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EXETER
ZONING APPROVALS GUIDE

For Planning Board Members and
Zoning Board of Review Members

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

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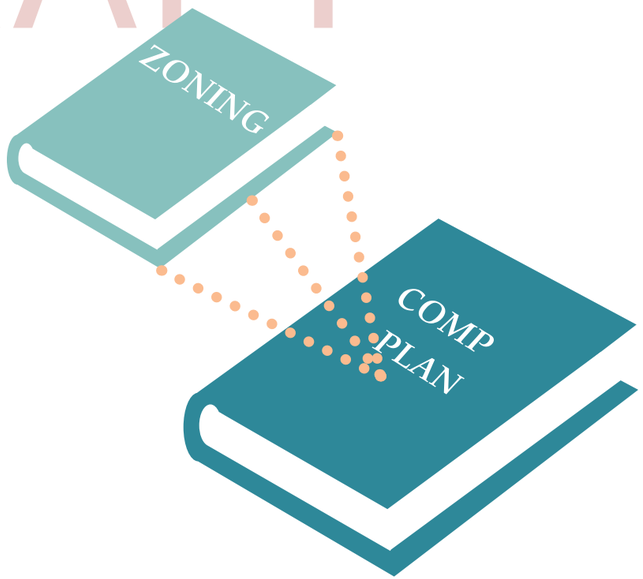
WHY DOES EXETER NEED A ZONING APPROVALS GUIDE?

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

HOW TO USE THIS GUIDE

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



ADVISORY REVIEWS

RECOMMENDATIONS AND/OR BINDING DECISIONS ARE RENDERED

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

RECOMMENDATION

DECISION

HISTORIC LAW

HISTORIC ENABLING LAW AMENDMENTS

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

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

2023 LAW

2023 ENABLING LAW AMENDMENTS

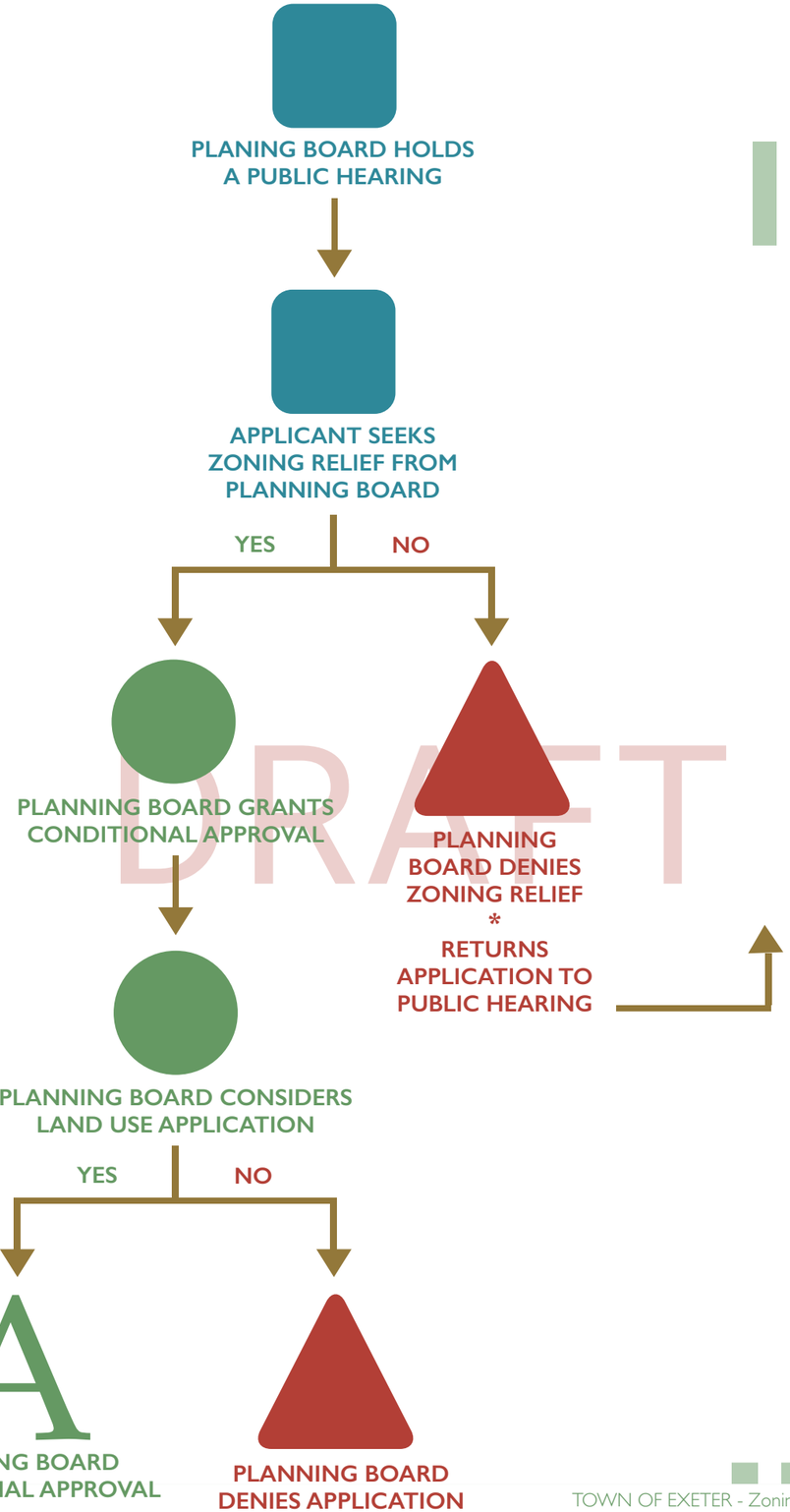
Here is a list of a few of the major changes to the adjudicatory functions of planning boards and zoning boards of review as a result of the land use enabling laws passed in 2023:

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

UDR (UNIFIED DEVELOPMENT REVIEW)

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

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



SUPS (SPECIAL USE PERMITS)

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

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

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

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

By way of example...

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

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

USE TABLE

	R	C	OS-P	OS-A		AR	40			
	N	N	N	N	S	S	S	S	S	
haritable institution with no commercial activity	N	N	N	N	P	N	N	N	N	P
Hospital or health care facility not for mental, alcoholic or drug addiction treatment	N	N	N	N	N	N	N	N	N	S N
Hospital or health care facility for mental, alcoholic or drug addiction treatment	N	N	N	N	N	N	N	N	N	S N
regate are	N	N	N	N	N	N	N	N	N	
	N	N	S	N	N	S	N			

SUPS CRITERIA

CRITERIA A

A. The use is authorized by this chapter.

A

CRITERIA B

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

B

CRITERIA C

C. The use meets all of the criteria set forth in § 185-73.1.

C

YES YES / WITH CONDITIONS NO

YES YES / WITH CONDITIONS NO

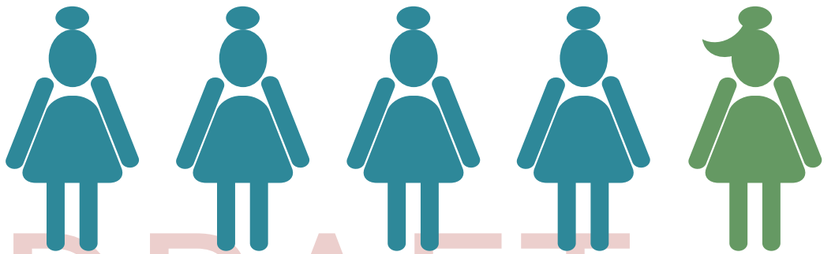
YES YES / WITH CONDITIONS NO

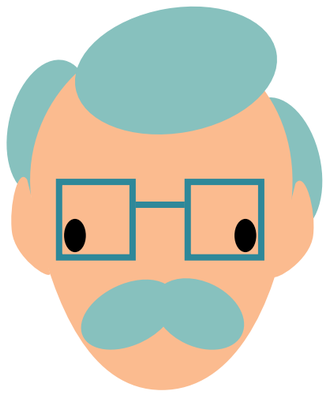
A

APPROVAL

NONCONFORMITIES

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





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

VARIANCES

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

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

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

VARIANCES

HARDSHIP

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

USE HARDSHIP

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

DIMENSIONAL HARDSHIP

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

VARIANCE DECISION TREE

VARIANCES CRITERIA

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

A. ***The hardship…is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 1.1(16).***
It is advisable that the permitting authority first determine if the hardship is due to economic or physical disability of the applicant. If it is due to physical disability of the applicant, the permitting should then determine if the physical disability of the applicant is covered under § 1.1(16) of the code of ordinances. If the hardship is due to the economic disability or physical disability not covered by § 1.1(16) of the code of ordinances, then the variance cannot be granted.

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

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

C. ***Granting the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan.***
Please see text under criterion A explaining how the character of the surrounding area is determined.

Variances are required not to impair the intent or purpose of the zoning ordinance and the Comprehensive Plan. The purposes of the zoning ordinance are listed in § 1.1 of the zoning ordinance. The permitting authority should review each of the purposes of zoning listed in § 1.1 and determine if any of the purposes are impaired. If some of the purposes are impaired, the permitting authority should determine if the purpose of the zoning ordinance on the whole is impaired. Some articles of the zoning ordinance, such as X1 have specific intent. This language would be worth reviewing when variance requests cover provisions of such articles.

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

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

VARIANCES CRITERIA

CRITERIA A

A. The hardship…is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in s. 185-3(P).

A

YES | YES / WITH CONDITIONS | NO

CRITERIA B

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

B

YES | YES / WITH CONDITIONS | NO

CRITERIA C

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

C

YES | YES / WITH CONDITIONS | NO

A

APPROVAL

EX PARTE

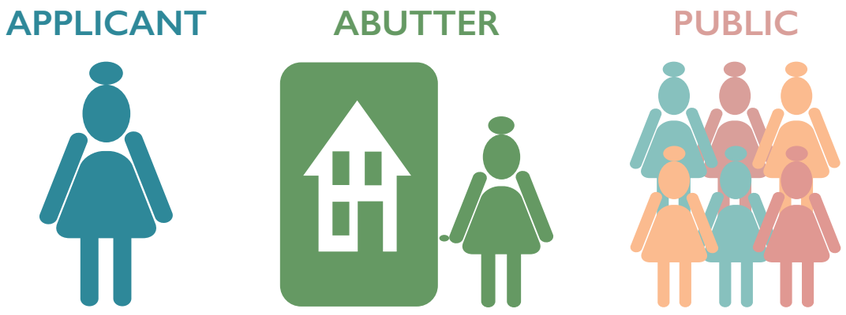
As an adjudicator, it is inappropriate for a member of the Planning Board or Zoning Board of Review to discuss a pending application outside of an agenda item at an official meeting of that board. In fact, this could be grounds for appeal. Generally, an applicant should be given personal notice of a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

PUBLIC HEARING

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

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

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



CONSIDERING CRITERIA

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

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

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

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

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

D R A F T A M E N D M E N T S

EXETER ZONING ORDINANCE

ARTICLE I. – ADMINISTRATION PROCEDURES

Sec. 1.1. – Statement of purpose.

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

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

1. Promote the public health, safety, and general welfare.

2. Provide for a range of uses and intensities of use appropriate to the character of the Town of Exeter and reflecting current and expected future needs.

3. Provide for orderly growth and development which recognizes:
   - A. The goals and patterns of land use contained in the Exeter Comprehensive Plan adopted pursuant to Chapter 45-22.2 of the General Laws of Rhode Island;
   - B. The natural characteristics of the land, including its suitability for use, based on soil characteristics, topography, and susceptibility to surface [water] or groundwater pollution;
   - C. The values and dynamic nature of freshwater ponds, the shoreline, and freshwater and coastal wetlands;
   - D. The values of unique or valuable natural resources and features;
   - E. The availability and capacity of existing and planned public and/or private services and facilities;
   - F. The need to shape and balance rural development;
   - G. The use of innovative development regulations and techniques;

4. Provide for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

5. Provide for the protection of the natural, historic, cultural, and scenic character of the Town of Exeter or areas therein.

6. Provide for the preservation of agricultural production, forest (silviculture), aquaculture, timber resources and open space.

7. Provide for the protection of public investment, if any, in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste

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

8. Promote a balance of housing choices for all income levels and groups to ensure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing.

9. Provide opportunities for the establishment of low and moderate income housing.

~~9~~10. Promote safety from fire, flood, and other natural or manmade disasters.

~~10~~11. Promote a high level of quality in design in the development of private and public facilities.

~~11~~12. Promote implementation of the comprehensive plan of the Town of Exeter adopted pursuant to G.L. 1956, § 45-22.2.

~~12~~13. Provide for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond the boundaries of the Town of Exeter or have a direct impact on the Town of Exeter.

~~13~~14. Provide for efficient review of development proposals, to clarify and expedite the zoning review process.

~~14~~15. Provide for procedures for the administration of the Exeter Zoning Ordinance including, but not limited to, variances, special use permits and, where adopted, procedures for modifications.

16. Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

Sec. 1.2. Definitions.

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

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

2. *Accessory dwelling unit (ADU).* A residential living ~~dwelling~~ unit ~~that provides complete independent living facilities and is located~~ on the same ~~a~~ lot where the principal use is a legally-established single-family ~~detached~~ dwelling unit or residential multi-family~~unit building~~ dwelling unit. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

3. *Accessory use.* A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use. An accessory use is not permitted without the principal use to which it is related.

4. *Adaptive reuse.* The conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting those elements to the new use.

5. *Affordable housing.* Year-round housing built with a federal, state, or municipal subsidy that has a deed-restricted sales price or rental amount that is within means of a household that is moderate income or less, as defined by R.I. Gen. Laws § 42-128-8.1(d), as amended. Synonymous with "low- or moderate-income housing."

6. *Age restricted housing.* Housing limited to use and residency by persons 55 years of age or older, as defined by R.I. Gen. Laws § 34-37-4.1(a)(5), the Rhode Island Fair Housing Practices Act, as amended.

7. *Aggrieved party.* A person who can demonstrate that his or her property will be injured by a decision of any town official, board or commission responsible for administering the zoning ordinance, or a person requiring notice pursuant to title 45, chapter 24 of the general laws.

8. *Agricultural land.* Land suitable for agricultural use by reason of suitability of soil or other natural characteristics or past use for agricultural purposes.

9. *Applicant.* An owner or authorized agent of the owner who submits an application.

10. *Application.* The completed form or forms and all accompanying documents, exhibits and fees required for review, approval, or permitting purposes.

11. *Area median income (AMI).* The median household income as determined annually by the federal Department of Housing and Urban Development (HUD) and adjusted for household size by HUD and by Rhode Island Housing for the designated statistical area that includes the town as of the date of marketing of the housing unit to which it is being applied.

12. *Articulation.* The degree or manner in which a building wall or roofline is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different vertical and horizontal planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors or textures.

13. *Arterial street.* A public street on which traffic circulates into, out of, or across the town or provides service for trips of moderate length. For the purposes of the zoning ordinance, arterial streets in Exeter include Route 2, Route 3, Route 102, and Route 165.

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

14. *Awning.* An overhead cover of canvas or other material extending over building openings to provide protection from the sun and rain.

15. *Bed and breakfast*. Rental of no more than five (5) bedrooms for periods less than one month while the owner is present.

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

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

187. *Building height.* On all structures, building height is measured to the top of the highest point of the existing or proposed structure, excluding spires, chimneys, flag poles, and similar projections. On an undeveloped lot, building height is measured from the average existing-grade elevation where the foundation of the structure will be located. On an existing structure, building height is measured from the average grade of the outermost corners of the foundation. On a structure in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps, the base flood elevation on the FEMA map, plus up to five feet of any existing or proposed freeboard, less the average existing grade elevation, is excluded from the building height calculation. Freeboard is the number of feet the lowest floor of a structure must be elevated above the base flood elevation to provide safety.

198. *Building inspector.* An appointed official responsible for issuing building permits and examining all structures during the course of their erection, alteration, repair, moving or demolition. Also called a building official.

2019. *Campground.* The sleeping of more than one household in a tent for more than one week each year. No recreational vehicles permitted.

21. *Cluster.* A site-planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in the ordinance and may include, but are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development, there is no increase in the number of lots that would be permitted under conventional development except where ordinance provisions include incentive bonuses for certain types or conditions of development.

220. *Common ownership.*

i. Ownership of two or more contiguous lots by the same individual, individuals, entity, or entities.

ii. Ownership by an association of property owners such as a homeowners' association.

231. *Community residence.* A residence defined in R.I. Gen. Laws § 45-24-31(15), as amended.

242. *Comprehensive community plan.* The document adopted and approved pursuant to Title 45, Chapter 22.2 of the General Laws.

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

274. *Crematorium*. The burning or dissolving of human or animal remains into ashes or solvent over less than one week.

28. *Data center.* A large group of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data.

29. *Day care center.* A facility that provides daytime care and supervision.

~~2~~305. *Day care, family day care home.* A home where daytime care and supervision is provided for no more than eight individuals, including up to six individuals who are not related to the caregiver.

3126. *Density, residential.* The number of dwelling units per unit of land.

3227 *Development.* The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, any mining, excavation, landfill or land disturbance, any change in use, or alteration or extension of the use of land.

3328. *Development rights.* Those rights to develop, expressed as the maximum number of dwelling units for residential parcels that could be permitted on a designated sending area parcel under the applicable zoning and subdivision regulations in effect on the date of the transfer of development rights.

3429. *Drainage system.* A system for the removal of water from land by drains, grading or other appropriate means. Such techniques may include runoff control to minimize erosion and sedimentation during and after construction or development, the means for preserving surface [waters] and groundwaters and the prevention and/or alleviation of flooding and pollution.

350. *Dwelling unit.* A structure or portion thereof that provides permanent provisions for living, sleeping, eating, cooking and sanitation, and has a separate means of ingress and egress.

361. *Extractive industry.* The extraction of minerals including: solids, such as coal, ores and gravel and soil material; liquids, such as crude petroleum; and gases, such as natural gases. The term includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

372. *Façade.* The front of a building or any of its sides facing public spaces, frequently distinguished by distinctive architectural treatment.

383. *Family member.* A person related by blood, marriage, or other legal means, including but not limited to a child, parent, spouse, mother-in-law, father-in-law, grandparent, grandchild, domestic partner, sibling, care recipient, or member of the household.

394. *Farm.* Five acres or more of land which is, together with principal and accessory buildings, actively devoted to agricultural or horticultural production and operated by an individual, partnership, or corporation that has filled a U.S. Internal Revenue Form 1040 (Schedule F) with the Internal Revenue Service and has a State of Rhode Island farm tax number, and has earned at least $2,500.00 gross income on farm products in either of the proceeding two years.

4035. *Farm brewery.* A brewery that is located on a farm of no less than five acres and that produces beer which is manufactured with at least one primary ingredient (hops or grain) grown on the farm and whose annual production does not exceed 150,000 gallons of beer, and where customers would have the opportunity to tour the farm and try small samples (three ounces or less), and purchase bottles (of up to 64 ounces each) to take home and consume off site.

A farm brewery may also sell beer at wholesale to retailers with the appropriate State license. A farm brewery must have the appropriate State license to operate a brewery.

4136. *Farmers market*. A collection of pop-up tents that sell Rhode-Island-harvested products. The use shall be limited to no more than five (5) hours per day and no more than two days per week.

42. *Fast food restaurant.* Any business, the major operation of which is over the counter service, generating a high turnover of customers and a large volume of traffic.

43~~37~~. *Floodplain or flood hazard area.* As defined in R.I. Gen. Laws § 45-22.2-4(9), as amended.

44~~38~~. *Freight or trucking terminal*. A facility that dispatches vehicles for the distribution of goods or people.

45. *Funeral home or mortuary*. Any facility licensed by the Rhode Island Department of Health that requires a Embalming / Funeral Directing License except a crematory.

46. *Greenhouse.*

i. *Greenhouse - Tier I (less than two acres undercover).* Traditional hoop house, gable, A- frame, gothic arch, geodesic dome, saw tooth and lean-to structures constructed of wood, metal piping (aluminum or steel) solid polycarbonate, acrylic and fiberglass) glass walls and roofs that are customarily accessory to a principal use and do not exceed two acres undercover either by an individual structure of in aggregate for a series of structures on the same property. Houses in this category comprised of aluminum, wood or plastic PVC pipes covered with polymer plastic coverings are exempt from the coverage calculation. Unlike a Tier II and III CEA Greenhouse facilities this category employs less advanced forms of heating ventilation (HVAC) systems, water recycling, computer-managed techniques and automation and does not include floor area specifically dedicated to administration, employees, washrooms, grading, warehousing, distribution and loading docks.

ii. *Greenhouse - Tier II (two to four acres undercover).* A structure or structures with walls and roof made chiefly of solid transparent material, such as glass, polycarbonate, acrylic used for the cultivation or protection of tender plants. These structures could be solitary structures or are a series of structures designed for the protection of tender or out-of-season plants against excessive cold or heat. The Tier II greenhouse category limits the area undercover to the growth of plants and does not include floor area specifically dedicated to administration, employees, washrooms, warehousing, distribution and loading docks. Greenhouses in this category comprised of aluminum, wood or plastic PVC pipes covered with polymer plastic coverings are exempt.

iii. *Greenhouse - Tier III CEA Facility (greater than 4 acres undercover).* Controlled Environmental Agricultural Facility (CEA facility) is a commercial structure that includes related equipment and appurtenances that combine engineering, horticultural science, and computer management techniques to optimize hydroponics, plant quality, and food production efficiency from the land's water for human or livestock consumption. The primary purpose of this commercial facility is to grow crops and obtain a monetary profit from the sale of plant- based food for human or livestock consumption. Unlike Tier I or Tier II greenhouses, this facility is more advanced and utilizes intensive forms of hydroponically-based agriculture along with automation to optimize horticultural practices in sophisticated climate-controlled buildings. These are glass and steel structures that often harvest roof top rainwater and are controlled by state-of-the-art computers that are able to monitor climate 365 days of the year, 24 hours a day, and make smart adjustments, data-driven adjustments, in order to maximize crop productivity, efficiency, reduce production losses. These facilities often include floor area dedicated to administration, employees, washrooms, harvesting, grading, warehousing, and distribution alongside structured parking and loading docks either as part of the facility or attached thereto.

47~~39~~. *Gross floor area.* The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

48~~0~~. *Groundwater.* As defined in R.I. Gen. Laws § 46-13.1-3(6), as amended.

49~~1~~. *Heliport.* The location where a helicopter lands to disembark passengers and/or materials. Does not include emergency medical transport.

50. *Home occupation.* Any activity customarily carried out for gain by a person in the person's dwelling as an accessory to the principal residential use.

51~~42~~. *Household.* One or more persons living together in a single-dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food. The term "household unit" is synonymous with the term "dwelling unit" for determining the number of units allowed in a structure. An individual household consists of any one of the following:

i. A~~a~~ family, which may also include servants and employees living with the family~~,~~ or

ii. A person or group of ~~three or more~~ unrelated persons living together.

~~43~~52. *Infrastructure.* Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

~~44~~53. *Junk.* Items including, but not limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, construction debris, waste; or junked, dismantled or wrecked automobiles, or parts thereof; and iron, steel and other old or scrap ferrous or nonferrous material.

54~~45~~. *Junkyard.* The use of any lot, whether inside or outside a building, where an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk.

55~~46~~. *Kennel, Class 1.* A fully enclosed/indoor structure or establishment other than a pound or animal shelter where over ten dogs are kept, owned, trained and/or boarded.

56~~47~~. *Kennel Class 2.* A structure or establishment other than a pound or animal shelter where four to ten dogs are kept, owned, trained and/or boarded.

57~~48~~. *Land development project.* A project in which one or more lots, tracts, or parcels of land are developed or redeveloped as a coordinated site for a complex of uses, units, or structures for residential, commercial, institutional, recreational, open space, or mixed uses.

58~~49~~. *Land disturbing activity.* Any physical disturbance of land, including but not limited to clearing and grubbing for future development; excavating; filling; grading; or construction or demolition of a structure.

59~~0~~. *Land unsuitable for development.* Land with natural or man-made limitations that make it unsuitable for development. Land unsuitable for development shall be excluded from density calculations in conservation developments, rural residential compounds, and planned districts, and may not be considered as part of the minimum lot area required. Land unsuitable for development includes freshwater wetlands but not the area within any regulatory wetland buffer; special flood hazard areas A and A1 through A30, as shown on the FEMA Flood Insurance Rate Maps, as amended; and land within any publicly or privately held easement on which above-ground utilities, including but not limited to electrical transmission lines, are constructed. Land shall not be classified as unsuitable for development solely because of its natural gradient.

60~~51~~. *Landscaping business.* Any business whose purpose is to change or improve the natural scenery of a business or residence by placing or arranging trees, bushes, shrubs, ornamental grasses or other vegetation and also maintaining existing vegetation by pruning, mowing or other normal vegetative maintenance and also includes installation and maintenance of landscape features such as decorative ponds, waterfalls or other water elements as part of an overall landscape design.

61~~52~~. *Lot.* Either (1) the basic development unit for determination of lot area, depth, and other dimensional regulations, or (2) a parcel of land whose boundaries have been established by some legal instrument

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

62~~53~~. *Lot area.* The total area within the boundaries of a lot, including at a minimum, one acre of contiguous land that is suitable for development, usually reported in acres or square feet.

63~~54~~. *Lot building coverage.* That portion of the lot that is or may be covered by buildings and accessory structures.

64~~55~~. *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.

65~~56~~. *Lot frontage.* That portion of a lot abutting a public street or a private street on an approved plat. Lot frontage must be contiguous to meet minimum frontage requirements.

66~~57~~. *Lot line.* A line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and shall include:

i. *Front.* The lot line separating a lot from a street right-of-way. On an interior lot, the front lot line is the lot line abutting a street. On a developed corner lot, the front lot line is the lot line currently used for that purpose. On an undeveloped corner lot, the front lot line is the lot line chosen by the property owner when initial development begins. On a through lot, the lot line abutting the street providing the primary access to the lot.

ii. *Rear.* The lot line opposite and more distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

iii. *Side.* Any lot line other than a front on rear lot line. On a corner lot, a side lot line is along the street lot line other than the front lot line.

67~~58~~. *Lot, through.* A lot other than a corner lot that fronts on two substantially parallel streets, or fronts on two streets that do not intersect at the boundaries of the lot.

68~~59~~. *Lot width.* The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

69~~0~~. *Low-income household.* A household with an adjusted gross income that is 80 percent or less of the area median income as determined by Rhode Island Housing.

70~~61~~. *Low or moderate-income housing.* See "affordable housing."

71~~62~~. *Manufactured home. As used in this section, a manufactured home shall have the same definition as in 42 U.S.C. §5402, meaning a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under chapter 70 of Title 42 of the United States Code; and except that such term shall not include any self-propelled recreational vehicle;*

72. *Massing.* The three-dimensional bulk of a structure consisting of its height, width, and depth.

73~~63~~. *Maximum gross building footprint per retail structure.* The maximum gross building footprint per retail structure shall be calculated by including the total footprint in square feet of all indoor space devoted

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

7464. *Mixed use.* A mixture of land uses within a single development, building, or tract.

7565. *Mixed use residential-commercial development.* ~~Commercial d~~Development in a business zone that contains a mix of commercial and residential uses as provided for in article 4, sec. 4.6 of this ordinance. A mixed use commercial development is considered a land development project.

7666. *Mobile home or trailer.* A structure constructed prior to 1974 designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted, or attached to a permanent foundation.

7767. *Moderate income household.* A household with an adjusted gross income that is more than 80 percent but less than 120 percent of the area median income as determined by Rhode Island Housing.

7868. *Modification.* A dimensional variance granted by the zoning inspector pursuant to section 1.4 of this ordinance.

7969. *Municipal government subsidy.* Assistance that is made available through a town program sufficient to make housing affordable, as affordable housing is defined in this ordinance. Such assistance may include, but is not limited to, direct financial support, waiver of fees and charges, and approval of density increases or adjustments, or any combination of forms of assistance.

8070. *Natural vegetation.* Trees, shrubs, grass, or other plants which grow naturally or have been planted.

871. *Nightclub.* Any facility that offers sales and space for patrons to congregate after 11pm.

82. *Nonconformance.* A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of the Exeter zoning ordinance and not in conformity with the provisions of such ordinance or amendment. Nonconformance shall be of only two types:

i. *Nonconforming by use.* A lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use.

ii. *Nonconforming by dimension.* A building, structure or parcel of land not in compliance with the dimensional regulations of the Exeter zoning ordinance. Dimensional regulations include all regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of the Exeter zoning ordinance shall be nonconforming by use, a building or structure containing a permitted number of dwelling units by use regulations of the zoning ordinance, but not meeting the lot are per dwelling unit regulations, shall be nonconforming by dimension.

8372. *Overlay district.* A zoning district that is superimposed on one or more other zoning districts or parts of districts and that imposes specified requirements in addition to but not less than those otherwise applicable to the underlying zone.

8473. *Owner.* A partnership, corporation, or company, or a person who alone, or jointly or severally with others, has legal title to a premises or has control of a premises as agent, executor, executrix, administrator, trustee, guardian of the estate of the holder of legal title, or the holder of equitable title.

85~~74~~. *Passive recreation*. A facility that provides outdoor space for quiet contemplation. This may include multiuse paths, paddlesports, picnic areas, and small play areas for children. No organized ballfields. May include frisbee golf and lawn games.

86. *Performance standards.* Criteria that a particular use or process must meet or may not exceed.

87~~75~~. *Permitted use.* A use that is specifically authorized by right in a particular zoning district.

88~~6~~. *Planned village development (PVD).* A type of major land development project permitted only within the planned village overlay zoning district that incorporates a mix of residential and nonresidential uses in a compact, walkable environment in compliance with the standards set forth in article X of this ordinance.

89~~77~~. *Plant agriculture.* The growing of plants for food or fiber, or to sell or consume. It is a permitted use in all zoning districts, including all industrial and commercial zoning districts, except where prohibited for public health or safety reasons or the protection of wildlife habitat.

90~~78~~. *Public Water Supply.* Means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Such term includes:

i. Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and

ii. Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

91~~79~~. *Preapplication conference.* A discussion of a proposed development between the applicant and the official or board with the authority to approve the development. A preapplication conference takes place before a formal application is submitted.

92~~80~~. *Prison.* Any facility that confines individuals against their will for more than forty (40) consecutive hours.

93. *Repair services.* Onsite commercial repair of items not normally kept on the premises. Does not include vehicles, large appliances, large equipment, or large machines.

94. *Residential compound.* A parcel of land containing lots for single-family dwellings having an average overall density of no greater than one dwelling unit per ten acres of land.

95~~81~~. *Rhode Island Housing.* The Rhode Island Housing and Mortgage Finance Corporation, an agency of the State of Rhode Island.

96~~82~~. *Roofline.* The top covering of a building which may consist of a variety of styles including, but not limited to: gable roof, hip roof, shed roof, and gambrel roof.

97~~83~~. *RV park.* The parking of more than one recreational vehicle.

98. *Scale.* The general feeling of mass and size of a building as it relates to that of other buildings along a street or block front.

99~~84~~. *Secondhand acquisitions and sales operations.* Uses that acquire and sell secondhand items less than twenty (20) years old, excluding vehicles.

100. *Setback line.* A line parallel to the property line marking the required depth of the front, side, or rear yard.

101~~85~~. *Short-term rental.* Rental of a room or dwelling unit less than one month.

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

103~~86~~. *Solar energy facility.* The equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas or electricity produced from a non-renewable source. This shall include photovoltaic arrays and installations that utilize building-mounted and/or ground-mounted systems. Definitions applicable to solar energy facilities are as follows:

i. *Accessory building-mounted solar array.* A solar energy system that is incidental and subordinate to the principal use(s) of the parcel, where the power produced can be used onsite, virtual net metered or sold back to the electric distribution company. An accessory building-mounted system shall be installed only on the roof of a structure.

ii. *Building-mounted solar energy facility.* A solar energy system that is structurally appended to the roof of a building or structure.

iii. *Ground-mounted solar energy facility.* A solar energy system that is structurally appended to the ground and is not supported by a structure or building.

iv. *Large-scale solar energy facility.* A solar energy system that occupies 40,000 square feet up to 220,000 square feet, inclusive of inter-row and panel/collector spacing.

v. *Medium-scale solar energy facility.* A solar energy system that occupies more than 1,600 square feet but less than 40,000 square feet of area, inclusive of inter-row and panel/collector spacing.

vi. *Small-scale solar-energy facility.* A solar energy system that occupies 1,600 square feet of area or less, inclusive of inter-row and panel/collector spacing.

vii. *Solar canopy.* A solar energy facility that is located on a new elevated structure that hosts solar panels and provides shelter to a parking area, driveway or walkway underneath.

viii. *Solar land coverage.* The total footprint of land occupied by all components of a solar energy system including but not limited to solar panels, mounting equipment, ancillary components of the system, inter-row and panel/collector spacing, access, and all other areas within the required perimeter fencing.

ix. *Utility-scale solar energy facility.* A solar energy system that occupies more than 220,000 square feet of area, inclusive of inter-row and panel/collector spacing.

104~~87~~. *Special use.* A conditionally permitted use that may be established with a special use permit issued by the zoning board of review or the planning board. See article I, sec. 1.3(F).

105~~88~~. *Street.* A public or private thoroughfare used for passage or travel by motor vehicles.

106~~89~~. *Street line.* A lot line that separates a lot from a street.

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

108~~91~~. *Substandard lot of record.* Any lot lawfully existing at the time of adoption or amendment of this ordinance and not in conformance with the dimensional and/or area provisions of the ordinance.

109~~92~~. *Transfer of development rights.* The ability to separate development rights from a particular parcel and use them to increase the development potential on another.

110~~93~~. *Transit.* A bus or train facility that alights and boards passengers.

111. *Use.* The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

11294. *Variance.* Permission to depart from the literal requirements of the zoning ordinance. See section 1.3(E).

11395. *Waters.* As defined in R.I. Gen. Laws § 46-12-1(23).

11496. *Yield plan.* A plan of a conventional (as opposed to a conservation) subdivision that depicts the maximum number of building lots or dwelling units that could reasonably be built on a parcel of land in compliance with this ordinance, taking into account land unsuitable for development. No lot shall be considered buildable unless it can be shown to have a minimum of one acre (43,560 sq. ft.) of contiguous, accessible land that is free of wetlands, water bodies, street rights-of way, and electrical power line easements.

11597. *Zoning certificate.* A document signed by the zoning inspector that acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this zoning ordinance, or is an authorized variance, special use, or modification.

11698. *Zoning inspector.* A person elected by the people of the Town of Exeter who is charged with the responsibility of enforcing the provisions of this zoning ordinance and recording all amendments of the ordinance on the record copy of the zoning ordinance.

11799. *Zoning map.* The map that is part of this zoning ordinance and that delineate the boundaries of all mapped zoning districts within the physical boundaries of the Town.

11800. *Zoning ordinance.* The zoning ordinance enacted by the town council pursuant to Title 45, Chapter 24 of the General Laws that sets forth regulations and standards relating to the nature and extent of uses of land and structures, is consistent with the comprehensive plan, and includes the zoning map.

(Ord. of 5-25-00, § I; Ord. of 1-6-03(2), § 4; Amd. of 3-3-03; Amd. of 10-5-04; Amd. of 3-6-06, § 1; Ord. of 8-7-06, § 1; Amd. of 5-7-07; Amd. of 6-4-07; Ord. of 9-4-07, § 1; Amd. of 4-7-08; Amd. of 4-6-09; Ord. of 9-27-12, Exh. 1; Amd. of 10-6-14, § 1; Amd. of 9-4-18; Amd. of 2-4-19, § 3; Amd. of 4-5-21; Ord. of 3-9-23, § 1; Ord. of 12-4-2023(1))

D R A F T A M E N D M E N T S
EXETER ZONING ORDINANCE

ARTICLE I. – ADMINISTRATION PROCEDURES

Sec. 1.3. – General provisions.

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

3.A. General provisions: divisions into districts.

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

Residential district (RE-2)

Rural district (RU-3)

Rural district (RU-4)

Conservation - Recreation (CR-5)

Business district (B)

Light business/residential (LB/R)

Light industrial (LI)

Open space and public lands (OS/PL)

Groundwater protection overlay district (GWOL)

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

Planned village overlay district (PVOD)

3.B. General provisions: variances.

A. An application for relief from the literal requirements of the Exeter zoning ordinance because of hardship may be made by an owner, as defined herein, by filing with the zoning board clerk, an application describing the request and supported by such data and evidence as may be required by the Exeter zoning board of review. The zoning board clerk shall immediately transmit each application received to the zoning inspector and shall transmit a copy of each application to the Exeter planning board. The zoning board shall conduct a public hearing on the application in a timely manner.

B. In granting a variance, the Exeter zoning board of review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

    1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of

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

2. That the hardship is not the result of any prior action of the applicant.

3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent of purpose of the Exeter zoning ordinance.

C. The Exeter zoning board of review shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

1. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Exeter zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and

2. In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that the relief sought is reasonably necessary for the full enjoyment of the use to which the property will be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

D. An applicant may apply for, and be issued, a dimensional variance in conjunction with a special use.

E. Expiration. A variance granted by the zoning board under this section shall expire 18 months after the date of the ~~zoning board~~ approval unless the applicant obtains a building permit or otherwise exercises the permission granted. The zoning board of review may approve a single one year extension for a dimensional or use variance granted by it under this section provided the applicant submits a request for such extension to the clerk in writing prior to the original expiration date and pays the required administrative fee. The board may approve a timely submitted request for an extension by a majority vote.

3.C. General provisions: special use permits.

A. An application for the issuance of a special use permit may be made by an owner, as defined herein, by filing with the zoning board clerk an application describing the request and supported by such data and evidence as may be required by the Exeter zoning board of review. The zone use table in article II specifies the uses requiring special use permits in each district. Only such uses as specified in the table shall be eligible to receive a special use permit in each respective district.. The zoning board of review ~~or the planning board~~ shall conduct a public hearing on the application in a timely manner. The zoning board clerk shall immediately transmit each application received to the zoning inspector ~~board of review~~ and shall transmit a copy of each application to the planning board.

B. An applicant for a special use permit shall demonstrate to the satisfaction of the zoning board by presenting competent evidence that the proposed use or structure:

1. Will be environmentally compatible with the neighboring uses and will not adversely affect the surrounding residents' use and enjoyment of their property;

2. Will be constructed or established at a location in the zoning district where it will be consistent with the character and appearance of nearby uses.

3. Will be compatible with the orderly growth and development of the Town of Exeter, and will not harm the environment.

4. That the best practices and procedures to minimize the possibility of any adverse effects on neighboring property, the Town of Exeter, and the environment have been considered and will be employed where applicable including, but not limited to, considerations of soil erosion, water supply protection, stormwater runoff, wastewater disposal, wetland protection, traffic limitation, safety and circulation; and that if the evidence indicates potential for soil erosion or sedimentation, impact on water quality or quantity, inadequate stormwater management, inadequate wastewater disposal, or unsafe traffic or pedestrian circulation, measures will be taken to mitigate or prevent those potential harms.

C. An applicant may apply for, and be issued, a dimensional variance in conjunction with a special use.

D. Expiration. A special use permit granted by the zoning board under this section shall expire 18 months after the ~~zoning board~~ approval unless the applicant obtains a building permit or otherwise exercises the permission granted. The zoning board of review may approve a single one year extension for a special use permit granted under this section, provided the applicant submits a request for such extension to the clerk in writing prior to the original expiration date and pays the required administrative fee.

3.D. General provisions: special conditions.

In granting a variance or special use permit, or in making any determination upon which it is required to pass after a public hearing under the zoning ordinance, the Exeter zoning board of review may apply such special conditions that may, in the opinion of the board, be required to promote the intent and purposes of the Exeter comprehensive plan and the Exeter zoning ordinance. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Special conditions shall be based on competent credible evidence on the record and may include, but are not limited to, provisions for:

A. Minimizing adverse impact of the development upon other land, including the type, intensity, design, density and performance of activities;

B. Controlling the sequence of development, including when it must be commenced and completed;

C. Controlling the duration of use or development and the time within which any temporary structure must be removed;

D. Ensuring satisfactory installation and maintenance of required public improvements;

E. Designating the exact location and nature of development; and

F. Establishing detailed records by submission of drawings, maps, plats or specifications.

3.E. General provisions: Public hearings before the zoning board of review.

A. The zoning board shall conduct a public hearing on an application for a variance or special use permit in a timely manner. The zoning board of review shall conduct a public hearing on an appeal from a determination by the zoning inspector or administrative officer within sixty-five days of the date the appeal was filed. A competent stenographer shall take the minutes of each public hearing.

B. The zoning board of review shall give notice of each public hearing at least fourteen days before the date of the hearing in a newspaper that circulates in Exeter. The notice shall include the applicant's name and address and the street address and plat and lot number of the subject property, and shall describe the relief sought. The notice shall state the date, time, and location of the public hearing. <u>The cost of the newspaper notice shall be borne by the applicant.</u>

C. The clerk of the zoning board of review shall send notice by first class mail, postage prepaid, at least fourteen days before the date of the hearing, to the applicant and to:

(1) The owners of property within two hundred feet of the property that is the subject of the application.

(2) The town council of any town adjacent to Hopkinton, if the subject property is located within two hundred (200) ~~200~~ feet of the boundary of that town.

(3) Any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application.

The applicant shall pay the cost of the postage.

D. At least fourteen days before the date of the public hearing, the notice shall be posted in the town clerk's office, in one other municipal building, and on the home page of the Town's website.

E. Any party may appear in person or by agent or by attorney. Participation in a public hearing or other proceeding by a party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, a knowing violation of law.

3.F. General provisions: Decisions of the zoning board of review.

A. The zoning board of review shall render a decision on each application or appeal within fifteen days of the day the public hearing is closed. The written decision shall be posted immediately in the town clerk's office, in a location visible to the public. The date of posting shall be noted on the document. A decision granting a variance or special use permit also shall be recorded in the land evidence records.

B. The written decision shall include findings of fact, conclusions of law, and any conditions imposed. It shall include the names of the members present and absent, the names of members who participated in the public hearing, the names of the members who voted, and the vote of each voting member.

C. Within one day of the date the decision was posted, the zoning board of review clerk shall mail a copy of the written decision to the applicant and to any other party who participated in the public hearing and who provided the clerk with his or her name and address. The

decision shall be sent by any method that provides confirmation of receipt. The clerk also shall provide a copy of the written decision to the zoning inspector.

3.G. General provisions: creation of vested rights.

An application shall be vested for the purposes of this ordinance as follows:

A. Where planning board or zoning board approval is not required, an application is vested when the building official ~~certifies that the application (for a building permit) is complete~~ issues a building permit. The application is vested under the zoning ordinance and regulations in effect ~~at the time of certification, not the~~ on that date. ~~of the application.~~

B. Where only planning board approval is required for development, an application is vested on the date the administrative officer certifies as complete the application for the first formal stage of review. The application is vested under the zoning ordinance and regulations in effect on the date of certification. ~~not the date of the application~~.

C. Where only zoning board approval is required, an application is vested on the date the administrative officer or the zoning inspector determines that the application is complete. The applicant is vested under the zoning ordinance and regulations in effect ~~at the time of~~ on the date of certification. ~~not the date of the application.~~

D. If an applicant seeks to create vested rights under a newly adopted or amended ordinance or regulation, the applicant shall withdraw the previous submission and submit a new application, with all required supporting data, to the appropriate reviewing authority. The newly submitted application shall be vested according to this section.

~~G. Substantially complete defined. For the purposes of this section, "substantially complete" shall mean that any application shall have been deemed such by the local official designated to receive such applications, as specified elsewhere in this chapter, and that all required forms, plans, signatures, fees and supporting documentation and other required information has been received by the official designated to receive such applications. Failure to submit the required information in the proper form, as determined by the designated local official, shall render the submission null and void to any rights afforded through this section.~~

3.H. General provisions: publication and availability of the Exeter zoning ordinance.

A. Printed copies of the Exeter zoning ordinance and zoning map shall be available to the general public and shall be revised to include all amendments. A reasonable charge shall be made for copies to reflect printing and distribution costs.

B. Upon publication of the Exeter zoning ordinance and zoning map, and any amendments thereto, the Exeter town clerk shall send a copy, without charge, to the state law library.

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE I. – ADMINISTRATIVE PROCEDURES

Sec. 1.4. - Special provisions.

4.A. Special provisions: modification.

The zoning inspector shall be authorized to ~~grant~~ approve modifications of no more than 15% for dimensional requirements applicable to front, side, and rear yards. The table below shows the dimensional regulations and the maximum modification allowed.

	LB/R	RE-2	RU-3	RU-4	CR-5	B	LI	OS/PL	Maximum modification
Front yard	100 ft	60 ft	100 ft	100 ft	150 ft	10 ft	200 ft	200 ft	15%
Side yard	30 ft	30 ft	60 ft	80 ft	100 ft	30 ft	50 ft	50 ft	15%
Rear yard	75 ft	50 ft	50 ft	50 ft	150 ft	75 ft	100 ft	150 ft	15%

B. Within ten days of receipt of a request for a modification, the zoning inspector shall make a decision as to the suitability of the requested modification based on the following determinations ~~approve the modification if he or she finds that the following criteria are satisfied~~:

1. The modification requested is reasonably necessary for the full enjoyment of the ~~a~~ permitted use;

2. If t~~T~~he modification is granted, neighboring property will not be substantially injured or substantially impaired ~~the appropriate use of neighboring property~~;

3. The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations; and

4. The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.

If the modification is 5% or less, the zoning inspection has the authority to grant a permit for the modification without public notification. If the modification is more than 5%, notice of the modification request shall be published in a newspaper that circulates in Exeter and shall be sent by first class mail to the owners of property abutting the property that is the subject of the modification request. The notice, which shall include the street address of the property, shall state that the modification will be granted unless written objection is received within 14 days. If an objection is received, the modification request shall be submitted to the zoning board of review as a request for a dimensional variance. If no objection is received, the zoning inspector shall issue a modification permit. The zoning inspector may apply any special conditions to the permit that are necessary to ensure that the modification complies with the intent and purposes of the zoning ordinance. The zoning inspector shall keep a record of all requests for modifications, determinations, objections received, and special conditions applied to any modification permit. The cost of any notice required shall be borne by the applicant.

4.B. Special provisions: land development projects.

A. Land development projects which are projects in which one or more lots, tracts or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units or structures including, but not limited to, planned development for residential, commercial, institutional, industrial, recreational, open space and/or mixed uses as may be provided for in the zoning ordinance.

B. All open land provided by land development projects for public or common use, shall either (1) be conveyed to the town and accepted by it for park, open space, agricultural or other specified use or uses, or (2) be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or (3) be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the development, or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units; or (4) remain in private (non-common) ownership if the use is limited to agriculture, habitat or forestry, and, in accordance with the comprehensive plan and zoning ordinance, that private ownership is necessary for the preservation and management of the agriculture, habitat or forest resources. In any case, where the land is not conveyed to the town, a restriction or conservation easement enforceable by the town shall be recorded, providing that the land shall be kept in the authorized conditions(s) and not be built upon or developed for accessory uses such as parking or roadway without prior town approval.

   The planning board may limit or restrict the amount of open space that may remain in private ownership where necessary to contribute to a connecting greenway system or to provide public access to open space, as provided in the comprehensive plan.

C. <u>The Planning Board shall include in its regulations reasonable provisions for the lot density to be increased and the dimensional standards to be intensified where open space is to be permanently set aside for public or common use, the physical characteristics, location, or size of the site require an adjustment, housing for low- and moderate-income families is to be provided, or amenities, as specified in the Exeter Comprehensive Plan, not ordinarily required are provided.</u>

<u>D.</u> Rural residential compounds.

1. *Objectives and applicability*. The objective of the rural residential compound is to provide for flexibility of design for residential development and to allow a better relationship between residential development and the natural, historic and rural characteristics of the land. Lots may contain less than the frontage and provide flexibility in the front, side, and rear yard setback requirements as prescribed by this ordinance for the underlying district provided that the requirements of this section are met. See section 2.4.3.

2. *Purpose and review process*.

a) Residential compounds are intended to preserve the rural character of the town by permitting low-density residential development on large parcels of land while relieving the applicant from compliance with the design and improvement standards applicable to conventional land development and subdivisions.

b) ~~Residential compounds~~ Residential compounds require planning board approval as land development projects.

3. *Permitted uses*. The permitted uses applicable to residential compounds shall be only those residential uses listed as permitted in the applicable zoning district in which the residential compound is located, as set forth in section 2.4 of the zoning ordinance.

4. *Density calculation and dimensional regulations*.

a) The maximum number of building lots allowable in a residential compound shall not exceed one lot per ten acres of land, and no fewer than two building lots.

b) The planning board may allow flexible lot width or frontage requirements for lots within a rural residential compound, provided however, that no building lots shall be reduced in area to less than one acre. The planning board may reduce those areas or portions of lots within the minimum prescribed front-rear-side yard setbacks, known as building envelopes, to designate an appropriate area for the siting of a house.

Editor's note— Subsection 1.4.C.4.b) was amended in 2004 by the conservation development ordinance.

5. *General requirements*.

a) A parcel proposed for development as a residential compound shall have frontage on a town-accepted street. Such frontage shall be a minimum of 50 contiguous feet.

b) Each proposed lot must contain a minimum of one acre of land exclusive of land unsuitable for development as defined in section 1.2 herein.

c) No lot, which has been reduced in size or acreage after the adoption of this ordinance, shall be developed as a rural residential compound. No lot or parcel that has been developed as a residential compound shall be further subdivided or reduced in size. This provision shall not prevent the development in incremental stages of a parcel as a residential compound as long as each component lot shall not be changed after having received final approval from the planning board.

6. Open space.

At least 50 percent of the total land area of the parcel proposed for development shall be designated as permanent open space in accordance with the provisions of the town land development and subdivision regulations. To the extent possible, the proposed open space shall be contiguous. Any land within a rural residential compound not designated as a building lot shall be protected against future development and environmental damage in

perpetuity by conveying to the town or other appropriate legal entity, an open space conservation easement restricting the future use and alteration of the area as provided below.

Ownership of the open space shall be set forth in one or more of the following ways subject to planning board approval and authorization:

- Conveyance to the town for specific open space or recreational purposes provided the need for such is documented in the comprehensive plan;

- Conveyance to an appropriate nonprofit legal entity, the principal purpose of which is the conservation of natural resources and open space;

- Conveyance to a corporation or trust owned or to be owned by the owner(s) of one or more of the lots within the development. There are two options for the ownership of the open space.

    Option 1: Each owner will have an undivided interest in and to those open space lots and ownership shall pass with conveyances of the lots or units.

    Option 2: One landowner may own all the permanent preserved open space for agricultural or other town accepted uses.

1) The open space lot created shall be protected against future development and unauthorized alterations in perpetuity by appropriate deed restrictions and conservation easements. In any case where the land is not conveyed to the town, a restriction enforceable by the town shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway. The planning board shall approve the form and content of any such restrictions and easements at the time of final approval of the residential compound.

2) Any buildings, structures, parking areas or impervious improvements associated with open space use may be located on the open space lot, or lots, provided however, that any structure is within keeping the lot, or lots, as part of the open space. The planning board shall approve the facility and location of all such facilities and their design in terms of massing, scale and materials.

3) The owner(s) of the open space lot, or lots, shall guarantee perpetual maintenance by appropriate deed restrictions and easements and the planning board shall approve the form and content of any such restrictions at the time of final approval of the subdivision. The restrictions shall contain the following provisions:

    If the building lot owners and/or their open space lot owners, and/or their successors or assigns fail to maintain the open space lot, or lots, the Town of Exeter may, at its option and its sole discretion, perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action of law or in equity against the building lot owners and/or their open space lot owners or their successors or assigns.

4) Any rural residential compound approved under this regulation shall be exempt from the subdivision land dedication requirements for open space and/or a fee in lieu of open space.

7. *Design and improvement standards*.

a) Private roads and drainage improvements within the parcel to be developed as a residential compound shall be privately owned and maintained in common by the residents of the residential compound. At the time of final approval, the planning board shall approve the form and content of the following legal document to be recorded contemporaneously with the final plat:

1) A covenant by the owner of the parcel, binding on his successors and assigns, that the town shall not be asked or required to accept or maintain the private roads within the parcel that do not meet the engineering and design requirements for town-accepted roads, for a minimum of 99 years from the date of recording; or, if only a lesser period is legally enforceable, for that period with as may automatic renewals as are necessary to total 99 years. Such restrictions shall state that all expenses for improvements to private roads to meet town requirements including a town road, shall be born by the owners of the property, including such improvements which may be deemed necessary for public use should the property owners wish a private roadway be made a town-accepted road.

