



LAND DEVELOPMENT & SUBDIVISION REGULATIONS

Adopted April 23, 2025

City of Central Falls, Rhode Island - Land Development & Subdivision Regulations

City of Central Falls, Rhode Island

LAND DEVELOPMENT & SUBDIVISION REGULATIONS

SECTION 1. AUTHORITY AND PURPOSE

A. Enactment

The following Regulations governing the subdivision and development of land are hereby adopted by the City of Central Falls Planning Board in accordance with Title 45, Chapter 23 of the General Laws of Rhode Island, entitled *The Land Development and Subdivision Review Enabling Act of 1992*, as amended, and in accordance with Article 3, Chap. 1 Sec.3-100d of the *Home Rule Charter of the City of Central Falls, Rhode Island*, as amended. All regulations and amendments or parts of regulations and amendments, which are inconsistent herewith, are hereby repealed and withdrawn.

B. Authority to Create and Administer

The City of Central Falls Planning Board is empowered pursuant to Article 3, Chap. I Sec. 3-100d on the *Home Rule Charter of the City of Central Falls, Rhode Island* to adopt, modify, and amend regulations and rules governing land development and subdivision projects within the City of Central Falls and to control land development and subdivision projects pursuant to those regulations and rules. The Planning Board is thus authorized to adopt or repeal, provide for the administration, interpretation, and enforcement of land development and subdivision regulations.

C. General Purpose

These Regulations have been developed and will be maintained in accordance with Rhode Island General Laws 45-23, the *City of Central Falls Comprehensive Community Plan*, as amended and the *City of Central Falls Zoning Ordinance*, as amended.

These Regulations are intended to address the following purposes:

- (1) Provide for the orderly, thorough and expeditious review and approval of land development and subdivisions;
- (2) Promote high quality and appropriate design and construction of land development and subdivisions;
- (3) 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;
- (4) Promote design of land development and subdivisions which are well- integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrates 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

of Central Falls Comprehensive Plan, as amended, with regard to the physical character of the various neighborhoods and districts of the City;

- (6) Require measures for mitigating the impact of new development on the community that are based on clear documentation of needs and are fairly applied and administered;
- (7) Protect the public health, safety and welfare of the community;
- (8) Promote thorough technical review of all proposed land development and subdivisions by appropriate local officials and other experts;
- (9) Encourage the establishment and consistent application of procedures for record-keeping on all matters of land development and subdivision review, approval and construction.

D. Effective Date

These Regulations shall take effect on April 23, 2025 and shall supersede all other Land Development and Subdivision Regulations in effect at the time of such adoption.

E. Application of Prior Regulations

Applicability of Prior Regulations:

These regulations shall not be construed as abating any application now pending under, or by virtue of, prior existing land development and subdivision regulations, provided that an application has received a Certificate of Completion prior to the adoption of these regulations, and provided that the pending subdivision or land development application files for the Master Plan, Preliminary or Final application stage within 90 days of the enactment of these regulations, and provided that the subdivision or land development approval remains in compliance with "Continuation of Prior Regulations" as detailed below.

Continuation of Prior Regulations:

Subdivisions and Land Developments which have been submitted to the Planning Board for approval under the provisions of the Regulations in effect prior to April 23, 2025 may be continued to be reviewed by the Planning Board and approved under those Regulations in accordance with the following:

Final Approvals. Any subdivision or development which, at the time of adoption of these amendments, has received Final approval, or Final approval with conditions, from the Planning Board, may initiate or construct any part of the development, or record plans in accordance with the Land Development and Subdivision Regulations in effect at the time Final approval was granted. The Planning Board, may in its discretion, grant extensions to any such Final approval in accordance with the procedure for such extensions as set forth in the Regulations in effect at the time of Final approval.

Preliminary Approvals. Any subdivision or development which at the time of adoption of these amendments, has received Preliminary approval, or Preliminary approval with conditions, from the Planning Board, may continue to be reviewed by the Planning Board in accordance with the Land Development and Subdivision Regulations in effect at the time Preliminary approval was granted provided any one of the following conditions have been met.

- a. The final plat, including all the material required in the Final Plan Checklist, is filed with the Planning Department within one (1) year from the date of Preliminary approval; or
- b. If the development is located within a jurisdictional area of the Rhode Island Department of Environmental Management (RIDEM), the Preliminary Plans as approved by the Planning Board must have been resubmitted to RIDEM for approval as required by the Freshwater Wetlands Act and final decision has not been received.

Master Plan Approvals. Any subdivision or development which at the time of adoption of these amendments, has received Master Plan approval, or Master Plan approval with conditions, from the Planning Board, may continue to be reviewed in accordance with the zoning requirements, conceptual layout and all the conditions shown on the approved Master Plan drawings and supporting materials provided the following condition has been met:

- a. The Preliminary Plan, including all the material required in the Preliminary Plat Checklist, is filed with the Planning Department within one (1) year from the date of Master Plan approval.

However, apart from the zoning requirements, conceptual layout and all the conditions shown on the approved Master Plan, the application will otherwise be subject to the Land Development and Subdivision Regulations in effect at the time the Preliminary Plan is submitted.

Other Status. Any subdivision or development which, at the time of adoption of these Regulations has not received Final, Preliminary or Master Plan approval as discussed above shall be required to be reviewed under the revisions to the Land Development and Subdivision Regulations adopted on April 23, 2025 pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, as amended.

Questions pertaining to potential vested rights not discussed above shall be submitted in writing to the Planning Board for determination. Appeals from a decision regarding the application status and vested rights of any subdivision shall be made to the Planning Board of Appeals as herein provided.

SECTION 2. DEFINITIONS

Where words or phrases used in these Regulations are previously defined in the definition section of either the "*Rhode Island Comprehensive Planning and Land Use Regulations Act*," (Section 45-22.2-4), or the "*Zoning Enabling Act of 1991*," (Section 45-24-31), they shall have the meanings stated therein. Additional words and phrases used in these Regulations shall have the following meanings:

Abutter. Owner of land within two hundred feet (200') of the subdivision as determined from the most recent public records. Land separated from proposed subdivisions by a street right-of-way or easement is considered as abutting land.

Administrative Officer. The Director of Planning and Economic Development, or in his/her absence, the Principal Deputy Director.

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.

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 (see § 45-23-57).

Bond. See improvement guarantee.

Buildable Lot. A lot where construction for the use(s) permitted on the site under the local Zoning Ordinance is considered practical by the Planning Board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations.

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

Checklist. A list of requirements issued by the administrative officer for each type of application to be executed and submitted by the applicant as part of its application. The applicable checklist must be included with each application in order for a certificate of completeness to be issued by the administrative officer.

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

Consistency with the Comprehensive Plan. A requirement of all land use regulations which means that all regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the City as the Comprehensive Plan, as amended.

Dedication, fee-in-lieu of Payments of cash which are authorized when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons.

Developer. A person or entity, who is the principal representative for the project proposal at the time of recording, who posts the improvement guarantee and is responsible for constructing the infrastructure in accordance with the approved plans. The developer may be the owner of the property or the project applicant.

Development Regulation. Zoning, subdivision, land development plan, historic district, official map, flood plain regulation, soil erosion, Holding Pond Ordinance, or any other governmental regulation of the use and development of land.

Division of Land. A subdivision.

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".

Final Plan The final stage of land development and subdivision review application.

Final Plat. The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Planning Board and any accompanying materials as described in these Regulations.

Flood Hazard. Those areas delineated by the Flood Hazard Zones section.

Floor Area, gross. See Rhode Island State Building Code.

Governing Body. The body of local government having the power to adopt ordinances, accept public improvements and dedication, release public improvement guarantees, and collect fees. The City of Central Falls City Council is the governing body in the City of Central Falls.

Improvements. Any natural or built item, which becomes part of, is placed upon, or is affixed to, real estate.

Improvement Guarantee. A security instrument accepted by the City to ensure that all

improvements, facilities, or work required by the Land Development and Subdivision Regulations, or required by the City as a condition of approval, will be completed in compliance with the approved plan and specifications of a development.

Land-development project. 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.

Local Regulations. The Land Development and Subdivision Regulations adopted by the City of Central Falls Planning Board pursuant to Rhode Island General Laws, Section 45- 23.

Lot Depth. The greatest lineal distance of a lot lying between and generally measured perpendicular to a street right-of-way and a rear lot line.

Lot Width. The lineal distance of a lot lying between and generally measured perpendicular to side lot lines at its most narrow point from the minimum frontage line.

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.

Major Changes. Any change to a plan, which in the opinion of the Administrative Officer, substantially impacts the project and/or is inconsistent with the intent of the original approval. Major changes shall include, but are not limited to the following:

- a. changes that have the effect of creating additional lots or units;
- b. changes to any dimension contained in the plan exceeding twenty percent (20%);
- c. changes that would require a waiver from these Regulations or a variance or special use permit from the permitting authority;
- d. changes that may have significant negative impacts on abutting property or property in the vicinity of the project;
- e. significant realignment of streets or entrance changes;
- f. exceeding the limits of disturbance as specified in the final plan.

Major Land Development. Any land development not classified as a Minor Land Development Plan.

Major land development project. A land development project which exceeds the thresholds for a minor land development project as set forth in these regulations.

Major subdivision. A subdivision creating ten (10) or more buildable lots.

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. 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 (see §45-23-39).

Minor Changes. Any change to a plan, which, in the opinion of the Administrative Officer, does not substantially impact the project, is consistent with the intent of the original approval, and is not a major change.

Minor Land Development Project. A land development project involving any one of the following categories:

- a. Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or
- b. 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
- c. 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.
- d. Multi-family residential or residential condominium development of four (4) to nine (9) units or less, inclusive.
- e. Change in use at the property where no extensive construction of improvements are sought.
- f. 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.
- g. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.

Minor subdivision. A subdivision of land creating nine (9) or fewer buildable lots.

Modification of Requirements. The Planning Board shall have the power to grant such waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purpose and intent of the Regulations; a waiver.

Notice Area. Two hundred feet (200') from the perimeter of the entire property under consideration.

Parcel. 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.

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 and/or private improvements proceeds by section(s) subsequent to approval of a Master Plan for the entire site.

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.

Planning Board. The Planning Board of the City of Central Falls, Rhode Island.

Plat. A drawing or drawing of a land development or subdivision plan showing the location, boundaries, and lot lines of individual properties, as well as other necessary information as specified in these Regulations. Also referred to as a Plan.

Pre-application Conference. An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposal informally and to receive comments and directions from the municipal officials and others.

Preliminary Plan. A required stage of land development and subdivision review which generally requires engineered drawings.

Public Improvement. Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the local government or other governmental entity either is presently responsible or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.

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.

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 function they perform. See street classification.

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, 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.

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

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 as such points and in such manner as may be determined by the public authority having jurisdiction over the highway.

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.

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

Street, stub. A portion of a street reserved to provide access to future development, which may provide for utility connections.

Street Classification. A method of roadway organization which identifies a street hierarchy according to functions within a road system, that is, types of vehicles served and anticipated volumes of traffic, for the purpose of promoting safety, efficient land use and the design character of neighborhoods and districts. Local classifications shall use the following as major categories.

- 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 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. 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.

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 is considered a subdivision.

Technical Review Committee. A committee appointed by the Planning Board for the purpose of reviewing, commenting, and making recommendations to the Planning Board with respect to approval of development applications.

Temporary Improvements. Improvements built and maintained by a developer during construction of a development project prior to a release of the improvement guarantee, but not intended to be permanent.

Vested Rights. The right to initiate or continue the development of an approved project for a specific 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.

Waiver of Requirements. See modifications of requirements.

SECTION 3. ADMINISTRATION OF THESE REGULATIONS

A. The Administrative Officer

The Administrative Officer shall be responsible for the administration of these Subdivision and Land Development Regulations, and shall report to the Planning Board. The duties and responsibilities of the Administrative Officer are as follows:

- (1) Oversight and coordination of the review, approval, recording and enforcement provisions of these Regulations;
- (2) Coordination of the review and approval procedures for subdivision and land development projects with adjacent municipalities, local governing boards and commissions, state and federal permitting agencies, abutters and as directed by these Regulations and/or the Planning Board; and
- (3) Enforcement of these Regulations and coordination of enforcement efforts with other City staff.

B. Technical Review Committee

The TRC shall review the following types of applications in an advisory capacity:

- i. Minor land development projects and subdivisions.

- ii. Major land development projects and subdivisions, provided that the TRC reviews the application prior to the planning board's first meeting on the application.
- iii. Administrative subdivisions at the request of the administrative officer.
- iv. Minor modifications or changes to land development and subdivision applications, upon request from the Administrative Officer.
- v. Matters referred to the TRC by the planning board, administrative officer, zoning board, or city council.

The TRC shall review the following types of applications for determination by a majority vote of the membership. The decision of the TRC for these applications shall be binding on the applicant.

- i. Final plan applications for minor land development and subdivisions.

C. Regulations Amendment Process

Regulations pertaining to the Land Development and Subdivision Review process may be adopted, repealed, or amended only 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 within the City of Central Falls at least once each week for three (3) consecutive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. At this hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed Regulations. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration at least two (2) weeks prior to the hearing.

The 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:

- (1) Specify the place of said hearing and the date and time of its commencement;
- (2) Indicate that adoption, amendment or repeal of local regulations is under consideration;
- (3) Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
- (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
- (5) State that the proposals shown therein 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.

Notice of the public hearing shall be sent by first class mail to the city or City Planning Boards 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 City of Central Falls.

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 City of Central Falls or two thousand feet (2,000) feet of the City, provided, however, that a map survey has been filed with the Building Official as specified in RIGL ¶ 45-24-53(E).

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.

The above requirements are to be construed as minimum requirements.

D. Publication and Availability

Printed copies of these Regulations shall be available to the general public and shall be revised to include all amendments. Any appendices shall also be available. A reasonable charge may be made for copies.

Upon publication of these Regulations and any amendments hereto, the City shall send a copy to the Rhode Island Department of Administration's Division of Planning and the State Law Library.

E. Violations and Penalties

Violations. Any person who fails or refuses to adhere to all of the terms and conditions of any subdivision of land or development plan that has been approved by the City of Central Falls Planning Board or the Administrative Officer shall be in violation of these Regulations.

Any owner, or agent of the owner, who transfers, sells, or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved by the Planning Board and recorded in the Land Evidence Records shall be in violation of these Regulations.

Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision or development, or constructs any structure or improvement on the parcel, without having first received approval from the Planning Board or the Administrative Officer, shall be in violation of these Regulations.

Penalties for Violations. Any person adjudged in violation of these Regulations shall be liable for penalties not to exceed three hundred dollars (\$300) per day, and each day of existence of a violation shall be deemed a separate offense.

Injunctive Relief. The City of Central Falls shall have the authority to bring suit in Providence County Superior Court to restrain the violation of, or compel compliance

with, the provisions of these Regulations. An action for injunctive relief brought by the City of Central Falls in the Superior Court may be consolidated with an action seeking penalties for violations of these Regulations.

F. Required Findings.

Prior to approval of any subdivision or land development project, the permitting authority shall make positive findings on all of the standards listed below and address the general purposes stated in Section 1.C of these Regulations.

- (1) The proposed development is consistent with the *City of Central Falls Comprehensive Community Plan*, as amended, 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 City of Central Fall's Zoning Ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval;
- (4) Subdivisions, 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. 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 land developments and all subdivision lots shall 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.

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 observation upon which the fact finders acted.

G. Precedence of Approval Between the Planning Board and Other Local Permitting Authorities.

Zoning Board. Where an applicant requires both a variance from the zoning ordinance and planning board approval, the application shall be reviewed under unified development review pursuant to §§ 45-23-50.1 and 45-24-46.4. Where an applicant requires both a special-use permit under the zoning ordinance and planning board approval, the application shall be reviewed under unified development review pursuant to §§ 45-23-50.1 and 45-24-46.4.

City Council. Where an applicant requires both planning board approval and council approval

for a zoning ordinance or zoning map change, 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(s).

H. Waivers and Modifications.

Waiver of Development Plan Approval. The Planning Board may waive requirements for development plan approval when 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 Planning Board 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 approval, and that the existing facilities do not require upgraded or additional site improvements. The application for a waiver of development plan approval review shall include documentation, as required by the Planning Board, on prior use of the site, the proposed use, and its impact.

Waiver and/or Modification of Requirements. The Planning Board may grant waivers and/or modifications from the requirements for land development and subdivision projects as may be reasonable and within the general purposes and intents of the provisions of these Regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of the 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 practices and/or design as evidenced by consistency with the *City of Central Falls Comprehensive Community Plan* and the *City of Central Falls Zoning Ordinance*.

The Planning Board shall approve, approve with conditions, or deny the request for either a waiver or modification, according to the requirements of Section J herein below.

I. Reinstatement of Plans

When an applicant has exceeded a deadline established by these Regulations for submission of material thereby rendering a previously granted approval invalid, the application may be reinstated by the Planning Board under the following conditions:

- a. The development is consistent with the *City of Central Fall's Comprehensive Plan*;
- b. The Land Development and Subdivision Regulations are the same as they were at the time of original approval;
- c. The zoning classification of the parcel is the same as it was at the time of original approval;
- d. Physical conditions on the parcel are the same as they were at the time of original approval; and,

- e. Any applicable State or Federal Regulations are the same as they were at the time of original approval.

Application for reinstatement of a previously approved subdivision or land development shall be made to the Planning Board in writing. The Planning Board, in approving or denying the request for reinstatement, shall make findings of fact, which shall be made part of the record.

Where there have been changes in the items as listed above, the Planning Board may grant reinstatement only after a Public Hearing with the abutters.

J. Meetings, Votes, Decisions and Records

All records of the Planning Board proceedings and decisions shall be written and kept permanently available for public review. Completed applications for proposed development and subdivision projects under review by the Planning Board, shall be available for public review.

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.

All final written comments to the Planning Board from the Administrative Officer, municipal departments, state and federal agencies, and local commissions shall be part of the permanent record of the development application.

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 current Planning Board membership (i.e. a majority of the full Board's membership regardless of the number of members present at the meeting).

K. Signing and Recording of Plats and Plans

Approved Final Plans and plats for development projects and subdivisions shall be signed by the appropriate Planning Board official with the date of approval. Plans and plats for Major and Minor Land Development projects and Subdivisions shall be signed by the Planning Board Chairperson or the Secretary of the Planning Board attesting to the approval by the Planning Board.

Upon signature, all plans and plats shall be submitted to the Administrative Officer prior to recording and filing in the City Clerks' land evidence records. The materials to be recorded for all plats and plans 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 by the Planning Board, permits and agreements with state and federal

reviewing agencies, and other information as required by the Planning Board.

Other parts of the application record, including all meeting records, approved Master Plan and Preliminary Plans, site analysis, impact analyses, all legal agreements, records

of the public hearings and the entire final approval set of drawings shall be kept permanently by the Department of Planning and Community Development.

The Administrative Officer shall notify the statewide "911" emergency authority and the City Police Department and appropriate Fire Department servicing the new plat with the information required by each of the authorities.

L. Changes to Recorded Plats and Plans

For all changes to the approved plans subject to these Regulations, an amendment of the Final Plans is required prior to the issuance of any building permits. Any changes approved in the Final Plan shall be recorded as amendments of the Final Plan in accordance with the standard procedures established for recording plats.

Minor Changes. Minor changes, as defined in these Regulations, to a Final Plan may be approved administratively by the Administrative Officer, whereupon a permit may be issued. Such changes may be authorized without additional public hearings, at the discretion of the Administrative Officer. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from the Planning Board. Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change.

Major Changes. Major changes, as defined in these Regulations, to a Final Plan may be approved, only by the Planning Board and must follow the same review and public hearing process required for approval of Preliminary Plans as described herein.

Rescission Procedure. The Planning Board, only upon application by all landowners of the plat to be affected, may determine that the application for plat rescission is not consistent with the *City of Central Falls Comprehensive Plan*, as amended, and is not in compliance with the standards and provisions of the City of Central Falls Zoning Ordinance and/or these Regulations and shall hold a public hearing which adheres to the same notice requirements as a Major Subdivision or Development project. The Planning Board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat. If it is necessary to abandon any street covered under Chapter 6 of Title 24 of the RI General Laws, the Planning Board shall submit to the City Council the documents necessary for the abandonment process. Once the required process for rescission or for the rescission and abandonment has been completed, the revised plat shall be signed and recorded as specified in these Regulations.

M. Right of Appeal

Appeals from decision of administrative officer.

- a. Decisions by the administrative officer approving or denying minor subdivisions, minor land development projects and development review projects shall not be subject to this section and shall proceed directly to Superior Court as set forth in RIGL §45-23-71.
- b. An appeal to the board of appeal from a decision or action of the administrative officer may be taken by an aggrieved party to the extent provided in RIGL § 45-23-67. The appeal must be taken within twenty (20) days after the decision has been recorded in the City's land evidence records and posted in the office of the city clerk.
- c. The appeal shall be in writing and state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or be hand-delivered to the board of appeal. The city clerk shall accept delivery of an appeal on behalf of the board of appeal, if the local regulations governing land development and subdivision review so provide.
- d. Upon receipt of an appeal, the board of appeal shall require the administrative officer to immediately transmit 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.

Stay. An appeal stays all proceedings in furtherance of the action being appealed.

Public Hearing. The board of appeal shall hold a hearing on the appeal within forty-five (45) days of the receipt of the appeal, and give public notice of the hearing, as well as due notice to the parties of interest. At the hearing the parties may appear in person, or be represented by an agent or attorney. The board shall render a decision 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 applicant.

The board of appeal shall only hear appeals of the actions of an administrative officer at a meeting called especially for the purpose of hearing the appeals and which has been so advertised.

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 as required by RIGL §45-23-70(d) shall be maintained by the board of appeal.

Standards of Review. As established by this chapter, in instances of a board of appeal's review of an administrative officer's decision on matters subject to this chapter, the board of appeal shall not substitute its own judgment for that of the administrative officer but must consider the issue upon the findings and record of the administrative officer. The board of appeal shall not reverse a decision of the administrative officer except on a finding of prejudicial procedural

error, clear error, or lack of support by the weight of the evidence in the record.

The concurring vote of three (3) of the five (5) members of the board of appeal sitting at a hearing, is necessary to reverse any decision of the administrative officer.

In the instance where the board of appeal overturns a decision of the administrative officer, the proposed project application is remanded to the administrative officer, at the stage of processing from which the appeal was taken, for further proceedings before the administrative officer and/or for the final disposition, which shall be consistent with the board of appeal's decision.

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.

N. Appeals to the Superior Court

An aggrieved party may appeal a decision of the board of appeal, a decision of an administrative officer made approving or denying minor subdivisions, minor land development projects and development review projects pursuant to RIGL §§45-23-38 or §45-23-50 where authorized to approve or deny an application, a decision of the technical review committee, where authorized to approve or deny an application, or a decision of the planning board, to the superior court for Providence County by filing a complaint stating the reasons of for the 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 authorized permitting authority shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies of the original documents, together with any other facts that 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 the planning board shall be made parties to the proceedings. No responsive pleading is required for an appeal filed pursuant to this section. The appeal does not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make any other orders that it deems necessary for an equitable disposition of the appeal.

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 planning board at the preliminary stage; providing that, a public hearing has been held on the plan, if required pursuant to this chapter.

The review shall be conducted by the Superior Court without a jury. The court shall consider the record of the hearing before the Planning Board and, if it appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to the appeal to present evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.

The court shall not substitute its judgment for that of the Planning Board 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 have been prejudiced because of findings, inferences, conclusions or decisions which are:

1. In violation of constitutional, statutory, ordinance or Planning Board regulations provisions;
2. In excess of the authority granted to the Planning Board by statute or ordinance;
3. Made upon unlawful procedure;
4. Affected by other error of law;
5. Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
6. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion

O. Appeals to Superior Court Pertaining to the Enactment or Amendment of Regulations.

An appeal of an enactment of or an amendment of these Regulations may be taken to the Superior Court of Providence County by filing a complaint, as set for the herein, within thirty (30) days after such enactment, or amendment has become effective. The appeal may be taken by any legal resident or landowner of the City of Central Falls or by any association of residents or landowners thereof. The appeal shall not stay the enforcement of the Regulations, 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. The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with the Comprehensive Planning Act, Chapter 45-22.2; the Zoning Enabling Act of 1991, Section 45-24-27 et seq; the City of Central Falls Comprehensive Plan, as amended, or the City of Central Falls Zoning Ordinance.

The review shall be conducted by the court without a jury. The court shall consider whether the enactment or amendment of the Regulations is consistent with the Comprehensive Planning Act, Chapter 45-22.2; the Zoning Enabling Act of 1991, Section 45-24-27 et. seq., the *City of Central Falls Comprehensive Plan*, as amended, or the *City of Central Falls Zoning Ordinance*. If the enactment or amendment is not consistent, then the court shall invalidate the enactment or the amendment. or those parts of such enactment or amendment that are not consistent. The court shall not revise the Regulations found to be inconsistent, but may suggest appropriate language as part of the court decision.

The court may in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth herein, including the City of Central Falls.

P. Severability

If any portion of these rules, Regulations or determinations made hereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the rules, Regulations 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 these Regulations.

SECTION 4: IMPROVEMENT GUARANTEES

A. General provisions.

1. Agreements for the completion of all required public improvements shall be approved by the Planning Board prior to final plan approval in the form of the following:
 - a. Completion of actual construction of all improvements;
 - b. Improvement guarantees; or
 - c. Combination thereof.
2. Where improvements are constructed without a financial guarantee, the work shall be completed prior to final approval of the development or subdivision plan. All construction shall be inspected by the Director of the Department of Public Works or his/her designee or within 20 days of a written request and approved under the direction of the administrative officer.
3. 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 required improvements as specified by the planning board. The amount shall be based on actual cost estimates for all required public improvements and these estimates shall be reviewed and approved by the planning board. The planning board may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate future economic or construction conditions. The guarantee shall be reviewed and/or upgraded by the planning board on an annual basis.
4. The guarantee amount shall be established by the following procedure:
 - a. The Applicant shall submit a proposed estimate of costs with supporting materials prior to final plan approval;
 - b. The public works department shall review the proposed estimate of costs and issue a recommendation to the planning board within fifteen (15) days of receipt;

- c. The recommendation shall be heard by the planning board at its next regularly scheduled meeting. The security shall be in the form of performance bond, cash (certified check, bank check), or letter of credit. Prior to release or partial release of guarantees by the administrative officer, the Applicant shall request an inspection. The public works department shall inspect the improvements and certify to the administrative officer that improvements have been satisfactorily completed and accepted. The administrative officer shall issue a letter of acceptance and report such release or partial release of the guarantee at the planning board's next scheduled meeting. Acceptance does not impose any duty upon the city to maintain or improve dedicated areas until the city council accepts the completed public improvements as constructed in compliance with the final plans.
- d. The developer shall be eligible for a partial release of the guarantees as stages of the improvements are completed, inspected and approved under the coordination of the administrative officer and reported to the permitting authority.
- e. 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.
- f. The planning board shall require maintenance guarantees to be provided for a one-year period subsequent to completion, inspection and acceptance of improvement(s), unless there are extenuating circumstances. Such maintenance guarantee shall not exceed ten (10%) percent of the original guarantee amount, or the original cost of the public improvements if no guarantee was required.
- g. All required improvements, once inspected and approved, shall be accepted by the city council for maintenance and/or as part of the municipal system.

SECTION 5. REVIEW AND APPROVAL OF PLANS AND PLATS

A. Unified development review.

- a. Review of projects submitted under this section shall adhere to the procedures, timeframes and standards of the underlying category of the project as listed herein, but shall also include the following procedures:
 - 1. Minor subdivisions and land-development projects. Except for dimensional relief granted by modification, requests for variances and/or for the issuance of special-use permits related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the first stage of reviews. A public hearing on the application, including any

variance and special-use permit requests that meets the requirements of this section shall be held prior to consideration of the preliminary plan by the Planning Board. The Planning Board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.

2. Major subdivisions and land-development projects.
 - i. Master plan. Except for dimensional relief granted by modification, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land-development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined, the first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (e) of this section, shall be held prior to consideration of the master plan by the Planning Board. The Planning Board shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.
 - ii. Preliminary plan. During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and/or special-use permit(s) granted by the Planning Board during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, that meets the requirements of subsection (5) of this section, shall be held prior to consideration of the preliminary plan by the Planning Board. The Planning Board shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land-development project. Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of the final plan of

the major subdivision or land-development project. If the Planning Board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the planning board shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the Planning Board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the decision period, so that additional information can be provided and reviewed by the Planning Board.

3. Decision. The time periods by which the Planning Board must approve or deny applications for variances and special-use permits under the unified development review provisions of the local regulations shall be the same as the time periods by which the Board must make a decision on the applicable review stage of the category of project under review.
4. Unless otherwise provided in this chapter all under this section shall require a single public hearing, held pursuant to subsection (a)(1) of this section. The public hearing must meet the following requirements:
 - i. Public hearing notice shall adhere to the requirements found in RIGL §45-23-42(b).
 - ii. The notice area for notice of the public hearing shall be made in accordance with R.I.G.L. §45-24-53. ,and notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if: (1) the notice area extends into the adjacent municipality; or (2) the development site extends into the adjacent municipality; or (3) there is a potential for significant negative impact on the adjacent municipality. Additional notice within watersheds shall also be sent as required in RIGL §45-23-53(b) and (c).
 - iii. Public notice shall indicate that dimensional variance(s), use variance(s) and/or special-use permit(s) are to be considered for the subdivision and/or land-development project.
 - iv. The cost of all public notice is to be borne by the applicant.
5. The time periods by which the permitting authority must approve, approve with conditions or deny requests for variances and special-use permits under the unified development review provisions of a zoning ordinance shall be the same as the time periods by which the Planning Board must make a decision on the applicable review stage of the underlying type of project under review.
6. The expirations period of an approval of a variance or special use permit granted under this section shall be the same as those set forth in the statute for the underlying type of project under review.
7. Decisions under this section, including requests for the variance(s) and/or special-use permits that are denied by the Planning Board may be appealed pursuant to RIGL §45-23-71.

B. Classification and Certification of a Complete Application.

Classification. The administrative officer shall advise the applicant as to which category of approval is required for a project. The following categories of applications may be filed:

1. Subdivisions. Administrative subdivisions, minor subdivisions, or major subdivisions; and
2. Land development projects. Minor land development or major land development.

C. Certification of a complete application.

An application shall be complete for purposes of commencing the applicable time period for action when so certified by the administrative officer. Every certification of completeness required by this chapter shall be in writing. In the event the certification of the application is not made within the time specified in this chapter for the type of plan, the application is deemed complete for purposes of commencing the review period unless the application lacks information required for these applications as specified in the local regulations and the administrative officer has notified the applicant, in writing, of the deficiencies in the application.

For the purposes of calculating the mandatory review periods as provided in these Regulations, all days shall be considered calendar days.

D. Requirements Common to all Submissions.

Every submission must be accompanied by a General Application for Subdivision or Development. If the applicant is not the property owner, the application must include a notarized statement authorizing the submission of the proposed development. The specific submission requirements for each stage of a proposed development are contained in the appropriate Checklist. Plans must illustrate all parcels, in their entirety, involved in the proposed subdivision or development. The number of plans that needs to be submitted depends on the type of submission, whether the Plan must be reviewed by the Planning Board, and the project's location. The Checklists provide further guidance on this matter, however, the number of copies necessary can always be confirmed with the Administrative Officer.

E. Pre-Application Meetings and Concepts

One or more pre-application meeting shall be held for all Major Land Development or Subdivision applications. Pre-application meetings may be held for Administrative and Minor applications, upon request of either the Planning staff or the applicant. Pre-application meetings shall allow the applicant to meet with appropriate officials, boards and/or commissions, planning staff, and, where appropriate, state agencies, 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. Pre-application meetings 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. At the Pre-application stage the applicant may request that the Planning Board informally review a development concept. The purpose of the concept plan review is also to provide Planning Board input in the formative stages of Major Subdivisions and developments.

Review process. Applicants seeking a Pre-application meeting or an informal concept review shall submit the materials required by the Checklist in advance of the meeting(s). The Administrative Officer shall have fifteen (15) days to certify that a Pre-application Submission is complete or incomplete. Within forty-five (45) days after the submission has been certified as complete, the pre-application meeting will be held.

Provided that at least one (1) pre-application meeting has been held for a Major Land Development or Subdivision application or sixty (60) days has elapsed from the 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 or subdivision project in accordance with Section 45-23-36 of the Enabling Act.

F. Administrative Subdivision

Submission requirements. Any applicant requesting approval of a proposed Administrative Subdivision, as defined in these Regulations, shall submit to the Administrative Officer the items required in the appropriate Checklist.

Certification. The applicant shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission.

Review process. Within fifteen (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 officer shall report his/her actions to the Planning Board at its next regularly scheduled meeting, to be made part of the record.

If no action is taken by the Administrative Officer within the fifteen (15) days, the application shall be placed on the agenda of the next regularly scheduled Planning Board meeting.

Any approval of an Administrative Subdivision shall be evidenced by a written decision which shall be filed and posted in the Office of the City Clerk.

Referral. 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 sixty-five (65) days of certification completeness. Failure of the Planning Board to act within the prescribed period shall constitute approval of the Administrative Subdivision Plan and a certification of the Administrative Officer as to failure of the Planning Board to act within the required time period and the resulting approval shall be issued on request of the applicant.

Denial. Denial of an application by the Administrative Officer shall be not appealable and shall require the plan to be submitted as a Minor Subdivision application.

Vesting. Approval of an Administrative Subdivision shall expire ninety (90) days from the date of approval unless within such period a plat in conformity with such approval is

submitted for signature and recorded.

G. Minor Land Development and Minor Subdivision Plan Review

Minor plan review consists of two (2) stages, preliminary and final; provided, that unless otherwise set forth in this section, if a street creation or extension is involved, or a request for variances and/or special-use permits are submitted pursuant to a unified development application, a public hearing is required by the Planning Board.

