaces shall be required for each noninclusionary housing unit in a development with inclusionary units. Fractional numbers shall be rounded up to the nearest whole number.
- e. Access. Residents and guests of inclusionary housing included in an application subject to this section shall have access privileges to shared facilities, including parking, made available to residents and guests of noninclusionary housing within the onsite portions of the rest of the project.
- f. Additional incentives. Inclusionary developments and/or subdivisions may submit for approval as a land development project to secure additional incentives and/or relief to enable the project.

Section II. Effective Date.

This ordinance shall take effect upon passage.

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

**AN ORDINANCE IN AMENDMENT OF THE REVISED ORDINANCES
OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED**

SECTION I. Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island is hereby amended by adding thereto the following:

Sec. 19-95. Districts designated.

- (a) *Districts generally.* For the purposes of this chapter, the city is divided into districts as shown on the zoning map entitled "Zoning Map of the City of East Providence," filed with the city clerk and hereby declared to be a part of this chapter. The districts, their abbreviations and common names are designated as follows:

Abbreviation	District
R-1	Residential 1 One-family.
R-2	Residential 2 One-family.
R-3	Residential 3 One-family.
R-4	Residential 4 One-family and two-family.
R-5	Residential 5 Multifamily.
R-6	Residential 6 One-family, two-family and three-family.
O-1	Open Space 1 Open space.
C-1	Commercial 1 Office business.
C-2	Commercial 2 Neighborhood business.

PART II - REVISED ORDINANCES
Chapter 19 ZONING

MS/NC	Main Street and Neighborhood Center Overlay
C-3	Commercial 3 General retail business.
C-4	Commercial 4 Highway business.
C-5	Commercial 5 Heavy business.
CMU	Commercial mixed use
I-1	Industrial 1 Limited manufacturing.
I-2	Industrial 2 General manufacturing.
I-3	Industrial 3 Heavy manufacturing.
BT	Business/Technology (floating, district).
RSD	Riverside Square Mixed Use/Downtown (Overlay)
<u>TOD</u>	<u>Transit-Oriented Development District Overlay</u>
HD	Historic District Overlay

- (b) *Mixed use floating zone district.* The mixed use floating zone district permits planned development of mixed residential/commercial uses; see further definition in § 19-364.
- (c) *Cluster floating zone district.* The cluster floating zone district may amend any residential zone which permits clustering of residential units, with the goal of preserving open space; see further definition in § 19-364.
- (d) *Business technology floating zone district.* The business/technology floating zone district may amend the C-1, C-4, I-1, I-2 and I-3 zoning districts only with the goal of permitting business/technology developments; see further definition in § 19-364.
- (e) *C-2 neighborhood business district.* The C-2 neighborhood business district is intended to permit small-scale retail, service and office uses designed to serve adjacent residential neighborhoods and structures shall be no larger than 5,000 square feet in gross floor area.
- (f) *Main Street and Neighborhood Center Overlay.* The Main Street and Neighborhood Center Overlay District as included in § 19-322, zoning is supplemental to any C-1, C-2, C-3, and TA (Taunton Avenue Waterfront) uses allowed by right or special use permit in § 19-98 or generally by this chapter 19 and as shown on the Zoning Overlay Map for the district. For all the existing uses on parcels within this district, the uses may continue and any new development or redevelopment may occur as is currently allowed within the zoning district in which a parcel(s) is located or under the provisions of § 19-322.

Article XIV. Transit-Oriented Development Zoning

Sec. 19-500. Transit-Oriented Development Zone Established.

The Rhode Island Department of Housing is establishing incentives for development near rapid-transit, as defined by RIGL § 45-24-77 and the Rhode Island Transit Master Plan. Rapid-transit routes, as defined by RIGL § 45-24-77, and the Rhode Island Transit Master Plan, exist in the city. To that end, the City intends to establish the required Transit-Oriented Development zoning to attract development incentives to the eligible areas. The Transit-Oriented Development Overlay Zone is hereby established and added to the zoning map accordingly.

Sec. 19-501. Transit-Oriented Development Zone Use Modifications.