2) A document or documents establishing the method of ownership and providing for the maintenance of the private roads and drainage improvements.

b) Private roads and appropriate drainage facilities within a residential compound shall be designed, constructed and inspected in compliance with the town land development and subdivision regulations as specified for residential compounds. The planning board shall have the authority to require additional improvements in order to protect the public health, safety, and welfare, if warranted by the characteristics of the land, or if the private road will be used by persons other than the residents of the compound.

c) If the planning board determines that an existing private road, which is proposed to be used as access from the compound to a town-accepted road, is not adequate for public health, safety and welfare purposes, the planning board shall have the authority to require improvements to the private road, provided that the applicant shall demonstrate to the boards satisfaction that he/she has legal authority to construct such improvements. Such improvements may include improved pavement surface, increased pavement width, increase in depth below finished grade for removal of boulders or ledge, improvements in the grade of ascent or descent, surface water run-off control, natural water flow protection or drainage improvements. Any such professional engineer and such plan shall be included in the submission requirements for final plan approval and recorded with the endorsed plat. No final approved plat shall be endorsed or recorded and building permits issued for any property in rural residential compounds until such required improvements are completed.

d) Private roads, drainage, and other improvements within a residential compound may be bonded pursuant to the town land development and subdivision regulations.

8. *Approval process*. The planning board shall review residential compounds as land development projects, as provided in section 5.2 of the land development and subdivision regulations. Approval of a rural residential compound shall be granted only upon the planning board's determination that the plan preserves open space; utilizes the natural features of the land, allows for more efficient provision of access, provides for stability and appropriate long term safety and capacity of the road system including both internal and external roads of the residential compound, be they private roads, shared driveways, public ways, or town-accepted roads; and preserves the aquifer overlay district and the rural character of the land.

   Rural residential compounds are to be allowed by the planning board only when a subdivider can demonstrate to the board that such development would be a better use of the land than a conventional subdivision and is in the best interests of the residents of the town. To this end, the planning board may require the subdivider to provide an alternate plan or plans for developing the land as a conventional subdivision.

   The final plan approved by the planning board and recorded in the land evidence records of the town shall contain the following statement: "These premises are subject to the restrictions and conditions that are contained in instruments recorded contemporaneously with this plan and are incorporated herein by reference."

   * * *

4.C. Special provisions: preapplication conference.

A preapplication conference shall be held at the request of the zoning inspector ~~,~~ or the applicant to:

A. Acquaint the applicant with the Exeter comprehensive plan and any specific plans that apply to the parcel, as well as the zoning and other ordinances that affect the proposed development;

B. Suggest improvements to the proposed design on the basis of a review of the sketch plan;

C. Advise the applicant to consult appropriate authorities on the character and placement of public utility services; and

D. Help the applicant to understand the steps to be taken to receive approval.

4.D. Comprehensive permit for low or moderate income housing.

1. Authority to grant a comprehensive permit. In accordance with Title 45, Chapter 53 of the R.I. General Laws, the R.I. Low and Moderate Income Housing Act, as amended (the Act), the planning board has been designated as the local review board and shall have the

authority to issue a comprehensive permit to build a qualifying low or moderate income housing project.

2. Definitions. The following words, wherever used in this section, unless a different meaning clearly appears from the context, have the following meanings:

(1) Adjustment means a request by the applicant to seek relief from the use and dimensional requirements of the zoning ordinance or the design standards and requirements of the land development and subdivision regulations. The standard for the planning board's consideration of adjustments is in R.I. Gen. Laws § 45-53-9 4(D)(2)(iii)(E)(II).

(2) Comprehensive plan means ~~a~~ the comprehensive plan adopted and approved by the Town of Exeter pursuant to Title 45, Chapters 22.2 and 22.3 of the R.I. General Laws.

(3) Consistent with local needs means reasonable in view of the state need for low and moderate income housing, considered with the number of low income persons in Exeter affected and the need to protect the health and safety of the occupants of the proposed housing or of the residents of Exeter, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if the Exeter zoning ordinance and the Exeter land development and subdivision regulations are applied as equally as possible to both subsidized and unsubsidized housing. Local zoning and land use ordinances, requirements, or regulations are consistent with local needs when imposed by a city or town council after comprehensive hearing in a city or town where:

(a) Low or moderate income housing exists that is:

(i) In the case of an urban city or town which has at least 5,000 occupied year-round rental units and the units, as reported in the latest decennial census of the city or town, comprise 25 percent or more of the year-round housing units, is in excess of 15 percent of the total occupied year-round rental units; or

(ii) In the case of all other cities or towns, is in excess of ten percent of the year-round housing units reported in the census.

(b) The city or town has promulgated zoning or land use ordinances, requirements, and regulations to implement a comprehensive plan that has been adopted and approved pursuant to Title 45, Chapters 22.2 and 22.3 of the R.I. General Laws, and the housing element of the comprehensive plan provides for low and moderate income housing in excess of either ten percent of the year-round housing units or fifteen percent of the occupied year-round rental housing units.

(c) Multi-family rental units built under a comprehensive permit may be calculated towards meeting the requirements of a municipality's low or moderate income housing inventory, as long as the units meet and are in compliance with the provisions of R.I. Gen. Laws § 45-53-3.1.

(4) Infeasible means any condition brought about by any single factor or combination of factors, as a result of limitations imposed on the development by conditions attached to the approval of the comprehensive permit, to the extent that it makes it financially or logistically impracticable for an applicant to proceed in building or operating low or moderate income housing within the limitations set by the subsidizing agency of government or the planning board, on the size or character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially changing the rent levels and unit sizes proposed by the applicant.

(5) Low or moderate income housing means any housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of housing affordable that will remain affordable through a land lease and/or deed restriction for 99 years from initial occupancy. Low or moderate income housing is synonymous with affordable housing.

(6) Affordable housing plan means the component of the housing element of the Exeter comprehensive plan to meet housing needs, prepared in accordance with guidelines adopted by the state planning council and meeting the provisions of R.I. Gen. Laws § 45-53-4(b)(1) and (c).

(7) Approved affordable housing plan means an affordable housing plan that has been approved by the director of administration as meeting the guidelines for the local comprehensive plan as promulgated by the state planning council; provided, however, that state review and approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town having completed, adopted, or amended its comprehensive plan as provided for in R.I. Gen. Laws §§ 45-22.2-8, 45-22.2-9, or 45-22.2-12.

(8) Letter of eligibility means a letter issued by the Rhode Island Housing and Mortgage Finance Corporation in accordance with R.I. Gen. Laws § 42-55-5.3(a).

(9) Local review board means the planning board.

(10) Meeting local housing needs means as a result of the adoption of the implementation program of an approved affordable housing plan, T~~t~~he absence of unreasonable denial of applications that are made pursuant to an approved affordable housing plan in order to accomplish the purposes and expectations of the approved affordable housing plan, and a showing that at least twenty percent of the total residential units approved by a local review board in a calendar year are for low and moderate-income housing as defined in R.I. Gen. Laws § 42-28 128-8.1.

(11) Monitoring agents means those monitoring agents appointed by the Rhode Island Housing Resources Commission pursuant to R.I. Gen. Laws § 45-53-3.2 to provide the monitoring and oversight set forth in R.I. Gen. Laws §§ 45-53-3.2 and 45-53-4.

(12) Municipal government subsidy means assistance that is made available by the Town of Exeter sufficient to make housing affordable. Such assistance may include, but is not

limited to, direct financial support, abatement of taxes, waiver of fees and charges, and approval of density and other adjustments, and any combination of forms of assistance.

3. Application procedure. An applicant proposing to build low or moderate income housing may submit to the planning board a single application for a comprehensive permit to build that housing in lieu of separate applications to the applicable local boards. This procedure is only available for proposals in which at least 25 percent of the dwelling units will be low or moderate income housing, and in which at least 50 percent of the units of those units are restricted to households with an income at or below 80 percent of the area median income. The application and review process for a comprehensive permit shall be as follows:

   (a) *Fees and costs*. Application fees shall be the same as the application fees listed in the land development and subdivision regulations for a major land development project. The applicant shall be responsible for the advertising and postage costs for public hearing notice. The applicant shall be responsible for project review fees as provided in the land development and subdivision regulations.

   (b) *Preapplication conference*. The applicant shall request a preapplication conference with the planning board. The applicant shall be required to submit only the following information:

      (i) An application form for preapplication review;

      (ii) A brief written description of the project that includes the number of dwelling units, type of housing, a density analysis, and a preliminary list of adjustments needed;

      (iii) A location map;

      (iv) A conceptual site plan.

      The applicant may also submit and any other material that will help the planning board understand the proposed project. No certification of completeness is required. The administrative officer shall schedule the pre-application conference upon submission of the required material. If the pre-application conference does not take place within thirty days of the date the application is submitted, the applicant may submit an application for preliminary plan review.

   (c) *Preliminary plan application*. The applicant shall submit the following material for preliminary plan review:

      (i) A completed comprehensive permit application form.

      (ii) A letter of eligibility issued by the R. I. Housing and Mortgage Finance Corporation, or in the case of projects primarily funded by the U.S. Department of Housing and Urban Development or other state or federal agency, an award letter indicating the subsidy.

(iii) A proposed timetable for the commencement of construction and completion of the project.

(iv) The preliminary plan checklist for a ~~major~~ land development project in the land development and subdivision regulations and all the items required by the checklist except state or federal permits.

(d) *Certification.* The administrative officer shall certify the application as complete or incomplete within twenty-five days of submission. If the application is incomplete, the administrative officer shall inform the applicant of the specific information that is missing. The running of the time period for certification shall stop when an application is incomplete. The administrative officer shall have at least ten days to certify a revised application as complete.

The administrative officer shall schedule a public hearing on the application as soon as practicable after issuing the certification of completeness. The notice requirements for ~~a public hearing on~~ a major land development project shall apply. A competent stenographer shall take the minutes of each public hearing.

Notwithstanding the submission requirements above, the planning board may request additional, reasonable documentation during the public hearing, including but not limited to opinions of experts, credible evidence that applications have been filed for necessary federal or state permits, or recommendations from other boards, commissions, or officials.

4. *Mandatory adjustments*. The planning board shall approve adjustments to the requirements of the zoning ordinance, land development and subdivision regulations, and other municipal ordinances and regulations to offse~~n~~t the cost of constructing the low and moderate income dwelling units. The following adjustments are mandatory:

(a) If the applicant can demonstrate to the planning board that the R. I. department of environmental management will approve the required on-site wastewater treatment systems, and that Town water is available to the site or that on-site wells will provide the water adequate to serve the proposed dwelling units, the provisions of the zoning ordinance concerning residential density shall be adjusted as follows:

(i) In developments in which twenty-five percent of the dwelling units will be low or moderate income, the minimum residential density is three dwelling units per acre.

(ii) In development in which fifty percent of the dwelling units will be low or moderate income, the minimum residential density is five dwelling units per acre.

(iii) In developments in which one hundred percent of the dwelling units will be low or moderate income, the minimum residential density is eight dwelling units per acre.

(b) No more than one off-street parking space shall be required for a dwelling unit with one or two bedrooms.

(c) An applicant shall not be required to reduce the number of bedrooms in any dwelling unit to fewer than three.

(d) An applicant shall not be required to reduce the area of any room in a dwelling unit below the requirements of the R. I. building code or the R. I. housing maintenance and occupancy code.

5. *Preliminary plan approval*.

(a) The planning board shall approve or deny the application within ninety days of the day the preliminary plan submission was certified as complete, unless the applicant consents in writing to an extension of time. If a timely decision is not made, the application will be considered approved and the administrative officer shall issue a preliminary plan approval at the request of the applicant.

(b) To approve a comprehensive permit application, the planning board must find that the application satisfies the requirements below. The planning board must include in its decision findings of fact based on legally competent evidence in the record. The decision must specify the evidence on which each finding is based.

(i) The proposed development is consistent with local needs as identified in the comprehensive community plan, or, if inconsistent, the inconsistencies have been satisfactorily addressed. In particular, the proposed development is consistent with Exeter's affordable housing plan.

(ii) The development complies with the zoning ordinance and land development and subdivision regulations, or, if adjustments have been granted from the provisions of the ordinance or regulations, the need for low or moderate income housing outweighs the impact of the adjustments.

(iii) The low and moderate income dwelling units will be integrated throughout the development, will be similar in scale and architectural style to the market rate units, and will be built and occupied before or at the same time as the market rate units.

(iv) The development as approved will not have any significant negative effects on the health and safety of current or future residents of Exeter in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of Exeter.

(v) All of the buildings in the development will have adequate and permanent physical access to a public street.

(vi) None of the building lots will have physical constraints to development that would make construction on those lots impracticable.

(c) The planning board has the same authority to issue permits or approvals as any town board or official who would otherwise act with respect to the application,

including, but not limited to, the authority to impose conditions on the approval, and the authority, consistent with the terms of the Act, to determine building height, size or shape; the site plan; and the building materials. If the planning board proposes conditions to be placed on the approval that the applicant believes would make the development infeasible, the planning board shall give the applicant a reasonable period of time to respond to the proposed conditions before the planning board votes to impose the conditions. The burden is on the applicant to show that the conditions would make the development infeasible.

(d) If Exeter has an approved affordable housing plan and is meeting local needs, the planning board shall:

(i) Limit the annual total number of dwelling units in comprehensive permit applications from for-profit developers to an aggregate of one percent of the total number of year-round housing units in Exeter, as recognized in the affordable housing plan.

(ii) Have the authority to consider comprehensive permit applications from for-profit developers sequentially in the order in which they are submitted.

(e) A majority vote of the planning board members present is necessary for approval.

(f) The planning board's written preliminary plan decision shall be recorded in the land evidence records within twenty days of the day the planning board votes. Within one day of recording, a copy of the decision shall be mailed, by any method that provides confirmation of receipt, to the applicant and to any other person who has made a written request to receive it.

(g) The approved Preliminary Plan expires two years after the date of approval. The applicant may request two one-year extensions, and must appear before the planning board to request each one-year extension. Requests for extensions must be in writing. The provisions of the applicable ordinances and regulations in effect at the time of preliminary plan approval are vested until the preliminary plan expires.

(h) The planning board may deny approval of the application for any of the following reasons:

(i) Exeter has an approved affordable housing plan, has made significant progress in implementing the approved affordable housing plan, is meeting local housing needs, and the proposed development is inconsistent with the approved affordable housing plan.

(ii) The proposed development is not consistent with local needs, including but not limited to the needs identified in the approved comprehensive plan or the zoning ordinance.

(iii) The proposed development is not in conformance with the comprehensive plan.

(iv) Exeter has plans to make ten percent of the total occupied year-round housing low or moderate income housing, and has achieved that goal or has made significant progress toward meeting that goal.

(v) The proposed development may negatively impact the environment and the health and safety of current Exeter residents and the applicant has not adequately addressed those concerns.

6. *Final plan approval*.

(a) Final plan approval is administrative; provided, however, that the applicant may be required to return to the planning board for final plan approval if the planning board has waived submission at preliminary plan review of any required information, if the application does not satisfy conditions of the preliminary plan approval; if the application does not include all the required material; or the applicant has proposed a major change to the approved preliminary plan. A public hearing is required for approval of a major change to an approved preliminary plan. The applicant shall submit the following material to the administrative officer for final plan approval:

(i) All required state and federal permits; provided, however, that the administrative officer shall have the authority to require submission of state and federal permits before the first building permit is issued rather than at final plan submission.

(ii) A draft agreement with a monitoring agent appointed by the R. I. Housing Resources Commission that will ensure that each low or moderate income dwelling unit is sold, leased, owned or occupied in compliance with the recorded affordability restrictions.

(iii) A draft land lease or deed restriction with affordability liens that restricts the use of the property to low or moderate income housing in conformance with R.I. housing and mortgage finance corporation guidelines for at least 99 years.

(iv) The Final Plan checklist for ~~major~~ land development projects in the land development and subdivision regulations and all the items required by the checklist.

(v) Arrangements for completion of the required public improvements, including financial guarantees.

(vi) Certification by the tax collector that all property taxes are current.

(b) The administrative officer shall certify the application as complete or incomplete within twenty-five days of submission. If the application is incomplete, the administrative officer shall inform the applicant of the specific information that is missing. The running of the time period for certification shall stop when an application is incomplete. The administrative officer shall have at least ten days to certify a revised application as complete.

(c) The administrative officer shall approve the final plan within forty-five days of the date it was certified as complete unless the applicant is required to return to the planning board for final approval. The administrative officer shall have the authority to approve minor changes in the approved preliminary plan.

(d) If a timely decision is not rendered, the application will be considered approved and the administrative officer shall issue a final plan approval at the request of the applicant.

(e) The approved final plan expires two years after the date of approval. The applicant may request a one-year extension, and must appear before the planning board to request the extension. The planning board may approve further extensions for good cause. Requests for extensions must be in writing. The provisions of the applicable ordinances and regulations in effect at the time of Final Plan approval are vested until the final plan expires.

7. *Appeal*.

(a) The applicant or any person aggrieved by the decision of the planning board may appeal to the Washington County Superior Court within twenty days of the date the board's written decision was recorded in the land evidence records pursuant to R.I. Gen. Laws § 45-53-5.1.

(b) If the Superior Court remands the application to the planning board, the board shall hear the remanded application within thirty days of the day it was received.

4.E. Special provisions: Greenhouse Tier II and Greenhouse Tier III /CEA Facility

1. *Purpose*. The purposes of this section are:

A. To support farmland preservation that provides community benefits from a vibrant farm sector balanced with protection of the open agricultural landscape that is a character trait of this rural community;

B. Preserve the agricultural history and economic benefits of commercial agriculture in the Town of Exeter;

C. Support the merging of modern technology with traditional agricultural operations;

D. Provide greater design flexibility in addressing evolving agricultural practices in a balanced way within the community;

E. Promote agricultural practices that reduce soil erosion, improve water quality, and increase farmland productivity;

F. Protect areas of the town with productive agricultural soils for continued or future agricultural use by retaining prime agricultural soils and allowing for efficient farm operations;

G. To create adaptable provisions that promote greenhouse agricultural in equilibrium with the environment and surrounding community and:

H. Provide eligibility criteria that ensures adequate, safe, and permanent physical access to public streets with a suitable functional classification to service the traffic volume and speeds associated with the intensity of land use proposed.

I. Implement performance standards that mitigate light pollution, protect area land uses, groundwater aquifers and their recharge areas, surface water bodies, wetlands, reduce soil erosion, mitigate storm water drainage and safeguard similar environmentally important resources as set forth in the comprehensive plan.

2. *Prohibitions*. Tier II and Tier III/CEA Facility Greenhouses. The following are strictly prohibited:

A. On site, uncovered stockpiling of greenhouse waste.

B. Growing or processing of cannabis.

C. Anaerobic Digester Biogas Power Plants.

3. *Review Procedure.* Tier II Greenhouse - Shall be subject to the following review and approval by the Planning Board:

A. Minor land development - The overall design shall meet or <u>be below</u> ~~exceed~~ the criteria and standards established in the land development and subdivision regulations for a minor land development plan.

B. "Light Pollution Mitigation Plan" - The applicant shall present a "Light Pollution Mitigation Plan" that provides blackout curtains or darkening screens for both the roof of the greenhouse and the sides or due to cost alternative options such as limiting lighting before daylight and hours after dark (as needed seasonally) may be considered.

4. *Eligibility.* Tier III/CEA Facility Greenhouse - The subject proposal must conform with ALL of the following;

A. The entirety of the facility shall be located on a single lot of record, or are required to submit an administrative subdivision to merge lots when multiple parcels are proposed; and

B. The entirety of the facility shall be located within an RU-3 zoning district: and

C. The property shall have access and egress and contain the minimum improved frontage on at least ONE of the following State arterial roadways:

i) R.I. Route 2

ii) R.I. Route 102

iii) R.I. Route 3; and

D. The subject parcel must have a minimum lot size of no less than 40 acres; and

E. Will not result in removing more than twenty (20) percent an existing tree canopy of I0 inch diameter trees (IO-inch diameter tree measured four and one-half feet above the downhill ground level with the exception for the removal of trees which are dead, dying or diseased, or trees which have suffered damage, or any tree whose angle of growth makes them a hazard to structures, roads, or human life.); and

F. Has been in agricultural use and production for the last five (5) consecutive years as verified by the filing of a SCHEDULE F (Form 1040) tax filings "Profit or Loss from Farming" Department of the Treasury Internal Revenue Service.

5. *Review procedure*. Tier III/CEA Facility Greenhouses - Shall be subject to the following review and approval by the Planning Board:

   A. Major land development - The overall design shall meet or exceed the criteria and standards established in the land development and subdivision regulations for a major land development plan.

   B. "Enhanced Development Standards" - shall comply with specific enhanced development standards contained in Exeter Rhode Island Code of Ordinances APPENDIX A - ZONING ARTICLE I. - ADMINISTRATION PROCEDURES 1.4.1 (5-8) Special provisions; Greenhouse Tier II and Greenhouse Tier III /CEA Facility.

6. *Project review fees*. Tier III/CEA Facility Greenhouses - A project review fee shall apply to review by outside consultants due to the project's size, scale or expertise needed to address the project's potential impacts and/or because the Town lacks the necessary staff with expertise to perform the review work related to the proposal. The fee shall be equal to the actual cost to the Town for such consultant. In hiring outside consultants, the Town may engage engineers, hydrologists, lighting engineers, landscape architects, architects, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, and regulations. Such assistance may include, but shall not be limited to, conducting a peer review, analyzing an application, design review of applications to determine consistency with the purposes and design/dimensional standards contained within Exeter Rhode Island Code of Ordinances APPENDIX A - ZONING ARTICLE I. ADMINISTRATION PROCEDURES 1.4.1 "Special provisions"; "Greenhouse Tier II and Greenhouse Tier III /CEA Facility. Project Review Fees are to be funded by the applicant separately from, and in addition to, fees imposed by the Town for application and inspection.

7. *Minimum design standards.* Tier III/CEA Facility Greenhouse - The application shall conform with ALL of the following design criteria:

   A. The greenhouse structure shall allow the existing soils to remain in place during operation of the greenhouse or stored onsite; and

   B. The greenhouse shall be considered the primary use of the property; and

C. The facility must eliminate 99 percent (99%) of supplementary grow lighting through the use of wall and ceiling light abatement curtains or other mitigation measures such that less than one percent (I%) of interior lighting within the facility shall be visible from the boundaries of the property. All exterior lighting fixtures shall have the International Dark-Sky Association (IDA) Fixture Seal of Approval;

D. The site must be designed to setback the building, parking lot and off street loading a minimum of 150 feet from front property line and preserve the front yard as open field or agriculture; and

E. Locate and/or orient all buildings, structures, including but not limited to, loading, packing, water storage, power systems, chillers, CO2 systems, ventilation fans and waste disposal containers to maximize the separation distance to abutting residential uses and sensitive natural ecosystems.

8. *Dimensional standards.* Tier III/CEA Facility Greenhouse - The application shall conform with ALL of the following:

A. Shall not exceed 25 acres under cover excluding the floor area dedicated to mechanical or electrical equipment, packaging area, and supporting facilities dedicated to shipping and receiving except that this area shall not exceed ten percent (10%) of the total square footage of the greenhouse; and

B. Off-street parking and loading should be designed to accommodate the maximum expected number of workers per shift the overall parking loading layout subject to Planning Board approval.

C. The design shall comply with dimensional requirements of the ordinance with eligible exemption to the maximum percentage of lot coverage in Zoning District RU-3 as provided within the Town of Exeter Code of Ordinances Appendix A, ZONING, ARTICLE XIII. - entitled MAXIMUM LOT COVERAGE OF ALL BUILDINGS.

D. The height of a CEA shall not exceed 35 feet.

E. All structures and impervious parking lots and off-street loading must be setback a minimum of 150 feet from front property line.

F. The overall design shall meet or exceed the criteria and standards established in ~~the~~ subsection 9. of this section, below, as determined by the Planning Board.

9. *Enhanced development standards.* Tier Ill/CEA Facility Greenhouse - The application shall conform with ALL of the following design criteria:

A. *Project viability* - The applicant shall provide a narrative that demonstrates the project is following the eligibility, design and dimensional requirements contained within the zoning ordinance and is in overall compliance with the Comprehensive Plan. The narrative shall substantiate that adequate services are available to the property and describe employment and occupancy of the facility as well as explain the general greenhouse operation of the facility, hours of operations and horticulture practices to be engaged, and if necessary, information regarding the financial stability of the

applicant/corporation/business demonstrating that they retain sufficient resources to develop, operate and if needed, dismantle the facility.

B. *Groundwater* – The applicant shall provide a groundwater impact assessment from a qualified professional (subject to peer review) verifying that the design proposed will not adversely impact the quality and quantity of the surrounding groundwater resources and wells located within a 200-foot radius of the subject property.

C. *Water recycling plan* – The applicant shall prepare a water recycling plan describing how the facility plans to capture and recycle water and how the applicant plans to use well water as a source of potable water and/or irrigation. The plan must detail the impact of I 00% water recycling from the rooftop on groundwater recharge and if I00 percent recycling is not possible how the waste fertilizer solution or leachate will be managed so as not to adversely impact area water quality both surface and groundwater. The applicant must specifically verify that the water recycling plan is compliant with the Rhode Island Department of Environmental Management regulations as well as pertinent state and federal laws. (Subject to peer review).

D. *Light pollution* – The applicant shall provide a photometric light study from a qualified professional (subject to peer review) verifying the design proposed will eliminate 99 percent of supplementary grow lighting through the use of wall and ceiling light abatement curtains or other mitigation measures. The photometric light study shall also v alidate that the lighting design both interior and exterior of the building (s), parking lot(s), and loading docks do not result in skyglow, (brightening of the night sky in the rural community), light trespass (light falling on neighboring properties), glare (excessive brightness), light clutter (bright, confusing, and excessive groupings of light sources).

E. *Traffic impact study (TIS)* – The applicant shall complete a traffic impact study (subject to peer review) for the proposed access and egress plan for all proposed driveways and walkways to demonstrate no negative impact to traffic and safe access to the subject property. Should the study conclude that street upgrades are necessary, the applicant shall be responsible for any necessary road upgrades.

F *Public safety* – The applicant shall submit a complete fire safety/compliance plan(s) sent to the Fire Marshal and Fire Chiefs and fund, if necessary, a project peer review that provides review by outside compliance experts in building and fire safety criteria. This information will be used by the Fire Marshal and Fire Chiefs to prepare a report to the Planning Board as to their recommendations.

G. *Support structures/power generation* – The applicant shall be required to submit a plan that locates all supporting buildings, structures, including but not limited to specifying the type and location of full and stand-by power systems, types of power systems and their location, power equipment, loading, packing, water storage, chillers, CO2 systems, ventilation fans and waste disposal.

H. *Noise/odor* – The applicant shall be required to submit a noise study that evaluates noise impact at the abutting property line for which there are residential land uses. Measured noise impacts shall include operations, idling trucks, loading, power systems, chillers, CO2 systems and ventilation fans. Said noise events shall be 24-hour day and

night A- weighed noise exposure level assigning a I0db increase for night time events. (subject to peer review). The applicant shall provide a plan to minimize odors from non-farming activities and establish a reporting tool to help identify concerns

I. *Waste management plan* -The applicant shall be required to submit a detailed waste management plan which includes how waste from the greenhouse facility is to be removed (including but not limited to vines and vegetables) as stockpiling of greenhouse waste uncovered shall be prohibited. The plan shall depict the location of all waste receptacles and composting facilities.

J. *Operations and maintenance plan*- The applicant shall provide general information about the facility, the processes, control devices and any pollutants controlled by devices along with monitoring frequency and instrumentation information about the maintenance procedures to be performed.

4.E. Special provisions: Unified development review

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

2. An applicant for subdivision ~~development plan~~ approval or land development project approval may request unified development review by submitting an application form for zoning relief with the application ~~for development approval~~. The procedure for review and approval under unified development review is contained in the land development and subdivision regulations.

3. When considering an application for zoning relief, the planning board is bound by the same legal requirements and the same criteria for relief that would apply to the zoning board of review's consideration of applications. The planning board shall conduct a public hearing, shall take testimony under oath, and shall make findings of fact and conclusions of law. The planning board's decision on the zoning relief shall be conditional on its approval of the subdivision or land development project.

4. An appeal from a decision by the planning board on a variance or special use permit may be taken pursuant to R.I. Gen. Laws § 45-23-71.

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE II. - ZONING DISTRICT USE REGULATIONS

Draft Number	Revisions date	Notes
1	January 16, 2024	First draft
2	February 6, 2024	Added additional uses
3	February 26, 2024	Added additional uses; note 16
4	March 12, 2024	Added remainder of Article II
5	June 13, 2024	Removed list of prohibited uses; added subdistricts; added additional uses
6	June 26, 2024	Added first row of use table to the top of each use table page
7a (not incorporated)	July 8, 2024	Added additional uses
7b	July 22, 2024	Added cross-references to use table

Sec. 2.1. - Zoning districts.

The districts, their abbreviations and common names as used herein shall be designated as follows:

2.1.1. Residential district and subdistrict, RE-2. The purpose of the RE-2 zone is to provide adequate land suitable for residential development. More importantly, the density permitted in this ~~[RE-2]~~ district would maintain an adequate water supply and suitable soil for individual septic disposal systems.

2.1.2. Rural district, RU-3. The purpose of the RE-3 zone is to provide adequate land suitable for low density residential rural development blended with forestry, farming and recreational activities.

2.1.3. Rural district, RU-4. The purpose of the RU-4 zone is to protect land now used for forestry, farming and related activities and the natural habitat and wildlife and to preserve the area's rural character. This zone provides land suitable for low density residential development and reserves land for future farming, forestry, conservation practices and recreational uses.

2.1.4 Conservation/recreation, CR-5. The CR-5 zone is established as a separate district to preserve and protect an area abundant with natural resources, landscapes and sensitive soils having severe limitations, and to provide for a natural mixture of residential and recreational uses.

2.1.5. Business district, B. The purpose of the B zone is to provide areas for business that serve the day-to-day needs of the residential population of the community. Also, its purpose is to provide areas for commercial activities to serve the needs of the entire community and the contiguous

regions. Any use not specifically listed as a permitted use is prohibited. Each business must contain, within its own lot, the wellhead protection for the well supplying all its water.

2.1.6. Light business/residential district, LB/R. The purpose of the LB/R zone is to allow the development of low density commercial uses including residences, home occupations and light business uses, and to provide a buffer to the existing general business uses that exist. All uses are subject to land development plan approval.

2.1.7. Light industrial district, LI. The purpose of the LI zone is to provide areas for the future development of light industrial and allied uses and to provide for existing uses of this nature. Areas so designated are considered to be geographically and topographically suitable for the future economic growth of the community. All uses shall strictly comply with the established maximum building capacity of 250 persons. Each industry must contain, within its own lot, the wellhead protection for the well supplying all its water. All uses in this district require approval as a major land development (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)).

2.1.8. Open space and public land, OSPL. The purpose of the OSPL zone is to identify state lands and other lands held for recreation, conservation and public access purposes and to afford future protection against the conversion of these lands to another use inconsistent with that now in existence. Other lands that are purchased or controlled in the town in the future may be added to this category. Any land petitioned by the property owner to be added to this zoning district must have a deed restriction in place restricting development to public purposes prior to adoption of the zoning amendment.

2.1.9. Groundwater protection overlay district, GWOL. The purpose of the GWOL zone is to preserve, protect and maintain the quality and quantity of groundwater supply and groundwater recharge areas of the Town of Exeter. This groundwater is the primary existing and future water supply source for the town. The groundwater reservoirs that underlie Exeter are unique and valuable resources that are vulnerable to contamination due to their unconfined condition, closeness to the ground surface, and the permeability of the overlying soils. It is the intent of this overlay district to protect the health, safety and welfare of the public.

2.1.10 Ladd Center subdistrict, LC~~Planned districts~~. The purpose of this ~~[planned districts]~~ zone is to provide for the redevelopment of the Ladd Center in accordance with the Ladd Center Master Plan to be developed in 2024 by the State of Rhode Island. The intent is to protect historic assets of the site and allow for additional development that further promotes the Town of Exeter's desires for a New England-style village with strong environmental protection control ~~for the future business and industry, and special sites including the Ladd Center and Dorset Mill. Included in this [planned districts] zone are village center districts, planned business and light industrial development districts. An additional purpose of this [planned districts] zone is to foster development given the unique nature of these zones as sites for future mixed use development and sensitive environmental constraints. Any proposed use in this zone shall require a special use permit and approval as a major land development~~.

2.1.11 Dorset Mill subdistrict, DM. The purpose of this zone is to provide for the continued use of Dorset Mill in a manner consistent with its historic industrial uses, while affording opportunity for additional commercial development not inconsistent with surrounding residential uses.

2.1.12 Planned village overlay district. The purpose of the PVOD district is to implement the vision for Exeter by allowing for planned village development (PVD) in designated areas. Development in this district shall be designed and built in a manner that is compact, pedestrian friendly, and consistent with the rural setting of Exeter. Development within these districts may include a mix of

uses conducive to a vibrant traditional New England village setting and architectural techniques shall reflect the historic patterns that help to define Exeter's community character. These districts shall allow for densities in commercial and residential development that are allowed in no other district and shall therefore require the transfer of development rights to leverage an increased density. The town may also allow increased density as part of its own municipal subsidy toward the provision of deed restricted affordable housing.

Sec. 2.3. – Zoning use table terms.

2.3.1. The abbreviated terms used in the following table of uses, table 2.4, shall have the following meanings:

A. Y (Yes). The use is permitted by right within the district so designated.

B. N (No). The use is not permitted and is specifically prohibited within the district so designated , except as provided in Art. I, Sec. 6.A.6.

C. S (special permit required). The use is allowed by special use permit only if approved by the zoning board of review or by the planning board under unified development review.

D. Zoning districts are as defined above.

2.3.2. ~~Any use not listed is specifically prohibited.~~ The zoning inspector shall have the authority to determine, upon application, whether a use falls within one of the use codes listed in the table of uses.

2.3.3. Unless otherwise specifically provided, ~~a use requiring a special use permit that will involve~~ land disturbing activity of greater than 3,000 square feet but not exceeding 20,000 square feet must be approved as a minor land development, and ~~a use requiring a special use permit that will involve~~ land disturbing activity of greater than 20,000 square feet must be approved as a major land development.

Sec. 2.4. ~~Zoning use table follows~~Uses and dimensions.

TABLE 2.4. ZONING ~~USE~~ TABLES

#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
A	**RESIDENTIAL**													
1	Single-family	Y	Y	Y	Y	S	Y	N for health and safety reas-ons	N for health and safety reas-ons	Y*~~S~~	Y	N for health and safety reas-ons	Y	*subject to § 4.9 (1)(a)-(g) as performance standards
2	Two-family	S	S	S	S	S	S			N	Y		Y	See § 4.9
3a	Multi-family 3-4 units	N	N	N	N	S	S			N	Y		Y	See § 4.9
3b	Multi-family 5-6 units	N	N	N	N	S	S			N	Y		Y	See § 4.9
3c	Multi family 7-12 units	N	N	N	N	S	S			N	Y		Y	See § 4.9
3d	Multi family 13+ units	N	N	N	N	S	S			N	Y		Y	See § 4.9
4	Mixed-use residential-commercial development~~Dwelling in a mixed-use building~~	Y	Y	Y	Y	Y ~~S~~	Y~~S~~			Y~~S~~	Y		Y	See §§ 1.2 (75) and 4.6
5	Accessory dwelling unit	Y	Y	Y	Y	Y	Y			Y~~N~~*	Y		Y	See §§ 1.2 (2) and 4.3. *§ 4.3(2) only
6	Home occupation	Y	Y	Y	Y	Y	Y			S	Y		Y	~~Keeping of more than four (4) dogs not permitted.~~ See §§ 1.2 (50) and 4.2. Uses in § 4.2(10) require a special use permit in all zones.
7	Keeping of exotic animals	Prohibited throughout the town.												
8	Single-family mobile or manufactured homes as temporary living structures for a period of one year	Y	Y	Y	Y	Y	Y	N for health and safety	N for health and safety	Y*~~S~~	Y	N for health and safety	Y	See §§ 1.2 (71) and (76)

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#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
	under the following conditions; i.e. fire- and storm-related damage.							reas-ons	reas-ons			reas-ons		*subject to § 4.9 (1)(a)-(g) as performance standards
9	Single-family manufactured home as temporary living structures for a period of one year for new construction. Applicants must obtain a building permit before applying for a special-use permit.	S	S	S	S	N	Y			N	Y		N	See §§ 1.2 (71) and 4.9
10	Family day care home	Y	Y	Y	Y	Y	Y			Y*~~S~~	Y		Y	See § 1.2 (29) *subject to § 4.9 (1) (a)-(g) as performance standards
11	Community residence	Y	Y	Y	Y	Y	Y			Y*~~S~~	Y		Y	See § 1.2 (23) *subject to § 4.9 (1) (a)-(g) as performance standards
B	**AGRICULTURAL**													
	Plant agriculture	Y	Y	Y	Y	Y	Y	N for health and safety reasons	N for the protection of wildlife habitat	N for health and safety reasons	N for health and safety reasons	N for health and safety reasons	Y*	See § 1.2 (89) *organic only for health and safety reasons
1	Raising of animals or fowl by a resident of the	Y	Y	Y	Y	N	~~S~~Y				S	N	S	See § 4.10 (1)

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#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
	premises not to exceed USDA animal unit equivalent without a management plan by SRICD													
2	~~Farming; nurseries; forestry activity, which includes cutting, buying and selling of firewood;~~ ~~b~~Buying, selling, breeding and boarding of animals, except dogs, but not including the raising of pigs primarily for the consumption and disposal of garbage.	Y	Y	Y	Y	S	~~S~~Y				S	S	S	See § 4.10 (1)
3	A roadside stand, not to exceed 200 square feet for the sale of agricultural products as an accessory use	Y	Y	Y	Y	Y	Y		S	S	Y	Y	Y	See § 4.10 (2)
4	Florist or nursery	N	N	S	S	Y	Y		N for the protection of wildlife habitat	S	Y	Y	Y	See § 4.10
5	Greenhouse Tier I	Y	Y	Y	Y	Y	Y		~~N~~	N	Y	Y	Y	See § 1.2 (46) (i)
6	Greenhouse Tier II	N	Y	Y	Y	Y	Y		~~N~~	N	S	S	S	See Note 11 and §§ 1.2 (46) (ii) and 4.10

#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
7	Greenhouse Tier III-CEA Facility	N	Y	N	N	N	N		~~N~~	N	N	N	N	See Note 10 and §§ 1.2 (46) (iii) and 4.10
	Forestry activity, which includes cutting, buying and selling of firewood	Y	Y	Y	Y	Y	Y	Y		N	Y	N	Y	
C	**INSTITUTIONAL / GOVERNMENT**													
1	Private neighborhood hall and other uses incidental to the promotion and development of neighborhood cooperation and activity;	S	S	S	S	S	S	N	N	N	S	S	S	See § 4.11 (1)
2	Occupational school conducted as a business, such as dance, music, or welding automobiles	N	N	N	N	S	N	N	N	N	S	S	S	See § 4.11 (1)
3	Individual instruction	Y	Y	Y	Y	Y	Y	Y	N		Y	Y	Y	
4	Day care center	S	S	S	S	S	S	N	N	N	Y	N	Y	See §§ 1.2 (29) and 4.11 (1) - (2)
5	Other educational facility	S	S	S	S	S	S	N	N	N	Y	N	Y	See § 4.11 (1)
6	Flea market or auction house	N	N	N	N	S	N	N	N	N	S	S	S	See § 4.11 (1)
7	Farmers market	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	Y	See § 1.2 (41)
8	Government use including library, town hall, recreation facility, or public works garage	S	S	S	S	S	S	S	S		S	S	S	See § 4.11 (1)
9	Funeral home or mortuary	N	N	N	N	S	S	N	N	N	S	S	S	See §§ 1.2 (45) and 4.11 (1)

#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
10	Transit	S	S	S	S	S	S	S	S		S	S	S	See §§ 1.2 (110) and 4.11 (1) and (3)
11	Prison	Prohibited throughout the town.												See § 1.2 (92)
D	**RECREATIONAL, ENTERTAINMENT, CULTURAL**													
1	Theater or performing arts space	S	S	S	S	S	S	N	N	N	Y	N	Y	See § 4.11 (1)
2	Private library, museum or art gallery	S	S	S	S	S	S	N	N	N	Y	N	Y	See § 4.11 (1)
3	Communal use, including grange hall, and other public or private recreation use incidental to and for the community	S	S	S	S	S	S	N	N	N	Y	N	Y	See § 4.11 (1)
4	Religious institution, including place or worship	S	S	S	S	S	S	N	N	N	Y	N	Y	See § 4.11 (1)
5	Swimming areas; country clubs; golf courses; skiing; commercial horseback riding facilities; private and public fishing and hunting areas; sports clubs; private or commercial campgrounds, indoor recreation.	N	N	S	S	N	N	N	N	N	S	S	S	See §§ 1.2 (20) and 4.11 (1)
6	Passive recreation	Y	Y	Y	Y	N	N	N	Y		Y	Y	Y	See § 1.2 (85)
7	Cemetery 25 acres or greater	N	S	S	S	N	N	N	N	N	Y	N	N	See § 4.11 (1)
8	Cemetery less than 25 acres in size	Prohibited throughout the town.												

#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
9	Shooting range	Prohibited throughout the town.												
E	**PROFESSIONAL / PERSONAL SERVICES**													
1a	Kennel Class 1 (over ten dogs)	N	N	S	S	Y*	N	N	N	N	S	N	N	See § 1.2 (55) *subject to § 4.12(1)(a)-(g) as performance standards
1b	Kennel Class 2 (four—ten dogs)	S	S	S	S	Y*	S	N	N	N	S	S	N	See § 1.2 (56) *subject to § 4.12(1)(a)-(g) as performance standards
2	Pet grooming and veterinary facilities	N	N	N	N	S ~~N~~	~~SN~~	~~NS~~	~~NS~~	N	N	N	S	See § 4.12 (2)
3	Bed and breakfast	S	S	S	S	S	S	N	N	N	S	N	S	See §§ 1.2.15 and 4.12 (3)
4	Motel or hotel	N	N	N	N	S	N	N	N	N	N	N	S	See §§ 1.2 (101) and 4.12 (4)
5	Personal service, such as tailor, dressmaking, barber, beauty, fitness, laundry pickup, or dry cleaning pickup	N	N	N	N	Y	Y	N	N	S	Y	Y	Y	See § 4.12 (5)
6	Business or professional office	N	S	S	S	Y	Y	N	N	S	Y	Y	Y	See § 4.12 (5)
7	Bank or financial institution	N	N	N	N	Y	Y	N	N	N	Y	N	Y	
8	Medical use, including rest home, convalescent home~~, animal hospital,~~ or clinic	N	S	S	S	S	S	N	N		S	S	Y	See § 4.12 (6)
9	Arts and crafts shop	N	N	N	N	Y	Y	S	N	S	Y	Y	Y	See § 4.12 (7)

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#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
10	Shoe or watch repair	N	N	N	N	S ~~¥~~	N	~~Y~~S	N	N	N	Y	S	See §§ 1.2 (93) and 4.12 (8)
11	Art studio	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Subject to industrial use performance standards
12	Commercial laundry	Prohibited throughout the town.												
13	Tattoo parlor	Prohibited throughout the town.												
14	Tanning salon	Prohibited throughout the town.												
15	Check cashing and payday lending	Prohibited throughout the town.												
F	**RETAIL**													
1	Sale or donation of fresh food	N	N	N	N	Y	Y	N	N	S	Y	S	Y	See § 4.13 (1)
2	Sale of or donation of pre-packaged food	N	N	N	N	Y	Y	Y	N	S	Y	Y	Y	See § 4.13 (1)
3	Sale of goods marketed towards intercourse	N	N	N	N	N	N	S	N		N	N	N	See § 4.13 (1)-(2)
4	Small goods displayed and sold wholly indoors	N	N	N	N	Y	Y	Y	N	S	Y	Y	Y	See § 4.13 (1)
5	Showroom	N	N	N	N	Y	Y	Y	N	S	Y	Y	Y	See § 4.13 (1)
6	Outdoor display of goods for sale	N	N	N	N	S	N	Y	N	N	S	S	S	See § 4.13 (1) and (3)
7	Antique, art, book, or gift shop	S	S	S	S	Y	Y	Y	N	N	Y	Y	Y	See § 4.13 (1) and (4)
8	Pawn shop	Prohibited throughout the town.												See § 1.2 (99)
9	Sale of illegal substances not otherwise permitted by law	Prohibited throughout the town.												
G	**RESTAURANTS / FAST FOOD**													

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#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
1	Light food service (no exhaust hood or dishwashing)	N	N	N	N	Y	Y	N	N	S	Y	Y	Y	See § 4.13 (1)
2	Restaurant, tavern, or catering establishment.	N	N	N	N	Y	Y	N	N	N	Y	Y	Y	
3	Fast food restaurant	Prohibited throughout the town.												See § 1.2 (42)
4	Nightclub	Prohibited throughout the town.												See § 1.2 (81)
5	Bowling alley, billiards, or pool with a liquor license	Prohibited throughout the town.												
H	**AUTOMOTIVE**													See § 4.14
1	Petroleum filling station	N	N	N	N	N	N	S	N	N	N	N	N	
2	New and used automobile dealerships	N	N	N	N	S	N	S	N	N	N	N	N	
3	Vehicle or equipment rental	N	N	N	N	N	N	S	N	N	N	N	N	
4	Repair of vehicles, large appliances, equipment, or machines	N	N	N	N	N	N	S	N	N	N	N	N	
5	Parking as a principal use	N	N	N	N	S	S	S	N	N	S	N	N	
6	Outdoor storage of automobile parts or derelict or unregistered vehicles	Prohibited throughout the town.												
7	Commercial outdoor repair of vehicles (except farm vehicles)	Prohibited throughout the town.												
8	Carwash	Prohibited throughout the town.												

#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
I	**CONSTRUCTION AND GENERAL CONTRACTOR**													See § 4.15
1	Property service	N	N	S	S	S	S	Y	N	S	Y	S	S	
2	Pest control establishment	Prohibited throughout the town.												
3	Rock or masonry crushing	Prohibited throughout the town.												
J	**WHOLESALE**													See § 4.16
1	Nonhazardous materials	N	N	N	N	N	N	S	N	N	N	N	N	
2	Caustic or other hazardous materials	Prohibited throughout the town.												
K	**STORAGE**													See § 4.17
1	Indoor storage	N	N	N	N	N	N	S	N	N	S	N	N	
2	Outdoor storage	N	N	N	N	N	N	S	N	N	N	N	N	
3	Storage of hazardous or flammable materials	Prohibited throughout the town.												
L	**DISTRIBUTION**													See § 4.18
1	Freight or trucking terminal	N	N	N	N	N	N	~~S~~Y	N	N	N	N	N	See § 1.2 (44)
M	**UTILITIES**													
1	Private cellular communications antenna on existing nonresidential principal or accessory structure	S	S	S	S	S	S	Y	N		S	S	S	See Article VIII
2	Private cellular communications antenna on existing residential principal or accessory structure	N	N	N	N	N	N	S	N		N	S	S	See Article VIII

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#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
3	Public cellular communications antenna on existing non-residential structure	S	S	S	S	S	S	Y	N		S	S	S	See Article VIII
	Amateur radio station broadcast antenna under 70 feet in height	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	
	Receiving antenna under 70 feet in height	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	
4	Other communications tower, including broadcast TV or radio	N	N	N	N	N	N	S	N		N	N	N	See Article VIII
5	Cellular communications tower	N	N	N	N	N	N	S	N		S	S	N	See Article VIII
6	Fossil fuel or nuclear power plant	Prohibited throughout the town.												
7	Other utility structure	S	S	S	S	S	S	Y	N	S	S	S	S	See § 4.19
8	Heliport	Prohibited throughout the town.												See § 1.2 (49)
N	**MANUFACTURING**													See § 4.20 (1)
1	Farm brewery and/or winery	N	Y	Y	Y	N	Y	S	N	N	Y	N	N	See § 1.2 (40)
2	Brewery or distillery	N	N	N	N	N	N	S	N	N	Y	S	S	
3	Food processing	S	S	S	S	Y	S	N	N	N	Y	Y	Y	See § 4.20 (2)
4	Processing of fish or shellfish	Prohibited throughout the town.												
5	Rendering of fats and oil product	Prohibited throughout the town.												
6	Manufacturing of solvents	Prohibited throughout the town.												

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#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
7	Paper mill	Prohibited throughout the town.												
8	Other manufacturing	N	N	N	N	N	N	S	N	N	N	S	N	
O	**INDUSTRIAL**													See § 4.20 (1)
1	Print shop; metal fabrication	N	N	N	N	N	N	S	N	N	N	S	N	
2	Scientific or research laboratory	N	N	N	N	S	N	S	N	N	S	S	S	
3	Woodworking or furniture refinishing shop	N	N	N	N	Y	N	Y	N	N	Y	Y	N	
4	Wood processing	S	S	S	S	S	S	Y	N	N	N	N	N	See § 4.20 (3)
5	Extractive industry, including petroleum, water, gravel, and sandbanks	N	N	N	N	N	N	S	N	N	N	N	N	See §§ 1.2 (36) and 4.20 (4)
6	Crematorium	N	N	N	N	N	N	S	N	N	N	N	N	See §§ 1.2 (27) 4.20 (5)
7	Commercial Composting	N	N	N	N	N	N	S	N	N	N	N	N	See § 4.20 (6)
8	Data center	Prohibited throughout the town.												See § 1.2 (28)
P	**INDUSTRIAL - NOXIOUS**													
1	Solid waste facility including sorting, recycling, landfill, and incineration	Prohibited throughout the town.												
2	Sanitary sewage disposal service	Prohibited throughout the town.												
3	Septic pumping business	Prohibited throughout the town.												
4	Refining of oil products	Prohibited throughout the town.												
5	Wastewater treatment facility	Prohibited throughout the town.												