- a. Application types.
 - i. Applications requesting relief from the zoning ordinance.
 1. Applications under this section which require relief which qualifies only as a Modification shall proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such Modification is granted the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable requirements of this section. If the modification is denied or an objection is received, such application shall proceed under unified development plan review.
 2. Applications under this section 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 plan review, and a request for review shall accompany the preliminary plan application.
 3. Any application involving a street creation or extension shall be reviewed by the Planning Board and require a public hearing.
 - b. Other applications. The administrative officer shall review and grant, grant with conditions or deny all other applications under this section and may grant waivers of design standards as set forth in the local regulations and zoning ordinance. The administrative officer may utilize the technical review committee for initial review and recommendation. The administrative officer may grant the following waivers:
 - i. Reserved. All requests for waivers must be approved by the Planning Board.

Submission requirements. Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in this chapter, shall submit to the administrative officer the items required by the Minor Subdivision and Land Development Checklist.

Certification. For each applicable stage of review, the application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission so long as a completed checklist of the requirements for submission are provided as part of the submission. If an applicant also submits for a Modification to the Zoning Ordinance, the running of the time period set forth herein will not begin until the decision on the Modification is made. If no street creation or extension is required, and/or unified development review is not requested, and a

completed checklist of the requirements for submission are provided as part of the submission, such application shall be certified, in writing, complete or incomplete by the administrative officer within fifteen (15) days. The running of the time period set forth in this section 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.

Decision on preliminary plan. If no street creation or extension or unified development review is required, the administrative officer will 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 and the board. If a street extension or creation is required, and/or the application is reviewed under the unified development plan review, the Planning Board will hold a public hearing prior to approval and will approve, deny, or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within any specified time that is agreed to by the applicant and the board.

- a. Failure to act. Failure of the Planning Board or administrative officer 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 will be issued on request of the applicant.
- b. Re-assignment to major review. The Planning Board may re-assign a proposed minor project to major review only when the Planning Board is unable to make positive Required Findings.
- c. Final plan. Final plans shall be reviewed and approved by the Technical Review Committee. The committee 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 approve, deny, approve with conditions, or refer the application to the Planning Board based upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.
- d. Modifications and changes to plans. Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the permitting authority. Denial of the proposed change(s) shall be referred to the applicable permitting authority for review as a major change. Minor changes include those identified in the Definitions of these Regulations. Major changes to the plans approved at any stage may be approved only by the applicable permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing if originally required as part of the application. Major changes include those identified in the Definitions of these

Regulations. The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines the change to be a major change.

Appeal. Decisions under this section shall be considered an appealable decision.

Expiration of approvals. Approvals of a minor land-development or subdivision plan expires one year 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 signature and recording. Validity may be extended for a longer period, for cause shown, if requested by the application in writing, and approved by the Planning Board.

H. Major Land Development and Major Subdivision Review

Stages of review. Major land development and major subdivision review consists of three stages of review, master plan, preliminary plan and final plan, following the pre-application meeting(s). Also required is a public hearing at the master plan stage of review or, if combined at the first stage of review.

The administrative officer may combine review stages, but only the Planning Board may waive submission requirements. Review stages may be combined only after the administrative officer determines that all necessary requirements have been met by the applicant or that the Planning Board has waived any submission requirements not included by the applicant.

1. Master plan review.

Submission requirements. The applicant shall first submit to the administrative officer the items required by the checklist for master plans.

- i. Requirements for the master plan and supporting material for this phase of review include, but are not limited to: information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland and coastal zone boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing; and potential neighborhood impacts, as required by the Checklist. Initial comments will be solicited from:
 1. Local agencies including, but not limited to, the planning department, the department of public works, fire and police departments, the conservation and recreation commissions;
 2. Adjacent communities;
 3. State agencies, as appropriate, including the departments of environmental management and transportation and the coastal resources management council; and,
 4. Federal agencies, as appropriate. The administrative officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

- ii. Applications requesting relief from the zoning ordinance.
 1. Applications under this chapter which require relief which qualifies only as a Modification shall proceed by filing a master plan application under this section and a request for a modification to the zoning enforcement officer. If such Modification is granted, the application shall then proceed to be reviewed by the planning board pursuant to the applicable requirements of this section. If the Modification is denied or an objection is received, such application shall proceed under unified development plan review.
 2. Applications under this section 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 plan review.

Certification. The application must be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days of the submission, so long as a completed checklist of requirements are provided with the submission. If an applicant also submits for a Modification to the Zoning Ordinance, 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 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.

Technical review committee. The technical review committee shall review the application prior to the first Planning Board meeting and shall comment and make recommendations to the Planning Board.

Public hearing. A public hearing shall be held prior to the Planning Board decision on the master plan. If the master plan and preliminary plan review stages are being combined, a public hearing shall be held during the combined stage of review. Notice for the public hearing is required with these Regulations. At the public hearing, the applicant will present the proposed development project. The planning board must allow oral and written comments from the general public. All public comments are to be made part of the public record of the project application.

Decision. The Planning Board shall, within ninety (90) days of certification of completeness, or within a further amount of time that may be consented to by the applicant through the submission of a written waiver, approve of the master plan as submitted, approve with changes and/or conditions, or deny the application.

Failure to act. Failure of the Planning Board to act within the prescribed period constitutes 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 will be issued on request of the applicant.

Vesting. The approved master plan is vested for a period of two (2) years, with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the Planning Board for the annual review. Thereafter, 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. Master plan vesting includes the zoning requirements, conceptual layout, and all conditions shown on the approved master plan drawings and supporting materials.

The initial four (4) year vesting for the approved master plan constitutes the vested rights for the development as required in RIGL § 45-24-44.

2. Preliminary plan review.

Submission requirements.

- i. The applicant shall first submit to the administrative officer the items required by the checklist for preliminary plans.
- ii. Requirements for the preliminary plan and supporting materials for this phase of the review include, but are not limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, and a perimeter survey, as included on the checklist.
- iii. At the preliminary plan review phase, the administrative officer shall solicit final, written comments and/or approvals of the department of public works, the City solicitor, other local government departments, commissions, or authorities as appropriate.
- iv. Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements, and rights-of-way.
- v. Prior to approval of the preliminary plan, an applicant must submit all permits required by state or federal agencies, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.
- vi. If the applicant is requesting alteration of any variances and/or special-use permits granted by the Planning Board at the master plan stage of review pursuant to adopted unified development review provisions, and/or any new variances and/or special-use permits, such requests and all supporting documentation shall be included as part of the preliminary plan application materials.

Certification. The application will be certified as complete or incomplete by the administrative officer within twenty-five (25) days so long as a completed checklist of requirements are provided with the submission. 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.

Technical review committee. The technical review committee shall review the application prior to the first Planning Board meeting and shall comment and make recommendations to the Planning Board.

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.

Public improvement guarantees. Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees, shall be reviewed and approved by the Planning Board at preliminary plan approval.

Decision. A complete application for a major subdivision or development plan shall be approved, approved with conditions, or denied within ninety (90) days of the date when it is certified complete, or within a further amount of time that may be consented to by the developer through the submission of a written waiver. Provided that, the timeframe for decision is automatically extended if evidence of state permits has not been provided, or otherwise waived in accordance with this section.

Failure to act. Failure of the Planning board to act within the prescribed period constitutes 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.

Vesting. The approved preliminary plan is vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the Planning Board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the Planning Board. The vesting for the preliminary plan approval includes all general and specific conditions shown on the approved preliminary plan drawings and supporting material.

3. Final plan.

Submission requirements.

- i. The applicant shall submit to the administrative officer the items required by the checklist for the final plan, as well as all material required by the Planning Board when the application was given preliminary approval.
- ii. Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
- iii. Certification by the tax collector that all property taxes are current.
- iv. For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

Certification. The application for final plan approval shall be certified complete or incomplete by the administrative officer in writing, within fifteen (15) days, so long as a completed checklist of requirements are provided with the submission. This time period may be extended to twenty-five (25) days by written notice from the administrative officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the

time period set forth herein 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 does not require submission to the Planning board, the final plan shall be considered approved.

Decision. The administrative officer, or, if referred to it, the Planning Board, shall review, grant, grant with conditions or deny final plan approval. A decision shall be issued 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, approve or deny the final plan as submitted.

Failure to act. Failure of the administrative officer or, if referred to it, the Planning Board to act within the prescribed period constitutes approval of the final plan and a certificate of the administrative officer as to the failure of the to act within the required time and the resulting approval shall be issued on request of the applicant.

Expiration of approval. The final approval of a major subdivision or land development project expires one year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the Planning Board for the annual review, unless, within that period, the plat or plan has been submitted for signature and recording. Thereafter, the Planning Board may, for good cause shown, extend the period for recording.

Acceptance of public improvements. Signature and recording constitute the acceptance by the municipality of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the municipality to maintain or improve those dedicated areas until the City Council accepts the completed public improvements as constructed in compliance with the final plans.

Validity of recorded plans. The approved final plan, once recorded, remains valid as the approved plan for the site unless and until an amendment to the plan is approved, or a new plan is approved by the Planning Board.

4. Modifications and changes to plans.

Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without an additional planning board meeting, to the extent applicable, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the Planning Board. Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change. Minor changes include those identified in the Definitions of these Regulations. Major changes to the plans approved at any stage may be approved only by the planning board and must include a public hearing. Major changes include the those identified in the Definitions of these Regulations. The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines the change to be a major change of the approved plans.

5. Appeal.

Decisions under this section shall be considered an appealable decision.

I. Project Phasing

The Planning Board may allow or require the construction of Major Land Developments and/or Subdivisions to be divided into reasonable phases. Land should be subdivided logically, with a plan for the property's complete buildout such that the road network, utilities, etc., take into account all the needs of future lots. As such, the Planning Board may require the submission of a Master Plan that illustrates a parcel's buildout even when the developer only wishes to proceed with construction in phases. When considering a phased development, the Planning Board will require the following:

- (1) Approval of the entire site design first as a Master Plan. Thereafter the development plans may be submitted for Preliminary and/or Final review and/or approval by phases. The Master Plan documents must contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the completion schedules for approvals and construction of the phases.
- (2) All public improvements must be completed on each phase before work begins on a subsequent phase. Each phase must be designed and constructed to stand alone should additional phases of the project be delayed for any reason.

The Master Plan shall remain vested in accordance with the standard Master Plan vesting regulations and as long as it can be proved, to the satisfaction of the Planning Board, that work is proceeding on the construction of the development as shown in the approved Master Plan documents, and that the overall development plan has not significantly changed. Significant changes include, but are not limited to: sale of a portion of the parcel, and/or the submission of a Preliminary Plan not in conformance with the Master Plan. Every Preliminary and Final Plan submitted subsequent to Master Plan approval shall conform to the Land Development and Subdivision Regulations current at the time of submission.

J. Project Impact Statement May Be Required.

A project impact statement may be required by the Planning Board, to be prepared and paid for at the applicant's expense, for the purpose of protecting the health, safety, convenience, and welfare of the inhabitants of the City, and to protect, preserve and, maintain the quality of surface and subsurface waters and other natural resources deemed to be of irreplaceable value upon which residents of the City of Central Falls and others depend, and to determine those conditions tending to adversely affect the environment of the City. In compiling such a statement, the applicant shall consult with the various organizations (public, private and non-profit) having knowledge and authority in the various subjects cited.

The Planning Board shall stipulate the information which shall be required and why as part of the request for a project impact statement. The Planning Board may require that the Statement contain one or more of the following:

- (1) A description of the proposed use;
- (2) A description of the existing environmental setting to include all man-made natural and physiographic features within five hundred (500) feet of the perimeter of the subject property including but not limited to vegetation, wetlands, topographic contours, and existing development;
- (3) A statement of any prior or anticipated flood levels, and of the expected flood hazard present on the site;
- (4) A traffic analysis conducted by a Rhode Island registered engineer specializing in traffic;
- (5) All favorable and adverse environmental impacts of the proposed use;
- (6) The means and estimated cost of minimizing the adverse impacts;
- (7) Identification of any irreversible commitment or alterations of natural features as a result of the proposed action;
- (8) An analysis of the City's ability, at the time of application, to service all or part of the proposed project;
- (9) Statements from organizations that are suited to comment on the proposal; and
- (10) An analysis of impacts on the City's water supply where a proposed development lies within an aquifer and/or groundwater recharge area.
- (11) Identification of areas of archeological significance and any impacts thereon.
- (12) Any other information the Planning Board specifies as relevant to the proposal.

The Planning Board shall have the power to require dedications of land, the construction of improvements, including off-site improvements, or other activities (collectively referred to as "mitigating activity"); in order to mitigate negative impacts of a subdivision or development project. The Planning Board shall also have the power to require a fee in lieu of such mitigating activity. The fee shall be determined by the estimated costs of such mitigating activity. All such mitigating activity, or payments-in-lieu thereof, shall be for mitigation of identified negative impacts or proposed projects. Furthermore, the significant negative impacts of the proposed development on the existing conditions must be clearly documented. Any mitigating activity, or fee in lieu thereof, required as a condition of approval must be related in kind and degree to the identified impact.

All payment-in-lieu of dedication or construction 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.

SECTION 6. GENERAL DESIGN STANDARDS

The design of all subdivisions, land development projects shall conform to the City of Central Falls Zoning Ordinance and Land Development and Subdivision Regulations as written herein. The Planning Board has established the elements contained in these Regulations as minimum design standards. The Planning Board reserves the right to determine lot/unit location and number of lots created by subdivision and land development projects in accordance with these Regulations and the Zoning Ordinance. The Planning Board may raise or lower these standards upon a site visit and/or review of the proposed plan, if the Board feels in doing so that adequate provisions have been/must be made in the plan for the following:

1. To lessen traffic accidents;
2. To develop land in recognition of primary natural constraints (slopes >15%, rock outcrops and wetlands);
3. To promote safety from fire, flood and other dangers;
4. To secure a well articulated street and highway system;
5. To ensure adequate provisions for pedestrian traffic;
6. To secure an adequate storm water run-off management and soil erosion plan;
7. To preserve significant natural and historic characteristics;
8. To provide adequate public water and sanitary sewage treatment;
9. To provide a recreation area suitable for future use; and
10. To promote development in conformance with the Comprehensive Plan.

The applicant, at his/her own expense, shall construct all improvements where required by the Planning Board as a condition of approval for any subdivision or land development project subject to these Regulations.

A. Site Planning

Depending on a property's location, the styles and patterns of development are different, and therefore, the application of these standards will necessarily depend upon the surrounding area in which development is proposed.

Reminder: All applications subject to these Regulations, regardless of whether they involve the construction of a new street or development of a single existing lot, must conform with the City's Zoning Ordinance and any other applicable City Ordinances and Regulations.

To the maximum extent practicable, development should be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize alterations of and negative impacts to natural features, historic and cultural resources, and scenic areas. A Site Analysis that considers both the existing natural and built context as described below should be conducted as part of the conceptual site planning process.

New development or redevelopment shall incorporate characteristics of the surrounding area

when the area exhibits a positive site layout and/or functional patterns (e.g., buildings close to street, shared parking and access, and generous landscaping); otherwise, the Planning Board will look to the applicant to improve the area with his/her proposal and not further degrade an area.

Built Context

Existing design, details such as form, type and texture of materials, balance, symmetry/asymmetry, natural factors, pedestrian circulation, access, and connections should be respected. Continuity of positive aspects of the nearby architectural style and other elements of the built environment will be the primary focus of the review process.

1. Placement of buildings shall consider the location of nearby compatible and incompatible uses, traffic corridors, vegetation, and other existing site characteristics. Where adjacent setbacks are inconsistent, an attempt shall be made to moderate them. If this is not possible, vegetation, walls and other landscape features shall be used to continue the rhythm of the built environment.

B. Land Unsuitable for Development

Land deemed unsuitable for building purposes in the judgment of the Planning Board, will not be approved for development or subdivision.

Developments Serviced by Sewers. When calculating the number of residential building lots or units permitted on any parcel in an area serviced by sewers, land included in all of the following categories shall be considered unsuitable for development and shall be deducted from the building acreage of the parcel:

- a. Freshwater wetlands, except areas of perimeter wetland within fifty (50) of the edge of any bog, marsh, swamp or pond; or any applicable 100-foot or 200-foot riverbank wetlands, as defined by Rhode Island General Laws Section 2-1-20 (1987), as amended;
- b. Areas within a 100 year flood zones, as defined by FEMA;
- c. Land within any publicly or privately held easement on which aboveground utilities, including but not limited to electrical transmission lines, are constructed;
- d. Areas with slopes in excess of 15% that are within the limit of disturbance of the subdivision; and
- e. Cemeteries.

Minimum Contiguous Buildable Areas. Lots shall have minimum contiguous buildable areas (excluding wetlands, floodplains, easements, and steep slopes as further described above) equal

to the following:

Zoning: District	Minimum Contiguous Buildable Area
R-1 Minimum Lot Area 5,000 sq ft	2500 sq ft
R-2 Minimum Lot Area 5,000 sq ft	2500 sq ft
R-3 Minimum Lot Area 5,000 sq ft	2500 sq ft
C-1 Minimum Lot Area 5,000 sq ft	5000 sq ft
C-2 Minimum Lot Area 5,000 sq ft	5000 sq ft
C-D Minimum Lot Area 5,000 sq ft	sq ft

C. Flood Hazard Areas

The following requirements shall apply to any plat which is located wholly or partly within Zone A and Zones AI-A30 as identified on the flood insurance rate map as part of the flood insurance study which also includes the flood boundary and floodway map. Said maps and any amendments thereto are hereby made part of this section of these Regulations.

- (1) All submissions shall show the location of any portion of the plat which lies within any Zone A or Zones AI-A30 and the floodway and shall show the base flood elevation as prescribed for these zones at the specific location. Where the plat location is entirely within these zones, it shall be noted on the plat drawing.
- (2) In grading land and installing improvements, no watercourse shall be altered in such a manner as to reduce its carrying capacity. Prior to permitting any alteration or relocation of a watercourse, the Planning Board will send notification to the neighboring communities, the Rhode Island Statewide Planning Program and the Federal Insurance Administration.
- (3) All plat proposals will be reviewed by the Planning Board or its agent to assure that the design of the plat is consistent with the need to minimize flood damage. Public improvements, facilities, and utilities are constructed or installed in a manner that will minimize flood damage. Adequate drainage will be provided to minimize the accumulation of water.

D. Erosion and Sediment Control Design

Site design should avoid steep slopes, minimize slopes in graded areas and work with the natural drainage and topography of the site. Original boundaries, alignment and slopes of watercourses within the project locus shall be preserved to the greatest extent feasible.

Development plans should preserve 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.

E. Lot Design Standards

The Planning Board reserves the right to determine lot location and total number of lots in conformance with the City Zoning Ordinance and in recognition of the need to preserve primary natural features. Additionally,

- (1) All lots shall front an existing or proposed public street.
- (2) All lot dimensions shall conform to the requirements of the City of Central Falls Zoning Ordinance.
- (3) The proportion of average lot depth to average lot width shall not exceed 2½:1.
- (4) Lots shall not extend through a block to another existing or proposed residential street (through lots).
- (5) Side lot lines shall be at right angles to street lines or radial to curved street lines unless the Planning Board determines that a variation from this rule will provide a better street or lot plan. Except on those sides bordering a street, lots shall not have interior angles greater than two hundred (200) degrees.
- (6) All lots and limit of disturbance areas in relation thereto shall avoid primary natural constraint areas (slopes >15%, rock I ledge outcrops, floodplains, wetland areas including RIDEM jurisdictional wetland areas).
- (7) Driveways may not exceed a slope of 10%. Proposed house/unit locations must be accessed from the lot's frontage unless otherwise approved by the Planning Board. In instances where the topography to the proposed house location exceeds 10%, the applicant must provide engineered plans for the driveway's construction resulting in a driveway that does not exceed a 10% slope using whatever necessary soil and erosion control measures.
- (8) Within 10 feet of adjoining properties, changes to existing grade are to be limited to a slope of 2:1. Retaining structures must be provided to contain slopes that exceed the 2:1 ratio.
- (9) All lots shall conform to the City of Central Falls Comprehensive Plan.

F. Block Design Standards

Blocks shall not be greater than one thousand (1,000) feet in length. The Planning Board may require provision for pedestrian rights-of-way at the center of blocks. All such rights-of-way shall be ten (10) feet wide, shall be paved and landscaped, and shall be dedicated to the City.

SECTION 7. PUBLIC IMPROVEMENT DESIGN STANDARDS

A. Right-of-Way Standards

The following design standards shall be followed where applicable in the design and construction of any subdivision or development involving a public right of way or infrastructure that serves the public and which must be constructed and maintained in accordance with appropriate health and safety standards.

Frontage on Improved Streets. The area to be developed shall have frontage on an existing, improved City-accepted street. If such an existing street has not been improved to the standards and specifications as required in these Regulations, the Board shall require the subdivider to make certain improvements along the part of the street abutting the property or leading to the property being subdivided where necessary for reasons which may include, but are not limited to drainage, safety, traffic, snow or refuse removal, as deemed proper by the Board. Additionally, the Board may require the construction of a permanent or temporary cul-de-sac as a means to improve the safety and serviceability of the lots in question.

For the purposes of these Regulations, streets platted but not improved or accepted for maintenance by the City, shall not be considered existing, improved public streets. Where these streets are incorporated within a subdivision or development, they shall be improved by the applicant to meet the standards of these Regulations. **Private streets shall not be allowed.**

Street Classifications. Street design within a proposed subdivision or land development project shall conform to the street classification system as established herein. Requirements for right-of-way and pavement width, drainage, utilities, sidewalks, and other design standards shall be tailored to the location and function of the specific roadway. Three (3) categories of streets shall be utilized. They are arterial roadways, collector and local streets.

Roadway Design Standards. Roadway Design Standards for the three roadway categories are as follows:

	Arterial Class A Street	Collector Class B Street	Local Class C Street
Right-of-Way	80 ft.	60 ft.	50 ft.
Street pavement width between curbs	38 ft.	30 ft.	26 ft.
Minimum grade	.5%	.5%	.5%
Maximum grade	5.0%	5.0%	5.0%
Maximum cul-de-sac length measured from centerline of intersecting street to centerline center of cul-de-sac	600 ft.	600 ft.	600 ft.
Maximum grade within 30 ft of intersection and within cul-de-sac	1.0%	1.0 %	1.0%
Minimum centerline radii	600 ft.	300 ft.	300 ft.

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Minimum angle of intersection	60 Degrees	60 Degrees	60 Degrees
Intersection radii - Class A	50 ft.	50 ft.	50 ft.
Intersection radii - Class B	50 ft.	30 ft.	30 ft.
Intersection radii - Class C	30 ft.	30 ft.	30 ft.
Max. tangent length between reverse curves	100 ft.	100 ft.	100 ft.
Maximum rate of super elevation per foot	.08 ft.	.08 ft.	.08 ft.
Slope of pavement (minimum)	3/8" per foot	3/8" per foot	3/8 per foot
Intersection sight distance	400 ft.	200 ft.	200 ft.

The Planning Board may require additional width or traffic calming devices for streets subject to heavy traffic volume. Should an applicant propose development resulting in a potential significant impact on a heavily trafficked road, or propose a large commercial or industrial complex, or Major Subdivision, the applicant may be required to perform a specific set of studies to determine the most appropriate design for the ultimate function that roadway will provide.

Sidewalks. Concrete sidewalks, four (4) feet in width or as appropriate to satisfy ADA requirements, shall be required in all subdivision and development projects on both sides of the street. Sidewalks shall abut the curb. Public rights of way shall be owned by the City and not by abutting landowners. Landscaped areas in the right of way shall be maintained by abutting landowners. Street trees shall be maintained by the City.

Bicycle Paths. Bicycle paths shall be incorporated into the proposed subdivision where they are necessary to extend an existing bicycle path or bike walk; to intersect with proposed State and local bicycle facilities; to connect adjacent developments where vehicular connections would be impractical; to further the goals of the *City of Central Falls Comprehensive Plan*; or where adjacent or nearby public or private schools, recreation areas, or other similar facilities would be likely to generate bicycle traffic.

Street Layout and Arrangement. The proposed arrangement of streets shall be considered in relation to the existing street system, and to existing topographic and natural conditions. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population to be served; to have a simple and logical circulation pattern; to respect natural features and topography; and to create an attractive streetscape.

Proposed streets within a development shall provide for their continuation or projection to intersect with principal streets on the perimeter of the subdivision or with adjacent vacant property in order that the streets may be extended at a future time. Access shall be designed to have more than one principal means of egress.

Where street rights-of-way grades require two (2) feet or more of cut or fill, retaining

walls will be required or the abutting land will be graded to a maximum slope of 2:1 at the street right-of-way line. Retaining walls must be constructed on private land and not in the public right-of-way.

Street Intersection. Street intersections shall either coincide precisely with, or be offset by at least 150 feet from other intersections. Intersections shall be at 90-degree angles, unless otherwise approved by the Planning Board. No intersection shall contain an angle of less than 75 degrees.

All roadway intersections shall be designed to have the corner sight distances as designated in Roadway Design Standards section. Corner sight distance is measured from a point on the minor road at least fifteen (15) feet from the edge of the major road pavement and measured at eye height of 3.75 feet on the minor road to a height of object of 4.5 on the major road.

Intersection roadway pavements shall have a paved transition area at all corners to accommodate turning movements.

Dead End Streets (Cul-de-sacs) All dead end streets shall end in a cul-de-sac turnaround and shall be clearly marked at their entrances with a "No Thru Street" sign. Dead end streets without a turnaround are not allowed. The lengths of dead end streets shall be a maximum of six hundred (600) feet. The Planning Board may further limit the length of the dead end street (cul-de-sac) where necessary, to ensure the adequate and safe circulation of vehicular traffic. Length of a dead end street shall be measured from the center of the turnaround to the centerline of the nearest intersecting street. Every cul-de-sac, other than those less than three hundred (300) feet in length, shall have a raised, curbed and landscaped interior island. Landscaping will be done in such a way as to not inhibit sight distance across the cul-de-sac. Proposals involving cul-de-sacs with raised islands shall include provisions for the maintenance of such islands.

Street Names. An extension of an existing street shall have the same name as the existing street. Names of new proposed streets shall be substantially different from any existing street name in the City of Central Falls. The City's 911 Coordinator must approve all street names.

Access to Adjoining Property. When the Planning Board requires the provision of access to adjoining property, proposed streets (also known as "stub roads" or "connectors") should not be constructed, but rather the rights-of-way shall be marked with monuments so that they remain recognizable. The reservation of strips of land preventing such access shall not be permitted. Where a dead-end street is to provide future access to adjacent property, the Planning Board shall require an easement and the construction of a temporary cul-de-sac until such time as the street is extended.

Access to adjoining property for pedestrian and/or bicycle circulation shall be required if the Planning Board finds that the connection will either: increase accessibility between adjoining subdivisions; join existing or proposed sidewalks or bicycle paths; join subdivisions to major public or private schools, recreation areas or other facilities; or, significantly enhance the public safety by providing such pedestrian and/or bicycle connections.

Street Signs. Street and traffic signs and other traffic calming measures shall be installed by the developer at the developer's expense.

Street Lighting. Provisions shall be made for street lighting. All costs associated with the installation of street lights including but not limited to street light pole and lighting fixture shall be borne by the developer.

Street Trees. Street trees are required in all subdivisions and land development projects. All planting shall be done under the supervision of a licensed arborist. The applicant shall plant street trees appropriate for the terrain, soil and climatic conditions encountered in the development.

Street trees shall be maintained by the applicant from the time of planting until the time of the release of the maintenance guarantee following acceptance of streets by the City Council. Maintenance shall include, but not be limited to, watering and pruning of trees, as necessary. The Planning Board may require separate guarantee provisions for maintenance of required street trees by the applicant for a maximum period of two (2) years from the date of planting. Any trees, which are not healthy at the end of the guarantee period, shall be replaced at the applicant's expense and guaranteed until satisfactorily established.

Bridges. The minimum clear width for all new bridges on streets with curbed approaches should be the same as the curb-to-curb width of the approaches. Sidewalks on the approach shall be carried across all new structures. If no sidewalks are required on the approaches, the bridge shall be as wide as the required pavement plus five feet on either side.

B. Easements

The Planning Board may require easements for easy access to improvements on private land that serve more than one lot as described below. The Board may, in its own discretion, require the dedication of land to the City in lieu of easements if such dedication would provide greater control over and access to the intended use. Existing and proposed easements must be labeled accordingly on all plans.

Sanitary Sewers. Easements shall be provided for sanitary sewers. The Planning Board will require permanent easements of such width as recommended by the Sewer Department or Narragansett Bay Commission. The minimum width for a sewer easement shall be twenty (20) feet.

Water. Easements shall be provided for public water lines. The Planning Board will require permanent easements of such width as recommended by the Pawtucket Water Supply Board. The minimum width for a water easement shall be twenty (20) feet.

Drainage Easements. Where above ground drainage flows are directed over private property which does not contain natural watercourses or wetlands, or where publicly owned and maintained drainage systems outfall on private land, a drainage easement shall be dedicated to the City over the area and at a location adequate for the intended purpose. Easements into and upon above ground drainage facilities such as storm water detention or retention basins shall be granted to the City wherever storm water from City-owned streets or other improvements is intended to be directed to such basins. The minimum width for such a facilities drainage

easement shall be twenty (20) feet.

Sight Distance Easements. Where deemed necessary by the Planning Board to establish or maintain adequate sight distances for vehicular traffic, the dedication of an easement to the City may be required which would prohibit the erection or maintenance of any visual obstruction such as a structure, tree, shrub, wall, earthen embankment, hill or any other obstruction.

Bicycle or Pedestrian Access Easements. Bicycle and pedestrian access shall be provided where required on a separate strip of land outside of the right-of-way dedicated to the City or on an easement having a minimum width of fifteen (15) feet.

Conservation Easement. All land dedicated for open space or recreational uses shall be covered by a Conservation Easement prohibiting its future development for residential use as well as ensuring its perpetual maintenance as conservation, recreation, or park land for the enjoyment of present and future residents.

Other Easements. All other required easements shall be of sufficient width and area for the intended purpose, as determined by the Planning Board.

C. Utilities

When utilities exist in the general area of a new development, the developer will be either required or encouraged to extend those utilities, depending on the utility's type. The installation of utilities will be done to the standards set forth by the individual utility companies. The developer is required to work directly with the utility companies in this regard. All necessary easements for access and repairs shall be part of the recorded plat and related documentation. If easements are necessary to access improvements, then those easement areas should be constructed of a gravel base suitable for travel by heavy trucks and construction equipment.

Sanitary Sewers. Sanitary sewers shall be required in all developments that are in or contiguous to older village areas or neighborhoods where sewers already exist. Otherwise, proposed sewer connections shall be evaluated and allowed only upon consideration by the Planning Board and the Sewer Department and in accordance with the City's Growth Management efforts. Sewer lines shall be installed in conformance to the specifications of the City of Central Falls Sewer Department or Narragansett Bay Commission.

Water Lines. Connections to the public water system shall be required in all developments that are in or contiguous to older village areas or neighborhoods where such lines already exist. Otherwise, proposed water connections shall be evaluated and allowed only upon consideration by the Planning Board and the Water Department and in accordance with the City's Growth Management efforts. Water lines shall be installed and water stops shall be provided for each lot in accordance with the specifications of the City of Central Falls Water Department or Pawtucket Water Supply Board. Water lines shall be looped to avoid dead end water lines in accordance with WWA standards. The developer should submit a wellhead protection plan for the City's review if a community well is proposed.

Gas Lines. Natural gas lines may be installed in any subdivision or land development project at the discretion of the developer.

Communication and Electrical Lines (Electric, Telephone, Cable TV, and Fire Alarm). All communication and electrical lines shall be installed underground.

Fire Hydrants/Other Fire Protection. Fire hydrants shall be installed in all developments where public water supply systems are available. Hydrant type, location, spacing and water pressure shall meet the minimum requirements of the National Fire Protection Association and local Fire Departments. When it is determined by the local Fire Department that on-site water storage facilities are required to provide adequate fire protection, such facilities as water holding tanks shall be of the appropriate size and design as designated by the Fire Department and shall be installed by the developer under the direction of the Fire Department.

D. Landscaping Standards.

A landscape plan (certified by a RI registered Landscape Architect) may be required as part of any Preliminary submission involving the construction or extension of a public right of way. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site and creating a pleasing site character.

Landscaping shall address plant materials such as trees, shrubs, ground cover, grass, flowers, etc., but may also include other materials such as wetlands, stone walls, paving materials, planters, signage, and street furniture. Areas that may be required to provide landscaping shall include, but are not necessarily limited to the following:

- (1) Drainage facilities, such as retention/detention basins, or drainage swales;
- (2) Entrance features;
- (3) Open space areas;
- (4) Proposed recreation facilities;
- (5) Buffer areas;
- (6) Lot areas that are disturbed during the construction process or where extensive grading removes a significant amount of natural vegetation;
- (7) Areas subject to re-grading or stabilization for soil erosion and sediment control purposes;
- (8) Areas disturbed by utility installation; and
- (9) Cul-de-sac islands.

Trees and other existing vegetation shall be retained whenever feasible; areas within the drip line should be temporarily fenced or otherwise protected against damage during construction.

Plantings installed by the applicant shall be maintained until the time of the release of the maintenance guarantee as required by the Planning Board. Any unhealthy or dead trees or landscape improvements shall be replaced at the developer's expense and shall be guaranteed for one (1) year.

E. Drainage Systems

The drainage system may be comprised of natural and manmade elements, including grassed

swales, curbs, catch basins, culverts, and storm water pipes. The applicant is required to minimize the use of retention and detention basins and incorporate natural elements into the drainage design whenever possible using the Best Management Practices (BMP's) and standards of the State of Rhode Island Storm Water Design and Installation Standards Manual. The use of retention/detention ponds will only be allowed when the developer convinces the Planning Board that this is the only viable option for the development. BMP's such as grassed swales and vegetated filter strips, not only collect and transport storm water, but also mitigate pollution; reduce sedimentation; provide visual aesthetics, recreational opportunities, and potential wildlife habitat. However, in recognition of maintenance issues associated with these systems, alternatives may be proposed for consideration. Drainage structures shall be in conformance with the accepted State RIDOT Standards, or approved equals.

