

City of Pawtucket

CHAPTER 3287

APPROVED 12/21/2023

AN ORDINANCE IN AMENDMENT OF CHAPTERS 410 OF THE CODE OF ORDINANCES OF THE CITY OF PAWTUCKET 1996, ENTITLED “ZONING”. (Updates to Incorporate Required Changes due to Enacted Land Use Laws) AS AMENDED.

WHEREAS, an ordinance entitled “Zoning Ordinance” of Pawtucket, Rhode Island, designated as Chapter 2373 of the ordinances of Pawtucket, was approved on December 19, 1994, and such ordinance is further identified as Chapter 410 of the Revised Ordinances of the City of Pawtucket, and

WHEREAS, by terms of said ordinance 2373, the regulations, restrictions, and boundaries set forth in the ordinance may, from time to time, be amended, and

WHEREAS, it is deemed necessary that certain changes be made to the zoning ordinance to comply with revised state law, and

WHEREAS, the proposed amendments to the zoning ordinance have followed the procedure set forth in Rhode Island General Law § 45-24-53, and

WHEREAS, the Pawtucket Planning Commission has reviewed the proposed amendments and found that they are in conformance with the Pawtucket Comprehensive Plan as amended and the general purposes of zoning, and

WHEREAS, the Pawtucket City Council has reviewed the proposed amendments and found that they are in conformance with the Pawtucket Comprehensive Plan as amended and the general purposes of zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PAWTUCKET AS FOLLOWS:

SECTION 1.

CHAPTER 410, ARTICLE I: GENERAL PROVISIONS

AMENDMENT TO § 410-1: STATEMENT OF PURPOSE

The zoning districts and regulations set forth in this Chapter 410, Zoning, are made in accordance with the most recently adopted Pawtucket Comprehensive Community Plan, City of Pawtucket, adopted on October 26, 1995,[1] and for the following purposes:

- A. To promote the public health, safety and general welfare of the City.
- B. To provide for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs.
- C. To provide for orderly growth and development which recognizes:
 - (1) The goals and patterns of land use contained in the aforesaid Comprehensive ~~Community~~ Plan of the City adopted pursuant to R.I.G.L. § 45-22.2.
 - (2) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography and susceptibility to surface or ground water pollution.

- (3) The values and dynamic nature of freshwater ponds, the riverfront along the Blackstone River and Seekonk River and freshwater and coastal wetlands.
 - (4) The values of unique or valuable natural resources and features.
 - (5) The availability and capacity of existing and planned public and/or private services and facilities.
 - (6) The need to shape urban development.
 - (7) The use of innovative development regulations and techniques.
- D. To provide for the control, protection and/or abatement of air, water, groundwater and noise pollution and soil erosion and sedimentation.
 - E. To provide for the protection of the natural, historic, cultural and scenic character of the City or areas therein.
 - F. To provide for the preservation and promotion of open space and recreation resources of the City.
 - G. To provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space and other public requirements.
 - H. To promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing, including opportunities for the establishment of low- and moderate-income housing.
 - I. To provide opportunities for the establishment of low- and moderate-income housing.
 - J. To promote safety from fire, flood and other natural or man-made disasters.
 - J. To promote a high level of quality in design in the development of private and public facilities.
 - K. To promote implementation of the Pawtucket Comprehensive ~~Community~~ Plan, as amended.
 - L. To provide for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies.
 - M. To provide for efficient review of development proposals to clarify and expedite the zoning approval process.
 - N. To provide for procedures for the administration of this chapter.
 - O. To provide 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.

SECTION 2.

CHAPTER 410, ARTICLE II: USE REGULATIONS

AMENDMENT TO § 410-12: TABLE OF USE REGULATIONS; KEY

- A. The zoning districts as defined in this Article II are listed horizontally across the page by their abbreviated letter designation; for example, the letters "RL" denote the Residential Limited District.
 - B. Permitted uses are listed by district in the Table of Use Regulations and are denoted with a "Y" for yes, meaning the use is permitted in the specific district.
 - C. Uses that are not permitted are indicated by an "N" symbol in the district heading.
 - D. Uses that are permitted only upon approval of the Board of Review or City Planning Commission or Joint Planning Commission, under unified development review as appropriate, are denoted with an "S" for special use permit. No special use permit shall be approved except in accordance with the provisions of this chapter.
 - E. Uses that are permitted as an accessory building or use are denoted with an "A."
 - F. Any number of uses may be located on a lot or within a single building on a lot, provided that each use is permitted and all other requirements of the chapter are met except as provided for in § 410-60.
 - G. Uses not listed are prohibited, except as described in Subsection H below. Uses with an asterisk are defined in § 410-132, Definitions, and the 2007 North American Industry Classification System codes are given to assist in the classification of uses.
 - H. The City of Pawtucket recognizes that it cannot conceivably keep pace with the types of uses that result from new and changing technologies. The City also recognizes the benefit in allowing some flexibility for these new uses, provided that their impacts to the City are substantially similar to existing uses. Therefore, the City has developed a process whereby a use that is not specifically listed in the Table of Use Regulations, but is substantially similar to an existing use, may be allowed without a use variance.
- (1) Where a use is not specifically listed in the Table of Use Regulations, such use shall be permitted with a special use permit if both the Director of the Division of Zoning and Code Enforcement and the Director of Planning and Redevelopment, or their appointed designees, after consultation with the District City Councilor, mutually determine that the use can be classified in a substantially similar use category that is listed and allowed elsewhere in the applicable zoning district. The Director of Zoning shall make the finding that the proposed use is substantially similar to an existing allowed use based on the following criteria:
- (a) Whether the proposed use is similar in terms of hours of operation, traffic impacts, environmental impacts, and the potential for adverse impacts on surrounding properties;
 - (b) Whether the proposed use is typically housed in buildings or structures similar and compatible to those used to house permitted uses in the zoning district; or
 - (c) Whether the proposed use is consistent with the purpose and intent of the particular zoning district.
- (2) The Director of Planning shall make the finding that the proposed use is substantially similar to the same existing allowed use based on the use's potential impact on the intent of the Comprehensive Plan. This process will occur during the review of the certificate of zoning compliance and adhere to those existing time frames.
- (3) A proposed use that the Director of Zoning and the Director of Planning determines within thirty (30) days of a request does not fall into a permitted use classification, unless overturned on appeal, shall be prohibited until such time as the City Council may amend the ordinance to indicate that such use is a permitted or special use in one or more zoning districts.

I. The Table of Use Regulations sets out the uses which are allowed and prohibited within the Commercial Downtown District. The list below represents uses which are also allowed by right in the Commercial Downtown zoning district. In recent years, we have come across a number of new uses which cannot be easily classified but are desirable in the CD District because of their potential to increase activity during daytime and evening hours. This list represents uses which are allowed within the Commercial Downtown zone. Although they are new and/or difficult to classify, they are also uses that promote the purpose of the Comprehensive Plan for the Commercial Downtown district, and this section is clarifying that they are allowed by right:

- (1) Mixed use, especially ground-floor retail;
- (2) Incubator*;
- (3) Photography studio;
- (4) Black box theater*;
- (5) Cafe*;
- (6) Cultural activity*;
- (7) Gallery*;
- (8) Coworker space*;
- (9) Small design showroom, e.g., lighting, interior design, handcrafted furniture;
- (10)Film studio;
- (11)Recording studio;
- (12)Design studio;
- (13)Yoga or pilates studio (not a commercial full-service gym);
- (14)Live/work space*;
- (15)Small fabricating shops not to include industrial trade schools, and further provided that the activity does not include a use that is prohibited in the MO or MB Zoning Districts;
- (16)Cigar lounge;
- (17)Tattoo parlors;
- (18)Previously owned goods and merchandise, including antiques, collectibles, coins, consignment and stamps, excluding pawn shops;
- (19)Transit shelters*, drop-off points, bicycle rack(s) and/or corrals, and informational or retail kiosks. Layover locations for buses shall be prohibited;
- (20)Public structure or public use, including, but not limited to, public and private park, community or civic space, museum, gallery, or community center;
- (21)Bicycle paths and/or road bike lanes and pedestrian paths, bicycle racks or corrals.

* Defined in § 410-132, Definitions.

J. Adaptive Reuse Projects.

- (1) Permitted Use. Adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments is a permitted use under the criteria described below under Eligibility.

(2) Eligibility.

- (a) Adaptive reuse development must include at least 50% of existing gross floor area developed into residential units.
- (b) There are no environmental land use restrictions recorded on the property preventing the conversion to residential use by the Rhode Island Department of Environmental Management or the United States Environmental Protection Agency.

(3) Density calculations.

- (a) For projects that meet the following criteria, the residential density shall be no less than fifteen (15) dwelling units per acre:
 - [1]. Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building fire code, and utility requirements.
 - [2] The development includes at least twenty percent (20%) low- and moderate-income housing.
 - [3] The development has access to public sewer and water service or has access to adequate private water, such as well and/or wastewater treatment systems approved by the relevant state agency for the entire development as applicable.
- (b) For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing and has access to public sewer and water services or has access to adequate private water, such as well and wastewater treatment systems approved by the relevant state agency for the entire development, as applicable.
- (c) The density proposed for any adaptive reuse project shall be determined to meet all public health and safety standards.

(4) Dimensional requirements.

- (a) Notwithstanding any other provisions of this section, existing building setbacks shall remain and are considered legal nonconforming.
- (b) No additional encroachments shall be permitted into any nonconforming setback unless relief is granted by the permitting authority.
- (c) Notwithstanding other provisions of this section, the height of the structure shall be considered legal nonconforming if it exceeds the maximum height of the zoning district in which the structure is located.
 - [1] Any rooftop construction necessary for building or fire code compliance, or utility infrastructure is included in the height exemption.

(5) Parking requirements.

- (a) The parking requirements and design standards in Article IX of this chapter shall apply to all uses proposed as part of the project unless otherwise approved by the applicable authority except residential uses. Adaptive reuse developments are exempted from off-street parking requirements of over one space per dwelling unit.

(6) Allowed uses within an adaptive reuse project.

- (a) Residential dwelling units are a permitted use in an adaptive reuse project regardless of the zoning district in which the structure is located, in accordance with the provisions of this section.

(b) Any nonresidential uses proposed as part of an adaptive reuse project must comply with the provisions of Article II of this chapter for the zoning district in which the structure is located.

(7). Applicability of development plan review. An adaptive reuse conversion shall be subject to development plan review in accordance with Article IIIA of this chapter.

(a) In addition to the checklist requirements for the applicable review process, the applicant shall provide the following information:

[1] The proposed residential density and the square footage of nonresidential uses.

[2] A floor plan to scale for each building indicating, as applicable, the use of floor space, number of units, number of bedrooms, and the square footage of each unit.

SECTION 3.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-13.1: RIVERFRONT COMMISSION ESTABLISHMENT AND PURPOSES

The Pawtucket Riverfront Commission (hereinafter called the "Riverfront Commission" or the "Commission") is hereby established in accordance with the Subdivision Review Enabling Act of 1992, R.I.G.L. 45-23, as amended, as a technical review committee to review and regulate all structures and uses of land or structures within the RD1, RD2, RD3 Zoning Districts (hereinafter sometimes collectively referred to as the riverfront districts). The purpose of such review shall be the reasonable application of the police power of the City to protect the public from possible detrimental impacts of certain types of development and certain large-scale development while at the same time reasonably accommodating the goal of economic development within the City. The purpose is also to apply urban design principles that are respectful of the river by sustaining public access, maintaining view corridors, regulating height and bulk of structures, and permitting a diversity of uses.

SECTION 4.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-13.2: AUTHORITY OF COMMISSION

A. The Commission shall be the review body for all Formal Development Plan Review of development that is permitted by right within the riverfront districts, pursuant to Article IIIA of this chapter R.I.G.L. 45-24-49, as amended.

B. Where development within the riverfront districts requires either a special-use permit, a variance, a zoning ordinance amendment, and/or a zoning map change, or where a land development project is proposed within the riverfront districts or the development applies for but does not receive a modification, the Commission shall review such development or land development project in accordance with the procedures set forth herein, although such review shall be only advisory to the permitting authority.

~~C. The Chairperson, with the approval of the Commission, shall annually appoint a Design Review Committee (DRC) of the Commission as set forth in § 410-13.5 below, which shall be advisory only to the Riverfront Commission.~~

SECTION 5.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-13.5: ORGANIZATION AND STAFF.

A. Once a year, during the month of March, the Commission shall organize by electing from its membership a Chairperson and Vice Chairperson, and the members shall also notify the Rhode Island Ethics Commission, in writing, as required by law.

~~B. From time to time, as the need arises, the Chairperson, with the approval of the Commission, shall appoint members to the Design Review Committee. The other members of the Design Review Committee (DRC) shall be the Director, the Director of Public Works and the Director of Zoning and Code Enforcement.~~

~~CB.~~ The Director shall assign staff to support and work with the Commission. Such staff may serve as Secretary to the Commission, or the Commission may appoint one of its members as Secretary.