(a) The following uses are permitted on parcels completely or partially within the Transit-Oriented Development Overlay Zone, regardless of whether they are permitted in the underlying zoning district:

- (1) Multifamily dwelling;
- (2) Dormitory for institution of higher education;
- (3) Cultural activity;
- (4) Nonprofit club; civic, social or fraternal;
- (5) Nursery school;
- (6) Hospital;
- (7) Clinic, excluding animal clinic;
- (8) Nursing home, rest home or home for the aged requiring attendants;
- (9) Retail sale of food, drugs, clothing, jewelry, stationery or similar personal or specialty items;
- (10) Café;
- (11) Commercial educational institution;
- (12) Dry Cleaning Drop-Off and Pick-Up Location (with no cleaning done on premises);
- (13) Child day care centers;
- (14) Health, fitness and wellness facility;
- (15) Indoor Recreation/Athletic facility;
- (16) Tourist home or lodging house; and

(17) Any business or professional office, studio, or agency, bank or other financial institution.

(b) The following uses are prohibited on parcels completely or partially within the Transit-Oriented Development Overlay Zone, regardless of whether they are prohibited in the underlying zoning district:

- (1) Drive-through;
- (2) Passenger vehicle car wash;
- (3) Automotive repair shop;
- (4) Auto body, soldering or welding shop;
- (5) Multifamily residential uses (except for lobbies and common areas) on the ground floor within twenty feet of Newport Avenue, Pawtucket Avenue, Taunton Avenue, or Waterman Avenue; and
- (6) Off-street parking on the ground floor within twenty feet of Newport Avenue, Pawtucket Avenue, Taunton Avenue, or Waterman Avenue.

Sec. 19-502. Transit-Oriented Development Zone Density Modifications.

- (a) The minimum lot size for a two-family dwelling in the Transit-Oriented Development Overlay District is 2,000 square feet;
- (b) The minimum lot size for a multifamily dwelling in the Transit-Oriented Development Overlay District is 3,000 square feet. There is no density requirement in the Transit-Oriented Development Overlay District;
- (c) The minimum lot size is nine square feet;
- (d) The minimum lot width is three feet; and
- (e) The minimum lot depth is three feet.

Sec. 19-503. Transit-Oriented Development Zone Procedural Modifications.

All land development projects in the Transit-Oriented Development Overlay Zone shall be classified as a minor land development project.

Sec. 19-504. Transit-Oriented Development Zone Dimensional Modifications.

(a) Development in the Transit-Oriented Development Overlay Zone may be constructed to the following standards:

- (1) The minimum front yard is five feet.
- (2) There is no minimum side yard.
- (3) There is no minimum rear yard.
- (4) The maximum building height is forty feet in no more than three stories. An additional twelve feet in height is permitted above the cornice line for a fourth story that is no more than 75% of the floor area of the third story.

(5) The maximum lot coverage for parcels not zoned open space is 100 percent.

(6) The maximum impervious coverage is 70 percent.

Sec. 19-505. Transit-Oriented Development Zone Parking Modifications.

(a) No more than one off-street parking space per dwelling unit shall be required.

(b) No more than one off-street parking space per two full-time equivalent employees shall be required.

(c) No more than one off-street parking space per three students shall be required.

(d) No more than one off-street parking space per ten dormitory beds shall be required.

(e) No more than one off-street parking space per 500 square feet of gross floor area shall be required.

SECTION II. Effective Date.

This ordinance shall take effect upon passage.

TOD ELIGIBLE AREAS

Zoning districts

BPH	R-2
C-1	R-3
C-2	R-4
C-3	R-5
C-3 conditional	R-6
C-4	RSOD
C-5	TA
CP	TC
Cluster R-5	VMP
DR	WC
I-1	Other
I-2	
I-3	
KP	
Metacomet	
O-1	
PA	
PD	
R-1	