Drainage plans and drainage calculations shall be prepared by a State of Rhode Island Registered Professional Engineer. All applicable environmental permits must be obtained from state and federal regulatory agencies. The storm water drainage calculations, runoff rates, and system design shall be based on the application of the appropriate method as follows:

The Rational Method - This is the preferred method for pavement drainage and other small systems of three acres or less, where no wetlands, ponds, or other storage depressions are present, and where drainage is toward the point of analysis.

$$Q = C \times I \times A \text{ where: } Q = \text{Peak Discharge}$$

C = Runoff Coefficient
 I = Rainfall Intensity
 A = Area of Watershed

US. Soil Conservation Service (1986) revised Technical Release 55 (TR-55) - This method is preferred for calculating runoff volume, peak discharge rate, and flood storage requirements for site development on sites generally larger than three acres or when detention basins are proposed.

Drainage Plan and Calculations. The drainage plan and drainage calculations shall contain the following information:

- a. The proposed drainage system shall be designed to accommodate storm water such that post-construction conditions do not result in increased peak run-off from pre-construction conditions (zero net increase) for the 100-year frequency rainfall event.
- b. An estimate of the quantity of storm water surface run-off presently flowing from the land proposed to be subdivided, and that which would be generated by the proposed subdivision, calculated on the basis of the two (2), ten (10), twenty-five (25), and one-hundred (100) year frequency, 24 hour, Type III rainfall events.
- c. An estimate of the quantity of storm water run-off entering the subdivision naturally from upstream areas within the watershed under present conditions, calculated on the basis of the two (2), ten (10), twenty-five (25) and one-hundred (100) year frequency rainfall.
- d. An analysis of the capability of existing watercourses, storm water culverts and other drainage facilities within the land proposed to be subdivided to handle the run-off as

calculated under a. and b. above, and proposals to handle such surface run-off. Design criteria for drainage improvements shall conform to the State specifications, but may be modified by the City of Central Falls. Culvert and storm sewers shall be designed as follows: pipe sizing for the twenty-five (25) year frequency rainfall; cross culvert sizing for fifty (50) year frequency rainfall, one- hundred (100) year frequency in a special flood hazard zone.

- e. Proposals for disposal of surface run-off, downstream from the subdivision without danger to land and improvements or to the receiving water body.
- f. The drainage plan and narrative shall further indicate how the following specific requirements will be met: (i) that each lot will be adequately drained; (ii) that natural drainage patterns will be maintained whenever possible; (iii) that all existing watercourses will be left open, unless approval to enclose is granted by the Planning Board and the Rhode Island Department of Environmental Management (RIDEM); (iv) that all new open watercourses will be seeded, sodded or paved depending on grades and soil types; and, (v) that a continuous drainage system will be installed and connected to a natural or manmade water course or to an existing piped storm drainage system. The ultimate destination of such continuous drainage shall be a permanent natural body of water or wetland. Where the City's Engineer determines that such ultimate destination is impractical, the Board shall require the construction of a retention or detention area capable of accommodating proposed storm water volumes based on the two (2) year, ten (10) year, twenty-five (25) year, and one-hundred (100) year frequency rainfall events.

Where any part of the drainage system is proposed for location outside the public street right-of-way, the Planning Board and Department of Public Works must approve the proposed provisions for future maintenance.

All necessary easements to off-street watercourses will be submitted by the applicant and approved by the City Solicitor.

Where volume velocity of the surface run-off is high, the flow thereof shall be controlled by one of the following: rip-rap, sediment basins, flow spreaders, or other applicable devices and/or techniques recommended in the Rhode Island Soil Erosion and Sediment Control Handbook.

F. General Construction Standards

Construction Plans. Complete sets of all construction plans, profiles, cross-sections and other working drawings of required construction improvements shall be submitted to the Administrative Officer as part of the Final Plan submission. One set, with approval indicated thereon, shall be returned to the developer.

Notification. A pre-construction meeting shall be held with the Administrative Officer and the Director of the Department of Public Works at least seven days prior to the start of any subdivision or development improvements. The developer, or his/her representative, and the on-site project manager shall attend this meeting.

No step in the construction of required improvements shall commence until the Director of the Department of Public Works has been notified, in writing, at least 48 hours (excluding weekends or holidays) in advance of the beginning of that step.

Where construction intersects an existing road and a Police detail is required, the developer shall pay for such detail and shall also pay for any public notification regarding temporary road closures or detours due to construction.

Inspection of Improvements. Each phase or step in the construction of required improvements shall be inspected on-site and approved, in writing (including date of inspection and signature of authorized inspector), by the Director of the Department of Public Works, or his/her authorized representative. Any stage of construction begun without written consent of the Director of the Department of Public Works shall be at the developer's risk. No subsequent phase or step shall commence until such inspection and approval has been completed. No performance guarantee shall be released unless all inspections have been made in accordance with these Regulations. At a minimum, on-site inspections shall take place at the following stages in the construction of improvements:

- a. During installation of all underground drainage, electrical, telephone, and cable television lines and following installation of utilities, prior to backfilling. In addition, the appropriate Fire Department and Utility Companies, as appropriate, shall conduct on-site inspections during installation of utilities.
- b. During preparation of the sub-base, backfilling and the installation of curbing or shoulders, prior to application of the base course.
- c. During spreading and compaction of the base course, prior to the application of the final course of asphalt.
- d. Immediately prior to and during the application and compaction of the surface course on the roadway and sidewalks.
- e. During completion of all improvements and installation of monuments. Additional inspections may be required by the Director of the Department of Public Works at such other intervals as deemed necessary to assure proper construction of improvements.

The Director of the Department of Public Works, upon proper notification, shall not impede the construction of improvements by delaying inspection and approval without just cause.

Record (As-Built) Drawings. Upon completion of construction of all required improvements, the developer shall furnish one (1) set of "as-built drawings" of such improvements to the Administrative Officer. As-built drawings shall contain all of the information on the Final Plan and set forth: the exact location of all sidewalks, streets, monuments, water, sewer and drainage pipes, other underground or aboveground utilities and all other public improvements, as installed. If not already shown on the Plan, the name, company address and registration number of the land surveyor performing the work.

Plans must include appropriate professional certifications that all systems will function as designed and constructed and that all horizontal and vertical locations are accurate as illustrated on the as-built drawings.

Reference for Specifications. Should any clarification be required on the construction specifications contained herein, reference is hereby made to the "Standard Specifications for Road and Bridge Construction," published by the State of Rhode Island, Department of Public Works, Division of Roads and Bridges, as revised. In general, all construction shall be in conformance with the Rhode Island Department of Transportation (RIDOT), Division of Public Works, Standard Details, as revised and State of Rhode Island and Providence Plantations, Department of Transportation, Division of Public Works, Standard Specifications for Road and Bridge Construction, as revised.

Testing. The Administrative Officer or Director of the Department of Public Works may require any or all of the following tests to be conducted during the course of inspections, the cost of which shall be paid by the applicant: compaction, sieve analysis of materials, and/or wet season groundwater determination.

G. Street Construction Standards

Dimensions. All streets constructed within subdivisions and developments shall conform to the standards contained in these Regulations.

Clearing and Grubbing. The entire roadway area and sidewalks, as shown on the approved plat, shall be cleared and grubbed. All root systems, trees, stumps, bushes and other objectionable material shall be removed and transported away from the development. Healthy trees within the right-of-way should be left standing and protected from construction disturbance provided they are located outside the roadway and sidewalk areas.

Earth Excavation. Earth excavation shall include, but not be limited to, the removal of clay, sand, gravel, loam, soft or disintegrated rock which can be removed without blasting, boulders of less than one cubic yard in volume (one-half cubic yard in all trenches) and other unacceptable materials within the limits of the roadway, drainage or other excavation. This item of work shall also include the backfilling of all stump holes and other surface irregularities with suitable fill materials. All excavations shall be to a depth and cross section as shown on the approved plans, profiles and cross section drawings. All fill materials shall be approved by the Director of the Department of Public Works and be clean, non- hazardous material.

Sub-Surface Water. 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.

Utility Connections at Lot Boundaries. All new streets shall have an undisturbed finished surface course for acceptance by the City. All underground utilities shall be brought to the property line of each lot before the binder course is installed in order to provide for utility connections without disturbing the finished surface course. If, due to an emergency, road cuts are necessary in the surface course prior to acceptance by the City, the Administrative Officer or Director of the Department of Public Works shall be notified within 24 hours of the cut. Cuts shall be sealed using infrared seal in accordance with the RIDOT Standards.

General Construction Materials & Methods. The applicant shall, at all times during construction, maintain the roads in passable condition and shall take appropriate measures to eliminate the creation of a dust nuisance during construction. Upon notification of a dust nuisance, the applicant shall have to, within 24 hours of said notice, sweep the street with a mechanical sweeper and use dust suppression equipment to the satisfaction of the Director of the Department of Public Works.

1. Materials:

- a. Base Course - Bank run processed gravel meeting the following gradation requirements for gravel borrow in the referenced standard: Section M.01.02 Gradation of Aggregates Table 1 Gravel Borrow sieve sizes.
- b. Binder Course - Bituminous concrete (hot mix). Medium Texture Type I-1 must conform to RIDOT Standard Mix. Section M.16 for Modified Binder.
- c. Bituminous Surface Course - Bituminous Concrete (hot mix). Medium Texture Type 1-1 must conform to RIDOT Standard Mix.
- d. All materials must be of a quality acceptable to the Director of the Department of Public Works.

2. Construction Method:

- a. Preparation of Sub-base - Install underground sewer and water lines, utilities, laterals, service lines and related facilities prior to any street construction. Trenches shall be compacted in 6" lifts. Thoroughly compact sub-base with a ten-ton roller, or its equivalent, true to the lines, grades, and cross sections shown on the approved construction drawings, at least thirty days after filling and compaction of utility trenches. Clean the sub-base from any debris including accumulated organic material before spreading binder course.
- b. Curbs - Hold the edge of the wearing surface to line and grade by the installation of curbs.
- c. Binder Course - After the sub-base has been properly prepared and the curbs or shoulders set, spread the binder course for the full road width and in such volume as to provide a two-inch cross section after compaction with a ten-ton roller or the equivalent.
- d. Surface Course - Apply as follows:
 - Sweep the binder course clean of sand and debris. Remove protrusions, and bring holes, ripples or unevenness in the surface back to true line and cross section by the spot application of surface course mix.
 - Apply surface course at a temperature of 295 to 350 degrees Fahrenheit by means of an approved paving spreader with a compactor. Place in sufficient quantity to provide a minimum compacted cross section of two inches.
 - Compact the surface course with a ten-ton roller equipped with a sprinkler system to wet the wheels. Rolling shall be continued until all roller marks are eliminated and the minimum densities have been obtained based upon 95 percent of laboratory Marshall Densities made in proportions of the job-mix formula, method AASHTO T-254. Upon completion of the application and compaction of the surface course, allow standing for a minimum of eight hours without traffic.

- Limit traffic passing over constructed street to wheeled vehicles; no tracked equipment is permitted once the surface course has been applied.
- Do not install bituminous material when the soil conditions are not suitable or during other unfavorable weather conditions as may be determined by DOT standards or the Director of the Department of Public Works. Weather limitations for bituminous plant mix shall not be placed on any wet surface, or when air temperature is below 40 degrees Fahrenheit, or when weather conditions otherwise prevent the proper handling or finishing of the bituminous mixtures.

Curbs. Street curbs shall be made of granite. At street intersections, provide curb returns or shoulders with a radius of at least 25 feet. Use appropriate Rhode Island Standard curb shapes for curb transition, inlet and apron installations. Install handicapped access transition drops in curbs as directed by the Planning Board.

Sidewalks and Driveways. Construct sidewalks, when required, in accordance with Rhode Island Standard Detail 43.1.0 "Cement Concrete Sidewalk". When conditions warrant the appropriate Rhode Island Standard Detail shall be utilized (i.e., driveway openings). Driveway openings shall in all cases attain an elevation of 6" higher than the road at the curb and gutter line to avoid flooding of the property from street runoff.

H. Drainage Structures and Facilities

Earthwork and Drainage. Construction of storm drainage structures and facilities shall conform to RIDOT standards.

Manholes. Locate manholes on storm sewer trunk lines:

- a. At maximum distances of 300 feet;
- b. At angles in the storm drainage lines;
- c. At street intersections and other points where catch basins, inlets or laterals are to be connected;
- d. At points where pipe sizes change; and
- e. At points where the grade of the storm drainage lines change.

Minimum Cover. Provide subsurface drainage structures and facilities within street rights-of-way, with a minimum cover of three feet. Where required minimum cover is physically impossible to achieve, the Planning Board and Director of the Department of Public Works may review for approval, a possible alternative proposal.

Drainage Ponds. Natural elements, such as swales and vegetated filter strips, are encouraged and shall be incorporated into the drainage design in accordance with the standards of the State of Rhode Island Storm Water Design and Installation Standards Manual. However, where retention and detention ponds are deemed necessary, they shall be designed to conform to the requirements of the RIDEM. Where the requirements of the City of Central Falls are more stringent, the design shall conform to the requirements of the City.

Ponds shall be designed in such a manner as to minimize their nuisance, visual, and social impacts and to allow their successful integration into the development. In addition to drainage and construction standards, ponds, swales and their related structures will be evaluated regarding safety, environmental, aesthetic, and social impacts. In order to achieve that goal, ponds shall meet the following criteria:

- a. Ponds shall be graded in a naturalistic and curvilinear manner and shall be integrated into the existing contours of the site. Pond side slopes shall not exceed 5 to 1 or a 20% slope. Pond bottoms shall be flat except for minimal grade required for complete drainage in dry ponds.
- b. The use of riprap shall be minimized. No dumped riprap will be allowed. All riprap shall be placed and shall conform strictly to RIDOT standards.
- c. The entire area of the pond shall be planted in such a manner as to integrate the new pond into the surrounding landscape. Plantings shall include a mixture of aquatic, emergent, and upland wetland plant species. Planting plans shall be provided which indicate: genus and species, size, quantity, and method of planting. Ponds that are designed to retain water shall be planted with appropriate wetland vegetation below the normal water line. The plantings shall not be planned to obstruct views of the pond in such a manner as to create a public hazard. Planting plans will be evaluated for their use of native materials, maintenance requirements visual quality, and appropriateness for wildlife.
- d. A detailed maintenance plan shall be provided for each pond. The plan shall address silt removal, vegetation maintenance, mowing requirements, and any other information required by the Planning Board.
- e. Drainage ponds shall be located on private property with appropriate easements to allow City entry for repair and the removal of inappropriate owner improvements, as may be required. Access shall be designed and constructed in such a manner so as to provide adequate access for equipment and vehicles in all weather. The access shall be marked and planted in an appropriate manner.

I. Permanent Monuments. Permanent monuments shall be installed by the developer starting at every corner and angle point on the boundary line of the development and at every angle point of curvature on the proposed street rights-of-way, in accordance with the approved plat. Open space and/or conservation areas that are a condition of approval must be marked with monuments as well.

Monuments must be made of quarry split (peen hammered top) granite or pre-cast, reinforced concrete conforming in size and shape to the specifications below:

- a. At least 30 inches in length and 6 inches square in cross section.
- b. Place and center on the top surface of the monument, a drill hole ½-inch in diameter and three-quarters of an inch deep.

Bounds are to be set six inches above finished grade, except in sidewalks and driveways where they shall be set flush with the finished grade. Where the monuments delineate open space areas, they should be 48 inches in length and set such that half of the monument is revealed.

SECTION 8. LAND DEVELOPMENT DESIGN STANDARDS

The standards in this section must be applied when a project is classified as a Land Development in accordance with the Zoning Ordinance. If either of these projects involves a public right-of-way or installation or connection to infrastructure that serves the public and which must be maintained in accordance with appropriate health and safety standards, the previous section is also applicable.

A. Access and Circulation.

Vehicular and pedestrian circulation should be clearly organized and functional, providing safe and efficient means of access to all non-sensitive areas of the site. Vehicular and pedestrian circulation areas should be separated to ensure safety, with appropriate linkages at designated inter-modal transportation nodes. A development's circulatory system, including roadways, paths, and parking areas provides the pattern for human experience and should be designed considering both health and safety issues as well as aesthetics, social and environmental issues.

Traffic Impact Study Required. In any case where a drive through is proposed or a new building or new use will generate more than 20 additional trips (total of inbound and outbound) during the adjacent roadways peak hours or the development's peak hours or if it is considered that the new development may have an impact on traffic safety, a traffic impact statement may be required. The scope of the traffic study **will** be defined by the Planning Board. The traffic impact study shall be prepared by a Rhode Island Registered Professional Engineer, specializing in traffic.

The purpose of the traffic impact statement is to determine the proposed development's impact on traffic capacity and traffic safety as well as determine mitigating measures to improve any reductions to capacity and safety. The traffic impact statement shall include the following:

- (1) A detailed assessment of existing versus proposed traffic conditions on any significant travel ways or intersections that may be impacted due to the proposed development. The analyses will be done using accepted traffic engineering procedures as presented in the most recent version of the Highway Capacity Manual of the Transportation Research Board. Projected traffic for the proposed development will be calculated based upon data obtained from the most recent edition of Trip Generation, of the Institute of Transportation Engineers (ITE) or based on information obtained from a similar development. The projected trips are to be added to the existing peak hour traffic count to yield total projected traffic. The proposed conditions are to also include additional traffic generated from the proposed development and any other future development permitted or in the process of being permitted within the vicinity of the project that may impact the traffic conditions. The assessment shall also include a

review of the impacts of the project on existing nearby traffic nodes.

- (2) Accident data for the roads and intersections in the vicinity of the project site will be obtained from the City of Central Falls Police Department for the latest three years. A traffic safety analyses shall be performed to ensure that no existing safety issues occur within the vicinity of the project. Analyses of the traffic accident data, including discussions with the City of Central Falls Police Department, will be undertaken to determine whether there are unexpected patterns for an area with the existing geometric and traffic patterns observed. The traffic safety analyses shall include review of the geometric configuration of critical locations with regard to safe stopping sight distance. Based upon principles presented in A Policy on Geometric Design of Highways and Streets of the American Association of State Highway and Transportation Officials (AASHTO) and upon observed vehicle speeds, the adequacy of safe stopping sight distance on all approaches will be determined.
- (3) An analysis of the interior traffic circulation for a development is to be performed. The analysis is to include both vehicular and pedestrian traffic flow.
- (4) Based on the results of the above-described analyses, conclusions are to be drawn that will include, as necessary, recommendations for mitigation of the impact of the projected traffic.

Roads and parking areas should be designed to respect natural features and topography, and to present an attractive "streetscape" environment. Vast expanses of paving without visual relief are undesirable. Materials should be harmonious with the existing, surrounding environment. Durable materials such as brick, granite, stone, wood, and textured/colored concrete are preferable.

Driveways

- (1) Integrate access points for automobiles and pedestrians carefully -especially within the village centers where pedestrian and vehicle traffic co-exist. Driveways should be shared by adjacent developments wherever possible to minimize curb cuts and impervious surfaces unless safety concerns associated with incompatible land uses can not be satisfied.
- (2) Use special accents at all entries. Monuments, uniquely textured paving, plantings, walls, sculptures, and specimen trees should be used to generate visual interest, and conform to the surrounding context.
- (3) Every development must have sufficient emergency access as required by existing Regulations and the local Fire, Rescue and Police Departments.
- (4) Driveway elevations at the property line shall be six inches higher than the elevation curb at the gutter line to avoid flooding of the property from street runoff.

- (5) Separate customer access and circulation from service truck or delivery access.
- (6) Roads and driveways should follow existing contours to minimize site disturbance and be designed parallel, rather than perpendicular, to existing slopes.

Parking. Off-street parking shall be provided in accordance with the Zoning Ordinance, however, the Planning Board may recommend relief for good cause. In general, where parking areas can be reduced in size, or spaces shared with adjacent businesses, it is considered beneficial to reduce impervious surface areas and maintain a more natural appearance. In order to limit impervious surfaces, parking areas shall not be in excess of the requirements of the Zoning Ordinance.

- (1) Parking areas must be at least five feet from buildings separated by a raised walkway, planting strip, or bollards. There shall be sufficient space directly in front of the building for emergency vehicle access. Parking areas directly abutting the building or right-of-way shall not be considered acceptable.
- (2) Parking areas shall be located to the rear or sides of buildings out of sight from passing traffic. Vegetative buffering, berms, walls and fences should be used to screen parking to the greatest extent possible from all surrounding areas.
- (3) Pedestrian walkways should be provided through and between parking areas, buildings and wherever possible to adjacent streets.

Pedestrian Pathways/Sidewalks. Pedestrian systems shall be clearly defined through both the natural and built environments. Attempts should be made to connect pedestrian networks between developments where there exists a logical and practical connection.

- (1) Sidewalks and paved pathways should be a minimum of 4 feet wide. Clearly defined pedestrian access should be provided to primary building entrances.
- (2) The Planning Board may require the construction or reconstruction of sidewalks and curbing in the right-of-way as an off-site improvement.
- (3) Informal pathways/trails should be provided to connect adjacent natural areas and potential future regional pathways and bikeway.
- (4) Crosswalks, signs, or other warning cues should be used wherever pedestrians cross traffic aisles.
- (5) Walkways and open areas shall be generously vegetated.

Stairways and Ramps. All buildings should be handicapped accessible in accordance with state and federal laws. Provide hand railings in accordance with applicable regulations. Stairs should combine visual attractiveness with safety considerations and provide landings for visual variation and pedestrian rest.

B. Landscaping.

To the maximum extent possible, the natural landscape should be preserved. Landscaping should serve as a unifying element, creating continuous patterns along the street edge and integrating the various elements of site design into the plan with the surrounding landscape elements and processes.

All areas not covered by structures, service yards, driveways, paths, or similar features shall be landscaped.

Landscaped Setback Yards, Berms, Walls, and Screens. Every development or redevelopment shall provide sufficient year-round vegetated setback yards, berms, walls, and other screens to shield neighboring properties from any adverse external effects of a development, to shield the development from negative impacts of adjacent uses, to minimize stormwater impacts on flood management and water quality, when building design and siting do not provide sufficient privacy, or to aesthetically improve the site by providing barriers to undesirable land uses such as parking lots, utility areas, loading docks, trash pickup areas, and transportation corridors. These barriers may vary in materials and dimensions depending on the intensity of adjacent land uses and other design considerations. The goal should be to provide as much landscaping as possible from undesirable land uses.

Storm Water Management

- (1) Natural drainage ways should be maintained in an undisturbed state to the greatest extent possible. Retention/detention basins, etc. should only be employed where the natural features cannot adequately control runoff.
 - a. Storm water management systems should:
 - Be designed using non-structural or low-structural components where possible.
 - Not allow downstream or off-site flooding, soil erosion or other related runoff problems.
 - Improve the water quality of runoff and protect and restore the quality of ground and surface waters.
 - Be designed for routine maintenance to be conducted on-site by the owners at regular intervals.
 - Maintain the natural hydrodynamic characteristics of the watershed.
 - Be located and designed to minimize aesthetic degradation.
- (2) All commercial and industrial developments shall use Best Management Practices (BMP) for storm water management design. Refer to the "*Rhode Island Storm water Design Manual*" for suggested BMPs.
- (3) Any increase in storm runoff should be retained and recharged as close to its place of origin as feasible, using one or more of the following options:
 - Retention/detention basins.
 - Porous pavements.

- Under-drains.
- Surface swales with infiltration drains.
- Creative pavement design which can shed surface water to vegetated areas.
- Catch basins.
- Temporary stone pads at road access point or similar techniques.

Landscaping will be required around visible, above ground control structures.

- (4) Water should be managed to decrease velocity, increase infiltration, and allow suspended solids to settle. Preferred options include grassy swales, artificial wetlands, vegetated buffer strips, extended detention basins, infiltration devices, alternative turf and wet retention/detention basins.
- (5) The siting and physical shape of storm water management structures including dry and/or wet ponds and swales shall be incorporated into the natural landscape to enhance functional values of the structures and provide visual amenity to the site.
- (6) Use porous paving whenever possible. Options include porous asphalt, brick or concrete pavers set on porous base material such as sand, soil cement and gravel.

C. Site Furnishings and Amenities

Site furnishings such as trellises, benches, lighting, trash containers, fencing, phone booths, etc. should be integral elements of the design and should be shown on the plans. Site furnishings shall be placed leaving adequate space for the stockpiling and removal of snow. Exterior vending machines such as soft drink and cigarette dispensers must be screened such that they do not constitute another outdoor sign or advertisement.

Lighting

- (1) Lighting shall be designed so as not to trespass on adjacent properties or traffic. Lights should generally be directed down.
- (2) Upward lighting, such as accent lighting shall be carefully directed away from oncoming traffic, neighboring properties and the sky.
- (3) Lamp and post height and type shall be appropriate to the architectural style of the building and be sensitive to adjacent architecture.
- (4) The lighting plan shall include the intensity and lumination expressed in foot candles and shall show all proposed lighting of the property, including the site and building. Building mounted lighting is discouraged.

D. Building Design

New development, modifications and expansions shall be integrated with, and complementary to, existing nearby architecture. Redevelopment projects should reuse existing buildings of character whenever possible. The focus of the standards and review of building design is to maintain or improve local architectural character.

The scale of a new addition should be complimentary to the existing structure; the proportions should not be either too overpowering or too dwarfed. Historic elements or interesting detail should be preserved and incorporated into the overall style of the building.

Changes to a building façade should be sensitive to both the overall architectural style of the structure itself and to the architecture of the surrounding area. Historic or architecturally significant buildings shall not be covered over in a way so as to obscure their importance. The proportion and placement of existing doors and windows shall be maintained if those elements are replaced.

Façades and Exterior Walls

- (1) Exterior elevation drawings shall identify proposed wall materials and depict proposed colors for the project. Building elevations shall indicate window locations, door locations, screening of mechanical equipment and loading dock areas. Building elevations shall be dimensioned to indicate building length and building height in addition to specifying the building roof pitch.
- (2) Commercial ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. Windows, doors, and other openings should be detailed to establish them as important parts of the total composition. Design details should be employed to accentuate all entries.

Roofs

In general, existing roof lines should be maintained. If altered, however, the roof should be compatible in scale and form with the style of the existing portion of the building. Mansard roofs are generally discouraged on one or two story buildings. Roofs should be an integral part of the building design and overall form of the structure and should respond to the general design and nature of other roofs along the street. Roofs shall have no less than two of the following features:

- Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. (see the Zoning Ordinance) The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments.
- Overhanging eaves, extending no less than 3 feet past the supporting walls.
- Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
- Three or more roof slope planes.

- (1) Where a flat roof not meant to be visible from the street is used in the building's design,

decorative cornices and parapet walls should be used to delineate the building's profile.

- (2) Mechanical equipment should not be located on the roof if the building is located below grade of an adjacent road or near an adjacent building that could provide views of the proposed roof, unless the equipment can be hidden from view by building elements that are designed for that purpose as an integral part of the building's design.

Exterior Building Materials and Colors

- (1) Exterior building materials should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods. Urban environments, for example, require the use of hard edge and durable urban materials. Predominant exterior building materials shall be high quality materials, such as: brick, wood, sandstone, other native stone, or tinted, textured, concrete masonry units.
- (2) Predominant exterior building materials shall not include the following:
 - Tilt-up concrete panels.
 - Pre-fabricated steel panels.
 - Large blank walls.
 - Flat roofs without a decorative cornice or parapet.
 - Concrete and cinderblock walls.
 - Highly reflective surfaces.
 - Square "box like" buildings.
 - Mixing of unrelated exterior materials.
 - Exposed pipe columns.
- (3) Building elevations should be designed to fit into the surrounding neighborhood. Architectural gimmicks, such as roof lights, distinctive roof shapes, large false cornices and parapets that sacrifice the integrity of a streetscape to promote a single structure are not allowed.
- (4) Building forms shall be designed to create and define visually attractive exterior and functional spaces.
- (5) Auxiliary structures should be architecturally consistent with primary structures on site.

E. Signage

- (1) Signage should be provided for both vehicles and pedestrians. Each development should work within a pre-established "sign envelope" according to the type of sign and size of the development. Envelope size should be proportional to the size of the overall development and immediate streetscape as defined in the Zoning Ordinance.
- (2) Signs should be simple, easy to read by passing motorists, adequately illuminated, and should complement the color, materials and design of the building architecture. Signs

and their illumination shall not adversely impact public safety.

- (3) For multi-tenant buildings, a comprehensive signage program shall be developed; only one freestanding sign is allowed.
- (4) Materials shall be similar to those used in buildings. Signs shall be simple in design, although engraving, molding and other design features can provide a craftsman-like look.

F. Servicing the Building

- (1) Loading areas shall not be in front of buildings. Loading areas shall be located at the rear or sides of buildings and screen as appropriate.
- (2) Areas adjacent to residential properties should be free of service circulation unless appropriate landscaping is provided.
- (3) Dumpsters, air conditioners, HVAC equipment, trash compaction equipment and other utilities shall be incorporated into the building architecture or/or screened from view, hearing or smell with appropriate fencing, plantings or other appropriate barrier as required in Section 5-2 of the Zoning Ordinance.
- (4) All trash and garbage bins shall be:
 - stored in an approved enclosure unless bins are stored in an approved service yard.
 - easily accessible by each tenant.
 - located away from residential areas.
 - architecturally compatible with the project.
 - screened using plant materials.
 - provided with stress pads to avoid damage to pavement.

G. On-site Storage and Use of Materials

No materials of a hazardous nature as defined by the Hazardous Substance Act (Rhode Island General Laws 23-24-2) shall be stored except with the explicit approval of the City and then in strict compliance with applicable local, state, and federal regulations governing such storage.

All aboveground storage tanks containing hazardous materials should use the highest state of the art equipment to ensure safety. Facilities should include secondary containment within a vault constructed of appropriate materials, i.e., concrete.

Outside storage of materials, supplies, or equipment, including trucks or other motor vehicles, when allowed by the Zoning Ordinance, shall not exceed five percent of the gross floor area of the principal structure on the site. Further, equipment shall be screened on sides in harmony with the architecture, design, and appearance of neighboring structures and other surroundings.



ORDINANCE

Sub-A

AMENDING APPENDIX A OF THE CODE OF ORDINANCES TITLED "ZONING" ADOPTED OCTOBER 15, 2007, TO COMPLY WITH STATE LEGISLATION AND TO INCLUDE UPDATES THROUGHOUT AS NEEDED FROM TIME TO TIME.

Sponsored by Councilperson Ferri (by request)

SECTION ONE: Be it ordained that Appendix A, Entitled "Zoning" of the Revised Ordinances, City of Central Falls, Rhode Island, is hereby repealed in its entirety and replaced with the following:

Appendix A ZONING¹

ARTICLE I GENERAL PROVISIONS

Sec. 100. Statement of purpose and consistency with comprehensive plan.

The zones and regulations set forth in this ordinance are made in accordance with the comprehensive plan for the following purposes:

¹Editor's note(s)—Printed herein is the amended zoning ordinance for the City of Central Falls originally adopted on October 1, 1993, and readopted by the City Council on October 15, 2007; effective the same date. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, and citations to state statutes as appears in the Code of Ordinances has been used. A consistent scheme of capitalization has also been used. Additions for clarity are indicated by brackets.

State law reference(s)—Zoning, G.L. 1956, § 45-24-1 et seq.

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- (A) Promote the public health, safety, and general welfare.
 - (B) Provide for a range of uses and intensities of use appropriate to the character of the city and reflecting current and expected future needs.
 - (C) Provide for orderly growth and development which recognizes:
 - (1) The goals and patterns of land use contained in the comprehensive plan of the city adopted pursuant to chapter 45-22.2 of the general laws of Rhode Island [G.L. 1956, § 45-22.2-1 et seq.];
 - (2) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or ground water pollution;
 - (3) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - (4) The values of unique or valuable natural resources and features;
 - (5) The availability and capacity of existing and planned public and/or private services and facilities;
 - (6) The need to shape and balance urban and suburban development; and,
 - (7) The use of innovative development regulations and techniques.
 - (D) Provide for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
 - (E) Provide for the protection of the natural, historic, cultural, and scenic character of the city or areas therein.
 - (F) Provide for the preservation and promotion of open space.
 - (G) 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.
 - (H) 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.
 - (I) Promote safety from fire, flood, and other natural or manmade disasters.
 - (J) Promote a high level of quality in design in the development of private and public facilities.
 - (K) Promote implementation of the comprehensive plan of the city.
 - (L) Provide for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies.
 - (M) Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.
 - (N) Provide for procedures for the administration of this ordinance, including but not limited to variances and special use permits.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-30; required provisions, G.L. 1956, § 45-24-32(1).

Sec. 101. Establishment of zoning districts.

For the purpose of this Ordinance, the City is divided into zoning districts designated and described as follows:

101.1. Residential zoning districts.

R-1 one-household district. This zone is intended for low density residential areas comprising single dwelling unit detached structures located on lots with a minimum land area of 5,000 sq. ft.

R-2 two-household district. This zone is intended for medium density residential areas comprising single dwelling unit and two-dwelling unit detached structures located on lots with a minimum land area of 5,000 sq. ft.

R-3 multi-household dwelling district. This zone is intended for medium density residential areas comprised of structures containing single dwelling units, two-dwelling units and multiple-dwelling units located on lots with a minimum land area of 5,000 sq. ft. and a minimum land area of 2,000 sq. ft. per dwelling unit.

101.2 - Commercial zoning districts.

C-1 limited commercial district. This zone is intended for neighborhood commercial areas that primarily serve local neighborhood needs for convenience retail, services and professional office establishments.

C-2 general commercial district. This zone is intended for commercial areas that serve citywide needs for retail, services and professional office establishments.

C-D commercial-downtown district. This zone is intended to encourage revitalization and restoration of core business areas in the city. A variety of business, financial, institutional, public, quasi-public, cultural, residential (upper floors only) and other related uses are encouraged in the C-D district. Compatible and appropriate mixed uses are encouraged to promote commercial, retail and other business activity including office uses.

101.3 - Industrial zoning districts.

M-1 industrial district. This zone is intended for general industrial uses that accommodate a variety of manufacturing, assembly, storage of durable goods and related activities, provided that they do not pose toxic, explosive or environmental hazard in the city.

M-2 heavy industrial district. This zone is intended to provide for areas for heavy industrial uses, especially for those uses that are potentially hazardous, noxious or incompatible with the uses in any other zone.