~~DC.~~ Applications and correspondence to the Commission shall be sent to the Commission in care of the Director. The Director shall file all records and decisions of the Commission.

SECTION 6.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-14.3: USES PERMITTED BY RIGHT; USES REQUIRING RELIEF; ZONING ORDINANCE AMENDMENT; LAND DEVELOPMENT PROJECTS

There are two different DPR processes, one for those uses that are permitted as of right, and a second process for those uses requiring a special use permit, and/or a variance, a Zoning Ordinance amendment, and/or a Zoning Map change or where a land development project is proposed within the Riverfront Districts. The Riverfront Commission shall have the administrative power and duty, in accordance with the requirements of this article and the Subdivision and Development Review Regulations (the "Regulations"), to review all plans for the proposed development.

A. Uses permitted by right. The decision by the Riverfront Commission shall be ~~binding upon the permitting authority, being that officer responsible to issue the building permit or certificate of occupancy.~~ Such decision shall be in writing and shall comply with all requirements of the Regulations, including those for filing of records and decisions. ~~The permitting authority may not issue a permit contrary to the decision of the Riverfront Commission, but such decision may be considered an appealable decision, appealable as set forth herein.~~

B. Uses not permitted by right.

(1) A use requiring a special use permit, and/or a variance, ~~a Zoning Ordinance amendment, and/or a Zoning Map change,~~ shall be subject to DPR by the Riverfront Planning Commission ~~prior to the hearing by the Zoning Board or City Council (pursuant to R.I.G.L. § 45-23-61A).~~

(2) The review by the Riverfront Commission shall be advisory only to the permitting authority. Such advisory opinion shall be in writing and shall comply with all requirements of the Regulations, including those for filing of records and decisions. The permitting authority may reject the advisory opinion of the Riverfront Commission, when considering the application before them.

~~(3)C.~~ Land development projects. When a land development project is proposed within the riverfront districts, it shall be subject to review~~DPR~~ by the Riverfront Commission prior to review by the permitting authority~~the hearing by the City Planning Commission.~~

~~(1) Review procedure: The review shall be conducted by the Riverfront Commission, pursuant to the procedures and time periods set forth in Article XIII of the Regulations.~~

(2) Scope of review: The review by the Riverfront Commission shall be advisory only to the permitting authority, ~~which is the City Planning Commission.~~ Such advisory opinion shall be in writing and shall comply with all requirements of the Regulations, ~~including those for filing of records and decisions.~~ The City Planning Commission, ~~as the permitting authority,~~ may reject the advisory opinion of the Riverfront Commission, when considering the application before them.

SECTION 7.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-14.4: ADDITIONAL CRITERIA.

The review by the permitting authority~~Riverfront Commission~~ shall be based upon the criteria~~specific requirements~~ set forth in § 410-15.1(I)~~herein, and in addition the Riverfront Commission shall find that:~~

- ~~A. The granting of approval will not result in conditions incompatible to the public health, safety and welfare;~~
- ~~B. The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district;~~
- A~~C.~~ The plans for such project comply with all the requirements of this article ~~and the regulations;~~
- ~~D. The plans for such project are consistent with the Comprehensive Plan; and~~
- ~~E. Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval.~~

SECTION 8.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-14.7: APPEALS

- A. An applicant, or any aggrieved party, may appeal a decision of the Riverfront Commission to ~~the Pawtucket Zoning Board~~ Providence County Superior Court within 20 days of the filing of the decision of the Riverfront Commission with the Director.
- (1) The appeal shall be heard in the same manner and pursuant to the same procedures as an appeal from the Planning Commission, as set forth in Chapter 23 of Title 45 of the General Laws of Rhode Island (as amended).
- ~~(2) The Zoning Board shall not substitute its own judgment for that of the Riverfront Commission but must consider the issue upon the findings and record of the Riverfront Commission. The Zoning Board shall not reverse a decision of the Riverfront Commission except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.~~
- B. No appeal may be taken from an advisory opinion of the Riverfront Commission.

SECTION 9.

CHAPTER 410, ARTICLE IIIA: DEVELOPMENT PLANNED LAND DEVELOPMENT REVIEW.

AMENDMENT TO § 410-15.1: DEVELOPMENT PLAN REVIEW PROCESS

- A. Purpose. It is the purpose of this article to establish procedures pursuant to the permitting process which will enable the City to perform a comprehensive review of certain proposed developments. The development plan review (DPR) procedure shall not be used to deny an applicant a permitted use of the property as established by the Zoning Ordinance. The particular uses requiring development plan review are outlined. The development plan review requirements of this article are designed to assure safe, orderly and harmonious development of property in a manner that shall:
- (1) Provide suitable safeguard and consideration for land use and site architectural design that is compatible with adjacent districts and uses;

- (2) Permit development to an extent commensurate with the availability and capacity of public facilities and services and promote the safe circulation of traffic throughout the City;
- (3) Preserve and protect natural resources and features and encourage consideration of environmental impacts and mitigative measures;
- (4) Encourage the provision of open space and public access and give due consideration to the quality and design of landscaping;
- (5) Encourage adequate consideration for the proper control of erosion, surface and subsurface drainage and pollution;
- (6) Facilitate orderly harmonious site development including safe and convenient provision and design of egress and ingress, off-street parking, truck loading, internal circulation, emergency access, refuse disposal outdoor storage, signage and lighting;
- (7) Preserve natural, historical, and cultural resources to the maximum extent feasible;
- (8) Protect appropriate vistas and environmental qualities of the City;
- (9) Assure consideration of the various elements of the comprehensive plan of the City.

B. Applicability.

- ~~(1) No permit to build, alter or expand any of the uses requiring development plan review as outlined below shall be issued by the Building Official until a written statement of final approval in accordance with this article has been received. The applicant is responsible for obtaining a building permit through the Zoning and Code Enforcement Office as required by City ordinances. The applicant must submit all plans and documents normally required for a building permit. The approved final plan shall be part of this submission. The development plan review process will not preclude the need to meet other City requirements as they may apply to a particular development. No alteration to any City ordinance requirements, or any necessity to gain approval by another legal jurisdiction shall be deemed to be authorized or granted by virtue of the development plan review under this article.~~
- ~~(2) Where the project is subject to development plan review and constitutes a subdivision, as defined in the Land Development and Subdivision Review Regulations adopted by the City Planning Commission, the two processes shall proceed concurrently. In the event that the development plan review decision is made prior to a final decision on the subdivision associated with the development, this decision shall be conditional on the subdivision approval.~~
- ~~(3) For any property located in the Riverfront Zoning District and therefore subject to design review by the Riverfront Commission, as defined by Article III of the Zoning Ordinance and where the project is subject to development plan review, the two processes shall proceed concurrently and Article III shall take precedence. In the event that the development plan review decision is made prior to a final decision on building design proposed in the development, this decision shall be conditional on Riverfront Commission approval.~~
- ~~(4) Projects subject to development plan review as defined in Article IIIA, § 410-15.1, Subsection E, shall not require review as a major land development project unless specifically required elsewhere in the Zoning Ordinance.~~

C. Coordination with other reviews.

- (1) Applications under this article which require relief which qualifies only as a modification shall proceed by filing an application and a request for a modification to the Director of Zoning and Code Enforcement in accordance with § 410-97.1. If such modification is granted the application shall then proceed to be reviewed by the designated permitting authority as determined in this article. If the modification is denied or an objection is received as set forth in § 410-97.1(C), such application shall proceed under unified development review and be reviewed by the City Planning Commission or Joint Planning Commission as appropriate.

(2) Applications under this article which require a special use permit or a variance Zoning Board of Review. The development plan review process (if applicable) must be conducted by the City Planning Commission or Joint Planning Commission under unified development review as appropriate, and a request for the review shall accompany the preliminary Development Plan Review application take place prior to the consideration of a dimensional variance, special use permit or appeal to the Zoning Board of Review.

D. Development Plan Review Process. Development plan review consists of two review processes, Administrative and Formal. A development subject to Formal DPR shall not be subject to Administrative DPR. The development plan review shall be conducted by either the City Planning Commission or the staff of the Department of Planning and Redevelopment in accordance with the Subdivision Review Enabling Act of 1992, R.I.G.L. 45-23, as amended, and those procedures and requirements listed in this article chapter and in the Land Development and Subdivision Review Regulations.

(1). Administrative development plan review consists of one stage of review and the authorized permitting authority is the Administrative Officer.

(2) Formal Development Plan Review consists of the preliminary stage and final stage of review.

(3) The Administrative Officer may combine the stages of review for Formal Development Plan Review, providing that the submission requirements of both stages of review are met by the applicant to the satisfaction of the Administrative Officer.

E. Development Plan Review Thresholds. Applications for development shall be reviewed in accordance with the following thresholds. Any application for a Major Ssubdivision that meets the minimum for a land development project as defined by the City of Pawtucket shall be subject to the review procedures provided for those activities and shall not require development plan review. A development subject to development plan review shall not, otherwise be classified as a land development project. Specific zoning districts may have alternative requirements for development plan review. The requirements of those districts shall govern.

(1) Formal Development plan review required by the City Planning Commission or Joint Planning Commission as appropriate unless assigned to a technical review committee elsewhere in this chapter:

(a) Any development exceeding the thresholds for Administrative Development Plan Review Construction of any new residential structure, or combination of structures, with ten or more units.

(b) Construction of any new commercial or industrial structure with a gross floor area of 10,000 square feet or more.

(c) Exterior addition with a gross floor area of 1,000 square feet or more to an existing structure.

(bd) Any application that is referred to the City Planning Commission or Joint Planning Commission as appropriate by the Administrative Officer or the Zoning Board of Review staff.

(ce) Unified Development Review applications.

(2) Administrative Development plan review required by the Administrative Officer staff of the Department of Planning and Redevelopment:

(a) Construction of any new one or two family residential structure or conversion of any existing structure to residential consisting of nine (9) units or less.

(b) Construction of any new commercial or industrial primary structure less than or equal to ten thousand 10,000 square feet of gross floor area.

(c) Accessory structures exceeding 15,000 square feet of gross floor area.

- (d) An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing or industrial structures.
- (e) Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less.
- (f) An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a non-residential ~~commercial~~ zone where no extensive exterior construction of improvements is sought.
- (g) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
- (h) Electric, gas, water, and irrigation stations and structures that are part of a public utility system.
- (i) Any permitted use that is specifically referred in writing to the ~~Department of Planning and Redevelopment~~ Administrative Officer by the Building Official or the Director of Zoning and Code Enforcement.
- (f) ~~Any other use for which the application for a variance or special use permit is specifically referred in writing to the Department of Planning and Redevelopment by the Zoning Board.~~

F. Certification.

- (1) The application shall be certified, in writing, complete or incomplete by the Administrative Officer within twenty-five (25) days. If no street creation or extension is required, and/or unified development review is not required, the application shall be certified complete or incomplete by the Administrative Officer within fifteen (15) days.
- (2) The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
- (3) If the Administrative Officer certifies the application as incomplete, the Administrative Officer shall set forth in writing with specificity the missing or incomplete items.

G. Application review and decision

- (1) Administrative Development Plan Review. An application shall be approved, denied, or approved with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and Administrative Officer.
- (2) Formal Development Plan Review.
 - (a) Preliminary plan. Unless the application is reviewed under unified development review, the permitting authority will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority.
 - (b) Final Plan. For Formal Development Plan Review, the permitting authority shall delegate final plan review and approval to the Administrative Officer. The Administrative Officer will report its actions in writing to the permitting authority at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.
- (3) Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the Administrative Officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.

(4) Vested rights. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the Administrative Officer or permitting authority, whichever entity approved the application, upon a showing of good cause.

(5) Changes to plans.

(a) Minor changes to the plans approved at any stage may be approved administratively, by the Administrative Officer, whereupon final plan approval may be issued. The changes may be authorized without an additional permitting authority meeting, at the discretion of the Administrative Officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the Administrative Officer from requesting recommendation from the permitting authority. Minor changes are described in the Land Development and Subdivision Regulations

(b) Denial of the proposed change(s) shall be referred to the permitting authority for review as a major change.

(c) Major changes to the plans approved at any stage may be approved only by the permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing. Major changes are described in the Land Development and Subdivision Regulations.

(d) The Administrative Officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the Administrative Officer determines that there has been a major change to the approved plans.

H. Waivers.

(1) Requirements for development plan approval may be waived where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the permitting authority identified in this article, finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.

(2) The application for a waiver of development plan approval review shall include documentation on prior use of the site, the proposed use, and its impact.