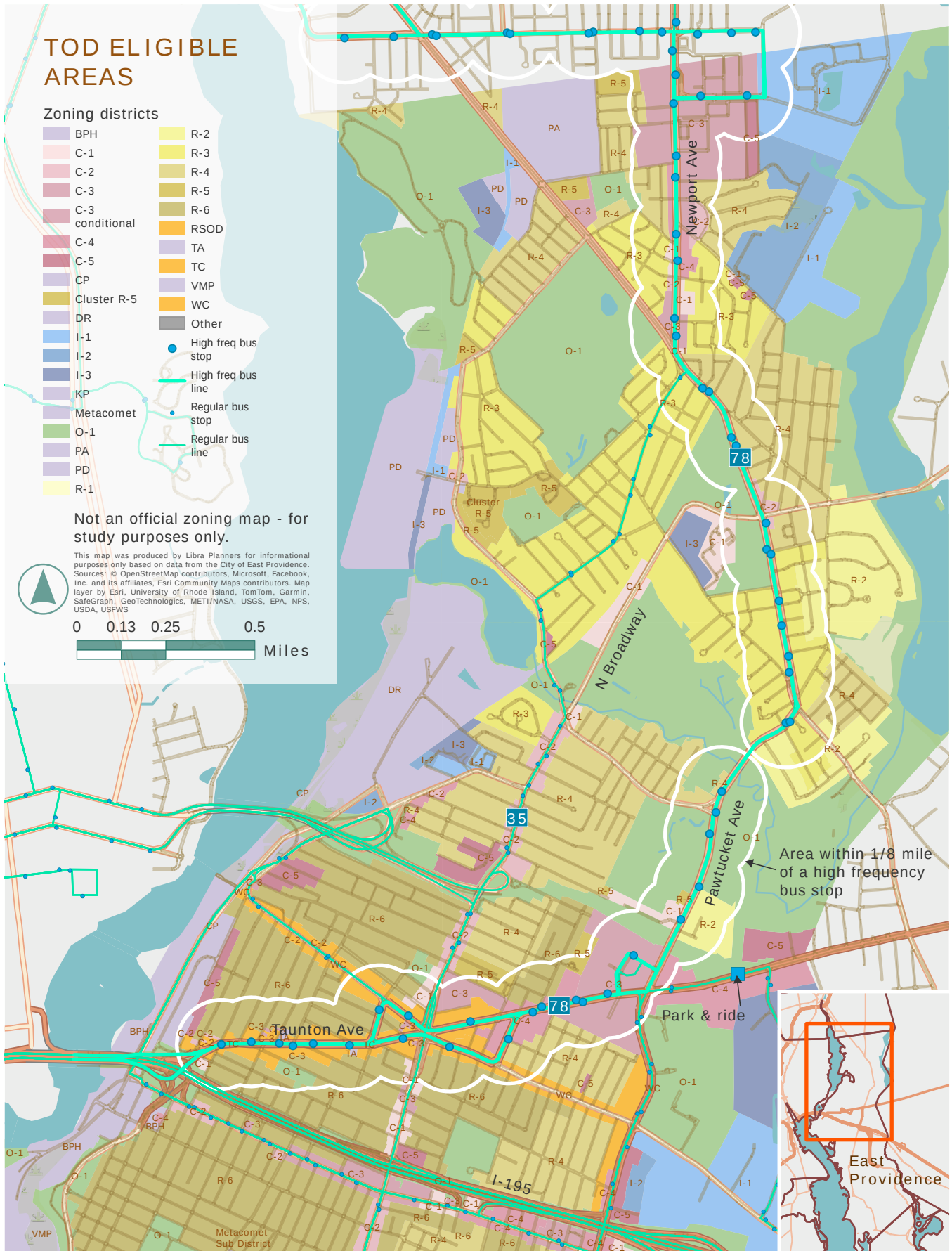
High freq bus stop
High freq bus line
Regular bus stop
Regular bus line

Not an official zoning map - for study purposes only.

This map was produced by Libra Planners for informational purposes only based on data from the City of East Providence. Sources: © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors. Map layer by Esri, University of Rhode Island, TomTom, Garmin, SafeGraph, GeoTechnologies, MET/NASA, USGS, EPA, NPS, USDA, USFWS



0 0.13 0.25 0.5 Miles



Area within 1/8 mile of a high frequency bus stop