101.4 - Overlay zoning districts.

These are districts that are superimposed on existing zoning district(s) or part of a district and which impose specified requirements in addition to those otherwise applicable and/or allow alternate uses.

HD historic district. This overlay zone is intended to preserve structures of historic and architectural value by regulating the construction, alteration, repair, moving and demolition of such structures. This overlay zone may include single buildings and/or lots.

MBRD mill building re-use district This overlay zone allows the development of obsolete industrial sites according to a plan for mixed use.

OMUSOD Osram mixed-use special overlay district. In addition to and in furtherance of the purposes of the MBRD overlay zone, this overlay zone is meant to further promote redevelopment of existing and obsolete industrial mill structures located within this new OMUSOD overlay zone. The OMUSOD will encompass the improved properties located within an area bounded, northerly, by Division Street, then, easterly, by the railroad tracks, then, southerly, by Blackstone Street, and then, westerly, by Broad Street. The official Zoning Map shall be amended to reflect this newly created overlay district.

101.5 - Open space zoning districts.

P park district. This zone is intended to preserve open space recreation use and in certain instances public education uses.

CM cemetery. This zone is intended to retain cemetery land for its designated purposes.

101.6 - Conant Thread zoning district.

CT Conant Thread district. The purpose of the Conant Thread district is to promote active reuse of historic mill structures located in close proximity to the Pawtucket-Central Falls Commuter Rail Station, and to encourage new development that is complementary of the unique existing character of the district. The primary goal of the district is diverse residential and job creation opportunities that may capitalize on easy access to multiple forms of public transportation, often referred to as transit oriented development (TOD). The continuation of various light manufacturing uses is promoted in this district, provided that they are of scale, nature, and intensity that are consistent with the active mixed-use vision for this district.

(Ord. of 10-16-2019(2) , § 1)

State law reference(s)—Districts generally, G.L. 1956, § 45-24-36.

Sec. 102. Official zoning map.

The official zoning map of the city shall consist of an official zoning map in the office of the city clerk entitled "Central Falls Zoning Map," dated August 1, 2007, and shall depict all zoning districts and overlay zoning districts. The Central Falls Zoning Map shall constitute the official zoning map of the city and is hereby adopted and made part of this ordinance.

(Ord. of 10-16-2019(2) , § 2)

State law reference(s)—Zoning map required, G.L. 1956, § 45-24-32(8).

Sec. 103. Zone group classification.

Whenever the terms "R zone," "C zone," or "M zone" are used, they shall be deemed to refer to all zones containing the same letters in their names; e.g., C zones shall include C-1, C-2, and C-D zones.

Sec. 104. Zone boundaries.

Where uncertainty exists as to the boundaries of the zoning districts as shown on the official zoning map, the following rules shall apply:

- A) Zone boundaries are generally intended to follow lot lines.
- B) Zone boundaries, where indicated, are the center lines of streets, parkways, waterways, or railroad rights-of-way.
- C) Where the street layout on the ground varies from the layout as shown on the zoning map, the director of the planning division shall interpret said map according to the reasonable intent of this ordinance.
- D) Where the zone boundary divides a lot so that 50 percent or more of its frontage is on a street in a more restrictive zone, the provisions of this ordinance relating to the more restrictive zone shall be extended to the entire lot.
- E) Where the zone boundary divides a lot so that more than 50 percent of its frontage is on a street in a less restrictive zone, the provisions of this ordinance relating to the less restrictive zone may be extended to the entire lot.

Sec. 105. Compliance with ordinance.

105.1. Conformance with permitted use. No building or structure shall be erected, reconstructed, or enlarged for any use other than that which is permitted in the zone in which such building, structure or land is located. No building or structure shall be moved to [a] new site unless that site is zoned to permit the use intended for such building or structure. Nor shall any building, structure or land be used for any use other than is permitted in the zone in which it is located.

105.2. Dimensional conformance. Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the dimensional limits established for the zone wherein such building or structure is located.

105.3. Lot area conformance. No new lot shall be created, nor shall an existing lot be reduced or diminished, except in conformance with the dimensional requirements of this ordinance, nor shall the number of dwelling units or occupancy thereon be increased in any manner except in conformance with the dimensional requirements of this ordinance. The lot or yard areas of buildings existing at the time this ordinance became effective shall not be diminished below the requirements herein provided. The required yard area for a building shall not be included as a part of the required yard or parking area of any other building.

Sec. 106. Interpretation of ordinance.

It shall be the duty of the building official to interpret and apply the provisions of this ordinance. Such interpretation and application shall be subject to appeal to the board [zoning board of review]. In interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare.

This ordinance shall be consistent with the comprehensive plan of the city adopted pursuant to G.L. 1956, ch. 45-22.2, and in the instance of uncertainty in the construction or application of any section of this ordinance, this 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.

ARTICLE II. NONCONFORMANCE²

Sec. 200. Nonconformance.

Sec. 201. Lawfully established.

A building, structure or the use of land was lawfully established if it was in existence prior to December 8, 1968, or was established in conformance with the zoning ordinance in effect at the time the building, structure or use was established. A lot was lawfully established if it was of record or shown on a recorded plat prior to December 8, 1968, or was established in conformance with the zoning ordinance in effect at the time. All other lots that were not lawfully established are not protected by this section.

²State law reference(s)—Provision for nonconforming development required, G.L. 1956, § 45-24-39.

Sec. 202. Nonconforming by use.

A use of land or use of a building or structure which is in nonconformance with the requirements of this ordinance pertaining to use is nonconforming by use.

Existence by variance or special use permit. A non-conforming building, structure, sign, or parcel of land or the use thereof, which exists by virtue of a variance or special use permit shall be considered a nonconforming use and shall acquire the rights of this section.

Sec. 203. Nonconforming by dimension.

A building or structure or parcel of land which is not in conformance with the dimensional regulations of this ordinance but was established in conformance with the zoning ordinance in effect at the time of construction is nonconforming by dimension. Dimensional regulations include those regulations of this ordinance not pertaining to use.

Existence by variance. A non-conforming building, structure, sign, or parcel of land which exists by virtue of a variance shall be considered a nonconforming dimension and shall acquire the rights of this section.

Sec. 204. Nonconforming by dwelling units.

A building or structure containing more dwelling units than are permitted by the use regulations of this ordinance but was established in conformance with the zoning ordinance in effect at the time of construction shall be nonconforming by use. A building or structure containing a permitted number of dwelling units by the use regulations of this ordinance, but not meeting the area and dimensional requirements but was established in conformance with the zoning ordinance in effect at the time of construction, shall be nonconforming by dimension.

Sec. 205. Applicability.

A building, structure or parcel of land nonconforming by more than one factor, such as by use, dimension, area or parking, shall comply with all regulations of this section. Where the regulations conflict, the most restrictive regulations shall apply.

Sec. 206. Building or structure nonconforming by use.

Nonconforming uses are incompatible with and detrimental to permitted uses in the zoning districts in which they are located. Nonconforming uses cause disruption of the comprehensive land use pattern of the city, inhibit present and future development of nearby properties, and confer upon their owners a position of unfair advantage. It is intended that existing nonconforming uses shall not justify further departures from this ordinance for themselves, or for any other properties.

206.1. Treatment in residential zones. Nonconforming uses in residential zones are to be treated in a stricter fashion than nonconforming uses located in nonresidential zones. Due to the disruption which nonconforming uses cause to the peace and tranquility of a residential zone, nonconforming uses therein should be eventually abolished or reduced to total conformity over time.

206.2. Continuance of use. Nothing in this ordinance shall prevent or be construed to prevent the continuance of a nonconforming use of any building or structure for any purpose to which such building or structure was lawfully established.

206.3. Maintenance and repair. A building or structure containing a nonconforming use may be maintained and repaired except as otherwise provided in this section.

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206.4. Moving. A building or structure containing a nonconforming use shall not be moved in whole or in part either on or off the lot on which it is located unless the use contained within such building or structure is made to conform to the use regulations of the zone in which it is relocated.

206.5. Addition and enlargement. A building or structure containing a nonconforming use shall not be added to or enlarged in any manner, including any addition or enlargement of floor area or volume, unless the use contained within such building or structure, including such addition and enlargement, is made to conform to the use regulations of the zone in which it is located.

206.6. Expansion. A nonconforming use of a building or structure shall not be expanded into any other portion of the building or structure which contains a conforming use or which is unoccupied or unused.

206.7. Intensification. A nonconforming use of a building, structure or land shall not be intensified in any manner. Intensification shall include, but not be limited to, increasing hours of operation, increasing the number of dwelling units or increasing the seating capacity of a place of assembly. However, this section shall not prohibit the reconfiguration of existing dwelling units within a building or structure so long as such reconfiguration complies with the requirements of section 206.6.

206.8. Change of use. A nonconforming use shall only be changed to a permitted use or to the same use code listed under article III. A nonconforming use, if changed to a permitted use, may not be changed back to a nonconforming use. No mixed uses are allowed in an R zone.

206.9 - Abandonment. If a nonconforming use is abandoned, it may not be reestablished. Abandonment of a nonconforming use shall consist of intent to abandon and some overt act, or failure to act, which would lead one to believe that the owner neither claims nor retains any interest in continuing the nonconforming use unless said owner can demonstrate an intent not to abandon the use. An involuntary interruption of a nonconforming use, such as by fire or natural catastrophe, does not establish the intent to abandon the nonconforming use. However, if any nonconforming use is halted for a period of 12 months, 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.

State law reference(s)—Authority to so provide, G.L. 1956, § 45-24-39(c).

Sec. 207. Building or structure nonconforming by dimension.

Buildings or structures that are nonconforming by dimension are likely to cause overcrowding and congestion in the neighborhoods, contribute to unhealthy conditions and are contrary to the purposes of this ordinance. Buildings or structures that are nonconforming by dimension cause disruption of the comprehensive land use pattern of the city, inhibit present and future development of nearby properties, and confer upon their owners a position of unfair advantage. It is intended that existing buildings or structures that are nonconforming by dimension shall not justify further departures from this ordinance for themselves or for any other property.

207.1 - Continuance. Nothing in this ordinance shall prevent or be construed to prevent the continuance of the use of any building or structure nonconforming by dimension for any purpose to which such building or structure was lawfully established.

207.2 - Maintenance and repair. A building or structure nonconforming by dimension may be maintained and repaired except as otherwise provided in this section.

207.3 - Moving. A building or structure which is nonconforming by dimension shall not be moved in whole or in part to any other location on the lot in which it is located unless every portion of such building or structure is made to conform to all of the dimensional requirements of the zone in which it is located.

207.4 - Addition and enlargement. A building or structure nonconforming by dimension shall not be added to or enlarged in any manner, unless such addition or enlargement conforms to all of the dimensional regulations of the zone in which the building or structure is located.

207.5 - Expansion. A conforming use within a building or structure which is nonconforming by dimension (other than by lot area per dwelling unit) may be expanded into any other portion of the building or structure which is unoccupied or unused.

207.6 - Intensification. A conforming use within a building or structure which is nonconforming by dimension may be intensified, provided that such intensification is in conformance with the use and lot area per dwelling unit regulations, if applicable, for the zone in which it is located.

207.7 - Change in use. A conforming use within a building or structure which is nonconforming by dimension may be changed to any other conforming use.

207.8 - Demolition. A building or structure nonconforming by dimension, if voluntarily demolished, shall not be reconstructed, unless it conforms with the dimensional regulations of the zone in which it is located. Such voluntary demolition shall be considered an abandonment of the use as set forth in section 206.9. If such building or structure is involuntarily demolished, destroyed, or damaged, it may be repaired or rebuilt to the same size and dimension as previously existed.

Sec. 208. Land nonconforming by use.

208.1 - Continuance. The lawfully established nonconforming use of land, where no building is involved, may be continued, provided that no such nonconforming use of land shall in any way be expanded or intensified either on the same or adjoining property.

208.2 - Change of use. The nonconforming use of land shall not be changed to a different use, unless such use conforms to the use regulations of the zone in which it is located.

Sec. 209. Land nonconforming by area.

209.1. Enlargement of undersized lots. Lawfully established lots which have less than the minimum area requirements may be maintained and may be changed by adding additional land to such lots without prejudice to the rights of the owner of such lots pursuant to the provisions of this section.

209.2 - Merger of undersized lots. Lawfully established contiguous unimproved, or improved and unimproved, substandard lots of record in the same ownership shall be merged together to create dimensionally conforming lots or to reduce the extent of dimensional nonconformance. Said lots shall be so merged, as of September 12, 2005 the effective date of the amendment to this Zoning Ordinance.

209.3 - Lawfully established merged lots. Any lawfully established lots which have been merged and shown on the assessor's plats as one lot shall not be divided unless in conformance with the dimensional regulations of this ordinance.

209.4 - Substandard Lots of Record. Notwithstanding the failure of a single substandard lot of record or contiguous lots of record to meet the dimensional and /or quantitative requirements of this zoning ordinance, and/or road frontage or other access requirements applicable to the district as stated in the ordinance, 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. All proposals exceeding such reduced requirement shall proceed with a modification request or a dimensional variance request, whichever is applicable.

209.5 Merger prohibited for certain lots. 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 fifty percent (50%) of the lots within two hundred feet (200 ft) of the subject lot, as confirmed by the zoning enforcement officer.

ARTICLE III. USE REGULATIONS

Sec. 300. Compliance with regulations.

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

Sec. 301. Use code.

The following use regulations in Table 1 and Table 2 are designed to regulate land uses in the various zoning districts in the city. Each use group is identified by a use code number and is a separate use. The use code is a classification system designed to limit and aid in the interpretation of the use regulations. The code number in the use regulations corresponds to a more detailed listing of uses in appendix A of this ordinance. Where a use is not specifically listed, such use is not permitted unless the building official shall (pursuant to G.L. 1956, § 45-24-54) upon written request, provide written information to the requesting party as to the determination that the use is included within the appropriate use code number in appendix A of this ordinance within 15 days of the written request. In the event that no response is provided within such time, the requesting party shall have the right to appeal to the zoning board of review for such determination.

(Ord. of 10-16-2019(2) , § 3)

Sec. 302. Public utilities and public services.

The provisions of this ordinance shall not be construed so as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone lines, cable television lines, oil pipelines, sewer mains, and incidental appurtenances and installations.

Sec. 304. Permitted Uses

(1) Notwithstanding any other provision of this ordinance, the following uses are permitted uses within all residential zoning use districts and all industrial and commercial zoning use districts except where residential use is prohibited for public health or safety reasons:

- (a) Households;
- (b) Community residences; and
- (c) Family daycare homes.

(2) Any time a building or other structure used for residential purposes, or a portion of a building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home, or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated and otherwise made fit for occupancy. The property owner, or a properly designated

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agent of the owner, is only allowed to cause the mobile and manufactured home, or homes, to remain temporarily upon the land by making timely application to the local building official for the purposes of obtaining the necessary permits to repair or rebuild the structure.

(3) Notwithstanding any other provision of this ordinance, appropriate access for people with disabilities to residential structures is allowed as a reasonable accommodation for any person(s) residing, or intending to reside, in the residential structure.

(4) Notwithstanding any other provision of this ordinance, an accessory dwelling unit (ADU) that complies with §§ 45-24-31 and 45-24-73 shall be permitted.

(5) When used in this section the terms “people with disabilities” or “member, or members, with disabilities” means a person(s) who has a physical or mental impairment that substantially limits one or more major life activities, as defined in § 42-87-1(7).

(6) Notwithstanding any other provisions of this ordinance, plant agriculture is a permitted use within 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.

(7) Adaptive reuse. Notwithstanding any other provisions of this ordinance, 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.

(a) Eligibility.

- i. Adaptive reuse development must include at least 50% of existing gross floor area developed into residential units.
- ii. There are no environmental land use restrictions recorded on the property preventing the conversion to residential use by RIDEM or the US EPA.

(b) Density calculations.

- i. For projects that meet the following criteria, the residential density shall be no less than fifteen (15) dwelling units per acre:
 - 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 fire code, and utility requirements.
 - b. The development includes at least twenty percent (20%) low- and moderate-income housing.
 - c. 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.
- ii. 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.

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- iii. The density proposed for any adaptive reuse project shall be determined to meet all public health and safety standards.

(c) 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.
 - a. Any rooftop construction necessary for building or fire code compliance, or utility infrastructure is included in the height exemption.

(d) Allowed uses within an adaptive reuse project.

- i. 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.

Sec. 305. Use regulations.

a. Uses listed in Tables of Use Regulations. Permitted uses are denoted in Tables 1 and 2 with a "Y" for yes. Uses which are not permitted are denoted with an "N" for no. Uses permitted only upon approval of the board are denoted with an "S" for special use permit. A special use permit shall only be approved in accordance with the provisions of this ordinance and only if the proposed use meets the criteria described in Sec 514. .Uses that are permitted as an accessory building are denoted with an "A". Where a use is located in an overlay zone, additional uses are permitted, and other restrictions shall apply in addition to the underlying uses listed in this table. Any number of uses may be located on a lot provided each use is permitted and all other requirements of this ordinance are met.

b. Uses not listed in Tables of Use Regulations. To the extent a proposed land use is not specifically listed in Tables 1 or 2 as applicable, the property owner may submit a written request to the Zoning Official 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 Official will have 15 days to provide a written evaluation to the property owner. Upon such determination, the proposed use may be considered to be a use requiring a special use permit.

TABLE 1 - USE REGULATIONS

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
1.0	RESIDENTIAL										
11	One-Household Detached Dwelling	Y	Y	Y	Y	N	N	N	N	N	N
11.1	Accessory Dwelling Unit	Y	Y	Y	N	N	N	N	N	N	N
12	Two-Household Dwelling	S	Y	Y	Y	Y	Y	N	N	N	N
14	Multi-Household Dwelling, Three or more units	S	S	Y	Y	Y	Y	N	N	N	N
14.1	Artist Loft	N	N	N	Y	Y	Y	Y	Y	N	N
15.1	Nursing Home and Congregate Care Facility	N	N	Y	Y	Y	N	N	N	N	N
15.2	Community Residence	Y	Y	Y	Y	Y	Y	N	N	N	N
16.1	Boarding	S	S	S	N	N	N	N	N	N	N
16.2	Temporary Lodging, 10 Rooms or Less	N	N	S	S	S	S	N	N	N	N
16.3	Temporary Lodging, 11 to 29 Rooms	N	N	N	N	N	N	N	N	N	N
16.4	Temporary Lodging, 30 Rooms or more	N	N	N	N	N	N	N	N	N	N

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
16.5	Temporary Lodging, with Supervision, 15 Residents or less	N	N	N	N	N	N	N	N	N	N
16.6	Temporary Lodging, with Supervision, more than 15 Residents	N	N	N	N	N	N	N	N	N	N
17	Mobile Home Park	N	N	N	N	N	N	N	N	N	N
2.0	INSTITUTIONAL AND GOVERNMENTAL SERVICES										
21	Educational Institutions (Post Secondary)	N	N	N	S	S	S	N	N	N	N
21.1	Educational Institutions	N	N	N	S	S	S	N	N	N	N
22	Trade Schools	N	N	N	S	S	S	N	N	N	N
22.1	Vocational Training Facility	N	N	N	N	N	N	S	S	S	N
23	Religious Services	N	N	N	S	S	S	S	S	N	N
24	Medical and Health Services	N	N	N	Y	Y	Y	N	N	N	N
25	Local & State Government	N	N	Y	Y	Y	Y	Y	Y	N	N

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
25.1	Prison or Correctional Institution	N	N	N	N	N	N	N	N	N	N
26	Family Day Care Home with 5 or less persons	Y	Y	Y	Y	Y	Y	N	N	N	N
26.1	Day Care Facility serving more than 5 persons	N	N	N	Y	Y	Y	S	S	N	N
26.2	Pre-School	N	N	N	Y	Y	Y	N	N	N	N
27	Service Organization	N	N	N	Y	Y	Y	Y	Y	N	N
28	Cemetery	N	N	N	N	N	N	N	N	N	Y
3.0	CULTURAL ENTERTAINMENT RECREATION SERVICES										
31	Non-Profit Library, Museum, or Art Gallery	N	N	Y	Y	Y	Y	Y	Y	N	N
32	Spectator Assembly	N	N	N	N	N	N	N	N	N	N
33	Outdoor Recreation Facility	N	N	N	N	N	N	N	N	N	N
34	Indoor Sports Facility	N	N	N	N	N	N	Y	N	N	N
35	Non-Profit Community Park,	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
	Playground and Community Center										
36	Open Space	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4.0	GENERAL SERVICES										
41	Financial, Insurance & Real Estate	N	N	N	Y	Y	Y	Y	N	N	N
42	Personal Service	N	N	N	N	Y ¹	Y ¹	N	N	N	N
43	Limited Business Service	N	N	N	Y	Y	Y	Y	N	N	N
44	General Business Service	N	N	N	N	Y	Y	Y	N	N	N
45	Repair Service, Automotive	N	N	N	N	N	N	S	S	N	N
46	Professional Service	N	N	N	Y	Y	Y	Y	N	N	N
46.1	Veterinarian & Animal Hospital	N	N	N	N	Y	Y	Y	Y	N	N
47	Contract Construction Service	N	N	N	N	N	N	Y	Y	N	N
48.1	Warehousing & Storage not including Open Lot Storage	N	N	N	N	N	N	Y	N	N	N
48.2	Warehousing & Storage including Open Lot Storage	N	N	N	N	N	N	N	N	N	N
48.3	Mini-Storage and Self-Storage	N	N	N	N	N	N	N ²	N ²	N	N

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
50	Drive Up Windows	N	N	N	N	S	N	S	S	N	N
¹ A special use permit (S) is required for spa services.											
² Mini-Storage and Self-Storage facilities are permitted by right solely within existing buildings located on properties in the OMUSOD as of the date the OMUSOD was established hereunder, <u>up to a total limit 230,000 square feet of Mini-Storage and Self-Storage within the OMUSOD.</u>											
5.0	TRADE										
51	Wholesale Trade within Enclosed Structure	N	N	N	N	Y	N	Y	Y	N	N
52	Wholesale Trade & Outdoor Storage	N	N	N	N	S	N	S	S	N	N
53	Bulk Storage, Petroleum/LNG Storage, Junkyard (not including landfill) Scrap & Waste Materials	N	N	N	N	N	N	N	N	N	N
54	Retail Trade Building & Related material	N	N	N	N	Y	Y	Y	Y	N	N
55	Retail Trade Neighborhood Establishments 2,500 GLA or less	N	N	N	Y	Y	Y	Y	N	N	N

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
55.1	Convenience Store	N	N	N	Y	Y	Y	Y	N	N	N
56	Retail Trade Community Wide Establishments more than 2,500 GFA	N	N	N	N	Y	Y	Y	N	N	N
57	Retail Trade Automotive, marine Craft, Aircraft & Accessories	N	N	N	N	Y	N	Y	Y	N	N
58	Fast Food Restaurant	N	N	N	Y	Y	Y	Y	Y	N	N
59	Formula Businesses	N	N	N	N	S	N	N	N	N	N
6.0	TRANSPORTATION, COMMUNICATION & UTILITIES										
61	Transportation Center	N	N	N	N	N	N	Y	Y	N	N
62	Freight Terminal	N	N	N	N	N	N	Y	Y	N	N
63	Aircraft Transportation including Maintenance	N	N	N	N	N	N	N	N	N	N
64	Parking principal use	N	N	S	S	Y	Y	S	S	N	N
65	Communications & Utilities	S	S	S	S	S	S	Y	Y	N	N
65.1	Wireless Transmitting &	Y ¹	Y ¹	Y ¹	S	S	S	Y	Y	N	N

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
	Receiving Antennae including Satellite Dish type										
66	Power Plant	N	N	N	N	N	N	N	N	N	N
66.1	Incinerator & Waste Facility	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²	N ²
66.2	Cogeneration	N	N	N	N	N	N	S	S	N	N
67	Billboards free standing or on building	N	N	N	N	N	N	N	N	N	N
¹ Subject to screening requirement for on ground antennae in Section 502.2 and height restrictions of roof mounted antenna in Section 506.1 (B)											
² Banned by State legislation.											
7.0—8.0	MANUFACTURING										
70	Food & Kindred Products Mfg. including Canning & or Packing	N	N	N	N	N	N	S	Y	N	N
70.1	Processing of Bakery Products	N	N	N	N	Y	N	Y	Y	N	N
70.2	Processing of Vinegar or Yeast	N	N	N	N	N	N	N	N	N	N

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
70.3	Rendering or Refining of Fats and Oils	N	N	N	N	N	N	N	N	N	N
70.4	Stock Yard or Feeding Pen	N	N	N	N	N	N	N	N	N	N
70.5	Slaughter of animals not including fowl	N	N	N	N	N	N	N	N	N	N
71	Textile Mill Products & Apparel Mfg.	N	N	N	N	N	N	Y	Y	N	N
72	Lumber & Wood Products Mfg.	N	N	N	N	N	N	Y	Y	N	N
73	Paper and Allied Products (printing publishing, refinishing etc.)	N	N	N	N	N	N	Y	Y	N	N
73.1	Pulp Mills and Paper Mills	N	N	N	N	N	N	N	N	N	N
74	Chemicals & Allied Products Mfg.	N	N	N	N	N	N	N	N	N	N
74.1	Agricultural Chemicals including fertilizer	N	N	N	N	N	N	N	N	N	N
74.2	Leather & Fur (tanning, refinishing ¹)	N	N	N	N	N	N	N	N	N	N
74.3	Acid Mfg.	N	N	N	N	N	N	N	N	N	N

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
74.4	Chlorine or Other Similar Noxious or Toxic Gases	N	N	N	N	N	N	N	N	N	N
74.5	Glue Mfg.	N	N	N	N	N	N	N	N	N	N
75	Petroleum Products & Related Industries	N	N	N	N	N	N	N	N	N	N
75.1	Petroleum Refining	N	N	N	N	N	N	N	N	N	N
76	Rubber & Plastic Products Mfg.	N	N	N	N	N	N	N	N	N	N
77	Stone, Clay & Glass Products Mfg.	N	N	N	N	N	N	S	S	N	N
77.1	Pottery Products Mfg.	N	N	N	N	N ²	N	S	Y	N	N
77.2	Abrasive, Asbestos & Misc. Non-Metallic Mineral Products Mfg.	N	N	N	N	N	N	N	N	N	N
77.3	Cement, Lime, Gypsum or Plaster of Paris Mfg.	N	N	N	N	N	N	N	N	N	N
77.4	Asbestos Mfg.	N	N	N	N	N	N	N	N	N	N
77.5	Junk Yard	N	N	N	N	N	N	N	N	N	N
78	Primary Metal Industries	N	N	N	N	N	N	N	N	N	N
79	Fabricated Metal Products Mfg.	N	N	N	N	N	N	N	S	N	N

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
79.1	Drop Forge Industries	N	N	N	N	N	N	N	N	N	N
80	Machinery & Machine Parts Mfg.	N	N	N	N	N	N	S	S	N	N
81	Transportation Equipment Mfg.	N	N	N	N	N	N	S	S	N	N
82	Ship & Boat (building, repair)	N	N	N	N	N	N	S	S	N	N
83	Precision Instruments & Scientific Equipment Mfg.	N	N	N	N	N	N	Y	Y	N	N
84	Jewelry, Silverware, Plated Ware, Costume Jewelry & Notions Mfg.	N	N	N	N	N	N	S	Y	N	N
84.1	Manual assembly of jewelry parts (job shops)	N	N	N	N	S	N	Y	Y	N	N
84.2	Plating of jewelry & Other Metal Parts	N	N	N	N	N	N	N	S	N	N
85	Arts & Crafts Mfg.	N	N	N	Y	Y	Y	Y	Y	N	N
86	Nuclear Industries and Explosives	N	N	N	N	N	N	N	N	N	N
87	Tobacco Processing	N	N	N	N	N	N	N	N	N	N

	Zoning Districts	R-1	R-2	R-3	C-1	C-2	C-D	M-1	M-2	P	CM
88	Biological Technologies	N	N	N	N	N	N	S	S	N	N
¹ Leather refinishing as it pertains to shoe repair and re-upholstery services is allowed where those services are permitted.											
² Pottery products manufacturing is allowed in a C-2 zone provided that such activity takes place within a totally enclosed structure and that no more than 2,500 GFA is devoted to that use.											

TABLE 2 - CONANT THREAD USE REGULATIONS

	Zoning District	CT
1.	Residential uses.	
A.	One-family dwelling.	N
B.	Two-family dwelling.	N
C.	Three-or four-family dwelling.	S
D.	Multifamily (five dwelling units and over).	Y
E.	State-licensed community residence.*	N
F.	Convent or rectory.	N
G.	Family day-care home, up to eight children.	N
H.	Manufactured home park.*	N
I.	Taking of boarders or leasing rooms by a person residing on the premises for not more than two boarders.	N
J.	Rooming house up to six rooming units.	N
K.	Rooming house over six rooming units (limit 12 persons).	N
L.	Mixed residential/commercial uses.	Y
M.	Independent-living facility.*	Y
N.	Nursing care and assisted living facilities (623110).	N
O.	Artist studio, display and sales.	Y
2.	Accessory uses.	
A.	Garage, no dwelling units	N
B.	Storage shed up to 150 square feet in area.	Y
C.	Storage shed over 150 square feet in area.	N
D.	Swimming pool (residential use).	Y
E.	Fence.	Y
F.	Ground-mounted antenna for amateur radio and television.	N
G.	Home occupations.	Y
H.	Satellite dish antenna two feet to eight feet in diameter.	A
I.	Satellite dish antenna over eight feet in diameter.	A
J.	Private greenhouse.	A
K.	Flagpole.	A
L.	Sale of handicraft or homecraft products incidental to their manufacture on the premises, provided that the display of such merchandise shall not be visible from the street.	Y
M.	Accessory manufacturing.	A
3.	Transient residential.	
A.	Bed-and-breakfast home (one dwelling unit).*	N

B.	Hotel and motel.*	Y
4.	Gardening and raising of animals.	
A.	Gardening/Farming, not to include the raising of animals.*	Y
B.	Greenhouse/Nursery not used for a private gainful business.	A
C.	Commercial greenhouse or nursery.	Y
D.	Keeping of animals as household pets.	A
E.	Raising of animals.	N
F.	Public zoo.	N
G.	Pigeon loft.	N
5.	Public, education and recreation uses.	
A.	Place of worship (813110).	Y
B.	Cemetery.	N
C.	Public museum or library.	Y
D.	Hospital (622).	N
E.	Municipal incinerator (562213).	N
F.	Municipal fire station (922160).	Y
G.	Municipal refuse transfer station (562111).	N
H.	Municipal structure or use not otherwise specified herein.	Y
I.	Individual instruction as defined by § 410-46C(2).	Y
J.	Day-care center.*	Y
K.	Elementary or secondary school (611110).	S
L.	Trade or vocational school (61151).	Y
M.	Schools not otherwise defined (611410, 6116).	Y
N.	Historical museum or art gallery, including incidental retail sales (712110).	Y
O.	Community center.	Y
P.	Municipal park.	Y
Q.	Civic, social, fraternal organization (8134).	N
R.	Nonprofit recreational facility.	Y
S.	Marina (713930).	N
T.	Municipal police station/ substation (922120).	Y
U.	Municipal correctional institute (922140).	N
6.	Neighborhood commercial uses.	
A.	Retail store of less than 2,500 square feet per establishment.	Y

B.	Eating places of less than 2,500 square feet of gross floor area.	Y
C.	Service business of less than 2,500 square feet of gross floor area per establishment, primarily serving local needs.	Y
7.	General commercial uses.	
A.	Grocery store over 20,000 square feet.	S
B.	Retail store over 2,500 square feet serving the general needs of the City.	Y
C.	Restaurant exceeding 2,500 square feet of gross floor area.	S
D.	Tavern with liquor license.	Y
E.	Any commercial use with a drive-in window.	N
F.	Multitenant commercial structure.	Y
G.	Nightclub.	S
H.	Flea market.*	N
I.	Auction house.*	N
J.	Incubator.	Y
K.	Studio (photography, film, recording, design).	Y
L.	Gallery.	Y
8.	Personal services.	
A.	Coin-operated dry cleaner and laundering (812310).	Y
B.	Dry-cleaning plant, except rugs (812320).	N
C.	Carpet and upholstery cleaning (561740).	N
D.	Funeral services (812210).	N
E.	Bank, credit union (5221).	Y
F.	Beauty salon, barbershop (81211).	Y
G.	Travel agency (561510).	Y
H.	Physical fitness facility (713940).	Y
I.	Tattoo parlor (81219).	Y
J.	Massage therapy (81219).	Y
K.	Tanning salon (81219).	Y
L.	Electrolysis (81219).	Y
M.	Photographic studio (541921).	Y
N.	Cobbler (811430).	Y
O.	Tax return preparation (54121).	Y
P.	Tailoring/Dressmaking.	Y
Q.	Check cashing (522390).	N
R.	Pawn shop.*	N
S.	Pet care services (812910).	S

T.	Pet overnight boarding.	S
U.	Community food services (624210).	Y
9.	Business services.	
A.	Services to dwellings and buildings (5617, except 561710).	Y
B.	Equipment rental and leasing and automotive rental and leasing (5322, 5321).	S
C.	Industrial equipment rental and leasing (5323, 5324).	N
D.	Business support services (5614, except 56143).	Y
E.	Pest control (561710).	N
F.	Photocopying and duplicating service (56143).	Y
G.	Employment agency (561311).	Y
H.	Security systems services and locksmiths (56162).	Y
10.	Office uses.	
A.	Ambulatory health care services (621).	Y
B.	Veterinarian (541940).	Y
C.	Other office use (541, except 541940, 541921; and 813, except 8134).	Y
11.	Automotive and auto body repair, services and garages.	
A.	General automotive repair shops (81111).	N
B.	Other automotive repair shops (811198).	N
C.	Automotive services, except repair (811191).	N
D.	Auto body repair shops (81112).	N
E.	Car washing facility (811192).	N
F.	Gasoline service station, including repair facilities (447).	N
G.	Automobile, truck and motorcycle sales, rental and service (441, except 441222).	N
H.	Boat dealer (441222).	N
I.	Motor vehicle towing (488410).	N
12.	Miscellaneous repair services.	
A.	Miscellaneous repair Services (811211, 811213, 8114).	Y
B.	Commercial and industrial machinery repair services (811212, 811219, 811310).	S
13.	Amusement/recreation services.	
A.	Motion-picture theater, except drive-in (512131).	S

B.	Performing arts venues and related businesses (711, except 711190).	Y
C.	Bowling alley, billiards and pool.	Y
D.	Other amusement and recreation (713990).	S
E.	Non-gambling coin-operated amusement devices (game rooms).	S
14.	Parking Vehicle storage.	
A.	Parking garage or parking area.	N
B.	Parking garage or parking area for noncommercial vehicles.	Y
C.	Parking garage or parking area within 100 feet of any commercial, riverfront, or industrial zone.	Y
D.	Storage of one truck of not more than three-fourths-ton capacity, owned and operated by a person residing on the premises, specifically excluding vehicles used for the transportation of liquids, gases, rubbish, trash, garbage or other noxious matter.	A
E.	Parking of commercial vehicles over three-fourths-ton capacity.	N
F.	Storage for noncommercial registered automobiles owned and operated by a person residing on the premises.	A
G.	Off-street parking garage or parking area as required by Article IX.	A
15.	Wholesale commercial uses.	
A.	Wholesale commercial use, including the sale and storage of goods, supplies or equipment.	N
16.	Public utility uses.	
A.	Communications office (517), excluding antennas.	Y
B.	Electric, gas, water, and irrigation stations (22112, 22121, 221310).	S
C.	Public utility pole.	Y
D.	Public utility tower not otherwise specified herein	Y
E.	Radio or television transmission tower.	Y
F.	Water tower.	Y
G.	Any other structure which is part of a public utility system, other than a freight or trucking terminal.	S
H.	Personal communications system antenna.*	S

I.	Wireless communications antenna.*	S
17	Transportation uses.	
A.	Heliport.	Y
B.	Railroad.	Y
C.	Passenger transportation terminal.	Y
D.	Freight or trucking terminal.	N
18	Storage uses.	
A.	Storage uses. Coal, lumber or wood yard heating oil storage or distribution.	N
B.	Storage of equipment, products, supplies or material.	N
C.	Storage of junk, automotive junk, junkyard, commercial junkyard.	N
D.	Storage of flammable or volatile materials.	N
E.	Storage of building materials and equipment incidental to adjacent construction.	A
F.	Hazardous substances: any substance or mixture, or substance which is toxic, corrosive, an irritant, a strong sensitizer flammable or combustible, or generates pressure through decomposition, heat or other means if such substance may cause substantial personal injury or substantial illness.	N
G.	Permanently sited trailers for storage use.	N
H.	Rental storage space (53113).	N
19	Industrial uses.	
A.	Manufacture, processing or treatment of products, provided that they are principally sold at retail on the premises, and provided that not more than five persons are engaged therein.	Y
B.	Processing of food and kindred products (311, 312).	Y
C.	Textile mill products (314, 313).	Y
D.	Apparel and other textile products (315).	Y
E.	Lumber and wood products (321).	S
F.	Furniture and fixtures (337).	Y
G.	Paper and allied products (3222).	S
H.	Printing and publishing (323) and sign manufacturing (339950).	Y
I.	Plastic materials and synthetics (3261).	S

J.	Drugs, pharmaceutical (32541).	Y
K.	Soaps, cleaners (3256).	S
L.	Miscellaneous chemical products (325, except 3256, 3259).	S
M.	Petroleum products (324).	N
N.	Rubber and miscellaneous plastic products (3262).	N
O.	Leather and leather products (316).	N
P.	Stone, clay and glass products (3271, 3272).	Y
Q.	Primary metal industries (331, except 33141).	N
R.	Fabricated metal products and services (332, except 332992—332995).	S
S.	Jewelry, silverware and plated ware (33991).	S
T.	Bulk storage of propane with the primary purpose being distribution and transportation to commercial and industrial users.	N
U.	Quarrying or mining of sand, gravel or rocks.	N
V.	Rock or stone crushing.	N
W.	Manufacturing of firearms.	N
X.	Manufacturing use not listed.	N
Y.	Multitenant industrial structure.	Y
Z.	Boat and ship building (3366).	Y
AA.	Machinery manufacturing (3334, 3335, 334, 335).	Y
BB.	Medical equipment, medical supplies and office supplies manufacturing (3391, 33994).	Y
CC.	Miscellaneous manufacturing (3399).	S
DD.	Artist studio, display and sales.	Y
20	Signs.	
A.	Signs. See § 410-88A to E.	Y
B.	Billboard, bulletin type.	N
C.	Billboard, 30-sheet poster type.	N
D.	Billboard, eight-sheet poster type.	N

(Ord. of 4-11-2012 ; Ord. of 3-10-2014(1); Ord. of 3-10-2014(2); Ord. of 10-16-2019(1) , § 1; Ord. of 10-16-2019(2) , § 3; Ord. of 10-14-2020(1) , §§ 3, 4; Ord. of 10-26-2022(1) , § 1, 10-26-2022)

PART II - CODE OF ORDINANCES
Appendix A - ZONING
ARTICLE IV. DIMENSIONAL REGULATIONS

ARTICLE IV. DIMENSIONAL REGULATIONS

Sec. 400. General.