I. ~~Standards of Criteria for Approval.~~ The City Planning Commission or the ~~permitting authority~~ ~~Administrative Officer~~ ~~Department of Planning and Redevelopment staff~~ shall review the application and supporting documentation and shall issue development plan approval (including appropriate revisions and conditions), provided that the applicant has proved to the Commission/~~Administrative Officer~~ ~~staff~~ permitting authority that the following ~~criteria~~ standards will be met:

(1) The design of the proposed development will be consistent with the goals of the City Comprehensive Plan and will implement the purposes of development plan review;

(2) The proposal complies with all applicable provisions within the Zoning Ordinance;

(3) ~~The plans for such project provide sufficient designs to all dimensional standards, including, but not limited to, parking and circulation, to ensure the health and safety of Pawtucket residents and visitors;~~

(4) The proposal complies with all submittal requirements listed for development plan review within the Land Development and Subdivision Regulations[1];

- (45) The proposal is designed to meet all applicable Required Improvements and Design Requirements and Performance Standards as provided in Section XV of the Land Development and Subdivision Regulations. [1]
- (6) Any conditions or restrictions that are necessary to ensure that these criteria have been met have been incorporated into the written approval.

[1]Editor's Note: Said regulations are on file in the City offices.

GJ.Appeals

- (1) Appeals to ~~the Zoning Board of Review~~Providence County Superior Court may be taken by a person aggrieved by any final action of ~~the permitting authority~~staff or the Commission pursuant to the provisions of this section. Such appeal shall be taken within 20 days of recording and posting of the decision with the City Clerk. ~~such final action by filing with the Zoning Board of Review a written notice of appeal specifying the grounds for appeal and the specific finding or findings of staff or the Commission in its final actions which are challenged, if any. The lack of particularity of specific grounds for appeal shall constitute cause for dismissal of any appeal. Only the grounds for appeal so specified will be reviewed by the Zoning Board of Review on appeal. Such appeal shall be accompanied by copies of the original development plan submission and the written findings of staff or the Commission with respect to the final action appealed from. Copies of the development plan and the findings shall be made available by the Department of Planning and Redevelopment for review by any party.~~
- (2) ~~On such review, the Zoning Board of Review shall not substitute its judgment for that of staff or the Commission but must consider the findings and record of staff or the Commission. The Zoning Board of Review shall not reverse a decision of the Commission or staff except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.~~

HK.Interpretation, Conflict, and Severability.

- (1) In their interpretation and application, the provisions of this article shall be held to be the minimum requirements. More stringent requirements may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.
- (2) Where ~~the Administrative Officer~~staff or the Commission recognizes the design standards of this article cannot be fully met, ~~the Administrative Officer~~staff or the Commission has the authority to approve development plans incorporating a balance of the design standards in a manner which maximizes the achievement of the stated objectives of this article. Compensating amenities and features exceeding standards and objectives must be identified within such a development plan. ~~The Administrative Officer~~Staff or the Commission shall address these offsetting features in writing as part of its statement of final decision.
- (3) Where the conditions imposed by any provisions of this article are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this article or of any other applicable law, ordinance resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (4) The provisions of this article are severable. If a section, sentence, clause, or phrase of this article is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this article.

SECTION 10.

CHAPTER 410, ARTICLE V: HISTORIC DISTRICTS.

AMENDMENT TO § 410-32: DEFINITIONS.

As used in this ~~chapter~~article, the following terms shall have the following respective meanings unless a different meaning clearly appears from the context:

ALTERATION

An act that changes one or more of the exterior architectural features of a structure or its appurtenances, including but not limited to the erection, construction, reconstruction or removal of any structure or appurtenance.

APPURTENANCES

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

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Historic District Commission established under this Article indicating approval of plans for alteration, construction, repair, removal or demolition of a structure or appurtenances of a structure within an historic district. "Appropriate for the purposes of passing upon an application for a certificate of appropriateness" means not incongruous with those aspects of the structure, appurtenances or the district which the Commission has determined to be historically or architecturally significant.

CITY

The City of Pawtucket, Rhode Island.

COMMISSION

The Historic District Commission of the City.

CONSTRUCTION

The act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including but not limited to buildings, extensions, outbuildings, fire escapes and retaining walls.

DEMOLITION

An act or process that destroys a structure or its appurtenances in part or in whole.

HISTORIC DISTRICT

A specific geographic area of a City or town as designated by ordinance of the City or town pursuant to Chapter 45-24.1. of the Rhode Island General Laws. An "historic district" may include one or more structures.

REHABILITATION

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

REMOVAL

A relocation of a structure on its present site or to another site.

REPAIR

A change meant to remedy damage or deterioration of a structure or its appurtenances.

STRUCTURE

Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limited to buildings, gazebos, billboards, outbuildings, decorative and retaining walls and swimming pools.

SECTION 11.

CHAPTER 410, ARTICLE V: HISTORIC DISTRICTS.

AMENDMENT TO § 410-32: APPEALS OF DECISIONS.

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission has the right to ~~shall have the right of appeal concerning~~ the decision to the Zoning Board of Review and a further right of appeal from the Zoning Board to the Superior Court in the same manner provided in R.I.G.L. § 45-24-6920[1] and from the Superior Court by writ of certiorari. When hearing appeals from Commission decisions, the Zoning Board of Review shall not substitute its own judgment for that of the Commission, but must consider the issue upon the findings and record of the Commission. The Zoning Board of Review shall not reverse a Commission decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record. The Zoning Board of Review shall put all decisions on appeal in writing. The Zoning Board of Review shall articulate and explain the reasons and bases of each decision on the record, and the Zoning Board of Review shall send a copy of the decision to the applicant and to the Commission.

[1] Editor's Note: R.I.G.L. § 45-24-20 was repealed.

SECTION 12.

CHAPTER 410, ARTICLE VA: MILL BUILDING REUSE DISTRICT

AMENDMENT TO § 410-43.2: ESTABLISHMENT OF DISTRICT; PERMITTED USES; ADDITIONAL CRITERIA; REVIEW OF PROJECTS.

- A. Establishment. A reuse development may be established upon development plan review or land development project approval in accordance with Article IIIA of this chapter~~by the Planning Commission pursuant to R.I.G.L. § 45-24-47~~ for any mill listed in the Pawtucket Mill Building Survey dated 1995 and on file in the Department of Planning and Redevelopment, in any MB or MO Zone in which the proposed use of each building is permitted in accordance with Table of Use Regulations[1] of this chapter and Article VA.
[1]Editor's Note: The Table of Use Regulations is included at the end of this chapter.
- B. Permitted uses. Uses permitted by right in the MB or MO Zone and the following uses, listed by Table of Use Regulations category, are permitted in a Mill Building Reuse District:

Use Table Reference Number	Use
1.	Residential uses: D, L and O;
5.	Public, semipublic, education and recreation uses: C, N, O, P, Q, and R;
6.	Neighborhood commercial uses; A, B, and C;
7.	General commercial uses: A, B, D, and F
8.	Personal services: A, E, F, and G;
10.	Offices uses: A, B and C.

- C. Conditional uses. Uses permitted by special use permit in the MB or MO Zone and the following uses, listed by Table of Use Regulations category, are permitted in a Mill Building Reuse District

Use Table Reference Number	Use
5.	Public, semipublic, education and recreation uses: C, N, O, P, Q, and R;
7.	General commercial uses: D

D. Additional criteria for approval. The approval of a reuse development shall be based upon the criteria set forth in § 410-15.1(I), and in addition, the Planning Commission permitting authority shall find that:

- ~~(1) The plans for the reuse development are consistent with the Comprehensive Plan.~~
- (12) That the reuse development is not displacing any active manufacturing and or industrial use and that there is no reasonable expectation that manufacturing will continue at the site.
- (23) The reuse development will not create a serious conflict with adjacent manufacturing and or industrial businesses in the MO and MB Zones.
- (34) The developer has a plan to notify all tenants and owners of the buildings and units in the reuse development that they are in a MO or MB Zone and that allowed industrial zone uses that may be perceived as a nuisance or otherwise obnoxious shall give them no cause for action against such industrial and or manufacturing activity.
- (45) The plans for the reuse do not include the demolition of more than 25% of the existing structures.

ED. Review by the Pawtucket Historic District Commission.

- (1) Proposed mill building reuse projects which are not participating in the federal or the Rhode Island Historic Tax Credit Program shall be reviewed by the Pawtucket Historic District Commission prior to ~~Planning Commission~~ a development plan review application being considered complete.
- (2) Scope of review. The review by the Historic District Commission shall be advisory only to the permitting authority, ~~which is the City Planning Commission.~~ Such advisory opinion shall be in writing and shall comply with all requirements of the regulations, including those for filing of records and decisions. ~~The City Planning Commissions, as the permitting authority,~~ may reject the advisory opinion of the Historic District Commission when considering the application before it or may incorporate the Historic District Commission's recommendations as conditions of the establishment of the Mill Building Reuse District.

SECTION 13.

CHAPTER 410, ARTICLE VB: RIVERFRONT COMMONS DISTRICT

AMENDMENT TO § 410-43.4: PERMITTED USES; ADDITIONAL CRITERIA; DEVELOPMENT PLAN REVIEW PROCESS..

A. Permitted uses.

- (1) Uses currently permitted by right in the Commercial General (CG) Zone or Riverfront Mixed Use (RD3) Zones are permitted in the RCD Zone. The following uses, listed by Table of Use Regulations[1] category, are also permitted in the RCD zone:

Use Table Reference Number	Use
1.	Multi-residential use: D and L
5.	Education facilities, art galleries, and houses of worship: A, I, J, K, L, M and N
7.	General commercial uses: excluding <u>C, Restaurant; ; D, Tavern; E. Drive-in; G, Nightclub, and H, Flea markets</u>
8.	Personal services: excluding C, Carpet cleaning; <u>J. Massage therapy; R, Pawn shops; and Q, Check cashing</u>
9.	Business services: excluding E, Pest control

10. Office uses
11. General automotive repairs: A, B, C, G and I
15. Wholesale commercial uses
18. Storage: B and H
19. Industrial uses: D, F, H, O, P and S

[1]Editor's Note: The Table of Use Regulations is included at the end of this chapter.

(2) Existing nonconforming uses in an area being put in to the RCD Zone are allowed in the RCD Zone.

(3) Uses allowed by special use permit. Uses currently permitted by special use permit in the Commercial General (CG) Zone or Riverfront Mixed Use (RD3) Zone are permitted in the RCD Zone by special use permit (unless allowed by right above). The following uses, listed by Table of Use Regulations category, are also permitted in the RCD Zone by special use permit (unless allowed by right above):

Use Table Reference Number	Use
7.	General commercial uses: E, Any commercial use with a drive in window, and G, Nightelubs
19.	Industrial uses: AA

(4) Uses allowed as accessory uses. Uses currently permitted as accessory uses in the Commercial General (CG) Zone or Riverfront Mixed Use (RD3) Zone are permitted in the RCD Zone as accessory uses (unless allowed by right above). The following uses, listed by Table of Use Regulations category, are also permitted in the RCD Zone as accessory uses (unless allowed by right above):

Use Table Reference Number	Use
8.	Personal services: T, Pet overnight boarding

(5) In addition, the uses permitted in the Table of Use Regulations, 410 Attachment 1, as amended,[2] are permitted in the RCD Zone and any uses added to the Commercial General (CG) or Riverfront Mixed Use (RD3) Zones shall also be added to and allowed in the RCD Zone.

[2]Editor's Note: The Table of Use Regulations is included at the end of this chapter.

B. Additional criteria for approval.

- (1) To approve any development activity in the RCD Zone, the permitting authority~~Planning Commission~~ shall find that the application is consistent with the Comprehensive Plan and complies with the applicable sections of the Zoning Ordinance.
- (2) Parking. There is no minimum (or maximum) number of parking spaces in the RCD Zone. The parking design standards set forth in § 410-78 shall apply.

- (3) Dimensional regulations. Dimensional regulations, as presented in Article VI, § 410-44, of the Pawtucket Zoning Ordinance as amended below for Riverfront Commons Zone, shall apply to the RCD Zone.
- (4) Signs. Any permitted signs for Commercial Local, General and Downtown Zoning Districts and Riverfront Public Open, Riverfront Industrial and Riverfront Mixed Use Districts under § 410-88D and G and § 410-89, Shopping center signs, of the existing Pawtucket Zoning Ordinance are permitted in the RCD Zone, except that any electronic messaging centers (EMC signs) shall be allowed only by special use permit. All existing signage in place or permitted via variance or special use permit and yet to be built in an area being put into the RCD Zone is allowed in the RCD Zone.
- (5) Riverfront Commission. The Riverfront Commission will serve in an advisory capacity to the permitting authority~~Planning Commission~~ in the RCD Zone. The review process shall occur concurrently. The procedural processes of the permitting authority~~Planning Commission~~ shall govern.
- C. Development design review process. ~~Design review~~All development in the RCD Zone shall be subject to development plan review in accordance with as currently defined in Article IIIA of this chapter, Planned Land Development, § 410-15.1.

SECTION 14.

CHAPTER 410, ARTICLE VC: COMMERCIAL MIXED USE (CMU)

AMENDMENT TO § 410-43.6: DIMENSIONAL REGULATIONS; PERMITTED USES; ~~ADDITIONAL~~ CRITERIA.