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#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
Q	**SOLAR**													See §§ 1.2 (103) and 11.1.1 (C)
1	Accessory building-mounted solar facility	Y	Y	Y	Y	Y	Y	Y	N		Y	Y	Y	See § 11.1.2 (A)
2	Solar canopy	N	N	N	N	Y	N	Y	N	S	Y	Y	Y	See §§ 11.1.1 (D) and 11.1.2 (B)
3	Small-scale ground-mounted solar facility	Y*	Y*	Y*	Y*	Y^	Y^	Y^	N		Y^	Y^	Y^	*See § 11.1.1 (F) ^ See § 11.1.1 (G)
4	Medium-scale ground-mounted solar facility	S*	S*	S*	S*	Y^	S^	Y^	N	S	Y^	Y^	S^	See § 11.1.1 (D) *See § 11.1.1 (F) ^ See § 11.1.1 (G)
5	Large-scale ground-mounted solar facility	S*	S*	S*	S*	N	S^	Y^	N	S	Y^	N	S^	See § 11.1.1 (D) *See § 11.1.1 (F) ^ See § 11.1.1 (G)
6	Utility-scale ground-mounted solar facility	N	N	N	N	N	N	S	N	N	S	N	N	See §§ 11.1.1 (D) and (G)
R	**WIND SYSTEMS**													
1	Small wind turbine	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y	See § 11.2 (E)
2	Large wind turbine	N	N	N	N	N	N	~~S~~Y	N		N	N	N	See § 11.2 (D)
S	**MARIJUANA RELATED FACILITIES**													See § 12.1
1	Compassion center	N	N	N	N	Y	N	Y	N	S	N	N	Y	See §§ 12.2 and 12.8
2	Medical marijuana cultivation center	N	N	S	S	Y	N	Y	N	N	N	N	N	See §§ 12.3 and 12.8
3	Non-residential cooperative cultivation	N	N	N	N	Y	N	Y	N	S	N	N	N	See §§ 12.6 and 12.8
4	Residential cooperative cultivation	S	S	Y	Y	N	N	N	N	S	N	N	N	See §§ 12.7- 12.8
5	Patient cultivation	Y	Y	Y	Y	Y	Y	Y	N	~~S~~	N	N	Y	

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#	2.4.1. *Use Category*	RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL (see note 15)	LC	DM	PVOD (see note 16)	Notes
6	Marijuana cultivation center	N	N	N	N	N	N	S	N	N	N	N	N	See §§ 12.4 and 12.8
7	Marijuana store	N	N	N	N	S	N	S	N	N	N	N	N	See §§ 12.5 and 12.8
T	**ACCESSORY USES**													See §§ 1.2 (3) and 4.1 (1) - (2)
1	Temporary event	S	S	S	S	S	S	N	N	N	S	S	S	See § 4.1 (5)
2	Sign accessory to primary use	Y	Y	Y	Y	Y	Y	Y	N	S*	Y	Y	Y	*See § 4.1 (4)
	Swimming pool	Y	Y	Y	Y	Y	Y	N	N	N	Y	N	Y	See § 4.5
	Electric vehicle charging	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	
3	Accessory use	Y	Y	Y	Y	Y	Y	Y	Y	S*	Y	Y	Y	*See § 4.1 (4)
4	Anchored storage containers	Y	Y	Y	Y	N	N	Y	N	N	N	N	N	Only on agricultural land in residential districts
5	Unanchored storage containers	Prohibited throughout the town.												
6	Drive-thru	N	N	N	N	S	N	S	N	N	N	N	N	See § 4.1 (3)
7	Onsite parking no greater than twice the minimum number of spaces	Y	Y	Y	Y	Y	Y	Y	S*	S*	Y	Y	Y	*See § 4.1 (4)
8	Onsite parking greater than twice the minimum number of spaces	S	S	S	S	S	S	S	S*	N	S	S	S	See § 4.1 (6) *See § 4.1 (4)

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		District										
2.4.1. *Use Category*		RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL	Planned District	PVOD
1.	Single-family structures	¥	¥	¥	¥	S	S	S	S	¥		¥
2.	Home occupations (as per article IV, section 2)	¥	¥	¥	¥	N	S	¥	S	S		S
3.	Raising of animals or fowl by a resident of the premises not to exceed USDA animal unit equivalent without a management plan by SRICD	¥	¥	¥	¥	N	S	¥	S	S		S
4.	Public telephone booths	¥	¥	¥	¥	¥	¥	¥	¥	¥		¥
5.	Signs permitted in article VI, accessory to primary use	¥	¥	¥	¥	¥	¥	¥	¥	¥		¥
6.	Parking as required in article V, accessory to primary use	¥	¥	¥	¥	¥	¥	¥	¥	¥		¥
7.	Accessory use as defined in article IV, section 1	¥	¥	¥	¥	¥	¥	¥	¥	¥		¥
8.	Farming; nurseries; forestry activities, which includes cutting, buying and selling of firewood; excluding wood processing which is listed as a special use. Buying, selling, breeding and boarding of animals, except dogs, but not including the raising of pigs primarily for the consumption and disposal of garbage	¥	¥	¥	¥	S	S	N	S	S		S
9.	Landscaping businesses											

	a. Home occupation	Y	Y	Y	Y	S	S	Y	S	S		Y
	b. Non-home occupation	N	N	S	S	S	S	Y	S	S		S
10.	Kennel business											
	a. Kennel Class 1 (over ten dogs)	N	N	S	S	Y	Y	Y	S	S	S	N
	b. Kennel Class 2 (four—ten dogs)	S	S	S	S	Y	Y	Y	S	S	S	S
11.	Erection of a roadside stand, not to exceed 200 square feet for the sale of agricultural products as an accessory use	Y	Y	Y		Y	Y	S	S	S		Y
12.	Single-family mobile homes will be allowed as temporary living structures for a period of one year under the following conditions; i.e. fire- and storm-related damage. The license will be reviewed by the zoning board of review after one year	Y	Y	Y	Y	Y	Y	N	N	S		Y
13.	Pharmacies or drugstores	N	N	N	N	Y	S	S	S	S		Y
14.	Grocery, delicatessen, bakery or other retail foodstores	N	N	N	N	Y	Y	S	S	S		Y
15.	Commercial lunchrooms, ice cream parlors. Fast food not permitted	N	N	N	N	Y	Y	S	S	S		Y
16.	Variety stores, family or independent	N	N	N	N	Y	Y	S	S	S		Y
17.	Arts and crafts shops	N	N	N	N	Y	Y	S	S	S		Y
18.	Personal service shops such as tailor, dressmaking, barber, beauty, shoe repair, laundry	N	N	N	N	Y	Y	S	S	S		Y

	pickup, dry cleaning pickup and watch repair											
19.	Antique, art, book, stationery or gift shops	S	S	S	S	Y	Y	S	S	S		Y
20.	Florists and nurseries	N	N	S	S	Y	Y	S	S	S		Y
20.a	Greenhouse Tier I	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
20.b	Greenhouse Tier II	N	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	S (see note 11)	S (see note 11)	S (see note 11)	S (see note 11)
20.c	Greenhouse Tier III-CEA Facility	N	Y (see note 10)	N	N	N	N	Y (see note 10)	N	N	N	N
21.	Funeral homes or mortuaries	N	N	N	N	Y	S	N	N	N		S
22.	Restaurants, taverns or catering establishments. Fast food service restaurants not permitted in any district	N	N	N	N	Y	Y	S	N	N		Y
23.	Package liquor stores	N	N	N	N	Y	Y	N	N	N		Y
24.	Sale of lumber, building materials, hardware, grain or feed	N	N	N	N	Y	Y	Y	N	N		Y
25.	Woodworking and furniture refinishing shops	N	N	N	N	Y	Y	Y	N	N		S
26.	General merchandise, department, furniture or other household goods stores, and food stores	N	N	N	N	Y	Y	N	N	N		Y
27.	Photography, photocopying, blue-printing or printing establishments	N	N	N	N	Y	Y	Y	N	N		Y

~~28.~~	~~Recreational equipment sales such as travel trailers, snowmobiles, swimming pools, tents~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~		~~Y~~
~~29.~~	~~Manufacture of wood products excluding manufacture of raw paper products or recycling of paper~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~N~~	~~N~~		~~N~~
~~30.~~	~~Scientific and research laboratories~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~N~~	~~Y~~	~~N~~	~~N~~		~~S~~
~~31.~~	~~Manufacture of food products, other than from meat, vinegar and yeast. Fish, shellfish and rendering or refining of fats and oil products not permitted~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~N~~	~~N~~		~~Y~~
~~32.~~	~~Lumber, coal, building materials, grain and feed storage yards, wholesale and warehouse facilities, including cold storage~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~S~~	~~Y~~	~~N~~	~~N~~		~~N~~
~~33.~~	~~Freight or trucking terminals~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~N~~	~~N~~		~~N~~
~~34.~~	~~Manufacture of electronic products~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~N~~	~~Y~~	~~N~~	~~N~~		~~N~~
~~35.~~	~~Public utility structures~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~Y~~	~~S~~	~~S~~		~~S~~
~~36.~~	~~Private neighborhood halls and other uses incidental to the promotion and development of neighborhood cooperation and activities. Communal uses including grange halls, and other public or private recreation uses incidental to and for the community~~	~~S~~	~~S~~	~~S~~	~~S~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~		~~Y~~

~~37.~~	~~Educational or religious institutions, including churches, schools and nursery schools. Size restrictions apply~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~N~~	~~N~~	~~S~~		~~Y~~
~~38.~~	~~Two-family dwelling structures~~	~~S~~	~~S~~	~~S~~	~~S~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~		~~Y~~
~~39.~~	~~Mixed use commercial development~~					~~S~~	~~S~~					~~Y~~
~~40.~~	~~Government buildings and uses including libraries, town halls and public works garages, but excluding sanitary landfills, sewage treatment plants and incinerators~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~Y~~	~~S~~	~~S~~		~~Y~~
~~41.~~	~~Wood processing~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~N~~	~~N~~		~~N~~
~~42.~~	~~Bed and breakfast~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~N~~	~~N~~	~~N~~		~~Y~~
~~43.~~	~~Family day care, homes~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~S~~	~~Y~~	~~Y~~	~~Y~~		~~Y~~
~~44.~~	~~Day care centers~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~N~~	~~N~~	~~S~~		~~Y~~
~~45.~~	~~Single-family mobile homes will be allowed as temporary living structures for a period of one year for new construction. Applicants must obtain a building permit before applying for a special-use permit. The license will be reviewed by the zoning board after a period of one year~~	~~S~~	~~S~~	~~S~~	~~S~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~		~~N~~
~~46.~~	~~Medical uses, including rest homes, convalescent homes, animal hospitals and clinics~~	~~N~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~N~~	~~N~~	~~S~~		~~S~~
~~47.~~	~~Cemeteries, provided that the total area to be devoted to such~~	~~N~~	~~S~~	~~S~~	~~S~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~		~~N~~

	~~use shall not be less than 25 acres~~											
~~48.~~	~~Structures to accommodate business and professional offices. Towers prohibited~~	~~N~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~N~~	~~S~~	~~S~~		~~Y~~
~~49.~~	~~Swimming areas, country clubs, golf courses, skiing and commercial horseback riding facilities. Private and public fishing and hunting areas, sports clubs (excluding shooting ranges). Private or commercial campgrounds or recreation, including sports clubs~~	~~N~~	~~N~~	~~S~~	~~S~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~		~~Y~~
~~50.~~	~~Motels or hotels with not more than ten rooms per acre of gross site area, and with state-approved water supply well and ISDS systems~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~S~~	~~N~~	~~N~~	~~N~~		~~S~~
~~51.~~	~~Gasoline filling stations~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~S~~	~~N~~	~~N~~	~~N~~		~~S~~
~~52.~~	~~New and used automobile dealer-ships, provided that all repair is performed within a structure and that there is no outdoor storage of derelict or junk automobiles or parts~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~S~~	~~S~~	~~N~~	~~N~~		~~N~~
~~53.~~	~~Shopping centers, meaning a cluster of two or more stores with communal parking facilities, planned and built as an entity or subdivision of an area within a business district~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~S~~	~~N~~	~~N~~	~~N~~		~~Y~~

~~54.~~	~~Occupational schools conducted as a business such as dance, music [or] welding automobiles~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~S~~	~~N~~	~~N~~	~~N~~		~~S~~
~~55.~~	~~Extractive industries, including gravel and sandbanks, provided they are screened by an opaque fence, hedge or other natural barrier not less than six feet in height, and provided they conform to the Earth Removal Ordinance~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~N~~	~~N~~		~~N~~
~~56.~~	~~Manufacture of food products from meat, vinegar or yeast~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~N~~	~~N~~		~~S~~
~~57.~~	~~Metal fabrication~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~N~~	~~S~~	~~N~~	~~N~~		~~N~~
~~58.~~	~~Manufacture of machine tools, precision instruments, musical instruments, toys and novelties~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~N~~	~~S~~	~~N~~	~~N~~		~~S~~
~~59.~~	~~Industrial parks, meaning a cluster of two or more industrial businesses with communal parking facilities, planned and built as an entity or subdivision of an area within an individual district~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~N~~	~~N~~		~~N~~
~~60.~~	~~Breweries or distilleries~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~N~~	~~N~~		~~S~~
~~60A.~~	~~Farm Breweries~~		~~Y~~	~~Y~~	~~Y~~					~~Y~~		
~~61.~~	~~Junk or salvage yards, including the outdoor storage of used materials, provided they are screened by an opaque fence, hedge or other natural barrier not less than six feet in height~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~N~~	~~N~~		~~N~~

62.	Manufacture, processing and packaging of cosmetics and toiletries	N	N	N	N	N	N	S	N	N		S
63.	Private cellular communications antenna on existing nonresidential principal or accessory structure	S	S	S	S	S	S	Y	N	S		S
64.	Private cellular communications antenna on existing residential principal or accessory structure	N	N	N	N	N	N	S	S	N		S
65.	Public cellular communications antenna on existing non-residential structure	S	S	S	S	S	S	Y	N	S		S
66.	Other communications tower, including broadcast TV or radio	N	N	N	N	N	N	S	N	N		N
67.	Public cellular communications tower	N	N	N	N	N	N	S	N	N		S
68.	Private cellular communications tower	N	N	N	N	N	N	S	N	N		S
69.	Accessory building-mounted solar facility	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
70.	Solar Canopy	N	N	N	N	Y	Y	Y	N	Y	Y	Y
71.	Small-scale solar facility	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
72.	Medium-scale solar facility	S	S	S	S	Y	Y	Y	N	Y	Y	Y
73.	Large-scale solar facility	S	S	S	S	N	N	Y	N	S	Y	N
74.	Utility-scale solar facility	N	N	N	N	N	N	S	N	S	S	N
75.	Medical Marijuana											
a.	Compassion center	N	N	N	N	Y	S	Y	N	S	Y	S
b.	Medical marijuana cultivation center	N	N	S	S	Y	Y	Y	N	S	Y	Y

~~c.~~	~~Non-residential cooperative cultivation~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~S~~	~~Y~~	~~S~~
~~d.~~	~~Residential cooperative cultivation~~	~~S~~	~~S~~	~~Y~~	~~Y~~	~~N~~	~~N~~	~~N~~	~~N~~	~~S~~	~~N~~	~~N~~
~~e.~~	~~Patient cultivation~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~
~~76.~~	~~Reserved - Marijuana Cultivation Center~~											
~~77.~~	~~Reserved - Marijuana Store~~											
	~~All uses not listed above are specifically prohibited~~											

ZONING TABLES NOTES:

10. Tier III CEA Facility Greenhouse defined in Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.2. entitled "Definitions" is allowed only if the application meets the eligibility requirements and satisfies all the standards and prohibitions contained within the Code of Ordinances of the Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.4.1 "Special Provisions"; entitled "Greenhouse Tier II and Greenhouse Tier III/CEA Facilities"

11. Tier II Greenhouse as defined in Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.2. entitled "Definitions" is subject to the review procedure and prohibitions contained within the Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.4.1 "Special provisions"; entitled "Greenhouse Tier II and Greenhouse Tier III/CEA Facilities"

12. Tier III CEA Facility Greenhouse requires a minimum front depth (setback) of 150 feet for all structures, off street loading and parking lots.

13. Tier II Greenhouse and Tier III CEA Facility Greenhouses shall not exceed a maximum structure height of 35 feet

14. Tier I and Tier II Greenhouses may have a 25 percent maximum lot coverage (building coverage) by all structures.

15. When a use is listed in this column, the more restrictive use classification between this column and the underlying zone and/or other overlay zone shall govern.

16. The use classification listed in this column shall govern when inconsistent with the use classification listed in the underlying zone.

Sec. 2.6. - Other general provisions.

1. *Zoning affects every structure and use*. No structure shall be constructed, erected, placed, moved or maintained, nor shall the exterior be altered, and no land use shall be commenced or continued within the town unless in conformity with the regulations herein specified for the district in which it is located, except as provided for in ~~article I, section 3.C (nonconforming).~~ article III of this ordinance.

2. *Reduction of lot and areas prohibited.* No lot, yard, required open space or off-street parking area shall be so reduced, diminished or maintained that the yards, other open space, total lot area, or off-street parking area shall be smaller than prescribed by this ordinance except as otherwise provided.

3. *Required yards cannot be used by another use or building.* No part of a yard, parking space or other open space required for any building or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, parking space or other open space required under this ordinance for another use or building, except as provided in article V (parking).

4. *Only one dwelling structure on any lot.* No more than one principal residential structure shall be located on one lot except in a development approved as a land development project ~~by the planning board~~.

5. *More than one nonresidential use or building on a lot*. More than one nonresidential structure may be allowed on a single lot except in a development approved as a land development project within ~~appropriately zoned nonresidential districts if devoted to the same~~

~~actual use. Upon application to the zoning board of review, a special use permit may be granted in accordance with article I, section 1.3.C. (special use permits) of this ordinance, where more than one actual use on a lot may be requested; provided, however that such uses shall be only those that are permitted within the district in question. In both instances, principal front and rear walls of a building shall be at least 40 feet from any wall or another building. Any side wall of a building may not be less than 25 feet from any side wall of another building~~.

6. *Public street access.* No structure shall be erected on or moved onto a lot which does not have frontage on a public or private street equal to or greater than the required minimum frontage in table 2.4, or elsewhere as required in this ordinance, or access to the street through an access easement.

7. *Visibility at corners.* At any corner lot and at street intersections in all districts, no wall, fence, structure, sign or building shall be erected or placed, and no hedge, tree, shrub or other vegetation shall be maintained between the heights of three feet, and ten feet, above street level within the triangle formed by the two street lines and a third line joining points on the street lines 20 feet from the intersection of the street lines.

8. *Temporary uses permitted.* A temporary building for construction materials and/or equipment for a permitted use on a construction site, a temporary office for the sale or rental of real property, if in connection with and incidental and necessary to real estate development, and a temporary trailer or mobile home used for residential occupancy necessitated by any loss or damage of a principal structure by fire, hurricane or other natural disaster, shall be permitted in any district, subject to approval of both the building inspector and zoning inspector. Any such temporary use shall be permitted for not more six months unless such time period is extended by the building inspector and zoning inspector. ~~may be permitted as an accessory use, but in no event shall continue for more than 30 days following the completion of such construction or sale or rental of such property.~~

Temporary storage containers may be permitted as an accessory use in LB/R, B, LI and OS/PL zones, provided that there shall be suitable screening.

All other temporary and/or mobile facilities for residential, commercial or industrial use are prohibited in all districts; provided, however, that this prohibition shall not apply to temporary and/or mobile facilities which are owned and/or operated by federal, state or municipal agencies.

9. *Use regulations.* No building, structure or land shall be used except for those purposes noted in the table 2.4. Any use not listed shall be construed to be prohibited, except as provided in article I, Sec. 6.A.6 of this ordinance.

10. *Setback from water bodies.* Sewage disposal facilities which are designed to leach wastes into the soil shall be located in accordance with Rhode Island Department of Environmental Management (RIDEM) regulations.

11. *Fresh water wetlands.* No fresh water wetland, as defined by RIDEM regulations, shall be excavated, drained or filled, nor shall any extraneous materials be placed in these wetlands or water flow diverted out of or any other change be made to the natural condition of any fresh water wetland without prior approval of the RIDEM.

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE IV. - SUPPLEMENTARY REGULATIONS

Sec. 4.1. Accessory buildings and uses.

Accessory buildings and uses as defined in Article I, Section 1.2, (2) and (3) include, but are not limited to, home occupations, accessory dwelling units, private garages, barns, carports, vehicle storage, recreational vehicle storage, boat and RV storage, outbuildings, greenhouses, swimming pools or any other structure. Accessory buildings and uses are subject to all the requirements of this ordinance, including Subsection T of Table 2.4, except as specifically provided for by this subsection as follows:

1. Accessory buildings and uses, residential: accessory buildings and uses, including private garages~~, in a Residential District (RE-2, RU-3, RU-4 and CR-5)~~ are permitted which:

   A. Are clearly incidental to and customarily associated with the principal use. An accessory use shall not be permitted or continued without the principal use to which it is related.

   B. Are operated and maintained under the same ownership and on the same lot as the principal use.

   C. Do not exceed 20 feet in height for detached buildings except for barns.

2. Location of accessory buildings and uses: A building or use accessory to a dwelling shall not be located within any required front, corner, side, or rear yard setback.

3. Drive-thru facility. Drive-thru facilities may be allowed by special permit as an accessory use, where customary for otherwise permitted uses ~~in the B (business), LB/R (light business/residential), and light industrial (LI) zones,~~ and provided the following specific and objective criteria ~~requirements~~ are met.

   A. The minimum lot area for a building with a drive-thru shall be 40,000 square feet.

   ~~B. The planning board must grant a special use permit for the drive-thru window.~~

   B~~C~~. The permitting authority ~~planning board~~ must approve the development ~~building~~ as a ~~minor~~ land development project.

   C~~D~~. A minimum stacking before window of 12 cars, and stacking for three cars after window. All stacking area must be contained on private property. Stacking is defined as queuing space for vehicles that is dedicated for this purpose only, and does not conflict with any other traffic movements.

   D~~E~~. Limit to one lane for stacking (except for banks). A by-pass lane must also be provided on site. All drive-thru windows shall be located on the side or rear of buildings. They shall not be located on the front.

   E~~F~~. Drive-thru facilities must be designed so that they avoid creating traffic hazards for vehicular or pedestrian traffic.

F~~G~~. A menu board not to exceed 32 square feet in area and not more than eight feet in height (as measured from ground level) be allowed, provided the same is not located in the front yard.

4. When conditionally permitted in the OS/PL zone or GWOL overlay, accessory uses are subject to the following specific and objective criteria:

   A. The accessory use is no larger than 200 square feet;

   B. Parking is limited to five (5) vehicles;

   C. No hazardous materials are used in the construction or operation of the use;

   D. Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall; and

   E Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

5. When conditionally permitted, temporary events are subject to the following specific and objective criteria:

   A. Specific hours of operation are included as a condition of approval such that the use does not disturb the peace;

   B. A parking plan;

   C. A circulation plan demonstrating safe pedestrian and vehicular circulation to the satisfaction of the permitting authority, which may include a dropoff area and/or a traffic impact study; and

   D. Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

6. When conditionally permitted, accessory parking is subject to the following specific and objective criteria:

   A. Parking beyond demonstrated need is on unimproved areas and parking areas are improved only as need is established

Sec. 4.2. - Home occupations.

The Town of Exeter recognized the need for some citizens to use their place of residence for limited nonresidential activities. Recent studies have shown that most of the businesses in town are small, employing less than four people, and that many of these businesses are home-based occupations. While the town wishes to encourage minor home-based activities, it also recognizes that the need to protect the integrity of its residential areas is of paramount concern. Therefore, the following performance standards ~~criteria~~ have been established to allow for home occupations that are compatible with the neighborhood in which they are located.

~~Criteria. Providing that all the following conditions are met, no permit is required for home occupations and a license is automatically granted by the Town of Exeter. However, a~~

1. A<u>ll such commercial or business activities are required to register with the town.</u>

1. No employment or help other than the residents of the dwelling and two assisting nonresident employees. Anything greater should be a special use.

2. Shall be conducted entirely within the dwelling unit and in no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.

3. Shall not utilize more than 25 percent of the gross floor area in the dwelling unit or not more than 500 square feet.

4. No outdoor use of material or equipment not recognized as being part of the normal practices in the residential district.

5. No storage or display of materials, goods, supplies or equipment related to the operation of a home occupation shall be visible from outside the premises.

6. No material, equipment or process shall be used in such home occupation which is hazardous to public health, safety, morals or welfare, or which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family residence, or outside the dwelling unit in other than a single-family residence. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

7. There shall be no use of utilities or community facilities beyond that normal to the use of the premises for residential purposes.

8. Customers visits or deliveries of products, merchandise or materials to or from the premises shall not exceed that normally and reasonably occurring for a residence.

9. The use shall not generate pedestrian or vehicular traffic beyond what is normal to the residential area.

10. <u>No more than four (4) dogs are kept on the property as a home occupation.</u>

12~~0~~. <u>The following home occupations require a special use permit. When a home occupation is conditionally permitted, the above performance standards shall serve as the specific and objective criteria for the permitting authority's consideration of the use.</u> ~~With zoning board approval~~:

   a. Barber shop, beauty salon, massage parlor.

   b. Boarding, lodge or bed and breakfast or more than five rooms.

   c. Health care provider, medical, dental, animal grooming facilities.

d. Home occupation located in the GWOL overlay.

Cross reference(s)—Businesses, ch. 18.

Sec. 4.3. Accessory dwelling unit (ADU).

1. On a lot where no single-family or multifamily unit is legally established~~In a light business/residential (LB/R) and business (B) district~~, one accessory dwelling unit shall be permitted on a lot in a commercial building that is permitted by right or special use permit, provided that any such accessory dwelling unit:

   (a) Shall be maintained entirely within a structure containing the principal use.

   (b) Shall be occupied only by the owner or an employee of the principal business use.

   (c) Shall have an area of no more than 1,000 square feet and shall have no more than two bedrooms.

   (d) Shall not be occupied by boarders.

2. On a lot where a single-family or multifamily unit is legally established, or where an application for new primary dwelling units or subdivisions is proposed,~~In residential (RE-2, RU-3, RU-4, CR-5) districts~~, one accessory dwelling unit, as defined in article I, section 1.2(2), shall be permitted~~ on each lot~~, provided that any such accessory dwelling unit:

   (a) Is on an owner-occupied property as a reasonable accommodation for family members with disabilities;

   (b) On a lot with a total lot area of twenty thousand square feet (20,000 sq. ft.) or more for which the primary use is residential; or

   (c) Where the proposed ADU is located within the existing footprint of the primary structure or existing accessory attached or detached structure and does not expand the footprint of the structure.

   (d) Additionally, each ADU shall:

      (i) ~~Shall~~ For a studio or one-bedroom ADU, not be larger than 900 square feet, or 6~~3~~0 percent of the gross floor area of the- principal dwelling unit, whichever is smaller;~~.~~

      (i) For a two (2) bedroom ADU, not be larger than 1,200 square feet or 60% of the gross floor area of the principal dwelling unit, which is smaller;

      (iii~~b~~) ~~Shall n~~Not have separate utility connections and service unless it is located in an accessory building;~~.~~

      (iv~~e~~) Has one off-street parking space;~~.~~

      (v) Not be more than two (2) bedrooms;

      (vi) Has an approved onsite wastewater treatment system permit from the Rhode Island Department of Environmental Management or is connected to public sewer with sufficient capacity; and

(viid) Shall require issuance of a certificate of occupancy by the building official, who may require adequate supporting documentation to prove that all of the conditions in this section have been satisfied.

3. Relief may be granted by dimensional variance for construction of an accessory dwelling unit that will encroach on a required side or rear yard setback, notwithstanding the provisions of article IV of this ordinance.

4. An ac~~c~~cessory dwelling unit may be constructed in an existing dimensionally nonconforming principal structure or in an existing dimensionally nonconforming accessory structure without zoning relief if it does not enlarge the footprint of the building.

5. ADUs shall not be offered or rented for tourist or transient use or through a hosting platform, as such terms are defined in RIGL § 42-63.1-2.

Sec. 4.4. - Swimming pools.

A swimming pool shall conform to the appropriate side, front and rear yard requirements of the particular residence district in which it is located. The installation or construction of any swimming pool shall require a building permit, except those pools that do not require pumps. Swimming pools are subject to the following requirements:

1. Swimming pools having a depth of 24 inches or more located in a residence district shall comply with the following conditions:

A. A plan of the lot indicating the allowable accessory use portions thereof within which the pool is to be located must be submitted with the application.

B. Pool dimensions, depth and volume in gallons must be submitted with the application.

C. When a filter system and motor is to be used, a site plan showing the location of the pool and filtering system shall be submitted.

D. Every outdoor swimming pool shall be completely surrounded by a fence or wall of not less than five feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimensions shall not exceed four inches. A dwelling, accessory building or the walls of an abovegro[und pool~~,~~ may be used as part of such enclosure, provided that the required height of five feet [shall] be maintained. All gate and door openings through such enclosure shall be equipped with a self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped. Ladders or similar means of entry shall be detached or made inaccessible when the pool is not in actual use.

E. Whenever a light is installed for evening swimming, it shall be faced and directed away from abutting property and properly shielded.

Sec. 4.5. - Operating standards for all uses.

All uses in all zoning districts shall be subject to the following operating standards. To ensure compliance, detailed plans may be required by the building official, at his/her discretion, before the issuance of a building permit and/or the establishment of the use.

1. *Noise and vibration.* All noise and vibration from machinery or other sources shall be muffled, insulated or screened in a manner which will minimize vibration or deflect sound waves from abutting lots.

2. *Glare, light and heat.* The emission of glare, light (interior or exterior) or heat shall be shielded in a manner which will minimize such emission beyond the lot where such use is located.

3. *Odor, smoke, dust or other emission.* The emission of odor, smoke, gas, dust or other emissions in concentrations or amounts that are noxious, toxic, corrosive or a nuisance shall not be permitted.

4. *Waste.* Individual sewage disposal systems shall be approved by the Rhode Island Department of Environmental Management before the issuance of a building permit. Where recreational equipment with sewage disposal systems are present, the property owner shall post notice of at least one (1) pumpout service available at the property. No recreational equipment sewage shall be discharged into onsite wastewater treatment systems.

5. *Storm[water] and surface water drainage.* All storm[water] and surface water drainage systems shall be approved by the permitting authority~~Town of Exeter planning board~~ as a land development project before the development occurs~~issuance of a building permit~~. All runoff shall be provided for on-site. In no instance shall there be any net increase in runoff, nor shall any additional runoff be discharged onto abutting lots or into any freshwater wetlands, as defined in article I, section 1.2 of this ordinance. Storm drainage systems shall be designed by a Rhode Island licensed engineer in accordance with the Rhode Island Stormwater Design and Installation Standards Manual, as amended.

6. *Public safety.* The location of all buildings, structures, parking, driveways, loading areas and the number, location, size and adequate supply of water shall be approved by the appropriate Town of Exeter fire department before the development occurs~~issuance of a building permit~~, and subject to the following requirements regarding internal streets, roadways and parking:

A. All corners shall provide a turning radius of 41 feet.

B. All fire access lanes shall provide a minimum of 24 feet of unobstructed width to allow for access by emergency vehicles.

C. The fire chiefs (Fire Company # 1 and Fire Company # 2) shall have the authority to require the posting of all fire lanes.

D. There shall be no architectural, landscaping or natural barriers to prevent adequate access to any building by an emergency vehicle.

E. The fire chiefs (Fire Company # 1 and Fire Company # 2) shall have the authority to require compliance with at least a 10,000 gallon underground water tank, as per the land development and subdivision regulations.

F. No welding or cutting that could result in sparks shall be undertaken in the within thirty-five feet (35') of flammable materials. Flammable surfaces in the vicinity shall be kept wet during the welding or cutting. No welding or cutting that could result in sparks shall be undertaken on red flag days. No activities that could result in flammable vapors or combustible dust shall be undertaken on the property within twenty-four (24) hours prior to welding or cutting that could result in sparks. An ABC combination fire extinguisher shall be kept on hand during and for twenty-four (24) hours following any welding or cutting that could result in sparks.

G. This section must be in keeping with G.L. 1956, chapters 23-28 through 37.

7. Vacant structures and properties. All vacant structures shall be secured to prevent unauthorized entry. Driveways for vacant properties shall be blocked with objects, gates, or chains to mitigate unauthorized vehicle access. Such objects, gates, or chains shall be appropriately colored and sized so that they are easily perceived in low level conditions without the use of headlights.

8. Property maintenance. Trash shall promptly be removed from the property. No more than ten (10) unregistered, unused vehicles shall be kept per property.

9. Salt storage. Salt shall be kept in sealed containers or sufficiently covered to prevent mixing with stormwater runoff.

Sec. 4.6. Mixed-use residential-commercial development.

~~In all business (B) district, and light business/residential (LB/R) districts,~~Mixed-use residential-commercial development ~~multi-family residential~~ uses shall adhere to ~~be allowed by special use permit under~~ the conditions set forth herein. The purpose of allowing mixed use commercial developments is to create diverse housing opportunities in the town, and in particular, for the purpose of addressing the need for affordable housing as defined in the town affordable housing plan. Use of this regulation shall be considered a municipal subsidy for the purpose of creating affordable housing for low and moderate income persons in a manner and location otherwise prohibited ~~by these regulations~~. Such residential units in mixed-use residential-commercial developments should be constructed in close proximity to essential services such as those typically provided in commercial developments.

1. Residential units ~~in mixed use commercial developments~~ shall consist of studio, one- and two-bedroom apartments ranging in size between 600 and 1,250 square feet of gross floor area.

2. Residential units ~~in mixed use commercial developments~~ shall be constructed on the second or third floor of otherwise permitted first floor commercial uses. Ground floor units shall be allowed for persons of special needs, provided that these units do not constitute more than ten percent of the overall area of the residential units constructed.

3. ~~Mixed use commercial developments containing r~~Residential units shall only be allowed in ~~association with commercial structures~~ buildings of 3,000 square feet and greater.

4. Mixed use commercial developments not connected to public water and sewer must have at a minimum one acre of land per each residential unit proposed.

5. A minimum of 20 percent of the number of residential units, and a minimum of 20 percent of the floor area of the residential units, must be deed restricted for a minimum of 30 years for occupancy by low and moderate income households. In no event shall a mixed- use residential-commercial development be permitted without a minimum of one low or moderate income unit. While a mix of incomes is encouraged, in no case shall more than 50 percent of the affordable units be occupied by households with incomes greater than 80 percent of the area median income. Low- and moderate-income units constructed pursuant to this section shall be subject to subsections 9.4 (E), (G), and (H) of this ordinance.

6. In no event shall the floor area of the residential units exceed the floor area of the commercial space ~~associated with the mixed use commercial development~~.

7. Every mixed-use residential-commercial development~~s~~ shall be approved as a major or a minor land development. Parking shall be provided for the residential units as required in article V of this ordinance.

8. Applications ~~for mixed use commercial developments~~ must demonstrate to the satisfaction of the permitting authority ~~planning board~~ that the site has the capacity (not limited to but including water, septic, parking, and circulation) to accommodate the proposed residential development.

9. All residential units ~~of mixed use commercial developments~~ shall be accessed from enclosed or interior walkways. All such walkways shall be provided with an enclosed main entranceway for the residential portion of the development. Such entranceways shall be at a minimum eight feet long and six feet wide and shall have two doors, an exterior door and an interior door. Between the two doors shall be common space for uses such as mailboxes, delivery of packages, etc. Elevators are encouraged.

Sec. 4.7 – Adaptive reuse.

1. Applicability~~*Definition*~~. Adaptive reuse ~~is the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting those elements to the new use. Conversion~~ of a commercial ~~nonresidential~~ building to a multi-unit residential or mixed-use building is permitted in all zoning districts, except where such is prohibited by environmental land use restrictions recorded on the property by the state of Rhode Island department of environmental management or the United States Environmental Protection Agency preventing the conversion to residential use ~~notwithstanding the use restrictions of article II of this ordinance~~, if at least 50% percent of the gross floor area of the existing building is converted to dwelling units.

2. *Review and approval*. Subject to the conditions above,

   (a) A~~n a~~daptive reuse ~~project~~ in a residential zoning district that creates fewer than nine units or ~~an~~ adaptive reuse ~~project~~ in any zone that proposes no extensive exterior improvements shall be classified ~~approved~~ as a minor land development project.

   (b) An adaptive reuse of an existing building with a gross floor area of less than 25,000 square feet for which extensive exterior improvement are not proposed is classified as a minor land development project.

   (c) All other adaptive reuse is ~~projects are~~ classified as a major land development project~~s~~, unless otherwise classified.

3. *Residential density.*

(a) Residential density of fifteen dwelling units per acre shall be permitted~~, notwithstanding the requirements of article II of this ordinance,~~ provided ~~-~~that:

   (i~~a~~) The developer has provided satisfactory~~must submit~~ evidence to the planning board or the administrative officer that sufficient public sewer or the on-site wastewater treatment systems required by R.I. department of environmental management

regulations will be constructed and that adequate water for consumption and fire safety for the entire development~~building~~ will be provided as evidenced by subsections (6)(c) and (d) of this section;~~.~~

(ii~~b~~) The development includes at least twenty percent (20%) low- and moderate-income housing;~~developer may be required to submit a traffic study if the administrative officer or the planning board finds that the streets connecting the development to the nearest major collector street (as that term is defined in the R.I. statewide planning program's Technical Paper Number 165, Highway Functional Classification 2014) may not be adequate for the volume of traffic that the development is expected to generate. A required reduction in the proposed residential density must be based on a peer-reviewed traffic study.~~

(iii) The project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building and fire codes and utilities.

(b) For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed under subsection (6) of this section that otherwise meets all standards of minimum housing, public health and safety standards and the developer has provided satisfactory evidence to the planning board or the administrative officer that sufficient public sewer or the on-site wastewater treatment systems required by R.I. department of environmental management regulations will be constructed and that adequate water for consumption and fire safety for the entire development will be provided.

4. *Dimensional regulations*.

   (a) The height and the front, side, and rear yard setbacks of the building shall be treated as if they are legally nonconforming dimensions. The planning board shall have the authority to approve an additions to the existing building height, or reduction of the existing front, side, and rear yards, by special use permit.

   (b) To obtain such a special use permit, the applicant must provide evidence that the proposed use with the proposed height and front, side, and rear yard dimensions will not substantially impact the appropriate use of the surrounding property or, if such an impact may occur, that it will be adequately mitigated by the installation or construction of fences, vegetative buffers, or by other measures.

5. *Off-street parking and loading*. The parking and loading requirements of article V of this ordinance shall apply to development of the site, provided, however, that:

   (a) No more than one parking space shall be required for each dwelling unit, and

   (b) The planning board or the administrative officer shall have the authority to waive or modify any requirement of article V of this ordinance that cannot be satisfied because of the size, shape, or location of the existing building or the lot on which the building is located.

6. *Performance and development standards*.

   (a) *Municipal services*. The ~~Planning Board must find that the development~~ density will not have an unreasonable impact on the municipal road system, fire department, police department, solid waste program, schools, open spaces recreational programs and facilities, and other municipal services and facilities. The applicant shall estimate the

impact the entire development ~~project~~ will have on town services, including but not limited to police, fire, and emergency medical services; streets and other public infrastructure; and education. The developer may be required to submit a traffic study if the administrative officer or the planning board finds that the streets connecting the development to the nearest major collector street (as that term is defined in the R.I. statewide planning program's Technical Paper Number 165, Highway Functional Classification 2014) may not be adequate for the volume of traffic that the development is expected to generate.

(b) *Water pollution*. The density~~project~~ shall be such that it ~~designed to~~ prevents the pollution of surface water or groundwater. In making this determination, the permitting authority ~~planning board~~ will review the entire development ~~project~~ area including, but not limited to, the elevation of the land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support wastewater disposal and other DAM-approved discharge; the natural gradient of the land and its effect on effluents; the proximity of the entire development ~~project~~ to the aquifer and aquifer recharge areas; and the availability of streams for surface runoff. The permitting authority ~~planning board~~ may place conditions on approval that protect the quality of surface water and groundwater.

(c) *Water supply*. Sufficient water, including water pressure adequate for fire suppression equipment, must be available. The applicant must demonstrate by clear, convincing, and documented evidence that adequate potable water is available for reasonably foreseeable needs and that water use by the proposed development will not have an adverse impact on the water needs of adjacent properties.

(d) *Wastewater disposal*. If the development is located in the groundwater protection overlay zone or within a wellhead protection area:

i) The permitting authority ~~planning board~~ shall require a total nitrogen removal of 50 percent at the treatment unit before discharge to the wastewater disposal system, pursuant to section 7.3 of this ordinance.

ii) The applicant shall submit an assessment of the potential impacts of the proposed on-site wastewater disposal systems on surface water, groundwater, and public or private wells on adjacent properties.

iii) The applicant shall prepare and submit to the permitting authority ~~Planning Board~~ an operation and maintenance plan for the on-site wastewater disposal systems. The R. I. Handbook for Inspection of Operating Septic Systems shall be used as guidance for operation and maintenance.

(e) *Unique areas*. The permitting authority ~~Planning Board~~ must find that the entire development ~~project~~ will not have an adverse impact on the scenic beauty of the project area, historic sites, or rare and irreplaceable natural areas.

(f) *Water bodies*. ~~If any part of the building is located within 300 feet of a water body or freshwater wetland, t~~The entire development ~~proposed project~~ shall not have an adverse impact on any ~~the~~ water body or wetland within 300 feet of the entire development.

(g) *Well protection areas*. If a well or wells will be installed on the property, the entire wellhead must be located on property owned by the owner of the

developmentproject, or the owner of the development project must have a conservation easement on the wellhead. No structure that requires wastewater disposal shall be permitted within the wellhead protection area except on-site wastewater disposal systems required to serve the developmentproject; no hazardous materials shall be stored within the wellhead protection area; and no use that may contaminate the groundwater shall be permitted within the wellhead protection area.

7. *Environmental restrictions.* Adaptive reuse of a building pursuant to this section is prohibited if the R.I. department of environmental management or the U.S. environmental protection agency has recorded a use restriction on the property in the land evidence records.

Sec. 4.8. - Exeter and North Kingstown transfer of development rights.

A. Purpose. The transfer of development rights program, TDR, is a tool for the preservation of farmland and/or open space. It allows a community to encourage development toward land that is appropriate for development, and away from land that should be preserved. The purpose of the TDR sending area is to further the preservation of open space and/or farmlands located in Exeter. As the Towns of Exeter and North Kingstown have already taken extraordinary steps to preserve the farm land now or formerly known as the Bald Hill Nursery, and as this property serves as a gateway, it is the intent of Exeter to secure the development rights of the so called "retained ten acre parcel" (see attached Appendix A) by the use of this ordinance.

B. *Applicability.* This section, 4.8, applies to any properties targeted for preservation in Exeter which are included in the Exeter Zoning Map Transfer of Development Rights Sending Area(s) Overlay zone. The intent and purpose of this ordinance is set forth in the memorandum of agreement (Appendix B).

C. *Process.* The process identified and defined under this section allows for the transfer of development rights from the sending area in Exeter, to a receiving area in North Kingstown. As such, this process is also subject to the requirements of the North Kingstown Ordinance XXIII Transfer of Development Rights (TDR). The Town of Exeter may issue a letter of yield certification.

D. *Definitions.*

1. *Sending area(s).* This is the area identified on the TDR overlay of the Exeter Zoning Map as sending area(s).

2. *Certificates of development rights.* Upon the approval of a master plan by the Exeter Planning Board, the North Kingstown Planning Commission may authorize the issuance of a certificate of development rights from the director of planning provided that no appeal is filed during the appropriate appeal period.

3. *Receiving area.* This is the area(s) in North Kingstown identified by the North Kingstown Code of Ordinances Article XXIII, chapter 21-622(2) as the North Kingstown receiving area(s).

4. *Receiving parcel.* The parcel or parcels of land within the receiving area that development rights are being transferred to, except however, under this ordinance, no receiving parcel is to be located within 1,000 feet of the sending parcel.

5. *Deed restrictions.* Restrictions placed on the sending parcel deed as part of the transfer of development rights process.

6. *Retained rights.* These are the rights and/or the uses of the sending area parcel that are retained by the land owner after transferring the development rights of the parcel. These retained rights shall be defined in the deed restrictions submitted with the master plan application.

7. *Sending parcel.* The parcel of land within the sending area from which development rights are being transferred from.

8. *Transfer of development rights.* This is the process of selling or otherwise transferring the development rights of one parcel (sending parcel) to another parcel (receiving parcel) to allow for greater or more intense development of the receiving parcel and to provide for preservation of the open space/farmland at the sending parcel. As part of this process, the sending parcel agrees to restrict future development to the retained rights as defined in the deed restrictions.

9. *Yield.* The maximum number and size of buildings, building lots, or dwelling units that could reasonably be built on a parcel of land under current zoning, taking into account physical constraints to development such as wetlands.

10. *Letter of yield certification.* A letter from the Exeter Planning Board certifying the potential yield of a sending area parcel.

E. *Procedure.*

1. *Application.* An application for TDR under this section shall be received by the planning board in the Town of Exeter for confirmation of consistency to this section and procedural and substantive relevant sections of the land development and subdivision regulations. Said application shall contain a plan that meets the requirements for a master plan for the sending parcel as defined in the Town of Exeter Land Development and Subdivision Regulations for conventional major land developments. A pre-application meeting is required.

2. *Deed restrictions.* In addition to the other requirements spelled out in the Exeter Land Development and Subdivision Regulations, the master plan application shall include draft copies of the deed restrictions defining the retained rights and prohibitions for the sending parcel after the transfer of development rights. All deed restrictions shall, at a minimum, meet the requirements of the North Kingstown Ordinance XXIII Transfer of Development Rights (TDR). Approval of the deed restrictions shall be within the discretion of the Exeter Planning Board.

3. *Yield.* The Exeter Planning Board will review the master plan application and determine a practical yield plan based on current zoning, the requirements of the Exeter Land Development and Subdivision Regulations, and the Exeter Zoning Ordinance. Once the yield plan and the draft restrictive covenants are approved, the Exeter Planning Board will provide a letter of yield certification to the applicant. The letter of yield certification is valid for a period of one year, but can be extended due to good cause.

4. *Certificate of development rights.* The applicant shall submit the letter of yield certification from the Exeter Planning Board to the North Kingstown Planning Commission for review and possible approval, and for issuance of a certificate of development rights by the North

Kingstown Planning Director. Approval of the certificate of development rights is at the discretion of the North Kingstown Planning Commission and the planning director. No certificates may be issued until and unless, deed restrictions approved by the Exeter Planning Board and the planning board solicitor, have been recorded in the North Kingstown and the Exeter Town Halls.

5. *Sale and/or development.* Sale of the development rights and/or development using the development rights shall follow all regulations and procedures specified for TDR in the North Kingstown ordinances and the North Kingstown Subdivisions and Land Development Regulations.

6. *Appeals process.* Appeal of any decision from the Exeter Planning Board with regard to this ordinance shall be done in the manner specified in the Land Development and Subdivision Regulations Section 10.0.

Sec. 4.9. – Residential uses.

1. Where conditionally permitted, residential uses are subject to the satisfaction of the following specific and objective criteria:

   (a) Exterior gathering spaces and storage areas shall be screened during all times of the year, including during drought conditions, from surrounding properties such that they are not visible from any property line at a height of twenty-five feet (25')**;**

   (b) All exterior gathering spaces shall be setback a minimum of one-hundred feet (100') from all property lines;

   (c) Each residential unit shall consist of studio, one- and two-bedroom units ranging in size between 600 and 1,250 square feet of gross floor area;

   (d) No more than one (1) building per lot;

   (e) Garages shall not dominate the view of the house from the street;

   (f) Eaves are no higher than the second floor;

   (g) Each occupied room has at least two 30"x 60" windows;

   (h) Public water and sewer is available and connected prior to the issuance of any certificate of occupancy;

   (i) Each unit has private direct egress onto a private contiguous planted four hundred square foot (400 sq.ft.) enclosed yard (no chain link fencing permitted);

   (j) Parking is unassigned and may be located on other lots within the proposed development;

   (k) Parking along internal streets is permitted;

   (l) Any provided trash disposal includes compost and recycling;

   (k) No burning of fossil fuels;

(l) Buildings shall be constructed to stretch code standards;

(m) No more than three (3) units per building;

(n) Each lot contains the minimum dimensions (including area) for a newly created lot in this zoning district; and

(o) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

Sec. 4.10. – Agricultural uses.

1. Where conditionally permitted, agricultural uses are subject to the satisfaction of the following specific and objective criteria:

   (a) No agricultural activities are located within the required front, side, or rear yard setbacks;

   (b) Animal agriculture only with the permission of the property owner;

   (c) No keeping of roosters; and

   (d) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

2. Where conditionally permitted, roadside stands are only subject to the following specific and objective criteria:

   (a) The roadside stand is no larger than 200 square feet;

   (b) Parking is limited to five (5) vehicles;

   (c) Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall; and

   (d) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

3. Where conditionally permitted, florists, nurseries and greenhouses are subject to the following additional specific and objective criteria:

   (a) Right-of-way access points are paved within one hundred feet (100') of the right-of-way.

Sec. 4.11. – Institutional, government, recreational, entertainment, and cultural uses.

1. Where conditionally permitted, institutional government, recreational, entertainment, or cultural uses are subject to the satisfaction of the following specific and objective criteria:

(a) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation;

(ii) At least one outdoor gathering space immediately outside the main entrance sufficient to hold occupants to fire code standards shall be shown on the plans;

(iii) A designated dropoff area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as 5% of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number.

(b) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application.;

(c) A signage plan that clearly identifies the facility and all wayfinding shall be submitted with the special use permit application;

(d) No burning of fossil fuels in operation

(e) Buildings shall be constructed to stretch code standards; and

(f) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

2. Where conditionally permitted, day care centers are subject to the following additional specific and objective criteria:

(a) No day-care center shall be located within a 300-foot distance from gasoline pumps, underground gasoline storage tanks, or any other storage and/or use of hazardous, explosive and/or flammable materials, said 300 feet to be measured from the perimeter of the property on which the day-care center is proposed. No child day-care center shall be sited in a location which exposes children to commercial and/or industrial land uses and/or activities which involve toxic emissions, noxious odors, and/or other potential dangers.

3. Where conditionally permitted, transit uses are subject to the following additional specific and objective criteria:

(a) No scheduled maintenance allowed; and

(b) No more than two (2) vehicles may be parked for more than one (1) hour at any time.

4. Where conditionally permitted, shooting ranges are subject to the following additional specific and objective criteria:

(a) No weapon discharge sounds shall be audible from the property line. Multiple layers of ingress and egress doors are required to reduce the likelihood of clear air between the shooting range and the exterior. In no instance shall weapon discharge remnants be disposed on site.

5. Where conditionally permitted, race tracks are subject to the following additional specific and objective criteria:

(a) No vehicle noises, including horns, shall be audible from the property line

Sec. 4.12. – Professional / personal services.

1. Where conditionally permitted, kennels are subject to the satisfaction of the following specific and objective criteria:

   (a) Exterior exercise areas shall be located in the interior side or rear yard and shall be enclosed by a six foot fence;

   (b) All overnight boarding operations shall be located indoors; and

   (c) No burning of fossil fuels in operation.

2. Where conditionally permitted, pet grooming and veterinary facilities are subject to the satisfaction of the following specific and objective criteria:

   (a) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

      (i) Safe pedestrian and vehicular circulation;

      (ii) Designated parking for the use. and

      (iii) Vehicular and pedestrian signage directing patients and visitors to the different driveways and building entrances.

   (b) Sufficient veterinary design shall be demonstrated through the submission of the architectural plans stamped by a Rhode Island licensed architect depicting the animal facilities;

   (c) A signage plan that clearly identifies the facility and all wayfinding shall be submitted with the special use permit application;

   (d) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;

   (e) No burning of fossil fuels in operation; and

   (f) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

3. Where conditionally permitted, bed and breakfasts are subject to the satisfaction of the following specific and objective criteria:

   (a) Owner lives on site and is present when guests are on the property

   (b) A sprinkler system and fire alarm shall be provided as determined by the Fire Safety Code.

(c) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation.

(ii) A designated dropoff area near an entrance to the building sufficient to hold vehicles representing at least 10% of the number of rooms offered by the bed and breakfast that does not block vehicle parking spaces.

(d) A signage plan that clearly identifies the bed and breakfast shall be submitted with the special use permit application.

(e) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;

(f) No burning of fossil fuels in operation;

(g) Buildings shall be constructed to stretch code standards; and

(h) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

4. Where conditionally permitted, hotels, motels, and short-term rentals are subject to the satisfaction of the following specific and objective criteria:

(a) A sprinkler system and fire alarm shall be provided as determined by the Fire Safety Code.

(b) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation.

(ii) A designated dropoff area near an entrance to the building sufficient to hold vehicles representing at least 10% of the number of rooms offered by the hotel, motel, or short-term rental that does not block vehicle parking spaces.

(c) A signage plan that clearly identifies the hotel or motel shall be submitted with the special use permit application.

(d) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;

(e) No burning of fossil fuels in operation;

(f) Buildings shall be constructed to stretch code standards; and

(g) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

5. Where conditionally permitted, personal service and office are subject to the satisfaction of the following specific and objective criteria:

(a) Parking is limited to five (5) vehicles;

(b) Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall;

(c) No burning of fossil fuels in operation;

(d) Buildings shall be constructed to stretch code standards; and

(e) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

6. Where conditionally permitted, medical uses are subject to the satisfaction of the following specific and objective criteria:

(a) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation;

(ii) A designated dropoff area near an entrance to the building sufficient to hold at least four vehicles that does not block vehicle parking spaces; and

(iii) Vehicular and pedestrian signage directing patients and visitors to the different driveways and building entrances.

(b) Sufficient healthcare design shall be demonstrated through the submission of the architect's certification letter as required by the Rhode Island Department of Health;

(c) A signage plan that clearly identifies the facility and all wayfinding shall be submitted with the special use permit application;

(d) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;

(e) No burning of fossil fuels in operation;

(f) Buildings shall be constructed to stretch code standards; and

(g) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

7. Where conditionally permitted, arts and crafts shop are subject to the satisfaction of the following specific and objective criteria:

(a) No instructional classes.

8. Where conditionally permitted, repair services are subject to the satisfaction of the following specific and objective criteria:

(a) No fumes shall be detectable from outside the premises.

Sec. 4.13. – Retail and restaurants / fast food.

1. Where conditionally permitted, retail uses are subject to the satisfaction of the following specific and objective criteria:

   (a) Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall; and

   (b) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

2. Where conditionally permitted, sale of goods marketed towards intercourse are subject to the satisfaction of the following additional specific and objective criteria:

   (a) The building is one shade of gray or beige;

   (b) There is no obscene material visible from the exterior of the building;

   (c) The parking lot and entrance are not visible from the right-of-way;

   (d) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

      (i) Safe pedestrian and vehicular circulation;

      (ii) At least one outdoor gathering space immediately outside the main entrance sufficient to hold occupants to fire code standards shall be shown on the plans;

   (e) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;

   (f) A signage plan that clearly identifies the facility and all wayfinding shall be submitted with the special use permit application;

   (g) No burning of fossil fuels in operation;

   (h) Buildings shall be constructed to stretch code standards; and

   (i) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

3. Where conditionally permitted, outdoor display of goods for sale are subject to the satisfaction of the following additional specific and objective criteria:

   (a) Outdoor storage/display outside of business hours shall be kept in an area secured by a six foot (6') fence;

   (b) No outdoor storage/display within setbacks;

   (c) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating;

(i) Safe vehicular and pedestrian circulation; and

(ii) Outdoor storage/display areas.