Dimensional regulations for each of the zones and overlay zones (if applicable) are provided in the following tables, unless otherwise affected by nonconformance for substandard lots of record.

Sec. 401. Residential zones.

D = Lot depth.

W = Lot width.

	R-1 zone	R-2 zone	R-3 zone
Maximum height	2 stories 30 feet	2 stories 30 feet	3 stories 30 feet
Minimum lot area	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
Minimum lot area per dwelling unit	N/A	2,500 sq. ft. for first 2 units and 1,500 sq. ft. for each additional unit	2,000 sq. ft. for first 3 units and 1,000 sq. ft. for each additional unit
Minimum lot width and frontage	40 ft.	40 ft.	40 ft.
Minimum front yard	18 ft. D	18 ft. D	18 ft. D
Minimum side yard	8 ft. W	8 ft. W	8 ft. W
Minimum rear yard	20 ft. D	20 ft. D	20 ft. D
Maximum lot coverage	35%	40%	40%

401.1 - Supplementary dimensional regulations—Residential zones.

- (A) A rear yard may be reduced to not less than 20 percent times lot depth provided the front yard is extended so that the combined total of the front and rear yards is not less than 40 percent times lot depth.
- (B) Building coverage and other paved areas shall not reduce a lot's open area to less than 800 square feet.
- (C) Paving shall not reduce a front yard's open area by more than 24% for a single family home not more than 36% for a multi-family home.

401.2 - Minimum contiguous buildable areas. Lots in R and C zones to be buildable shall have a minimum contiguous buildable area (not buildable areas include wetlands, floodplains, easements, rock outcroppings and steep slopes) equal to the following:

Zoning District	Minimum Contiguous Buildable Area
R-1 Minimum Lot Area 5,000 sq. ft.	2500 sq. ft.
R-2 Minimum Lot Area 5,000 sq. ft.	2500 sq. ft.
R-3 Minimum Lot Area 5,000 sq. ft.	2500 sq. ft.
C-1 Minimum Lot Area 5,000 sq. ft.	5000 sq. ft.
C-2 Minimum Lot Area 5,000 sq. ft.	5000 sq. ft.
C-D Minimum Lot Area 5,000 sq. ft.	5000 sq. ft.

Sec. 402. Commercial and industrial zones.

- (A) C-1, and C-2 and C-D zones shall have a height restriction of 45 feet for all structures and a minimum lot size of 5,000 square feet.
- (B) A minimum side yard set back and back yard set back of 8 feet is required in a C zone.
- (C) Where an industrial or manufacturing building is proposed to be constructed in any M zone, there shall be a minimum unobstructed distance of 30 feet from any existing industrial or manufacturing building. Said minimum distance shall be measured from the outer edge of the building envelope of the proposed building to the outer edge of the building envelope of the existing building. Distances resulting from building setbacks from the lot line, the width of existing streets and parking aisles may be included within the 30-foot separation. Through the granting of a special use permit, the board may allow two abutting owners to combine yards to permit unobstructed access

(Ord. of 10-26-2022(1) , § 1, 10-26-2022)

Sect. 403. Modifications to Dimensional Requirements.

The zoning officer is authorized to grant modification permits of up to and including twenty percent (20%) of the literal dimensional requirements of this ordinance as follows:

- A. Within ten (10) days of the receipt of a request for a modification, the zoning enforcement officer shall make a decision as to the suitability of the requested modification based on the following determinations:
 - i. The modification is reasonably necessary for the full enjoyment of the permitted use;
 - ii. If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
 - iii. The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations;
 - iv. The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.
- B. Upon an affirmative determination, in the case of a modification of five percent (5%) or less, the zoning enforcement 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 five percent (5%), the zoning enforcement 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 or town that the modification will be granted unless written objection is received within fourteen (14) days of the public notice. If written objection is received within fourteen (14) days, the request for modification shall be scheduled for the next available hearing before the zoning board of review on application for a dimensional variance following the standard procedures for such variances, including notice requirements provided for under this chapter. If no written objections are received within fourteen (14) days, the zoning enforcement officer shall grant the modification.
- C. The zoning enforcement officer may apply any special conditions to the permit as may, in the opinion of the officer, be requested to conform to the intent and purposes of the zoning ordinance.

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- D. The zoning enforcement officer shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received.
 - E. Costs of any notice required under this subsection shall be borne by the applicant requesting the modification.

ARTICLE V. SUPPLEMENTARY REGULATIONS

Sec. 500. Purpose.

The purpose of supplementary regulations is to set specific conditions and dimensional and performance criteria for various uses or areas, where the general regulations are not applicable, and to set standards for the granting of special use permits. Where the provisions of this section may conflict with those in Section 604 Conant Thread District, the provisions for Section 604 shall govern.

(Ord. of 10-16-2019(2) , § 4)

Sec. 501. Accessory uses.

Accessory uses are uses which are clearly incidental to and customarily associated with the principal use and shall be operated and maintained under the same ownership and on the same lot as the principal use and shall include, but not necessarily be limited to, private garages, home occupations, swimming pools, and accessory parking. Accessory uses are subject to all the requirements of this ordinance, except as provided herein.

501.1 - Accessory uses in R zones.

- A. No accessory use, other than a private garage, shall be located on any lot having an area of less than 5,000 square feet.
- B. Accessory uses or any combination of such uses may be included in an accessory building of one or two stories, and no more than 20 feet in height and may occupy no more than 50 percent of the area of a rear yard.
- C. No accessory buildings or structures shall be permitted between the front of a main structure and the street.
- D. Within any R zone, where an existing principal structure is less than 20 feet from the lot line, an accessory building shall not be located less than ten feet from any existing principal or accessory structure on an adjacent or contiguous lot if the proposed accessory structure is one story or shall not be located less than 20 feet from an existing principal or accessory structure on an adjacent or contiguous lot if the proposed accessory structure is two stories.
- E. Where a yard abuts upon a public right-of-way no accessory building shall be erected within 18 feet of such public right-of-way if it contains a garage that is accessible from said street.
- F. A detached garage or shed may be located in the required rear yard but not less than five feet from the rear lot line. A detached garage located within a rear yard may have its driveway within the required side yard.
- G. A garage attached to the main building or structure shall maintain the side yard and rear yard setback requirements as specified in article IV for the zone in which it is located. Such garage shall be no more than one story or 14 feet in height and 24 feet in depth.

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- H. A private garage or shed may be used to store vehicles, boats, recreational vehicles or similar equipment owned by the occupant. Storage or parking of tractor-trailers is prohibited in R zones. No recreational vehicle shall be used for residential occupancy. No recreational vehicle shall be stored for a period in excess of one year unless it is in a condition for safe and effective performance of the function for which it is intended.

501.2 - Accessory buildings and uses in C and M zones. Accessory buildings which contain 2,500 square feet or less of gross floor area shall only include a garage for the exclusive use of the owner and customer(s) or the storage of commercial vehicles. Accessory buildings exceeding 2,500 square feet of gross floor area are permitted to contain any accessory use which is incidental and customary to the main use, including a garage or storage building. All such buildings shall be on the same lot as the main use. Any accessory building or structure in a C or M zone that abuts an R zone shall have a setback of 20 feet from the property line of the abutting R zone.

501.3 - Accessory manufacturing uses in C-1, C-2, and C-D zones. Incidental manufacturing uses to any permitted use are allowed in C-1, C-2, and C-D zones provided such manufacturing uses are performed on the same lot as the main use; are clearly incidental and customary to the main use being performed on the premises; generate no perceptible odor, dust, smoke, noise, vibration or electrical interference from outside the property. and all such products produced on the lot are sold on the premises. A maximum of 25 percent of the gross floor area of the permitted use may be devoted to manufacturing, compounding, processing or treatment of products, or to catering, cleaning, laundering, plumbing, upholstering and the like.

Sec. 502. Screening of trash/garbage collection areas, dumpsters and utility structures.

502.1 - Screening of trash containers and dumpsters. All commercial and industrial uses, and residential uses of four families or more, shall provide trash and/or garbage collection areas or dumpsters enclosed on at least three sides by a solid wall, opaque fence or compact planting screen of at least five feet in height, if such area is not within an enclosed building or structure. In order to provide adequate vehicular access to and from dumpsters, there shall be a minimum clearance of nine feet between any such dumpster and any principal structure.

502.2 - Screening of on-ground utilities. Utility structures, substations, telephone exchange substations, dish antennas and similar uses shall be enclosed on at least three sides by a vegetative screen of hardy evergreens or shrubs at least three feet high at time of planting and which shall be sufficient to effectively provide a visual screen from adjacent R zones.

502.3 - Location of dumpsters. Dumpsters shall not be located in front yards except as permitted by the board as a dimensional variance.

Sec. 503. Reserved.

Sec. 504. Outside storage of vehicles.

All auto service stations, new and used car dealerships, recreational vehicle dealerships, garage repair shops, auto body shops, car washes, storage of vehicles, and similar types of uses shall meet the following requirements:

504.1 - Overnight outside storage. Overnight outside storage of any vehicles intended to be repaired shall be limited to one vehicle for every 500 square feet of lot area.

504.2. Storage of junk vehicles. Storage of any junk vehicles shall not be permitted unless said vehicles are kept within an area that is completely enclosed on all sides by a six-foot-high tight board fence or a similar type of screening. Said vehicles shall be deemed as stored vehicles, limited under section 504.1.

Sec. 505. Outdoor display of merchandise (other than autos).

Except in an R zone, outdoor displays are permitted up to ten percent of the gross floor area of a commercial establishment. Such outdoor display shall be located on the same lot as the main use or may be located on the adjoining city sidewalk only with the appropriate city permits and/or licenses. No additional parking shall be required for such additional area, provided existing parking is not reduced. The goods displayed shall be removed at the end of each business day.

Sec. 506. Height modifications.

506.1 - Roof structures permitted above maximum height.

- A. The following roof structures are permitted above the maximum height as specified in this ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building:

- (1) Structures for the housing of elevators and elevator shafts,
- (2) Stairways,
- (3) Fire or parapet walls,
- (4) Skylights,
- (5) Towers, and
- (6) Steeples.

- B. The following roof structures are permitted above the maximum height as specified in this ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building, and provided that such features shall be set back from the edge of the roof a minimum distance of one foot for every two feet by which they extend above the roof:

- (1) Heating and air-conditioning equipment,
- (2) Ventilating fans,
- (3) Storage tanks for water,
- (4) Television, radio or satellite dish antennas or masts,
- (5) Chimneys or roof-mounted smokestacks,
- (6) Roof-mounted flagpoles, and
- (7) Similar equipment required to operate and maintain a building.

No such roof structure as set forth in this subsection B. shall exceed the maximum height for the zone in which it is located, except by the amounts allowed herein:

- (8) Buildings from one to six stories: Ten feet.
- (9) Buildings exceeding six stories: Ten feet plus one foot per story above the sixth story to a maximum total of 20 feet.

- C. Solar collectors are permitted above the maximum height as specified in this ordinance provided that they are set back 3 feet from the edge of the roof and there is a parapet wall on all sides of the roof.

(Ord. of 10-26-2022(1) , § 1, 10-26-2022)

Sec. 507. Yards apply to only one building.

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing yard or open space on a lot whereon a building is to be erected.

Sec. 508. Front yard modifications.

508.1 - Averaging setbacks. The minimum required front yard of any lot proposed to be built on may equal the average of the actual front yards, lawfully established on lots wholly or partially within 100 feet in both directions, on both sides of the same street.

508.2 - Through lots. At each end of a through lot there shall be a front yard of the depth required by this ordinance for the zone in which each street frontage is located. However, in all R zones, one of these front yards may serve as a required rear yard.

508.3 - Corner lots. On a corner lot in an R zone, all yards fronting on intersecting streets shall meet the required front yard setbacks.

Sec. 509. Common/Party Walls..

For the purpose of side yard regulations, any dwellings which occupy a single lot but have a common party wall shall be considered as one building. (For example, two-family detached dwellings or row dwellings).

Sec. 510. Projections into yards.

510.1 - Cornice, sill or chimney. A cornice, eave, belt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required side yard not more than four inches for each 16 inches of width of such side yard and may extend or project into a required front, side, or rear yard not more than 30 inches. Chimneys may project into a required front, side, or rear yard not more than 16 inches provided the width of such side yard is not reduced to less than four feet.

510.2 - Fire escape. A fire escape may extend or project into any required front, side or rear yard not more than four feet.

510.3 - Open stairway, balcony or porch. An open, unenclosed stairway, balcony, porch, deck, platform or landing place, which, except for the roof, does not extend above the level of the first floor of the building may extend or project into any required front yard not more than six feet, and into any required side yard six feet, but in no case closer than four feet to the side or rear lot line. This provision does not apply to handicapped access ramps.

Sec. 511. Only one main residential building on a lot.

Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one main residential building and up to two accessory buildings on one lot. The only exception to this is a multi-household dwelling and/or a condominium development with four or more living units which may be housed in multiple structures.

(Ord. of 10-26-2022(1) , § 1, 10-26-2022)

Sec. 512. Corner setback.

In any triangle formed by the street lines intersecting at an angle of 100 degrees or less, there shall be a corner setback of 15 feet from the point of intersection, wherein no building or structures may be erected, no parking areas or entrances may be created and no vegetation or fencing may be maintained above the height of 3½ feet above the plane of the curb grades. Notwithstanding the provisions of this section, poles not exceeding eight inches in outside diameter designed for the support of lights and signs may be erected in this triangle.

Sec. 513. Fencing.

All fences shall be constructed of manufactured metal, wood, masonry or other approved fencing material. A hedge composed of plant material adjacent to the fence may be used but shall be in conformity with the maximum height requirements of this section.

Sec. 513.1 - Repair and condition. All fences shall be maintained in good condition, be structurally sound, be wholly intact and be free from insect infestation.

Sec. 513.2 - Maximum height. The maximum height of fences by zoning district shall be as follows:

Zoning District	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
R Zones	4	6	6
C Zones	5	6	6
M Zones	8	8	8

Sec. 513.4 - Fencing at driveway entrances and exits. At driveway entrances and exits, a reduction of all closed or open fences to a (4) foot height for a distance of (8) feet from the driveway entrance/exit property line is required for safety and visibility of persons backing out of the driveway.

Sec. 513.5 - Barbed wire and razor wire prohibited. The use of barbed wire and razor wire shall be prohibited in all zones except for a prison or correctional institution or for public utilities. Barbed wire or razor wire shall not be less than 8 feet above ground.

Sec. 514. Special use permits.

The following uses shall require a special use permit from the Zoning Board of Review or, if applicable pursuant to unified development review, the Planning Board (the "review board"). Applications for special use permits must meet the specific and objective criteria specified herein as to each use:

514.1 Boarding. The review board may permit by special use permit that up to two rooms may be rented with or without meals within any dwelling unit provided:

- (a.) more than 50 percent of the habitable space is occupied by the individual or household permanently occupying the dwelling unit,
- (b.) no more than one person may occupy any one of said rooms,
- (c.) cooking facilities are prohibited in guest rooms,
- (d.) the length of the rental term shall be for a minimum of three months.

514.2 Temporary lodging in an R-3 zone. The review board may permit by special use permit temporary lodging with meals (i.e., a bed and breakfast) within a dwelling in an R-3 zone provided:

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- (a.) more than 50 percent of the habitable space is occupied by the individual or household permanently occupying the dwelling,
 - (b.) no more than four rooms may be rented,
 - (c.) if the building had been built as a dwelling, the exterior shall maintain its original appearance as a dwelling,
 - (d.) cooking facilities are prohibited in guest rooms.
 - (e.) meals may be served only to registered guests,
 - (f.) leasing of a common dining area for social events is prohibited.
 - (g.) guest stays are limited to a maximum of 14 consecutive days.
 - (h.) no more than two individuals per bedroom shall be allowed.

514.3 Temporary lodging in commercial zones. The review board may permit by special use permit temporary lodging with or without meals in C-1, C-2, and C-D zones provided:

- (a.) no more than ten rooms may be rented,
- (b.) cooking facilities are prohibited in guest rooms.
- (e.) meals may be served only to registered guests,
- (f.) leasing of a common dining area for social events is prohibited.
- (g.) guest stays are limited to a maximum of 14 consecutive days.
- (h.) no more than two individuals per bedroom shall be allowed.

514.4 Alterations in an R-1 zone. A building, in existence prior to the enactment of this ordinance, in an R-1 zone may be permitted by the review board by special use permit to be altered to accommodate two or more dwelling units provided that: the total number of dwelling units does not exceed one dwelling unit for every 5,000 square feet of lot area; the building is not increased in height or floor area; and all other provisions of this ordinance relative to residential use are met.

514.5 Alterations in an R-2 zone. A building, in existence prior to the enactment of this ordinance, in an R-2 zone may be permitted by the review board by special use permit to be altered to accommodate three or more dwelling units provided that: the total number of dwelling units does not exceed one dwelling unit for every 2,500 square feet of lot area; the building is not increased in height or floor area; and all other provisions of this ordinance relative to residential use are met.

514.6 Educational Facilities – Primary and Secondary, Trade, Vocational, and Postsecondary

- (a) The applicant shall provide proof of licensing as required.
- (b) A traffic impact analysis shall be required that includes an analysis of drop-off and pick up capacity and operations.
- (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, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

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- ii. There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces or extend into the street.
 - (d) A signage plan that clearly identifies the school 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) The site shall otherwise comply with landscaping requirements of these regulations.
 - (g) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
 - (h) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

514.7 Religious services

- (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. Outdoor gathering space immediately outside the main entrance sufficient to hold congregant to fire code standards shall be shown on the plans.
 - iii. A designated drop-off 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 signage plan that clearly identifies the place of worship and denomination of the congregants shall be submitted with the special use permit application.
- (c) 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.
- (d) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
- (e) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

514.8 Daycare facility

- (a) The applicant shall provide proof of state licensing.
- (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.

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- (ii) Outdoor recreation space under the custody and control of the day-care center sufficient to hold the entire facility's capacity.
 - (iii) A designated drop-off 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.
 - (c) A signage plan that clearly identifies the day-care center 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) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
 - (f) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

514.9 *Automotive repair*

- (a) All repair and service operations shall be performed within a fully enclosed building. All equipment and parts shall be stored indoors.
- (b) Vehicle services establishments shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of eight feet in height.
- (c) No partially dismantled, wrecked, or unlicensed vehicles shall be stored outdoors on the premises. This standard does not apply to vehicles under repair and/or service.
- (d) No motor vehicles shall be stored and no repair and/or service work shall be conducted in the public right-of-way.
- (e) No access driveway may exceed 25 feet in width. For a corner lot, curb cuts are restricted to one curb cut for every 50 feet of street frontage.
- (f) The site shall otherwise comply with landscaping requirements of the Regulations

514.10 *Outdoor Storage of equipment, products, supplies or material*

- (a) A site plan shall be submitted with dimension showing that all outdoor storage areas are completely enclosed by a six-foot solid fence or wall.
- (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 drainage plan signed by a Rhode Island licensed civil engineer shall be submitted with the special use permit demonstrating that surface water will not congregate in storage areas and no runoff from storage areas will enter the right-of-way.
- (d) No vehicles shall back into or out of the property.
- (e) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

514.11 *Manufacturing - Materials Processing Centers.*

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- (a) The materials processing area shall be completely enclosed along all lot lines by an opaque fence a minimum of four feet and a maximum of six feet in height, including ingress and egress. Where buildings are proposed, they should be located along the street frontage, meeting setback requirements. Otherwise, screening the operation from the street, which may include fences, tall vegetation, or walls along the front is required.
 - (b) The use shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of four feet and a maximum of six feet in height.
 - (c) Where the use abuts a residential use or zoning district, the fence shall be set back a minimum of 20 feet from each such lot line abutting a residential use or zoning district.
 - (d) The site shall otherwise comply with landscaping requirements of the Land Development and Subdivision Regulations.

514.12 Manual assembly of jewelry products.

- (a) Excludes jewelry manufacturing and metal processing machinery.
- (b) Consists primarily of carding and packaging of manufactured jewelry products.

514.13 Parking. The review board may permit by special use permit off-street parking of automobiles on one or more lots where parking spaces for more than four automobiles are available for public use whether free, for compensation, or to satisfy parking requirements of a principal use on a separate and noncontiguous lot.

514.14 Shared driveway. The review board may allow by special use permits a shared driveway between two lots provided that:

- (a) each lot contains not more than four pre-existing dwelling units, and
- (b) an easement granting access to the driveway shall be recorded in the Land Evidence Records of the City of Central Falls prior to recording the Board's decision.

Shared driveways are not allowed for new construction in R zones.

514.15 Drive-up Window. A drive-up window requires a special use permit, regardless of the zone it is located in or the type of business conducted.

The following requirements must be met in the application for a drive-up window special use permit:

- (a) Pedestrians must be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lines.
- (b) At a minimum, waiting lanes should accommodate average peak monthly traffic flow, allowing 23 feet per vehicle. Waiting lane length will be measured from the point where orders or business is first conducted.
- (c) Waiting lanes must be designed so that waiting cars do not block sidewalks or public streets.
- (d) Landscaping, waiting lane devices, and overall design should not prevent vehicles from safely and efficiently leaving waiting lanes; there shall be an escape lane included in the design.
- (e) All lights and illuminated materials must be screened from the view of adjoining residentially zoned properties.
- (f) The volume of menu boards and or drive-up window speakers must not exceed 55 decibels at any adjoining property line or across an alley/street from the site.

514.16 Formula Business.

- (a) The size of any individual Formula Business shall not to exceed 2,500 square feet of gross floor area.

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- (b) The street frontage of any individual Formula Business shall not exceed 65 feet in width.
 - (c) No drive thru windows shall be permitted.
 - (d) The applicant shall submit a plan indicating the provision for rubbish removal, including the dumpster location with proper screening and buffering so that there are not any substantial negative impacts to abutting properties.
 - (e) There shall not be a substantial impact to the public safety from increased traffic. At the discretion of the review board, the applicant may be required to submit a traffic study, prepared by a RI Registered Professional Engineer, approved by the board.
 - (f) There shall not be any impacts to the roadway or abutting properties from the loading area.
 - (g) Advertising, or anything with the corporate logo, may be forbidden to be displayed in the windows.
 - (h) The Formula Business is located at least 2,500 feet from a similar Formula business.

State law reference(s)—Special use permits, G.L. 1956, § 45-24-42.

Sec. 515. Home occupations.

A home occupation, as defined in Article XI, is permitted, provided that:

- (a) It is conducted entirely within a dwelling unit or accessory building;
- (b) It is operated only by the person or persons residing within the dwelling unit, with not more than one employee or regular assistant not residing in the dwelling unit;

Further, home occupations:

- (c) Shall have no exterior evidence of the activity such as artificial lighting, advertisements, displays or the exterior storage of materials;
- (d) Shall utilize not more than 50 percent of the gross floor area of the dwelling unit or 800 square feet, whichever is less; and
- (e) Shall have no storage or sale of goods or merchandise on the premises.

ARTICLE VI. SPECIAL ZONES

Sec. 600. Overlay zoning districts.

Overlay zoning districts are hereby established to regulate areas and structures of historical significance, educational and health care institutions, and mixed uses. These regulations are necessary to meet the purposes set forth in section 100 of this ordinance. The boundaries of the overlay zoning districts are as defined in section 102 of this ordinance. These boundaries may be amended in accordance with article IX of this ordinance. Overlay zoning districts are designed to impose supplementary requirements and do not in any manner reduce any requirements of the underlying zone, except where specifically provided for by this ordinance.

Sec. 601. Historic district—Purpose.

Historic districts are overlay zoning districts which cover designated districts or structures, which are listed in the National Register of Historic Places, within the City of Central Falls. The purpose of historic districts is to safeguard the heritage of the city by preserving designated districts and structures of historic or architectural value which reflect elements of Central Falls' cultural, social, economic, political, and architectural history; to stabilize and improve property values in such districts or designated structures; to maintain and foster civic beauty; to strengthen the economy; and to promote the use of designated districts and structures for the education, pleasure and welfare of the citizens. An historic district may include properties which are associated with broad patterns, events, and/or people significant in local, state or national history; which embody the distinctive characteristics of a broad range of building types and architectural styles; which possess high artistic value and/or represent the work of a master builder, architect, landscape architect or other designer; or which lack individual distinction but which add to the historic district zone's status as a significant and distinguishable socio-cultural entity.

Sec. 602. Mill building reuse development (MBRD).

A mill building reuse development (MBRD) creates a zoning overlay district within an M zone containing obsolete or underutilized manufacturing and or industrial building. The (MBRD) designation allows the development of such sites according to a plan for mixed use. All such re-use developments shall be done in accordance with this section.

602.1 - Mill building reuse development. In accordance with section 101.4 of this ordinance, a MBRD district may contain one or more manufacturing and/or commercial structures with appurtenant accessory buildings, common areas, open space and roadways. The purpose of a MBRD is to allow for the redevelopment of the site for mixed use development through careful site planning. MBRD zoning overlays may be applied in any M zone.

602.2 - Re-use development establishment and regulations.

- (a) Establishment: A reuse development may be established upon approval by the planning commission pursuant to G.L. 1956, § 45-24-47 in any M zone in which the proposed principal use of each building is permitted in accordance with Article III and 602.2
- (b) Permitted uses: Uses as permitted in article III and the following uses listed by use category are permitted in a mill building reuse development:
 - i. Residential, 11,14 and 14.1
 - ii. Institutional and Governmental Services, 21, 22, 24, 24.1 and 24.2
 - iii. Cultural, Entertainment And Recreation Services, 31, 32 (limited to auditorium, exhibition hall and theater) and 34
 - iv. General Services, 41, 42, 43, 44, 46 and 47
 - v. Trade, 55, 56
- (c) Additional criteria for approval: To approve a re-use development, the planning board shall find that:
 - i. That the re-use development is not displacing an active manufacturing and or industrial use. Further that there is no reasonable expectation that manufacturing will continue at the site.
 - ii. The re-use development will not create a serious conflict with adjacent manufacturing and or industrial businesses in the M zone.

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- iii. The developer has a plan to notify all tenants and owners of the buildings and units in the re-use development that they are in a M zone and that allowed M zone uses that may be perceived as a nuisance or otherwise obnoxious shall give them no cause for action against such industrial and or manufacturing activity.
 - iv. The plans for the re-use development are consistent with the comprehensive plan.

Sec. 603. Osram Mixed Use Special Overlay District (OMUSOD).

The Osram mixed use special overlay district (OMUSOD) creates a zoning overlay district within an M zone, which may include properties located within an MBRD, containing obsolete or underutilized manufacturing and or industrial buildings which have been identified for specific development purposes. The OMUSOD designation allows the development of such sites according to a plan for mixed use, and further expressly permits the use of existing buildings located within the OMUSOD for certain uses set forth in Sec. 304 above. All such re-use development shall be done in accordance with this section.

602.1 - OMUSOD development. In accordance with section 101.4 of this ordinance, an OMUSOD district may contain one or more manufacturing and/or commercial structures with appurtenant accessory buildings, common areas, open space and roadways, including the ability to utilize existing structures within the OMUSOD for Mini-storage and Self-Storage by right contingent on the Mini-Storage and Self-Storage occurring inside existing buildings located on properties in the OMUSOD, as of the date the OMUSOD was established hereunder, and up to a total limit of 230,000 square feet of Mini-Storage and Self-Storage within the OMUSOD. The purpose of the OMUSOD is to allow for the further redevelopment of the properties within the overlay district for mixed use development through careful site planning. OMUSOD zoning overlays may be applied in any M zone, including within an MBRD.

602.2 - Re-use development establishment and regulations.

- (a) Establishment: A reuse development may be established upon approval by the planning commission pursuant to G.L. 1956, § 45-24-47 in any M zone in which the proposed principal use of each building is permitted in accordance with Article III and 602.2
- (b) Permitted uses: Uses as permitted in article III and the following uses listed by use category are permitted in a OMUSOD development:
 - i. Residential, 11,14 and 14.1
 - ii. Institutional and Governmental Services, 21, 22, 24, 24.1 and 24.2
 - iii. Cultural, Entertainment And Recreation Services, 31, 32 (limited to auditorium, exhibition hall and theater) and 34
 - iv. General Services, 41, 42, 43, 44, 46, 47 and 48.3
 - v. Trade, 55, 56
- (c) Additional criteria for approval: To approve an OMUSOD re-use development, the zoning board, or the planning board if reviewed as part of a unified development review, shall find that:
 - i. That the re-use development is not displacing an active manufacturing and or industrial use, and, further, that there is no reasonable expectation that manufacturing will continue at the site.
 - ii. The re-use development will not create a serious conflict with adjacent manufacturing and or industrial businesses in the M zone.

- iii. The developer has a plan to notify all tenants and owners of the buildings and units in the re-use development that they are in a M zone and that allowed M zone uses that may be perceived as a nuisance or otherwise obnoxious shall give them no cause for action against such industrial and or manufacturing activity.
- iv. The plans for the re-use development are consistent with the comprehensive plan.

Sec. 604. Conant Thread district (CT).

604.1 - Definitions. The following definitions are provided specifically for the CT District. Where these terms may have different definitions in other sections of the Zoning Ordinance, the definitions herein shall apply to proposals in the CT District.