- A. Dimensional regulations. Dimensional regulations, as presented in Article VI, § 410-44, of the Zoning Ordinance, as amended below for the Commercial Mixed Use Zone, shall apply to the CMU Zone.
- B. Permitted uses.
- (1) Uses permitted by right in the Commercial General (CG) Zone are permitted in the CMU Zone.
- (a) ~~The following uses, listed by Table of Use Regulations category, are also permitted in the CMU Zone:~~

Use Table Reference Number	Use
1	Multiresidential use:
	L (Mixed residential/commercial uses)
2	Accessory use:
	J (Private greenhouse, includes garden center)
5	Public, education, and recreation uses:
	D (Hospital),

~~L (Trade or vocational school),~~

~~N (Historical museum or art gallery, including incidental retail sales), and~~

~~O (Civic, social, fraternal organization)~~

7

~~General commercial uses:~~

~~C (Restaurant exceeding 2,500 square feet gross floor area),~~

~~E (Any commercial use with a drive in window), and~~

~~G (Nightclub)~~

8

~~Personal services uses:~~

~~J (Massage therapy),~~

~~K (Tanning salon),~~

~~L (Electrolysis),~~

~~S (Pet care services), and~~

~~T (Pet overnight boarding)~~

11

~~Automotive services use:~~

~~F (Gasoline service station, including repair facilities), and~~

~~G (Automobile, truck and motorcycle sales, rental and service)~~

13

~~Amusement/recreation services use:~~

~~D (Other amusement and recreation)~~

~~Wholesale commercial use:~~

- 15 ~~A (Wholesale commercial use, including the sale and storage of goods, supplies and equipment)~~
- ~~Industrial use:~~
- 19 ~~B [Processing of food and kindred products (e.g., brewery and distillery)]~~

~~(b)~~ The following uses, not listed in the Table of Use Regulations, are also permitted in the CMU Zone:

- ~~[1] Electric vehicle charging station.~~
- [2] Kiosk, freestanding exterior.
- [3] Outdoor retail - accessory.
- [4] Data processing facility.

- (2) Uses allowed by special use permit in the Commercial General (CG) Zone are permitted by special use permit in the CMU Zone, unless allowed by right above.
- (3) Uses permitted as accessory uses in the Commercial General (CG) Zone are permitted in the CMU Zone.
- (4) Use 18H, Rental storage space, shall not be permitted in the CMU Zone.
- (5) Use 11G, Automobile, truck and motorcycle sales, shall be limited to the display of a maximum of 10 vehicles in the CMU Zone.
- C. Number of buildings on a lot. More than one commercial or mixed-use primary structure located on a single lot is permitted in the CMU Zone.
- D. Signs. Any permitted signs for the Commercial General (CG) Zone and shopping center signs as set forth in §§ 410-88 through 410-90 shall be permitted in the CMU Zone. Any electronic messaging centers (EMC signs) shall only be permitted by special use permit.

E. Additional standards~~criteria~~ for approval.

- (1) There is no maximum requirement for off-street parking in the CMU Zone. Parking design standards as set forth in § 410-78 shall apply, and post-construction stormwater control standards as set forth in § 410-92 shall apply.
- (2) Minimum parking requirements in the CMU Zone are:
- (a) Residential: 1.5 spaces per unit;
- (b) Office: four spaces per 1,000 square feet;
- (c) Retail/restaurant: 4.5 spaces per 1,000 square feet.
- (3) Maximum impervious coverage is 90%.
- (4) Off-street loading minimum requirements:
- (a) Size: length: 55 feet; width: 12 feet.
- (b) Number:

[1] Four thousand square feet to 20,000 square feet: one space;

[2] Over 20,000 square feet: one space per 20,000 square feet or fraction thereof.

(c) Office uses are excluded from off-street loading requirements.

F. Development plan review. Development plan review in the CMU Zone shall follow the process and criteria defined in Article IIIA, ~~Planned Land Development, § 410-15.1~~ of this chapter.

SECTION 15.

CHAPTER 410, ARTICLE VD: CONANT THREAD DISTRICT (CT)

AMENDMENT TO § 410-43.7: DEFINITIONS.

~~ADAPTIVE REUSE~~

~~The process of repurposing an existing building for a different purpose than what was originally contained therein~~

ADULT USE

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

AMUSEMENT PARK

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

AUTO BODY SHOP OR REPAIR SERVICE

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

AWNING SIGN

A sign placed directly on the surface of an awning.

BUILDING CONTRACTOR OPERATION

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

COMMERCIAL SURFACE PARKING

A surface parking area that leases spaces on a temporary basis as a primary use.

COORDINATED DEVELOPMENT

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

EDGE OF PAVEMENT

The linear edge where curbing, sidewalks, and driveways meet the street surface.

ELEVATED FREESTANDING SIGN

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

FRONTAGE AREA

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

FRONTAGE BUILDING

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

FRONTAGE ZONE

The part of the frontage area immediately adjacent to the building facade.

FUEL STATION

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

FURNISHING ZONE

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

GOLF COURSE

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

HEAVY EQUIPMENT OPERATIONS

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

INFILL DEVELOPMENT

New buildings or structures developed where such development is contiguous with the preexisting pattern of buildings either on that lot or on adjacent lots.

MANUFACTURED ON-SITE HOME SALES

Establishments that provide for the assembly, display, storage, and sale of manufactured homes on the premises.

MINI-STORAGE AND SELF-STORAGE FACILITIES

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

MONUMENT SIGN

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

MOTOR VEHICLE AND EQUIPMENT LEASE AND SALES

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

MOTOR VEHICLE AND EQUIPMENT TOWING AND STORAGE

Any lot or land area used for the storage or layover of passenger buses, motor coaches, taxis, limousines, and other such fleets.

NEW DEVELOPMENT

Newly constructed buildings or structures. Includes infill development.

ON-SITE DRY CLEANING

An establishment that provides dry cleaning services where the cleaning operation is performed on site.

PEDESTRIAN ZONE

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

PROJECTING SIGN, HORIZONTAL

A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

PROJECTING SIGN, VERTICAL

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

RECESS LINE

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

REHABILITATION

Repair, renovation, and/or restoration activities designed to place unused or under-utilized buildings back into active use. See "Adaptive reuse."

ROOF SIGN

A sign that projects above the roof, parapet or ridgeline of the building; or mounted upon any roof, parapet or ridgeline of a building.

SALVAGE YARD

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

SIGNIFICANT RENOVATION

- Any improvements to an existing building that would include:
- A. Demolition of up to 20% of an existing structure designated as architecturally/historically significant by the Conant Thread Historic Inventory. The area of demolition shall be measured by the building footprint.
 - B. Replacing or changing the appearance of more than 50% of any exterior wall on any existing principal building (not accessory structures).
 - C. Replacement of windows cumulatively covering more than 300 square feet on any building designated as architecturally/historically significant by the Conant Thread Historic Inventory.
 - D. Replacing or changing any wall sign, monument sign, roof sign, or elevated projecting sign.
 - E. Changing the location of the primary entrance to the building.

SINGLE BUILDING LARGE RETAIL

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

STRIP COMMERCIAL DEVELOPMENT

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

STRUCTURED PARKING FACILITY

A multistory structure used to park vehicles as its primary use.

TRANSIT-ORIENTED DEVELOPMENT (TOD)

A style of land use development designed to concentrate residential use and complementary nonresidential uses in close proximity to high-volume transit infrastructure.

TURF

Landscaped grass areas designed to be regularly mowed.

WALL SIGN

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

WAREHOUSING AND DISTRIBUTION FACILITIES

Establishments where goods are stored in bulk temporarily before being shipped to other businesses or directly to consumers

SECTION 16.

CHAPTER 410, ARTICLE VD: CONANT THREAD DISTRICT (CT)

AMENDMENT TO § 410-43.11: PERMIT REVIEW CRITERIA.

- A. General criteria. In reviewing applications for development permits in the CT District, the approving authorities for any application shall consider the following overarching criteria:
- (1) Compliance with all applicable sections of the Zoning Ordinance and the subdivision and land development regulations.
 - (2) Consistency with the goals of the City Comprehensive Plan and the purposes of the CT District.
 - (3) The quality and accuracy of information presented by the applicant for the proposal.
 - (4) Compliance with the Conant Thread District Design Guidelines. These guidelines are available in the Pawtucket Department of Planning and Redevelopment, and may be updated by the JPC.
 - (5) Quality of site design and building design for the proposal.
 - (6) Preservation and considerate reuse of structures identified as being architecturally/historically significant by the Conant Thread Historic Inventory. This inventory is available in the Pawtucket Department of Planning and Redevelopment, and may be updated by the JPC.
 - (7) The plans for such project provide sufficient designs to all dimensional standards, including, but not limited to, parking and circulation, to ensure the health and safety of Pawtucket residents and visitors
 - (8) Any conditions or restrictions that are necessary to ensure that these criteria have been met have been incorporated into the written approval
- B. Special use permits. All uses of land and structures within the CT District that require a special use permit shall be consistent with the following standards for approval:
- (1) The proposed use of land and structures shall not deter the use of the remainder of the building and/or abutting buildings for residential or commercial uses by introducing noise, large truck traffic, or odors.
 - (2) The proposed use of land and structures shall not include storage or use of any materials that are harmful, flammable, noxious, or may otherwise be determined to be an undue nuisance to abutting property owners or residents.
 - (3) The scale of the proposed use of land and structures shall not directly result in increased traffic flow, particularly large industrial vehicles, that exceeds the capacity of existing CT District roadways and infrastructure.
 - (4) The proposed use of land and structures shall be consistent with the stated goals of the CT District, most specifically the creation of new light manufacturing job opportunities, a complementary mix of residential, office, and commercial activity, the preservation of historic mill structures, and the overall improvement of environmental conditions through brownfield remediation and stormwater management best practices.

SECTION 17.

CHAPTER 410, ARTICLE VD: CONANT THREAD DISTRICT (CT)

AMENDMENT TO § 410-43.12: SUBDIVISION AND LAND DEVELOPMENT REVIEW.

A. Applications for a subdivision within the CT District shall follow the applicable JPC development regulations.

~~B. Any proposal that includes the demolishing of more than 20% of a building prioritized for rehabilitation/adaptive reuse by the Conant Thread Historic Inventory[1] shall be reviewed as a major land development project.~~

~~[1]Editor's Note: Said inventory is available in the Pawtucket Department of Planning and Redevelopment~~

SECTION 18.

CHAPTER 410, ARTICLE VD: CONANT THREAD DISTRICT (CT)

AMENDMENT TO § 410-43.13: UNIFIED DEVELOPMENT REVIEW.

Applications for any variance and applications for special use permits shall be heard by the JPC as enabled by the unified development review provisions of the Cities of Pawtucket and Central Falls, and in accordance with the rules and procedures for the JPC as amended. Where an application does not require a subdivision or development plan review, but does require a variance or special use permit, the application shall be classified as a ~~major-land~~ development project for the purposes of establishing review procedures under unified development review.

SECTION 19.

CHAPTER 410, ARTICLE VD: CONANT THREAD DISTRICT (CT)

AMENDMENT TO § 410-43.14: DEVELOPMENT PLAN REVIEW (DPR).

A. Purpose. It is the purpose of this article to establish procedures pursuant to the permitting process which will enable the City or the JPC, as applicable, to perform a comprehensive review of certain proposed developments. DPR will generally follow the process outlined in Article IIIA of this chapter, except that where this article conflicts with Article IIIA, this article shall govern. ~~The development plan review (DPR)~~ procedure shall not be used to deny an applicant a permitted use of the property as established by the Zoning Ordinance. The particular uses requiring DPR are outlined below.

B. Administration.

- (1) No permit to build, alter, or expand any of the uses requiring DPR as outlined below shall be issued by the Building Official until a written statement of final approval in accordance with this article has been received. The applicant is responsible for obtaining a building permit through the Zoning and Code Enforcement Office as required by City ordinances. The applicant must submit all plans and documents normally required for a building permit. The approved final development plan shall be part of this submission. The DPR process will not preclude the need to meet other City requirements as they may apply to a particular development. No alteration to any City ordinance requirements or any necessity to gain approval by another legal jurisdiction shall be deemed to be authorized or granted by virtue of the DPR under this article.
- (2) ~~Projects subject to DPR shall not require~~ review as a ~~major-land development project~~ shall not require DPR unless specifically required elsewhere in the Zoning Ordinance. A project submitted for DPR may also be referred to the JPC as a ~~minor or major-land development project~~.

C. DPR process. The DPR shall be conducted by either the JPC or the Administrative Officer to the Pawtucket City Planning Commission~~staff of the Department of Planning and Redevelopment (staff)~~ in accordance with the Subdivision Review Enabling Act of 1992, R.I.G.L. 45-23, as amended, and those procedures and requirements listed in this ~~article~~chapter and in the Land Development and Subdivision Review Regulations. The JPC or Administrative Officer~~staff~~ may enlist the assistance of other municipal staff or boards in the review of applications. Mechanisms to enlist this assistance can include, but are not limited to, the establishment of a Technical Review Committee.