(d) A traffic impact study stamped by a Rhode Island licensed civil engineer that shows no decrease in service at any period in time for facilities that require land development project review;

(e) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application; and

(f) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application.

4. Where conditionally permitted, antique, art, book, or gift shops are subject to the satisfaction of the following specific and objective criteria only:

(a) No antique, art, book, or gift shop activities are located within the required front, side, or rear yard setbacks;

(b) Parking is limited to five (5) vehicles; and

(c) Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall.

Sec. 4.14. – Automotive.

1. Where conditionally permitted, automotive uses are subject to the satisfaction of the following specific and objective criteria:

(a) The automotive use shall be located not less than 200 feet from the premises or any park, playground or other public recreational facility, school or municipal building, church or other place of worship, religious or educational institution, cultural center, cemetery or hospital.

(b) There is vertical separation of at least four inches between the use and adjoining sidewalks or roadways.

(c) There is a landscaped planting area of at least three feet along all edges of the use.

(d) Requirements for driveways:

(i) Minimum distance between access driveways shall be 20 feet.

(ii) Maximum width for curb cuts shall be 25 feet.

(e) Requirements for structures:

(i) Minimum distance between pump islands, compressed air connections and similar equipment and any street or property lines shall be 20 feet.

(ii) Minimum distance between the canopy and the street line shall be 12 feet.

(iii) Minimum distance between any canopy and compressed air and similar equipment and any interior lot line shall be 20 feet.

(iv) Minimum canopy clearance shall be 14 feet.

(f) Requirements for underground tanks:

(i) Maximum storage capacity for petroleum products shall be 42,000 gallons.

(ii) Minimum separation distance required between underground tanks adjoining buildings and property lines shall be 10 feet. Service station buildings are exempt from the separation distance requirement if there are no basements or pits that extend below the top of any tank within the separation distance.

(g) Requirements for repairing and washing vehicles. Repairing must be conducted wholly within a building. Repair work shall not include any body work. Storage of all merchandise, auto parts and supplies shall be conducted wholly within a building. If washing of vehicles occurs inside or outside a building, the entire washing area shall be paved and all the water used in such washing shall be properly drained into the sanitary sewer with no runoff onto the public right-of-way. All outdoor activities shall be screened from adjoining residential zones by a four-foot-high compact evergreen screen or tight-board fence.

(i) Outside storage of vehicles. Storage of any vehicles intended to be repaired shall be limited to one vehicle for every 500 square feet of lot area.

(ii) No motor vehicles shall be stored and no repair work and/or service work shall be conducted in the public right-of-way.

(h) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation.

(ii) Delivery and waste removal locations and schedules that do not disturb the peace.

(iii) Outdoor storage/display areas.

(i) Outdoor storage/display outside of business hours shall be kept in an area secured by a six foot (6') fence;

(i) No outdoor storage/display within setbacks;

(j) Compost and recycling containers shall be provided wherever trash containers are provided;

(l) A traffic impact study stamped by a Rhode Island licensed civil engineer that shows no decrease in service at any period in time for facilities that require land development project review;

(l) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;

(m) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application; and

(n) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

Sec. 4.15. - Construction and general contractor.

1. Where conditionally permitted, construction and general contractor uses are subject to the satisfaction of the following specific and objective criteria:

(a) No parked vehicles, equipment or materials associated with the use shall be visible from any property line or abutting right-of-way;

(b) No parked vehicles, equipment or materials associated with the use shall be located within any setback;

(c) No site activity after 11 p.m. or before 6 a.m.;

(d) No backing of vehicles from or onto the right-of-way; and

(d) If the business has more than one (1) employee, a sign clearly identifying the business is located at the primary driveway entrance for the business.

Sec. 4.16. - Wholesale.

1. Where conditionally permitted, wholesale uses are subject to the satisfaction of the following specific and objective criteria:

(a) No display or storage of items within setbacks;

(b) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation.

(ii) No backing of vehicles from or onto the right-of-way; and

(iii) Storage areas.

(c) Outdoor storage / display outside of business hours shall be kept in an area secured by a six foot (6') fence;

(d) No burning of fossil fuels in operation; and

(e) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;

(f) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;

(g) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

Sec. 4.17. – Storage.

1. Where conditionally permitted, storage uses are subject to the satisfaction of the following specific and objective criteria:

(a) No storage of items within setbacks;

(c) No accessory use is included with the storage use;

(c) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation.

(ii) No backing of vehicles from or onto the right-of-way; and

(iii) Storage areas.

(d) Outdoor storage shall be kept in an area secured by a six foot (6') fence;

(e) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;

(f) A lighting plan stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;

(g) Emergency access is provided through a knox box at all times;

(h) No burning of fossil fuels in operation; and

(i) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

Sec. 4.18. – Distribution.

1. When conditionally permitted, distribution uses are subject to the satisfaction of the following specific and objective criteria:

(a) No storage of items within setbacks;

(b) Circulation plans, on file with the zoning official, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation.

(ii) Passenger car parking safely separated from truck parking

(iii) Along at least one side of each loading dock bay shall be an egress door with direct to-code access to grade;

(iv) No backing of vehicles from or onto the right-of-way or across any interior streets or travel lanes; and

(v) Storage areas.

(c) A traffic impact study, on file with the zoning official, stamped by a Rhode Island licensed civil engineer that shows no decrease in service at any period in time;

(d) Outdoor storage and overnight vehicle parking shall be kept in an area secured by a six foot (6') fence;

(e) No idling of vehicles for more than two (2) minutes;

(f) A signage plan, on file with the zoning official, that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;

(g) A lighting plan, on file with the zoning official, stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;

(h) Emergency access to all enclosed areas is provided through a knox box at all times;

(i) No burning of fossil fuels in operation; and

(j) Any future changes to those items depicted on the plans are on file with the zoning official.

Sec. 4.19. - Utilities.

1. Where conditionally permitted, utilities uses not subject to Article VIII are subject to the satisfaction of the following specific and objective criteria:

   (a) Sensitive environmental design through the submission of a site plan stamped by a Rhode Island licensed landscape architect identifying materials utilized in the installation and view corridors.

   (b) Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

Sec. 4.20. - Manufacturing and industrial.

1. Manufacturing and industrial uses are subject to the satisfaction of the following performance standards:

(a) No industrial or manufacturing use within one-hundred feet (100') of a permitted residential use;

(b) No storage of items within setbacks;

(c) Circulation plans, on file with the zoning official, stamped by a Rhode Island licensed civil engineer, demonstrating:

(i) Safe pedestrian and vehicular circulation.

(ii) Passenger car parking safely separated from truck parking

(iii) Along at least one side of each loading dock bay shall be an egress door with direct to-code access to grade;

(iv) No backing of vehicles from or onto the right-of-way or across any interior streets or travel lanes; and

(v) Storage areas.

(d) Outdoor storage and overnight vehicle parking shall be kept in an area secured by a six foot (6') fence;

(e) No idling of vehicles for more than two (2) minutes;

(f) A signage plan, on file with the zoning official, that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;

(g) A lighting plan, on file with the zoning official, stamped by a Rhode Island licensed architect that shows sufficient lighting for nighttime safety shall be submitted with the special use permit application;

(h) All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire suppression devices and equipment, as approved by the local fire marshal.

(i) Compliance with the standards for Fire Protection and Prevention for flammable liquids and other materials per § 1926 Safety and Health Regulations for Construction of the Code of Federal Regulations.

(j) Floor drains connect to a floor-drain exclusive holding tank or tanks with a 1,000-gallon minimum capacity per area and installed in accordance with RCSA §22a449(d)-1.

(k) Emergency access to all enclosed areas and hazardous material locations is provided through a knox box at all times; and

(l) Any future changes to those items depicted on the plans are on file with the zoning official.

2. Where conditionally permitted, food processing is subject to the following specific and objective criteria:

(a) The food processing area is no larger than 200 square feet;

(b) Parking is limited to five (5) vehicles;

(c) Parking lot runoff is treated to RIDEM best practices, including pretreatment of the first inch of rainfall; and

(d) Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

3. Where conditionally permitted, wood processing is subject to the following additional specific and objective criteria:

(a) No power sawn ripping lumber onsite;

(b) No cutting of timber between the hours of 6pm and 8am; and

(c) No cutting of timber on Sundays.

4. Where conditionally permitted, extractive industries are subject to the following specific and objective criteria:

(a) All drilling must be done by the wet drilling method or by any other method of equivalent effectiveness for dust control;

(b) All roads accessing and within the site shall be treated to minimize dust conditions;

(c) Mining and quarrying which will reduce the area below the grade of the lowest adjoining property or road is prohibited, except along the boundary line with a licensed adjoining mine or quarry, in which case, the grade of the area cannot be below the grade of the adjoining mine or quarry at the boundary line. No mining or quarrying shall be permitted which will endanger the lateral support of abutting properties or roads. A minimum leveled (or natural) buffer area of 50 feet shall be provided between any mine or quarry boundary line (except boundary lines between adjacent licensed mines or quarries) and the commencement of the slope;

(d) Where conveyors discharge materials of less than one inch in diameter onto stockpiles of such material, and where the free and uncontained fall of the material being stockpiled from the conveyor to the highest point of the stockpile shall exceed a distance of six feet, a high-pressure water mist spray must be directed on the material as it falls from the conveyor to the stockpile in such manner as to reduce the accumulation and dissemination of dust. All crushing and processing of mine and quarry materials shall be conducted by use of wet method of dust control or by local exhaust systems of equivalent effectiveness;

(e) No burning of fossil fuels in operation; and

(f) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application;

5. Where conditionally permitted, crematories are subject to the following specific and objective criteria:

(a) Proof of licensure from the Rhode Island Department of Health;

(b) No water cremation;

(b) No retail operations onsite; and

(c) No burning of fossil fuels in operation.

6. Where conditionally permitted, commercial composting is subject to the following specific and objective criteria:

(a) Composting areas are secured when no staff are present with a six foot (6') fence with no gaps greater than one-quarter inch (¼");

(b) Stormwater from composting areas shall be kept separate from non compositing areas; and

(c) Compost piles shall be covered to prevent birds from feasting on the compost.

* * *

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE V. – OFF-STREET PARKING AND LOADING

Sec. 5.1. – Off-street parking facilities.

A. No land shall be used or occupied and no structure shall be erected or used unless the off-street parking spaces required herein are provided. Such parking spaces are not required for any structure or use existing prior to the effective date of this ordinance or any amendment thereto this ordinance; provided, however, that parking spaces, as specified in this ordinance, shall be provided, subject to the requirements of article IV for any enlargement, alteration or change to any such existing structure or use. The following are the maximum number of parking spaces required:

1. Dwellings: Two spaces for each unit.

2. Hotels, motels and lodginghouses: Two parking spaces for each unit or room to be rented. (If [a] restaurant is included, see # [subsection] 5 of this section.)

3. Office uses: One parking space for each 250 square feet of gross floor area, plus one parking space for each employee.

4. Hospital, nursing homes or other institutions: One parking space for every two beds, plus one parking space for every employee.

5. Restaurant, theater, country clubs, golf courses, churches or other places of public assembly or use: One parking space for every four seats or for every four persons of capacity. One parking space for every employee.

6. Retail or personal service business: One parking space for every 300 square feet of floor area devoted to sales.

7. Manufacturing, industrial, storage or wholesale use: One parking space for every employee and one parking space for every truck operated by the company at maximum employment level.

8. Handicapped parking: Handicapped parking requirements shall conform to the Rhode Island State Building Code, section 14-16, as amended.

9. The planning board shall determine parking standards for any use not defined above.

10. ~~Any use requiring~~ Parking in excess of 125 parking spaces shall require a ~~apply to the zoning board of review for [a]~~ special use permit.

B. Construction requirements exempting single-family dwellings:

1. In allocating area for off-street parking facilities, each parking space shall have a minimum width of nine feet, a minimum length of 18 feet, and shall be served

by suitable aisles to permit access into all parking spaces. In no case shall the gross area per parking space be less than 300 square feet.

2. Such parking area shall be treated with impervious or pervious surfacing materials and shall have appropriate bumper or wheel guards, where needed. However, pervious materials or surfacing approved by the planning board is encouraged within 200 feet of any freshwater wetlands and within the groundwater protection district as regulated by the Rhode Island Department of Environmental Management (RIDEM).

3. The interior of parking areas shall be suitably landscaped and maintained with trees, shrubs, vegetation or other live vegetative ground cover. Standards shall be in accordance with the standards contained in the town's subdivision regulations.

4. No parking shall be within a front yard setback which will be left in a vegetative state.

5. All lights or lighting fixtures used to illuminate said parking area shall be so arranged as to reflect the light away from adjoining premises and streets by means of shielding or similar manner.

6. Entrances and exit[s] for each parking area shall be signed with adequate off-street area[s] for approach, turning and exit without the need of ability to use any part of a street. All driveways shall be a minimum of 12 feet in width for each lane of traffic using such driveway. However, the width of any driveway shall not exceed 30 feet. No driveway shall be within 20 feet of another driveway.

7. No parking space or aisle shall be less than ten feet from any side or rear yard property line and no parking space or aisle shall be less than five feet from any building. Parking spaces less than ten feet from any building shall be separated from such building by raised curb, bumper or wheel guards. The equipment of this subsection shall not be applied to detached single-family dwellings.

8. Where a parking facility lies within or adjoins a residential district, an opaque fence or a double row compact evergreen screen not less than six feet in height shall be erected or planted and maintained between the parking facility and any adjoining residential district.

C. ~~All p~~Parking ~~plans~~ for any structure other than a residential single-family dwelling shall be classified as a land development project ~~must be presented to the planning board for approval~~.

D. There shall be no parking or storage of commercial registered vehicles containing the weight of over 20,000 GVW (gross vehicle weight) in any residential zone except for the storage of farm vehicles. The parking or storage of said commercial vehicles shall not be parked within any front yard setback.

E. The storage and parking of recreational vehicles in a residential district which is owned by an occupant, including travel trailers, pickup trucks, campers, tent trailers, motor homes, boats and boat trailers shall be governed by the following requirements:

1.No such recreational vehicle, while parked or stored in any district, shall be used for permanent living or housekeeping purposes for more than one week.

2. No such recreational vehicle shall be stored in required front yard area nor closer than 20 feet to a side or rear lot line.

3. No such recreational vehicle shall be stored outdoors unless in condition for its intended function or can be brought to functional condition within a six-month period.

4. Overnight parking of buses. Overnight parking of buses shall not be permitted in a residential (RE-2, RU-3, RU-4, CR-5) district.

Sec. 5.1. - Off-street loading requirements.

A. Off-street loading specifications:

1. For each nonresidential use of structure under 1,000 square feet of gross floor area or ground area in which commodities are sold, displayed, repaired, serviced, fabricated or altered as the principal use of the land or buildings; off-street loading space of no less than 300 square feet of area shall be provided.

2. For each use of over 1,000 square feet of gross floor area or land area devoted to such use, one off-street loading space at least 60 feet in length and 12 feet in width shall be provided with a minimum overhead clearance of no less than 14 feet.

3. Additional off-street loading space may be required by the permitting authority ~~planning board~~ when deemed necessary to provide adequate off-street loading space to serve the intended use.

B. Location of off-street loading space: Required off-street loading space shall be on the site of the principal use or on a contiguous site and shall be designed to prevent intrusion of loading or unloading vehicles into any street or sidewalk during loading or unloading. In no case shall any of the required off-street loading space be part of the area used to fulfill the off-street parking requirement associated with the intended use of the land or structure.

Last modified Jun 27, 2024to comport with use table

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE VIII. - CELLULAR AND OTHER COMMUNICATIONS FACILITIES

Sec. 8.1. Communications facilities—Purpose and intent ~~goals~~.

The purpose of this article ~~section~~ is to establish special conditions and performance standards for the use of communications antennae, antenna arrays, and communications towers, as defined below, that are consistent with the rural and residential character of the town, and consistent with the land uses in the town. The intent ~~goals~~ of this article ~~section~~ include encouraging, where appropriate, the location of antennae on existing structures, and the joint use (co-location) of new and existing towers in order to minimize or mitigate any adverse impact on the town that may result from the location or configuration of communications antenna arrays and communications towers. Every effort shall be made by the applicant to use an alternative tower structure, as defined below. The permitting authority ~~town~~ shall give due consideration to the municipality's comprehensive plan, zoning map, existing land uses and environmentally sensitive areas in approving ~~sites for the locations of~~ towers and antennas.

Sec. 8.2. Definitions.

A. Cellular communications antenna array shall mean the antenna or antennae from which wireless radio signals are sent and received by a personal wireless service facility as defined by the Telecommunications Act of 1996. It may, at the discretion of the planning board, include no more than 12 antennae in one array and one microwave antenna for the exclusive use of the carrier in transmitting its own signals. It may also include an equipment shelter as an accessory use. A cellular or other communications antenna array may be public or private.

(1) Public cellular communications antenna array shall mean any antenna used exclusively for governmental functions and owned by the United States of America, the state, or the town, or any political subdivision duly authorized to own and operate a cellular communications array.

(2) Private communications antenna array shall mean any antenna used for a private purpose and owned by a private person, partnership, corporation, organization, association or any entity subject to taxation.

B. Cellular communications tower shall mean a free-standing structure used for the location of one or more cellular communications antenna arrays. It may, where necessary, include an equipment shelter of no more than 120 square feet in floor area as an accessory use. A cellular communications tower may be public or private.

(1) Public cellular communications tower shall mean any tower structure used exclusively for a governmental function and owned by the United States of America, the state, or the town, or any political subdivision duly authorized to own and operate a cellular communications tower.

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(2) Private communications tower shall mean any tower used for a private purpose and owned by a private person, partnership, corporation, organization, association or any entity subject to taxation.

C. Co-location shall mean use of a common cellular or other tower or common site by two or more license holders or by one license holder for more than one type of communications technology.

D. Equipment shelter shall mean an enclosed structure, cabinet, shed or box used as an accessory to a cellular communications antenna array to house electrical equipment, batteries and emergency electrical generators, directly related to such antenna array. No other uses, including storage, shall be permitted in any equipment shelter.

E. Height shall mean the distance measured from ground level to the highest point on a cellular communications tower including the cellular communications antenna array.

F. Other communications tower shall include broadcast television or radio and other non-cellular telecommunications towers. This use includes above grade towers, including self-supporting lattice towers, guy towers or monopole towers or similar structures ~~more than 35 feet in height~~ for communications equipment and principally intended for the transmittal or reception of commercial, governmental, and related radio, television, and similar telecommunication signal of a non-cellular nature.

G. Alternative tower structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Sec. 8.3. Applicability.

No cellular or other communications antenna array or cellular or other communications tower shall be erected, constructed, altered or maintained on any lot with the town after the date of enactment of this amendment on August 7, 2000, without complying with the terms of this article section. Nothing herein shall be deemed to prohibit any previously existing public antenna or cellular communications tower used solely in the exercise of a governmental function. This article ~~ordinance~~ does not apply to towers or antennas under 70 feet in height that are owned and operated by a federally licensed amateur radio station operator or used exclusively as ~~for~~ receive only antennas.

~~A. A cellular or other communications antenna array may be allowed by special use permit on an existing nonresidential structure within the zones specified in article II, section 2.4 of this ordinance, the zoning use table, provided that the height of such cellular or other communications antenna array shall not exceed the height of such existing structure by more than 12 feet if omni- directional or whip type- antennae are used, and by not more than six feet if direction or panel type2 antennae are used.~~

Sec. 8.4. Application requirements.

~~Every cellular or other communications tower or equipment shelter that requires a special use permit for its construction, erection, installation, or mounting pursuant to article II, section 2.4 of this ordinance must be approved as a major land development plan by the planning board.~~

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All applications for permits to construct, install or erect cellular or other communications towers or equipment shelters, or to install, mount or erect cellular or other communications antenna arrays on existing buildings or on other alternate antenna support structures, are subject to the following ~~additional~~ requirements:

(1) A building permit is required;

(2) An electrical permit is required;

(3) Payment of all permit and inspection fees;

(4) Proof of ownership of the land upon which a cellular or other communications tower, antenna array or equipment shelter is proposed to be constructed, installed, erected, mounted or attached or a copy of an appropriate easement, lease, or rental agreement;

(5) A scaled plan and a scaled elevation view and other supporting drawings and calculations, indicating color and other documentation; and showing the location and dimensions of the relevant cellular or other communications tower, cellular or other communications antenna array, equipment shelter and any and all other devices and attachment, including electrical wiring cable, wire or other connective materials to and from the antennae to the equipment shelter, and to and from the equipment shelter to any existing or proposed wires, cables, or other connective devices, including conduit and ducts, whether owned, operated or managed by the applicant, or by others, and a statement identifying the owner, operator or manager of any wires, cables, or connective devices that enter or exist on or along any public street or right of way.

Sec. 8.5. General requirements.

A. All antennae shall comply with applicable Federal Communication Commission and Federal Aviation Administration regulations unless there exists a proven, present emergency effecting the public health, safety, and welfare. The town shall not regulate the placement, construction, and modification of cellular communications antenna arrays on the basis of the environmental effects of radio frequency emissions, provided that such facilities shall be subject to compliance with corresponding Federal Communication Commission regulations concerning such emissions.

B. A cellular or other communications tower shall be set back from all property lines a minimum of one foot for each ~~one~~ foot of tower height. When the property abuts an overlay district, the setback distance from such district shall be one and one-half feet for each foot of tower height.

C. All tower supports, accessory equipment, equipment shelters, and peripheral anchors, including guy wire anchors, shall be set back from all property boundaries the minimum distance required for a principal structure for the zoning district in which a ~~cellular~~ communications tower is to be located, and shall comply with all other applicable zoning requirements and building codes.

D. Equipment shelters shall be obscured from view by trees, shrubs or fences and shall be locked at all times. Contact information for the person to be notified in the event of an emergency shall be posted on site.

E. The provisions of §~~article II, section~~ 2.6 ~~.~~(5)~~.6~~ of this ordinance that prohibit more than one non-residential use on a lot shall not apply to antennas and towers.

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F. ~~No cellular communications tower, if otherwise allowed or permitted, shall exceed 125 feet in height without a separate special use permit for excess height. No other communication tower, if otherwise allowed or permitted, shall exceed 500 feet in height without a separate special use permit for excess height.~~

~~G.~~ To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in the State Building Code as amended fro~~r~~m time to time. If upon inspection, the building official concludes that a tower fails to comply with such code and standards; and constitutes a danger to persons or property, then the building official shall proceed in accordance with G.L title 23, ch. 27.3, entitled "State Building Codes." Towers must be structurally inspected by a registered engineer every ten years and a certificate of such inspection shall be filed with the building official. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

G~~H~~.All telecommunication facilities and structures which have not been used for a period of one year shall be considered abandoned and shall be dismantled and removed at the owner's expense. The owner of such facility shall remove same within 90 days of receipt of notice from the building official. The applicant shall post a bond or cash security with the town treasurer sufficient to cover the cost of removal and restoration of the site prior to construction in any zone. The amount of said bond or security shall be estimated by the building official. If such antenna or tower is not removed within 90 days of receipt of notice, the town may take necessary action to remove the facility and restore the site to a condition consistent with the character of the surrounding area, at the owner's expense.

H~~I~~. Appropriate camouflaging, landscaping and screening shall be provided for all cellular communications or other antenna arrays except public cellular communications antenna arrays.

I~~J~~. Each applicant for an antenna and/or tower shall provide to the planning board an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the town or within one mile of the town border, including specific information about the location, height, and design of each tower. The planning board may share such information with other applicants for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the town, provided, however that the planning board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

J~~K~~. The town supports multiple antenna/tower plans in which the users of towers and antennas are encouraged to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

K~~L~~. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the town

have been obtained and shall file a copy of all required franchises with the zoning board of review.

Sec. 8.6.Specific and objective criteria ~~Additional application requirements~~ for use by special use permit.

In addition to all other requirements imposed by this ordinance, an application for a special use permit for a cellular or other communications antenna array or cellular or other communications tower is subject to the following specific and objective criteria~~ shall include the following information~~:

A. The applicant shall define the area of service and indicate the current coverage capacity.

B. The applicant shall show that the proposed facility would provide the needed coverage and/or capacity.

C. The applicant shall provide a map or maps, covering the entire town and showing all existing, proposed or planned sites of all carriers including alternative sites from which the needed coverage could also be provided, and indicating the zoning for all such sites.

D. A cellular or other communications antenna array on an existing structure does not exceed the height of such existing structure by more than 12 feet if omni-directional or whip type antennae are used, and by not more than six feet if direction or panel type2 antennae are used.

E. The development is approved as a major land development project by the planning board;

F. Sensitive environmental design with minimal impact on views of the area around the site through the submission of a site plan stamped by a Rhode Island licensed landscape architect identifying:

(i) A scaled plan and a scaled elevation view and other supporting drawings and calculations, indicating color and other documentation; and showing the location and dimensions of the relevant cellular or other communications tower, cellular or other communications antenna array, equipment shelter and any and all other devices and attachment, including electrical wiring cable, wire or other connective materials to and from the antennae to the equipment shelter, and to and from the equipment shelter to any existing or proposed wires, cables, or other connective devices, including conduit and ducts, whether owned, operated or managed by the applicant, or by others;

(ii) Materials to be used in the installation; and

(iii) Conformity with the requirements of § 8.5.

G. The applicant shall post a bond or cash security with the town treasurer sufficient to cover the cost of removal and restoration of the site prior to construction in any zone. The amount of said bond or security shall be estimated by the building official; and

H. A statement identifying the owner, operator or manager of any wires, cables, or connective devices that enter or exist on or along any public street or right of way.

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Sec. 8.7. Additional standards for special use permit—towers.

In addition to all other applicable provisions of this ordinance, the planning board shall make affirmative findings of fact relative to each of the following factors in determining whether to issue a special use permit for the construction of cellular or other communications tower:

A. Applicant has exhausted all reasonable efforts to utilize existing structures for a cellular or other communications antenna array and that no other structures are reasonably available within the area sought by the applicant to produce adequate communications coverage for the applicant.

B. Applicant has exhausted all reasonable efforts to avoid the necessity of erecting a new tower, including but not limited to the construction of a permitted structure on which a cellular or other communications antenna array could be placed. Every effort shall be made by the applicant to use an alternative tower structure as previously defined.

C. The applicant must demonstrate that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

D. Applicant's proposed tower comports with the height restrictions and/or requirements provided for herein.

E. Applicant's proposed tower comports with the use requirements and/or restrictions provided for herein, as well as the uses of the neighboring properties.

F. Applicant's proposed tower comports with the surrounding topography, tree coverage and other natural elements of the landscape of the proposed site and applicant's property.

G. Applicant's proposed tower comports with the design characteristics that reduce or eliminate adverse impacts on the community including type (guyed tower, lattice tower or monopole) of tower or antenna array, color of tower or antenna array, and overall visual obtrusiveness.

Sec. 8.8. Design standards

The following design standards shall apply to all cellular and other communications antennae arrays and cellular and other communications towers:

A. For the erection of a cellular or other communications antenna array on an existing structure, the proposed facility shall preserve or enhance the pre-existing character of the building or structure on which it is located, as well as the surrounding buildings and land uses. All components of the proposed facility shall be integrated through location and design to be compatible with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved and the disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding areas.

B. For the erection of a cellular or other communication tower, the proposed facility shall preserve or enhance the pre-existing character of the surrounding buildings and land uses

as much as possible. All components of the proposed facility shall be integrated through location and design to be compatible with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved and the disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding areas.

C. Appropriate screening shall be installed at all tower sites to screen views from adjacent properties and streets. Planting shall be of such a height and density to ensure screening. Screening shall consist of plant and/or tree material approved by the planning board. Screening shall not be less than five feet in width, nor less than eight feet in height. Screening may be waived on those sides or sections which are adjacent to undevelopable lands. The owner of the property shall be responsible for all maintenance and shall replace any dead plantings within thirty days.

D. Towers shall either maintain a galvanized steel finish or, subject to any applicable Federal Aviation Administration standards, be painted a neutral color, so as to reduce visual obtrusiveness.

E. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and existing environment.

F. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color identical to or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

G. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the reviewing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

H. There shall be no signs, symbols, flags, banners or other devices or things attached or painted or inscribed upon any tower.

Last modified Jul 3, 2024to comply with enacted inclusionary zoning law amendment

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE IX. AFFORDABLE HOUSING

Sec. 9.1. General.

A. *Findings.* It is a public purpose of the Town of Exeter to achieve and maintain a diverse and balanced community with housing opportunities for residents of all income levels. Through its affordable housing plan, the town has formally committed itself to meeting the 10 percent affordable housing goal established by Title 45, Chapter 53 of the General Laws, the Low and Moderate Income Housing Act, and has specified the strategies and means by which the goal is to be achieved. This section sets forth a regulatory framework that is designed to ensure an adequate supply of housing to serve these needs.

B. *Intent*. The affordable housing provisions of this article are intended:

1. To promote affordable housing production in accordance with the goals and policies of the town comprehensive plan's housing element and affordable housing plan;

2. To encourage the development and availability of housing that qualifies as low or moderate income housing as mandated by the Rhode Island Low and Moderate Income Act, and the Rhode Island Comprehensive Housing Production and Rehabilitation Act of 2004, as amended; and

3. To maintain and enhance the socio-economic diversity of the community through the development of housing for all populations within the Town, including, but not limited to, housing for the resident workforce and housing for special needs populations.

Sec. 9.2. Assurance of affordability.

A. *Basic requirement*. All ~~**[repealed by the Town Council 11/6/23 effective 12/31/23]**~~ affordable units ~~provided~~ created pursuant to this ordinance shall meet the definition of "low or moderate income housing" in article I, section 1.2 of this ordinance. The required minimum term of affordability shall be 30 years.

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B. *Eligible occupants*. Ownership units shall be occupied by their purchasers as their primary residence and not rented for seasonal occupancy nor rented for any other occupancy except during temporary absences totaling not more than eight weeks in any 12-month period. Rental units may be leased only to households meeting the applicable income restrictions.

C. *Qualification and monitoring.* In order to assure that the occupancy and level of affordability of low or moderate-income housing units are maintained over time in accordance with this ordinance and with Rhode Island Housing regulations, the developer shall contract with a monitoring agent appointed by the R. I. Housing Resources Commission for the following purposes:

1. To determine pricing for initial sale, resale, lease or sublease of inclusionary or affordable dwelling units;

2. To qualify purchasers or renters for occupancy based upon household size and income;

3. To assist in the development of a marketing and resident selection plan that meets state and federal fair housing requirements, to be approved by the Planning Board; and

4. To monitor occupancy of the affordable dwelling units to ensure compliance with these requirements.

D. *Long-term affordability*. Long-term affordability shall be assured through a land lease or deed restriction, recorded in the ~~town~~ land evidence records prior to the sale or lease of the affordable unit, addressing the following items:

1. The basis for calculation of the maximum allowable sales or rental price for the housing unit both initially and on future buyers or renters;

2. Provisions for monitoring and assurance of compliance over time; and

3. Provisions under which the town may exercise a right of first refusal to purchase an affordable unit being offered for sale.

Sec. 9.3. Marketing and resident selection.

A. *Plan required*. The developer of all low or moderate income units **~~[repealed by the Town Council 11/6/23 effective 12/31/23]~~** created pursuant to this ordinance shall submit an affordable unit marketing and resident selection plan for approval by the planning board prior to its initiation. The plan shall describe how the low or moderate income units will be marketed and potential homebuyers or tenants selected, including a description of the lottery or other process to be used for their selection.

B. *Local preference*. Income-blind priority shall be given in resident selection for 80 percent of the inclusionary or other affordable units (rounded down to the nearest unit) to households containing persons currently residing or employed in the town, or persons having children, parents, or siblings who are resident in the town. If the applicant pool of such persons contains a smaller percentage of minority applicants (Native American or Alaskan Native, Asian or Pacific Islander, Black, Hispanic, Cape Verdean) than the statewide percentage, A~~a~~dditional minority applicants not qualifying for local preference shall be added to the pool until it reaches the statewide percentage.

Sec. 9.4. Inclusionary zoning. **~~[repealed by the Town Council 11/6/23 effective 12/31/23]~~**

A. Purpose. The purpose of inclusionary zoning is to ensure that new residential development projects support the town's goal of housing diversity consistent with the town comprehensive plan and with statewide planning and housing guidance. To achieve this purpose, new subdivisions and ~~land~~ development ~~project~~ that are subject to this section 9.4 shall include a share of housing units that are affordably priced, subject to a price limitation to assure initial affordability, with deed rider or land lease assuring that purchasers' or tenants' incomes meet prescribed limits at the time of purchase or occupancy and that such affordability and income eligibility will again be observed at the time of each future resale, release, or other transfer.

B. Applicability. The provisions of this section 9.4 shall apply to all residential subdivisions and ~~land~~ development ~~projects~~ that result in the creation of four or more lots or housing units from a lot in existence on the effective date of this ordinance.

C. Inclusionary unit requirements.

1. Basic requirement. A development that is subject to this section 9.4 shall include low or moderate income housing units at least equal to 20 percent of the added lots or housing units that are not low or moderate income units (with fractions below 0.5 rounded down and fractions of 0.5 or greater rounded up to the next higher number), as illustrated by the following table:

Number of lots or units that are not LMI	Required number of LMI units	Total number of lots or units including LMI units	Actual percentage of LMI units (for reference only)
4–7	1	5–8	13%–20%
8–12	2	10–14	14%–20%
13–17	3	16–20	15%–19%
18–22	4	22–26	15%–18%
23–27	5	28–32	16%–18%
28–32	6	34–38	16%–18%
etc.	etc.	etc.	

2. Incremental development. These requirements are intended to apply to incremental development of a lot over time as well as to a one-time development of a lot. Therefore, a low or moderate income unit shall be provided whenever the cumulative number of new lots or units created from the original lot reaches a threshold number in the table in section 9.4.C.1: that is, the first low or moderate income unit shall be provided when the fourth new lot or unit is to be created; the second low or moderate income unit shall be provided when the eighth new lot or unit is to be created; etc.

~~3. Low income affordability. In a development in which all of the units are for sale, at least 50 percent of the inclusionary units shall be affordable to low income households and the remaining inclusionary units shall be affordable to households with incomes at or below 100 percent of area median income. In any development in which not all of the units are for sale, all of the inclusionary units shall be affordable to low income households~~.

D. Off-site location.

1. The inclusionary unit requirements may be met in part or whole by locating some or all of the required inclusionary housing units on an alternative site or sites within the town only if the Planning Board finds that an increase in the existing zoned density of the proposed development is unfeasible or inappropriate due to sensitive environmental features of the site or other factors

2. Off-site inclusionary housing units may be located in an existing structure being rehabilitated, but the units must not be ones which are already eligible to be counted as low or moderate income housing under G.L. ch. 45-53.

3. Except where inclusionary units will be provided in an existing structure as provided in section 9.4.D.2, the planning board shall not permit off-site location of required inclusionary units unless the town council first approves the off-site location.

4. Off-site developments and subdivisions shall not be able to utilize the incentives outlined in subsection (G) below.

E. Term of affordability. The required minimum term of affordability for inclusionary units, whether on-site or off-site, shall be 30 years. When a unit is resold prior to the expiration of the restriction, the term of affordability shall be renewed for 30 years.

F. Fee in lieu.

1. Permitting Authority. The permitting authority for all fee-in lieu projects shall be the Planning Board. If the Planning Board denies a fee-in lieu request, the project shall return to the permitting authority as if no fee-in lieu request had been made.

2. Eligibility. The inclusionary unit requirements may be met in part or whole through payment of a fee in lieu of providing one or more inclusionary units only if the planning board finds that an increase in the existing zoned density of the proposed development is unfeasible or inappropriate due to sensitive environmental features of the site, and provision of the required off-site is not feasible. The fee in lieu option is intended to be a last resort where the developer is not able to provide the required inclusionary unit(s) either on-site or off-site.

2. Fee amount. The required fee in lieu of providing inclusionary units shall be equal to the number of inclusionary units required but not provided times a fee per unit as set forth in 3. below.

3. Fee per unit. The fee in lieu of providing one inclusionary dwelling unit shall be equal to the difference the between:

a. The average cost of developing a single unit of affordable housing which is determined annually by the Rhode Island Housing and Mortgage Finance Corporation, ~~median sales price per dwelling unit for all units sold in the town in the most recent three-year period for which sales price data is available (as determined by the assessors)~~ and

b. The maximum affordable sales price for a family of four (4) earning eighty percent (80%) of the area median income as determined annually by the U.S. Department of Housing and Urban Development~~current maximum purchase price for a housing unit affordable at 80 percent of applicable area median income (as estimated by Rhode Island Housing)~~.
~~The fee in lieu shall be updated annually by the planning board, and the town council shall approve the fees by resolution.~~
Notwithstanding subsection (b.) above, in no case shall the per-unit fee for affordable single-family homes and condominium units be less than forty thousand dollars ($40,000.00).

4. Fee recipient. The fee shall be paid to the town and directed ~~either~~:

a. To a restricted account established by the town to support the creation of affordable housing in the town, from which funds shall be expended pursuant to vote of a local housing board ~~financial town meeting~~ for the acquisition of land for affordable housing or for the acquisition, rehabilitation, or construction of affordable housing units~~; or~~

~~b. To an affordable housing trust fund established by municipal ordinance, to be expended in the manner specified in said ordinance~~.

5. The Town will allocate in lieu payments within three years of collection to the creation of affordable housing.

6. Land conveyance. The inclusionary unit requirement may be met in part or whole through the conveyance to the town of land either on-site or off-site, subject to acceptance by the town council, provided that the planning board finds that:

   a. The fair market value of the land is at least equal to the fee in lieu that would otherwise be required under section 9.4.F.2; and

   b. The land is suitable for residential development and use.

7. Fee-in lieu developments and subdivisions shall not be able to utilize the incentives outlined in subsection (G) below.

G. ~~Cost-mitigating provisions~~Incentives. The following~~-cost mitigation measures~~ incentives are provided as a subsidy to contribute to offsetting the net cost impact of providing housing units at affordable prices.

1. Density bonus. The number of housing units allowable on the site shall be increased above that otherwise allowable by a number equal to the number of low or moderate income housing units provided. The total number of dwelling units on the parcel shall not be increased by more than one unit or 50 percent above the number that otherwise would be allowed.

2. Limitations adjusted. Where the residential density is increased pursuant to section 9.4.H.1, the dimensional regulations of section 2.4.2 shall be adjusted as follows:

   a. Lot size, frontage and yard requirements (except for front yards and for side and rear yards at the perimeter boundary lines of the development) shall be reduced by multiplying the requirements in section 2.4.2 by the number of housing units allowable without a density bonus divided by the number of units allowable with a density bonus.

   b. The planning board shall have the authority to adjust other applicable dimensional regulations if the board finds the adjustment to be necessary and consistent with good planning practice.

   c. The adjusted dimensional regulations applicable to the development shall be shown on the final plat or site plan for the development.

3. Exemption from growth management ordinance. The building permit quotas established by the Town Code of Ordinances, chapter 14, article III ("growth management") shall not apply to inclusionary units (but shall apply to market rate units in the same development).

4. Exemption from impact fees. The impact fees established by the Town Code of Ordinances, chapter 14, article IV ("impact fees") shall not apply to inclusionary units (but shall apply to market rate units in the same development).

5. Additional incentives. Inclusionary zoning developments and/or subdivisions may submit for approval as a land development project to secure additional incentives and/or relief to enable the project.

H. Integrating inclusionary units.

1. Inclusionary unit location and appearance. Inclusionary units shall be integrated within the development to the degree feasible, and not separately segregated. The exterior appearance of the inclusionary units shall be compatible with and, except for unit size, essentially indistinguishable from the others.

2. Inclusionary unit size.

a. If the average number of bedrooms in the market rate units is greater than 2.0, the average number of bedrooms in the inclusionary units shall not be less than 2.0.

b. If the average number of bedrooms in the market rate units is 2.0 or less, the average number of bedrooms in the inclusionary units shall not be less than the average number of bedrooms in the market rate units.

3. Timing of occupancy. The percentage of proposed market rate units granted a certificate of occupancy shall at no time exceed the percentage of proposed inclusionary units granted certificates of occupancy by more than 50 percent. The certificate of occupancy for the last market-rate unit shall not be granted until all inclusionary units have been granted such certificates.

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE X. – PLANNED VILLAGE DEVELOPMENT

Sec. 10.1. – Planned village development general requirements.

10.1.1. *Purpose*. The purpose of this section is to promote development that:

A. Incorporates residential, commercial, and public uses in a compact, walkable environment;

B. Includes housing units providing long-term housing affordability to low or moderate-income households;

C. Reflects traditional New England village development in terms of its physical design, scale, mix of uses, and visual character;

D. Supports environmental sustainability by providing for pedestrian access and circulation, compact design, and open space preservation through transfer of development rights; and

E. Implements "A Vision for Exeter" as described in the comprehensive plan.

10.1.2 *Establishment of a planned village overlay district*. Planned village development (PVD) can only occur in the Town of Exeter through the establishment of a planned village overlay district (PVOD) in accordance with the provisions of this article.

A. Applications for a PVD may be submitted to the Town of Exeter for land within an existing PVOD or as part of a new district. Applications for a new district shall be accompanied by a proposed comprehensive plan future land use map amendment (if necessary) and a zoning map amendment consistent with the comprehensive plan.

B. Where a change to the zoning map is required, application to the planning board for the zoning map amendment shall be accompanied by site plans depicting the proposed development within the full extent of the district. The site plans shall include all information that would be required for a master plan submittal for a PVD major land development project.

10.1.3. *Eligibility.* Locations eligible for PVOD shall meet all of the following criteria:

A. At least one lot within a proposed PVOD shall have adequate frontage on and access to an arterial street as defined in article I, section 1.2 of this ordinance.

B. The location of the proposed PVOD shall be consistent with areas identified as potential village sites in the comprehensive plan.

C. For newly proposed PVOD districts, the minimum aggregate lot size shall be no less than ten acres.

D. Land that abuts an existing PVOD may also be considered for PVOD zoning change where the property will be integrated by design into the existing PVOD. Where an abutting property may be added on to an existing PVOD, there shall be no minimum area requirement for that abutting property.

10.1.4. *Permit procedures*.

A. Any application for PVOD that requires a change to the zoning map shall be reviewed as a major land development project (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)).

B. Approval of the first stage of a PVD ~~master plan~~ submission ~~by the planning board~~ shall be conditional upon any necessary subsequent changes to the future land use map and the zoning map to establish the PVOD.

C. Where a PVOD is already established on the zoning map, but the development proposed as part of the initial zoning map change was not constructed per the conditions of the approved ~~master~~ plan within the required timeframe allowed by state law, new proposals or revisions to that first proposal shall require review as a new major land development project (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)).

D. Any change to restrictions or conditions placed on the original zoning map amendment including, but not limited to, deed restrictions, covenants, maintenance agreements, design standards, and limits on commercial square footage, shall require submission of a preliminary plan application ~~a formal re-submittal of the master plan~~.

E. Where a PVOD zoning district is already established and substantial construction conforming to the plans approved as part of the initial zoning map change has taken place, applications for additional development or changes within the district that meet or exceed the following criteria shall be submitted as a ~~major~~ land development projects in accordance with the procedures of the land development and subdivision regulations:

1. Any new commercial use with a building footprint that exceeds 4,000 square feet;

2. Any proposed use that requires transfer of development rights;

3. The creation of new development or the expansion of existing development that would increase the amount of parking by more than ten spaces.

10.1.5. *Relationship to other sections of the zoning ordinance*. Where the provisions set forth in this section of the zoning ordinance govern the procedures or standards found elsewhere in the zoning ordinance that would otherwise apply, including but not limited to those that apply to the underlying districts, the provisions of the PVOD shall govern. Where this section of the zoning ordinance may be silent on procedures found elsewhere in the zoning ordinance, and which are otherwise applicable, those standards found elsewhere in the zoning ordinance shall govern.

Sec. 10.2. – Special requirements.

10.2.1 *Housing affordability.* At least one low or moderate income dwelling unit shall be provided for every seven market-rate dwelling units.

10.2.2 *Residential density.* Residential development within a PVD is intended to provide a diversity of attractive housing types that will serve a range of individuals and families in accordance with the requirements of this subsection. Residential density that is proposed over and above the residential density allowed by right within the underlying district shall also require the transfer of development rights pursuant to section 6.0 of the land development and subdivision regulations.

A. The maximum density of residential development for an individual lot within a PVD shall not exceed 15 units per acre. The average density of residential development in the PVOD shall not exceed eight units per acre. Any dedicated open space within the PVOD or on an individual lot shall not be included in these calculations.

B. This permitted increase in density is provided as a municipal government subsidy as defined in this ordinance and in R.I. Gen. Laws § 45-53-3.

10.2.3 *Maximum floor area*. The gross floor area of an individual commercial establishment in the PVOD shall not exceed 15,000 square feet, except that a grocery store may be permitted a gross floor area up to 25,000 square feet. Architectural techniques shall be used on larger structures to reduce the impact of massing, including varied rooflines and articulation pursuant to the design regulations in section 6.0 of the land development and subdivision regulations.

10.2.4 *Public space*.

A. At least ten percent of the land in a PVOD shall be designated as public space as part of the site design, but can remain in private ownership.

B. Wetlands may be devoted to public space but shall not be counted towards the minimum public space requirement.

10.2.5. *Parking*.

A. Any application for a PVD shall demonstrate that the development complies with the requirements of the applicable provisions of the article V of the zoning ordinance with the following additions, exemptions or alterations:

1. ~~Any use requiring in excess of 125 parking spaces shall not require a special use permit.~~

~~2.~~ As part of a PVD application review, the permitting authority ~~planning board~~ may allow parking within the front yard setback where the placement of the parking is part of a larger design scheme to enhance the walkability within a village setting.

2~~3~~. As part of a PVD application review, the permitting authority ~~planning board~~ may reduce setbacks for parking spaces or aisles where the placement of said parking or aisle is part of a larger design scheme to enhance the walkability within a village setting. Parking spaces less than ten feet from any building shall be separated from the building by raised curb, bumper or wheel guards. The

requirements of this subsection shall not be applied to detached single-family dwellings.

3~~4~~. As part of a PVD application review, the permitting authority ~~planning board~~ may allow for different buffer configurations and design where connections with the adjacent residential district are designed as part of the PVD.

4~~5~~. Off-street loading space shall not be part of any area used to fulfill the off-street parking requirement associated with the intended use of the land unless approved by the permitting authority ~~planning board~~ as part of a PVD application and where the use of the parking area is consistent with the goal of creating a walkable village setting.

B. An applicant for a PVD may propose that all or a portion of parking associated with residential or commercial use will be located off-site. The permitting authority ~~planning board~~ may allow off-site parking on a lot of different ownership to be counted for a given operation provided that a covenant or easement between property owners is presented in advance of final plan review. Off-site parking shall be within 500 feet of the front entrance of the use it is proposed to serve as measured along an easily accessible and well-lit pedestrian pathway.

C. The permitting authority ~~planning board~~ may require, within the PVD review process, that an applicant provide justification for the number of proposed parking spaces. Analyses provided by the applicant may include, but shall not be limited to, shared parking or off-site parking analyses, case study data of similar uses, or the use of parking space management measures such as enforceable time limitations, fees, or parking limitations for employees.

Last modified Jul 21, 2024to comport to use table and add wind systems

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE XI. - RENEWABLE ENERGY

Sec. 11.1. - Solar.

11.1.1. Solar energy facilities.

A. *Purpose.* The purpose of this section is to regulate the installation of solar energy facilities by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities that address public safety, minimize impacts on scenic, natural and historic resources and are compatible with the town's comprehensive plan.

B. *Applicability*. The provisions of this section shall apply to placement, design, construction, operation, monitoring, expansion and/or repair or removal of any solar energy facility in the Town of Exeter.

C. *General requirements*. All solar energy facilities shall comply with the following requirements.

1. Location. Solar energy facilities shall be allowed in accordance with section 2.4.1 of the Town of Exeter Zoning Ordinance Use Tables.

2. Building permit and inspection. No solar energy facility shall be constructed, installed, or modified without first obtaining a building permit and such facility shall be subject to periodic inspections as deemed necessary by the building official and/or electrical inspector.

3. Applicants are strongly encouraged to locate solar energy facilities on rooftops, contaminated sites, gravel banks, quarries, and parking lots and in existing industrial zones. To encourage solar development in these locations, the solar land coverage requirement may be increased to 50 percent of the land suitable for development if it can be demonstrated to the permitting authority ~~planning board~~ that the remaining general requirements in this section can be met and the modification of the solar land coverage requirement would not negatively impact adjacent property owners and is consistent with the Exeter Comprehensive Plan. All other provisions of this ordinance would remain applicable.

4. No individual panel within a ground-mounted solar energy facility shall exceed 12 feet in height. Solar canopies are exempted from this requirement.

5. Proposed site re-grading shall not be excessive and shall be kept to the minimum amount necessary. No removal of topsoil or unnecessary disturbance of the ground or grading is permitted as part of the installation or maintenance. Any topsoil that must be moved shall be stored and stabilized on-site for future use.

6. To the maximum extent practicable, all ground mounted solar installations shall be located so as to take advantage of existing cleared land. Clearing of forest or woodland shall be avoided to the greatest extent practicable.

7. A building mounted solar energy facility shall not exceed the permitted building height as set forth in section 2.4.2.

8. Ground-mounted solar energy facilities shall conform, at a minimum, to the yard setback requirements of the applicable zoning district.

9. *Decommissioning.* Any solar energy facility which has reached the end of its useful life shall be removed within 180 days from the date of discontinued operations. A decommissioning estimate, prepared by a professional engineer registered in Rhode Island, must be approved by the permitting authority ~~planning board~~ during the preliminary phase of review. Each element of the decommissioning cost estimate must include verifiable source with contact information. Decommissioning shall consist of:

    a. Physical removal and recycling of all solar energy facility structure, equipment, security barriers, fencing and transmission lines from the site.

    b. Disposal of all solid and hazardous waste in accordance with all federal, state and local laws, regulations and ordinances.

    c. Stabilization and re-vegetation of the site in compliance with all state and local laws, regulations, and ordinances necessary to minimize erosion. The site shall be inspected by the Exeter Zoning Inspector and/or his/her designee in coordination with the town planner.

10. *Financial surety*. Prior to the issuance of a building permit for a medium, large or utility scale ground mounted or solar canopy solar energy facility, an escrow agreement or escrow fund to cover 125 percent of the cost of decommissioning, as approved by the permitting authority ~~planning board~~, shall be posted with the Town of Exeter. This surety shall be automatically renewed annually for a minimum of 20 years or for the anticipated life of the solar energy system.

11. *Parking and circulation*. The applicant shall demonstrate that adequate access and parking are provided for service and emergency vehicles as determined by the permitting authority ~~planning board~~ in consultation with the fire marshal.

12. *Fencing*. The applicant shall be required to install a minimum of a six foot fence around the perimeter of the solar energy facility. Barbed wire fencing is prohibited. The fence shall be installed a minimum of eight inches off the ground to allow small animals to pass underneath. Newly installed fences shall be flagged for at least six months to protect both fencing and wildlife. In the instance where the applicant can show that the surrounding area and site do not require fencing for protection or trespass, or to allow agricultural production within the array area, the permitting authority ~~planning board~~ may waive the fencing requirements. Solar canopies are exempt from this requirement.

13. Applicants must provide a thorough explanation of any transmission lines access or upgrade required as a result of the project, including but not limited to the route starting and end points, potential impacts to street trees, and right-of-way width.

14. Applicants must provide a thorough explanation of any new or proposed upgrades to electrical substations that are related to the proposed project. Information

necessary includes, but is not limited to location, screening, setbacks and noise impacts.

15. *Stormwater management and erosion and sediment control.* Every effort shall be made to avoid or minimize changes to existing topography and hydrology. Site alterations must conform to the most recent edition of the RI Stormwater Design and Installation Standards Manual and the RI Soil Erosion and Sediment Control handbook, as well as applicable town regulations. All applicable erosion and sediment controls must be in place prior to construction, including site work, begins.

16. *Siting and screening*. The solar facility shall be sited and screened to minimize the aesthetic effect of solar facilities on viewsheds within the community. The design shall incorporate landscaping and design elements to visually screen the installation from view of public roads and adjoining properties. Solar installations in residentially zoned districts shall maintain a 200 foot undisturbed vegetated setback from all adjacent properties and roadways. If planting is required within the designated setback due to a lack of natural screening, such plantings shall be a minimum of six feet in height at the time of installation. Solar energy facilities in the B, LB-R, LI, DM, LC, ~~Planned District~~ and PVOD zones shall be required to provide the 200 foot undisturbed vegetated buffer on property lines abutting residentially zoned land. As part of the ~~major~~ land development process the permitting authority ~~planning board~~ may alter this width or require additional screening elements dependent on site characteristics such as slope, wetland area, existing buffering, etc.