Adult Use - An establishment that sells or disseminates explicit sexual material, and at which access to the public display of explicit sexual material is restricted to persons 18 years of age or older. These may include, but shall not be limited to adult bookstores, adult cabaret, or adult motion picture theaters.

Amusement Park - An area that may include both outdoor and indoor areas designed for assembling crowds of people for the purposes of enjoying multiple attractions, which could include fairground rides, shows, refreshments, games of chance or skill, and other entertainments.

Auto Body Shop or Repair Service - An establishment primarily engaged in the repair, painting, detailing or refinishing of automobiles, noncommercial vehicles, motorcycles, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Such activities as well as any overnight storage will take place indoors. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, lubrication shops, and similar repair and service activities. These uses shall not include vehicle dismantling or salvage of parts, or the sale/dispensing of motor fuels.

Awning Sign - A sign placed directly on the surface of an awning.

Building Contractor Operation - An establishment designed to store and periodically deploy heavy equipment and bulk materials associated with construction.

Commercial Surface Parking - A surface parking area that leases spaces on a temporary basis as a primary use.

Coordinated Development - Proposed or existing site conditions where buildings, structures, infrastructure, site features, and/or lot configuration are designed in a manner where these elements are organized into an integrated concept.

Edge of Pavement - The linear edge where curbing, sidewalks, and driveways meet the street surface.

Elevated Freestanding Sign - A sign that is not attached to any building and is elevated clear of the ground by means of poles, posts, or similar structures.

Frontage Area - The area between the façade of a frontage building and the edge of pavement. Contains the Frontage Zone, the Pedestrian Zone, and the Furnishing Zone.

Frontage Building - Any building that is located along a public right-of-way or private way designed to move automobiles, with its façade oriented to that public or private way.

Frontage Zone - The part of the frontage area immediately adjacent to the building façade.

Fuel Station - Any lot or portion thereof used partly or entirely for dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of vehicles. This does not include bulk storage and wholesale of liquid fuels.

Furnishing Zone - The part of the frontage area immediately adjacent to the edge of pavement.

Golf Course - The grounds where the game of golf is played. The area dedicated to play comprises a series of holes, each usually consisting of a teeing ground, a fairway, the rough and other hazards, and a green with a flagstick ("pin") and hole ("cup").

Heavy Equipment Operations - Establishments that provide service, storage, or sales of heavy duty construction machinery, vehicles, or related accessories.

Infill Development - New buildings or structures developed where such development is contiguous with the pre-existing pattern of buildings either on that lot or on adjacent lots.

Manufactured On-Site Home Sales - Establishments that provide for the assembly, display, storage, and sale of manufactured homes on the premises.

Mini-storage and Self-storage Facilities - A building or group of buildings comprised of individual units which may be rented or leased by the public for the storage of personal belongings.

Monument Sign - A freestanding sign attached to a base that is at least as wide as the sign. The base shall stand no taller than two feet measured from grade.

Motor Vehicle and Equipment Lease and Sales - Premises for the sale and/or lease of new and/or used motor vehicles (including boats) and heavy equipment. This use may include the servicing and auto body repair of said vehicles.

Motor Vehicle and Equipment Towing and Storage - Any lot or land area used for the storage or layover of passenger buses, motor coaches, taxis, limousines, and other such fleets.

New Development - Newly constructed buildings or structures. Includes infill development.

On-site Dry Cleaning - An establishment that provides dry cleaning services where the cleaning operation is performed on-site.

Pedestrian Zone - The part of the frontage area dedicated primarily to pedestrian travel across the front of a property. Generally located between the frontage zone and the furnishing zone.

Projecting Sign, Horizontal - A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

Projecting Sign, Vertical - A sign which is supported by an exterior wall of a building and which is displayed parallel in vertical alignment with the face of the building.

Recess Line - Architectural feature on multi-story buildings created when one building story is set back from the vertical plane of the building story beneath it.

Rehabilitation - Repair, renovation, and/or restoration activities designed to place unused or under-utilized buildings back in to active use. See Adaptive Reuse.

Roof Sign - A sign that projects above the roof, parapet or ridge line of the building; or mounted upon any roof, parapet or ridge line of a building.

Salvage Yard - Establishment that collects, stores, and sells materials or items recovered from site demolition or other salvage operations. These establishments may or may not include outdoor storage.

Significant Renovation - Any improvements to an existing building that would include:

- Demolition of up to 20 percent of an existing structure designated as architecturally/historically significant by the Conant Thread Historic Inventory. The area of demolition shall be measured by the building footprint.
- Replacing or changing the appearance of more than 50 percent of any exterior wall on any existing principal building (not accessory structures).

- Replacement of windows cumulatively covering more than 300 square feet on any building designated as architecturally/historically significant by the Conant Thread Historic Inventory.
- Replacing or changing any wall sign, monument sign, roof sign, or elevated projecting sign.
- Changing the location of the primary entrance to the building.

Single Building Large Retail - Buildings with retail or service use where the footprint of the building is 10,000 square feet or more and the building does not include multi-family residential use in stories above the ground floor. This definition may apply regardless of the number of retail or service operations within the building.

Strip Commercial Development - A style of site development that generally includes a series of connected or closely gathered single story commercial establishments, often situated along the side and rear yards of a lot, with parking areas between the street edge and building entrances.

Structured Parking Facility - A multi-story structure used to park vehicles as its primary use.

Transit Oriented Development (TOD) - A style of land use development designed to concentrate residential use and complementary non-residential uses in close proximity to high volume transit infrastructure.

Turf - Landscaped grass areas designed to be regularly mowed.

Wall Sign - A sign made of any material, including vinyl and cloth, attached directly to a wall of a building or as to extend not more than 15 inches from the face of the wall.

Warehousing and Distribution Facilities - Establishments where goods are stored in bulk temporarily before being shipped to other businesses or directly to consumers.

604.2 - Establishment. The Conant Thread (CT) District is established pursuant to § 101.6 of the Zoning Ordinance. The boundaries of the district can be viewed on the city's official zoning map, pursuant to § 102 of the Zoning Ordinance.

604.3 - Purpose. The Purposes of the CT District include:

- Create a Transit Oriented Development (TOD) zoning district that connects housing, commerce, and transit opportunities.
- Provide standards for high quality infill development, adaptive re-use, and rehabilitation.
- Provide standards for high quality urban design that will result in the development of safe, attractive, and comfortable spaces for pedestrians and bicyclists.
- Expand access to streamlined permitting processes.

604.4 - Joint planning commission. The Joint Planning Commission (JPC) is established in accordance with Chapter 2, Article V, Division 3 of the Central Falls Code of Ordinances and includes the five Planning Commission members in Pawtucket and the five Planning Board members in Central Falls. Membership, therefore, includes ten individuals. The JPC is herein given authority to review applications for development in accordance with the procedures and standards set forth in this Article VI, Section 604.

604.5 - Permit review summary. Applications for development in the CT District are reviewed as follows:

Permit	Reviewing Authority	Ordinance Section
Subdivision or Land Development	JPC (Subdivision Regulations)	§ 604.7
All Variances	JPC (Unified Development Review)	§ 604.8

Special Use Permits	JPC ⁽¹⁾ (Unified Development Review)	§ 604.8
Development Plan Review	JPC or Staff	§ 604.9
Building Permit	Building Official	Various/Building Code

* Unless the Zoning Board of Review is specified.

Where more than one of the applications listed above is required, the applications shall be reviewed simultaneously to the extent practicable unless sequential review is otherwise required or is more advantageous to both the applicant and the JPC. In the event that one application review is completed before another, any approval shall be conditioned on the approval of subsequent applications.

604.6 - Permit review criteria.

- A. *General Criteria.* In reviewing applications for development permits in the CT District, the approving authorities for any application shall consider the following overarching criteria:
 - (1) Compliance with all applicable sections of the Zoning Ordinance and the Subdivision and Land Development Regulations.
 - (2) Consistency with the goals of the City Comprehensive Plan and the Purposes of the CT District.
 - (3) The quality and accuracy of information presented by the applicant for the proposal.
 - (4) Compliance with the Conant Thread District Design Guidelines. These guidelines are available in the Central Falls Department of Planning and Economic Development, and may be updated by the JPC.
 - (5) Quality of site design and building design for the proposal.
 - (6) Preservation and considerate reuse of structures identified as being architecturally/historically significant by the Conant Thread Historic Inventory. This inventory is available in the Central Falls Department of Planning and Economic Development, and may be updated by the JPC.
 - (7) The plans for such project provide sufficient designs to all dimensional standards, including, but not limited to, parking and circulation, to ensure the health and safety of Central Falls residents and visitors.
 - (8) Any conditions or restrictions that are necessary to ensure that these criteria have been met have been incorporated into the written approval.
- B. *Special Use Permits.* All uses of land and structures within the CT District that require a Special Use Permit shall be consistent with the following standards for approval:
 - (1) The proposed use of land and structures shall not deter the use of the remainder of the building and/or abutting buildings for residential or commercial uses by introducing noise, large truck traffic, or odors.
 - (2) The proposed use of land and structures shall not include storage or use of any materials that are harmful, flammable, noxious, or may otherwise be determined to be an undue nuisance to abutting property owners or residents.
 - (3) The scale of the proposed use of land and structures shall not directly result in increased traffic flow, particularly large industrial vehicles, that exceeds the capacity of existing CT District roadways and infrastructure.

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- (4) The proposed use of land and structures shall be consistent with the stated goals of the CT District, most specifically the creation of new light manufacturing job opportunities, a complementary mix of residential, office, and commercial activity, the preservation of historic mill structures, and the overall improvement of environmental conditions through brownfield remediation and stormwater management best practices.

604.7 - Subdivision and / or land development review.

Applications for a subdivision and/or land development within the CT District shall follow the applicable JPC Development Regulations.

604.8 - Unified development review. Applications for any variance and applications for special use permits shall be heard by the JPC as enabled by the Unified Development Review provisions of the Cities of Pawtucket and Central Falls, and in accordance with the Rules and Procedures for the JPC as amended. Where an application does not require a subdivision or development plan review, but does require a variance or special use permit, the application shall be classified as a Major Land Development project for the purposes of establishing review procedures under Unified Development Review.

604.9 - Development plan review (DPR) – Conant Thread District Only.

- A. *Purpose.* It is the purpose of this article to establish procedures pursuant to the permitting process which will enable the City or the JPC, as applicable, to perform a comprehensive review of certain proposed developments. DPR will generally follow the process outlined in Article X of this ordinance, except that where this section conflicts with Article X, this section shall govern. DPR procedure shall not be used to deny an applicant a permitted use of the property as established by the Zoning Ordinance. The particular uses requiring DPR are outlined below.
- B. *Administration.*
- (1) No permit to build, alter, or expand any of the uses requiring DPR as outlined below shall be issued by the Building Official until a written statement of final approval in accordance with this article has been received. The applicant is responsible for obtaining a building permit through the Code Enforcement Office as required by City ordinances. The applicant must submit all plans and documents normally required for a building permit. The approved final development plan shall be part of this submission. The DPR process will not preclude the need to meet other City requirements as they may apply to a particular development. No alteration to any City ordinance requirements or any necessity to gain approval by another legal jurisdiction shall be deemed to be authorized or granted by virtue of the DPR under this article.
- (2) Projects subject to review as a Land Development project shall not require DPR. A project submitted for DPR may be referred to the JPC as a Land Development project.
- C. *DPR Process.* The DPR shall be conducted by either the JPC or the Administrative Officer to the Central Falls Planning Board in accordance with the Subdivision Review Enabling Act, R.I.G.L. 45-23, as amended, and those procedures and requirements listed in this ordinance and in the Land Development and Subdivision Review Regulations. The JPC or Administrative Officer may enlist the assistance of other municipal staff or boards in the review of applications. Mechanisms to enlist this assistance can include, but are not limited to, the establishment of a Technical Review Committee.
- D. *DPR Thresholds.* Applications for development shall be reviewed in accordance with the following thresholds.
- (1) Formal DPR under the jurisdiction of the JPC where any of the following conditions apply:
- (a) Where 20 percent or more of an existing structure is proposed to be demolished as measured by the footprint of the structure. Any site improvements or development

occurring as a result of the demolition shall be reviewed along with the plans for demolition.

- (b) Where proposed development would include 80,000 square feet or more of newly developed or renovated floor area in a new building, an existing building, accessory structures, or additions. Where multiple buildings or additions are included in the proposal, the floor area shall be measured in the aggregate.
 - (c) Where proposed development would include 25,000 square feet or more of floor area utilized for industrial or manufacturing purposes and/or include accessory storage of equipment or materials.
 - (d) Where proposed development would include more than 50 units of new housing.
 - (e) Any site disturbance of 40,000 square feet or more.
 - (f) Any development where a structured parking facility is proposed.
 - (g) Any application that is referred to the JPC by the Administrative Officer.
 - (h) Any development subject to unified development review.
- (2) DPR shall be administrative (performed by Administrative Officer) where any of the following conditions apply:
- (a) Where significant renovation, as defined in this ordinance, of an existing building is proposed.
 - (b) Where proposed development would include between 1,000 and 80,000 square feet of newly developed floor area in a new building, an existing building, accessory structures, or additions. Where multiple buildings or additions are included in the proposal, the floor area shall be measured in the aggregate.
 - (c) Where proposed development would include more than five and up to 50 units of new housing.
 - (d) Any site disturbance between 2,000 and 40,000 square feet.
 - (e) Any permitted use that is specifically referred in writing to the Administrative Officer by the Building Official or the Director of Code Enforcement.
- (3) A development subject to Formal DPR shall not also be subject to Administrative DPR.
- E. *Appeals.*
- (1) Appeals to the Providence County Superior Court may be taken by a person aggrieved by any final action of the Administrative Officer or the JPC pursuant to the provisions of this section.

604.10 - Allowable and prohibited uses.

- A. *Allowable Uses.* Uses that are allowable by right or through the issuance of a Special Use Permit are identified in Table 2 - Conant Thread Use Regulations in Section 304 of the Zoning Ordinance.
- B. *Uses Not Listed in the Use Table.* Uses not listed in the Conant Thread Use Regulation table may be considered prohibited. However, an applicant may propose a use that is not specifically listed and potentially allowed in the Conant Thread Use Regulations table pursuant to the procedures in Section 301, unless such use is specifically prohibited in Subsection C below.
- C. *Specifically Prohibited Uses.* The following Uses, as defined in this section of the ordinance, are prohibited within the CT District.

Adult Use

Amusement Park
Auto Body Shop or Repair Service
Building Contractor Operation
Commercial Surface Parking
Compassion Centers as defined by G.L. 1956, § 21-28.6-12
Fuel Station
Golf Course
Heavy Equipment Operations
Manufactured On-Site Home Sales
Mini-storage and Self-storage Facilities
Motor Vehicle and Equipment Lease and Sales
Motor Vehicle and Equipment Towing or Storage
On-Site Dry Cleaning
Salvage Yard
Single Building Large Retail
Strip Commercial Development
Warehousing and Distribution Facilities

604.11 - Parking space requirements.

- A. There are no minimum requirements for the number of parking spaces associated with any development proposal.
- B. Any office, retail, or professional service use proposed in the CT District shall have no more than three parking spaces per 1,000 square feet of leasable floor area dedicated to that use.
- C. Any restaurant use proposed in the CT District shall have no more than one parking space per three seats, or one parking space per 50 square feet of dining/drinking area dedicated to that use.

604.12 - Design relief for rehabilitation/adaptive reuse. Consistent with the Purposes of the CT District, the Cities of Central Falls and Pawtucket encourage the adaptive re-use and/or rehabilitation of existing buildings in the district. The JPC herein acknowledges that proposed development for adaptive re-use and/or rehabilitation of existing buildings may not be able to meet all of the requirements that would otherwise be applied to new development and infill. In particular, the standards for dimensional controls (Section 604.13), site design (Section 604.14), or building design (Section 604.15), when applied, could require an applicant to seek a variance or special use permit based on pre-existing conditions. Therefore, the provisions of those sections shall apply to adaptive re-use and rehabilitation only to the maximum extent practicable as determined through the review of development plans.

604.13 - Dimensional Controls.

- A. **Building Height.** The maximum building height requirement for the district is 100 feet, except all properties that include frontage on Dexter Street shall have a maximum building height requirement of 45 feet.

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- B. *Lot Size.* The minimum lot size requirement is 5,000 square feet. Any lot created as part of a subdivision must have permanent, legal, and physically viable access to established roadway frontage. Interior lots may do this through the use of extended driveways or easements with appropriate restrictions.

604.14 - Site design.

- A. *Circulation.* The design of individual properties or groups of properties shall reinforce the purposes of the CT district by encouraging pedestrian and bicycle circulation through the following site design techniques:
- (1) To the maximum extent practicable, parking areas behind frontage buildings shall be physically connected either as contiguous parking areas or through the use of connector travel lanes that will allow for automobiles to pass from one building/property to another without travelling onto the street.
 - (2) Enhanced access management using shared access driveways is encouraged to improve safety, reduce vehicle/pedestrian conflict points, and expand continuous and consistent pedestrian-oriented frontages.
 - (3) Pedestrian connections between buildings shall be provided as safe, broad, and easily identifiable ways of walking through areas that may also be occupied by automobiles. These walkways shall be designed to clearly show that the space is primarily dedicated to pedestrian traffic through the use of raised or alternative surfaces, signage or raised landscaped islands that may serve as a safe resting area for pedestrians between automobile travel lanes.
 - (4) Where sidewalks or other pedestrian or bicycle ways intersect with automobile driveways or lanes, raised surfaces and/or durable, decorative alternatives to conventional pavement shall be used to connect sidewalks or bike lanes across the automobile lane. Striping across the asphalt used for an automobile lane to connect the pedestrian or bicycle way is not adequate for compliance. At these points of intersection, where vehicle speeds may reasonably go beyond 15 mph, strategically placed decorative bollards, stones, landscaped islands or other design features that promote caution are strongly encouraged.
- B. *Property Frontage.* The location and design of frontage buildings, and associated frontage areas, are extremely important to achieving the goals of the CT District, as they will shape the quality of experience for people in the public realm.

The following standards apply to frontage buildings and adjacent frontage areas. See Conant Thread District Design Guidelines for diagrams that clarify these standards.

- (1) Frontage buildings shall be located in a manner that facilitates pedestrian and bicycle access along and across the frontage area of that property consistent with the Conant Thread District Design Guidelines.
- (2) The frontage area shall be dedicated to and designed for pedestrian or bicycle activity.
- (3) The depth of the frontage area may be as small as ten feet, or as deep as 40 feet and shall comply with the following standards:
 - (a) A minimum ten-foot-wide sidewalk shall run the length of the property frontage between the building façade and the edge of pavement. The constructed sidewalk may be located within the public right-of-way, on private property, or may include both public and private property depending on pre-existing conditions and other opportunities or constraints associated with roadway geometry, location of utilities, and other elements of the built environment.

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- (b) All sidewalks shall have a distinct furnishing zone along the street where street trees, lighting, and/or other furnishings are offered as both an amenity and a buffer between automobiles and pedestrians (see Conant Thread District Design Guidelines).
 - (c) Any frontage area that includes more than 20 feet between the façade and the outer edge of the sidewalk shall:
 - [1] Incorporate amenities that allow for passing pedestrians to gather, rest, sit, or observe public art or entertainment; and/or
 - [2] Incorporate private seating areas for restaurants or similar uses; and/or
 - [3] Incorporate bicycle parking facilities; and/or
 - [4] Incorporate green infrastructure elements that are made feasible with larger amounts of space along the property frontage.
 - (4) Street trees shall be required in the furnishing zone of the frontage area consistent with the Conant Thread District Design Guidelines. Trees shall be spaced along the sidewalk at an average frequency of one tree every 40 feet.
- C. *Side Yards.* Where adjacent lots exist as part of a coordinated development, there shall be no minimum side yard setback for existing or proposed buildings. These conditions include, but are not limited to, adjacent lots within a larger mill building complex or adjacent lots that will have buildings sharing a sidewalk.
- Where development on individual lots is not directly coordinated with adjacent lots, side yard setbacks shall be the greater of ten feet or the width required to make the back of the lot accessible to emergency vehicles as demonstrated on a development plan.
- D. *Rear Yards.* Minimum rear yard setbacks shall be 15 feet.
- E. *Landscaping.* All areas of a site that are not rendered impervious through the development of structures, parking features, circulation features, or other hardscape features shall be landscaped. Landscaping may occur as installed or retained vegetation in accordance with the following standards.
- (1) *Plant Selection.*
 - (a) No tree, shrub or plant shall be proposed that has been identified as an Invasive Species by the Rhode Island Invasive Species Council or other reputable scientific publication.
 - (b) Landscaping shall be designed to remain functional and attractive during all seasons through a thoughtful selection of deciduous, evergreen, berrying, and flowering plant varieties.
 - (c) Plant varieties shall be selected for resistance to drought, moisture, salt, urban conditions, or insects and other pests depending on the location of landscaping and the specific stressors anticipated for different areas of the site. Plants shall be selected so that landscaping can be maintained with minimal care and the need for watering, pesticides or fertilizers can be minimized or eliminated.
 - (d) The use of turf shall be minimized, but where it is used, turf shall not be planted in strips less than six feet wide. Lawn seed mixes shall be drought resistant. To achieve a high level of drought tolerance, lawn mixes may include, but shall not be limited to, a predominance of fine fescues.
 - (e) Tree selection shall comply with the Conant Thread District Design Guidelines.
 - (2) *General Standards.*
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- (a) Where landscaped areas do not include planted materials, other decorative materials or features shall be used such as walkways, gathering places, or areas for public art. Unplanted areas shall not be filled with uniform gravel applications or riprap unless approved as part of stormwater management practices.
 - (b) Landscape features shall provide a clearly defined edge between the vegetated areas and areas reserved for pedestrian or automobile travel through the use of hardscape elements that may include, but shall not be limited to, fencing, curbing, or decorative stone.
 - (c) Any free-standing electrical structures, HVAC structures, or waste receptacles (e.g., dumpsters, ground mounted transformers, grease traps, etc.) shall be fully screened from view through the use of evergreen vegetation, fencing, or a combinations thereof.
- (3) *Walls and Fencing.*
- (a) Barbed wire or similar applications are categorically prohibited in the CT District.
 - (b) Chain link fencing is prohibited in the CT district unless it is necessary for compliance with security purposes unique to an individual use, is vinyl coated, and completely screened from view through the use of opaque evergreen trees or through a second layer of wooden fence material.
 - (c) Decorative fencing shall comply with the Conant Thread District Design Guidelines.
- F. *Parking Areas.* Where applicants propose to re-use existing parking areas or where new surface parking areas are proposed, the following design standards shall apply.

(1) *Surface Parking Design and Location.*

- (a) Each parking space shall be marked by painted lines and contain the following minimum dimensions affecting the width and length of individual parking stalls and the width of aisles in all districts, exclusive of necessary drives and other access ways.

Parking Space	Dimension
Minimum Width	9 feet
Minimum Length	18 feet
Minimum Aisle Width	
90 degree angle	24 feet
60 degree angle	18 feet
45 degree angle	13 feet
30 degree angle	11 feet
0 degree (parallel parking)	12 feet

- (b) No parking space or aisle (back-up space) shall be less than ten feet from any front or corner side yard property. 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.
- (c) Each parking space shall be designed with adequate off-street area for approach, turning, and exit without the need or ability to use any part of a street. All driveways shall be a minimum of ten feet in width for each lane of traffic using such driveway. The width of any driveway shall not exceed 30 feet.
- (d) Parking areas, where subject to wheeled traffic, shall be treated with bituminous, concrete or equivalent surfacing except where an alternative surface is approved as part of a stormwater management strategy.

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- (e) For surface parking areas associated with new construction, parking areas shall be located behind frontage buildings on the property.
 - (f) For adaptive re-use, rehabilitation, or expansion of existing buildings, surface parking areas shall be located behind frontage buildings to the maximum extent practicable. Where a pre-existing surface parking area is adjacent to a pedestrian space, the parking area may remain in use so long as the applicant provides a landscaped buffer as follows:
 - [1] At a minimum, the landscaped buffer shall include a decorative barrier, which may be designed as brick or stone finish walls, decorative fencing, or a combination of these treatments consistent with the Conant Thread District Design Guidelines.
 - [2] In addition to and inclusive of a decorative barrier, to the extent practicable, the landscaped buffer should include planted areas designed to provide separation between the surface parking area and the pedestrian space while allowing pedestrians to maintain visual awareness between the two areas. The parking area shall not be fully screened from the pedestrian way.
 - [3] Elements of the landscape buffer can include trees that maintain a canopy height of at least eight feet, and/or low lying shrubs that will not exceed three feet in height. The buffer may be interrupted by breaks designed to provide pedestrian connections from the parking area to the sidewalk.
 - (g) Developments with proposed surface parking areas of six spaces or more shall include a minimum of ten percent of landscaped area, inclusive of any landscaped borders surrounding the parking lot.
 - (h) The ends of parking aisles in surface lots that are more than 15 spaces in length shall incorporate landscape islands at either end of the row. Each island shall include at least one tree. Where the length of a parking aisle exceeds 25 spaces, additional landscaped islands shall be installed at regular intervals. This interval shall not be more than every 13 spaces. Where arced semi-circle islands, triangles or similar shapes are proposed, the largest width of landscaped islands shall be no less than eight feet at their widest point. Where oval shaped islands are proposed, the largest width of the island shall be no less than six feet.
 - (i) Trees shall be selected and placed in landscaped areas so that all parking areas can reasonably be expected to receive 30 percent canopy coverage. The expected canopy radius of each selected tree shall be noted in the required development plan materials.
 - (j) Parking areas for six or more cars or any travel lane shall be separated from adjacent properties by a minimum six-foot-wide landscaped buffer. The width of this buffer may be reduced, or the buffer may be eliminated entirely, where the applicant, through the use of development plans, can demonstrate that the reduction or elimination of such buffer will not cause nuisance or undue harm to abutting properties and is specifically designed to:
 - [1] Improve pedestrian, bicycle and/or vehicular circulation and/or reduce curb cuts.
 - [2] Allow for the placement of driveways and/or buildings in a manner that better meets the Purposes of this section of the Zoning Ordinance and the guidance in the Conant Thread District Design Guidelines.
 - [3] Anticipate improvements to abutting properties that will be complementary to the alternative buffer design.

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- (k) Compliance with the standards in this Subsection F shall be demonstrated through the development plans submitted by the applicant. The applicant may propose, and the reviewing authority may grant, deviations to these standards where:

- [1] Deviation from the standards allows for a more effective low-impact stormwater management design for the site consistent with the State of Rhode Island Stormwater Design and Installations Manual as amended.
- [2] Subsurface conditions such as the existence of utilities or contaminated soils make strict compliance impracticable.

G. *Lighting.*

- (1) Lighting for streets, parking areas, and civic/gathering spaces shall be decorative in shape, scale, and finish, with detailed, articulated treatments for the base, post, fixture, and crown.
- (2) Light poles and fixtures shall not exceed 16 feet in height measured from the base of the standard. Structural features used to anchor light standards (e.g., concrete pilings) shall not be counted toward the maximum height, but shall not protrude more than six inches from the ground.
- (3) All exterior lights on private property and sign illumination shall be designed, located, installed, and directed in such a manner as to minimize light trespass onto adjacent properties unless such trespass is intentional and meets the purposes of this ordinance.
- (4) Lighting fixtures for building security, aesthetic enhancement, or display purposes shall be top downward (not upward or sideways), and full cut off or fully shielded/recessed.

604.15 - Building design. Building design for new buildings shall comply with the standards herein. For re-occupation, renovation, or adaptive re-use of existing buildings, the applicant shall adhere to these standards to the maximum extent practicable and shall maintain consistency with the Conant Thread District Design Guidelines:

A. *General Standards for Building Form.*

- (1) Multi-story buildings shall clearly articulate the base, middle, and top of the building through the use of cornices, borders of distinct material, or other articulating features on every visible surface of the building.
- (2) In new construction, ground floors shall be a minimum of 12 feet from floor to ceiling to enhance the pedestrian streetscape, regardless of the overall building height. However, the first-floor height of additions may align with the first-floor height of the existing building.
- (3) Buildings over six stories shall have at least one recess line of at least ten feet somewhere above the third story and below the seventh story. The recess line should relate to the form of any buildings adjacent to or across the street from the building.
- (4) Larger buildings with long façades shall articulate the façade with varied rooflines, distinct signage for multiple tenants, awnings, arcades, pilasters, columns, recessed spaces and/or entrances and any other features that serve to add texture to these longer façades. Unbroken façades in excess of 50 feet shall not be allowed.
- (5) Large, flat, unadorned, blank walls shall not be allowed for any side or rear walls of buildings except where a rear wall is accessible only to service vehicles. Where windows are not feasible, raised or recessed vertical surfaces may be used in conjunction with awnings, window-shaped depressions, and decorative lighting to make these surfaces more attractive.
- (6) Awnings along continuous building lines that are separated shall be distinct from one building to another. Continuous awnings may only be allowed over a maximum of three contiguous storefronts.

B. *Building Entranceways.*

- (1) All buildings shall have a principal façade and entry (with operable doors) facing a street or other area dedicated to pedestrian circulation. Buildings may have more than one principal façade and/or entry. Primary entrances not facing a street shall open onto sidewalks or other designated pedestrian areas at least ten feet in width.
- (2) Main entrances shall incorporate architectural features that draw attention to the entrance. These features may include covered porches, distinct sidewalk surfacing, porticos, recessed doorways, and awnings.

604.16 - *Signage.*

- A. Permanent Signs are allowed in the CT District in accordance with the following table.

Sign Type	Maximum Area (square feet)	Height ⁽¹⁾ (feet)	Setback from Right-of- Way (feet)	Projection over Right-of- Way (feet)
Elevated Freestanding ⁽²⁾	72	20	-	-
Wall	One per one foot of building façade length ⁽³⁾	-	-	-
Canopy	One per one foot of building façade length	-	-	4
Monument	32	5	2	-
Projecting (horizontal)	12	-	-	4
Projecting (vertical)	75	-	-	4
Window	8 ⁽⁴⁾	-	-	-
Roof	See note 5	6	-	-

Notes:

1. Measured from grade.
 2. Only one elevated freestanding sign may be permitted per lot along the street frontage. Any elevated freestanding sign requires a special use permit from the Zoning Board of Review unless part of a larger application for Unified Development Review with the JPC.
 3. Where a building has more than one primary facade, the maximum area will be calculated for each primary facade separately.
 4. No more than 25 percent of the total transparent area of a single window pane. Signs attached to the glassed or transparent area of doorways that obscure views from the public right-of-way are not permitted.
 5. A roof sign may be as long as the length of the facade upon which it is placed. The maximum area is therefore determined by multiplying this length by the maximum height. Only one roof sign is allowed per building.
- B. *Temporary signs.* Allowable temporary signs include those associated with events; provided, however, that no such temporary sign may be erected for a period of more than 45 consecutive days in any year nor more than 30 days prior to the event, plus the duration of the event, with a total of 60 cumulative days throughout the year. Such signs shall not exceed a total area of 20 square feet and shall be set back a minimum of ten feet from any property line.
- C. Design of allowable signs shall comply with the standards and guidelines below. The JPC may adopt further design guidelines to assist with the regulation of signage design.
- (1) Wall mounted or horizontal projecting signs should typically be located above the ground floor storefront and just below the second floor windows unless location at a higher elevation is specifically integrated into the design of the building. Signs shall not obscure architectural

features or windows. Where adaptive re-use or rehabilitation projects are proposed, location of signs may deviate from this standard in order to respect the historical features of a building.

- (2) Roof signs are only allowed when mounted on flat roofs, and in a manner that does not obscure important architectural features associated with the roof form (e.g., parapet detail). The form, design, materials, and lighting shall be informed by the historic character of the CT District and the building upon which it is mounted. Lighting from roof mounted signs shall not cause a disturbance to residents or businesses in nearby buildings.
- (3) Sign colors should be selected to enhance sign legibility for both day and nighttime viewing. Contrasting colors can be used effectively to increase clarity. Sign colors and finishes should be compatible with the color of the building or development.
- (4) Sign materials shall be durable and compatible with the design of the building and façade on which they are placed.
- (5) Externally illuminating signs shall have downward-directed, wall mounted lights with fully-shielded decorative lamps that do not obscure the graphics of the sign.
- (6) Internally illuminated plastic or fiberglass cabinet signs are prohibited. Where internal illumination or back-lighting is proposed, solid letters (reverse channel) may be used.
- (7) Signage on awnings is permitted only on the apron portion of the awning.
- (8) Free-standing single pole (lollipop) signs are prohibited. Free-standing monument signs are preferred. Free-standing signs should incorporate design details, materials, and colors of the associated buildings. The base or support elements of freestanding signs should be integrated with the surrounding environment and should incorporate ornamental landscaping where possible.

(Ord. of 10-16-2019(2) , § 7)

ARTICLE VII. SIGNS

Sec. 700. Purpose.

The purpose of this article is to recognize the function of signs in the city, to provide for their inclusion under the zoning ordinance, and to regulate and control all matters relating to such signs, including location, size and purpose. Signs are accessory uses and are permitted only in conjunction with permitted uses. Such signs are intended to advertise goods, services, facilities, events or attractions available on the premises where located, to identify the owner or occupant or to direct traffic on the premises. It is the further purpose of this article to preserve locally recognized values of community appearance; to safeguard and enhance property values in residential, commercial and industrial areas; to protect public investment in and the character of public thoroughfares; to reduce hazards to motorists and pedestrians traveling on the public way, and thereby to promote the public health, safety and welfare.

These purposes will be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. Where the provisions of this section may conflict with those in Section 604 Conant Thread District, the provisions for Section 604 shall govern.

(Ord. of 10-16-2019(2) , § 5)

Sec. 701. Conformance.

No sign will be permitted as a main or accessory use except in accordance with the provisions of this article.

Sec. 702. Signs permitted in all zones.

The following signs are permitted in all zones:

702.1. Governmental. Signs of every kind and nature erected by or on behalf of any federal, state or local government agency, including official traffic control or informational signs, hazard warning signs, legal notices, railroad crossing signs or other similar signs required by law.