D. DPR thresholds. Applications for development shall be reviewed in accordance with the following thresholds.

(1) Formal DPR shall be under the jurisdiction of the JPC where any of the following conditions apply:

- (a) Where 20% or more of an existing structure is proposed to be demolished as measured by the footprint of the structure. Any site improvements or development occurring as a result of the demolition shall be reviewed along with the plans for demolition. ~~This threshold only applies to structures that are not identified as being architecturally/historically significant by the Conant Thread Historic Inventory[1] (see § 410-43.12).~~
[1]Editor's Note: Said inventory is available in the Pawtucket Department of Planning and Redevelopment.
- (b) Where proposed development would include 80,000 square feet or more of newly developed or renovated floor area in a new building, an existing building, accessory structures, or additions. Where multiple buildings or additions are included in the proposal, the floor area shall be measured in the aggregate.
- (c) Where proposed development would include 25,000 square feet or more of floor area utilized for industrial or manufacturing purposes and/or include accessory storage of equipment or materials.
- (d) Where proposed development would include more than 50 units of new housing.
- (e) Any site disturbance of 40,000 square feet or more.
- (f) Any development where a structured parking facility is proposed.
- (g) Any application that is referred to the JPC by the Administrative Officerstaff.
- (h) Any development subject to unified development review.

(2) DPR shall be administrative (performed by Administrative Officerstaff):

- (a) Where significant renovation, as defined in this article, of an existing building is proposed.
- (b) Where proposed development would include between 1,000 square feet and 80,000 square feet of newly developed floor area in a new building, an existing building, accessory structures, or additions. Where multiple buildings or additions are included in the proposal, the floor area shall be measured in the aggregate.
- (c) Where proposed development would include more than five and up to 50 units of new housing.
- (d) Any site disturbance between 2,000 square feet and 40,000 square feet.
- (e) Any permitted use that is specifically referred in writing to the Administrative Officerstaff by the Building Official or the Director of Zoning and Code Enforcement.

(3) A development subject to Formal DPR shall not also be subject to Administrative DPR.

E. Appeals.

- (1) Appeals to the Providence County Superior Court~~Zoning Board of Review~~ may be taken by a person aggrieved by any final action of ~~staff~~the Administrative Officer or the JPC pursuant to the provisions of this section. ~~Where the application was reviewed by staff, appeals will be confined to the City of Pawtucket Zoning Board of Review. Where the application was reviewed by the JPC, appeals shall be filed with Providence County Superior Court.~~

- (2) ~~For appeals made to the Zoning Board of Review, a~~Any appeal shall be taken within 20 days of such final action by filing with the Zoning Board of Review a written notice of appeal specifying the grounds for appeal and the specific finding or findings of staff in its final actions which are challenged, if any. The lack of particularity of specific grounds for appeal shall constitute cause for dismissal of any appeal. Only the grounds for appeal so specified will be reviewed by the Zoning Board of Review on appeal. Such appeal shall be accompanied by copies of the original development plan submission and the written findings of staff or the JPC with respect to the final action appealed from. Copies of the development plan and the findings shall be made available by the Department of Planning and Redevelopment for review by any party.
- (3) ~~On such review, the Zoning Board of Review shall not substitute its judgment for that of staff but must consider the findings and record of staff. The Zoning Board of Review shall not reverse a staff decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.~~

SECTION 20.

CHAPTER 410, ARTICLE VE: RIVERFRONT TIDEWATER (RTW)

AMENDMENT TO § 410-43.24: DIMENSIONAL REGULATIONS, PERMITTED USES; ADDITIONAL CRITERIA; REVIEW OF PROJECTS.

- A. Dimensional regulations. Dimensional regulations as presented in Article VI, § 410-44, of the Zoning Ordinance shall apply to the RTW Zone.
- B. Accessory structures. Accessory structures that are directly related to the functionality of primary structures in the RTW Zone, e.g., light poles and parking structures, are permitted to exceed the maximum allowable height for accessory structures as presented in § 410-44 of the Pawtucket Zoning Ordinance, provided that they are approved by the City Planning Commission through the development plan review process.
- C. Permitted uses. Use regulations as presented in Article II, § 410-12, of the Zoning Ordinance shall apply to the RTW Zone.
- D. Signs. All sign type and maximum sign area requirements for commercial zoning districts, as presented in § 410-88D, shall apply to the RTW Zone. Electronic messaging centers (EMC signs) shall be permitted by special use permit in the RTW Zone.
- E. Number of buildings on a lot. More than one commercial, residential, or mixed-use primary structure located on a single lot is permitted in the RTW Zone if approved by the Planning Commission through the development plan review process.
- F. Parking. There are no minimum or maximum parking space requirements in the RTW Zone. All development projects in the RTW Zone shall demonstrate adequate off street parking to support peak demand periods with limited reliance on proximate public right of ways to satisfy projected parking needs. This parking may be provided off-site, provided that it is easily accessible, safe for pedestrians, and does not adversely impact the character of abutting residential or commercial properties. Parking design standards as set forth in § 410-78 shall apply for all surface and structured parking areas.

G. Additional criteria for approval.

The review by the permitting authority shall be based upon the criteria set forth in § 410-15.1(I), and in addition:

- (1) ~~Development activity in the RTW Zone shall be consistent with the goals of the Pawtucket City Comprehensive Plan.~~
- (2) Structures and parking areas shall be situated in such a way as to maintain or maximize views of the Blackstone and Seekonk Rivers.

- (23)Development activity in the RTW Zone shall include features or amenities intended to maintain and maximize pedestrian access to riverfront areas, including connection wherever possible of all walkways, sidewalks, travel lanes, bikeways, and similar facilities along the river.
- (34)Development activity in the RTW Zone shall include adequate drainage systems and erosion control measures to minimize any adverse impact on the quality and condition of the Blackstone and Seekonk Rivers.
- (45)All screening, fences, walls, landscaped areas, plantings, or other landscaping treatment shall enhance and buffer the premises in a manner that is compatible with surrounding uses. The design of these features should avoid significant obstruction of views of the river.

H. Development plan review.

- (1)Development and design review in the RTW Zone shall follow the standard process of ~~planned land~~ development plan review as set forth in § 410-15.1.
- (2)The Pawtucket Riverfront Commission shall serve in an advisory capacity ~~to the Planning Commission~~ when considering ~~planned land~~ development plan review in the RTW Zone. The Riverfront Commission review process may occur concurrently and the procedural process of ~~the Planning Commission~~ development plan review shall govern.

SECTION 21.

CHAPTER 410, ARTICLE VI: DIMENSIONAL REGULATIONS.

AMENDMENT TO § 410-44: ENUMERATION.

Enumeration.

Except as provided in Article VII, Supplementary Regulations, Article VIII, Nonconformance, and Article XI, Administration and Enforcement, the minimum and maximum dimensional regulations shown on the following tables shall be applied to each class of structure or use within each zone:

Zone and Use	Minimum Lot Size (square feet)	Minimum Lot Frontage (feet)	Maximum Lot Coverage (percent)	Minimum Yard Setback Line			Maximum Height of Structures	
				Front	Side	Rear	Main*	Accessory
				(feet)	(feet)	(feet)	(feet)	(feet)
Residential Limited Zone								
One-family dwelling	<u>Existing</u> lots 0; <u>New</u> lots:9,000	90	30%	25	15	25	30	15
Residential Single-Family Zone								
One-family dwelling	<u>Existing</u> lots 0; <u>New</u> lots:5,000	50	30%	18	8	25	30	15

Other residential use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:7,500</u>	75	30%	18	8	25	30	15
Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:10,000</u>	100	30%	18	8	25	30	15
Residential Two-Family Zone Residential Use								
One-family dwelling	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:5,000</u>	50	30%	15	8	25	30	15
Two-family dwelling	7,500	75	30%	15	8	25	30	15
Other residential use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:7,500</u>	75	30%	15	8	25	30	15
Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:10,000</u>	100	30%	15	8	25	30	15
Residential Multifamily Zone Residential use								
One-family dwelling	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:5,000</u>	50	30%	10	8	25	30	15
Two-family dwelling	7,500	75	30%	10	8	25	35	15
Three-family dwelling	10,000	100	30%	10	10	25	35	15
Multifamily dwelling, per dwelling unit	<u>Existing</u> <u>lots 0**;</u> <u>New</u> <u>lots:3,000</u>	100	30%	10	10	25	35	15
Other permitted residential use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:10,000</u>	100	30%	10	10	25	35	15

Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:10,000</u>	100	30%	10	10	25	35	15
Residential Elevator Zone								
Residential use								
Multifamily dwelling								
First 4 dwellings, per dwelling unit	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:2,000</u>	75	30%	20	20	20	30	15
Dwelling unit after first 4, per dwelling unit	1,600	75	30%	20	20	20	105	15
Other residential use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:7,500</u>	75	50%	20	20	20	40	15
Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:10,000</u>	100	50%	20	20	20	40	15
Commercial Local Zone								
Residential use		(Same dimensional regulations as for residential uses in RM Zones)						
Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:5,000</u>	50	50%	0	0	10	25	15
Commercial General Zone								
Residential use		(Same dimensional regulations as for residential uses in Residential Multifamily Zones)						
Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:5,000</u>	50	50%	0	0	10	40	15
Commercial Downtown Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:2,500</u>	25	100%	0***	0	0	65	15

Commercial Mixed Use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:45,000</u>	50	50%					
Main structures between 46 and 100 feet				10	20****_	10	100	
Main structures up to 45 feet				0	0	5	45	
Accessory structures				0	0	5		45
Industrial Open Zone								
Residential (minimum 5 units)			(Same dimensional regulations as for Residential Multifamily Zones)					
Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:20,000</u>	100	60%	20	20	20	40	15
Industrial Built-Up Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:10,000</u>	75	80%	0	0	0	40	15
Public Open Zone								
Uses listed	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:100,000</u>	100	25%	25	25	25	35	15
Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:100,000</u>	100	5%	25	25	25	35	15
Public Cemetery Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:100,000</u>	100	5%	25	25	25	25	15
Riverfront Development - Public Open Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:20,000</u>	100	25%	25	25	25	35	15
Riverfront Development - Industrial Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:20,000</u>	100	60%	20	20	20	40	15

Riverfront Development Mixed-Use Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:5,000</u>	50	60%	See § 410-14.5C(7)			40	15
Riverfront Commons Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:2,500</u>	25	100%	0	0	0	85	15
Riverfront Tidewater Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:5,000</u>	50	100%	0	0	0	120	15

NOTES:

~~*Maximum Building~~ height is measured as defined in § 410-132~~from the highest grade of site location to the highest point of the structure.~~

**Only applies to the existing number of units. Any additional units shall meet the requirement for a new lot.

***-Maximum front yard setbacks apply within the Commercial Downtown Zone, as prescribed in § 410-44.2.

****Minimum side yard setback requirement when directly abutting residential zoning districts only; minimum side yard setback of 10 feet applies when abutting commercial or industrial zoning districts or properties with established commercial or industrial use. Minimum side yard setback of zero feet applies for contiguous parcels under the same ownership.

A. In no instance shall the distance between an existing primary building on a separate lot in the same zoning district as the subject lot and a newly constructed building on the subject lot be less than twice the side yard setback for the subject lot.

SECTION 22.

CHAPTER 410, ARTICLE VII: SUPPLEMENTARY REGULATIONS.

AMENDMENT TO § 410-59: PERMITTED SPECIAL USES.

The following special uses are permitted upon approval by the Board permitting authority, in accordance with Article XIII, and the following conditions are in addition to those set forth in Article XIII.

A. Boarding. The Board permitting authority may permit that up to two rooms may be rented with or without meals within any dwelling unit, provided that more than 50% of the habitable space is occupied by the family occupying the dwelling unit, and provided that no more than one person may occupy any one of said rooms.

B. Accessory manufacturing. Within commercial zones manufacturing, compounding, processing, catering, cleaning, laundering, plumbing, baking, or treatment of products and similar uses which are clearly incidental and essential to a retail use may be permitted by the Board permitting authority, provided that such uses, generate no perceptible operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or electrical interference from outside the property~~other similar causes.~~

C. Change in nonconforming use.

- (1) Industrial and commercial zones. Within any such zone, a nonconforming use may be changed to a different nonconforming use by special use permit. In considering an application for a special use permit to change to a different nonconforming use, the Boardpermitting authority shall find that the new use will be less nonconforming and less disruptive of the neighborhood land use pattern. A nonconforming use changed to a different nonconforming use by a special use permit may not be changed to another nonconforming use without the granting of another special use permit.
- (2) Residential zones. Within any such zone, a nonconforming use may be changed to a different use which is allowed by special use permit in that zone. In considering the application, the Boardpermitting authority shall consider any conditions required for the granting of that special use permit.