17. Reasonable efforts shall be made to place all utility connections from the facility underground, depending upon appropriate soil conditions, shape, topography of the site, sub-surface conditions, and any requirements of the utility provider.

18. Lighting of a ground-mounted solar energy facility shall be consistent with local, state and federal law. Lighting of other parts of the facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

19. Solar energy facilities and associated equipment shall not be allowed on land held under conservation easement or land for which the development rights have been sold, transferred, or otherwise removed from the parcel, unless the conditions of the easement, deed or other applicable legal document specifically allows for such facility.

20. All solar energy facilities shall be designed and located to prevent reflective glare toward any inhabited buildings or adjacent properties. Glare generated from solar panels shall not interfere with traffic or create a safety hazard.

21. The applicant is required to provide verification from a landscape architect licensed in Rhode Island at the preliminary stage of review that the landscape buffer is adequate to thoroughly screen the solar energy facility year round. In addition, the required vegetated buffer/screening shall be maintained for the life of the solar energy facility. The property owner and/or facility owner shall be required to replant any section of the buffer/screening found not to meet the requirements of

this section as determined by the zoning enforcement officer with consultation from the town planner.

22. In any areas of the site where prime farmland or farmland of statewide importance, as determined by the United States Department of Agriculture Natural Resource Conservation Service within the most recent Rhode Island Soil Survey, and where the solar facility or a portion of is proposed the following is required:

    a. If soils need to be removed from areas of the site for installation purposes, the soils must be stored on site for future reclamation and areas under the panels are to be replanted with grass or low growth vegetation that is listed in the University of Rhode Island's native plant database;

    b. Siting of the facility overall and individual panels shall keep with the existing contours of the land, and only pile driven or ballast block footing are to be used, so as to minimize the disturbance of soils during installation; and

    c. Required vegetative buffers are to be composed of plant materials listed in the University of Rhode Island's native plant database (except as otherwise permitted in this ordinance), with a preference for pollinator-friendly materials to the maximum extent practicable.

D. *Applications for ~~major~~ land development projects or special use permits*. Land development project ~~A~~applications shall include, in addition to the requirements set forth in the town's land development and subdivision regulations, the following items. These items are required for submission in order for the administrative officer to certify the application as complete and place it on an agenda for review at the first ~~master plan~~ stage of review and all subsequent stages, unless otherwise specified. The permitting authority ~~planning board~~ may waive any document requirement it deems appropriate upon written request of the applicant. When the solar facility is subject to a special use permit, the following items shall serve as specific and objective criteria for the permitting authority to find compliance with prior to the establishment of the use.

1. Class I comprehensive boundary survey site plan including a T-1 topography survey;

2. Property lines and all physical features for the project site;

3. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting and screening vegetation or structures that conform to the town's land development and subdivision regulations;

4. A site plan of the solar energy facility showing the proposed layout of the system and any potential shading from nearby structures or vegetation;

5. One or three line electrical diagram detailing the solar energy facility, associated components and electrical interconnection methods, with all current state electrical code compliant disconnects and over current devices (required at preliminary plan review submission);

6. Documentation/details of major system components to be used, including the energy panels, mounting system and inverter (required at preliminary plan review submission);

7. An operation and maintenance plan which addresses site access maintenance, vegetation management, equipment and fence maintenance and any other maintenance that may be needed to address town requirements imposed as a result of unique site conditions (required at preliminary plan review submission):

8. Proof of liability insurance in an amount approved by the town (required at final plan review submission);

9. Decommission/restoration plan including an itemized cost estimate for the decommissioning and restoration of the site (required at preliminary plan review submission);

10. A copy of the preliminary interconnection feasibility study from the applicable utility company;

11. A zoning certificate for the property on which the solar facility is proposed;

12. The calculated square footage of the proposed solar facility including rows and interspacing between panels to be used to calculate the fee for each stage of review and for the calculation of the coverage area; (required at each stage of review)

13. A project narrative, which shall contain a summary of the proposed facility, a description of the facility's context in relation to the surrounding neighboring land uses and environmental features, and detail regarding the proposed operational characteristics of the solar energy facility, including features concerning the means and methods planned to minimize or avoid off-premise impacts to adjoining land use;

14. A landscape plan, stamped by an landscape architect registered in Rhode Island showing the following information:

    a. That the land beneath the panels will be reseeded after installation with a grass or low growth vegetation that is listed in the University of Rhode Island's native plan database to the maximum extent practicable;

    b. Required vegetative buffers are comprised of plant materials listed in the University of Rhode Island's native plant database, with a preference for pollinator-friendly materials;

    c. Any areas of buffering or screening required by the permitting authority~~planning board~~.

    d. Only native vegetation and planting shall be used as screening for solar facilities. Additional landscaping vegetation and plantings must not be conspicuously different than the existing natural vegetation and planting in the project vicinity, both in the types of plants and layout configuration;

    e. The permitting authority ~~planning board~~ may allow for exceptions to these requirements in the event that the applicant requests to plant non invasive harvest crops to allow agricultural production within the limits of the solar installation.

E. To ensure the fulfillment of the requirements of this section, the permitting authority ~~planning board~~ shall have the authority to require the following:

1. Adjustments to the proposed location of the solar energy facility determined to be necessary to mitigate negative impacts to adjacent properties or impacts to the general public through loss of scenic vistas and/or cultural and/or historic character.

2. The provision of additional landscaping beyond the minimum requirements of this section and the town's land development and subdivision regulations, where such is necessary to mitigate negative impacts to adjacent properties or prominent viewsheds, or due to the unique characteristics of the subject property.

3. Submission of an Environmental Community Impact Study (ECIS) in accordance with section 3.4 of the land development and subdivision regulations at the master plan review stage.

F. Additional requirements for solar energy facilities in all residential zones:

1. Ground mounted solar facilities allowed pursuant to this section shall have a solar land coverage of no more than 15 percent of the parcel on which they are located including existing structures. The planning board may waive this requirement if they find that the parcel and/ or circumstances of the facility are unique and/or would serve a public benefit to allow a higher percentage of solar land coverage, this is including but not limited to contaminated sites, gravel banks and landfills.

2. Any subsequent subdivision of a parcel in residential zone that contains a solar energy facility shall be required to maintain the minimum parcel size on which the facility exists, as well as not exceeding the solar land coverage established in this ordinance.

G. Additional requirements for solar energy facilities in non-residential zoning districts (B, LR-R, LI,DM, LC ~~Planned District~~, PVOD)

1. Ground mounted solar energy facilities ~~in the B, LB-R, LI, Planned District and PVOD zone~~ shall not have a solar land coverage of more than 25 percent of the lot on which they are located, including existing structures.

H. Additional requirements for solar energy facilities along scenic roadways:

1. Ground mounted solar energy facilities located adjacent to a designated (local or state) scenic highway shall locate the solar facility, including solar panels and any appurtenant structures, out of the viewshed of the scenic roadway.

11.1.2. Procedural Requirements

A. Building-mounted solar energy facilities.

1. ~~Building-mounted solar energy facilities are permitted in all zoning districts per section 2.4.1 of the Zoning Ordinance.~~

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~~2.~~ Issuance of a building permit (local and/or state) is required prior to any installation of a building-mounted solar energy facility.

3. All building mounted solar energy facilities adjacent to a scenic roadway (local or state designated) shall place the solar panels and appurtenant structures out of the viewshed from the scenic highway, where possible.

4. No individual panel ~~,~~ within a building mounted solar energy facility, shall exceed the permitted building height for the zoning district which the structure the panel is mounted on is located.

B. Solar canopies.

1. Solar canopies shall be located over parking lots, driveways or walkways.

2. All solar canopies shall meet all applicable zone requirements including but not limited to lighting, setbacks and signage.

3. All medium and large scale solar canopies shall meet the following:

a. Major land development project approval from the planning board (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)).

b. Applicable general requirements identified in section 11.1.1.C.

C. Small-scale solar energy facilities.

1. All small-scale solar energy facilities are required to obtain major land development project approval (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)). In addition, all applicable requirements under 11.1.1.C of this section shall apply.

D. Medium-scale solar energy facilities.

1. All medium-scale solar energy facilities are required to obtain major land development project approval (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)) ~~and a special use permit~~. In addition, ~~t~~ all applicable requirements under 11.1 of this section shall apply.

E. Large-scale solar energy facilities.

1. All large-scale solar energy facilities are required to obtain major land development plan approval (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)) ~~and a special use permit~~. All applicable requirements set forth in section 11.1 of this ordinance shall apply.

F. Utility-scale solar energy facilities.

1. All utility-scale solar energy facilities are required to obtain major land development plan approval (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)) ~~and a special use permit~~. All applicable requirements set forth in section 11.1 of this ordinance shall apply.

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Last modified Jul 21, 2024to comport to use table and add wind systems

Sec. 11.2. - Wind systems.

A. Purpose. The purpose of this section is to accommodate wind systems of appropriate size in appropriate geographic locations, while simultaneously protecting the public health, safety and welfare. In addition, this section provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established herein. Moreover, due to the rural character of Exeter and the massive size of large scale wind systems, systems of this type are deemed inappropriate for reasons of protecting public safety and general welfare.

B. Definitions.

ASSOCIATED FACILITIES. Elements or components of a wind-energy facility other than the tower, nacelle, and blades that are necessary for the proper operation and maintenance of the wind turbine, including but not limited to buildings, access roads and substations.

GENERATING FACILITIES. Wind turbines and electrical lines that are immediately associated with wind turbines.

NACELLE. The frame and housing at the top of the tower that encloses the gearbox or generator.

OCCUPIED BUILDING. A residence, school, hospital, house of worship, public library or other building that is occupied or in use as a primary residence or is customarily frequented by the public at the time when the permit application is submitted.

RESIDENCE. A building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents, and watercraft.

SHADOW FLICKER. The effect of the sun shining through the rotating blades of a wind turbine, casting a moving shadow. This shadow is perceived as a "flicker" due to the rotating blades repeatedly casting the shadow.

SMALL-UNIT TURBINE. A wind energy facility that is no more than 36 feet tall and that generates no more than 100 kw of electricity and where said electricity is used exclusively for the power needs of the property owner who is also the applicant.

SUBSTANTIAL START. That construction shall be considered to be substantially commenced when any work beyond excavation, including, but not limited to, the pouring of slab or footings, the installation of piles, the construction of columns, or the placement of a Tower on a foundation has begun.

TOWER. The freestanding structure on which a wind measuring, or energy conversion system is mounted.

TURBINE HEIGHT. The distance measured from the top of foundation (based of tower) to the highest point of any turbine rotor blade measured at the highest arc of the blade.

WIND ENERGY FACILITY (FACILITY). A lot or lots with a facility that uses one or more wind turbines to convert wind energy to electrical energy. A wind energy facility includes generating facilities and associated facilities.

WIND TURBINE. A system for the conversion of wind energy into electricity which is comprised of a tower, generator, nacelle, rotor and transformer.

C. Approval Process. All wind systems are subject to land development project approval as follows:

1. Small wind turbine. Subject to Minor Land Development review.

2. Large wind turbine. Subject to Major Land Development Review (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)).

D. Where conditionally permitted, wind turbines are subject to the following specific and objective criteria:.

1. Height. Overall turbine height must not exceed 465 feet above the foundation (base of the tower). The base may not project more than one (1) foot above the average finished grade.

2. Setbacks. Setbacks equal to 1.5 times the turbine height from the closest point of property lines, public or private ways, and occupied buildings, or manufacturer's specifications, whichever is largest.

3. Noise and sound level. Noise levels must not exceed 75 dB(A) in industrial zones, 65 dB(A) in commercial zones and 40 dB(A) in residential zones at the applicant's external property boundary lines.

4. Shadow flicker. Using realistic modeling, the applicant must demonstrate that shadow flicker will be limited to a maximum of 30 hours per year and 30 minutes per day at occupied structures or controls will be put in place to manage flicker in accordance with this standard.

5. Overspeed controls, brakes, ice detection. All wind turbines must be equipped with an overspeed control system, braking mechanism, and ice detection sensors (or heated blades, as the case may be). These systems must be of the latest proven technology available.

6. Access. All ground-mounted electrical and control equipment and all access doors to a wind turbine must be labeled and secured to prevent unauthorized access. A wind tower must not be climbable up to a minimum of 15 feet above the ground surface.

7. The applicant must incorporate the latest technology, testing parameters, and best management practices, including preapplication testing, that meet or exceed accepted industry standards into all studies and technical submissions provided in the application process.

8. The applicant must address potential hazards such as ice throw and blade throw.

9. View Shed/Sightline Analysis. The applicant must submit accurately scaled photographic renderings for areas with the greatest expected visual impacts. These graphics are for informational purposes only.

10. All state and local public roads to be used within the Town to transport equipment and parts for construction, operation or maintenance of the wind energy facility must be identified as part of the application. Any road damage caused by the applicant or its contractors shall be promptly repaired to town standards at the applicant's expense.

11. Decommissioning bond. The applicant shall provide a decommissioning bond payable to the Town to cover 1.5 times the anticipated cost of removal of the facility in accordance with subsection (G) of this section.

12. Any future changes to those items depicted on the plans are submitted for consideration as a new special use permit.

E. General Requirements – Small Unit Turbine. The use must comply with items 2, 3, 4, 7, 9 and 10 of subsection (D) of this section as performance standards.

F. Supplemental Application Materials. The following application materials are required for a large wind turbine in addition to the standard application requirements.

1. Description of the proposed facility that includes the number and aggregate generating capacity of all wind turbines, the turbine height and manufacturer's certificates for each wind turbine.

2. Site plan showing the location of each wind turbine, associated facilities and the following features located within 200 feet of the property line of any property proposed for a wind turbine: parcel boundaries, required setbacks, topographic contour lines (maximum ten-foot interval), roads, rights-of-way, overhead utility lines and connections, buildings (identified by use), land cover, wetlands, streams, water bodies, areas proposed to be regraded or cleared of vegetation, the location and average height of tree cover to be retained and the location, variety, planting height and mature height of proposed trees, if any.

3. Description of emergency and normal shutdown procedures.

4. Decommissioning plan and sample decommissioning bond.

5. Written summary of operation and maintenance procedures and a maintenance plan for access roads, erosion and sedimentation controls and stormwater management facilities.

6. Sound level and shadow flicker analysis prepared by a qualified engineer.

7. An emergency response plan for the facility that incorporates coordination and cooperation with the fire and police departments and training on the response to and handling of emergencies.

8. Any other relevant studies, reports, certifications and approvals as may be reasonably requested to ensure compliance with this article.

9. Documentation verifying that there will be no interference with neighboring radio, TV, satellite, or other signal communications.

G. Decommissioning.

1. When the facility is scheduled to be decommissioned, operations cease, or the use abandoned, the property owner or the facility owner or operator shall notify the Administrative Officer and Building Official by certified mail of the proposed date of discontinued operations and the plans for removal. The facility shall be physically removed no more than one hundred eighty (180) days after the use discontinued, ceased, or abandoned operations. At the time of removal, the facility site shall be restored to the state it was in before installation, if no other viable use of the site is proposed at the time of decommissioning.

2. A facility shall be considered abandoned when, absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, it fails to operate, or is not connected to a utility company's interconnection or end-user for a one-year period after initial operations commence.

3. Decommissioning shall consist of:

   a. Physical removal of the systems to include all components of the system mounting systems/foundations, structures, equipment, security barriers, transmission lines and any other component that is a part of the system from the site;

   b. Disposal of all solid and hazardous waste, if any, in accordance with local, state and federal disposal regulations;

   c. Stabilization or revegetation of the site as determined by a landscape architect to minimize erosion; and

   d. Any earth disturbance as a result of the removal of the system shall be graded and reseeded.

   e. A Restoration Plan shall be submitted to the Town Engineer for review prior to decommissioning to ensure the intent of this subsection is complied with and the land is restored to a vegetated state, if no other viable land use is proposed by appropriate application at the time of decommissioning.

4. Failure to Act

   a. If the property owner or system owner or operator fails to decommission the system within one hundred eighty (180) days of abandonment, or the proposed date of decommissioning, the Town shall give written notice to the system owner, operator, and property owner to commence and complete decommissioning within thirty (30) days.

   b. If decommissioning has not commenced within thirty (30) days of said written notice by the Town, the Town shall have the authority to enter the property and decommission the system and charge the cost of the decommissioning including reasonable attorney's fees against the financial guarantee. Any costs that exceed the

guarantee may be charged to the property owner and/or the system owner or operator. The Town shall have the right to impose a lien for all such charges not covered by the guarantee.

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Last modified July 21, 2024 to comport to use table

DRAFT AMENDMENTS
EXETER ZONING ORDINANCE

ARTICLE XII. – ~~MEDICAL~~ MARIJUANA RELATED FACILITIES

Sec. 12.1. – Definitions.

Compassion center means, as defined in Rhode Island General Laws § 21-28.6-3, a not-for profit corporation, subject to the provisions of Chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possess, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder, who have designated it as one of their primary caregivers.

Marijuana cultivation center means any entity that, under state law, may acquire, possess, cultivate, manufacture, deliver, transfer, transport, or supply marijuana, to a registered compassion center, or other entity authorized to dispense marijuana.

Marijuana store means any retail establishment at which the sale or use of marijuana, medical or otherwise, takes place. This shall not include compassion centers regulated and licensed by the State of Rhode Island, as defined herein.

Medical marijuana cultivation center means any entity that, under state law, may acquire, possess, cultivate, manufacture, deliver, transfer, transport, or supply marijuana, for medical purposes, to a registered compassion center, or other entity authorized to dispense medical marijuana.

Non-residential cooperative cultivation means a use of land located in a non-residential zone, or of a building, or a portion thereof, located in a non-residential zone for the cultivation of marijuana by two or more cardholders, as defined in Rhode Island General Laws § 21-28.6-3.

Residential cooperative cultivation means use of land located in a residential zone, or of a building, or portion thereof, located in a residential zone, for the cultivation of marijuana by two or more cardholders, as defined in Rhode Island General Laws § 21-28.6-3.

Patient cultivation means marijuana cultivation by a single registered cardholder, as defined in Rhode Island General Laws § 21-28.6-3 and as permitted by § 21-28.6-4.(a), within his or her residential dwelling for medical use only. This use shall only be permitted as an accessory use to a lawfully permitted residential use. In a mixed use building that contains residential and nonresidential uses, this use shall be contained within the residential dwelling unit only.

Sec. 12.2. – Compassion centers.

A. Compassion centers shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A compassion center requires Major Land Development approval by the Planning Board (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)). ~~and must meet all of t~~The use shall be subject to the following requirements when permitted by right and the following requirements shall serve as specific and objective criteria when the use is conditionally permitted:

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1. Evidence that the requested use at the proposed location is not within 1000 feet of any property used for school, public or private, playground, play field, youth center, licensed day-care center or any location where groups of minors regularly congregate.

2. The requested use at the proposed location will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.

3. The exterior appearance of the structure must be consistent with the exterior appearance of existing structures within the immediate neighborhood.

4. The proposed compassion center shall implement the appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.

5. All compassion center uses shall comply with all licensing and permitting requirements of the Town of Exeter and the laws of the State of Rhode Island.

6. The use of butane for the purposes of marijuana extraction shall be prohibited in all districts.

7. The proposed compassion center shall provide detailed plans to the permitting authority ~~Planning Board~~ regarding the disposal of their wastewater from the growing operations, hours of operation, number of employees, parking requirements, signage, lighting and any other items deemed necessary by the Town Planner or the Planning Board as part of the application review process.

8. See section 12.8 of this article, Building requirements.

Sec. 12.3. - Medical marijuana cultivation center.

A. Marijuana cultivation centers shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance.A marijuana cultivation center shall require Major Land Development approval by the Planning Board (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)) ~~and must meet all of t~~The use shall be subject to the following requirements when permitted by right and the following requirements shall serve as specific and objective criteria when the use is conditionally permitted:

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1. Evidence that the requested use at the proposed location is not within 1000 feet of property used for school, public or private, playground, play field, youth center, licensed day care center or any location where groups of minors regularly congregate.

2. The requested use at the proposed location will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.

3. The exterior appearance of the structure must be consistent with the exterior appearance of existing structures within the immediate neighborhood.

4. The proposed cultivation center shall implement the appropriate security measures to deter and prevent unauthorized entrance into the facility and shall ensure that the facility has an operational security/alarm system.

5. The use of butane for the purposes of marijuana extraction shall be prohibited in all districts.

6. The proposed cultivation center shall provide detailed plans to the permitting authority ~~Planning Board~~ regarding the disposal of their wastewater or waste products from the growing or manufacturing operations, hours of operation, number of employees, parking requirements, signage, lighting and any other items deemed necessary by the Town Planner or the Planning Board as part of the application review process.

7. See section 12.8 of this article, Building requirements.

Sec. 12.4. - Marijuana cultivation center.

~~Reserved.~~

A. Marijuana cultivation centers shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A marijuana cultivation center requires Major Land Development approval by the Planning Board (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)). and must meet all of the following specific and objective criteria when the use is conditionally permitted:

1. Evidence that the requested use at the proposed location is not within one-thousand feet (1,000') of any property used for school, public or private, playground, play field, youth center, licensed day-care center or any location where groups of minors under the age of twenty-one regularly congregate.

2. The requested use at the proposed location will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.

3. The exterior appearance of the structure must be consistent with the exterior appearance of existing structures within the immediate neighborhood.

4. The proposed marijuana cultivation center shall implement the appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.

5. All marijuana cultivation center uses shall comply with all licensing and permitting requirements of the Town of Exeter and the laws of the State of Rhode Island.

6. No single location shall have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building.

7. The cooperative cultivation shall not be visible from the street or other public areas.

8. The use of butane for the purposes of marijuana extraction shall be prohibited.

9. No outside storage of marijuana, related supplies, or promotional materials shall be permitted.

10. Marijuana facilities shall be ventilated in such a manner that:

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(a) No pesticides, insecticides, or other chemicals or products used in the cultivation or processing of marijuana are dispersed into the outside atmosphere; and

(b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana facility, or any adjoining use of property. An odor control plan shall be submitted that provides for adequate ventilation, detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such control.

11. The marijuana facility shall be screened along side and rear setbacks with a solid wall or fence a minimum of six feet in height.

12. Lighting shall be required such that it will illuminate the use, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front facade, and any adjoining public sidewalk. Wherever possible, lighting shall be directed straight downward and full-cutoff fixtures shall be used in order to prevent glare or light trespass.

Sec. 12.5. – Marijuana store.

~~Reserved.~~

A. Marijuana stores shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A marijuana store requires Major Land Development approval by the Planning Board (unless otherwise classified as a minor land development project pursuant to RIGL 45-23-32(19)(i)). and must meet all of the following specific and objective criteria when the use is conditionally permitted:

1. Evidence that the requested use at the proposed location is not within one-thousand feet (1,000') of any property used for school, public or private, playground, play field, youth center, licensed day-care center or any location where groups of minors under the age of twenty-one regularly congregate.

2. The requested use at the proposed location will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.

3. The exterior appearance of the structure must be consistent with the exterior appearance of existing structures within the immediate neighborhood.

4. The proposed marijuana store shall implement the appropriate security measures to deter and prevent unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.

5. All marijuana cultivation center uses shall comply with all licensing and permitting requirements of the Town of Exeter and the laws of the State of Rhode Island.

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6. No single location shall have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building.

7. The cooperative cultivation shall not be visible from the street or other public areas.

8. The use of butane for the purposes of marijuana extraction shall be prohibited in all districts.

9. No outside storage of marijuana, related supplies, or promotional materials shall be permitted.

10. Marijuana facilities shall be ventilated in such a manner that:

(a) No pesticides, insecticides, or other chemicals or products used in the cultivation or processing of marijuana are dispersed into the outside atmosphere; and

(b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the marijuana facility, or any adjoining use of property. An odor control plan shall be submitted that provides for adequate ventilation, detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such control.

11. The marijuana facility shall be screened along side and rear setbacks with a solid wall or fence a minimum of six feet in height.

12. No burning of fossil fuels.

13. Buildings shall be constructed to stretch code standards.

14. Lighting shall be required such that it will illuminate the use, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front facade, and any adjoining public sidewalk. Wherever possible, lighting shall be directed straight downward and full-cutoff fixtures shall be used in order to prevent glare or light trespass.

15. Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

    (a) Safe vehicular and pedestrian circulation.

16. A traffic impact study stamped by a Rhode Island licensed civil engineer that shows no decrease in service at any period in time.

17. A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application.

18. Any future changes to those items depicted on the plans need to be submitted for consideration as a new special use permit.

Sec. 12.6. - Non-residential cooperative cultivation.

A. Non-residential cooperative cultivation shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A non-resident cooperative cultivation allowed as a special use shall require approval as a minor land development as well as approval of a special use permit. The Planning Board will consider the applications together under unified development review. The documentation required by this ordinance shall be included in the joint application for both approvals. In the case where a non-residential cooperative cultivation is permitted by right, all required documentation shall be submitted to the zoning inspector with the request for a zoning certificate. All non-residential cooperative cultivations shall be subject to the following requirements when permitted by right and the following requirements shall serve as specific and objective criteria when the use is conditionally permitted::

1. A cardholder shall only cooperatively cultivate in one location.

2. No single location shall have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building.

3. The cooperative cultivation shall not be visible from the street or other public areas.

4. A written acknowledgment of the limitation of the right to use and possess marijuana for medical purposes in Rhode Island, that is signed by each cardholder, shall be prominently displayed on the premises.

5. The use of butane for the purposes of marijuana extraction shall be prohibited in all districts.6.See section 12.8 Building requirements of this chapter.

Sec. 12.7. - Residential cooperative cultivation.

A. Residential cooperative cultivation shall be permitted according to Table 2.4 and shall be subject to all applicable provisions of the zoning ordinance. A resident cooperative cultivation allowed as a special use shall require approval as a minor land development as well as approval of a special use permit. The Planning Board will consider the applications together under unified development review. The documentation required by this ordinance shall be included in the joint application for both approvals. In the case where a residential cooperative cultivation is permitted by right, all required documentation shall be submitted to the zoning inspector with the request for a zoning certificate. All residential cooperative cultivations shall be subject to the following requirements when permitted by right and the following requirements shall serve as specific and objective criteria when the use is conditionally permitted:

1. A cardholder shall only cooperatively cultivate in one location.

2. No single location shall have more than one cooperative cultivation. For the purposes of this section, location means one structural building, not units within a structural building.

3. The cooperative cultivation shall not be visible from the street or other public areas.

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4. A written acknowledgment of the limitation of the right to use and possess marijuana for medical purposes in Rhode Island, that is signed by each cardholder, shall be prominently displayed on the premises.

5. The use of butane for the purposes of marijuana extraction shall be prohibited in all districts.

6. See section 12.8 Building requirements of this chapter.

Sec. 12.8. - Building requirements.

A. All licensed cultivators, retail stores and compassion centers shall apply for all appropriate building, electrical, mechanical and plumbing permits as required by the building official. The building official may grant the application for permits pursuant to the R.I. building code. All licensed cultivators, retail stores and compassion centers shall apply for all required approvals and inspections by the local fire marshal. The fire marshal may grant the application for permits pursuant to the R.I. fire safety code.

B. Additional Requirements. In addition to the requirements above, the building official or permitting authority ~~Planning Board~~ shall require the following:

1. The area used for growing shall be secured by locked doors and an alarm system.

2. The area used for growing shall have two means of ingress and egress.

3. The area used for growing shall not be within ten feet of any heating source.

4. The area used for growing shall have proper ventilation to mitigate the risk of mold.

5. The area used for growing shall have carbon filters (or equivalent) installed to reduce odors.

6. No single non-residential location may have more than one medical marijuana facility. For the purposes of this section, location means one structural non-residential building, not units within a structural building.

7. No equipment or process shall be used that creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.

8. Storage and disposal of processing waste, fertilizers and any other hazardous chemical associated with the activities of the growing or processing of medical marijuana or medical marijuana products shall comply with all local, state and federal requirements.

Sec. 12.9. - Licensing requirements.

All applications for medical marijuana cultivation centers, marijuana cultivation centers, marijuana stores and/or compassion centers are required to obtain an annual business license from the Town Council. The cost of such license shall be $400.00.

Sec. 12.10. - Confidentiality.

Any application for a permit, any inspection reports, approvals, certificates of occupancy or any other document prepared or created pursuant to this chapter shall not include the term marijuana, cardholder, caregiver, cooperative cultivation or any other term that may indicate that such document is or has been prepared or created pursuant to this chapter.

Sec. 12.11. – Violations.

The building official, fire marshal, zoning official and/or other designated official shall be required to report a violation of any of the provisions of this section to the Rhode Island Department of Business Regulation.

Sec. 1.2. Definitions.

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

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

15. *Bed and breakfast.* An owner-occupied home that provides lodging and meals for a fee. Hosting functions such as weddings for a fee or in conjunction with the bed and breakfast use is prohibited.

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

17~~6~~. *Building.* Any structure used or intended for supporting or sheltering any use or occupancy.

18~~7~~. *Building height.* On all structures, building height is measured to the top of the highest point of the existing or proposed structure, excluding spires, chimneys, flag poles, and similar projections. On an undeveloped lot, building height is measured from the average existing-grade elevation where the foundation of the structure will be located. On an existing structure, building height is measured from the average grade of the outermost corners of the foundation. On a structure in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps, the base flood elevation on the FEMA map, plus up to five feet of any existing or proposed freeboard, less the average existing grade elevation, is excluded from the building height calculation. Freeboard is the number of feet the lowest floor of a structure must be elevated above the base flood elevation to provide safety.

19~~8~~. *Building inspector.* An appointed official responsible for issuing building permits and examining all structures during the course of their erection, alteration, repair, moving or demolition. Also called a building official.

20~~19~~. *Cluster.* A site-planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in the ordinance and may include, but are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development, there is no increase in the number of lots that would be permitted under conventional development except where ordinance provisions include incentive bonuses for certain types or conditions of development.

21~~0~~. *Common ownership.*

i. Ownership of two or more contiguous lots by the same individual, individuals, entity, or entities.

ii. Ownership by an association of property owners such as a homeowners' association.

22~~1~~. *Community residence.* A residence defined in R.I. Gen. Laws § 45-24-31(15), as amended.

23~~2~~. *Comprehensive community plan.* The document adopted and approved pursuant to Title 45, Chapter 22.2 of the General Laws.

24~~3~~ *Conservation development.* The site planning and design process used to implement cluster subdivisions and land developments, as defined in R.I. Gen. Laws § 45-24-31(13) Conservation development guides growth to the most appropriate areas within a parcel of land to avoid and minimize impacts to natural, cultural or recreational resources and other special features of the property, and requires the set-aside of a permanent area of open space.

25~~4~~. *Day care center.* A facility that provides daytime care and supervision.

26~~5~~. *Day care, family day care home.* A home where daytime care and supervision is provided for no more than eight individuals, including up to six individuals who are not related to the caregiver.

27~~6~~. *Density, residential.* The number of dwelling units per unit of land.

28~~7~~ *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.

2~~98~~. *Development rights.* Those rights to develop, expressed as the maximum number of dwelling units for residential parcels that could be permitted on a designated sending area parcel under the applicable zoning and subdivision regulations in effect on the date of the transfer of development rights.

30~~29~~. *Drainage system.* A system for the removal of water from land by drains, grading or other appropriate means. Such techniques may include runoff control to minimize erosion and sedimentation during and after construction or development, the means for preserving surface [waters] and groundwaters and the prevention and/or alleviation of flooding and pollution.

3~~1~~0. *Dwelling unit.* A structure or portion thereof that provides permanent provisions for living, sleeping, eating, cooking and sanitation, and has a separate means of ingress and egress.

3~~2~~1. *Extractive industry.* The extraction of minerals including: solids, such as coal, ores and gravel and soil material; liquids, such as crude petroleum; and gases, such as natural gases. The term includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

3~~3~~2. *Façade.* The front of a building or any of its sides facing public spaces, frequently distinguished by distinctive architectural treatment.

3~~4~~3. *Family member.* A person related by blood, marriage, or other legal means, including but not limited to a child, parent, spouse, mother-in-law, father-in-law, grandparent, grandchild, domestic partner, sibling, care recipient, or member of the household.

3~~5~~4. *Farm.* Five acres or more of land which is, together with principal and accessory buildings, actively devoted to agricultural or horticultural production and operated by an individual, partnership, or corporation that has filled a U.S. Internal Revenue Form 1040 (Schedule F) with the Internal Revenue Service and has a State of Rhode Island farm tax number, and has earned at least $2,500.00 gross income on farm products in either of the proceeding two years.

3~~6~~5. *Farm brewery.* A brewery that is located on a farm of no less than five acres and that produces beer which is manufactured with at least one primary ingredient (hops or grain) grown on the farm and whose annual production does not exceed 150,000 gallons of beer, and where customers would have the opportunity to tour the farm and try small samples (three ounces or less), and purchase bottles (of up to 64 ounces each) to take home and consume off site.

A farm brewery may also sell beer at wholesale to retailers with the appropriate State license. A farm brewery must have the appropriate State license to operate a brewery.

3~~7~~6. *Fast food restaurant.* Any business, the major operation of which is over the counter service, generating a high turnover of customers and a large volume of traffic.

3~~8~~7. *Floodplain or flood hazard area.* As defined in R.I. Gen. Laws § 45-22.2-4(9), as amended.

3~~9~~8. *Greenhouse.*

i. *Greenhouse - Tier I (less than two acres undercover).* Traditional hoop house, gable, A- frame, gothic arch, geodesic dome, saw tooth and lean-to structures constructed of wood, metal piping (aluminum or steel) solid polycarbonate, acrylic and fiberglass) glass walls and roofs that are customarily accessory to a principal use and do not exceed two acres undercover either by an individual structure of in aggregate for a series of structures on the same property. Houses in this category comprised of aluminum, wood or plastic PVC pipes covered with polymer plastic coverings are exempt from the coverage calculation. Unlike a Tier II and III CEA Greenhouse facilities this category employs less advanced forms of heating ventilation (HVAC) systems, water recycling, computer-managed techniques and automation and does not include floor area specifically dedicated to administration, employees, washrooms, grading, warehousing, distribution and loading docks.

ii. *Greenhouse - Tier II (two to four acres undercover).* A structure or structures with walls and roof made chiefly of solid transparent material, such as glass, polycarbonate, acrylic used for the cultivation or protection of tender plants. These structures could be solitary structures or are a series of structures designed for the protection of tender or out-of-season plants against excessive cold or heat. The Tier II greenhouse category limits the area undercover to the growth of plants and does not include floor area specifically dedicated to administration, employees, washrooms, warehousing, distribution and loading docks. Greenhouses in this category comprised of aluminum, wood or plastic PVC pipes covered with polymer plastic coverings are exempt.

iii. *Greenhouse - Tier III CEA Facility (greater than 4 acres undercover).* Controlled Environmental Agricultural Facility (CEA facility) is a commercial structure that includes related equipment and appurtenances that combine engineering, horticultural science, and computer management techniques to optimize hydroponics, plant quality, and food production efficiency from the land's water for human or livestock consumption. The primary purpose of this commercial facility is to grow crops and obtain a monetary profit from the sale of plant- based food for human or livestock consumption. Unlike Tier I or Tier II greenhouses, this facility is more advanced and utilizes intensive forms of hydroponically-based agriculture along with automation to optimize horticultural practices in sophisticated climate-controlled buildings. These are glass and steel structures that often harvest roof top rainwater and are controlled by state-of-the-art computers that are able to monitor climate 365 days of the year, 24 hours a day, and make smart adjustments, data-driven adjustments, in order to maximize crop productivity, efficiency, reduce production losses. These facilities often include floor area dedicated to administration, employees, washrooms, harvesting, grading, warehousing, and distribution alongside structured parking and loading docks either as part of the facility or attached thereto.

4039. *Gross floor area.* The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory ~~parking~~ (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

410. *Groundwater.* As defined in R.I. Gen. Laws § 46-13.1-3(6), as amended.

421. *Home occupation.* Any activity customarily carried out for gain by a person in the person's dwelling as an accessory to the principal residential use.

43. *Hotel.* A building designed and intended for temporary lodging offered to the public for compensation, divided into separate units within the same building, and where additional services such as restaurant, meeting, conference and recreational facilities may be provided for both guest and non-guest use.

442. *Household.* One or more persons living together in a single-dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food. The term "household unit" is synonymous with the term "dwelling unit" for determining the number of units allowed in a structure. An individual household consists of a family, which may also include servants and employees living with the family, or three or more unrelated persons living together.

453 *Infrastructure.* Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

464 *Junk.* Items including, but not limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, construction debris, waste; or junked, dismantled or wrecked automobiles, or parts thereof; and iron, steel and other old or scrap ferrous or nonferrous material.

475. *Junkyard.* The use of any lot, whether inside or outside a building, where an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk.

486. *Kennel, Class 1.* A fully enclosed/indoor structure or establishment other than a pound or animal shelter where over ten dogs are kept, owned, trained and/or boarded.

497. *Kennel Class 2.* A structure or establishment other than a pound or animal shelter where four to ten dogs are kept, owned, trained and/or boarded.

5048. *Land development project.* A project in which one or more lots, tracts, or parcels of land are developed or redeveloped as a coordinated site for a complex of uses, units, or structures for residential, commercial, institutional, recreational, open space, or mixed uses.

5149. *Land disturbing activity.* Any physical disturbance of land, including but not limited to clearing and grubbing for future development; excavating; filling; grading; or construction or demolition of a structure.

520. *Land unsuitable for development.* Land with natural or man-made limitations that make it unsuitable for development. Land unsuitable for development shall be excluded from density calculations in conservation developments, rural residential compounds, and planned districts, and may not be considered as part of the minimum lot area required. Land unsuitable for development includes freshwater wetlands but not the area within any regulatory wetland buffer; special flood hazard areas A and A1 through A30, as shown on the FEMA Flood Insurance Rate Maps, as amended; and land within any publicly or privately held easement on which above-ground utilities, including but not limited to electrical transmission lines, are constructed. Land shall not be classified as unsuitable for development solely because of its natural gradient.

531. *Landscaping business.* Any business whose purpose is to change or improve the natural scenery of a business or residence by placing or arranging trees, bushes, shrubs, ornamental grasses or other vegetation and also maintaining existing vegetation by pruning, mowing or other normal vegetative maintenance and also includes installation and maintenance of landscape features such as decorative ponds, waterfalls or other water elements as part of an overall landscape design.

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

553. *Lot area.* The total area within the boundaries of a lot, including at a minimum, one acre of contiguous land that is suitable for development, usually reported in acres or square feet.

564. *Lot building coverage.* That portion of the lot that is or may be covered by buildings and accessory structures.

575. *Lot depth.* The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

586. *Lot frontage.* That portion of a lot abutting a public street or a private street on an approved plat. Lot frontage must be contiguous to meet minimum frontage requirements.

597. *Lot line.* A line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and shall include:

i. *Front.* The lot line separating a lot from a street right-of-way. On an interior lot, the front lot line is the lot line abutting a street. On a developed corner lot, the front lot line is the lot line currently used for that purpose. On an undeveloped corner lot, the front lot line is the lot line

chosen by the property owner when initial development begins. On a through lot, the lot line abutting the street providing the primary access to the lot.

ii. *Rear.* The lot line opposite and more distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

iii. *Side.* Any lot line other than a front on rear lot line. On a corner lot, a side lot line is along the street lot line other than the front lot line.

60~~58~~. *Lot, through.* A lot other than a corner lot that fronts on two substantially parallel streets, or fronts on two streets that do not intersect at the boundaries of the lot.

61~~59~~. *Lot width.* The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

62~~0~~. *Low-income household.* A household with an adjusted gross income that is 80 percent or less of the area median income as determined by Rhode Island Housing.

63. *Low or moderate-income housing.* See "affordable housing."

64. *Massing.* The three-dimensional bulk of a structure consisting of its height, width, and depth.

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

66~~4~~. *Mixed use.* A mixture of land uses within a single development, building, or tract.

67~~5~~. *Mixed use commercial development.* Commercial development in a business zone that contains a mix of commercial and residential uses as provided for in article 4, sec. 4.6 of this ordinance. A mixed use commercial development is considered a land development project.

68~~6~~. *Mobile home or trailer.* A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted, or attached to a permanent foundation.

69~~7~~. *Moderate income household.* A household with an adjusted gross income that is more than 80 percent but less than 120 percent of the area median income as determined by Rhode Island Housing.

70~~68~~. *Modification.* A dimensional variance granted by the zoning inspector pursuant to section 1.4 of this ordinance.

71. *Motel*. A building intended and designed for transient or overnight occupancy, divided into separate units within the same building, and with or without public dining room facilities.

72~~69~~. *Municipal government subsidy.* Assistance that is made available through a town program sufficient to make housing affordable, as affordable housing is defined in this ordinance. Such assistance may include, but is not limited to, direct financial support, waiver of fees and charges, and approval of density increases or adjustments, or any combination of forms of assistance.

73~~0~~. *Natural vegetation.* Trees, shrubs, grass, or other plants which grow naturally or have been planted.

74~~1~~. *Nonconformance.* A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of the Exeter zoning ordinance and not in conformity with the provisions of such ordinance or amendment. Nonconformance shall be of only two types:

i. *Nonconforming by use.* A lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use.

ii. *Nonconforming by dimension.* A building, structure or parcel of land not in compliance with the dimensional regulations of the Exeter zoning ordinance. Dimensional regulations include all regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of the Exeter zoning ordinance shall be nonconforming by use, a building or structure containing a permitted number of dwelling units by use regulations of the zoning ordinance, but not meeting the lot are per dwelling unit regulations, shall be nonconforming by dimension.

75~~2~~. *Overlay district.* A zoning district that is superimposed on one or more other zoning districts or parts of districts and that imposes specified requirements in addition to but not less than those otherwise applicable to the underlying zone.

76~~3~~. *Owner.* A partnership, corporation, or company, or a person who alone, or jointly or severally with others, has legal title to a premises or has control of a premises as agent, executor, executrix, administrator, trustee, guardian of the estate of the holder of legal title, or the holder of equitable title.

77~~4~~. *Performance standards.* Criteria that a particular use or process must meet or may not exceed.

78~~5~~. *Permitted use.* A use that is specifically authorized by right in a particular zoning district.

79~~6~~. *Planned village development (PVD).* A type of major land development project permitted only within the planned village overlay zoning district that incorporates a mix of residential and nonresidential uses in a compact, walkable environment in compliance with the standards set forth in article X of this ordinance.

807~~7~~. *Plant agriculture.* The growing of plants for food or fiber, or to sell or consume. It is a permitted use in all zoning districts, including all industrial and commercial zoning districts, except where prohibited for public health or safety reasons or the protection of wildlife habitat.

817~~8~~. *Public Water Supply.* Means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Such term includes:

i. Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and

ii. Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

827~~9~~. *Preapplication conference.* A discussion of a proposed development between the applicant and the official or board with the authority to approve the development. A preapplication conference takes place before a formal application is submitted.

83~~0~~. *Residential compound.* A parcel of land containing lots for single-family dwellings having an average overall density of no greater than one dwelling unit per ten acres of land.

84~~1~~. *Rhode Island Housing.* The Rhode Island Housing and Mortgage Finance Corporation, an agency of the State of Rhode Island.

852. *Roofline.* The top covering of a building which may consist of a variety of styles including, but not limited to: gable roof, hip roof, shed roof, and gambrel roof.

863. *Scale.* The general feeling of mass and size of a building as it relates to that of other buildings along a street or block front.

874. *Setback line.* A line parallel to the property line marking the required depth of the front, side, or rear yard.

88. *Short-term rental*. The occupancy or use, for a fee, of all or portions of a dwelling unit by anyone for tourist or transient use for a period of fewer than 30 consecutive calendar days. Hotels, motels and bed and breakfasts are excluded from this definition.

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

9086. *Solar energy facility.* The equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas or electricity produced from a non-renewable source. This shall include photovoltaic arrays and installations that utilize building-mounted and/or ground-mounted systems. Definitions applicable to solar energy facilities are as follows:

i. *Accessory building-mounted solar array.* A solar energy system that is incidental and subordinate to the principal use(s) of the parcel, where the power produced can be used onsite, virtual net metered or sold back to the electric distribution company. An accessory building-mounted system shall be installed only on the roof of a structure.

ii. *Building-mounted solar energy facility.* A solar energy system that is structurally appended to the roof of a building or structure.

iii. *Ground-mounted solar energy facility.* A solar energy system that is structurally appended to the ground and is not supported by a structure or building.

iv. *Large-scale solar energy facility.* A solar energy system that occupies 40,000 square feet up to 220,000 square feet, inclusive of inter-row and panel/collector spacing.

v. *Medium-scale solar energy facility.* A solar energy system that occupies more than 1,600 square feet but less than 40,000 square feet of area, inclusive of inter-row and panel/collector spacing.

vi. *Small-scale solar-energy facility.* A solar energy system that occupies 1,600 square feet of area or less, inclusive of inter-row and panel/collector spacing.

vii. *Solar canopy.* A solar energy facility that is located on a new elevated structure that hosts solar panels and provides shelter to a parking area, driveway or walkway underneath.

viii. *Solar land coverage.* The total footprint of land occupied by all components of a solar energy system including but not limited to solar panels, mounting equipment, ancillary components of the system, inter-row and panel/collector spacing, access, and all other areas within the required perimeter fencing.

ix. *Utility-scale solar energy facility.* A solar energy system that occupies more than 220,000 square feet of area, inclusive of inter-row and panel/collector spacing.

9187. *Special use.* A conditionally permitted use that may be established with a special use permit issued by the zoning board of review or the planning board. See article I, sec. 1.3(F).

9288. *Street.* A public or private thoroughfare used for passage or travel by motor vehicles.

93~~89~~. *Street line.* A lot line that separates a lot from a street.

94~~0~~. *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.

95~~1~~. *Substandard lot of record.* Any lot lawfully existing at the time of adoption or amendment of this ordinance and not in conformance with the dimensional and/or area provisions of the ordinance.

96~~2~~. *Transfer of development rights.* The ability to separate development rights from a particular parcel and use them to increase the development potential on another.

97~~3~~. *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.

98~~4~~. *Variance.* Permission to depart from the literal requirements of the zoning ordinance. See section 1.3(E).

99~~5~~. *Waters.* As defined in R.I. Gen. Laws § 46-12-1(23).

100~~96~~. *Yield plan.* A plan of a conventional (as opposed to a conservation) subdivision that depicts the maximum number of building lots or dwelling units that could reasonably be built on a parcel of land in compliance with this ordinance, taking into account land unsuitable for development. No lot shall be considered buildable unless it can be shown to have a minimum of one acre (43,560 sq. ft.) of contiguous, accessible land that is free of wetlands, water bodies, street rights-of way, and electrical power line easements.

101~~97~~. *Zoning certificate.* A document signed by the zoning inspector that acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this zoning ordinance, or is an authorized variance, special use, or modification.

102~~98~~. *Zoning inspector.* A person elected by the people of the Town of Exeter who is charged with the responsibility of enforcing the provisions of this zoning ordinance and recording all amendments of the ordinance on the record copy of the zoning ordinance.

103~~99~~. *Zoning map.* The map that is part of this zoning ordinance and that delineate the boundaries of all mapped zoning districts within the physical boundaries of the Town.

104~~0~~. *Zoning ordinance.* The zoning ordinance enacted by the town council pursuant to Title 45, Chapter 24 of the General Laws that sets forth regulations and standards relating to the nature and extent of uses of land and structures, is consistent with the comprehensive plan, and includes the zoning map.

(Ord. of 5-25-00, § I; Ord. of 1-6-03(2), § 4; Amd. of 3-3-03; Amd. of 10-5-04; Amd. of 3-6-06, § 1; Ord. of 8-7-06, § 1; Amd. of 5-7-07; Amd. of 6-4-07; Ord. of 9-4-07, § 1; Amd. of 4-7-08; Amd. of 4-6-09; Ord. of 9-27-12, Exh. 1; Amd. of 10-6-14, § 1; Amd. of 9-4-18; Amd. of 2-4-19, § 3; Amd. of 4-5-21; Ord. of 3-9-23, § 1; Ord. of 12-4-2023(1))

Sec. 2.4. Zoning use table follows.