702.2. Nameplates. One nameplate for each dwelling unit, not internally illuminated, and not exceeding 1½ square feet in area, indicating the name of the occupant or any permitted occupation.

702.3. Identification. Wall signs, which may be externally illuminated, and which are permanently affixed to buildings for the purpose of identifying the name of building, date of erection or other historical information, provided that such signs are composed of similar materials as the building, or bronze or brass, and are affixed flat against the building.

702.4. Credit card signs. Credit card signs, non-illuminated, limited to a total area of one square foot per structure.

702.5. Bulletin boards. Signs used as a bulletin or notice board to announce activities and events for institutional and governmental services. Such signs shall be located upon the premises of said institutions and shall not exceed ten square feet in area. In all R zones, such signs shall be set back a minimum of ten feet from any property line abutting a residential use. Such signs may be externally illuminated.

702.6. Temporary signs. The following temporary signs are permitted in all zones:

- A) Signs, which may be externally illuminated, 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 consecutive days in any year nor more than seven days four times per year with a total of 30 cumulative days throughout the year. In all R and C zones, such signs shall be limited to 32 square feet in area and set back a minimum of ten feet from any property line.
- B) Rental or sale signs, freestanding or attached to the premises, pertaining to the prospective rental or sale of the property on which they are located; provided that such signs shall not be illuminated, nor extend over the sidewalk, and further provided that:
 - 1. Within all R zones, such signs shall not exceed a total area of six square feet and shall be removed within 14 days of the real estate closing or lease transaction.
 - 2. Within all C zones, such signs shall not exceed a total area of 12 square feet, and shall be removed within 30 days of the real estate closing or lease transaction.
 - 3. Within all M zones, such signs shall not exceed a total area of 32 square feet, and shall be removed within 30 days of the real estate closing or lease transaction.
- C) Construction signs and "grand opening" signs, non-illuminated, customary and necessary in connection with the erection of buildings or other construction work, limited to one sign per street frontage for each construction project. Such sign may be freestanding or attached to the premises, but shall not exceed 32 square feet in area, and shall be removed within 60 days of the completion of construction. In all R zones, such signs shall not exceed 12 square feet in area, and shall be set back a minimum of ten feet from any property line.

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- D) Political signs, non-illuminated, incidental to a city, state, or federal election or referendum, or signs which are political in nature. Such signs shall be constructed of durable material, and shall be prohibited from public trees, traffic signs or utility poles. Such signs shall be erected not more than 60 days prior to such election or referendum, and in any event, no premises shall have a sign erected for more than 120 days in any calendar year. Political signs relating to any election or referendum shall be removed within 14 days after said election or referendum.

Sec. 703. Signs prohibited in all zones.

The following signs shall be prohibited in all zones in the city:

703.1 - Traffic or safety hazards. Signs determined by the chief of police to constitute a traffic or other safety hazard by reason of size, location, or type of illumination.

703.2 - Flashing signs. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

703.3 - Billboards. Freestanding and roof-mounted billboards (see sections 707 and 710.4).

703.4 - Signs on utility poles. Utility poles owned by any governmental agency or utility company shall not be used for any type of sign or message other than those specifically erected by such governmental agency or utility company.

703.5 - Freestanding sign. A freestanding sign, as defined in sections 704.3 and 1102 shall not be placed on any public sidewalk in the city.

(Ord. of 8-12-1997)

Sec. 704. Sign types.

The following sign types are permitted in the city in accordance with the requirements of this article:

704.1 - Canopy sign. A sign painted on or attached to a hood, awning or roof like canopy. Individual letters, words or symbols may be affixed or applied to any surface, provided that area of the sign does not exceed the maximum area allowed in section 707. A canopy sign is not considered a projecting sign. In no event shall such sign or part thereof be erected closer than two feet to the curb line.

704.2 - Directional sign. A sign identifying on-premises traffic, parking or other functional activity bearing no commercial advertising. Such signs are permitted in all zones except in R zones, and shall be limited to four square feet in area per sign.

704.3 - Freestanding sign. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure, but not any kind of antenna) that is not itself an integral part of or attached to a building. All permanently installed freestanding signs shall be protected from vehicular circulation and parking areas. In accordance with section 703.5 above, freestanding signs shall not be placed on any public sidewalk in the city.

704.4 - Projecting sign. A sign that is perpendicular to the plane of the building to which it is affixed, or which projects more than 15 inches beyond said exterior wall. In no event shall such sign or part thereof be erected closer than two feet to the curb line.

704.5 - Roof sign. A sign that projects more than two feet above the roof, parapet or ridge line of the building; or mounted upon any roof, parapet or ridge line of a building.

704.6 - Wall sign. A sign that is affixed to or painted on the face of any exterior wall or door of a building or fence; is parallel or approximately parallel to the plane of the building to which it is affixed; and

does not project more than 15 inches beyond said exterior wall, nor project more than two feet above the roof, parapet or ridge line of the building, whichever is higher.

704.7 - Window sign. A sign that is attached to the inside of any window or situated within a building, so that the sign is visible from the public right-of-way.

704.8 – Billboard sign. Billboard is large outdoor board display for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located.

704.9 – Digital sign. Sometimes called electronic signage, refers to display technologies like LED walls (or video walls), projection and LCD monitors to vividly display webpages, videos, directions, restaurant menus, marketing messages or digital images.

(Ord. of 8-12-1997)

Sec. 705. Sign measurements.

All permitted signs shall be measured as follows:

705.1 - Area. Measured in square feet, the entire area within a square, rectangle, circle, triangle or any other polygon enclosing the extreme limits of graphic, writing or similar representation, emblem or any fixture of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of the one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

705.2 - Height. Measured in feet, the overall height of a sign is measured from the grade directly below the sign to the highest point of the sign or any of its supports. The height of any free standing sign in all zones may not exceed 20 feet.

705.3 - Setback. Measured in feet from the outermost edge of the sign to the public right-of-way.

705.4 - Projection over public right-of-way. Measurement in feet, perpendicular to the property line, from the property line to the outermost edge of the sign, over any public right-of-way.

705.5 - Maximum permitted sign area. In all zones but the R zone, the maximum permitted area for signs on a building shall be based on the building frontage. Where a building fronts on two or more streets, the total area for signs for each street frontage shall be based on the building frontage for that street. For gas stations, street frontage shall be used to calculate the permitted total area of signs as permitted in the tables. For any drive-in business that has a booth for employees only with no public access, including a gas station, the maximum area of signs shall be based on the street frontage, and on a corner lot, only one street frontage shall be used to calculate maximum sign area.

Sec. 706. Illumination.

706.1 - Externally illuminated sign. Any sign which is illuminated by a light that reflects off the surface of the sign from an external source shall be considered an externally illuminated sign.

706.2 - Internally illuminated sign. Any sign shall be considered an internally illuminated sign where the source of the illumination is inside the sign and light emanates through the message of the sign. Digital, LED, and neon signs shall be considered internally illuminated signs.

Sec. 707. Permitted signs by zone.

707.1 - R zones. Signs to identify each permitted home occupation and one sign to display the name of a permitted nonresidential use. Such signs may be externally illuminated. The total area of all such signs shall not exceed six square feet on any lot. Billboards or digital signs are prohibited in R and CM zones. Window signs shall not exceed 25% of the total display area per window.

707.2 - C zones. The maximum total area of all signs on any structure shall not exceed 1½ square feet per one foot of building frontage. Window signs shall not be included in this calculation. All signs may be illuminated externally. The maximum area of any individual sign shall be limited to 30 square feet. Window signs shall not exceed 25% of the total display area per window.

707.3 - M zones. The maximum total area of all signs on any structure shall not exceed four square feet per one foot of building frontage. Window signs shall not be included in the above calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited to 45 square feet.

707.4 - CM zones. No signage is permitted in a CM zone.

Sec. 708. Nonconforming signs.

Any sign which lawfully existed and was maintained at the time this ordinance became effective may be continued. Maintenance, repairs and changing of sign faces are permitted provided that there is no change in area, height, setback, projection or lighting of the existing sign.

Sec. 709. Supplemental sign regulations.

709.1 - Signs in historic districts. All signs, including window signs, but except political signs, in an historic district shall be subject to approval by the historic district commission.

709.2 - Signs in overlay zones. Signs in overlay zones shall conform to the corresponding requirements of the underlying zone.

ARTICLE VIII. OFF-STREET PARKING AND LOADING

Sec. 801. Parking requirements.

Parking is not required. Any parking that is proposed as part of a development must conform to the following standards:

801.1 - Location of parking spaces. All off-street parking spaces must be on the same lot as the structure or use they are intended to serve or on an abutting lot but may not be located in the front yard. Off-street parking spaces for commercial or industrial uses shall not be located in any residence district where such commercial or industrial use is prohibited.

801.2 - Minimum size of parking spaces. Each parking space shall be marked by painted lines and contain the following minimum dimensions affecting the width and length of individual parking stalls and the width of aisles in all districts, exclusive of necessary drives and other access ways. A driveway beside a dwelling may be considered a required parking space only for a detached single- or two-family dwelling and need not contain painted lines.

Parking Space	
Minimum Width	9 feet
Minimum Length	18 feet
Minimum Aisle Width	

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90-degree angle	24 feet
60-degree angle	18 feet
45-degree angle	13 feet
30-degree angle	11 feet
0-degree (Parallel Parking)	12 feet

801.3 - Setbacks of parking spaces. No parking space or aisle (back-up space) shall be less than ten feet from any front or corner side yard property. No parking space or aisle shall be less than five feet from any building, except where greater setbacks are required. Parking spaces less than ten feet from any building shall be separated from such building by raised curb, bumper or wheel guards. The requirements of this subsection shall not apply to detached single- or two-family dwellings.

801.4 - Entrance and exit.

- A. Each parking space shall be designed with [an] adequate off-street area for approach, turning, and exit without the need or 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. The width of any driveway shall not exceed 30 feet. The requirements of this subsection shall not apply to detached single- or two-family dwellings.
- B. The Planning Board may modify this requirement during the Land Development review and approval process.

801.5 — Driveways.

- A. Nonresidential driveways shall be a minimum of 12 feet in width. The width shall not exceed 30 feet.
- B. Residential driveways shall be a minimum of eight feet in width. The width shall not exceed 16 feet.

801.6 - Construction requirements. Every parcel of land which, after the effective date of this ordinance or any amendment thereto, is changed to a parking area for more than ten vehicles, or to a drive-in business or motor vehicle sales or service establishment, shall be developed as follows, subject to the approval of plans thereof by the building official.

- A. Such parking area shall be treated with bituminous or other surfacing and shall have appropriate bumper or wheel guards where needed. However, use of pervious materials, such as gravel, is encouraged within 200 feet of the Blackstone River or other water bodies and wetlands.
- B. The perimeter of parking areas facing streets or R zones shall be suitably landscaped with trees, shrubs, vegetation and groundcover. Landscaped areas shall be separated and protected from parking areas by curbing or other means.
- C. Any light used to illuminate said parking area shall be so arranged as to reflect the light away from adjoining premises and streets.
- D. Border screening using dense shrubbery or solid fence of at least four feet in height shall be required wherever parking areas abut residential uses or R zones.

(Ord. of 10-16-2019(2), § 6; Ord. of 10-26-2022(1) , § 1, 10-26-2022)

Sec. 802. Loading requirements.

No land shall be used or occupied and no structures shall be erected or used for commercial or industrial purposes unless the off-street loading spaces required herein are provided. Such loading spaces are not required

for any commercial or industrial structure or use existing prior to the effective date of this ordinance or any amendment thereto, provided, however, that off-street loading spaces as specified in this ordinance shall be provided subject to the requirements of this section for any enlargement or alteration to any such existing structure or use.

802.1 - Location of required loading spaces. The off-street loading spaces required by this ordinance shall be in all cases on the same lot or parcel of land as the use or structure they are intended to serve. 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 ordinance. Each loading area shall be designed with adequate off-street area as required for parking spaces by subsection 801.4. To the extent possible, loading areas shall be to the rear of any building.

802.2. Number of required loading spaces. For each commercial and industrial enterprise of over 1,000 square feet of gross floor or ground area in which commodities are sold, displayed, serviced, repaired, altered, or fabricated as the principal use of the enterprise, the first off-street loading space shall be required for the first 10,000 square feet of gross floor area. Thereafter, one off-street loading space shall be required for every additional 20,000 square feet of gross floor area. Each off-street loading space shall consist of the following dimensions:

	60 feet
Width:	14 feet
Clearance:	15 feet

Additional off-street loading spaces shall be required by the building inspector when necessary to provide adequate area for off-street loading. Detailed plans for off-street loading space provision and use may be required before the issuance of any building permit.

ARTICLE IX. ADMINISTRATION, ENFORCEMENT AND RELIEF³

Sec. 901. Enforcement duties.

It shall be the duty of the director of minimum housing (building official or zoning enforcement officer) to interpret and enforce the provisions of this ordinance in the manner and form and with the powers provided in the laws of the state and in the charter and ordinances of the city. The building official shall refer all applications for variances, special use permits and other applications to the director of the division of planning ("director") for review and an advisory opinion. The building official shall make a determination in writing, within 15 days, to any written complaint received, regarding a violation of this ordinance. In order to provide guidance or clarification, the building official shall, upon written request, issue a zoning certificate or provide information to the requesting party within 15 days of the written request. Any determination of the building official may be appealed to the board in accordance with section 907 of this ordinance.

Sec. 902. Building permit/certificate of occupancy.

Before a building permit or certificate of occupancy is issued for the construction, reconstruction, alteration, repair, demolition, removal, enlargement or occupancy of any building or structure or use of premises, a site plan

³State law reference(s)—Provisions for administration and enforcement required, G.L. 1956, § 45-24-32(6).

shall be submitted to the building official indicating the intended use and its conformity in all respects to the provisions of this ordinance.

902.1. Site plan. An application (three copies) for a building permit for an addition, erection or enlargement, under the provisions of the Rhode Island Building Code shall be accompanied by a site plan, drawn to scale, showing the accurate dimensions of the lot; the building site; the location and size of existing buildings on the lot; all proposed construction; all front, side and rear yard dimensions; proposed parking areas; and such other information as may be necessary to enforce the provisions of this ordinance. A site plan shall not be required with an application for a permit involving the alteration of an existing building(s), where the use and exterior dimensions of the buildings are not changed or enlarged in any manner.

Sec. 903. Certificate of occupancy.

A certificate of occupancy shall be required for any of the following:

- (A) Occupancy and use of a building hereafter erected or enlarged;
- (B) Change in use of an existing building to a different use;
- (C) Occupancy and use of vacant land except for the raising of crops;
- (D) Change in the use of land to different use except for the raising of crops; or
- (E) Any change in use of a nonconforming use.

The occupancy, use or change of use shall not take place until a certificate of occupancy has been issued by the building official in accordance with the requirements for the issuance of a certificate of occupancy as stated in the Rhode Island Building Code.

Sec. 904. Minimum requirements.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare.

Sec. 905. Conflicts of law.

All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

Sec. 906. Penalties and enforcement.

Any person or corporation, whether as principal, agent, employee or otherwise, who violates or is the owner of property in violation of any of the provisions of this ordinance shall be fined up to \$500.00 for each offense, such fine to inure to the city. Each day of the existence of any violation shall be deemed a separate offense. The erection, construction, enlargement, intensification, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to any of the provisions of this ordinance is hereby declared to be a violation of this ordinance and unlawful. The building official shall be empowered to levy such fines, with appeal thereupon to the district court. The city solicitor shall be empowered to institute injunction, abatement or any other appropriate action in any appropriate court to prevent, enjoin, abate or remove such violation. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Sec. 907. Appeals – Appeals to zoning board of review.

An appeal to the zoning board of review from a decision of any other zoning enforcement agency or officer may be taken by an aggrieved party in accordance with R.I.G.L. §§ 45-24-64, et seq.

Sec. 908. Zoning board of review.

908.1 - Establishment and procedures. A zoning board of review, herein called the "board," is hereby created. Board members may be remunerated in the performance of official duties, at an amount to be established by the city council. The board may engage legal, technical or clerical assistance to aid in the discharge of its duties. The division of planning shall serve as planning staff to the board. The board shall establish written rules of procedure within six months of the adoption of this ordinance. Appeals and correspondence to the board shall be sent to the board in care of the division of planning. The division of planning shall file all records and decisions of the board.

908.2 - Membership. The zoning board of review shall consist of five members who are residents of Central Falls, appointed by the mayor and confirmed by the city council, each to hold office for the term of five years; provided, however, that the original appointments shall be made for terms of one, two, three, four, and five years, respectively. The board shall also include two alternates to be designated as the first and second alternate members, for terms of five 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. In the absence of the first alternate member, the second alternate member shall serve in the position of the first alternate. No member or alternate may vote on any matter before the board unless they have attended all hearings concerning such matter. Vacancies in unexpired terms of board members shall be filled by the mayor no more than 90 days following the vacancy. Members may be removed by the city council, upon the recommendation of the mayor, for due cause and for not attending three consecutive meetings.

908.3. Prior members. Members of zoning boards of review serving on the effective date of adoption of this ordinance shall be exempt from provisions of this chapter [this ordinance] respecting terms of originally appointed members until the expiration of their current terms.

908.4 Chair. The board shall, at its first meeting following the adoption of this ordinance, and in January of each year thereafter, elect a chairperson, vice-chairperson and secretary from its membership. The chairperson, or in his/her absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses by the issuance of subpoenas.

908.5. Powers and duties. The board shall have the following powers and duties:

- (A) 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 agency in the enforcement or interpretation of this ordinance.
- (B) To hear and decide appeals from a party aggrieved by a decision of the HDC, pursuant to article VI.
- (C) To authorize, upon application, in specific cases of hardship, variances in the application of the terms of this ordinance.
- (D) To authorize, upon application, in specific cases, special use permits.
- (E) To refer matters to the planning commission, planning division, or to other boards or agencies of the city as the board may deem appropriate, for findings and recommendations.
- (F) 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.

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- (G) To hear and decide such other matters, according to the terms of this ordinance or other statutes, and upon which [the] board may be authorized to pass under this ordinance or other statutes.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-57(1).

908.6 - Voting. The board shall be required to vote as follows:

- (A) Five active members shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall excuse himself/herself, and shall not sit as an active member and shall take no part in the conduct of the hearing. Only five active members shall be entitled to vote on any issue.
- (B) The concurring vote of three of the five members of the board sitting at a hearing shall be necessary to reverse any order, requirement, decision or determination of the HDC or any zoning administrative officer from whom an appeal was taken.
- (C) The concurring vote of four of the five members of the board sitting at a hearing shall be 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 this ordinance, including variances and special use permits.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-57(2).

908.7 - Application procedure. Application procedures may be required for the filing of appeals, request for variances, special use permits, development plan review, site plan review and such other applications as may be specified in this ordinance, and shall be prepared by the director and published.

908.8 - Fees. Reasonable fees are required, in an amount to be established by the city council, to be paid by the appellant or applicant for the adequate review and hearing of applications, issuance of zoning certificates and the recording of the decisions thereon.

908.9 - Decisions and records of the zoning board of review. Following a public hearing, the board shall render a decision within 20 days. The board 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 or her failure to vote. Decisions shall be recorded and filed in the office of the division of planning within ten working days from the date when the decision was rendered, and shall be a public record. The board shall keep written 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, findings of fact, and other official actions, all of which shall be recorded and filed in the office of the planning division in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the superior or supreme court, the board shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.

Any decision by the board, including any special conditions attached thereto, shall be mailed to the applicant, to the planning division, and to the associate director of the division of planning of the Rhode Island department of administration. Any decision evidencing the granting of a variance, modification or special use shall also be recorded in the land evidence records of the city.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-61.

908.10. Expiration of variances and special use permits – Unless reviewed under a unified development application, any variance or special use permit shall expire one year after the date of filing of the decision with the City Clerk unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction; or obtain a certificate of occupancy when no building permit is required. The Board may, upon written request and for cause shown prior to the expiration of the one year period, renew the variance or special use permit for a second period of up to one year. Said request for an extension need not be advertised.

Should an applicant fail to begin construction with a legal building permit, or obtain a certificate of occupancy within the extension period, the board may, upon written request prior to the expiration period, renew the variance or special use permit for a third period of up to one year, provided that the applicant can show due

diligence in proceeding and substantial financial commitment in promoting the subject variance or special use permit since the date of the original filing of the decision, notice shall be given in accordance with section 908.2 and a hearing shall be held on the request.

None of the periods shall run during the pendency of any of any superior court actions seeking to over turn the grant.

Sec. 909. Variances and special use permits.

909.1 General provisions — Variances.

a. An application for relief from the literal requirements of this zoning ordinance because of hardship may be made by any person, group, agency, or corporation by filing with the zoning enforcement officer or agency, or in the case of unified development review, with the planning department (the "review board"), an application describing the request and supported by any data and evidence as may be required by the review board or by the terms of this ordinance. The zoning enforcement officer or planning department shall immediately transmit each application received to the review board and a copy of each application to the planning department.

b. The review board, immediately upon receipt of an application for a variance in the application of the literal terms of the zoning ordinance, may request that the planning staff report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the comprehensive plan of the City of Central Falls, in writing, to the review board within thirty (30) days of receipt of the application from that board. The review board shall hold a public hearing on any application for variance in an expeditious manner, after receipt, in proper form, of an application, and shall give public notice at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation in the city or town. Notice of hearing shall be sent by first-class mail to the applicant, and to at least all those who would require notice under RIGL §45-24-53. The notice shall also include the street address of the subject property. The same notice shall be posted in the city clerk's office and one other municipal building in the city and the city must make the notice accessible on its website at least fourteen (14) days prior to the hearing. 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 notification shall be borne by the applicant.

c. Requests for dimensional and use variances and special use permits submitted under a unified development review provision of this zoning ordinance shall be submitted as part of the subdivision or land-development application to the administrative officer of the Planning Board, pursuant to RIGL §45-24-46.4(a). All subdivision or land-development applications submitted under the unified development review provisions of this zoning ordinance shall have a public hearing, which shall meet the requirements RIGL §45-23-50.1(c).

d. In granting a variance, the zoning board of review, or the planning board under unified development review as appropriate, shall require that evidence to the satisfaction of the following standards is 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, excepting those physical disabilities addressed in RIGL §45-24-30(a)(16);
- (2) That the hardship is not the result of any prior action of the applicant; and

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- (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.

e. The zoning board of review, or, where unified development review is enabled, the planning board shall, in addition to the above standards, require that evidence is entered into the record of the proceedings 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 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 suffered by the owner of the subject property if the dimensional variance is not granted amounts 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 is not grounds for relief. The zoning board of review, or, [planning board] in unified development review, has the power to grant dimensional variances where the use is permitted by special-use permit.

909.2- Special use permit. In granting a special use permit, the board shall require that evidence to the satisfaction of the specific and objective criteria as hereinbefore provided in this ordinance as well as the following:

- (1) That the special use is specifically authorized by sections 305 and 514 of this ordinance, and setting forth the exact subsection of this ordinance containing the jurisdictional authorization;
- (2) That the special use meets all of the criteria set forth in the subsection of this ordinance authorizing such special use; and

909.3 - Special conditions. In granting a variance or special use permit, or in making any determination upon which it is required to pass after public hearing under this ordinance, the board may apply such special conditions that may, in the opinion of the board, be required to promote the intent and purposes of the comprehensive plan of the city and this ordinance. 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.

State law reference(s)—Variances, G.L. 1956, § 45-24-41 et seq.

Sec. 910. Adoption, amendment and administration of zoning ordinance.

910.1 - Procedure. The director of the planning division shall be the officer to receive a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map(s). Immediately upon receipt of such proposal, the director shall refer such proposal to the city council and the planning commission for study and recommendation. The planning commission shall report to the city council within 45 days after receipt of the proposal, giving its findings and recommendations. The city council shall hold a public hearing within 65 days of receipt of [the] proposal, giving proper notice as prescribed in section 910.3 of this ordinance. The city council shall render a decision on any such proposal within 45 days after the date of completion of the public hearing. The provisions of this subsection pertaining to deadlines shall not be construed to apply to any extension consented to by the applicant.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-51.

910.2 - Review by planning commission. Among its findings and recommendations to the amendment or repeal of this ordinance or zoning map, the planning commission shall:

- (1) Include a statement on the general consistency of the proposal with the comprehensive plan of the city, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and
- (2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning as presented in section 100 of this ordinance.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-52.

910.3. Notice and hearing requirements.

- (1) No zoning ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the city council. The city council shall first give notice of such public hearing by publication of notice in a newspaper of local circulation within the city at least once each week for three consecutive weeks prior to the date of such hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter to the proposed ordinance. Written notice to the parties specified in subsections (2), (3), (4) and (5) of this section, at least two weeks prior to the hearing. 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 its municipal home page of its website at least fourteen (14) days prior to the hearing. The 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 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 copies; and
 - (e) State that the proposal 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.

- (2) Where a proposed general amendment to an existing zoning ordinance includes changes in an existing zoning map, public notice shall be given as required by subsection (1) of this section.
- (3) 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 record of the city. The notice shall be given by first-class mail at least two (2) weeks prior to the hearing at which the text amendment is to be considered, with the content required by subsection (1) and with reference to the merger clause in this ordinance and the impacts of common ownership of nonconforming lots. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.
- (4) Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map but does not affect districts generally, public notice shall be given as required in subsection (1) of this section, with the additional requirements that:
 - (a) Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and city boundaries where appropriate; and
 - (b) Written notice of the date, time and place of the public hearing and the nature and purpose thereof shall be sent to all owners of real property whose property is located within 200 feet of the perimeter of the area proposed for change, whether within the City of Central Falls or within an adjacent city or town in which the property is located.
- (5) Notice of a public hearing shall be sent by first class mail to the city or town council of any city or town to which one or more of the following pertain:
 - (a) Which is located within 200 feet of the boundary of the area proposed for change; or
 - (b) 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, within 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries. 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. The notice shall be sent by first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town where the property is located; provided, for any notice sent by first-class mail, sender of the notice shall submit a notarized affidavit to attest to such mailing.
- (6) 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 and that is 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 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 within 2,000 feet thereof.
- (7) 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.
- (8) Costs of newspaper and mailing notices required under this section shall be borne by the applicant.
- (9) In granting a zoning ordinance amendment, 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:

- (a) 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 subject to the zoning change;
- (b) Relating to the effectiveness or continued effectiveness of the zoning change; and/or
- (c) Relating to the use of the land, as it deems necessary.

The director and 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 hereinbefore set forth, change the land to its original zoning use before such petition was filed.

If any limitation, condition, or restriction in an ordinance amendment is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-53.

910.4 - Maintenance of zoning ordinance. The city clerk shall be the custodian of this zoning ordinance and zoning map or maps created hereunder. The director shall be responsible for maintenance and update of the text and zoning map comprising this ordinance. Changes which impact the zoning map shall be depicted on the map within 90 days of such authorized change(s). The director shall be responsible for review of this ordinance annually, and whenever changes are made to the comprehensive plan of the city, to identify any changes necessary and forward these changes to the city council.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-55.

910.5 - Publication and availability of zoning ordinance. Printed copies of this ordinance and map(s) shall be available to the general public through the city clerk and shall be revised to include all amendments. A reasonable charge may be made for copies to reflect printing and distribution costs.

Upon publication of this ordinance and map(s), and any amendments thereto, the city clerk shall send a copy, without charge, to the associate director of the division of planning of the department of administration of the State of Rhode Island, and the state law library.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-45.

910.6 - Appeal of enactment of or amendment to zoning ordinance. An appeal of the enactment of or an amendment to this ordinance may be taken to the superior court for Providence County by filing a complaint within 30 days after such enactment or amendment has become effective. 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. Such 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. This appeal shall not stay the enforcement of the zoning ordinance, 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.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-71.

Sec. 911. Vested rights.

- (1) Any application for development under this ordinance, including an application for a building permit, special use permit, variance, planned development, or residential cluster development, shall be deemed substantially complete when all required documents, including plans, together with required fees, are

received by the official designated herein to receive such applications. Required documents shall include only those documents specified either by this ordinance or by rules adopted and published by the permitting authority, prior to the time the application is filed.

- (2) Any application for development under this ordinance that is substantially complete prior to the enactment or amendment of this ordinance shall be reviewed according to the regulations applicable in the zoning ordinance in force at the time the application was submitted. If such application is approved, the applicant must begin construction, or exercise the right granted in the application if no construction is involved, not more than one year after the date of such approval. All construction must be completed not more than two years after the date of such approval, unless specifically set forth to the contrary in the original approval.

State law reference(s)—Provisions for vested rights required, G.L. 1956, § 45-24-44.

Sec. 912. Effective date.

This ordinance shall take effect upon passage by the city council.

Sec. 913. Severability.

If any provision of this ordinance or of any rule, regulation or determination made hereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of this ordinance or the rule, regulation, 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 this ordinance shall not affect the validity of the remainder of the ordinance.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-72.

ARTICLE X. REVIEW OF DEVELOPMENT APPLICATIONS

Sec. 1001. Authority and purpose.

Authority. This article is adopted pursuant to G.L. § 45-24-46.4, G.L. § 45-24-47 and G.L. § 45-24-49, as amended. The Central Falls Planning Board shall have the administrative authority and duty, in accordance with the requirements of the zoning ordinance and the land development and subdivision regulations (the "regulations") to review and approve all plans subject to development review. Development review shall be required for certain types of development as described below, but will not preclude the need to meet other requirements as contained in this appendix, nor be used to deny a permitted use.

Purpose. The purpose of development review is to ensure that multi-family, industrial, commercial, mixed-use and planned developments are consistent with the goals and policies of the Central Falls Comprehensive Plan, and that has a high-quality site and architectural design compatible with adjoining areas and the historic development pattern of the Town; safe and convenient traffic circulation; and appropriate signage, landscaping and lighting.

Sec. 1002. General provisions.

The review processes for development subject to review under this article are hereby established as follows:

1002.1 Development Plan Review. A zoning ordinance shall permit development plan review of applications pursuant to R.I.G.L. § 45-23-50 for uses that are permitted by right.

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- (a) *Permitting authority.* The permitting authority for administrative projects shall be the Administrative Officer; the permitting authority for formal projects shall be the Planning Board.
 - (b) *Specific and objective guidelines.* Design of all projects shall be consistent with the provisions of this ordinance and the regulations.
 - (c) *Zoning relief.* The permitting authority may grant relief from the zoning ordinance under unified development review, as may be appropriate.
 - (d) *Zoning incentives* are permitted under the following circumstances:
 - i. Reserved. (No zoning incentives are permitted at this time.)
 - (e) *Appeal.* A rejection of the decision shall be an appealable decision pursuant to R.I.G.L. § 45-23-71.

1002.2 Land Development Project Review.

- (a) Land development projects shall be reviewed in accordance with the procedures established by these regulations, including those for appeal and judicial review, whether or not the land development project constitutes a "subdivision," as defined in these regulations.
- (b) No land development project shall be initiated until a plan of the project has been submitted to the authorized permitting authority. The requirements, procedures, and standards for review and approval of land development projects are provided in the regulations.
- (c) Permitting authority. The review is conducted by the Administrative Officer, in the case of minor land development projects, and by the Planning Board, in the case of major land development projects in accordance with the provisions of R.I.G.L. § 45-24-47 and § 45-23-38 et seq.
- (d) Zoning incentives are permitted under the following circumstances:
 - i. Reserved. (No zoning incentives are permitted at this time.)
- (e) The permitting authority may impose special conditions and stipulations to the approval that may, in the opinion of the permitting authority, be required to maintain harmony with neighboring uses and promote the objectives and purposes of the comprehensive plan and this appendix.

Sec. 1002.3 Unified Development Review.

- (a) Unified development plan review established. There shall be unified development review for subdivisions and land development projects that require variance(s) and/or special use permit(s).
- (b) Permitting authority. The permitting authority shall be the Planning Board.
- (c) In granting requests for dimensional and use variance, the Planning Board shall be bound to the requirements of R.I.G.L. AA 45-24-41 relative to entering evidence into the record in satisfaction of the applicable standards.
- (d) In granting for special use permits, the Planning Board shall be bound to the conditions and procedures under which a special use permit may be issued and the criteria for the issuance of such permits and shall be required to provide for the recording of findings of fact and written decisions.

Sec. 1002.4. Appeals. An appeal from any decision made pursuant to this section may be taken pursuant to R.I.G.L. § 45-23-71.

Sec. 1002.5. Technical Review Committee.

(a) There is hereby established a Technical Review Committee (TRC) in accordance with R.I.G.L. § 45-23-56, the members of which shall be:

- The Director of Planning and Development (Administrative Officer), who shall serve as chairperson;
- The Director of Public Works or his/her designee;
- The Building/Zoning Official or his/her designee;
- The Chief of the Fire Department or his/her designee;
- The Chairperson of the Planning Board or his/her designee;
- An engineer licensed in the State of Rhode Island; and
- A member of the City Police Department Traffic Division.

The chairperson may request additional individual(s) to participate as members in appropriate circumstances to provide expert technical review.

(b) The Planning Board shall adopt written procedures establishing the Committee's responsibilities.

(c) The TRC has the authority to issue approvals, make findings and provide recommendations as provided in the regulations.

(d) Reports of the Technical Review Committee to the Planning Board shall be in writing and kept as part of the permanent documentation on the development application. In no case shall the recommendation of the Technical Review Committee be binding on the Planning Board in its activities or decision. All reports of the Technical Review Committee shall be made available to the applicant prior to the meeting of the Planning Board at which the reports are first considered.

Sec. 1022.6 Fees. The applicant shall pay all application fees as specified in the Code of Ordinances, as well as any costs incurred by the Planning Board associated with the use of outside professional assistance in the review of the proposed development. Such assistance may include, but not be limited to, the review of overall building and site design, site engineering including drainage and traffic impacts, environmental assessment, evaluation of landscaping and site amenities, and architectural review. The need for such review shall be at the discretion of the Planning Board. Fees obtained from the applicant shall not exceed actual costs.

Sec. 1002.7 Enforcement. The provisions of this article shall be enforced by the zoning enforcement officer.

ARTICLE XI. DEFINITIONS⁴

Sec. 1100. Terms defined.