D. Parking in residential zones. Off-street automobile parking lots may be established by special use permit to support off-street parking requirements of residential uses in areas where the Boardpermitting authority finds that there is a need for such additional facilities or where required off-street parking cannot be satisfied on the lot in which such residential uses are located. Such lots shall be developed and maintained as required by § 410-77 of this chapter and subject to such further conditions as may be imposed by the Boardpermitting authority. A parking lot shall be used solely for the temporary parking of motor vehicles and shall not be used as an off-street loading area. The parking lot shall be screened by a four-foot-high compact evergreen screen or tight board fence. Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

E. Off-site parking. The Boardpermitting authority may permit off-street parking on other off-site lots in any district, provided that such off-site parking is reasonably and safely accessible from the principal use, either by pedestrians or other means, such as tram and/or shuttle service. The Boardpermitting authority shall require that appropriate deed restrictions be recorded in the land evidence records. A parking lot shall be used solely for the temporary parking of motor vehicles and shall not be used as an off-street loading area. The parking lot shall be screened by a four-foot-high compact evergreen screen or tight board fence. Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

F. Shared parking. The Boardpermitting authority may allow shared parking, provided that the type of structures or uses indicate that the period of usage of such structures or use will not be simultaneous (e.g., a church with Sunday services together with a business that is closed on Sundays) and neither use may be a residential use.

G. Maximum lot coverage. The Boardpermitting authority may allow an additional 10% lot coverage above the maximum lot coverage specified in this chapter if, and only if, parking is provided in accordance with § 410-76 and the use of the building is in conformance with Article II.

H. Maximum height in residential zones. The Boardpermitting authority may, by special use permit, allow an increase in the maximum height to 40 feet, provided that the use of building is in conformance with Article II.

SECTION 23.

CHAPTER 410, ARTICLE VII: SUPPLEMENTARY REGULATIONS.

AMENDMENT TO § 410-60: SPECIAL USE PERMIT REQUIREMENTS FOR SPECIFIC USES.

The following uses of land and structures are permitted upon approval by the Boardpermitting authority, in accordance with Article XIII, and the following conditions are in addition to those set forth in Article XIII.

A Service stations. Automobile service stations shall be permitted subject to Rhode Island Department of Environmental Management Regulations and only when the following requirements are met:

(1) Lot requirements:

- (a) Minimum lot size shall be 20,000 square feet.
- (b) Minimum lot depth shall be 100 feet.
- (c) Minimum lot width and frontage shall be 100 feet.

(2) Requirements for service station buildings:

- (a) Minimum setback from all street lines shall be 40 feet.
- (b) Minimum setback from all interior lot lines shall be 20 feet.

(3) Requirements for driveways:

- (a) Minimum distance between access driveways shall be 20 feet.
- (b) Maximum width for curb cuts shall be 25 feet.

(4) Requirements for other structures:

- (a) Minimum distance between pump islands, compressed air connections and similar equipment and any street or property lines shall be 20 feet.
- (b) Minimum distance between the canopy and the street line shall be 12 feet.
- (c) Minimum distance between any canopy and compressed air and similar equipment and any interior lot line shall be 20 feet.

(5) Requirements for underground tanks:

- (a) Maximum storage capacity for petroleum products shall be 42,000 gallons.
- (b) 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.

(6) Requirements for repairing and washing vehicles. Repairing shall be limited to minor repair work, such as tire or tube repairing, battery charging, lubrication, engine tuneups and similar type work, and 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 on site 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.

(7) Outside storage of vehicles. For all auto service stations, new and used car dealerships, recreational vehicle dealerships, garage repair shops, auto body shops, car washes, storage of vehicles and similar types of uses, overnight outside storage of any vehicles intended to be repaired shall be limited to one vehicle for every 500 square feet of lot area.

(8) There is vertical separation of at least four inches (4'') between the use and adjoining sidewalks or roadways

(9) There is a landscaped planting area of at least three feet (3') along all edges of the use.

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

(a) Safe pedestrian and vehicular circulation.

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

(11) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or operational or physical alterations to the subject property.

B. Auto body repair shops. In granting a special use permit for the construction of an auto body repair shop, the following standards for development shall apply:

- (1) The minimum lot size shall be 10,000 square feet in an MB Zone and 20,000 square feet in an MO Zone.
- (2) All structural and cosmetic work made on motor vehicle bodies shall be conducted within a fully enclosed structure of at least 3,000 square feet in area.
- (3) Buildings shall be set back at least 25 feet from the street right-of-way and at least 20 feet from any other property line.
- (4) Auto body repair shops that store inoperable vehicles, automotive parts or trash out-of-doors shall erect a commercial opaque fence of six feet in height along all side and rear property lines. The fencing or wall shall be reduced in height when approaching a street line to provide proper visibility where an adjacent driveway exists or is to be established.
- (5) Each auto body repair shop shall have as a minimum one parking space for every 1,000 square feet of gross floor area or two employees on maximum working shift, whichever is greater.
- (6) Each auto body repair shop shall have as a minimum two access drives from abutting City streets, neither of which shall exceed 20 feet in width. Associated curb cuts shall conform to Chapter 351, Streets and Sidewalks, Article IX, Curb Cuts and Driveway Openings.
- (7) No motor vehicles shall be stored and no repair and/or service work shall be conducted in the public right-of-way.
- (8) There is vertical separation of at least four inches (4") between the use and adjoining sidewalks or roadways
- (9) There is a landscaped planting area of at least three feet (3') along all edges of the use.
- (10) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(a) Safe pedestrian and vehicular circulation.

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

(11) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or operational or physical alterations to the subject property.

C. Rooming houses with six rooming units or less.

(1) Dimensional requirements shall be as follows:

- (a) Minimum lot size 5,000 square feet.
- (b) One parking space per two rooming units.
- (c) One dwelling unit required for resident manager.

(2) Density requirements.

- (a) Maximum number of residents per rooming unit is two persons.
- (b) Maximum number of beds is two per rooming unit.

(3) Other requirements.

- (a) Sprinkler system and fire alarm shall be provided as determined by the Fire Safety Code.[1]
[1]Editor's Note: See Chapter 210, Fire Prevention, Article II, Fire Prevention Code.
- (b) Sanitary facilities shall be sized according to the number of rooming units in accordance with the International Plumbing Code.
- (c) A security system controlling the front entrance shall be provided.
- (d) A central kitchen facility will be allowed for cooking and eating. ~~The kitchen will be sized to accommodate the number of rooming units.~~
- (e) There shall be a resident manager on the premises.

D. Rooming house with seven or more rooming units.

(1) Dimensional requirements shall be as follows:

- (a) Minimum lot size 10,000 square feet.
- (b) One parking space per rooming unit.
- (c) One dwelling unit required for resident manager.

(2) Density.

- (a) Maximum number of residents per rooming unit is two persons.
- (b) Maximum number of beds is two per rooming unit.

(3) Other requirements.

- (a) Sprinkler system and fire alarm shall be installed as determined by the Fire Safety Code.
- (b) There shall be a resident manager on the premises.
- (c) Sanitary facilities shall be sized according to the number of rooming units in accordance with the International Plumbing Code.
- (d) Private trash disposal shall be provided by the property owner.
- (e) There shall be a security entrance to the front door.
- (f) Central kitchen facilities will be allowed for cooking and eating. ~~The kitchen shall be sized to accommodate the number of rooming units.~~

E. Home occupations by special use permit. All home occupations not meeting the home occupation by right criteria shall be considered as special permit uses and shall ~~be reviewed by the Board of Review and shall:~~

- (1) Be conducted by the legal resident.

- (2) Have no more than one-third (1/3) of the home devoted to business or 500 square feet, whichever is smaller.
- (3) Generate no perceptible noise, vibration, emissions, odor or electrical interference from outside the property.
- (4) Have no bulk freight deliveries.
- (5) Have a maximum of 20 visits per week and five per day.
- (6) Not have a sign larger than one square foot.
- (7) Have off-street parking with at least one space required.
- (8) Have no retail sales.
- (9) Have no more than one nonresident employee.
- (10) Have no occupations which are otherwise prohibited by state law or City ordinance.

F. Mixed residential/commercial uses.

- (1) The application shall propose occupancy of residential and commercial uses.
- (2) The number of dwelling units permitted shall be based on one dwelling unit per 2,000 square feet of land area.
- (3) The proposed commercial uses shall be those allowed in Article II as personal services, business services, office uses, entertainment, amusement and recreation services, commercial services, excluding restaurants providing dancing.
- (4) Commercial and residential parking spaces and loading shall be required as per Article IX.

G. Manufactured home park.

- (1) It shall be unlawful for any person to construct, alter or extend any manufactured home park within the City unless the applicant holds a zoning certificate issued by the Director for the specific construction, alteration or extension proposed.
 - (a) Any applicant for a special use permit for a manufactured home park shall present an application and a development plan made by a registered engineer or land surveyor at a scale of no more than 100 feet to one inch. The plans shall show existing and proposed curb cuts, driveways, parking spaces, all manufactured home park spaces, service buildings and proposed structures. A separate utility plat plan, including water, sewer and electricity, is also required in the case of new construction or an extension.
 - (b) Any person operating a manufactured home park shall hold a license from the Rhode Island Department of Health which shall be copied and made a required part of any application.
- (2) Environmental, open space and access requirements.
 - (a) Generally. Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. ~~There site shall be no perceptible~~not be exposed to objectionable smoke, noise, dust, vibration, odors or electrical interference from outside the propertyother adverse influences, and no portion subject to unpredictable or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
 - (b) Soil and ground cover. Exposed ground surfaces in all parts of every manufactured home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative cover that is capable of preventing soil erosion and of eliminating ~~objectionable~~ dust.

- (c) Site drainage. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

(3) Nonresidential uses.

- (a) No part of any manufactured home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- (b) Nothing in this subsection shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home stand and, if an independent manufactured home, connected to the pertinent utilities.

(4) Minimum size of manufactured home space.

- (a) Manufactured home spaces shall provide a minimum of 3,500 square feet for each space that shall be at least 35 feet wide and clearly defined; provided, however, that manufactured home parks in existence on the effective date of this chapter (March 29, 1971) which provide manufactured home spaces having a width or area less than that hereinabove prescribed may continue to operate with spaces of the existing width and area.
- (b) Manufactured homes shall be separated from each other and from other buildings and structures by at least 15 feet, provided that manufactured homes placed end-to-end may have a clearance of 10 feet where opposing rear walls are staggered.
- (c) An accessory structure which has a horizontal area exceeding 25 square feet, is attached to a manufactured home or located within 10 feet of its window and has an opaque top or roof that is higher than the nearest window shall, for purposes of all separation requirements, be considered to be part of the manufactured home.

(5) Required setbacks, buffer strips and screening.

- (a) All manufactured homes shall be located at least 25 feet from any park property boundary line abutting upon a public street or highway and at least 15 feet from other park property boundary lines.
- (b) There shall be a minimum distance of 10 feet between an individual manufactured home and adjoining pavement of a park street or common parking area or other common areas.
- (c) All manufactured home parks located adjacent to industrial or commercial land uses shall be provided with screening, such as fences or natural growth, along the property boundary line separating the park and such adjacent nonresidential uses.

(6) Street design requirements.

- (a) All manufactured home parks shall be provided with ~~safe and convenient~~ vehicular access from abutting public streets whose maintenance will be the duty of the permittee.
- (b) Access to manufactured home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have a minimum road pavement of 34 feet where parking is limited to one side. Where the primary entrance road is more than 100 feet long and does not provide access to abutting manufactured home spaces within such distance, the minimum road pavement width may be 24 feet, provided that parking is prohibited at both sides.
- (c) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and, in any case, shall meet the following minimum requirements:

[1] All streets shall be 32 feet minimum in width.

[2] Dead-end streets shall be limited in length to 600 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 60 feet.

[3] All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.

(d) Required illumination of park street systems. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night in all parts of the park street systems: 0.6 footcandle, with a minimum of 0.1 footcandle.

H. Personal communications system and amateur radio or television antenna.

(1) Personal communications system antennas are attached to the roof or wall of existing manufacturing, commercial, public and semipublic structures.

(2) Personal communications system and amateur radio or television antennas meet the following standards: maximum height 15 feet and maximum area 50 square feet.

I. Wireless communications antenna.

(1) No wireless communications antenna shall be erected within 700 linear feet of a residential zoning district, measured from the center of the antenna.

(2) No wireless communications antenna shall exceed 180 feet in height.

(3) All wireless communications antenna facilities shall have an eight-foot fence enclosing the structure and be landscaped with shrubs.

(4) All wireless communications antennas shall be approved and certified for structural safety by a registered engineer.

(5) All wireless communications antennas shall be removed once they have ceased to function for a period of one year.

J. Multitenant commercial structures.

(1) Minimum side yard width: 12 feet.

(2) Any freestanding sign shall not exceed the dimension regulations of this chapter.

(3) Location of a trash container approved through development plan review ~~is to be approved by the Director.~~

(4) Occupancy shall be limited to tenants in the use category of 6, 7 commercial uses; 8, personal services; and 9, business services. All other use categories are prohibited.

(5) The commercial standards for parking must be met.

K. Any commercial use with a drive-in window.

(1) Minimum lot site shall be 10,000 square feet. All land, including stacking area and parking, must be zoned commercial local, general, riverfront commons or manufacturing open.

(2) There shall be no on-site stacking lane within 50 feet of a residential property.

(3) The applicant shall provide information on the following:

- (a) Nature of the product or service being offered.
- (b) Method by which an order is processed.
- (c) Time required to serve a typical customer.
- (d) Anticipated arrival rate of customers.
- (e) Peak demand hour.
- (f) Approval of the anticipated vehicular stacking plan to ensure no stacked cars will be in the right-of-way and will not increase traffic in adjacent residential neighborhoods required by the City's Traffic Engineer.