TABLE 2.4. ZONING USE TABLE

		District										
2.4.1. *Use Category*		RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	GWOL	Planned District	PVOD
1.	Single-family structures	Y	Y	Y	Y	S	S	S	S	Y		Y
2.	Home occupations (as per article IV, section 2)	Y	Y	Y	Y	N	S	Y	S	S		S
3.	Raising of animals or fowl by a resident of the premises not to exceed USDA animal unit equivalent without a management plan by SRICD	Y	Y	Y	Y	N	S	Y	S	S		S
4.	Public telephone booths	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
5.	Signs permitted in article VI, accessory to primary use	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
6.	Parking as required in article V, accessory to primary use	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
7.	Accessory use as defined in article IV, section 1	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
8.	Farming; nurseries; forestry activities, which includes cutting, buying and selling of firewood; excluding wood processing which is listed as a special use. Buying, selling, breeding and boarding of animals, except dogs, but not including the raising of pigs primarily for the consumption and disposal of garbage	Y	Y	Y	Y	S	S	N	S	S		S

9.	Landscaping businesses											
	a. Home occupation	Y	Y	Y	Y	S	S	Y	S	S		Y
	b. Non-home occupation	N	N	S	S	S	S	Y	S	S		S
10.	Kennel business											
	a. Kennel Class 1 (over ten dogs)	N	N	S	S	Y	Y	Y	S	S	S	N
	b. Kennel Class 2 (four—ten dogs)	S	S	S	S	Y	Y	Y	S	S	S	S
11.	Erection of a roadside stand, not to exceed 200 square feet for the sale of agricultural products as an accessory use	Y	Y	Y		Y	Y	S	S	S		Y
12.	Single-family mobile homes will be allowed as temporary living structures for a period of one year under the following conditions; i.e. fire- and storm-related damage. The license will be reviewed by the zoning board of review after one year	Y	Y	Y	Y	Y	Y	N	N	S		Y
13.	Pharmacies or drugstores	N	N	N	N	Y	S	S	S	S		Y
14.	Grocery, delicatessen, bakery or other retail foodstores	N	N	N	N	Y	Y	S	S	S		Y
15.	Commercial lunchrooms, ice cream parlors. Fast food not permitted	N	N	N	N	Y	Y	S	S	S		Y
16.	Variety stores, family or independent	N	N	N	N	Y	Y	S	S	S		Y
17.	Arts and crafts shops	N	N	N	N	Y	Y	S	S	S		Y
18.	Personal service shops such as tailor, dressmaking, barber, beauty, shoe repair, laundry	N	N	N	N	Y	Y	S	S	S		Y

	pickup, dry cleaning pickup and watch repair											
19.	Antique, art, book, stationery or gift shops	S	S	S	S	Y	Y	S	S	S		Y
20.	Florists and nurseries	N	N	S	S	Y	Y	S	S	S		Y
20.a	Greenhouse Tier I	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
20.b	Greenhouse Tier II	N	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	Y (see note 11)	S (see note 11)	S (see note 11)	S (see note 11)	S (see note 11)
20.c	Greenhouse Tier III-CEA Facility	N	Y (see note 10)	N	N	N	N	Y (see note 10)	N	N	N	N
21.	Funeral homes or mortuaries	N	N	N	N	Y	S	N	N	N		S
22.	Restaurants, taverns or catering establishments. Fast food service restaurants not permitted in any district	N	N	N	N	Y	Y	S	N	N		Y
23.	Package liquor stores	N	N	N	N	Y	Y	N	N	N		Y
24.	Sale of lumber, building materials, hardware, grain or feed	N	N	N	N	Y	Y	Y	N	N		Y
25.	Woodworking and furniture refinishing shops	N	N	N	N	Y	Y	Y	N	N		S
26.	General merchandise, department, furniture or other household goods stores, and food stores	N	N	N	N	Y	Y	N	N	N		Y
27.	Photography, photocopying, blue-printing or printing establishments	N	N	N	N	Y	Y	Y	N	N		Y

28.	Recreational equipment sales such as travel trailers, snowmobiles, swimming pools, tents	N	N	N	N	Y	Y	Y	N	N		Y
29.	Manufacture of wood products excluding manufacture of raw paper products or recycling of paper	N	N	N	N	N	N	Y	N	N		N
30.	Scientific and research laboratories	N	N	N	N	S	N	Y	N	N		S
31.	Manufacture of food products, other than from meat, vinegar and yeast. Fish, shellfish and rendering or refining of fats and oil products not permitted	N	N	N	N	N	N	Y	N	N		Y
32.	Lumber, coal, building materials, grain and feed storage yards, wholesale and warehouse faciliities, including cold storage	N	N	N	N	S	S	Y	N	N		N
33.	Freight or trucking terminals	N	N	N	N	N	N	Y	N	N		N
34.	Manufacture of electronic products	N	N	N	N	S	N	Y	N	N		N
35.	Public utility structures	S	S	S	S	S	S	Y	S	S		S
36.	Private neighborhood halls and other uses incidental to the promotion and development of neighborhood cooperation and activities. Communal uses including grange halls, and other public or private recreation uses incidental to and for the community	S	S	S	S	N	N	N	N	N		Y

37.	Educational or religious institutions, including churches, schools and nursery schools. Size restrictions apply	S	S	S	S	S	S	N	N	S		Y
38.	Two-family dwelling structures	S	S	S	S	N	N	N	N	N		Y
39.	Mixed use commercial development					S	S					Y
40.	Government buildings and uses including libraries, town halls and public works garages, but excluding sanitary landfills, sewage treatment plants and incinerators	S	S	S	S	S	S	Y	S	S		Y
41.	Wood processing	S	S	S	S	S	S	S	N	N		N
42.	Bed and breakfast	S	S	S	S	S	S	N	N	N		Y
43.	Family day care, homes	Y	Y	Y	Y	Y	S	Y	Y	Y		Y
44.	Day care centers	S	S	S	S	S	S	N	N	S		Y
45.	Single-family mobile homes will be allowed as temporary living structures for a period of one year for new construction. Applicants must obtain a building permit before applying for a special-use permit. The license will be reviewed by the zoning board after a period of one year	S	S	S	S	N	N	N	N	N		N
46.	Medical uses, including rest homes, convalescent homes, animal hospitals and clinics	N	S	S	S	S	S	N	N	S		S
47.	Cemeteries, provided that the total area to be devoted to such	N	S	S	S	N	N	N	N	N		N

	use shall not be less than 25 acres											
48.	Structures to accommodate business and professional offices. Towers prohibited	N	S	S	S	S	S	N	S	S		Y
49.	Swimming areas, country clubs, golf courses, skiing and commercial horseback riding facilities. Private and public fishing and hunting areas, sports clubs (excluding shooting ranges). Private or commercial campgrounds or recreation, including sports clubs	N	N	S	S	N	N	N	N	N		Y
50.	Motels or hotels with not more than ten rooms per acre of gross site area, and with state-approved water supply well and ISDS systems	N	N	N	N	S	S	N	N	N		S
51.	Gasoline filling stations	N	N	N	N	S	S	N	N	N		S
52.	New and used automobile dealer-ships, provided that all repair is performed within a structure and that there is no outdoor storage of derelict or junk automobiles or parts	N	N	N	N	S	S	S	N	N		N
53.	Shopping centers, meaning a cluster of two or more stores with communal parking facilities, planned and built as an entity or subdivision of an area within a business district	N	N	N	N	S	S	N	N	N		Y

54.	Occupational schools conducted as a business such as dance, music [or] welding automobiles	N	N	N	N	S	S	N	N	N		S
55.	Extractive industries, including gravel and sandbanks, provided they are screened by an opaque fence, hedge or other natural barrier not less than six feet in height, and provided they conform to the Earth Removal Ordinance	N	N	N	N	N	N	S	N	N		N
56.	Manufacture of food products from meat, vinegar or yeast	N	N	N	N	N	N	S	N	N		S
57.	Metal fabrication	N	N	N	N	S	N	S	N	N		N
58.	Manufacture of machine tools, precision instruments, musical instruments, toys and novelties	N	N	N	N	S	N	S	N	N		S
59.	Industrial parks, meaning a cluster of two or more industrial businesses with communal parking facilities, planned and built as an entity or subdivision of an area within an individual district	N	N	N	N	N	N	S	N	N		N
60.	Breweries or distilleries	N	N	N	N	N	N	S	N	N		S
60A.	Farm Breweries		Y	Y	Y					Y		
61.	Junk or salvage yards, including the outdoor storage of used materials, provided they are screened by an opaque fence, hedge or other natural barrier not less than six feet in height	N	N	N	N	N	N	S	N	N		N

62.	Manufacture, processing and packaging of cosmetics and toiletries	N	N	N	N	N	N	S	N	N		S
63.	Private cellular communications antenna on existing nonresidential principal or accessory structure	S	S	S	S	S	S	Y	N	S		S
64.	Private cellular communications antenna on existing residential principal or accessory structure	N	N	N	N	N	N	S	S	N		S
65.	Public cellular communications antenna on existing non-residential structure	S	S	S	S	S	S	Y	N	S		S
66.	Other communications tower, including broadcast TV or radio	N	N	N	N	N	N	S	N	N		N
67.	Public cellular communications tower	N	N	N	N	N	N	S	N	N		S
68.	Private cellular communications tower	N	N	N	N	N	N	S	N	N		S
69.	Accessory building-mounted solar facility	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
70.	Solar Canopy	N	N	N	N	Y	Y	Y	N	Y	Y	Y
71.	Small-scale solar facility	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
72.	Medium-scale solar facility	S	S	S	S	Y	Y	Y	N	Y	Y	Y
73.	Large-scale solar facility	S	S	S	S	N	N	Y	N	S	Y	N
74.	Utility-scale solar facility	N	N	N	N	N	N	S	N	S	S	N
75.	Medical Marijuana											
a.	Compassion center	N	N	N	N	Y	S	Y	N	S	Y	S
b.	Medical marijuana cultivation center	N	N	S	S	Y	Y	Y	N	S	Y	Y

c.	Non-residential cooperative cultivation	N	N	N	N	Y	Y	Y	N	S	Y	S
d.	Residential cooperative cultivation	S	S	Y	Y	N	N	N	N	S	N	N
e.	Patient cultivation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
76.	Reserved - Marijuana Cultivation Center											
77.	Reserved - Marijuana Store											
78.	Short-term rental	N	S	S	S	N	N	N	N	N	N	N
	All uses not listed above are specifically prohibited											

2.4.2. Dimensional Regulations		*District*								
		RE-2	RU-3	RU-4	CR-5	B	LB-R	LI	OS/PL	PVOD
1.	Minimum lot size, acres	2	3	4	5		2	2		See note (8)
2.	Minimum street frontage, feet	200	250	300	350	150	150	400	200	40
3.	Maximum lot coverage by all structures, percent. Refer to article VI, section 2 for number of structures (building coverage)	15 (see note 14)	15 (see note 14)	15 (see note 14)	10	25	25	25	10	See note (8)
4.	Minimum front depth (setback), feet	60	100 (see note 12)	100	150	100	100	200	200	See note (9)
5.	Minimum front depth (setback) on arterial roads, feet		100	100	150	100	100	200	200	10
6.	Minimum side depth (setback), feet	30	60	80	100	30	30	50	50	0
7.	Minimum rear depth (setback), feet	50	50	50	150	75	75	100	150	0

8.	Maximum structure height, feet (excluding farm structures), measured from highest grade	40 (see note 13) 75	40 (see note 13)	40 (see note 13)	40 (see note 13)	40	40	40	40	45
9.	Maximum building capacity, persons	250	250	250	250		250			
10.	Maximum gross retail footprint (see note #7 below), square feet	40,000	40,000	40,000	40,000	40,000	40,000	N/A	40,000	Section 10.3.3
11.	Number of structures shall be in accordance with 2.6									

NOTES:

1. Any industrial structure or activity or outdoor storage shall be set at least 200 feet from the RE-2, RU-3, RU-4 and CR-5 district boundaries, and at least 100 feet from any B or LB/R district boundaries. A setback for structures and parking lots of 200 feet from all roads and suitable landscape screening shall be provided.
2. No certificate of occupancy for any use shall be issued until the administrative officer has certified in writing that the use has received all required approvals.
3. Each business or industry must contain within its own lot the wellhead protection for the well supplying all its water.
4. For all setback requirements; setbacks shall be measured from the lot line to any part of the building that projects beyond the foundation.
5. On corner lots, the rear setback shall conform to the side setback requirements that there shall be no rear yard; only a front and two side yards.
6. For the purposes of calculating minimum lot dimensions, area, density, maximum percent coverage, and the maximum number of lots or dwelling units permitted in a conservation development in any zoning district where permitted, the provisions of the land development and subdivision regulations shall apply.
7. The maximum gross building footprint per retail structure shall be 40,000 square feet in all zones except the LI zone which does not have a maximum. This maximum footprint shall not apply to agricultural structures.
8. To be determined as part of the PVD review process by the planning board in conformance with all other provisions of PVD. Maintenance of the approved percentage of lot coverage shall be a condition of planning board approval. If an application for further development would increase the percentage of lot coverage, the application must be approved as a major land development project.
9. To be determined as part of the PVD review process by the planning board in conformance with all other provisions of PVD including but not limited to those standards within the land development and subdivision regulations specifically requiring site design techniques that facilitate a

safe, pedestrian friendly, compact village development. Maintenance of the approved setbacks shall be a condition of planning board approval. If an application for further development would decrease any setback, the application must be approved as a major land development project.

10. Tier III CEA Facility Greenhouse defined in Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.2. entitled "Definitions" is allowed only if the application meets the eligibility requirements and satisfies all the standards and prohibitions contained within the Code of Ordinances of the Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.4.1 "Special Provisions"; entitled "Greenhouse Tier II and Greenhouse Tier III/CEA Facilities"
11. Tier II Greenhouse as defined in Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.2. entitled "Definitions" is subject to the review procedure and prohibitions contained within the Code of Ordinances Town of Exeter, Rhode Island, Appendix A - Zoning, section 1.4.1 "Special provisions"; entitled "Greenhouse Tier II and Greenhouse Tier III/CEA Facilities"
12. Tier III CEA Facility Greenhouse requires a minimum front depth (setback) of 150 feet for all structures, off street loading and parking lots.
13. Tier II Greenhouse and Tier III CEA Facility Greenhouses shall not exceed a maximum structure height of 35 feet
14. Tier I and Tier II Greenhouses may have a 25 percent maximum lot coverage (building coverage) by all structures.

2.4.3. Flexible lot frontage and width. Upon approval of the planning board as part of a conservation development as provided in the land development and subdivision regulations, the lot frontage and lot width variations listed below may be permitted by the planning board, through a request for a waiver.

A. In residential CR-5, RU-4, RU-3 and RE-2 zoning districts, the planning board is authorized to reduce the lot frontage and lot width of newly created lots in a subdivision or land development project on any public or approved private street to a minimum of 20 feet.

B. Open space lots, within an approved conservation development, may have zero-frontage on a street, as long as the planning board approves access to the open space by easement or other means.

(Amd. of 6-22-00; Amd. of 3-3-03, § 8; Amd. of 4-8-03; Amd. of 11-3-03; Amd. of 10-5-04; Amd. of 11-1-04; Amd. of 3-3-05; Amd. of 3-6-06; § 2; Ord. of 8-7-06, § 2; Amd. of 5-7-07; Amd. of 6-4-07; Amd. of 4-7-08; Amd. of 4-6-09; Ord. of 9-27-12, Exh. 1; Amd. of 10-6-14, § 2; Ord. of 12-7-15; Amend. of 10-2-17; Ord. of 7-16-18, § 2; Amd. of 9-4-18; Amd. of 2-4-19, § 2; Ord. of 3-9-23, § 1; Ord. of 12-4-2023(1))

Sec. 4.9. Short-term rentals.

A. All short-term rentals must be approved as a land development project prior to the establishment of the use.

B. Where conditionally permitted, short-term rentals are subject to the satisfaction of the following specific and objective criteria:

1. The subject property conforms to the minimum lot area of the zoning use district in which it is located.
2. Maximum occupancy shall not exceed two (2) persons per bedroom.
3. The number of bedrooms on the lot shall not exceed the number of bedrooms supported by the design load of the property's septic system (on-site wastewater treatment system, or "OWTS")
4. The application demonstrates sufficient updated OWTS suitability (no cesspools).
5. Occupancy is no greater than permitted by provided off-street parking.
    a. Each space is a minimum of nine feet (9') by eighteen feet (18').
    b. At least one space per bedroom.
6. Sufficient water quality demonstrated through an updated well test.
7. The property owner maintains annual registration with the Town with current contact information.
8. The property owner maintains annual inspection for smoke and carbon monoxide detectors with a minimum of one per bedroom and one per floor with the Fire Marshal.
9. A condition of approval for the special use permit shall be that the property is not subject to more than two (2) noise, improper trash disposal, disorderly conduct, parking, or other nuisance violations per year and that the property is not subject to any outstanding building, fire, zoning, or property maintenance violations.

C. The following shall not be used as short-term rentals:

1. Accessory family dwelling units;
2. Accessory structures;
3. Affordable housing or otherwise subject to government housing or rental assistance and/or deed restriction;

4. Properties where weddings or other special events are occurring; and/or
5. Manufactured homes.

Cross reference(s)—Businesses, ch. 18.

APPENDIX B
LAND DEVELOPMENT AND SUBDIVISION REGULATIONS[1]

SECTION 1.0. AUTHORITY AND INTENT

Sec. 1.1. Title.

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

Sec. 1.2. Authority.

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

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

Sec. 1.3. Applicability.

These rules and regulations shall be applicable to:

A. Applications for subdivision of land, including resubdivision and administrative subdivision.

B. Applications for approval of land development projects, as provided for in R.I. Gen. Laws § 45-23-27.

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

Sec. 1.4. Prior regulations superseded.

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

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

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

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

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

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

A. To provide for the orderly, thorough and expeditious review and approval of land development projects and subdivisions;

B. To promote high quality and appropriate design and construction of land development projects and subdivisions;

C. To promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;

D. To promote design of land development projects and subdivisions, which are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reasons of natural characteristics and existing infrastructure;

E. To encourage local design and improvement standards to reflect the intent of the community comprehensive plans, particularly with regard to the physical character of the various neighborhoods and districts of the town;

F. To promote thorough technical review of all proposed land development projects and subdivisions by appropriate local officials;

G. To establish effective requirements and procedures for dedications of public land and impact mitigation, which are based upon clear documentation of needs and fair administrative practices;

H. To secure adequate, efficient and economic provisions for water, sewage, traffic circulation, storm water management, recreation, fire and police protection, in all new land development projects and subdivisions;

I. To protect and enhance the natural resources and historic features of the town; and

J. To establish procedures for, and require consistent application of, good record keeping practices on all matters of land development and subdivision review, approval, recording and construction.

Sec. 1.6. Consistency with comprehensive plan.

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

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

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

SECTION 2.0. DEFINITIONS

Sec. 2.1. Terms defined elsewhere.

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

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

Sec. 2.2. Terms defined.

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

Administrative subdivision. ~~Resubdivision~~ Subdivision of existing lots that does not yield additional lots for development and does not require creation or extension of a street. Administrative subdivision involves only division, merger~~ of lot~~s, merger and ~~re~~division~~ of lots~~, or adjustments to boundaries of existing lots.

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

Applicant. An owner, or authorized agent of the owner, submitting an application or appealing an action of any official, board, or agency.

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

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

Bond. A type of improvement guarantee.

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

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

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

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

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

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

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

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

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

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

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

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

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

Days. Calendar days.

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

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

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

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

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

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

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

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

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

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

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

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

Floodplain or flood hazard area.

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

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

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

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

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

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

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

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

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

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

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

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

Minor land development project. Any one of the following:

(1) Construction of one or more buildings for commercial, manufacturing, or industrial use with a total for all structures of no more than 7,500 square feet of gross floor area.

(2) Enlargement of a commercial, manufacturing or industrial building that increases the gross floor area by no more than 50% or by 10,000 square feet of gross floor area, whichever is less.

(3) A mixed-use development consisting of no more than six dwelling units and 2,500 square feet of gross floor area for commercial use.

(4) A residential development that creates nine or fewer new principal dwelling units.

(5) Redevelopment or reconstruction to change the use of a multi-family residential, commercial, or industrial building that does not propose significant exterior alteration of the site.

(6) Adaptive reuse of a building or buildings with a total of no more than 25,000 square feet of gross floor area in a commercial zoning district that does not require extensive exterior construction or extensive exterior site redevelopment.

(7) Adaptive reuse of a building or buildings in a residential zoning district that creates eight or fewer new dwelling units.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c. *Local.* Streets whose primary function is to provide access to abutting properties.

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

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

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

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

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

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

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

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

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

SECTION 3.0. GENERAL REQUIREMENTS

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

Sec. 3.1. Town regulatory officials.

A. *Planning board.* The town planning board has been authorized as the local regulatory agency for all matters of land development and subdivision.

B. *Administrative officer.* The ~~planning board may designate the chair of the planning board or the~~ town planner as administrative officer ~~to~~ shall work as ~~their~~ the planning board's agent to oversee and coordinate all aspects of the review, approval and recording as well as the construction phases for all land development projects and subdivisions (see section 9.1, administrative officer).

C. The qualifications for the town planner are set by the planning board and the appointment of the town planner shall be by the town council.

Sec. 3.2. Required submission documents.

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

Sec. 3.3. Fee structures and regulations.

A. *General.* The planning board shall impose reasonable fees for the review of applications, which come before it. The planning board may impose administrative fees and project review fees as may be applicable to the types of applications set forth below. Each fee shall be submitted separately, in accordance with the following provisions.

B. *Administrative fees.*

1. *Applicability.* An administrative application shall be assessed at the time of application, to offset the expense of review by the planning board and its office staff with regard to all applications set forth in subsection 2, below. Any application filed without this fee shall be deemed incomplete and no review work by the town shall commence until the fee has been paid in full.

2. *Application fees.* Application fees shall be as follows:

   A. Pre-application review: $100.00.

   B. Administrative subdivision: $200.00.

   C. Minor land development projects and minor subdivisions (including rural residential compounds):

      1. Pre-application meeting: $100.00 (if more than two meetings, additional $100.00 required per additional meeting).

      2. Preliminary plan: $200.00 plus $50.00 for each additional unit or lot; Nonresidential: $100.00 plus five cents per square foot of gross floor area.

      3. Final plan: Residential: $100.00 plus $20.00 for each additional unit or lot.

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

   D. Major land development projects and major subdivisions:

      1. Pre-application meeting (if more than two meetings, additional fees required equivalent to original meeting fee for each additional meeting):

         Residential: $200.00 plus $20.00 for each additional unit or lot.

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

      2. Master plan:

         Residential: $300.00 plus $50.00 for each additional unit or lot.

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

      3. Preliminary plan:

         Residential: $500.00 plus $100.00 for each additional lot or unit

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

      4. Final plan:

         Residential: $100.00 plus $20.00 for each additional unit or lot.

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

F. Extension requests: $100.00.

G. Solar fee: Solar fees are calculated by the square footage of the area where the panels are located including the rows and interspacing between panels (unless otherwise noted). The fee applies as follows:

1. Roof mounted: the appropriate building permit fee.

2. Solar canopy: The square footage of the face of the panels calculated at $.02/square foot.

3. Ground mounted with minor land development or DPR:

- Pre-application: $200.00.
- Preliminary plan: $300.00 plus $.02/SF.
- Final plan: $300.00 plus $.02/SF.

4. Ground mounted with major land development:

- Pre-application: $200.00.
- Master plan: $300.00 plus $.02/SF.
- Preliminary plan: $300.00 plus $.02/SF.
- Final plan: $250.00 plus $.02/SF.

No single stage of review can have a calculated fee that exceeds $5,000.00 minus the base fee. If the calculated fee minus the base fee exceeds $5,000.00, the fee shall be capped at $5,000.00 for each stage of review.

H. Application that cannot be classified or grouped with any other existing category:

- Pre-application: $200.00.
- Master plan: $300.00 (if required).
- Preliminary plan: $300.00.
- Final plan: $250.00.

I. Unified development review application:

- $300.00 plus;
- The administrative fee listed in LDSR Section 3.3 entitled "Fee structures and regulations," B.2. for the proposed project type plus;
- The cost of all public notice is to be borne by the applicant.

J. Any appeal filed pursuant to section 10, documents and reproduction fees including, but not limited to stenographic, copying, and tape reproduction. Fee will commensurate with actual cost.

3. *Fees for revised applications.* Where an administrative fee has been calculated and the application is revised after payment of said fee, the following rules shall apply:

A. If the basis for calculating the fee increases after the initial submittal, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these revisions. No review of these revisions shall take place until this additional fee is paid. The application is incomplete until such fee is paid. Failure

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

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

4. *Fee waivers.* The planning board may waive or reduce any administrative fee, if, in the opinion of the board, unusual circumstances exist regarding the subject property or the applicant.

5. *Refund.* Once the review process has been commenced, the planning board shall not refund administrative fees, including the case of withdrawal of the application by the applicant, except as provided in subsection B.3.B, above.

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

1. *Applicability.* In addition to the administrative fees cited in section 3.3.B.2, the applicant shall also provide payment for all hearing costs, including the cost of legal ads and stenographers. The planning board shall also impose a project review fee on those applications which require, in the judgment and sole discretion of the planning board, analyses or review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, and/or because the town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the board may engage, including but not limited to, engineers, planners, lawyers, landscape architects, architects, geo-technical experts, hydrology experts, or other appropriate firms, persons or professionals able to assist the board in its review of the proposal or application and to ensure compliance with all relevant laws, ordinances, and regulations, as well as with the formulation of reasonable measures to assess and/or mitigate identified impacts. Such assistance may include, but shall not be limited to, analyzing an application, review of information submitted by an applicant, design review of applications to determine consistency with the town's design standards and objectives including those referenced in the community comprehensive plan, examining the adequacy and reasonable alternatives of measures to mitigate potential impacts, monitoring or inspecting a project or site for compliance with the board's decisions or regulations, or inspecting a project during construction or implementation, or such other similar technical assistance as the planning board may require.

2. *Submittal.* Project review fees shall be submitted at the time of the submittal of the application for deposit in an escrow account established by the town treasurer. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

3. *Schedule of project review fees.* The following schedule applies to the types of applications to the planning board set forth below. This schedule supersedes all previous schedules as they may have appeared in the zoning ordinance, the subdivision and land development regulations, and any listings, which may have been compiled from time to time for the benefit of applicants.

A. Conceptual master plan, subdivision or land development project: $1,000.00 for the first six units or lots, plus $100.00 per unit or lot, after the first six.

B. Preliminary plan, subdivision or land development project: $1,000.00 for the first six units or lots, plus $100.00 per unit or lot, after the first six.

C. Final plan, subdivision or land development project: $1,000.00 for the first six units or lots, plus $100.00 per unit or lot, after the first six.

D. Development plan, subdivision or land development project: $1,000.00 for the first six units or lots, plus $100.00 per unit or lot, after the first six.

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

7. *Appeal*. The choice of a consultant, selected by the planning board for project review, may be appealed in writing to the board of appeal by the applicant, providing such appeal is initiated in accordance with section 10.0 of these regulations.

    A. Two circumstances may disqualify the selected consultant. These conditions constitute the only grounds for an appeal.

        1. Conflict of interest: A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way from the outcome of the pending review process. Consultants must be in compliance with the Rhode Island Ethics Law.

        2. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.

    B. The required time limits for action upon an application by the planning board shall be extended by duration of the appeal.

    C. This appeal shall not preclude further judicial review, as an appeal of the board of appeal's decision.

    D. Delinquent accounts. The following rules apply to fees owed to the planning board by applicants:

        1. *Monthly interest charge.* All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest rate of 12 percent.

        2. *Costs of collection.* All costs of collection associated with past due accounts shall be borne by the applicant.

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

Sec. 3.4. Project description and impact study.

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

1. The planning board shall have the authority to require the applicant to prepare an Environmental and Community Impact Study (ECIS) to assess the potential short and long term effects of the proposed subdivision or land development project under any of the following conditions:

    a. If all or part of the property that is the subject of the application includes land identified by any or all of following agencies; the Exeter planning board, the Exeter conservation commission, the Rhode Island Natural Heritage Program, the Rhode Island Historic Preservation and Heritage Commission, the Nature Conservancy, the RI Department of Environmental Management, the U.S. Geological Survey, the U.S. Environmental Protection Agency, as unique natural areas or areas of critical and/or environmental concern; or

    b. The planning board finds that there is reasonable expectation that the proposed subdivision or land development project may have a negative environmental impact on natural systems located on the property or adjacent to the property that is the subject of the application or upon nearby properties or natural systems.

c. The planning board finds that there is reasonable expectation that the proposed subdivision or land development project may have a negative impact on community services and facilities.

2. The board shall make findings of fact in writing and shall identify the environmental resources found to be potentially threatened. The board's findings shall be made a part of the record of the application.

3. An ECIS required under this section shall include research and documentation describing and assessing short and long-term cumulative environmental impacts, which may include but not be limited to impacts upon:

   a. Freshwater wetlands;

   b. Flooding and drainage;

   c. Noise and air quality;

   d. Solid waste generation;

   e. Historic/archaeologic areas;

   f. Traffic/road capacity;

   g. Hydric soils;

   h. Forests and agricultural lands;

   i. Unique vegetation, significant trees, and important scenic or designed landscapes;

   j. Natural heritage sites;

   k. Wildlife and wildlife habitat;

   l. Groundwater quality and quantity;

   m. Surface water quality, streams and rivers;

   n. Schools and other community facilities; and

   o. Public wells and well fields.

4. If an ECIS is required, the applicant shall be so informed at the preliminary meeting for a minor subdivision, or the conceptual master plan stage for a major subdivision and shall be advised at that meeting as to the specific issues that the ECIS must address.

5. For any subdivision or land development project for which an ECIS is required, the board shall have the authority to impose conditions on approval, including but not limited to off-site improvements, that, based on the findings and analysis of the ECIS, are reasonably necessary to minimize adverse impacts that the development may have on the natural or manmade environment.

6. All environmental and community impact studies shall be referred to the conservation commission and other appropriate town boards, commissions, or other local, state or federal, agencies for their review and comment prior to planning board approval of the preliminary plan.

7. It in the opinion of the planning board, impacts identified in the ECIS cannot be adequately mitigated so as to achieve compliance with each of the requirements specified in section 3.5, the planning board shall have the authority to deny approval of the proposed development design.

Sec. 3.5. Required findings for all approvals.

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

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

1. The proposed development is consistent with the town's comprehensive plan and/or has to the permitting authority's board's satisfaction addressed the issues where there may be inconsistencies;
2. Each lot in the subdivision shall conform toThe proposed development is in compliance with the standards and provisions of these regulations and of the town zoning ordinance. Provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of the town zoning ordinance provided that:

a. A notation is shown on the recorded plat that the lot being created is not a buildable lot; and

b. A conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, is granted to the town prohibiting any such present or future development.

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3. There will be no significant negative environmental impacts from the proposed development as shown on the preliminary final plan as determined by the planning board, with all required conditions for approval;
4. Subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable (see definition of buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on approved recorded plans.; Provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of the town zoning ordinance provided that:

   a. A notation is shown on the recorded plat that the lot being created is not a buildable lot; and

   b. A conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, is granted to the town prohibiting any such present or future development.

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5. All proposed land developments land development projects and all subdivision lots shall have adequate, permanent and safe physical vehicular access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement;
6. Each subdivision shall provide for safe circulation of pedestrian and vehicular traffic for adequate surface water run-off, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community; and
7. The design and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall minimize flooding, soil erosion, and shall embody to the degree feasible a design that minimizes future maintenance;
8. For each new lot frontage at the minimum setback or building line shall be not less than 75 percent of that required at the front lot line or street line;
9. Provisions may be required for specific developments for access to any area isolated from the frontage on an existing public street. This shall be accomplished by reservation of land within the development to provide future access to isolated, adjacent parcels through a de-feasible easement running with the deed in favor of the town;

10. The proposed development meets all of the design standards within section 7.0 of these regulations, including all approved waivers accepted and authorized by the planning board under section 4.5 of these regulations;

11. The open space within conservation developments meets the standards and requirements of these Regulations with regard to amount, location, use, nature and design.

12. The proposed development and/or subdivision meets all other requirements of these regulations.

SECTION 4.0. SPECIAL REQUIREMENTS

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

Sec. 4.1. Off-site improvements.

1. *Purpose.* This section is intended to ensure that sub-dividers provide off-site infrastructure improvements in order to mitigate the impacts that the development may have on the town's natural and manmade environment which are directly or indirectly attributable to new development. The planning board may require such improvements if the board finds that there is a reasonable relationship between the requested improvement and the proposed new development. Off-site improvements may include, but are not limited to improvements to the following:

   a. Utility structures;

   b. Water supply systems;

   c. Roadways;

   d. Sidewalks;

   e. Bicycle paths;

   f. Drainage systems;

   g. Bridge/culverts; and

   h. Public safety.

2. *Definition and principles.* As a condition of final approval, the planning board may require a subdivider to construct reasonable and necessary improvements located off of the proposed land being subdivided. "Necessary" improvements are those clearly and substantially related to the subdivision or land development being proposed. The planning board shall provide in its resolution of preliminary approval, the basis for requiring such off-site improvements. In its resolution, the board must find that a significant negative impact on existing conditions will result if the off-site improvements are not made, and are clearly documented in the public record. The mitigation required as a condition of approval must be related to the significance of the identified impact. All required off-site improvements must reflect the character the town.

Sec. 4.2. Improvement guarantees.

A. The planning board shall approve agreements for the completion of all required public improvements prior to final plan approval in the form of:

   (1) Completion of actual construction of all improvements,

   (2) Improvement guarantees, or

(3) A combination thereof.

B. Where improvements are constructed without a financial guarantee, the work is to be completed prior to final approval. All construction shall be inspected and approved under the direction of the public works director and according to these regulations. Before final approval the applicant must supply the planning board with a letter from the public works director certifying that the improvements have been completed in a satisfactory manner.

C. Improvement guarantees shall be in an amount and with all necessary conditions to secure for the town the actual construction and complete installation of all the required improvements, within the period specified by the planning board. The amount shall be based on actual cost estimates for all required public improvements. The guarantee shall enable the town to gain timely access to the secured funds, for cause. The public works director shall submit a written recommendation of the amount of the performance bond to the planning board for their approval. The board may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions. The board shall review guarantees on a regular basis and upgrade them as necessary.

D. The security shall be in the form of a certified check or cash, (payable to the town, to be deposited in an interest-bearing account. All accrued interest will be returned to the applicant),performance bond or tripartite lender agreement..

E. The planning board, in consultation with the public works director, shall set the amounts of improvement guarantees, review and approve the constructed improvements and release the improvement guarantee to the applicant.

F. The applicant may apply to the board for a partial release of the bond upon completion of a portion of the required improvements. The public works director will notify the planning board in writing as to the amount of reduction recommended, if any, based upon the completion of improvements according to the required specifications.

G. In the cases of developments and subdivisions, which are being approved and constructed in phases, the planning board shall specify improvement guarantee requirements related to each particular phase.

H. Upon completion of all required improvements, the applicant may request the board to release 90 percent of the bond originally posted. The public works director will notify the board in writing as to whether the improvements have been satisfactorily completed. If all improvements are completed by the subdivider, a maintenance bond of ten percent of the improvement costs shall be required.

I. One year from the date of completion of all of the required improvements as provisionally certified by town's consulting engineer, the applicant may request the board to release the remaining bond. The public works director will notify the board in writing as to whether defects in the design or construction of the required improvements have become evident since the release of the original 90 percent of the bond.

J. Until the required improvements have been completed and accepted by the town, no building permit shall be issued for the construction or alteration of any building on any lot in a development, unless an acceptable guarantee of performance of the subdivision has been received the town treasurer and approved by the planning board.

K. Required improvements shall be completed within two years of final approval of the development by the board. The developer must request an extension of time from the board if additional time is needed. Any such extension request must be accompanied by a bond review, update, and posting of additional bond if so determined by the board. If the improvements are not completed within two years or time extensions arranged with the board, the bond will be forfeited to the town. Upon forfeiture, the board shall authorize the public works director to use the forfeited bond to oversee the completion of the required improvements.

L. All such improvements, once inspected and approved, shall be accepted by the town or appropriate town agency for maintenance and/or as part of the town system.

M. The town is hereby granted the power to enforce the guarantees by all appropriate legal and equitable remedies.

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

1. When a major land development project, or a major subdivision, is submitted for master plan approval as provided in section 5.5, the planning board shall review the adequacy of existing and projected future public improvements, services and facilities, which may be impacted by the proposed development in its entirety, and taking into account the cumulative impacts of the proposed subdivision or land development project on such services and facilities with regard to area growth and development. If the planning board determines that such improvements, services and facilities, including but not limited to water supply, sewerage, streets and associated drainage facilities, schools, recreational facilities and fire and police protection will not be adequate to serve the residents of the subdivision or development at the time of recording of the plat, the planning board shall have the authority to establish a rate of development of the entire development by requiring it to be built in phases.

2. When an application is submitted for master plan approval, the applicant shall submit to the applicable municipal, state or private agency as provided in the master plan checklist for major land development projects and major subdivisions, a copy of the master plan narrative report for their review and comment. Each agency so notified by the applicant shall be requested to provide its comments in writing to the planning board. Comments shall be received from each agency prior to the date of the informational meeting. If comments are not received by the administrative officer by that date, it shall be assumed that the agency does not wish to comment.

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

3. Each department or agency to which such a request for comments is made shall deliver to the administrative officer, in addition to the written correspondence, any supplementary material, which shall describe:

    a. An estimate of the impact of the development on the facilities and/or services provided by the department or agency. Such estimate shall take into account the cumulative impacts of all growth and development in the area of the proposed development;

    b. Whether existing facilities and/or services are adequate to serve the residents of the proposed development;

    c. Whether plans for the necessary improvements to existing facilities and/or services are included in the town's capital improvement program or are otherwise planned; and

    d. An estimate of how long it would take to provide any necessary improvements to existing facilities and/or services.

4. Based on the responses received from the various departments and agencies, the planning board shall establish, at the time of master plan approval, a rate of development of the entire development that will permit residential construction only when improvements, services and facilities will be adequate to serve the residents of the development. As part of such a growth rate plan, the planning board may require that improvements be installed, or lots sold, in two or more phases.

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

6. The master plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

Sec. 4.4. Waiver and modification of requirements.

A. The planning board shall have the authority to waive any requirement in these regulations for a major land development project or subdivision or a minor land development project or subdivision. The administrative officer shall have the authority to waive any design standard in these regulations for a minor land development project or subdivision that will be approved administratively. To approve a waiver, the planning board or, in instances of administrative approval of a minor land development project. the administrative officer, must find that:

   1. The waiver or modification is reasonable and within the general purposes and intents of these regulations; and

   2. Literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question, or the waiver is in the best interest of good planning practice or design as evidenced by consistency with the comprehensive plan and zoning ordinance.

B. The planning board's or, in instances of administrative approval of a minor land development project. the administrative officer's, decision shall be in writing and shall contain findings of fact addressing the conditions contained in section 4.4.A.

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

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

Sec. 4.5. Reinstatement of development applications.

A. When an applicant has exceeded a deadline established by these regulations for submission of material for a land development or subdivision, there rendering a previously granted approval invalid, the application may be reinstated by the planning board under the following conditions:

   1. The development is consistent with the comprehensive community plan;

   2. The land development and subdivision regulations are substantially the same as they were at the time of original approval;

   3. The zoning of the development parcel is substantially the same as it was at the time of original approval;

   4. Physical conditions on the development parcel are substantially the same as they were at the time of original approval; and

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

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

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

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

Sec. 4.6. Dedication of land for public purposes.

1. *Subdivider must provide open space.* The planning board may require all residential land to dedicate a portion of the land being developed or subdivided for the purpose of providing open space, conservation, park and recreational facilities to serve present and future residents of the proposed land development or subdivision. The planning board may, in its discretion, require the payment of a fee-in-lieu of land dedication, or a combination of land dedication and payment of a fee, as an alternative to the dedication of land.

2. *Relationship to comprehensive plan.* No dedication of land to the public or payment-in-lieu of such dedications shall be required unless the need for such is documented in the adopted plans of the town, i.e., the comprehensive community plan, the local recreation conservation and open space plan, or the capital improvement program (CIP). The requirement for dedication of land for open space, conservation, park and recreation facilities shall be based upon the policies and standards set forth in the above plan or in the CIP and shall reflect the character defined for the neighborhood or district in which the subdivision is located by comprehensive community plan. The nature of the land dedication must reflect the character of the land being subdivided and must be suitable for the intended use. If payments, in-lieu-of-land dedications are required, they must be kept in a restricted account and shall only be spent for the intended purpose of providing open space, conservation, park and recreation facilities.

3. *Amount of land to be dedicated.* The minimum amount of land to be dedicated shall be based upon the following formula:

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

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

4. *Ownership of land.* Land dedicated under the provisions of this Section may, subject to the approval of the planning board, be dedicated by transfer of fee simple ownership to the town or, in the case of a conservation development, to an agency or organization as provided in section 5.12.D.

5. *Fees-in-lieu-of-land dedication.* Where a fee is required by the planning board to be paid in-lieu-of land dedication, the amount of such fee shall be based on the fair market value of the amount of undeveloped land which would otherwise be required to be dedicated under subsection 3 hereof. Fair market value of the land shall be established by the Exeter Tax Assessor at the time of final plan review. Fair market value shall be established assuming subdivision approval has been granted and review of recent sales of comparable vacant undeveloped land within the Town and neighboring towns. The amount of such fee shall be determined by the following formula:

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

a. If the sub-divider objects to such amount of evaluation, he/she may, at his/her own expense, obtain two separate independent appraisals of the property by qualified real estate appraisers, which appraisals may be accepted by the planning board, if found to be reasonable; or

b. The planning board and sub-divider may agree as to the fair market value.

6. *Use of fees collected.* Fees-in-lieu of land dedication shall be held by the Town Treasurer in a restricted account for recreation and open space activities only. Such account shall be used to purchase, maintain and operate parks, playgrounds, recreational facilities and open space areas. Fees shall be made available for use by the Exeter Rural Land Preservation Trust for these purposes. A proportionate share may be used for capital improvements at existing recreational or open space areas demonstrated to be used by the approved subdivision.

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

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

SECTION 5.0. CONSERVATION DEVELOPMENT

Sec. 5.1. Purpose.

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

A. To protect natural resources, including but not limited to those areas containing woodlands, unique vegetation, streams, floodplains, wetlands, aquifers to their recharge areas, agricultural lands, wellheads and vernal pools, by setting them aside from development;

B. To preserve cultural, historical and archaeological resources;

C. To protect recreational resources;

D. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including wastewater disposal systems and wells, and to reduce length of roads, utility runs, and the amount of paving required for residential development;

E. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the population diversity of the community may be maintained;

F. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally important resources as set forth in the comprehensive plan,

G. To provide reasonable incentives for the creation of a contiguous greenway system within the town;

H. To implement adopted land use, transportation and community service policies, as set forth in the comprehensive plan,

I. To protect areas of the town with productive agricultural soils to encourage continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;

J. To create neighborhoods with direct visual and/or physical access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;

K. To provide for the maintenance of open land set aside for active or passive recreational use, storm water drainage or conservation lands;

L. To conserve and create scenic views and preserve the rural character of the town;

M. To provide a buffer between new development and existing streets, neighborhoods, active farmland and adjacent park or conservation land.

Sec. 5.2. Applicability.

A. In accordance with the standards set forth in this section 5.0, the planning board shall allow all major subdivisions and major land development projects be developed as a conservation development, whether a subdivision or not. Major subdivisions and major land development projects shall be required to follow the procedure for review and approval prescribed in section 6.8.

B. The ~~planning board~~ permitting authority shall allow a minor subdivision or minor land development project to be developed as a conservation development, if it finds that a conservation development would a better form of development, after consideration of the general purposes and required standards for subdivisions and land development projects set forth in these regulations, and after consideration of the purposes of conservation developments set forth in section 5.1.

Sec. 5.3. Procedures.

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

Sec. 5.4. Design process.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 5.5. Sketch plan overlay sheet.

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

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

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

Sec. 5.6. Site context map.

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

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

Sec. 5.7. Modification of lot requirements.

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

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

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

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

Sec. 5.8. Basic maximum number of dwelling units.

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

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

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

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

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

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

Sec. 5.9. Types and location of buildings.

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

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

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

Sec. 5.10. Storm water management.

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

Sec. 5.11. Parking.

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

Sec. 5.12. Open space.

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

A. The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.

B. The minimum amount of required open space area shall be based on a percentage of the land suitable for development in the entire conservation development as provided in the table below. None of the minimum required open space area shall be devoted to land unsuitable for development as defined in section 1.2. of zoning regulations.

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

C. This minimum required area shall be in addition to any open space used for storm water drainage facilities. Provided, however, that the planning board may allow storm water drainage facilities to count toward the minimum required open space area if it finds that the drainage areas are designed as a fully integrated part of an overall open space landscape plan which incorporates trails, active or passive parks, landscaped site features, stream belts or greenways, and are designed to facilitate infiltration and recharge of water, and that such facilities are not in conflict with the intent and purpose of a conservation development as stated in section 5.1 of these regulations, or with the general purposes of these regulations.

D. Open space provided by a conservation development for public or common use, shall either (1) be conveyed to the town and accepted by the town for park, open space, agricultural, or other permitted use or uses; or (2) be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or (3) be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the conservation development or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units; or (4) remain in private (non-common) ownership if the use is limited to agriculture, habitat or forestry, and, in accordance with the comprehensive plan and zoning ordinance, that private ownership is necessary for the preservation and management of the agriculture, habitat or forest resources. The planning board may limit or restrict the amount of open space that may remain in private ownership where necessary to contribute to a connecting greenway system or to provide public access to open space, as provided in the comprehensive plan.

E. In any case where the land is not conveyed to the town, a restriction, in perpetuity, enforceable by the town or by any owner of property in the land development project in which the land is located shall be

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

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

F. Buildings, structures, parking areas or other impervious improvements which are accessory to and subordinate to a permitted open space use, may be located on any open space lot provided that, in all cases, they occupy no more than five percent of the total open space area of the conservation development.

G. All open space, regardless of whether it is conveyed to the town, shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the town, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended. In addition, the perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the town, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended. The planning board or administrative officer shall approve the form and content of all deed restrictions at the time of final approval of the subdivision. Every deed restriction providing a maintenance guarantee shall contain the following provision:

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

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

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

a. The general location and area of all proposed open space;

b. The general proposed use(s) of the open space;

c. Existing topography and existing ground cover of open space areas;

d. The location and nature of any existing buildings, structures, stone walls or other unique natural and/or historic features;

e. Areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state;

f. Generalized proposals for the re-grading, re-vegetating and/or landscaping of proposed disturbed areas;

g. The location and nature of any proposed buildings, structures, parking areas or roadways, impervious areas recreation areas and,

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

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

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

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

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

Sec. 5.13. Open space design review standards.

A. *List of resources to be conserved.* The design of open space lands in any conservation development shall reflect the standards set forth in this subsection 5.13 and, to the fullest extent possible, incorporate any of the resources listed below if they occur on the parcel (not listed in order of significance). The applicant should be consulting the greenspace maps for natural, cultural and recreational resources as identified in the comprehensive plan.

1. Stream channels, floodplains, hydric soils, swales, springs, and other freshwater wetland areas, including adjacent buffer areas that may be required to ensure their protection;
2. Wellhead protection areas;
3. Special aquatic sites, vernal pools and significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the statewide natural heritage inventory;
4. Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality;
5. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats;
6. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation;
7. Hedgerows, groups of trees, location and species of large individual trees of botanic significance, specimen vegetation and other vegetation features representing the site's rural past;
8. Active agricultural uses, pastures, croplands;
9. Prime farmland soils and farmland soils of statewide importance;
10. Historic structures and archaeological sites;
11. Visually prominent topographic features such as knolls, hilltops and ridges;

12. Geologic features such as eskers or kettle holes;
13. Scenic view sheds as seen from public roads (particularly those with historic features);
14. Existing or potential trails connecting the parcel to other locations in the Town;
15. Any other natural, cultural or recreational resources determined by the planning board.

B. *Other design considerations.* The configuration of proposed open space lands set aside for common use in a conservation development shall comply with the following standards:

1. They shall be free of all structures except historic buildings or structures, stonewalls, and structures related to open space uses. The planning board may grant approval of structures and improvements required for storm drainage within the open space provided that such facilities would not be detrimental to the purpose for which the open space is proposed.
2. They shall be directly accessible to the largest practicable number of lots or dwellings within the development. Non-adjoining lots shall be provided with safe and convenient pedestrian access to open space land;
3. They shall be suitable for active or passive recreational uses to the extent deemed necessary by the planning board, without interfering with adjacent dwelling units, parking, driveways, and roads;
4. They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the subdivision;
5. They shall provide buffers to adjoining parks, preserves or other protected lands;
6. They shall provide for pedestrian pathways for use by the residents of the development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the town or region. Provisions should be made for access to the open space lands, as required for land management and emergency purposes;
7. Whenever possible, they shall be undivided by public or private streets, except where necessary for proper traffic circulation;
8. They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources;
9. They shall be consistent with the comprehensive community plan.

C. *Uses permitted within open space areas.* The open space in a conservation development shall be devoted only to conservation purposes or for park, recreation, forest management, and agricultural purposes.

Sec. 5.14. Streets.

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

Sec. 5.15. Decision.

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

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

Sec. 5.16 Existing resources and site analysis map.

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

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

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

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

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

A. *Topography and slopes.*

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

B. *Natural resources inventory.*

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

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

3. Soil series, types and map units, as mapped by the U.S. Department of Agriculture, Soil Conservation Service in the latest published soil survey for the state, and accompanying data published for each soil relating to its suitability for construction and for septic suitability

4. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, kettle holes, eskers, etc. based on available published information or more detailed data obtained by the applicant.

5. Ridgelines of existing hills and watershed boundaries shall be identified.

C. *Cultural resources inventory.*

1. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, excavated areas, utilities, and storm and sanitary sewers.

2. Location of all historically significant sites or structures on the tract, including but not limited to cemeteries, stone walls, cellar holes and foundations, and known archaeological resources.

3. A view shed analysis showing the location and extent of views both from and within the proposed development parcel as well as views into the property from adjacent public or private streets and properties. See definition in section 2.0.

D. *Recreational resources inventory.*

1. Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.)

2. Boat launches, stream access locations and water trails.

3 Existing play fields and recreation areas.

E. *Utilities and infrastructure.*

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

2. Location of all streets and utilities.

Sec. 5.17. Incentives.

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

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

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

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

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

SECTION 6.0. DEVELOPMENT APPLICATION, REVIEW AND APPROVAL PROCESS[2]

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

A. *Classification*. The administrative officer shall advise the applicant as to which approvals are required and whether the administrative officer or the planning board will review the application for a land development project or subdivision. The following types of applications, as defined in section 2.1, may be filed:

1. Administrative subdivision;
2. Minor subdivision~~; or~~
3. minor land development project;
4~~3~~. Major subdivision or
5. major land development project.

B. *Certification of a complete application*.

1. The administrative officer must certify as complete, in writing, an application for each stage of approval of a subdivision or land development project before the application will be reviewed. Certification of a complete stage of application begins the time period within which the ~~administrative officer or the planning board~~permitting authority must review and act on an application.
2. If an application is incomplete, the administrative officer shall provide to the applicant a written explanation of the items that are missing from the application. The running of the period for certification stops if the administrative officer finds that the application is incomplete, and resumes when the missing material is submitted, but the administrative office shall have at least ten days from the day the missing material is submitted to certify the application as complete.
3. If a written certificate of completeness is not issued within the time required by these regulations, the application is considered complete for the purpose of beginning the review period; provided, however, that during review of the application, the ~~administrative officer or the planning board~~permitting

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

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

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

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

Sec. 6.2. Unified development review

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

A. An applicant for land development project approval or subdivision may initiate unified development review by submitting an application form for a variance or special use permit with the application for the first stage of development approval.

B. When considering an application for a variance or a special use permit, the planning board is bound by the same legal requirements and the same criteria for relief that would apply to zoning board of review consideration of the application. The planning board shall conduct a public hearing, shall take testimony under oath, and shall make findings of fact and conclusions of law.

C. An application for a variance or a special use permit requires a public hearing. If these regulations require a public hearing for the land development project application, the application for zoning relief shall be heard at the same public hearing. The planning board shall consider the request for zoning relief before the land development project/subdivision review takes place. The planning board's approval of an application for zoning relief shall be conditional on its approval of the land development project/subdivision.

D. An applicant for approval of a major land development project that has received zoning relief as part of master plan approval may request a change to the relief granted, and may request additional variances or special use permits, as a result of the more detailed planning and engineering required for the preliminary plan submission. If such a request is made, a public hearing to consider the additional zoning relief must be conducted during preliminary plan review. If the additional zoning relief is denied, the planning board may remand the application to master plan review or, with the applicant's consent, the preliminary plan approval period may be extended to allow the applicant to provide additional evidence to support the request for zoning relief.

E. An appeal from a decision by the planning board on a variance or special use permit may be taken pursuant to R.I. Gen. Laws § 45-23-71.

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

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

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

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

B. Applicants seeking a pre-application meeting shall submit general conceptual materials in advance of the meeting(s) as requested by the planning board and as required by checklist I, checklist for pre-application meetings and concept review in section 12.0. At a minimum, the applicant shall follow steps 1—4 of the design process as provided in section 5.4.

C. Applicants seeking an informal concept review by the planning board shall submit the information and materials as provided in checklist A, informal concept review. This procedure is restricted only to minor land development projects or subdivisions, development plan review and to rural residential compounds. After the planning board has conducted the informal concept review, the board shall provide the applicant with direction regarding the necessary steps required to submit a full application for further review and approval.

D. Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application meetings should include a review of the physical character of the land, and any environmental or physical constraints to development. Meetings should include a discussion initiated by the planning board regarding what form of land development may be appropriate to meet the goals and policies of the comprehensive plan with regard to preserving the character of the land, the natural environment and the ability of the town to provide essential services. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.

E. Provided that at least one pre-application meeting has been held for major land development ~~/or~~ subdivision application, or 60 days has elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within said 60-days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development ~~/ or~~ subdivision project in accordance with section 6.1.

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

Sec. 6.4. Administrative subdivision.

A. Any applicant requesting approval of a proposed administrative subdivision, as defined in this chapter, shall submit to the administrative officer the items required by checklist B administrative subdivision in section 12.0.

B. Any applicant requesting approval of a proposed lot merger administrative subdivision, as defined in this chapter, shall submit to the administrative officer the items required by checklist B-1, lot merger administrative subdivision in section 12.0.

C. The application shall be certified as complete or incomplete by the administrative officer within 15 ~~-~~days from the date of its submission according to the provisions of section 6.1.B.

D. Review process:

1. Within 15 days of certification of completeness, the administrative officer shall review the application and approve, deny or refer it to the planning board with recommendations. The administrative officer shall report the action to the planning board at its next regular meeting, to be made part of the record.

2. If no action is taken by the administrative officer within the 15 days, the application shall be placed on the agenda of the next regular planning board meeting.

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

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

Sec. 6.5. Site visits.

A. Before the first formal approval stage for every subdivision ~~and~~ or land development project, the planning board shall visit the applicant's property. The visit enables planning board members to see existing conditions and special features of the property and identify potential site design issues, and provides an opportunity to informally discuss site design concepts.

B. The visit should be scheduled after the applicant has submitted an existing resources and site analysis map. Copies of the map may be distributed during the site visit. The board may require the applicant to provide field locations of proposed streets, improvements, or site features. The applicant and one or more of his development professionals should be present. Town officials are encouraged to attend.

C. The site visit shall be considered a meeting of a public body pursuant to the R.I. Open Meetings Act. The time and location shall be posted; the applicant shall send notice of the site visit to the owners of property within 1,000 feet; members of the public are permitted to attend; and minutes shall be recorded. However, the planning board will take no formal action during the site visit, and any comments made by planning board members shall not be construed as a decision or determination.

D. Lack of a quorum of planning board members at the site visit, or failure to conduct a site visit for a reason other than the unavailability of the applicant, shall not affect the status of the application.

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

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

Sec. 6.6. Public hearings.

A. *When required.* The planning board shall conduct a public hearing before master plan approval of all major subdivisions and land development projects, before preliminary plan approval of all minor subdivisions ~~and land development projects~~ that propose the creation or extension of a street, and for all applications that include ~~a request for zoning relief~~unified development review.

Commented [LP2]: Administrative subdivisions are tricky

B. *Notice requirements.* The following notice requirements apply to public hearings.

1. The planning department shall advertise the public hearing at least 14 days in advance in a newspaper that circulates in Exeter. The applicant shall pay for the advertisement.

2. Notice of the public hearing shall be posted in the town clerk's office, at Exeter Public Library, and on the home page of the Town website at least 14 days before the date of the public hearing.