Words used in the present tense include the future, the singular includes the plural and the plural the singular. The word "lot" includes the word "plot." The word "used" includes "designed" and "intended to be used." The word "building" includes "structure," the word "dwelling" includes "residence," the word "person" includes "corporation," "partnership," "association" and "individual." The word "shall" is mandatory. The words "zone" and "district," when referring to a zoning district, shall be interchangeable. Unless otherwise specified, all distances shall be measured parallel to the ground, in any direction. Terms not defined in this ordinance shall have the meaning customarily assigned to them. The following terms, unless a contrary meaning is specifically prescribed, shall have the following meanings:

Abutter. One whose property abuts, that is, adjoins, at a border, boundary, or point with no intervening land.

Accessory dwelling unit (ADU). 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.

Accessory use. A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of land or building. Such accessory use shall be restricted to the same lot as the principal use. Such accessory use shall not be permitted without the principal use to which it is related.

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.

Aggrieved party. An aggrieved party, for purposes of this act [this ordinance], shall be (a) any person or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering this ordinance; or (b) anyone requiring notice pursuant to this ordinance.

Alteration, exterior. An action 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.

Antenna. Equipment designed to transmit or receive electronic signals.

Apartment hotel. A building or portion thereof used for or containing both rooming units and dwelling units and where additional services such as restaurants, meeting rooms and recreational facilities may be provided.

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 purpose.

⁴State law reference(s)—Definitions required, G.L. 1956, § 45-24-32(2).

Appurtenances. Features other than primary or secondary structures which contribute to the exterior appearance of a property including, but not limited to, paving, doors, windows, signs, materials, decorative accessories, fences, and landscape features.

Auto body shop. A building or portion of a building in which major repairs are performed on automobile, truck or motorcycle bodies or chassis, including body repair, painting or priming.

Basement. That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having more than one-half of its height above the average elevation of the finished lot grade adjoining the building.

Billboard. A sign advertising products, services, facilities, events or attractions not made, sold, used, served or available on the premises displaying such sign.

Block frontage. All the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of dead-end street or city boundary measured along the street line.

Boarding house. A building where lodging is supplied with or without meals and the operator resides on the premises. An apartment for the operator of such a facility shall be permitted and not included in the total calculation of rooms permitted.

Buffer. 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.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building, accessory. A subordinate building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use. Where a substantial part of the wall of an accessory building is part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building shall be counted as part of the principal building.

Building, detached. A building having no party wall in common with another building.

Building, principal. The primary building on a lot or a building that houses a principal use.

Building, semi-detached. A building having one party wall common with an adjoining building.

Building envelope. 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, bulk or other regulations, and/or any combination thereof.

Building frontage. The width of a building abutting or parallel to the street line.

Building height. The vertical distance measured from the grade, as defined herein, on the street frontage of the building, to the highest point of the roof structure. The distance may exclude spirals, chimneys, flagpoles and the like as per section 509 of this ordinance.

Building official. The director of minimum housing of the City of Central Falls and the zoning enforcement officer.

Cannabis. As defined by the Rhode Island State Cannabis Act §§ 21-28-11 *et seq.*

Cellar. That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having less than one-half its height above the average elevation of the finished lot grade adjoining the building.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

City. The City of Central Falls.

Cluster. A site planning technique that concentrates building 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.

Common ownership. Either (a) ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots; or (b) ownership by an association (such ownership may also include a municipality) of one or more lots under specific development techniques.

Community center. A building or group of buildings whose sole purpose is to house a nonprofit service, fraternal, or sectarian organization, including administrative offices, child and elderly programs, recreation and assembly.

Comprehensive plan. The comprehensive plan adopted by the city and approved pursuant to G.L. 1956, § 45-22.2.

Condominium. A structure containing two or more units, the interior space of which units are individually owned; the balance of the property (common area) is owned in common by the owners of the individual units.

Construction. 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.

Council. The city council of the City of Central Falls.

Day care—Day care center. Any other day care center which is not a family day care home.

Day care—Family day care home. 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 less individuals who are not relatives of the care giver, but may not contain more than a total of eight individuals receiving such care.

Demolition. An act or process that destroys a structure or its appurtenances in part or in whole.

Density, residential. The number of dwelling units per unit of land.

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.

Development plan review. See R.I.G.L. §§ 45-23-32 and 45-23-50.

Director. Director of the Department of Planning and Economic Development of the City of Central Falls.

District. See zoning use district.

Dormitory. A building used as rooming units for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery, or other similar institution.

Drainage system. A system of the removal of water from land by drains, grading or other appropriate means. Such techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and ground waters and the prevention and/or alleviation of flooding.

Driveway. That portion of a lot that consists of a travel lane used to access a parking area or garage and which is bounded on either side by an area that is not part of the parking area.

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.

Dwelling, multi-household. A building or portion thereof used for occupancy by three or more households living independently of each other.

Dwelling, one-household. A building used exclusively for one household and containing only one dwelling unit.

Dwelling, two-household. A building used exclusively for occupancy by two households living independently of each other.

Extractive industry. 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.

Family. A person related by blood, marriage or other legal means. See also Household.

Formula business. A business which is required by contractual or other arrangement to maintain one or more of the following items: standardized ("formula") array of services and/or merchandise, trademark, logo, service mark, symbol, decor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than five other businesses regardless of ownership or location. Formula businesses are regulated either by the City of Central Falls or the State of Rhode Island and can include, but are not limited to, the following: restaurants, retail stores, banks, real estate sales offices, spas, hair and nail salons, and hotel/motel/inn/B&B.

Garage, parking. Any building, except those herein defined as a private garage, used for parking of vehicles, and with not more than two pumps for the incidental sale of gasoline. Such buildings may include stores and other commercial establishments, providing they conform to all regulations of the zone in which they are located.

Garage, private. A detached accessory building or portion of a principal building, used for storage of vehicles where the capacity does not exceed one vehicle for each 2,500 square feet of lot area, but need not be for less than two vehicles.

Garage repair shop. A building or portion of a building in which repairs, other than major structural repairs, are made to vehicles.

Gasoline service station. A building or portion of a building in which automotive repairs or services are performed; fuel, oil, batteries and accessories are sold; grease racks, elevators and tire-mounting devices are employed; but excluding automobile body repairing and painting and sale of automotive body parts.

GFA (gross floor area). The sum of the gross horizontal area of the several floors of a building measured from the exterior face of exterior walls, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor to ceiling height is less than six feet.

Grade. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, 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 six feet from the building, between the building and a point six feet from the building.

Halfway house. A residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to [becoming] a functional member of society.

HDC. The historic district commission of the City of Central Falls.

Home occupation. Any activity customarily carried out for gain by a resident which is conducted as an accessory use in the resident's dwelling unit. Home occupations may include, but are not necessarily limited to: professional office, such as that for an accountant, attorney, engineer or other such person licensed by law or certified by a recognized professional society; artist work studio; individual instruction or tutoring; tailoring;

telephone sales work; personal service (not including hair salon) or similar activity in which goods, wares or merchandise are not commercially sold at retail.

Hospital. An institution licensed by the State of Rhode Island to provide primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel/motel. A building or portion thereof where temporary lodging is supplied and where additional services such as restaurants, meeting rooms and recreational facilities may be provided.

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 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. Any individual household shall consist of any one of the following: (a) a family, which may also include servants and employees living with the family, and (b) a person or group of not more than three unrelated persons living together.

Infrastructure. Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

Junkyard, including auto wrecking. A lot or part thereof used for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel. A commercial operation that (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) engages in the breeding of animals for sale.

Land development project. As defined in R.I.G.L. § 45-23-32.

Less restrictive zone. The order of zones from less restrictive to more restrictive is: M-2, M-1, C-D, C-2, C-1, CM, P, R-3, R-2, and R-1.

Lodging. The provision of a rooming unit or units for compensation.

Lot. Either (a) the basic development unit for determination of lot area, depth, and other dimensional regulations, or (b) 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 transfer of title.

Lot, corner. A lot at the junction of and fronting on two or more intersecting streets, both of which are 20 feet or more in width.

Lot, through. A lot which fronts upon two parallel or approximately parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot area. The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street; and (ii) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

Lot building coverage. That portion of the lot that is or may be covered by buildings and accessory buildings.

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.

Lot frontage. That portion of a lot abutting a street. Where all lot frontage is not contiguous, then only the largest single portion of such lot frontage will be considered with regard to minimum frontage requirements.

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:

- (a) Front: Any lot line separating a lot from a street right-of-way;
- (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 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, or irregularly shaped lot, there may be more than one front lot line.

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 line at the minimum front setback line.

Mixed use. A mixture of land uses within a single development, building or lot. Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a mixed use.

Mobile home. 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 slab foundation.

More restrictive zone. The order of zones from more restrictive to less restrictive is: R-1, R-2, R-3, P, CM, C-1, C-2, C-D, M-1 and M-2.

Nonconformance. A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of this ordinance and not in conformity with the provisions of such ordinance or amendment. Nonconformance shall be of only two types:

- (a) *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 this ordinance shall be nonconforming by use; and
- (b) *Nonconforming by dimension:* A building, structure, or parcel of land not in compliance with the dimensional regulations of this ordinance. Dimensional regulations include all regulations of this 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 this ordinance shall be nonconforming by use, while a building or structure containing a permitted number of dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

Nursing home. A facility licensed by the State of Rhode Island, and maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital.

Overlay district. A district that is superimposed on one or more district or parts of districts and that imposes specified requirements in addition to those otherwise applicable for the underlying zone and or which allow alternate uses (see section 101.4 of this ordinance).

Owner. Any person, agent, firm or corporation who, alone, jointly, or severally with others: (a) shall have legal or record title to any property; or (b) shall have charge, care or control of any property as agent, executor, administrator, trustee or guardian.

Parking, accessory use. Off-street parking of automobiles on the same or contiguous lot as a principal use where said parking is established or required in conjunction with the principal use.

Parking, principal use. Off-street parking of automobiles on one or more lots where parking spaces for more than four automobiles are available for public use whether free, for compensation, or to satisfy parking requirements of a principal use on separate and noncontiguous lots.

Parking area aisles. A portion of paved area consisting of lanes providing access to parking spaces.

Parking space. A portion of paved area set aside for the parking of one vehicle.

Permitted use. A use by right which is specifically authorized in a particular zoning district.

Pre-application conference. A review meeting of a proposed development held between applicants and the planning division, before formal submission of an application for a permit or for development approval.

Removal. A relocation of a structure on its site or to another site.

Repair. A change meant only to remedy damage or deterioration of a structure or its appurtenances.

Rest home. Group lodging for convalescing people, including [the] elderly, where basic services are provided.

Rooming House. A building where lodging is supplied in rooming units.

Rooming unit. A room or suite of rooms having an independent means of access within a building, with facilities intended for sleeping and living.

Setback line or lines. 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.

Shared parking. Shared parking is a parking land use technique that may be utilized when land uses have different predictable parking demand patterns such that different groups of parkers are able to use the same parking spaces/areas at different time periods throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately. Land uses often used in specific shared parking arrangements include office, restaurants, residential developments, retail, schools, churches and cinemas. Shared parking is often effectively utilized in mixed-use developments.

Sign. Any device that is sufficiently visible to persons not located on the lot where such device is located to attract the attention of such persons or to communicate information to them.

Sign, freestanding. 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 itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign.

Sign, off-premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, temporary. A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

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

Special use. A regulated use which is permitted pursuant to a special use permit issued by the board. Formerly referred to as a special exception.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement may be counted as a story but a cellar shall not be so counted.

Street. A public right-of-way established by or maintained under public authority, a private way open for public uses, and a private way plotted or laid out for ultimate public use, whether or not constructed.

Street line. The line dividing a lot from any street, except a limited or controlled access highway to which the lot has no access.

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, including, but not limited to, buildings, gazebos, billboards, outbuildings, and swimming pools.

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 such ordinance or amendment.

Temporary lodging. Lodging typically leased for less than one month increments, as in hotel and motel.

Tower. Any structure whose principal function is to support transmitting or receiving antenna and related electronic devices.

Transitional housing. See Community residence.

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.

Use, accessory. A subordinate use located on the same lot with the principal building, or subordinate use of land, either of which is customarily incident to and serves the principal building or the principal use of the land.

Use, principal. The primary or predominant use of any lot.

Utility facilities. Any aboveground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the State of Rhode Island and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Variance. Permission to depart from the literal requirements of this ordinance. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by this ordinance. There shall be only two categories of variance, a use variance or a dimensional variance:

- (a) *Use variance.* Permission to depart from the use requirements of this 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 this ordinance;
- (b) *Dimensional variance.* Permission to depart from the dimensional requirements of this ordinance, under the applicable standards set forth in R.I.G.L. § 45-24-41.

Vehicle, commercial. Automobile vehicle used for commercial transportation purposes, including, but not limited to trucks (all types and weights), van used for delivery and service, tractor-trailer, garbage pickup or dump truck, dumpster truck, or similar type vehicle.

Wholesale sales. On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Yard, front. A yard extending across the full width of the lot, the depth of which shall be the least distance between the building and the street, and which is open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this ordinance.

Yard, side. A yard extending from the side of the building to the side lot line, the length of which is measured from the front lot line to the rear lot line.

Yard, rear. A yard extending across the full width of the lot, measured from the rear of the building to the rear lot line.

Zoning certificate. A document signed by the zoning enforcement officer, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of the municipal zoning ordinance or is an authorized variance therefrom.

Zoning enforcement officer. The person authorized to interpret and enforce the provisions of this ordinance, also known as the building official and director of minimum housing.

Zoning map. The map or maps which are a part of this ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the city.

Zoning use districts. The basic unit in zoning to which a uniform set of regulations applies, or a uniform set of regulations for a specified use.

(Ord. of 10-14-2020(1) , § 1)

Appendix A

This list of use code numbers; is to be used in conjunction with Section 304, Table 1-Use Regulations. Each use code number corresponds with a specific line in Section 304 and illustrates the range of specific uses. Accessory uses, where appropriate, are also listed.

Sec. 1.0. Residential.

11 One Household Detached Dwelling - one household unit with accessory use and home occupation.

12 Two Household Detached Dwelling - two household units with accessory use and home occupation.

14 Multi-Household Dwelling - three or more household units with accessory use and home occupation.

15 Group Quarters and Lodging - Ten (10) rooming units or less with incidental lodging.

15.1 Nursing Home. Licensed extended care facility.

15.1.1 Congregate Care Facility - Includes retirement homes and convalescent housing with no more than one bed per each 2,000 square feet of gross acreage.

15.2 Community Residence - 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 the following: (a) Whenever six or fewer mentally handicapped children or adults reside in any type of residence in the community, as licensed by the state pursuant to Rhode Island General Law Section 40.1-24-1 et seq.

1. (b) A group home providing care or supervision, or both, to not more than eight mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the state pursuant to Rhode Island General Law Section 40.1 24-1 [G.L. 1956, § 40.1-24-1 et seq.], (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 Rhode Island General Laws Section 42-72.1 [G.L. 1956, § 42-72.1-

1 et seq.)(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 such residence not less than sixty 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. (See Article 10. Definitions for Community Residence).

16 Temporary Lodging, ten (10) rooms or less tourist home, bed and breakfast, hotel, and motel.

16.1 Temporary Lodging, 11 to 29 rooms - hotel and motel.

16.2 Temporary lodging, more than 30 rooms hotel and motel.

16.3 Temporary Lodging, with supervision, 15 residents or less - rescue mission, homeless shelter, drop in center.

16.4 Temporary Lodging, with supervision, more than 16 residents - rescue mission, homeless shelter, drop in center.

17 Mobile Home Park - Residential mobile home, Mobile Home Park, trailer park.

Sec. 2.0. Institutional and governmental services.

21 Educational Institution - Post Secondary Includes the following: Classrooms, office and assembly use, lecture hall, library, museum and other facilities for instructional purposes; laboratory facility for teaching and research, radio station; administrative office, including academic and business offices, security office, health care facility, day care facility, bookstore; theater with no public assembly, dance studio, exhibition facility, theater, stadium, indoor and outdoor sports facility, including gymnasium for athletic events such as swimming, skating, tennis, football, baseball and other sports; residence hall, dormitory, sorority, fraternity, dining hall, and cafeteria; maintenance facility, workshop, garage, repair facility, and power plant; parking garage and parking lot; not including trade or business school: vocational and trade skills in automotive, construction, metallurgical, chemical and similar industrial operations.

21.1 Educational Institution - Elementary through high school - Public and private schools includes the following: classrooms, office and assembly use, lecture hall, library, and other facilities for instructional purposes; laboratory facility for teaching, administrative office, health care facility, day care facility; theater with no public assembly, dance studio, exhibition facility, stadium, indoor and outdoor sports facility, including gymnasium for athletic events such as swimming, skating, tennis football, baseball and other sports; not including trade or business schools; vocational and trade schools in automotive, construction, metallurgical, chemical and similar industrial operations.

22 Trade Schools - Public and private institution providing training and/or instruction in: art, business, bookkeeping, accounting, secretarial and the like, cosmetology, dancing, driving hair styling, music conservatory; not including vocational and trade skills in automotive, construction, metallurgical, chemical and similar industrial operations.

22.1 Vocational Training Facility - A public or private organization in agreement with the city to supply training services in the trades such as carpentry, electrical, plumbing, HVAC or similar trades. No outdoor storage.

23 Religious Services - Church synagogue, other places of worship including accessory halls retreat centers and similar activities.

24 Medical and Health Services - Hospital (not animal hospital), medical diagnostic or treatment facility, medical or dental office, research laboratory or educational facility, sanitarium, and any use accessory thereto, center for occupational and physical therapy, physical fitness, and drug and alcohol rehabilitation (provided such

drug or alcohol rehabilitation facility is owned by or operated in conjunction with a hospital); clinic for medical, dental surgical or psychiatric treatment of disease and disability, whether on an inpatient or outpatient basis; health maintenance organization (HMO).

24.1 Drug or Alcohol Rehabilitation facility not owned by or operated in conjunction with a hospital.

24.2 Medical or Dental Office - Building occupied by physicians, surgeons, dentist, nurses or other medical, paramedical and para-dental personnel, not owned by or operated in conjunction with a hospital.

25 Local and State Government - Local and State administrative or legislative office and chamber, armory, judicial office or court, state police station, municipal fire and police station, with accessory use.

25.1 Prison or Correctional Institution.

26 Family Day Care Home, as defined in Article 10 - may be children or adults receiving care.

26.1 Day Care Facility with more than six (6) persons - may be children or adults receiving care.

26.2 Preschools, as defined by the Rhode Island Department of Elementary and Secondary Education.

27 Service Organization business, professional and labor organization; civic, social, fraternal and service association; welfare, philanthropic and charitable institution; and other miscellaneous services.

28 Cemetery - cemetery, historic cemetery, memorial park but not including funeral homes.

(Ord. of 10-16-2019(1) , § 2)

Sec. 3.0. Cultural, entertainment and recreation services.

31 Non-Profit Library, Museum and Art Gallery.

32 Spectator Assembly - auditorium, exhibition hall, sports arena, stadium, theater, outdoor recreation facility, amusement park, drive-in movie, driving range, fair ground, and miniature golf.

33 Outdoor Recreation Facility - golf course, tennis court, swimming pool, camp ground, riding academy and country club.

34 Indoor Sports Facility - bath house, public bathing, bowling, billiards and like sports; boxing arena; dance hall; gymnasium and indoor swimming pool; ice and roller skating rink; indoor tennis squash and racquetball court; video arcade, games of skill, shooting gallery.

35 Non-Profit Community Park and Playground - Neighborhood, city wide and regional park (multipurpose, leisure and ornamental garden); and playground or play field.

36 Open Space - community garden, forest reserve, wildlife refuge and other open space; crop or tree farming, truck, gardening; provided that no permanent retail stand or other commercial structure shall be located thereon except for the sale of products raised on the premises.

Sec. 4.0. General services.

41 Finance, Insurance and Real Estate Service - banking and bank-related functions, credit services, savings and loan association and credit union; insurance carrier, personal credit agency; real estate agent, real estate developer, security and commodity trading service.

42 Personal Service - (other than as accessory to residential as per Section 5-1 (a) apparel repair, alteration and cleaning pickup service; barber and beauty service; nail salon; eyebrow threading; spa service (special use permit required), tanning salon; photographic service; self-service laundry and drop-off cleaning service (no dry cleaning on premises); shoe repair service.

42.1 Funeral Home - Facility and establishment that arranges for and prepares funerals, including preparation of corpses for burial, related ceremonial function rooms and the like.

43 Limited Business Service - advertising agency; business office; credit reporting and collection service; interior designer; photocopy; duplication, mailing and stenographic service; private employment service; research and development of related activities; watch, clock and jewelry repair service.

44 General Business Service - printing and copying service; building maintenance service; car washing; catering service; cleaning establishment, including on premises dry cleaning; news syndicate service; pawn shop; radio, TV, electrical electronic and appliance repair service; re-upholstery and furniture repair service; trade school for the instruction of general business service; and wholesale merchandise broker, excluding wholesale storage.

45 Repair Service, Automotive including Trucks and All Commercial Vehicles - automobile service station, including sale of gasoline; garage repair shop, lubrication shop, transmission shop, muffler and brake service; automobile re-upholstery and interior repair; trade school for the instruction of above repair services.

45.1 Gasoline sales, Automotive - Gasoline sales, with no service of automobiles, but including accessory sales of related products.

46 Professional Service - accounting; architectural and engineering; legal; medical and related services; trade or professional school for the instruction of professional service listed herein.

46.1 Veterinarian and Animal Hospital - veterinarian service and animal hospital.

47 Contract Construction Service - cabinet making shop, carpentry service; concrete, masonry or plastering service; electrical contractor; general contract construction service; job shop; painting paper hanging and decorating service; plumbing, heating and air conditioning service; roofing and sheet metal service; taxidermy establishment; well drilling service.

48 Warehousing and Storage not including open lot storage.

49 Warehousing and Storage including open lot storage.

50 Drive Up Windows – a window designed to allow patrons or customers to be served while remaining in their vehicle; may include kiosk and speakers for ordering.

(Ord. of 3-10-2014(2))

Sec. 5.0. Trade.

51 Wholesale Trade, within enclosed structure - including accessory storage, building materials or lumber yard (retail also permitted), contractor's equipment rental, storage and maintenance; drugs, chemicals and allied products; durable goods and apparel; electrical and electronic goods and hardware, plumbing, heating equipment, and supplies (retail also permitted); farm products; groceries and related products; household goods; machinery equipment and supplies; motor vehicles and automotive equipment and general warehouse.

52 Wholesale Trade and Outdoor Storage - building materials or lumber yard (retail also permitted); contractor's equipment rental, storage and maintenance; drugs, chemicals and allied products; electrical electronic goods and hardware, plumbing, heating equipment, and supplies (retail also permitted); farm products; groceries and related items; machinery equipment and supplies; motor vehicles and automotive equipment; nonflammable medical or industrial gases.

53 Bulk Storage, Petroleum/LNG Storage, (not Including Landfill), Scrap and Waste Materials - Heating oil, diesel oil, storage of petroleum products, propane and kerosene storage for retail sale. Bulk storage of petroleum products, propane storage. Bulk storage of liquefied petroleum gas, liquefied nitrogen gas (other gases stored under pressure or temperature are not permitted).

54 Retail Trade-Building and Related Material - hardware-retail; nursery and garden supplies retail only, greenhouse not permitted; paint, glass, and wallpaper-retail; yard equipment and supplies.

55 Retail Trade, Neighborhood Establishments, 2,500 sq. GFA or Less - apparel and accessories; household appliances; art supply; bakeries; books newspapers and periodicals; cameras and photographic supplies; confectionery; custom tailoring; dairy products; drug store; eating and/or drinking establishments excluding entertainment; fabric store; floor covering-retail; florist; fruits and vegetables-retail; gift shop; groceries and delicatessens-retail; hobby shops; home furnishings and equipment; jewelry-retail; liquor store; meat and fish-retail; musical instruments and supplies-retail; office supplies or equipment, stationery or art supplies; pet store; radio, television, audio/video and computer equipment, sales and/or rental; shoe store; sporting goods and bicycles; variety store; hardware-retail; nursery and garden supplies-retail including greenhouses; paint, glass, and wallpaper-retail; yard equipment and supplies.

55.1 Convenience Store - newspapers and periodicals; dairy products; fruits and vegetables-retail; groceries and delicatessens-retail; and related convenience items.

56 Retail Trade - Community-wide Establishment More Than 2,500 sq. GFA - apparel and accessories; household appliances; art supply; bakeries; books newspapers and periodicals; cameras and photographic supplies; confectionery; custom tailoring; dairy products; department store, no automotive repairs or installation; drinking establishments serving alcoholic beverages; drive-in eating establishments; drug store; eating and/or drinking places excluding entertainment; fabric store; floor covering-retail; florist; fruits and vegetables-retail; gift shop; groceries and delicatessens-retail; hobby shops; home furnishings and equipment; jewelry-retail; liquor store; marine accessories; meat and fish retail; musical instruments and supplies-retail; office supplies or equipment, stationery or art supplies; pet store; radio, television, audio/video and computer equipment, sales and/or rental; second hand merchandise and antiques; shoe store; sporting goods and bicycles; supermarkets; variety stores.

57 Retail Trade - Automotive, Marine Craft, Aircraft and Accessories - marine craft sales and storage; mobile home sales; retail sales: motor vehicles (new and used); recreational vehicle sales; tires, batteries and accessory sales.

58 Fast Food Restaurant - A commercial establishment where food or beverages are cooked, prepared or packaged and offered for sale inside or outside the structure by means of stand-up counter and/or drive-in service (including self service) and primarily serves or dispenses such food or beverages in or with disposable containers and/or utensils and take away food is more than incidental.

Sec. 6.0. Transportation, communication and utilities.

61 Transportation Center - Motor vehicle rental office, including outdoor storage of vehicles; taxicab terminal; truck and trailer rental office; including the storage of moving vans, truck trailers, storage trailers, boat trailers; bus passenger terminal; railroad passenger terminal; rapid rail transit; accessory indoor maintenance and storage.

62 Freight Terminal - Public utility service yard, railroad yard or freight yard, accessory outdoor maintenance and storage.

63 Aircraft Transportation including maintenance - Heliport, accessory outdoor maintenance and storage.

64 Parking, Principal Use Parking - Garage or open lot for passenger and commercial vehicles. No gasoline sales and no automotive repairs.

65 Communication and Utilities - Electrical sub station, telephone switching device (non-office or store), gas telephone and telegraph and cable television utilities or junction box (no office or store), water utilities, well, pumping station or storage facility, water supply reservations or reservoirs.

65.1 Wireless transmitting and receiving antennae, including satellite dish type.

66 Power Plant, - steam and/or electricity generating facility powered by solar, natural gas or low sulfur oil only.

66.1 Incinerator and Waste Facility Incinerator - power plant powered by solid wastes; incinerator, sewage disposal facilities or solid waste transfer station, operated by or for a state or municipal agency.

67 Outdoor Advertising - billboards (freestanding or on building)

Secs. 7.0—8.0. Manufacturing.

70 Food and Kindred Products Manufacturing Including Canning and/or Packaging- beverage manufacturing and/or bottling; brewery or distillery; canning and preserving fruits and vegetables; confectionery and related products; dairy products; grain mill products; ice cream manufacturing; ice manufacturing; meat products (not including slaughter); poultry products (including slaughter); sugar manufacturing; canning and preserving of fish and seafood.

70.1 Processing of baker products.

70.2 Processing of sauerkraut, vinegar or yeast.

70.3 Rendering or refining of fats or oils.

70.4 Stock yard or feeding pen.

70.5 Slaughter of animals, not including fowl; and distillation of bones.

71 Textile Mill Product and Apparel Manufacturing - carpet and rug weaving; fur goods; hats, caps and millinery; knit goods, woven fabrics, felt and other small wares; lace and lace goods; yarns and threads; laundry and/or dry cleaning plant; dyeing plant and finishing of textiles; leather and leather apparel suits, coats and overcoats including furnishings, work clothing and allied garments, outerwear and undergarments.

72 Lumber and Wood Products - furniture and fixtures manufacturing; household and office furniture; millwork veneer, plywood and pre-fabricated structural wood products; partitions, shelving, lockers and office and store fixtures; sawmills and planing mills; signs and advertising displays; toys, amusement, sporting and athletic goods; wooden containers; and other articles and merchandise made from wood or wood products.

73 Paper and Allied products, Printing, Publishing - books, newspaper, and periodicals; printing, binding, and publishing; building paper and building paper board; converted paper, paperboard and paperboard products; industrial printing, including manifold business forms, greeting cards. Paperboard containers and boxes.

73.1 Pulp mills and paper mills.

74 Chemicals and Allied Products Manufacturing - alcohol manufacturing; battery manufacturing; bleaching and dyeing; manufacture in processing of fuel and ice, gum and wood chemicals, industrial inorganic and organic chemicals, paints, varnishes, lacquers, enamels and allied products, non-explosive processes; plastic materials and synthetic rubber, synthetic and other man-made fibers; soap, detergents and cleaning preparations, perfumes, cosmetics and other toilet preparations; creosote manufacture or treatment.

74.1 Agricultural chemicals including fertilizer.

74.2 Leather and fur tanning and finishing.

74.3 Acid manufacturing hydrochloric acid; nitric acid; picric acid; sulfuric acid.

74.4 Chlorine or other similar noxious or toxic gases and chemicals.

74.5 Glue manufacture.

75 Petroleum Products and Related Industries manufacturing household products derived from petroleum including flooring material; paving and roofing materials.

75.1 Petroleum Refining - coal distillation including manufacture or derivation of the by-products; manufactured gases from petroleum and petroleum by-products; tar distillation or tar products manufacture.

76 Rubber and Miscellaneous Plastic Products - manufacturing advertising display signs, floor covering, miscellaneous plastic products, reclaiming rubber, rubber footwear, sporting goods and stamps, toys and novelties, rubber manufacture or treatment; tire manufacturing tire re-treading, tire recapping.

77 Stone, Clay and Glass Products - manufacturing, compounding, assembling or treating articles or merchandise from the following prepared materials: brick and tile, cement and cement products, concrete, gypsum and plaster products, cut stone and stone products manufacturing, flat glass, glass and glass ware, glass tubing, neon signs, pottery and related products, and structural clay products. Above products may be fired only in kilns powered and/or heated by electricity or gas.

77.1 Pottery Products Manufacturing.

77.2 Abrasive and Miscellaneous Nonmetallic Mineral Products Manufacturing.

77.3 Cement, Lime, Gypsum or Plaster of Paris Manufacture - potash works; materials processing, distribution and storage of cement, salt, rock, sand and gravel; rock quarries; stone mill.

77.4 Asbestos and related asbestos products manufacturing and assembly.

77.5 Junk Yard - including storage, sorting, collecting or baling of rags, paper, metal or junk, truck or automobile wrecking.

78 Primary Metal Industries - blast furnaces; steel works; and rolling and finishing of ferrous metals; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding nonferrous metals; smelting of tin, copper, zinc or iron ore including blast furnace or blooming mill.

79 Fabricated Metal Products - manufacturing cutlery, hand tools, machine tools, general hardware, metal cans and other metal products; fabricating structural metal products; fabricating wire products (miscellaneous products); manufacturing heating apparatus and plumbing fixtures; manufacturing light sheet-metal products; metal shop; metal stamping; manufacturing screw machine products and bolts, nuts, screws, rivets and washers; coating, engraving and allied services; and blacksmith and silversmith shop.

79.1 Drop Forge Industries, Manufacturing Forgings with Power Hammers.

80 Machinery and machine parts manufacturing - manufacturing agricultural machinery, communication equipment, computer hardware and related business machines, construction, mining and materials handling machinery and equipment, electric lighting and wiring equipment, electrical apparatus, motors, generator, coils, condensers, transformers and welding equipment, electrical transmission and distribution equipment, electronic components, accessories, instruments and devices, engines and turbines, general office or industrial machinery and equipment, household appliances, audio and video parts and equipment, metal working machinery and equipment and metal tools.

81 Transportation Equipment Manufacturing auto body shops, aircraft and parts, motor vehicles and equipment manufacturing, including body repair, painting services, rebuilding, assembling, reconditioning, overhauling, motorcycles, bicycles and parts, rail equipment.

82 Ship and Boat Building and Repairing.

83 Precision Instruments and Scientific Equipment Manufacturing - engineering, laboratory and scientific and research instruments and associated equipment, instruments for measuring, controlling and indicating physical characteristics, musical instruments and parts, ophthalmic goods optical instruments and lenses, pens, pencils and other office and artists' equipment, photographic equipment and supplies, surgical, medical and dental instruments and supplies, watches, clocks, clockwork devices and parts.

84 Jewelry, Silverware, Plated Ware, Costume Jewelry and Notions Manufacturing - costume jewelry, costume novelties, buttons and miscellaneous notions, jewelers' findings and materials, jewelry, silverware and plated ware.

84.1 Manual Assembly of Jewelry Parts - job shops.

84.2 Plating of jewelry and related precious and semi-precious metal parts and products, including electroplating and plating of electronic parts and products using acids and electrical mechanisms.

85 Arts and Crafts Manufacturing - manufacture of articles from metal. Wood, stone, clay, glass, ceramic, paper, leather or similar material for display, wholesale or retail sale, provided that no more than 2,500 sq. ft. GFA be used and that there be no more than 5 employees.

86 Nuclear Industries Manufacturing and Explosives Manufacture or Storage in Bulk Quantities - nuclear process related machinery; nuclear reactor (not for generating power); processing and storage of nuclear fuels and other materials; storage, reclaiming and disposal of nuclear waste and manufacture and storage in bulk quantities of explosives, munitions and ordinance.

87 Tobacco Processing

88 Biological Technologies - Industries that use RDNA (recombinant deoxyribonucleic acid), cell fusion and novel bioprocessing techniques; including related research into processes that promote human health diagnostics and therapeutics, agricultural biology including plant genetics for food purposes, veterinary products, environmental remediation techniques, and manufacture of instruments that assist in biological research.

SECTION TWO: This ordinance shall be effective upon passage.

Introduction: November 13, 2024

First Reading/First Passage: January 27, 2025

Second Reading/Second Passage: February 10, 2025



Maria Rivera
Mayor

Date



Alberto de Burgo
City Clerk

Date