(4) There shall be no microphone and amplification system within 150 feet of a residential structure.
Amplification systems shall not be directed at abutting properties.

(5) Queuing areas shall be screened from adjoining residential zones by a four-foot-high compact evergreen screen or tight board fence.

(6) 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

(7) A signage plan that clearly identifies the business, its driveway and building entrances, and drive-through progression shall be submitted with the special use permit application.

(8) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or physical alterations to the subject property.

L. Billboard, bulletin type.

- (1) Location shall be in an Industrial Open MO or Industrial Built-Up MB District within 600 feet of freeway line of an interstate highway.
- (2) No billboard-bulletin sign shall be erected after the date of this amendment, except to the extent that such sign replaces an existing nonconforming sign.
- (3) Maximum sign area is 675 square feet and maximum height is 25 feet. Cutouts and extensions are permitted in accordance with Department of Transportation Rules and Regulations for Outdoor Advertising.
- (4) Any new billboard sign constructed shall be in conformance with the State of Rhode Island Department of Transportation Rules and Regulations for Outdoor Advertising.
- (5) All billboard signs erected must conform to applicable Rhode Island State Building Code regulations and City of Pawtucket ordinances.

M. Billboard, thirty-sheet poster type.

- (1) The location is to be in Industrial Open MO or Industrial Built-Up MB Zoning District within 600 feet of an interstate highway or along a highway classified as primary system.
- (2) No billboard, thirty-sheet poster type, shall be constructed or erected after the date of the amendment, except to the extent that such sign replaces an existing nonconforming sign.

- (3) The maximum area shall be 300 square feet, and the maximum height shall be 50 feet.
- (4) The location is to be at least 500 feet from any other billboard, thirty-sheet poster type.
- (5) All signs erected must conform to applicable Rhode Island State Building Code and Department of Transportation regulations.

N. Billboard, eight-sheet poster type.

- (1) The location is to be in Industrial Open MO or Industrial Built-Up MB District.
- (2) No sign shall be constructed or erected after the date of this amendment, except to the extent that such sign replaces an existing nonconforming sign.
- (3) The maximum sign area is to be 100 square feet, and the maximum height is to be 16 feet.
- (4) The distance from a public right-of-way shall be 10 feet.
- (5) All signs erected must conform to applicable RI State Building Code regulations and local ordinances.
- (6) The minimum distance of a sign from any residential district is to be 100 feet.

O. Marina.

- (1) Marinas are limited to land parcels with access to Seekonk and Pawtucket Rivers.
- (2) There shall be a minimum of 10 boat-docking spaces during summer boating season.
- (3) An accessory use permitted is the sale of boating supplies, excluding fuels.
- (4) There shall be one parking space per boat leasing space at the marina.
- (5) Marinas shall be in compliance with Coastal Resources Management Council regulations.
- (6) Off-season boat storage shall be allowed, subject to an egress plan approved by the fire department.
- (7) No boat is kept in the same location for more than five hundred (500) days.
- (8) Composting, recycling, and waste bins are readily available for patrons.

P. Medical office building.

- (1) New structure or conversion of nonresidential structure for medical office building; no conversion of existing residential dwellings.
- (2) The minimum lot size shall be 10,000 square feet.
- (3) Buildings shall meet parking lot standard of one space per 300 square feet of leasable floor space.
- (4) There shall be no front yard parking in developed residential areas.
- (5) Landscaping is to be provided in all parking lots; three-foot exterior border in parking lots and trees every 40 feet.
- (6) Best management practices shall be employed for parking lot stormwater drainage.

- (7) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
- (a) Safe pedestrian and vehicular circulation.
 - (b) A designated drop-off area near an entrance to the building sufficient to hold at least four vehicles that does not block vehicle parking spaces.
 - (c) Vehicular and pedestrian signage directing patients and visitors to the different driveways and building entrances.
- (8) Sufficient hospital design shall be demonstrated through the submission of architectural plans stamped by a Rhode Island licensed architect with the special use permit application that includes wayfinding directing patients and visitors to the different care destinations.
- (9) A signage plan that clearly identifies the hospital and all wayfinding shall be submitted with the special use permit application.
- (10) 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.
- (11) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
- (12) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or physical alterations to the subject property.

Q. Manual assembly of jewelry products.

- (1) To exclude jewelry manufacturing and metal processing machinery.
- (2) To consist primarily of carding and packaging of manufactured jewelry products.

R. Independent-living facility and nursing care and assisted living.

- (1) Minimum lot size: 5,000 square feet.
- (2) The required minimum lot area is 1,000 square feet per resident.
- (3) Lot coverage does not exceed thirty (30) percent.
- (4) Every room used for sleeping purposes contains at least 100 square feet of floor space, and every room occupied for sleeping purposes by more than one person contains at least an additional 60 square feet of floor space for each additional occupant thereof.
- (5) Landscaping and architectural treatment is in harmony with the surrounding residential development. The building and grounds shall be maintained so as to enhance the appearance of the premises.
- (6) Provisions for outdoor passive recreation are provided in the form of paved walks and patios and include benches and similar facilities. Area devoted to passive recreation is equal at least ten percent of the lot or premises.

- (7) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
- (a) Safe pedestrian and vehicular circulation.
 - (b) A designated drop-off area near an entrance to the building sufficient to hold at least four vehicles that does not block vehicle parking spaces.
 - (c) Vehicular and pedestrian signage directing patients and visitors to the different driveways and building entrances.
 - (d) Delivery and waste removal locations and schedules that do not disturb the peace.
- (8) Sufficient healthcare design shall be demonstrated through the submission of architectural plans stamped by a Rhode Island licensed architect with the special use permit application that includes wayfinding directing patients and visitors to the different care destinations.
- (9) A signage plan that clearly identifies the hospital and all wayfinding shall be submitted with the special use permit application.
- (10) 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.
- (11) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
- (12) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or physical alterations to the subject property.

S. Multitenant industrial structures.

- (1) Minimum lot size: 20,000 square feet.
- (2) Minimum side, front, rear yard width: 20 feet.
- (3) Any freestanding sign shall not exceed the dimension regulations of this chapter.
- (4) Location of a trash container is to be approved through development plan review by the Director.
- (5) Occupancy shall be limited to tenants in the use category of 8, personal services; 9, business services; 12, miscellaneous repair services; 15, wholesale commercial; 18, storage uses; and 19, industrial uses. All other use categories are prohibited.
- (6) The commercial standards for parking must be met.

T. Multifamily (five plus units) in an Industrial - Open Zone.

- (1) The dimensional regulations for an RM Zone must be followed.
- (2) The residential standards for parking must be met.
- (3) The residential standard for parking lot landscaping must be met.
- (4) The buffering requirements for when commercial or industrial zones abut residential zones must be met.

U. Pet care services and pet overnight boarding.

- (1) Minimum lot size: 20,000 square feet.
- (2) Minimum side, front, rear yard width: 20 feet.
- (3) Lot cannot be within 200 feet of a residential district or a commercial or office building.
- (4) Landscaping (a hedge of compact evergreens) or a tight board fence must be installed along all interior lot lines.
- (5) Exterior exercise areas shall be located in the interior side or rear yard and shall be enclosed by a six foot (6') fence.
- (6) All overnight boarding operations shall be located indoors.
- (7) All pet care services and pet overnight boarding facilities shall have a valid kennel license from the City of Pawtucket.
- (8) Applicant must provide the following information:
 - (a) Hours of operation;
 - (b) Number of staff;
 - (c) Maximum number of pets on premises and the indoor and outdoor square footage per pet.

V. Massage therapy.

- (1) The person engaged in the practice of massage has completed a program in or is certified by a school or institution of learning that is approved by the Commission on Massage Therapy Accreditation (COMTA) or equivalent academic and training program meeting the requirements of the Rhode Island Department of Health as stated in their Rules and Regulations for licensing massage therapists ~~as approved by the Director~~, other than a corresponding course which a school or institution has for its purpose the teaching of the theory, practice, method, profession or work of massage, including at least anatomy, physiology, hygiene and professional ethics, pursuant to the statutory provisions. Proof of a current license issued by the Department of Health shall be posted on the premises in a location visible to customers.
- (2) Where this use adjoins a lot in residential use, it shall be screened by a solid wall, a uniformly painted tight board fence or a hedge of compact evergreens or other suitable plantings. Such screen shall be at least four feet in height and shall be erected and maintained between such lot and any property in residential use.
- (3) Development or redevelopment shall comply with all parking and landscaping requirements. A site plan which demonstrates that the parking requirements have been met shall be approved by the Director.
- (4) Within Riverfront Zones, structures shall be subject to ~~design review by the Riverfront Commission~~ development plan review. Structures that are within either the Commercial Downtown Zone or the Downtown Pawtucket National Register Historic District shall be subject to design review by the Historic District Commission.
- (5) Within Riverfront Zones, development or redevelopment shall comply with § 410-14.6.

W. Electronic messaging centers.

- (1) Only one electronic messaging center (EMC) per site is permitted.
- (2) Each message is displayed for a minimum period of 60 seconds.

- (3) Signs cannot contain or display animated, moving video, scrolling advertising or pictures.
- (4) A uniform background must be provided, and a maximum of two colors may be displayed at the same time for maximum legibility.
- (5) The intensity of the LED display shall not exceed the levels specified in the chart below:

Maximum Intensity of LED Display

Daytime maximum	5,000 nits*
Nighttime** maximum	1,000 nits

NOTES:

*Nits are a luminance measuring unit equal to one candela per square meter measured perpendicular to the rays from the source.

**"Nighttime" is defined as sunset to sunrise based upon the determination of the National Weather Service.

- (6) EMCs are not permitted within local Historic Districts, National Register Historic Districts, or Mill Building Reuse Overlay Districts.
- (7) EMCs cannot be located within 200 feet of a Residential Zone, a Riverfront Zone, a local Historic District or a National Register District. The applicant must provide a site plan which identifies all buildingsparcels within 200 feet. The submission of an Assessor's Map is not sufficient. All buildingsparcels within 200 feet of the proposed sign must be identified.
- (8) EMCs may only operate between the hours of 7:00 a.m. and 11:00 p.m.
- (9) Each square foot of the electronic messaging center counts for two square feet toward the calculation of total area of all signs.

X. ~~Medical~~-marijuana cultivation and distribution.

- (1) All ~~medical~~-marijuana building facilities in all zoning districts in the City of Pawtucket shall be subject to the following requirements:
 - (a) All registered cardholders, whether acting individually or in a cooperative cultivation, shall comply with all Rhode Island Department of Business Regulation (DBR) and Rhode Island Department of Health (DOH) regulations regarding the cultivation, distribution, and storage of ~~medical~~ marijuana and ~~medical~~ marijuana products at all times.
 - (b) All registered cardholders, whether acting individually or in a cooperative cultivation, are encouraged to comply with all building and fire codes for the City of Pawtucket. If the scale of cultivation operation necessitates the issuance of building, electrical, mechanical, or plumbing permits and inspections, said applications shall remain sealed and confidential by the Pawtucket Building Official at all times in accordance with state and federal medical confidentiality requirements.
 - (c) No marijuana establishment shall be combined with residential use of property.
 - (d) The building housing the cultivation shall be enclosed on the outside by a chain-link security fence with a height of no less than six (6) feet.
 - (e) The facility must have a security system to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana, which shall include both adequate lighting, subject to the approval of the city's Building Official or Zoning Official in consultation with the city's Public Safety Director, including motion control lighting, and an alarm system that is linked to ~~Woonsocket's~~ Pawtucket's public safety departments (Police and Fire).

(f) The use of butane, propane, or other compressed gases and solvents used for the purposes of marijuana extraction shall be strictly prohibited in all districts.

(ge) In addition to the requirements above, the following shall be required for the cultivation of ~~medical~~ marijuana:

[1] That the area used for marijuana growing be secured by locked doors.

[2] That the area used for marijuana growing have unobstructed means of ingress and egress at all times.

[3] That the area used for marijuana growing shall not be within 10 feet of a fuel or heating source, including but not limited to propane, natural gas, or an oil tank.

(hd) In accordance with R.I.G.L. § 21-28/6-4(a), all ~~medical~~-marijuana must be cultivated and stored in an indoor facility.

(ie) Odor mitigation measures shall be incorporated to eliminate any and all detection of marijuana cultivation, storage, sale, or distribution from abutting properties, tenants, and public ways.

(2) Compassion centers may be permitted by special use permit in Industrial Open (MO) and Industrial Built-Up (MB) Zones and are subject to all applicable provisions of the Zoning Ordinance and building construction codes. All of the following additional requirements must also be satisfied prior to the grant of a special use permit:

(a) The application for a special use permit shall provide the legal name and address of the compassion center, a copy of the articles of incorporation, and the name, address, and date of birth of each principal officer and board member of the compassion center. The application shall also include a site plan, which shall show the distances between the proposed use and the boundary of the nearest residential zoning district and the property line of all other abutting uses as described within this section.