3. Both the advertisement and the notice shall state the date, time and location of public hearing; the assessor's plat and lot number of the property; and the street address of the property, including the street number or the distance and direction from the nearest intersection in tenths of a mile. If the applicant has requested a variance or a special use permit, the type of relief sought shall be described and the applicable sections of the zoning ordinance shall be listed. The notice shall state that the application may be examined at the planning department, Exeter town hall, on weekdays except holidays between 9:00 a.m. and 4:00 p.m.

4. The planning department shall send a copy of the notice by first class mail to the applicant and to the owners of property within 1,000 feet of the perimeter of the property proposed for development, and to any individual or entity holding a recorded conservation or preservation restriction on the property proposed for development. The notice shall be sent at least ten days before the date of the public hearing. The applicant shall pay for the notices and the postage.

5. The planning department shall send a copy of the notice by first class mail to:

   a) The planning board of an adjacent town if there is a public or quasi-public water source, or a private water source suitable for use as a public source, within 2,000 feet of the municipal boundary;

   b) The governing body of any state or municipal water department or agency, water district, or private water company that has riparian rights to a surface water resource or watershed used for, or suitable for, a public water source located within Exeter or within 2,000 feet of the municipal boundary, provided that a map survey has been filed with the building official as specified in R.I. Gen. Laws § 45-24-53(f);

   c) The administrative officer of an adjacent town if the proposed development is within 500 feet of its boundary or if the administrative officer determines that the development poses a potential for significant negative impact on the adjacent town.

C. *On-site sign.* The applicant shall provide supplemental notice in the form of an on-site sign. At least 14 days before the date of the public hearing, the applicant shall post a sign at the property notifying the public of the public hearing. The sign shall be at least 20 by 30 inches, made of weather-resistant material, and erected so it is clearly visible from the nearest street. The administrative officer will provide the required sign text to the applicant. The applicant shall maintain the sign at the site until the public hearing is closed. The administrative officer shall determine whether an additional sign must be posted to provide sufficient public notice.

D. *Testimony under oath*. For every matter in which the planning board's decision is appealable to the Superior Court, the board shall take testimony under oath. A competent stenographer shall record the minutes of each such proceeding. The applicant shall be responsible for the cost of the stenographer. An appellant must order and pay for a transcript of the proceeding.

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

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

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

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

B. *Applications proposing street creation or requesting zoning relief.*

1. An application that proposes creation or extension of a street or is accompanied by an application for a variance or a special use permit shall be reviewed by the planning board.

2. To initiate an application for preliminary plan review, the applicant shall submit the information required in checklist J in section 12.0 of these regulations. The administrative officer shall certify the application as complete or incomplete within 25 days.

3. During preliminary plan review, the planning board shall conduct a public hearing in compliance with section 6.6 of these regulations. If the applicant has requested a variance or a special use permit, the planning board shall approve or deny the variance or special use permit before considering the preliminary plan application. Approval of zoning relief shall be conditional on approval of the final plan.

4. The planning board shall approve, approve with conditions, or deny the application within 95 days of the day it was certified as complete, unless the applicant consents in writing to an extension of that time.

5. If the planning board is unable to make the findings required by section 3.5 of these regulations, the board may reassign the application to major subdivision or land development project review.

6. If the planning board fails to act on the application within the required period, the application shall be considered approved, and the administrative officer will issue a written approval at the applicant's request.

~~6~~7. Approval of a preliminary plan expires one year from the date of approval. The planning board may extend the approval period for cause upon a written request from the applicant. The zoning ordinance and subdivision regulations provisions under which the preliminary plan approval was granted are vested while the preliminary plan approval remains valid.

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

1. An application that does not propose creation or extension of a street and is not accompanied by an application for a variance or a special use permit shall be reviewed by the administrative officer.

2. To initiate an application for preliminary plan review, the applicant shall submit the information required in checklist D in section 12.0 of these regulations. The administrative officer shall certify the application as complete or incomplete within 15 days.

3. The administrative officer shall approve, approve with conditions, or deny the application within 65 days of the day it was certified as complete, unless the applicant consents in writing to an extension of that time.

4. Approval of a preliminary plan expires one year from the date of approval. The administrative officer may extend the approval period for cause upon a written request from the applicant. The zoning ordinance and subdivision regulations provisions under which the preliminary plan approval was granted are vested while the preliminary plan approval remains valid.

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

1. To initiate final approval, the applicant shall submit the information required in checklist E in section 12.0 of these regulations.

2. The administrative officer shall certify an application for final plan approval as complete or incomplete within 25 days if the application proposes creation or extension of a street or requests zoning relief,

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

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

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

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

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

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

B. After a pre-application conference has taken place, review of a major land development project or major subdivision takes place in three stages:

1. Master plan, including a site visit.
2. Preliminary plan.
3. Final plan.

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

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

6.8.1 *Master plan review.*

A. *Submission requirements*.

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

(c) State agencies.

(d) Federal agencies.

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

B. *Certification.* The application shall be certified complete or incomplete within 25 days.

C. *Site visit.* The planning board shall schedule a site visit in accordance with section 6.5 of these regulations.

D. *Public hearing.* The planning board shall conduct a public hearing on the application. Notice shall be given as required by section 6.6 of these regulations. If the applicant has requested a variance or special use permit for the development, the planning board shall approve or deny the variance or special use permit before considering the master plan application. Approval of zoning relief shall be conditional on approval of the final plan.

E. *Decision*. The planning board shall approve, approve with conditions, or deny the master plan and any requested zoning relief within 90 days of the day the application was certified as complete unless the applicant agrees in writing to extend the time period for approval.

F. *Failure to act.* If the planning board does not act on the application within the required time, the application shall be considered approved, and the applicant may request and receive from the administrative officer a written certification that the planning board failed to act with the required time, and a written approval of the master plan.

G. *Expiration.* Master plan approval expires two years from the date the written decision was recorded. An applicant has the right to receive two one-year extensions of master plan approval, and may ask the planning board for additional extensions for good cause. An extension must be requested in writing at least 30 days before the expiration date. The applicant must appear before the planning board to request the extension and explain the status of the project. A decision to extend the approval period shall be in writing. The zoning ordinance and subdivision regulations provisions under which the master plan approval was granted are vested while the master plan approval remains valid.

6.8.2 *Preliminary plan review.*

A. *Submission requirements*.

1. To initiate preliminary plan review, the applicant shall submit the items required by checklist G (for a conventional land development project or subdivision) or checklist M (for a conservation development) in section 12.0 of these regulations.

2. The administrative officer shall solicit final written comments from town or other local agencies or commissions.

3. The applicant shall submit copies of all required legal documents, including proposed easements.

4. Before the preliminary plan is approved, the applicant must submit copies of every federal, state, and municipal permit required for the development, provided, however, that for any permit required from the R.I. Department of Transportation, the applicant may submit correspondence confirming that a permit will be issued when a bond is posted and evidence of sufficient insurance is provided.

B. *Certification*. The application shall be certified as complete or incomplete within 25 days.

C. *Notice.* The planning department shall send notice of the first planning board meeting on the preliminary plan by first class mail to the owners of abutting property ~~within 1,000 feet~~ of the property to be developed at least 14 days before the meeting.

D. *Improvement guarantees*. At preliminary plan review, the planning board shall approve a procedure for the completion of streets, stormwater management facilities, and all other required improvements. The applicant may complete the improvements by constructing them, by posting a financial guarantee to insure their completion, or a combination of construction and financial guarantees.

E. *Decision.* The planning board shall approve, approve with conditions, or deny the preliminary plan within 90 days of the day the application was certified as complete unless the applicant agrees in writing to extend the time period for approval. The planning board's written decision shall be recorded in the land evidence records.

F. Failure to act. If the planning board does not act on the application within the required time period, the application shall be considered approved, and the applicant may request and receive from the administrative officer a written certification that the planning board failed to act with the required time, and a written approval of the preliminary plan.

G. *Expiration.* Preliminary plan approval expires two years from the date the written decision was recorded in the land evidence records. The applicant has the right to receive two one-year extensions of preliminary plan approval, and may ask the planning board for additional extensions for good cause. An extension must be requested in writing at least 30 days before the expiration date. The applicant must appear before the planning board to request the extension and explain the status of the project. A decision to extend the approval period shall be in writing and shall be recorded in the land evidence records. The zoning ordinance and subdivision regulations provisions under which the preliminary plan approval was granted are vested while the preliminary plan approval remains valid.

6.8.3 *Final plan approval.*

A. *Submission requirements*. The applicant shall submit the following documents or information for final plan approval:

1. The items required by checklist H in section 12.0 of these regulations, as well as the items required by the planning board at preliminary plan approval as a condition of final approval.
2. Arrangements for completion of the required improvements, including a construction schedule and any financial guarantees.
3. Certification by the tax collector that all property taxes are current.
4. For phased projects, as-built drawings for all existing improvements in prior phases.

B. *Certification*. The application shall be certified complete or incomplete within 15 days. When the final plan includes changes to the approved preliminary plan or new elements, the administrative officer may have an additional ten days to certify the application as complete, provided that the administrative officer notifies the applicant in writing that the additional time will be required. If the administrative officer determines that the final plan submission proposes a ~~major~~ changes to or elements not in ~~to~~ the approved preliminary plan, the administrative officer shall have an additional 10 days to certify the application as complete or incomplete~~notify the applicant in writing within 14 days of the day the application was submitted~~.

C. ~~*Referral to the planning board*~~*Decision*. If the administrative officer certifies the application as complete, the certification shall constitute final plan approval. A written final plan approval shall be issued within 45 days~~. If the administrative officer determines that the application does not meet the requirements of these regulations or the conditions imposed by the planning board at preliminary approval, or if the applicant has proposed a major change to the approved preliminary plan, the administrative officer shall refer the final plan to the planning board for review. The planning board must approve or disapprove the final plan within 45 days of the day the application was certified as complete, unless the applicant agrees in writing to extend the time period for approval~~.

D. *Failure to act.* If the ~~planning board~~permitting authority does not act on the application within the required time period, the application shall be considered approved, and the applicant may request and receive from the administrative officer a written certification that the planning board failed to act with the required time, and a written approval of the final plan.

E. *Expiration.* Final plan approval expires within one year unless the ~~applicant constructs the streets and other improvements or submits an improvement guarantee~~final plat or plan in conformance with final approval has been submitted for signature and recording. The applicant has the right to receive a one-year extension of the final plan approval, and may ask the planning board for additional extensions for good cause. An extension must be requested in writing at least 30 days before the expiration date. The applicant must appear before the planning board to request the extension and to explain the status of the project. A decision to extend the approval period shall be in writing and shall be recorded in the land evidence records.

F. *Recording*. The final plan approval and the final plat are recorded in the land evidence records when all required improvements have been completed and an inspection has confirmed that the improvements were constructed in conformity with these regulations and with the approved plans, or when the applicant has submitted an improvement guarantee.

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

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

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

A. An applicant may make changes to an application or recorded plan at any stage ~~of submission~~. The administrative officer has the authority to approve minor changes ~~and major changes~~ to applications ~~if the applications do not require planning board approval~~. Major changes ~~to an application that requires planning board review~~ must be approved by the planning board and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing if required as part of any stage of the original or revised application.

B. If the administrative officer determines that a requested change ~~in a Final plan application~~= is a major change, the administrative officer shall notify the applicant in writing within 14 days.

C. If the administrative officer denies a request for a minor change, the request shall be submitted to the planning board as a major change.

D. *Minor change*. A minor change is a change that, in the opinion of the administrative officer, is consistent with the intent of the ~~original~~ most recent submission or approval. Minor changes include but are not limited to the following:

1. Changes to utility plans that are acceptable to the director of public works or to the appropriate utility.
2. Lot line changes that could be approved as an administrative subdivision.
3. Changes to grading plans or drainage plans that are acceptable to the director of public works and do not require approval of any state or federal agency.
4. Changes to construction plans required because of unforeseen physical conditions on the property.
5. Modifications to construction plans for off-site improvements that are acceptable to the director of public works.

6. Modifications required by outside permitting agencies including the R.I. Department of Environmental Management and the R.I. Department of Transportation.

E. *Major change*. A major change is a change that in the opinion of the administrative Officer clearly differs from the intent of the original approval. Major changes include but are not limited to the following:

1. Changes that would create additional lots or dwelling units for development.

2. Changes that require a variance or special use permit.

3. Changes that may have significant negative impacts on abutting property or property in the vicinity of the development.

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

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

Sec. 6.10. Planned village development.

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

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

Sec. 6.10.1. Performance and design standards.

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

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

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

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

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

B. Private roads, alleys, or other means of access may be used to satisfy primary access requirements to any use or lot with approval from the planning board and the submission and approval of appropriate supporting legal documents.

C. Applicants shall illustrate where different surface treatments are used to delineate spaces dedicated primarily to automobiles, bicycles, pedestrians, and landscaping.

D. Cul~~s~~-de-sac and dead end streets shall be prohibited in favor of streets that have multiple connection points to other streets, providing multiple access and egress points.

6.10.1.4 *Lot design.*

A. Site plans provided at the master plan stage shall provide plan-view illustrations of each individual lot types within a proposed PVD. These illustrations shall show the disposition of the basic elements of the lot including the location of building footprints, driveways, parking, and walkways. Examples of different lot types that may be applied to a proposed PVD can be found in the Village Design Manual, adopted herein by reference. The configuration, dimension, and size of lots shall be designed in a manner that reinforces the compact and walkable nature of traditional neighborhood development.

B. Lot layout and size shall facilitate a diversity of building types and high levels of accessibility for motorists, bicyclists, and pedestrians in residential, mixed-use, and commercial areas. The planning board may approve a uniformity of lot types in an application for PVD where the proposal shall be part of a larger diverse scheme of lot types to be developed at a later date.

6.10.1.5 *Building types.*

A. Development plans at the master plan stage shall provide architectural elevations or illustrations for the individual building types within a proposed PVD. Examples of different building types that may be applied to a proposed PVD can be found in the Village Design Manual.

B. In order to modulate their scale, multi-story buildings shall clearly articulate the base, middle, and top of the building through the use of cornices, step-backs, borders of distinct material, or other articulating features.

C. Larger buildings with long façades shall articulate the façade with varied rooflines, distinct signage for multiple tenants, awnings, recessed spaces and/or entrances, and any other features that serve to add texture to these longer façades.

D. Large, flat, unadorned, blank walls on commercial or mixed use buildings shall be avoided for any side or rear walls unless specifically related to acceptable architectural forms (e.g., barns). Where windows are not feasible, articulating features may be used such as awnings and decorative lighting to make these surfaces more attractive.

E. Building types for corner lots shall be designed in a manner that actively engages each side that fronts on a street, alley, or way. Multiple entrances are not necessary but the building surfaces along public space shall be conducive to pedestrian activity through the use of windows, lighting, awnings, signage, or other features.

F. Building types shall be varied along streets, within commercial areas, and within neighborhoods to create architectural diversity. The planning board may approve the repetition of building types where the use of different architectural elements and details will successfully create variation along an individual streetscape, within a commercial area, or throughout a neighborhood. Architectural elements that may be used to create this variation include, but are not limited to, dormers, porches, cornices, fenestration, roof configuration, and building materials.

6.10.1.6 *Entrances.*

A. All commercial and mixed use buildings shall have a principal façade and entry facing a sidewalk or other area dedicated to pedestrian circulation. Commercial buildings may have more than one principal façade and/or entry where more than one side of the building fronts on public space.

B. Main entrances shall incorporate architectural features that draw attention to the entrance. These features may include covered porches, planters, porticos, recessed doorways, awnings, and/or different sidewalk surface treatment.

C. Awnings in commercial or mixed use settings shall be made of canvas and/or weather-coated materials. Vinyl awnings are prohibited. Each awning should be distinct from its neighbor and continuous awnings over several stores are discouraged.

6.10.1.7 *Fenestration.*

A. The width-to-height ratio of window bays in façades above the first story in commercial or mixed use settings should have a minimum width-to-height ratio of 1:2 unless acceptable dormers or other features necessitate a different dimension. Multiple bays may be placed immediately adjacent to one another in order to create larger window areas.

B. Large uninterrupted window glass panes are discouraged unless appropriately integrated into commercial façades with other smaller windows and articulating features.

C. Mullion pattern and thickness shall reflect traditional New England design with broad decorative surfaces or trim between windows. Any mullion finishes that would be highly reflective or industrial in nature are not allowed.

6.10.1.8 *Signage.*

A. For nonresidential uses in the district there may be one non-internally illuminated wall mounted sign for each main building not to exceed eight square feet. The location of these signs shall be such that architectural features are not wholly or partially obscured, including dormers, windows, decorative trim, for example.

B. In addition to permitted wall mounted signs, there may be one individual projecting sign to identify each individual use in a multiple use building. Such signs shall not exceed eight square feet in area per side and shall be located at or near any entrance open to the public.

C. Wall mounted or projected signs should typically be located above the ground floor storefront and just below the second floor windows. Signs should not obscure architectural features or windows and should be integrated with the design of the building.

D. In addition to permitted wall mounted signs, the planning board may allow for free standing signs for those roads or driveways which provide access to complexes of uses and buildings within the district. No such major entrance sign shall be permitted for individual uses or buildings. Such free standing signs shall not exceed six feet in height above the ground and shall not be larger than 32 square feet in sign display area per side. No such free standing sign shall be erected in such a manner as to materially impede vision or obstruct access to or from any public or private street, sidewalk, driveway, off-street parking, or loading facility or any other access required by this ordinance. Free standing signs should incorporate design details, materials, and colors of the associated buildings. The base or support elements of free standing signs should be integrated with the surrounding environment and should incorporate ornamental landscaping where possible.

E. Sign colors should be selected to provide sign legibility for both day and nighttime viewing. Sign colors and finishes should be compatible with the color of the building and surrounding development.

F. Sign materials should be of high quality and compatible with the design of the building and façade on which they are placed.

G. Externally illuminated signs should have downward-directed, wall mounted lights with fully-shielded decorative lamps that do not obscure the graphics of the sign.

H. Signage on awnings is permitted only on the apron portion of the awning for business identification or to advertise particular goods and/or services.

I. Internally illuminated signs are not permitted.

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

Sec. 6.10.2. Ownership, operations and maintenance.

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

A. Any provisions to be recorded with a property deed that may restrict the ownership or use of property based on the age, income, or other characteristics of the occupant.

B. Any covenants, contracts, or agreements that describe the sole or shared ownership of and responsibility for access ways, roads, sidewalks, utilities, storm water management facilities, wastewater management facilities, and/or drinking water supply infrastructure.

C. Any monitoring programs associated with hazardous materials/waste or wastewater facility discharge.

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

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

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

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

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

6.10.3.2. *Determining and certifying development rights.*

A. *General.* Development rights may be approved by the planning board as part of a TDR sending area land development project. Master plan approval is required to officially determine the number of development rights associated with a parcel(s) of land and authorize certification from the administrative officer.

B. *Establishing yield.* The development rights that may be created on a given parcel of land are determined by the maximum number of detached single family dwelling units that may be developed as determined by the planning board, in accordance with the zoning ordinance and land development and subdivision regulations. The applicant shall have the burden of proof with regard to the reasonableness and feasibility of the design and engineering specifications for the development plan; provided, however, that the planning board's determination of the number of development rights, which is based on the review of approved application documents, shall be conclusive. The site yield plan shall not include the use of any density bonuses or development increases that may be offered elsewhere in the zoning ordinance including, but not limited to, conservation developments, and low/moderate density bonuses. Site plans developed as part of a comprehensive permit application shall not be considered viable yield plans for the purposes of a TDR sending area land development application.

C. *Submittal requirements.* Applicants for a TDR sending area land development project shall be required to submit plans to the planning board in accordance with the TDR sending area pre-application checklist and TDR sending area master plan checklist in the land development and subdivision regulations per section 6.6.

D. *Scope of yield plan.* Applicants for a TDR sending area land development project shall show the yield for the entirety of all parcels associated with the application. Determining yield for a portion of any associated parcel is not allowed.

E. *Certificates of development rights.* Upon the approval of a master plan of a TDR sending area land development application, the planning board shall authorize the issuance of a certificate of development rights from the administrative officer, barring any appeals during the appropriate appeal period. This authorization has the same vesting rights as any master plan approval.

F. *Issuance and maintenance of development rights.* Issuance and maintenance of these certificates shall be as follows:

    1. Barring any appeals, the certificate of development rights shall be issued within ten days of the expiration of the appeal period following the planning board's approval of master plan, however

    2. No certificates shall be issued until the applicant demonstrates that all required deed restrictions have been recorded in town hall.

    3. The certificate shall be signed by the owner of the development rights and the administrative officer and recorded by the town clerk.

    4. The planning board shall be notified in writing of any sale, transfer, conveyance, or extinguishing of development rights. Revised certificates shall be issued upon change of ownership or upon the reduction of development rights vested in a certificate and recorded by the town clerk.

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

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

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

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

TABLE 6A
6.10.3.A - Scoring Lands in the Sending Area

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

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

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

Table 6.10.3.3.B - Transfer Ratio

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

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

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

A. *General.* All applications for transferring development rights to a receiving area shall come before the planning board as part of a PVD application review. At the outset of the permit review process, applicants must demonstrate to the planning board that the bearer of the certificate of development rights is in agreement with the terms of the proposed application and understands the number of development rights that will be extinguished after the landing process is complete. Documentation of this assurance shall be provided in a letter signed by the bearer of the certificate of development rights or his/her representative at the time of the application to land the development rights.

B. *Calculating the number of required development rights.* The number of development rights required for PVD involves a three-step process:

1. The applicant shall first determine how many residential units would be allowed as of right in the underlying districts.
2. The applicant shall then determine the number of proposed residential units in the PVD.
3. The difference between the two numbers shall then be divided by the transfer ratio as determined in section 6.9.4.B.

Hypothetical calculation:

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

C. *Materials.* In addition to the materials customarily required as part of an application for a major land development or major subdivision, an applicant proposing to transfer development rights shall submit the appropriate number of copies of his/her certificate of development rights to the planning board. The validity of these development rights shall be verified by the town planner or his/her designee during the pre-application review.

D. *Transfer.* A person or party purchasing development rights already vested in a certificate of development rights without landing said rights in a receiving area shall record the purchase with the town planner and receive an updated certificate of development rights reflecting the change in ownership. Parties may purchase all or a portion of the development rights vested in a certificate of development rights.

E. *Fractions of development rights.* Any sale, conveyance, or transfer of development rights shall apply to whole units of development rights and not fractions thereof. Fractions of development rights remaining after the transfer of development rights has occurred shall be extinguished.

F. *Final approval.* The planning board shall not issue final approval of any transfer of development rights until:

1. The master plan submittal for the proposed PVD is approved;

2. The changes to the future land use map and zoning map are approved by town council (as applicable);

3. All necessary conservation easement restrictions are recorded in the land evidence records and said development rights are formally extinguished by the town planner through the issuance of a revised certificate of development rights.

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

A. *Existing agricultural lands.* Lands identified for preservation in the sending area that are in agricultural production or are otherwise identified for agricultural activities by the applicant when development rights are purchased should be preserved for agricultural activities;

B. *Existing natural lands.* Lands identified for preservation in the sending area that are not in agricultural production or otherwise identified for agricultural activities by the applicant when development rights are purchased shall be preserved as conservation areas;

C. *Restrictions on sending area parcels.* Restrictions on sending area parcels shall be recorded as conservation easement restrictions on the title of the parcel to be preserved upon approval of a TDR sending area land development application. These restrictions shall include a management plan, to be approved by the planning board, which will specify how the open space will be used in the future. The guidance provided in the Rhode Island Conservation Easement Guidance Manual (DEM 2009, or as amended) shall be used to prepare a conservation easement and management plan. Conservation or agricultural lands preserved through TDR shall either:

1. Be conveyed to and accepted by the town for park, open space, agricultural, or other permitted use or uses;

2. Be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or

3. Be conveyed to a corporation or trust whose principal purpose is the stewardship of said land for uses approved by the planning board.

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

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

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

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

F. *Allowable uses on conservation lands (where rights have been transferred).* Uses allowable in conservation lands shall be devoted to conservation purposes or alternatively agriculture, park, recreation, or forest management purposes as determined appropriate by the planning board.

G. *Allowable uses on agricultural lands.* Consistent with any applicable local, state, or federal regulations, the planning board shall allow agricultural lands preserved through TDR to be used as prescribed during the development right certification process and as recorded by the administrative officer.

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

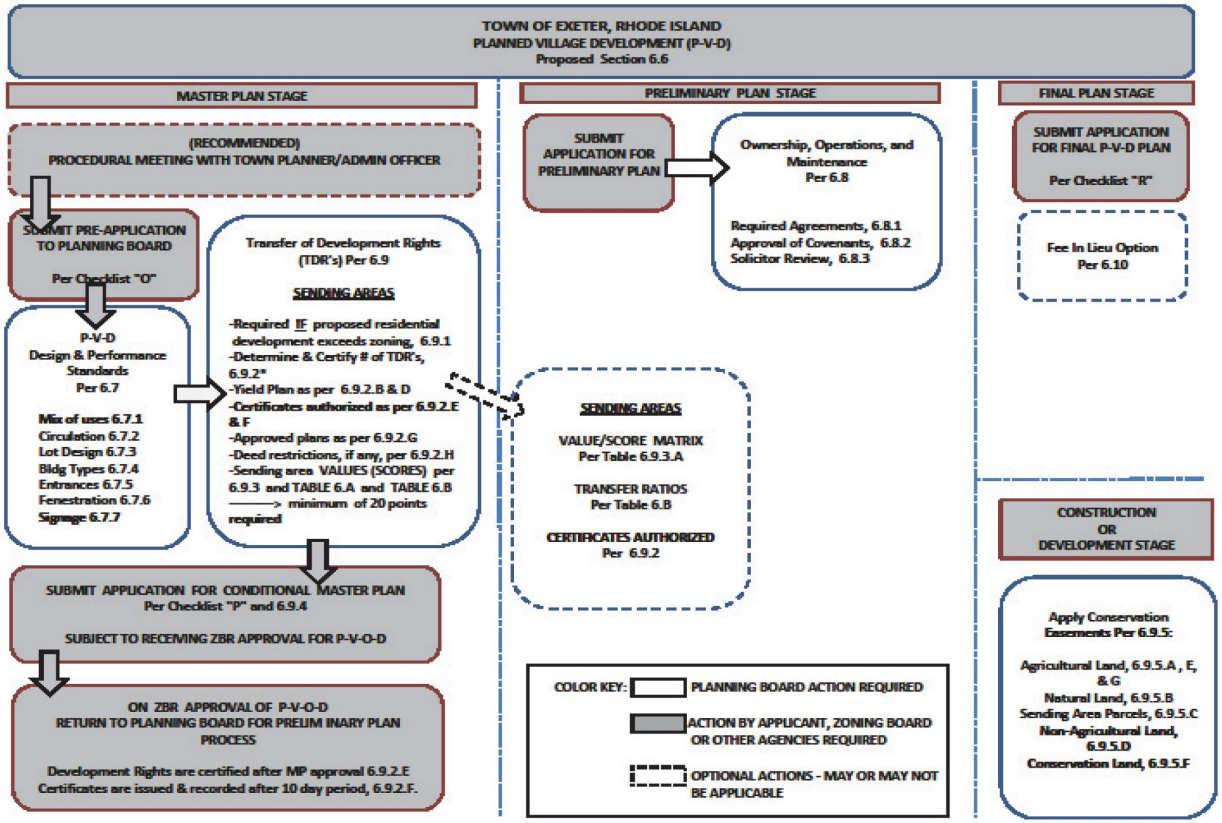
Sec. 6.10.4. Fee-in-lieu option for density transfer.

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

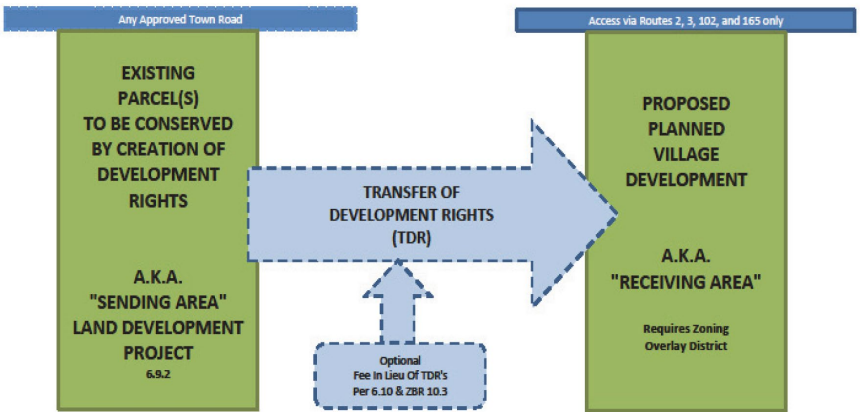
1. *Calculating the fee.* To calculate the appropriate amount that would qualify for fee-in-lieu of TDR, the Town of Exeter shall require appraisals of property in a residential district that is considered by the planning board to be most consistent with their preservation goals. Said appraisals shall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

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

FLOWCHART 1


TOWN OF EXETER, RHODE ISLAND
PLANNED VILLAGE DEVELOPMENT (P-V-D)
Proposed Section 6.6
MASTER PLAN STAGE
PRELIMINARY PLAN STAGE
FINAL PLAN STAGE
(RECOMMENDED)
PROCEDURAL MEETING WITH TOWN PLANNER/ADMIN OFFICER
SUBMIT PRE-APPLICATION TO PLANNING BOARD
Per Checklist "O"
P-V-D
Design & Performance Standards
Per 6.7
Mix of uses 6.7.1
Circulation 6.7.2
Lot Design 6.7.3
Bldg Types 6.7.4
Entrances 6.7.5
Fenestration 6.7.6
Signage 6.7.7
Transfer of Development Rights (TDR's) Per 6.9
SENDING AREAS
-Required IF proposed residential development exceeds zoning, 6.9.1
-Determine & Certify # of TDR's, 6.9.2*
-Yield Plan as per 6.9.2.B & D
-Certificates authorized as per 6.9.2.E & F
-Approved plans as per 6.9.2.G
-Deed restrictions, if any, per 6.9.2.H
-Sending area VALUES (SCORES) per 6.9.3 and TABLE 6.A and TABLE 6.B
———> minimum of 20 points required
SUBMIT APPLICATION FOR CONDITIONAL MASTER PLAN
Per Checklist "P" and 6.9.4
SUBJECT TO RECEIVING ZBR APPROVAL FOR P-V-O-D
ON ZBR APPROVAL OF P-V-O-D
RETURN TO PLANNING BOARD FOR PRELIM INARY PLAN PROCESS
Development Rights are certified after MP approval 6.9.2.E
Certificates are issued & recorded after 10 day period, 6.9.2.F.
SUBMIT APPLICATION FOR PRELIMINARY PLAN
Ownership, Operations, and Maintenance
Per 6.8
Required Agreements, 6.8.1
Approval of Covenants, 6.8.2
Solicitor Review, 6.8.3
SENDING AREAS
VALUE/SCORE MATRIX
Per Table 6.9.3.A
TRANSFER RATIOS
Per Table 6.8
CERTIFICATES AUTHORIZED
Per 6.9.2
COLOR KEY:
PLANNING BOARD ACTION REQUIRED
ACTION BY APPLICANT, ZONING BOARD OR OTHER AGENCIES REQUIRED
OPTIONAL ACTIONS - MAY OR MAY NOT BE APPLICABLE
SUBMIT APPLICATION FOR FINAL P-V-D PLAN
Per Checklist "R"
Fee In Lieu Option
Per 6.10
CONSTRUCTION OR DEVELOPMENT STAGE
Apply Conservation Easements Per 6.9.5:
Agricultural Land, 6.9.5.A , E, & G
Natural Land, 6.9.5.B
Sending Area Parcels, 6.9.5.C
Non-Agricultural Land, 6.9.5.D
Conservation Land, 6.9.5.F

FLOWCHART 2



SECTION 7.0. DESIGN AND IMPROVEMENT STANDARDS

Sec. 7.1. Physical design requirements, general.

A. These regulations, with their appendices, specify all physical design requirements for ~~the~~ subdivisions and land development projects, which are to be reviewed and approved pursuant to these regulations. These regulations specify all requirements and policies for subdivisions and land development projects, which are not contained in the town zoning ordinance.

B. The requirements and policies include, but are not limited to, requirements and policies for rights-of-way, landscaping, connections of proposed streets and drainage systems with those of the surrounding neighborhood, and the relationship of proposed developments to natural and manmade features of the surrounding neighborhood.

C. The regulations specify all necessary findings, formulas for calculations and procedures for meeting said requirements and policies. These requirements and policies shall apply to all subdivisions and land development projects reviewed and/or administered under these regulations.

D. Public design and improvement standards for subdivisions and land development projects are specified in this section. Standards include, but are not limited to, specifications for rights-of-way, streets, sidewalks, lighting, landscaping, public access, utilities, drainage systems, fire protection, and soil erosion control.

E. All public improvements of a land development project or subdivision shall reflect the physical character and design for that district which is specified by the town's comprehensive plan. Public improvement requirements and standards may not be the same in all areas or districts of the town.

F. The land development or subdivision developer, at his own expense, shall construct all improvements required by the planning board, as shown on the approved final plans of the development.

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

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

A. *Easements.* The planning board may require the provision of easements for the installation and maintenance of utilities.

B. *Streets.*

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

13. Where a deflection angle of ten degrees or more occurs along the centerline of a street, a curve with a radius of less than 150 feet shall be introduced.

14. Corners at intersections shall be rounded to provide a curb radius of not less than 25 feet.

15. An extension of an existing street shall have the same name as the existing street. Names of other proposed streets shall be substantially different from any existing street name in the town.

16. In order to maintain a visual screen and rural character, the planning board will require the maintenance of an undisturbed natural vegetative buffer along the frontage of the lot in a range of 25 to 100 feet, as determined by the planning board.

C. *Lots.*

1. All lots shall abut an existing or a proposed public street, except where abutting a private street allowed in a rural compound or a conservation development.

2. Except for those sides bordering a street, lots shall not have interior angles of more than 200 degrees except as provided in section 2.4.3 of the zoning ordinance.

3. The proportion of average lot depth to average lot width shall not exceed 2.5 to one, except as provided in section 2.4.3 of the zoning ordinance.

4. All lots shall conform to the provisions of any zoning ordinance that may be adopted in the town.

5. Side lot lines shall be as near right angles to street lines as practical.

6. Other than at corners, lots shall abut only one existing or proposed street.

7. Minimum lot dimensions and minimum building setback lines shall be established for all lots in the zoning ordinance of the town, unless the need for larger lots is indicated by the standard soil survey.

8. The minimum lot dimensions established by these regulations or any zoning ordinance adopted by the town may be increased by the planning board if larger dimensions are warranted for the safe and effective operation of individual sewage disposal systems (ISDS). Lots shall be of such area, shape and dimensions as will allow the operation of individual sewage disposal systems in such manner that the water supplies of said lots and all of the surrounding lots are adequately safeguarded. In addition, slopes over 12 percent, and bedrock areas may be a determining factor in affecting lot size due to the effect this has on onsite (proposed) sewage systems.

9. Lots in all subdivisions and land development projects created for the purpose of development shall be designed so as to contain the minimum land area required by the zoning ordinance.

10. Corner lot street lines shall be of sufficient length to accommodate the required front building setback lines.

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

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

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

Sec. 7.3. Performance and development standards.

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

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

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

8. *Landscaping.* The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of the soil and retaining existing vegetation during and after construction. After construction is completed, landscaping shall be installed according to the landscaping design shown on the site plan that will define, soften, or screen the appearance of the off-road parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the design or building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

   A. Existing trees and vegetation shall be preserved to the maximum extent possible.

   B. Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.

   C. Scenic views and historically significant landscape features shall be preserved whenever possible as determined by the planning board and/or the scenic highway commission.

   D. The planting of large deciduous street trees, no smaller than two-inch caliper, along principal road corridors to help shade and enclose the highway shall be encouraged.

   E. New landscaping shall use native plant material of species hardy to the area.

   F. The Applicant shall submit a landscape plan subject to planning board approval, including a plant species list with sizes, common and scientific names, and quantities.

9. *Visual relationship of buildings and their design.*

   A. The architectural design of the project, buildings, structures and site layout shall be visually compatible with the character the Town of Exeter seeks to retain within the area and the surrounding district, including building materials, massing of structures, small scale, and pitched building roof line, and shall be compatible with any special area master plan concepts as adopted by the town planning board and town council.

   B. A diversity of roof heights, gable orientations and volumes in new buildings should be considered. Mansard, flat and shallow-pitched roofs are not permitted. Instead new buildings shall be designed with traditional roof forms that are compatible with the character of the town, including gambrel and gable roofs commonly found in Exeter.

   C. Architectural elements such as dormers should be in proportion with the overall building and should also be in keeping with the surrounding building context. Exaggerated or excessively large (or tiny) architectural elements should be avoided. If used properly, traditional and contemporary architectural detailing can create variety, interest and texture on new buildings and additions, which is compatible with the character of the area.

   D. Building materials. The following building materials for use on the exterior of all structures may be acceptable:

      Wood or wood products

      Brick

      Masonry products

      Stone

      Vinyl products which resemble the above

      Such other materials as may be approved by the planning board

E. Buildings that are three-dimensional expressions of chain architectural logotypes which are incongruous with the character of the town shall not be allowed.

F. Development projects shall reuse existing buildings of historical character whenever possible. Reuse may take the form of additions to older buildings rather than demolition of listed historic buildings (Rhode Island Historical Preservation and Heritage Commission town survey) shall be discouraged.

G. Large-scale development shall take the form of village-like groupings, rather than a large individual structure set back on a large expanse of asphalt parking. Large box buildings are discouraged, however if proposed, their architectural incongruity shall be corrected by the articulation of building facades into an appearance of smaller-scaled multiple building fronts expressed in a variety of heights and materials to create a pedestrian scale.

10. *Vehicular access.* The proposed site layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers, and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected flow on the municipal road systems. Provisions shall be made providing and maintaining safe and convenient emergency vehicle access to all buildings and structures on the site at all times. The development shall not impose unreasonable burdens on the circulation system of the town. Town roads inadequate to handle the volume of traffic generated by the development shall be improved by the applicant to provide safe passage. The developer shall be required to provide a traffic impact report prepared by a certified traffic engineer including, but not limited to, present and future traffic volumes, present and future traffic flows, traffic safety, and impact to level of service.

11. *Parking and circulation.* The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement and use of parking areas. Adequate off-street parking and loading shall be provided to prevent on-street traffic congestion. All parking spaces, maneuvering areas, entrances and exits shall be identified on the site plan. The interior circulation system shall be designed to provide safe and convenient access to all structures, uses, and/or parking spaces. Parking areas shall be protected with suitable guards, rails, islands, crosswalks, speed bumps, and similar devices deemed necessary by the planning board.

    A. Parking lots shall be located to one side or behind commercial buildings, particularly within the Route 102 and Route 2 corridors and along arterial highways.

    B. Whenever possible, parking lots on adjoining commercial lots shall be connected internally to each other to allow for through traffic between and reducing the need for multiple curb cuts, particularly within major arterial road corridors.

    C. Parking lot units shall be designed with ample landscaping and shall be limited in size to accommodate no more than 30 to 40 cars per units. Parking for large complexes shall be broken up into units of this size with each lot connected with the other but buffered from the other with landscaping including trees and shrubs. The following parking lot landscaping standards may be required by the planning board:

        1. Parking lots containing ten or more spaces shall be planted with at least one tree per five spaces, no smaller than two-inch caliper, each tree being surrounded by no less than 40 square feet of permeable unpaved area.

        2. The planning board may require placement of trees along the perimeter of parking areas and within parking areas.

    D. Native trees required by these provisions shall be at least five feet in height at the time of planting and shall be of a species characterized by hardiness within the area.

E.To the extent practicable, existing trees shall be retained and used to satisfy the provisions of this section.

F. Where reasonable and practical, the planning board may require new roads and interconnected parking to be located behind existing commercial buildings scheduled for rehabilitation or reuse to reduce traffic along arterial highways.

G. The planning board may require the consolidation of existing curb cuts into a smaller number of clearly defined entrances in projects involving the reuse of existing buildings and parking areas. If such buildings are within major road corridors or along an arterial highway and set back from the highway, the planning board may require a reconfiguration of the parking to accommodate these standards. In such cases where new additions or new structures are part of the application, the planning board may encourage such new construction to be located along the highway or interior roads to create a traditional commercial main street appearance and to create a visual setback line to create a visual screen to existing or proposed interior parking areas.

H. No development shall be allowed where there is unrestricted access to public streets or roads (with an unlimited curb cut) or where the public street must be utilized to maneuver in and out of a parking space unless such development is located on an interior street and is subject to the design guidelines of a special area master plan adopted by the town planning board or town council.

I. Glare from the installation of outdoor lights and signs and from the movement of vehicles on the site shall be shielded from the view of adjacent residential properties.

J. Buildings and the grounds adjoining them shall permit easy access and operation of fire, police, and other emergency vehicles.

K. The design of the project's circulation systems shall relate to planned improvements in the area, including future street widening, realignments, paving programs, and street width requirements determined by the planning board relating to traffic use which have been planned and/or scheduled for construction. The design should be congruent with any proposed area master plan, commercial master plan, village-type plan, or mixed-use area plan adopted by the town.

12. *Stormwater runoff and erosion control.* Adequate provisions shall be made for the treatment and control of soil erosion and stormwater runoff so that runoff will not adversely affect neighboring properties, surface [water] or groundwater quality, aquifers, wetlands, any storm drainage system or road. Whenever possible, on-site absorption of runoff waters shall be utilized to minimize discharges from the site. Provisions shall be made to control erosion during and after construction. All stormwater runoff and erosion control shall meet the guidelines set forth in the Rhode Island Stormwater Runoff and Rhode Island Erosion and Sediment Control Handbooks.

    A. Erosion and sedimentation shall be controlled during and after construction and shall not adversely affect adjacent or neighboring property or public facilities or services either during or after construction.

    B. The design of stormwater control systems shall be for a zero net increase from present undeveloped drainage patterns compared to future site development conditions.

    C. Direct discharge of untreated stormwater runoff to a wetland or watercourse from impervious surfaces including, but not limited to, roadways, parking lots, driveways, basement drainage systems, and roofs shall not be allowed.

    D. All development stormwater control shall meet the standards of the Rhode Island Stormwater Design and Installation Standards Manual and be of nonstructural character to the extent

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

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

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

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

Sec. 7.4. Construction of subdivision.

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

A. Streets shall be graded, graveled and paved and curbing installed where required.

B. Water lines shall be installed in the street where connection to a public system is feasible. Installation shall precede road construction.

C. Storm water and drainage impacts shall be mitigated in accordance with standards in the "Rhode Island Storm Water Design Manual," as amended.

D. Walks or trails may be required where necessary to control and/or protect pedestrian traffic. Where provided, sidewalks shall have a minimum width of four feet.

E. Special safety structures may be required, such as guardrails and other devices depending upon the nature of the terrain.

F. Permanent monuments are to be set at every corner and angle point on the boundary line of the subdivision and at every angle point of curvature on the proposed street right-of-way. The planning board may also require monuments to be set as necessary along lot lines, which abut open space areas so as to clearly mark the location of the division between the lot and the open space.

G. Street signs with sufficient supports consisting of two-inch galvanized pipe in cement; a minimum of three feet in the ground and of a type acceptable to the public works director shall be erected by the sub-divider at each street intersection in the subdivision. Street signs shall be six inches in height with letters four inches in height. Dead-end streets shall be clearly indicated as such at their entrances.

H. Every effort shall be made to retain existing vegetation, especially significant trees, by limiting clearing to the minimum needed to construct the new road. Where existing vegetation is not preserved within the right-of-way, new shade trees shall be planted at intervals of one tree on an average of every 30

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

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

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

Sec. 7.5. Completion of subdivision.

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

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

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

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

SECTION 8.0. ADOPTION AND AMENDMENT OF REGULATIONS[3]

Sec. 8.1. Authority to create and administer regulations.

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

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

Sec. 8.2. Procedure for adoption and amendment.

A. The planning board shall conduct a public hearing before adopting or amending these regulations. At the public hearing, all persons who wish to speak on the proposed adoption or amendment shall be given an opportunity to be heard. Notice of a public hearing on proposed adoption or amendment of these regulations shall be given as follows:

   1. Notice of a public hearing shall be published in a newspaper that circulates in Exeter at least once each week for three successive weeks before the date of the hearing. The third notice may be published during the week in which the hearing will take place. The notice shall:

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

a) State the date, time and place of the public hearing;

b) State that adoption, amendment or repeal of the regulations will be considered;

c) Contain the proposed amendments, or a summary of the proposed amendments that explains the intent and effect of the amendments;

d) State where and when a complete copy of the proposed amendments may be obtained or examined and copied; and

e) State that the proposed amendments may be altered during the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing, as long as any such alteration is presented for comment during the public hearing.

2. At least 14 days before the date of the public hearing, the notice shall be posted in the town clerk's office, in the Exeter Public Library, and on the home page of the Town's website.

3. At least 14 days before the public hearing, the planning department shall send notice of the public hearing by first class mail to the following:

a) The planning board of any municipality in which there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within 2,000 feet of Exeter's boundaries.

b) The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource or a surface watershed that is used or is suitable for use as a public water source located in Exeter or within 2,000 feet of Exeter's boundaries, provided that the governing body of the state or municipal water department or agency, special water district, or private water company has filed with the Exeter Building Inspector a map survey showing the areas of surface water resources and watersheds, and parcels of land within 2,000 feet of the areas of surface water resources and watersheds, pursuant to R.I. Gen. Laws § 45-24-53(f).

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

Sec. 8.3. Public notice registry.

A. The town shall establish and maintain a public notice registry that enables members of the public to register to receive electronic notice of any proposed changes or adopted amendments to the land development and subdivision regulations.

B. At least once a year, the town shall publish a notice of the availability of the public notice registry in a newspaper that circulates in Exeter.

C. The town shall post notice of the availability of the public notice registry on the town website and provide a link that members of the public can use to register to receive notice.

D. Notice provided through this registry does not qualify the recipient as an aggrieved party as that term is defined in article 2, section 1.2 of the zoning ordinance.

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

Sec. 8.4. Publication and availability of regulations.

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

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

SECTION 9.0. ADMINISTRATION OF THE REGULATIONS[4]

Sec. 9.1. Administrative officer.

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

A. Administration of the land development and subdivision regulations.

B. Coordinating the review, approval, and recording of land development projects and subdivisions the planning board.

C. Review and approval of applications for which administrative approval is authorized.

D. Coordinating planning functions with other municipal officials, with adjacent towns, and with the state.

E. Enforcement of these regulations and enforcement of conditions placed on approval of land development projects.

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

Sec. 9.2 Violations and penalties.

A. The administrative officer shall refer violations of these regulations to the town solicitor for prosecution. Violations include, but are not limited to, the following:

1. Failing or refusing to adhere to any requirement imposed by these regulations;

2. Failure to adhere to any of the conditions placed on any approval by the planning board or the administrative officer;

3. The transfer or conveyance of any land, by referring to, showing, or otherwise using a plat or plan that has not been recorded in the land evidence records.

B. The penalty for violation shall reasonably relate to the seriousness of the offense, and shall not exceed $500.00 for each violation. Each day of existence of any violation is a separate offense. Any fine imposed shall inure to the Town.

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

C. The town shall have the authority to bring suit in the Superior Court to restrain the violation of these regulations or to compel compliance with these regulations.

D. The town shall have the authority to consolidate an action seeking the imposition of fines with an action for injunctive relief.

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

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

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

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

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

A. All records of the planning board proceedings and decisions shall be written and kept permanently available for public review in the town hall. Completed applications for proposed land development and subdivision projects under review by the planning board shall be available for public review at the town hall.

B. Participation in a planning board meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

C. All final written comments to the planning board from the administrative officer, town departments, state and federal agencies, and local commissions shall be part of the permanent record of the development application.

D. All votes of the planning board shall be made part of the permanent record and shall show the members present and their votes. A decision by the planning board to approve any land development or subdivision application shall require a vote for approval by a majority of the planning board members present and voting.

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

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

A. All approved final plans and plats for land development projects and subdivisions shall be signed and dated by the administrative officer or the planning board chairperson. Plans and plats for major land development projects and subdivisions shall be signed by the planning board chairperson or by the administrative officer with the authorization of the planning board.

B. Signed plans and plats shall be submitted to the administrative officer before recording. The material to be recorded for all approved projects shall include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development, permits and agreements with state and federal reviewing agencies, and other information as required by the administrative officer.

C. The documents and plans relating to every application, including meeting minutes, plans submitted for each stage of approval, site analyses, impact analyses, legal documents, records of the public hearing and all plans that received final approval shall be kept permanently by the planning department.

D. The administrative officer shall notify the statewide 911 emergency authority and the local police and fire authorities servicing the new plat with the information required by each of the authorities.

E. All plans, plats, surveys, easements, or other graphic representations of land subdivisions that do not constitute a subdivision or land development project under these regulations shall be reviewed and authorized for recording in the office of the town clerk, only upon a finding by the administrative officer that planning board approval is not required under these regulations.

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

Sec. 9.6. Changes to recorded plats and plans.

A. Changes to a recorded final plan must be approved before building permits are issued for construction on the property platted. Any such changes shall be recorded as an amended final plan.

B. The administrative officer shall have the authority to approve minor changes to a recorded plat. Minor changes shall include, but are not limited to, changes that are the equivalent of an administrative subdivision. The applicant shall submit a written request and an amended plat for approval.

C. Major changes to a recorded plan must be approved by the planning board. Major changes include, but are not limited to, changes that would create additional lots or dwelling units for development or changes that may have significant negative impacts on property in the vicinity of the development. Major changes require a public hearing. The administrative officer shall have the authority to determine the stage of approval required and the application material that must be submitted.

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

SECTION 10.0. APPEALS[5]

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

A. An appeal from a decision of the administrative officer concerning administration or enforcement of these regulations may be taken to the zoning board of review, sitting as the board of appeal, by an aggrieved party.

1. The appeal shall be taken within 20 days of the day the appellant received the written decision or the decision was posted in the town clerk's office.

2. The appeal shall be in writing and shall state clearly and unambiguously the issue or decision being appealed, the reason for the appeal, and the relief sought. The appeal shall be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the clerk of the zoning board of review or to the town clerk, who shall accept delivery on behalf of the board of appeal.

3. Upon receipt of an appeal, the administrative officer shall transmit to the board of appeal copies of all papers, documents and plans constituting the record of the action that is being appealed.

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

4. An appeal shall stay all proceedings in furtherance of the action being appealed.

B. The board of appeal shall hold a public hearing on the appeal within 45 days of the receipt of the appeal.

1. Notice of the public hearing shall be advertised in a newspaper that circulates in Exeter at least 14 days before the date of the public hearing. The clerk of the board of appeal shall send notice by first-class mail to the appellant, to the property owner, if the owner is not the appellant, and to any person who received notice during review of the matter under appeal. The appellant shall pay for the advertising and postage.

2. The board of appeal shall conduct the public hearing at a meeting called specifically for that purpose rather than during a meeting of the zoning board of review. Separate notice shall be posted and separate minutes shall be recorded. At the hearing, any party may appear in person, or may be represented by an agent or attorney.

3. The board shall render a decision within ten days of the close of the public hearing. The board of appeal shall not substitute its own judgment for that of the administrative officer, but shall consider the issue upon the findings and record of the administrative officer. To reverse a decision of the administrative officer, the board must make a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.

4. The concurring vote of three of the five members of the board of appeal is necessary to reverse any decision of the administrative officer. The board's decision shall be in writing and shall include the name of each voting board member and how that member voted, and the reasons for the decision.

C. If the board of appeal overturns a decision of the administrative officer, the application shall be remanded to the administrative officer at the stage of processing from which the appeal was taken, for further review by the administrative officer or for the final disposition consistent with the board of appeal's decision.

D. An aggrieved party may appeal a decision of the board of appeal to the Superior Court according to the provisions of R.I. Gen. Laws § 45-23-71, as amended.

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

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

A. Any legal resident of Exeter, any owner of property in Exeter, or any association of residents or property owners in Exeter may appeal the adoption of or amendment to the land development and subdivision regulations by filing a complaint in Washington County Superior Court within 30 days of the day the adoption or amendment took effect.

B. The complaint shall state with specificity the area or areas in which the adoption or amendment is not consistent with Title 45, Chapter 22.2 of the General Laws, the comprehensive planning and land use act; Title 45, Chapter 24 of the General Laws, the zoning enabling act; the Exeter comprehensive plan; or the Exeter zoning ordinance.

C. The appeal does not stay the enforcement of the land development and subdivision regulations as adopted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make any other orders that it deems necessary for an equitable disposition of the appeal.

D. The appeal shall be heard pursuant to R.I. Gen. Laws § 45-23-72.

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

SECTION 11.0. SEVERABILITY

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

SECTION 12.0. CHECKLISTS

A. Informal concept review checklist - Minor land conventional developments, minor subdivisions and rural residential compounds

B. Administrative subdivisions

C. Pre-application meetings and concept review checklist - Minor or major conventional land developments and minor or major subdivisions

D. Preliminary plat checklist - Minor land conventional developments and minor conventional subdivisions (no street creation or extension)

E. Final plat checklist - Minor land conventional developments and minor conventional subdivisions

F. Master plan checklist - Major land developments and major subdivisions

G. Preliminary plat checklist - Major land conventional developments and major conventional subdivisions

H. Final plat checklist - Major land conventional developments and major conventional subdivisions

I. Pre-application meetings and concept review checklist - Minor or major conservation land developments and minor or major conservation development subdivisions

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

K. Final plat checklist - Minor land conservation development and minor subdivisions (See checklist E above)

L. Master plan checklist - Major land conservation developments and major conservation development subdivisions

M. Preliminary plat checklist - Major land conservation developments and major conservation development subdivisions

N. Final plat checklist - Major land conservation developments and major subdivisions (see checklist H above)

A. Informal concept review checklist for a conventional development.

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

Base Map

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

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

Sketch Plan Overlay Sheet

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

13. _____Identification of areas proposed for development.
14. _____Location of proposed open space areas, if any.
15. _____Initial layout of streets.
16. _____Initial number of dwelling units.

Supporting Materials

17. _____Administrative fee. See section 3.3.B.

B. Administrative subdivision checklist.

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

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

B.1. Lot merger administrative subdivision checklist.

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

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

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

(Amend. of 10-23-07)

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

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

Concept plan

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

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

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

Supporting materials

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

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

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

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

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

Drafting standards

All sheets must contain the following basic information:

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

Preliminary plan application checklist

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

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

Supporting materials

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

b. _____Water table verification No.;_____

(2 lots)

35. _____Either of the following:

    a. _____A letter to the planning board indicating the subdivider's intent to complete the required improvements prior to endorsement and recording; or

    b. _____A letter to the planning board requesting that the amount of security sufficient to cover the cost of required improvements be established by the Board.

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

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

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

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

Plat plans to be recorded

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

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

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

Construction record drawings

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

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

Supporting materials

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

    Specify:

29. _____Deed transferring land proposed for dedication to the town or other qualified group or agency for open space purposes (if necessary).

30. _____Written confirmation from the state department of environmental management pursuant to the RIDEM rules and regulations governing the enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed development, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.

31. _____In lieu of item 4 above, an affidavit signed by a qualified wetlands biologist stating that there are no freshwater wetlands present on or within 200 feet of the property being subdivided.

32. _____A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or other right-of-way (if necessary).

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

34. _____911 emergency numbers. Proof of notification to police, fire, ambulance and the planning board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling.

Payment of Required Fees

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

35. _____Administrative fee. See section 3.3.B.

36. _____Final plat recording fee.

    Amount

37. _____Financial guarantees.

    Initial amount

    Date set by planning board

38. _____Fees in-lieu-of land dedication (if required).

    Amount

39. _____Project review inspection fee. See section 3.3.

    Amount

40. _____Maintenance bond for acceptance of public improvements (if applicable).

    Amount

        Date of council acceptance

        Description

        Date of expiration of maintenance bond

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

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

Master plan drawing(s)

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

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

21. _____Location of any unique natural and/or historic features, including stonewalls.

22. _____Notation on plan if the development parcel(s) are located within any of the following areas:

    a. _____Natural heritage areas (RIDEM)

    b. _____Groundwater protection overlay district (town)

23. _____Proposed improvements including streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.

24. _____Base flood elevation data.

25. _____Identified wellhead protection areas within 500 feet of the development site.

Supporting materials

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

26. _____Application fee; project review fee where required in accordance with section 3.3.C.

27. _____An aerial photograph or a copy of an existing aerial photograph of the proposed development parcel and surrounding area.

28. _____A copy of the soils map of the development parcel and surrounding area, and a general analysis of soil types and suitability for the development proposed. If any prime agricultural soils are within the development parcels, the soils map shall be marked to show the location of said prime agricultural soils.

29. _____An estimate of the approximate population of the proposed development.

30. _____An estimate of the number of school-aged children to be housed in the proposed development.

31. _____Fiscal impact statement.

33. _____Proposed phasing, if any.

34. _____Project description and impact statement (see section 3.4).

35. _____A vicinity (locus) map, drawn to a scale of one inch = 400 feet or as necessary to show the area within one-half mile of the development parcel showing the locations of all streets, existing lot lines, and zoning district boundaries. Significant public facilities shall be identified.

36. _____An area context map to shown the proposed developed site and the 500 feet immediately surrounding the site. The [sic] map shall contain information on all significant topographic, natural and built features.

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

38. _____Initial written comments on the master plan from the following agencies:

Local agencies:

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

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

Adjacent communities, if applicable (specify):

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

State agencies:

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

Federal agencies:

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

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

Preliminary plat map(s)

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

[All maps]

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

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

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

[Existing conditions map]

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

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

[Proposed conditions map]

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

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

26. _____Grading plan to show proposed contours at two-foot intervals for all grading proposed for on[site] and off-site street construction, drainage facilities and upon individual lots if part of proposed development improvements.

27. _____Landscaping plan to show all significant proposed clearing of land, removal of existing vegetation and/or landscaping on street rights-of-way and upon individual lots if part of proposed development improvements.

28. _____Soil erosion and sediment control plan.

29. _____Proposed street plan and profiles drawn at a scale of one inch = 40 feet horizontal and one inch = four feet.

30. _____Proposed street cross sections.

31. _____Proposed street names.

32. _____Proposed sidewalks or bike paths.

33. _____Proposed street trees, if required by the planning board.

34. _____Proposed drainage plan and drainage calculations prepared by a registered professional engineer.

35. _____Location, dimension and area of any land proposed to be set aside as open space.

36. _____Location of proposed stump dumps.

Supporting materials

37. _____Application fee.

38. _____Project review fee where required in accordance with section 3.3.C.

39. _____Written confirmation from the state department of environmental management pursuant to the state department of environmental management Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed development, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.

40. _____A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or other right-of-way (if necessary).

41. _____Preliminary development suitability determination by the department of environmental management for the use of individual sewage disposal systems (if proposed).

42. _____The names and addresses of owners of all properties, agencies or communities requiring notification as required by these regulations.

43. _____Copies of return receipts for certified mail notices.

44. _____Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.

    Specify

45. _____Either of the following:

    a. _____A letter stating it is the intent of the applicant to complete the required improvements prior to the planning board's endorsement of the final plans; or

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

Initial amount set by the board _____;

Date _____.

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

47. _____Final written comments on the preliminary plan by the following:

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

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

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

Plat plans to be recorded

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

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

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

Construction record plans

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

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

Supporting materials

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

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

    Specify:

33. _____Two signed copies of an irrevocable offer to convey to the town all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas

34 _____Deed transferring land proposed for dedication to the town or other qualified group or agency for open space purposes

35. _____911 emergency numbers. Proof of notification to police, fire, ambulance and the planning board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling. To be shown on plans with a square box.

Payment of required fees

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

36. _____Administrative fee. See section 3.3.B.

37. _____Final plat recording fee - Amount

38. _____Performance bond or other financial guarantees:

    a. Initial amount ;

    b. Date set by planning board ;

    c. Date of expiration of surety .

39. _____Fees in-lieu-of land dedication (if required):

    a. Amount .

40 _____Inspection fee - Amount: .

41 _____Maintenance bond for acceptance of public improvements (if applicable):

    a. Amount _____;

    b. Date of maintenance bond expiration ;

    c. Date of planning board approval of public improvements ;

    d. Description ;

    e. Date of recommendation of acceptance from planning board to the town council ;

    f. Date of council acceptance of public improvements .

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

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

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

At a minimum, the following information shall be provided:

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

Base map

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

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

Step 1: Existing resources and site analysis maps.

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

Topography and slopes

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

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

Natural resource inventory

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

16. _____Name and location of surface watershed, water quality classification and existing condition of nearest surface water(s). See RIDEM water quality regulations.
17. _____Groundwater aquifers, recharge areas and wellhead protection areas.
18. _____State-designated Natural Heritage Sites.
19. _____Un-fragmented forest tracts.
20. _____Prime farmland soils.
21. _____Land in active agricultural use.
22. _____State, regional, or community greenways and greenspace priorities.
23. _____100-year floodplains as shown on federal flood protection maps.

Cultural resource inventory

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

24. _____State or locally designated historic sites, districts, cemeteries or landscapes.
25. _____Archaeological sites.
26. _____Scenic road corridors and state-designated scenic areas.
27. _____Approximate location of stonewalls, structures, outbuildings, roads or trails, and other historic features on the parcel.

Recreational resource inventory

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

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

Utilities and infrastructure (if available)

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

31. _____Size and approximate location of public or private water lines.
32. _____Size and approximate location of public or private sewer lines.
33. _____Gas service.
34. _____Electrical service.
35. _____Telephone, cable, and other communication services.
36. _____Width and surfacing material of existing road(s) at access points.

Step 2: Site context map.

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

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

Step 3: Potential conservation areas.

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

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

Non-buildable areas

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

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

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

Partially constrained areas

41 _____Slopes in excess of 15 percent - can be mapped in yellow.
42. _____100-year flood plains - can be indicated with blue cross-hatching.
43. _____Hydric soils and soils with seasonal high water table less than 3.5 feet or slowly permeable "hardpan" soils - can be shown with orange cross-hatching (primarily a constraint on the construction of septic systems).

Important natural, cultural, and recreational resource areas

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

44. _____Natural resource areas - can be shown in green transparent tones.
45. _____Cultural resource areas - can be shown in red transparent tones.
46. _____Recreational resources - can be shown with solid and dashed lines, hatching for areas, and annotations, as appropriate.

Sketch plan overlay sheet

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

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

47. _____Identification of areas proposed for development.
48. _____Location of proposed open space areas.
49. _____Initial layout of streets.
50. _____Initial number of dwelling units.

Supplementary information

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

Conclusions/outcomes from pre-application review

_____Agreement on areas for further investigation, necessary detail of field surveys, etc.

_____Approximate location of natural, cultural and recreational resources and agreement on the town's priorities for resource protection in the areas of the site.

_____Understanding of resource systems within the site's larger context.

_____Preliminary location of potential conservation and open space areas.

_____Preliminary location potential development areas.

_____Agreement on type of development (conservation development, conventional development or rural residential compound).

_____Agreement on initial basic maximum number of units: Refer to section 5.8.

_____Agreement regarding the consultants, if any, the town will use to assist in the review process. Refer to section 3.3.C, project review, hearing and inspection fees.

_____Other

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

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

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

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

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

At a minimum, the following information shall be provided:

Base map

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

All sheets must contain the following basic information:

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

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

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

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

Topography and slopes

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

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

Natural resource inventory

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

20. _____Public drinking supply watershed. Name and location of surface watershed and subwatershed boundaries, water quality classification and existing condition of nearest surface water(s).
21. _____Groundwater aquifers, including state-designated "groundwater reservoirs," recharge areas, wellhead protection areas and groundwater elevation, or "water table."
22. _____State-designated Natural Heritage Sites, wildlife habitat and fish presence in streams that could be affected by nearby development.
23. _____Unfragmented forest tracts.
24. _____Prime farmland soils.
25. _____Areas in active farm use, with annotations for cropland, pasturage, orchard, etc.
26. _____Large or unusual trees, shrubs or other unique vegetation.
27. _____State, Regional, or community greenways and greenspace priorities.
28. _____100-year floodplains and base flood elevation data, as shown on FEMA maps.

Cultural resource inventory

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

29. _____State or locally-designated historic sites, districts, cemeteries, or landscapes.
30. _____Archaeological sites.
31. _____Scenic road corridors and state-designated scenic areas.
32. _____Location of stone walls, structures, outbuildings, roads or trails, and other historic features on the parcel.

Recreational resource inventory

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

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

Utilities and Infrastructure (if available)

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

36. _____Size and location of public or private water lines.
37. _____Size and location of public or private sewer lines.
38. _____Gas service.
39. _____Electrical service.
40. _____Telephone, cable, and other communication services.
41. _____Width and surfacing materials of existing road(s) at access points.

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

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

Step 3: Potential conservation areas.

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

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

Non-buildable areas

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

Partially constrained areas (physical constraints to development)

46. _____Slopes in excess of 15 percent - can be mapped in yellow.
47. _____100-year flood plains - can be indicated with blue cross-hatching.
48. _____Hydric soils and soils with seasonal high water table less than 3.5 feet or slowly-permeable "hardpan" soils - can be shown with orange cross-hatching.

Important natural, cultural and recreational resource areas

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

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

Summary map

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

The summary map simplifies the previous overlays into three colors:

52. _____Non-buildable areas - shown in red or red hatching.
53. _____Partially-constrained areas - shown in orange or orange hatching.
54. _____Important natural, cultural and recreational resource areas - shown in green tone or line work, as appropriate.

Step 4: Determine maximum number of units.

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

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

Step 5: Locate development areas and explore conceptual alternatives.

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

56. _____Potential development areas - show as a tone or boundary line.

57. _____Conceptual alternatives - specify number and variables, if possible.

58. _____Describe overall themes and organizing principles.

59. _____Describe house types and/or architectural themes.

Step 6: Locate house sites.

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

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

60. _____Development suitability - annotate plans to indicate site scale differences in microclimate (such as north-facing areas sheltered from the summer sun but affected by winter winds, or southern exposures good for solar heating), soils, hydrology, or special features affecting construction, such as unique trees or stone walls to be preserved.

61. _____ Proposals, if any, for connection with existing water supply and sanitary sewer systems. If wells and ISDS are proposed, a general description of their location shall be provided. Location of water table test holes and soil percolation tests, with test hole data, if available.

62. _____Views and visual character of house sites - describe with arrows and annotation.

63. _____Yard spaces and activity areas - distinguish public and private areas, annotate potential uses.

64. _____Indicate site access, service and parking alternatives.

65. _____Indicate how the house sites will be connected to or benefit from the dedicated open space.

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

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

66. _____Alternatives for location and alignment of proposed roads and pedestrian system.

67. _____Cross-section of proposed streetscape, including buildings, street trees, plantings, fences, curbs, sidewalks and trails, etc. on both sides of the street, along with the width of pavement and shoulders, if any.

68. _____Alternatives for storm water treatment and management with an emphasis on maintaining the natural hydrology, and encouraging the infiltration of precipitation as close to the point of origin as possible. Refer to step 7 in section 5.4, and to section 7.3.C. for further information regarding alternative storm water treatment methods. The most recent edition of the Rhode Island Storm Water Design and Installation Standards Manual should also be consulted.

69. _____Concept for lighting of streets and homes, placement of utilities including transformer boxes and other access points.

Step 8: Design open space.

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

70. _____Map the proposed open space and indicate the proposed uses and design criteria.

71. _____Show proposed recreational trails and any potential links to other trails, natural features or amenities on the site or in the context area, and sidewalk connections to other neighborhoods, schools, etc. Recreational trails should be developed at the time the subdivision is built and a bond or other surety can be held, as is done with subdivision roads, to insure the trails are built properly and do not readily erode.

72. _____Show proposed facilities for active sports, playgrounds, stream fishing access, etc.

73. _____Plan for active agriculture, or forestry.

74. _____Conceptual management criteria, including protection of the natural and cultural resources identified in step 3.

Step 9: Draw in the lot lines.

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

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

75. _____Alternatives for location of lot lines.

76. _____Criteria or statement of design intent for locating lot lines.

77. _____Location of rights-of-way, utility or trail easements.

78. _____Building envelopes or build-to lines.

Step 10: Establish ownership and maintenance of open space.

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

79. _____Open space use plan. See section 5.12.G.

80. _____Maintenance alternatives, including potential funding sources.

81. _____Show potential open space to be preserved, conservation easements or other restrictions.

Conclusions/outcomes from preliminary plan review

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

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

_____Agreement on basic maximum number of units;

_____Agreement on location and design of streets, drainage, utilities and other infrastructure elements;

_____Agreement on location of home sites, lots and lot lines;

_____Agreement on ownership, maintenance and management responsibility of open space areas;

_____Agreement on required approvals from state and other reviewing agencies.

Supplementary information

82. _____Yield plan, modified from pre-application review (if necessary).

83. _____Preliminary grading plan in sufficient detail to show proposed contours for all grading proposed for on and off-site street construction, drainage facilities and grading upon individual lots if part of proposed subdivision improvements (if applicable).

84. _____Preliminary drainage plan and drainage calculations prepared by a registered professional engineer, if required. (three copies)

85. _____Proposed utilities plan, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, or other proposed above or underground utilities, as applicable.

86. _____Location, dimension and area of any land proposed to be set aside as open space.

87. _____Base flood elevation data.

88. _____Certification by a professional land surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements to a minimum of a class I survey.

89. _____Open space use and management plan. See section 5.12.G.

Supporting materials

90. _____Administrative fee, plus any required mailing and advertising expenses. See Section 3.3.B.

91. _____Project review fee. See section 3.3.C.

92. _____Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service (if proposed).

    a. Water company or district ;

    b. Date of letter .

93. _____If individual sewage disposal systems are proposed, confirmation from the state department of environmental management that the soils are adequate for the use of ISDS. Either of the following:

    a. _____Preliminary subdivision suitability report No.;_____
    (3-5 lots)

    b. _____Water table verification No.;_____
    (2 lots)

94. _____The names and addresses of all property owners, agencies or communities requiring notification as required by these regulations.

95. _____Copies of return receipts for certified mail notices.

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

97. _____Either of the following:

    a. A letter to the planning board indicating the sub-divider's intent to complete the required improvements prior to endorsement and recording; or

    b. A letter to the planning board requesting that security sufficient to cover the cost of required improvements be established by the board.

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

See checklist E above.

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

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

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

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

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

Base map

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

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

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

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

Topography and slopes

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

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

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

Natural resource inventory

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

17. _____Public drinking supply watershed. Name and location of surface watershed and subwatershed boundaries, water quality classification and existing condition of nearest surface water(s).
18. _____Groundwater aquifers, including state-designated "groundwater reservoirs," recharge areas, wellhead protection areas and groundwater elevation, or "water table."
19. _____State-designated Natural Heritage Sites, wildlife habitat and fish presence in streams that could be affected by nearby development.
20. _____Unfragmented forest tracts.
21. _____Prime farmland soils.
22. _____Areas in active farm use, with annotations for cropland, pasturage, orchard, etc.
23. _____Large or unusual trees, shrubs or other unique vegetation.
24. _____State, Regional, or community greenways and greenspace priorities.
25. _____100-year floodplains and base flood elevation data, as shown on FEMA maps.

Cultural resource inventory

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

26. _____State or locally-designated historic sites, districts, cemeteries, or landscapes.
27. _____Archaeological sites.
28. _____Scenic road corridors and state-designated scenic areas.
29. _____Location of stone walls, structures, outbuildings, roads or trails, and other historic features on the parcel.

Recreational resource inventory

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

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

Utilities and infrastructure (if available)

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

33. _____Size and location of public or private water lines.
34. _____Size and location of public or private sewer lines.
35. _____Gas service.
36. _____Electrical service.
37. _____Telephone, cable, and other communication services.
38. _____Width and surfacing materials of existing road(s) at access points.

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

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

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

Non-buildable areas

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

42. _____Any other land unsuitable for development, as defined in the zoning ordinance.

Partially constrained areas (physical constraints to development)

43. _____Slopes in excess of 15 percent - can be mapped in yellow.
44. _____100-year flood plains - can be indicated with blue cross-hatching.
45. _____Hydric soils and soils with seasonal high water table less than 3.5 feet or slowly-permeable "hardpan" soils - can be shown with orange cross-hatching.

Important natural, cultural and recreational resource areas

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

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

Summary map

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

The summary map simplifies the previous overlays into three colors:

49. _____Non-buildable areas - shown in red or red hatching.
50. _____Partially-constrained areas - shown in orange or orange hatching.
51. _____Important natural, cultural and recreational resource areas - shown in green tone or line work, as appropriate.

Step 4: Determine maximum number of units.

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

52. _____Yield plan drawings, with indication of number of units: _____.

Step 5: Locate development areas and explore conceptual alternatives.

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

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

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

Step 6: Locate house sites.

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

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

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

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

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

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

Step 8: Design open space.

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

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

Step 9: Draw in the lot lines.

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

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

72. _____Alternatives for location of lot lines.
73. _____Criteria or statement of design intent for locating lot lines.
74. _____Location of rights-of-way, utility or trail easements.
75. _____Building envelopes or build-to lines.

Step 10: Establish ownership and maintenance of open space.

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

76. _____Open space use plan. See section 5.12.G.
77. _____Maintenance alternatives, including potential funding sources.
78. _____Show potential open space to be preserved, conservation easements or other restrictions.

Conclusions/outcomes from master plan review

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

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

_____Agreement on areas for further investigation, soil tests, borings, necessary detail of field surveys, etc. To be done for the preliminary plan submission.

_____Agreement on location and function of natural, cultural and recreational resources.

_____Agreement on function and value of resource systems within the site's larger context.

_____Agreement on location of potential conservation and development areas.

_____Agreement on basic maximum number of units

_____Agreement on design and uses of open space areas, trail connections, and other shared amenities.

_____Agreement on location and design of streets, home sites and other elements.

_____Agreement on criteria for establishing lot lines, pending further site surveys and analysis.

_____Agreement on ownership, maintenance and management responsibility of open space areas.

_____Agreement on relevant town goals for the area.

Supplementary information

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

Supporting materials

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

(Provided by the administrative officer)

Local Agencies:

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

Adjacent communities (specify):

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

State agencies:

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

Federal agencies:

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

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

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

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

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

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

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

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

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

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

Preliminary plat application submission requirements

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

Base information

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

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

Existing conditions plan(s)

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

Proposed design conditions plan(s)

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

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

Supporting materials

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

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

50. _____A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or other right-of-way, if applicable.

51. _____Certificate of the tax collector showing that all taxes due on the parcel being subdivided have been paid and that there are no outstanding municipal liens on the parcel.

52. _____The names and addresses of all property owners, agencies or communities requiring notification as required by these regulations.

53. _____Copies of return receipts for certified mail notices.

54. _____Either of the following:

    a. _____ A letter to the planning board stating it is the intent of the applicant to complete the required improvements prior to endorsement of the final plat; or,

    b. _____ A letter to the planning board requesting that security sufficient to cover the cost of required improvements be established by the board according to the regulations.

55. _____Owner authorization form.

56. _____Subdivision notification form.

57. _____Water quality certification for construction activities that may temporarily affect surface waters in the vicinity of the site work to be performed (if applicable).

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

59. _____Any permits required under federal statute, including Section 404 Clean Water Act for Fill of Wetlands and Waters of the U.S. issued by the U.S. Army Corps of Engineers.

60. _____Final written comments on the preliminary plan by the following:
(Provided by the administrative officer)

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

61. _____Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.

62. _____Proposed ownership scheme for open space areas, with draft legal documentation, such as homeowner's association bylaws.

63. _____Plan location and draft legal language of proposed conservation easements or restrictions to be applied to open space areas.

64. _____Open space use and management plan, including standards and methods, specific responsibilities, and funding sources.

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

See checklist H above.

(Ord. of 8-19-08)

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

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

At a minimum, the following information shall be provided:

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

Site context map

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

Existing conditions map

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

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

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

Sketch plan overlay

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

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

33. _____ Estimated number of dwelling units

34. _____ Estimated square footage of non-residential development

Supplementary information

35. _____ Administrative fee

Conclusions/outcomes from pre-application review

_____ Agreement on areas for further investigation, necessary detail of field surveys, etc.

_____ Approximate location of natural, cultural and recreational resources and agreement on the town's priorities for resource protection in the areas of the site.

_____ Understanding of resource systems within the site's larger context.

_____ Preliminary location of potential conservation and open space areas.

_____ Preliminary location potential development areas.

_____ Agreement on general use profile (commercial, residential, institutional, etc.).

_____ Agreement on initial basic maximum number of units: Refer to section 5.8.

_____ Agreement regarding the consultants, if any, the town will use to assist in the review process. Refer to section 3.3.C - Project review, hearing and inspection fees.

_____ Other.

(Amend. of 6-25-13)

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

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

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

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

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

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

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

11. _____ Location and approximate size of existing structures.

12. _____ Known surface waters including rivers, streams, lakes, ponds and wetlands; it is not necessary to field verify wetlands at this stage.

13. _____ 100-year floodplains as shown on federal flood protection maps.

14. _____ Existing topography at two-foot contour intervals.

15. _____ Slopes that meet or exceed 15 percent, but are less than 25 percent, represented with light gray shading and labels.

16. _____ Slopes that meet or exceed 25 percent represented with darker gray shading and labels.

17. _____ Existing drainage and drainage structures, such as culverts and pipes, etc.

18. _____ Name and location of surface watershed, water quality classification and existing condition of nearest surface water(s). See RI DEM Water Quality Regulations.

19. _____ Groundwater aquifers, recharge areas and wellhead protection areas.

20. _____ State-designated Natural Heritage Sites.

21. _____ Approximate boundaries of existing forested areas.

22. _____ Land in active agricultural use.

23. _____ State, regional, or community greenways and green space priorities.

24. _____ State or locally designated historic sites, districts, cemeteries or landscapes.

25. _____ Archaeological sites.

26. _____ Scenic road corridors and state-designated scenic areas.

27. _____ Approximate location of stonewalls, structures, outbuildings, roads or trails, and other historic features on the parcel.

28. _____ Existing hiking, biking, and bridle trails within and adjacent to site.

29. _____ Boat launches, lake and stream access points, beaches and water trails.

30. _____ Existing recreational fields and playgrounds adjacent to the site.

Conceptual development plan

31. _____ Illustrations of street cross-section types that are proposed for the different areas of the development. Examples of different street cross-section types are provided in Appendix A of these regulations.

32. _____ Illustrations of intersection configurations that are proposed for the development. Examples of different intersection configurations are provided in Appendix A of these regulations.

33. _____ Illustrations of lot types that are proposed for different areas within the development. Examples of different lot types that may be proposed are provided in Appendix A of these regulations.

34. _____ Site plan depicting required improvements including streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. The location of different street, lot, and intersection types as identified in requirements 31 through 33 above shall be called out in the site plan. A sample site plan is provided in Appendix A of these regulations.

35. _____ Conceptual location of any trails, greenways, recreational areas, or other public space.

36. _____ Proposals [for] locations of wells and OWTS systems.

37. _____ Conceptual grading plan with provisions for collecting, treating, conveying, and discharging stormwater.

Supporting materials

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

38. _____ Application fee; project review fee where required in accordance with section 3.3.C.

39. _____ An aerial photograph or a copy of an existing aerial photograph of the proposed development parcel and surrounding area.

40. _____ A copy of the soils map of the development parcel and surrounding area, and a general analysis of soil types and suitability for the development proposed. If any prime agricultural soils are within the development parcels, the soils map shall be marked to show the location of said prime agricultural soils.

41. _____ A PVD Yield Plan estimate as described in the Zoning Ordinance and the number of housing units proposed beyond the PVD Site Yield. Global for Site Plan

42. _____ Where applicable, identification of the development rights that will be purchased and calculations demonstrating that the proposed number rights to be purchased is adequate.

43. _____ Where applicable, calculations for fee-in-lieu of the required purchase of development rights.

44. _____ An estimate of the approximate population of the proposed development.

45. _____ An estimate of the number of school-aged children to be housed in the proposed development.

46. _____ Fiscal impact statement.

47. _____ Proposed phasing, if any.

48. _____ Project description and impact statement (see section 3.4).

49. _____ A vicinity (locus) map, drawn to a scale of 1 inch = 400 feet or as necessary to show the area within one-half mile of the development parcel showing the locations of all streets, existing lot lines, and zoning district boundaries. Significant public facilities shall be identified.

50. _____ Certificate of the tax collector showing that all taxes due on the parcel(s) have been paid and that there are no municipal liens on the parcel(s).

51. _____ An area context map to shown the proposed developed site and the 500 feet immediately surrounding the site. The map shall contain information on all significant topographic, natural and built features.

52. _____ Initial written comments on the master plan from the following agencies if applicable:

Local agencies:

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

Adjacent communities (specify):

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

State agencies: if applicable

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

Federal agencies: if applicable

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

(Amend. of 6-25-13)

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

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

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

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

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

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

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

31. _____ Boat launches, lake and stream access points, beaches and water trails.

32. _____ Existing recreational fields and playgrounds adjacent to the site.

33. _____ Location and dimension of all existing utilities within and immediately adjacent to the development, including electric, phone, cable TV, fire alarm, utility poles, storm water drainage facilities or other existing above [ground] or underground utilities.

34. _____ Location of historic cemeteries on or immediately adjacent to the development (if any).

35. _____ Base flood elevation data.

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

36. _____ All proposed conditions plans.

    a._____ Location of proposed right of way limits, curbing, edge of pavement and sidewalks.

    b._____ Location of proposed driveways and parking areas.

    c._____ Location of any proposed or retained structures.

    d._____ Lot lines drawn so as to distinguish them from existing property lines.

    e._____ Proposed street names.

37. _____ General site features and layout.

    a._____ Illustrations of street cross-section types that are proposed for the different areas of the development. Examples of different street cross-section types are provided in Village Design Manual of these regulations.

    b._____ Illustrations of intersection configurations that are proposed for the development. Examples of different intersection configurations are provided in the Village Design Manuel of these regulations.

    c._____ Illustrations of lot types that are proposed for different areas within the development. Examples of different lot types that may be proposed are provided in Village Design Manual of these regulations.

    d.____. Site plan depicting required improvements including streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. The location of different street, lot, and intersection types as identified in requirements 37.a through 37.c above shall be called out in the site plan. A sample site plan is provided in the Village Design Manuel of these regulations.

38. _____ Detailed site layout.

    a._____ Location and dimension of all proposed utilities within and immediately adjacent to the development, including electric, phone, cable TV, fire alarm, utility poles, stormwater treatment facilities or other proposed aboveground or underground utilities.

    b._____ Grading to show proposed contours at two-foot intervals for all proposed on-site and off-site street construction, and upon individual lots if part of proposed development improvements.

    c._____ Proposed drainage plan and drainage calculations prepared by a registered professional engineer.

d._____ Location of wastewater treatment facilities as submitted to the Rhode Island Department of Environmental Management.

39. _____ Landscaping plan.

a._____ All significant proposed clearing of land, removal of existing vegetation and/or landscaping on street rights-of-way and upon individual lots if part of proposed development improvements.

b._____ Identification (name, variety, and size) and location of all species selected for installation.

c._____ Location of any vegetated areas or individual specimen(s) to be preserved and identification of the protective measures taken to ensure their survival through construction.

d._____ Location of proposed stump dumps.

40. _____ Circulation plan.

a._____ Proposed street plan and profiles drawn at a scale of 1 inch = 40 feet horizontal and 1 inch = 4 feet vertical.

b._____ Proposed network of sidewalks, bike paths and/or trails showing points of connection to public gathering places, housing centers, commercial or mixed use centers, recreational areas, and/or conservation areas.

c._____ Proposed location for any pedestrian or bicycle amenities such as benches, bike racks, and shade trees.

d._____ Locations and illustrations for all non-residential signs in the proposed development.

41. _____ Location, dimension and area of any land proposed to be set aside as open space.

42. _____ Soil erosion and sediment control plan.

43. _____ Architectural plans.

a._____ Architectural elevations for all building types in the proposed development.

b._____ Site plan showing the location of each building type provided in 43.a.

c._____ One street level rendering for each street in the proposed development.

Supporting materials

44. _____ Application fee; project review fee where required in accordance with section 3.3.C.

45. _____ Written confirmation from the state department of environmental management pursuant to the state department of environmental management Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed development, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.

46. _____ Where applicable, confirmation of the development rights that will be purchased and calculations demonstrating that the proposed number of development rights to be purchased are adequate. Confirmation will require a notarized letter from the holder of development rights confirming that (s)he is willing to sell development rights to the applicant for the proposal.

47. _____ Where applicable, calculations for fee-in-lieu of the required purchase of development rights.

48. _____ A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or other right-of-way (if necessary).

49. _____ Preliminary development suitability determination by the department of environmental management for the use of OWTS (if proposed).

50. _____ The names and addresses of owners of all properties, agencies or communities requiring notification as required by these regulations.

51. _____ Copies of return receipts for certified mail notices.

52. _____ Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, covenants, maintenance agreements, restrictions, or other required legal documents.

53. _____ Either of the following:

a._____ A letter stating it is the intent of the applicant to complete the required improvements shown on the plan prior to the planning board's endorsement of the final plans; or

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

Initial amount set by the board _____

Date _____

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

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

(Amend. of 6-25-13)

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

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

Plat plans to be recorded

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

1. _____ Name and address of the proposed development.

2. _____ Notation that the subdivision is located in the Town of Exeter, RI.

3. _____ Name and address of property owner and applicant.

4. _____ Name, address and telephone number of engineer or land surveyor.

5. _____ Date of plan preparation, with revision date(s) (if any).

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

Construction drawings

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

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

29. _____For phased projects, as-built drawings for the previous phase (if applicable).

30. _____ Proposed street trees.

Supporting materials

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

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

Specify:

33. _____ Two signed copies of an irrevocable offer to convey to the town all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas.

34. _____ Deed transferring land proposed for dedication to the town or other qualified group or agency for open space purposes.

35. _____ 911 Emergency numbers. Proof of notification to police, fire, ambulance and the planning board with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling. To be shown on plans with a square box.

Payment of required fees

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

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

37. _____ Final plat recording fee - Amount _____.

38. _____ Performance bond or other financial guarantees.

    a. Initial amount _____.

    b. Date set by planning board _____.

    c. Date of expiration of surety _____.

39. _____ Fees in-lieu-of land dedication (if required).

    a. Amount _____.

40. _____ Inspection fee - Amount _____.

41. _____ Maintenance bond for acceptance of public improvements (if applicable).

    a. Amount _____.

    b. Date of maintenance bond expiration _____.

    c. Date of planning board approval of public improvements _____.

    d. Description _____.

    e. Date of recommendation of acceptance from planning board to the town council _____.

    f. Date of council acceptance of public improvements _____.

(Amend. of 6-25-13)

SECTION 13.0. CONSTRUCTION SPECIFICATIONS

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

A. *Streets.*

1. *Dimensions.* All streets constructed within a land development or subdivision shall conform to the design standards as listed in section I3.A.6 of these regulations.
2. *Notification and inspections.* The public works director of the town shall be notified one week before the commencement of the total project and 24 hours before each of the street construction phases identified and enumerated below. Authority to proceed with any succeeding phase will be granted only upon approval and acceptance in writing of the phase just completed. A decision shall be submitted within one business day for each construction phase. A copy of each acceptance shall be submitted in duplicate to the planning board.
    a. Sub-grade preparation in compliance with item I3.A.4;
    b. Before any base course gravel is placed in the excavated area, a sample of gravel shall be inspected to ensure the use of approved gravel;
    c. When the base in thoroughly compacted and ready for the tack coat;
    d. The public works director shall be notified at least 24 hours before bituminous concrete pavement is to be applied;
    e. Before curbing or waterways are installed;
    f. Before drainage pipes, dry wells, and other drainage structures are installed and backfilled.
3. *Clearing.* The entire right-of-way area as shown on the approved final plans shall be cleared and grubbed as required to construct roadway grading and other improvements.
4. *Excavation.*
    a. All loam and unsanitary material shall be scraped and removed from the right-of-way area, and all excavations shall conform to the lines and grades as shown on the plan, profile and cross section. Rock, stone or ledge that require drilling or blasting shall be excavated to a depth of at least six inches below finished grade when within the street pavement area. Earth, subsoil and stones shall be excavated to a depth of at least ten inches below finished grade within the street pavement area. Where free water is encountered within three feet of finished grade, adequate drainage shall be constructed at a depth of at least four feet below finished grade.
    b. Road grade stakes must be planted at 50-foot increments and at all radii.
5. *Gravel foundation.*
    a. It shall be practically free of foreign materials such as loam, silt, clay and organic matter.
    b. It shall contain no cobbles larger than four inches in diameter.
    c. At least 40 percent by weight of the gravel shall be of sizes retained upon one-quarter-inch sieve.

d. The gravel base course shall have a minimum thickness of 12 inches after grading and compaction. A minimum thickness of 15 inches after grading and compaction is required when drilling or blasting is required in the excavation stage.

e. The base course shall be rolled to the designed grade, overlapping on successive trips by at least one-half the width of the rear wheels of the roller, with a self-propelled, three-wheel roller weighing at least ten tons. Rolling shall continue until the base course is fully compacted. Any depressions that develop due to the rolling shall be filled, rolled, and shaped until the base course is true to cross section and grade.

6. *Surface treatment.*

a. When the gravel base course has been finally compacted and brought to the designed grade, it shall be approved by the public works director. After approval by the public works director, a tack coat of heated asphalt oil (Mo-1) or equivalent shall be applied to the base course at a rate of 0.25 gallons per square yard. After the tack coat has been applied, it must be rolled again in preparation for the bituminous concrete pavement. All traffic shall be kept off the treated surface until the tack coat is set and the surface has been rolled.

b. Bituminous concrete (hot mix) pavement shall consist of two-inch binder using three-fourths-foot [inch] stone and one inch "I" type 1-1 asphalt concrete and after rolling and final compaction must have a uniform thickness of three inches. This item shall be class "I" type 1-1 asphalt concrete and after rolling and final compaction must have a uniform thickness of 2½ inches.

c. Spread equipment. The spreading and finishing equipment shall be of the self-powered type and shall have a floating screen assembly controlled as to elevation strike off. The use of any spreading and finishing equipment, which causes blemishes or conditions of non-uniformity, which are not satisfactorily corrected by the scheduled operations, shall be discontinued and other satisfactory spreading and finishing equipment shall be provided by the contractor.

d. Compacting surface course. While hot, and as soon as it will bear the roller without displacement or hair cracking, the surface course shall be uniformly compressed by a power driven tandem roller, mechanically wetted, weighing not less than 350 pounds per lineal inch width of tread, and the roller shall weigh not less than ten tons. Rolling shall start longitudinally at the sides and proceed toward the center of the pavement, overlapping on successive trips by at least one-half of the width of the rear wheels of the roller. Rolling shall be continued until all roller marks are eliminated. The motion of the roller shall at all times be slow enough to avoid displacement of the hot mixture and to prevent adhesion of the surface mixture to the roller; the wheels shall be kept properly moistened with water or oil.

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

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

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

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

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

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

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

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

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

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

1. *Maximum groundwater levels.* If the groundwater or spring groundwater elevation in any portion of a new road, or contributing runoff to a new road, is less than seven feet below the finished grade of the nearest street, no road shall be constructed in such area unless satisfactory sub-drainage facilities are constructed to lower such groundwater to acceptable levels.

2. *[Contours or grades.]* No natural contours or grades in a development shall be altered so as to reduce the suitability of the soil for proper sub-drainage. Additional percolation tests may be required in areas where the contours or grades have been altered.

3. *Pipe culverts and drains.* Pipe for the construction of culverts and drains shall be not less than 12 inches in diameter and shall be reinforced concrete. All pipes shall be laid true to line and grade as shown on plans. Each section of pipe shall have a full firm bearing throughout its lengths. All joints shall be made of Portland cement mortar or shall be of acceptable ring type joints. All pipes shall have at least two feet, six inches of cover above the top of the pipe.

4. *Catch basins and manholes.* Catch basins and manholes shall be built to the lines, grades, dimensions and designs shown on the plans and as directed, with the necessary approved frames, grating, curb inlets and covers, and shall be constructed of clay brick masonry, concrete brick masonry, or pre-cast concrete masonry and shall not be less than four feet in diameter at a point 2½ feet below the bottom of the frame. Catch basins shall be placed on the street, so that the greatest gutter length of water will

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

5. *Concrete headwalls.* Concrete headwalls or flare ends shall be constructed at the open ends of any drainpipe where the same serve as outlets to the drainage system. These headwalls shall be of the shape and size as directed by the public works director.

6. *Gutter flow.* Surface drainage in gutters shall be limited to a flow not to exceed five inches in depth in the case of concrete curb or two inches in the case of bituminous berm, at the curb, based on the individual condition of road grade, runoff factor, rainfall intensity and tributary area and inlet capacity.

7. *Catch basins.* No more than two catch basins shall be interconnected before being connected to a manhole.

8. *Lot drainage.* Lot drainage shall be as required and specified by the planning board.

9. *Valley gutters.* Valley gutters will be permitted at "T" intersections where they will be parallel to the centerline of the through road and shall be installed only after design approval by the public works director. In general, the crown of the intersection road shall be gradually eliminated starting from a point about 30 feet back from the flow line of the through street. At other than "T" intersections, valley gutters will be permitted only when warranted by limited traffic use as approved by the public works director.

10. *Brooks, ditches and streambeds.* Existing brooks, natural waterways and dry streambeds shall be maintained for drainage purposes or provisions for needed drainage shall be installed at the developer's expense. A right-of-way or public utility easement of sufficient minimum width to include a 12-foot access strip in addition to the width of the ditch, brook or stream bed, as measured from bank top to bank top, shall be required by the town for drainage purposes. Such right-of-way or public utility easement shall be shown on the drainage plan and on the final plan, with proper bearings and distances indicated.

11. *Drainage structures on state land.* Drainage structures, which are located on state highway rights-of-way shall be submitted to the appropriate highway engineer's office, and a letter of approval from that office shall be filed with the planning board and the public works director.

12. *Crossing a brook, stream or other natural waterway.* Whenever it is required or necessary that a developer cross any brook stream or other natural waterway with construction of any type, a culvert or bridge completely spanning such brook, stream or other natural waterway shall be used. Based on terrain of the upstream or downstream conditions, the culvert shall be designed to pass any portion of the runoff of any flood frequency storm up to, and including a 100-year flood frequency storm, and the design and specifications of the same shall be approved by the public works director.

13. *Easement and rights-of-way for watercourses.* Where a development road drains into a watercourse, drainage way, channel or stream, a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse shall be provided, together with access strips. Such right-of-way or public utility easement shall be shown on the drainage plan and on the final plan with proper bearing and distance indicated.

14. *Fees for downstream improvements.* Whenever a development will increase the burden on downstream drainage facilities or watercourses, either by increasing surface water runoff or otherwise, the developer shall make the necessary improvements, to the satisfaction of the public works director, or shall pay a sum of money to the town to be used for future improvement of such facilities or

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

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

E. *Permanent monument.*

1. *Materials.* Permanent monuments shall be granite or pre-cast reinforced cement concrete, which shall conform in size and shape to the specifications below:

2. *Dimensions.*

   a. Monuments shall be 36 inches in length and four inches square in cross section.

   b. A drill-hole one-half inch in diameter and three-quarters of an inch deep shall be placed and centered on the top surface of the monument.

   c. Monuments shall be installed at all points indicated on the final plat.

3. *Setting monuments.* All monuments installed adjacent to a highway shall be installed so that the top surface of the monuments shall be one inch above the finished grade of the sidewalk area at the property line. All other monuments not adjacent to a highway shall be installed so that the top surface is level with the finished grade of the surrounding land.

Sec. 13.2. Erosions and sediment control standards.

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

A. *General requirements.*

1. For qualifying tracts, no changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been approved by the planning board and Southern Rhode Island Conservation District or there has been a determination by the board that such plans are not necessary.

2. No development qualifying tract or land development plan shall be approved unless the following requirements have been met:

   a. There has been a plan, approved by the planning board that provides for minimizing erosion and sedimentation consistent with this section, and an improvement bond or other acceptable securities are deposited with the town in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or

   b. There has been a determination by the planning board that a plan for minimizing erosion and sedimentation is not necessary.

   c. Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Southern Rhode Island Conservation District. The town engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the district or the town clerk of the town.

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

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

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

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

f. Fill placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during [the] period of flooding. They may include: riprap, gabions, retaining walls and vegetative stabilization.

g. Grading will not be done in such a way so as to divert water onto the property of another landowner without the written approval of the board and the landowner, and without appropriate legal documentation, if necessary.

h. During grading operations, necessary measures for dust control will be exercised.

i. Provision will be made for the installation of culverts or bridges to permit grading equipment to cross over live streams.

D. *Responsibility.*

1. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage caused by the sediment or its removal at his expense as quickly as possible.

2. Maintenance of all drainage facilities and watercourses within any qualifying tract, subdivision or land development is the responsibility of the developer until they are accepted by the town or some other official agency, after which they become the responsibility of the town or accepting agency.

3. After the required state and town permits are obtained, it is the responsibility of any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale or upon the floodplain or right-of-way thereof, to maintain, as nearly as possible, in its present state, the stream, watercourse, swale, floodplain or right-of-way during the pending activity and to return it to its original or equal condition after such activity is completed.

4. Maintenance or drainage facilities of watercourses originating and completely located on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.

5. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure or deposit any material or thing, or commit any act which will effect normal or flood flow in any communal stream or watercourses without having obtained prior approval and/or permit from the department of natural resources and the planning board.

6. Where a subdivision, qualifying tract or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage.

7. Each person, corporation, or other entity which makes any surface changes shall or may be required to:

a. Collect on-site surface runoff and safely dispose of it at the point of discharge into the common natural watercourse of the drainage area.

b. Handle existing and potential off-site runoff through the development by design to adequately handle storm runoff from a fully developed area upstream.

c. Pay his proportionate share of the total of off-site improvements to the common natural watercourse, based on fully developed drainage area.

d. Provide and install, at the developer's expense, and in accordance with town and district requirements, all drainage and erosion control improvements (temporary and permanent) as required by the erosion and sediment control regulations.

8. The town will assume the responsibility for maintaining an open and free-flowing condition in all minor streams, watercourses and drainage systems which are constructed and/or improved in accordance with town design criteria and which are, in the town's discretion, necessary for proper drainage. In such cases, adequate rights-of-way must exist or be acquired.

9. The planning board shall require:

   a. Developers to make off-site improvements to the common natural watercourse except those required for existing state roads.

   b. Acquisition of easements for such common natural watercourse improvements.

   c. Supervision of such improvements to completion by a designated town official.

E. *Compliance with regulations, procedures and specifications.*

1. The planning board, in its consideration of all preliminary plans of subdivision, business developments, industrial developments, qualifying tracts and/or land developments shall condition its approval upon the execution of erosion and sediment control measures as contained in these regulations.

2. Specifications. The installation and design of the required erosion and sediment control measures shall be in accordance with the standards and specifications of the Southern Rhode Island Conservation District.

   a. Copies of the standards and specifications for erosion and sediment control can be obtained from the Southern Rhode Island Conservation District or at the town clerk's office.

   b. Many of the standards and specifications contained in the district standards and specifications handbook will be based on the types of soil existing in the area of development.

   c. The standards and specifications will vary according to the soil types, conditions and slopes that exist on the development site.

3. Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required in these regulations.

4. The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final plans of the subdivision, qualifying tracts, or land development, and become a part thereof.

5. At the time that a building permit is applied for, a review shall be conduct[ed] by the building inspector and director of public works, or other designated town official, to ensure conformance with the plan as approved. During the construction, further consultant technical assistance will be furnished, if necessary by the Southern Rhode Island Conservation District. During this development phase, the town's consulting engineer or other designated town official shall inspect the development site and enforce compliance with the approved plans.

6. In the event the developer proceeds to clear and grade prior to recording the approved plans or without satisfying conditions specified, the town may revoke the approval of the preliminary plan and have all activity on the tract or parcel of land cease or be stopped by order of the court.

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

A. It is required that all new subdivisions and land development projects consisting of five or more homes shall install underground firewater tanks for fire protection as follows:

1. An underground water tank with minimum capacity of 10,000 gallons for fire protection is required for each five homes. Pre-cast reinforced concrete is the preferred construction material. The plans and specifications for the materials, location, and installation of the tank must be approved by the fire chief and the planning board before installation.
2. All tanks shall be installed in accordance with the National Fire Protection Association Standard, "Suburban Water Supplies," as amended.
3. Year-round access to water tanks and/or ponds is required. Access areas shall be paved where necessary.
4. An existing pond may be used in place of a water tank if prior approval is granted by the fire chief. The installation of a dry hydrant shall be in accordance with NFPA Standard, as amended.
5. A water tank or pond may be located within the ten-foot right-of-way, or elsewhere, as determined by the fire chief. Regardless of location, the developer shall grant an easement to the town for purposes of access to the tank or pond.
6. Before surface treatment is commenced, the appropriate tank or pond must be completed, in service, and approved by the fire chief.
7. A copy of the final plat plans must be submitted to the fire chief for his records.
8. Additional and/or larger water tanks may be required by the fire chief using the guidelines of the fire flow formula or NFPA, as amended.
9. Location of the underground water tanks and/or ponds in any subdivision or land development project of five or more homes shall be the responsibility of the fire chief and his determination shall be forwarded to the town planning board in writing.
10. The developer shall provide a certified check or cash as a financial guarantee, in an amount determined by the fire chief sufficient to assure the satisfactory completion, maintenance, and operation of the water tanks and improvements required by this section for five years. The financial guarantee shall be provided before approval of the final plans by the planning board. The fire chief may fix the guarantee in a reasonable amount in excess of the estimated costs to anticipate for economic or construction conditions.

B. It is required that the following new subdivisions and land development projects with a total of 5,000 square feet or greater; detention and correctional facilities with a total of 5,000 square feet or greater; business/industrial/storage/mixed occupancy with a high hazard with a total of 5,000 square feet or greater as defined in NFPA 101, Life Safety Code, 1994 edition, or as amended, shall install underground fire water tanks for fire protection as follows:

1. The number and size of water tanks will be determined by the fire chief using the guidelines of the fire flow formula or NFPA Standard, as amended, and in any case shall be a minimum of 10,000 gallons.
2. The plans and specifications for the materials, location, and installation of the tank(s) must be approved by the fire chief and planning board before installation.
3. All tanks shall be installed in accordance with National Fire Protection Association Standard, "Suburban Water Supply," as amended.

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

C. An exception may be made to the requirements of section III if a class A, supervised fire alarm system installed and operated in accordance with Rhode Island Life Safety Codes, is installed. Whether a Class A supervised fire alarm system may be substituted for the fire water tanks required in section 3(B) is at the discretion of the fire chief.

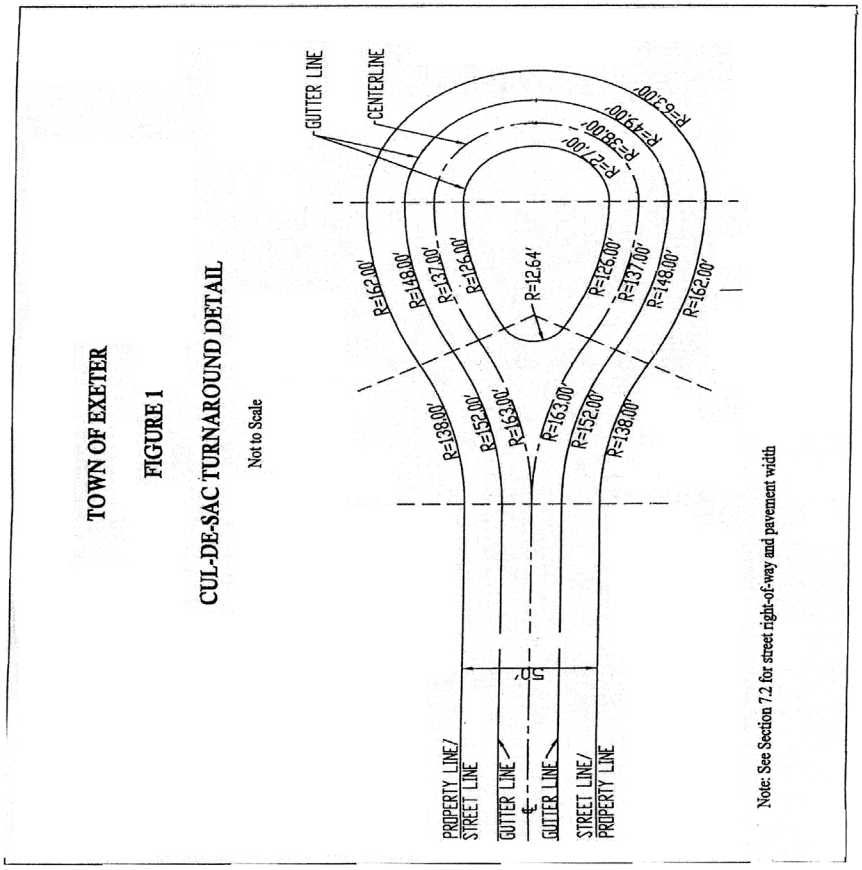


Figure 1. Cul-de-Sac Turnaround Detail