(b) TSubmission of an operation plan demonstrating the operation of the requested use at the proposed location will not adversely affectprevent the public from the beneficial use of any property used for a school, public or private, park, playground, recreational field, youth center, or licensed day-care center.

(c) The requested use at the proposed location shall not be located within a designated Mill Building Reuse District.

(d) Public access toThe requested use at the proposed location does not impede adjacent residential useswill be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.

(e) The exterior appearance of the structure must be ~~compatible~~harmonious with that of existing structures within the immediate neighborhood of the zone and may incorporate modest signage, so as to prevent substantial diminishment or impairment of property values within the neighborhood.

(f) The requested use at the proposed location must not be located within:

[1] Two hundred feet of the nearest residential zoning district; or

[2] One thousand feet of the nearest school, public or private, park, playground, recreation field, youth center, or licensed day-care center; or

[3] Two thousand feet of any existing compassion center.

(g) The distances specified in the immediately preceding Subsection X(2)(f) shall be measured by a straight line from the nearest property line of the premises on which the proposed compassion center use is to be located to the nearest boundary line of the residential district or to the nearest property line of any of the other designated uses set forth therein.

- (h) Hours of operation for a compassion center shall be limited to 8:00 a.m. to 8:00 p.m.
 - (i) Lighting shall be required such that will illuminate the compassion center, its immediate surrounding area, any accessory uses, including storage areas, all parking areas, the front facade of the center, and any adjoining public sidewalks.
 - (j) The proposed compassion center shall implement the appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.
 - (k) ~~Compassion centers are subject to development plan review shall be conducted by the Planning Commission prior to application review by the Zoning Board of Review.~~
 - (l) All provided off-street parking and loading facilities shall comply with regulations included in Article IX of the Zoning Ordinance.
 - (m) All compassion centers shall fully comply with all other licensing requirements of the City of Pawtucket and the laws of the State of Rhode Island.
 - (n) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - [1] Safe vehicular and pedestrian circulation
 - (o) A traffic impact study stamped by a Rhode Island licensed civil engineer that shows no decrease in service at any period in time
 - (p) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application.
 - (q) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or physical alterations to the subject property.
- (3) Licensed cultivator facilities may be permitted by special use permit in Industrial Open (MO) and Industrial Built-Up (MB) Zones and are subject to all applicable provisions of the Zoning Ordinance and building construction codes. All of the following additional requirements must also be satisfied prior to the grant of a special use permit:
- (a) Minimum lot size: 8,000 square feet.
 - (b) The requested use at the proposed location must not be located within:
 - [1] Two hundred feet of the nearest residential zoning district; or
 - [2] One thousand feet of the nearest school, public or private, park, playground, recreation field, youth center, or licensed day-care center; or
 - [3] Two thousand feet of any existing licensed compassion center.

- (c) The distances specified in the immediately preceding Subsection X(3)(b) shall be measured by a straight line from the nearest property line of the premises on which the proposed licensed cultivator use is to be located to the nearest boundary line of the residential district or to the nearest property line of any of the other designated uses set forth therein.
 - (d) The requested use at the proposed location shall not be located within a designated Mill Building Reuse District.
 - (e) Interior cultivation and storage activities shall not be visible from surrounding public ways or areas.
 - (f) A written acknowledgement of the limitations of the right to use and possess marijuana ~~for medical purposes~~ in Rhode Island that is signed by the cultivator license holder must be displayed prominently in the premises when cultivation is occurring.
 - (g) A licensed cultivator facility shall comply with all applicable Department of Business Regulation requirements regarding the possession of usable marijuana, mature marijuana plants, and seedlings allowable at a given time.
 - (h) A licensed cultivator facility must have displayed prominently on the premises documentation from the municipality that the location and cultivation has been inspected by the municipal building official, the municipal fire department, and state licensing officials and is in compliance with any applicable state and municipal housing and zoning codes.
 - (i) A licensed cultivator facility must report the location of the facility to the division of state police and fully comply with the laws of the State of Rhode Island.
 - (j) The licensed cultivator facility shall implement the appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.
 - (k) All provided off-street parking and loading facilities shall comply with regulations included in Article IX of the Zoning Ordinance.
- (4) Marijuana testing facilities may be permitted by special use permit in Industrial Open (MO), Industrial Built-Up (MB), and Commercial General (CG) Zones and are subject to all applicable provisions of the Zoning Ordinance and building and construction codes. All of the following additional requirements must also be satisfied prior to the grant of a special use permit:
- (a) The lot cannot be within 500 feet of the nearest public or private school, public park, playground, recreation field, youth center, or licensed day-care center.
 - (b) The distances specified in the immediately preceding Subsection X(4)(a) shall be measured by a straight line from the nearest property line of the premises on which the proposed marijuana testing facility use is to be located to the nearest boundary line of the residential district or to the nearest property line of any of the other designated uses set forth therein.
 - (c) Interior testing and storage activities shall not be visible from surrounding public ways or areas.
 - (d) A written acknowledgement of the limitations of the right to use and possess marijuana ~~for medical purposes~~ in Rhode Island that is signed by the marijuana testing facility license holder must be displayed prominently in the premises where testing is occurring.
 - (e) A testing facility shall comply with all applicable Department of Business Regulation and Department of Health requirements regarding the possession, transportation, and removal of all usable marijuana.

- (f) A testing facility must have displayed prominently on the premises documentation from the municipality that the location and testing has been inspected by the municipal building official, the municipal fire department, and state licensing officials and is in compliance with any applicable state and municipal housing and zoning codes.
- (g) A testing facility must report the location of the facility to the division of state police and fully comply with the laws of the State of Rhode Island.

Y. Rental Storage Space / Self-Storage Facilities where permitted by special use permit shall comply with the following requirements:

- (1) The proposed Rental Storage Space / Self -Storage Facilities shall not be located within 1, 000 feet of an existing Rental Storage Space / Self -Storage Facility. The 1, 000 -foot distance shall be measured from the property lot line of the existing facility to the closest property lot line of the proposed self -storage facility.
- (2) The only commercial activities permitted at a self-service storage facility shall be rental of storage units, pickup and deposit of goods and/ or property in dead storage. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.
- (3) Storage units shall not be used to: manufacture, fabricate or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity.
- (4) The rental of trucks and trailers used for moving and the installation of hitch and towing packages may be allowed in association with a self-service storage facility.
- (5) The maximum size of a storage unit shall be 500 square feet.
- (6) All property stored on the site shall be entirely within enclosed buildings.

Z.Place of worship.

- (1) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (a) Safe pedestrian and vehicular circulation.
 - (b) Outdoor gathering space immediately outside the main entrance sufficient to hold congregant to fire code standards shall be shown on the plans.
 - (c) A designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as five percent (5%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number.
- (2) Religious motifs for the respective religion(s) shall be demonstrated through the submission of architectural plans stamped by a Rhode Island licensed architect with the special use permit application.
- (3) A signage plan that clearly identifies the place of worship and denomination of the congregants shall be submitted with the special use permit application.
- (5) 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.
- (6) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(7) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AA.Museum.

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

(a) Safe pedestrian and vehicular circulation.

(b) A designated drop-off area near an entrance to the building sufficient to hold at least four vehicles that does not block vehicle parking spaces .

(2) Curatorial design shall be demonstrated through the submission of architectural plans stamped by a Rhode Island licensed architect with the special use permit application.

(3) A signage plan that clearly identifies the museum shall be submitted with the special use permit application.

(4) 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.

(5) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(6) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AB.Hospital.

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

(a) Safe pedestrian and vehicular circulation.

(b) A designated drop-off area near an entrance to the building sufficient to hold at least four vehicles that does not block vehicle parking spaces.

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

(2) Sufficient hospital design shall be demonstrated through the submission of architectural plans stamped by a Rhode Island licensed architect with the special use permit application that includes wayfinding directing patients and visitors to the different care destinations.

(3) A signage plan that clearly identifies the hospital and all wayfinding shall be submitted with the special use permit application.

(4) 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.

(5) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(6) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AC.Day-care center.

(1) The applicant shall provide proof of state licensing.

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

(a) Safe pedestrian and vehicular circulation.

(b) Outdoor recreation space under the custody and control of the day-care center sufficient to hold the entire facility's capacity

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

(2) A signage plan that clearly identifies the day-care center shall be submitted with the special use permit application.

(3) 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) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(5) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AD.School.

(1) The applicant shall provide proof of licensing as required.

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

(a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

(b) There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as five percent (5%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number

(4) A signage plan that clearly identifies the school shall be submitted with the special use permit application

(5) 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.

(6) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(7) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AE.Community center and nonprofit recreational facility.

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

(a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

(b) There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as one percent (1%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number

(2) A signage plan that clearly identifies the use shall be submitted with the special use permit application

(3) 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) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(5) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AF.Civic, social, fraternal organization.

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

(a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

(b) There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as one percent (1%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number

(c) The majority of parking is in the rear yard behind the building.

(2) 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.

(3) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(4) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AG.Restaurant, Tavern, Nightclub, and Bowling Alley, Billiards, and Pool.

(1) The use may not be combined with the residential use of the property.

- (2) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
- (a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.
 - (b) There shall be a designated drop-off area near an entrance to the building calculated as one percent (1%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number
 - (c) The majority of parking is in the rear yard behind the building.
- (3) 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) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
- (5) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AH.Car washing facility.

- (1) An operations plan is submitted with the special use permit demonstrating that seventy-five percent (75%) of water will be reused. The car washing facility shall adhere to the operations plan for the duration of its special use permit.
- (2) Whether 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 on site with no runoff onto the public right-of-way.
- (3) All outdoor activities shall be screened from adjoining residential zones by a four-foot-high compact evergreen screen or tight board fence.
- (4) When vacuums are included on the site, they shall include mufflers to reduce the sound of the equipment to a maximum of eight-five (85) decibels.
- (5) Trash receptacles shall be placed near all vacuum stations as applicable and at the car wash entrance.

AI.Storage of equipment, products, supplies or material.

- (1) A site plan shall be submitted with dimension showing that all outdoor storage areas are completely enclosed by a six foot (6') solid fence or wall.
- (2) 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.
- (3) A drainage plan signed by a Rhode Island licensed civil engineer shall be submitted with the special use permit demonstrating that surface water will not congregate in storage areas and no runoff from storage areas will enter the right-of-way.
- (3) No vehicles shall back into or out of the property.
- (4) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AJ.Rental storage space.

- (1) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.
 - (b) There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as one percent (1%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number
 - (c) The majority of parking is in the rear yard behind the building.
- (2) 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.
- (3) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AK.Apparel and other textile products, lumber and wood products, furniture and fixtures, paper and allied products, printing and publishing and sign manufacturing, plastic materials and synthetics, pharmaceutical drugs, soaps and cleaners, miscellaneous chemical products, fabricated metal products, machinery manufacturing, miscellaneous manufacturing, and brewing and distilling of beer or spirits.

- (1) The operation of the facility shall generate no perceptible noise, vibration, emissions, odor or electrical interference from outside the property.
- (2) Smoke and other airborne emissions shall conform to the standards of the Air Pollution Control Regulations of the Rhode Island Department of Environmental Management, issued under the authority of Chapter 23-25 of the General Laws of Rhode Island, 1956, as amended.
- (3) If deemed necessary by the Department of Public Works, the permitting authority may require the pretreatment of liquid waste prior to discharge into the sewer system, or may require that such liquid waste be transported to a suitable treatment or disposal facility in a manner conforming to all applicable federal and state regulations.
- (4) No manufacturing or business enterprise shall cause radiation emission which exceeds the safe limits established in the regulations of the United States Nuclear Regulatory Commission, or any other agency of competent jurisdiction. This limit shall apply to emissions from radioactive materials and waste, electromagnetic radiation, x-ray radiation, microwave radiation and other forms of radiation presenting a potential hazard to employees and abutters of the manufacturing or business enterprise.

AL.Bed-and-breakfast.

- (1) The maximum number of parked vehicles must be consistent with available on-site parking.

AM.Theater and performing arts venue

- (1) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.
 - (b) Outdoor gathering space immediately outside the main entrance sufficient to hold the property's largest theater's fire code occupancy shall be shown on the plans.
 - (c) There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as five percent (5%) of facility's property's largest theater's fire code occupancy , rounded up to the nearest whole number

- (2) A signage plan that clearly identifies the use and wayfinding to the theater(s) shall be submitted with the special use permit application
- (3) 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) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
- (5) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

SECTION 24.

CHAPTER 410, ARTICLE VIII: NONCONFORMANCE.

AMENDMENT TO § 410-71: LAND NONCONFORMING BY AREA.

- A. Enlargement of undersized lots. Lawfully established lots which have less than the minimum area requirements may be maintained and may be changed by adding additional land to such lots without prejudice to the rights of the owner of such lots pursuant to the provisions of this article.
- B. Merger of substandard lots.
 - (1) If two or more adjacent lots of record or combinations of lots of record are in single or undivided ownership at the time of the adoption of this chapter or future amendment, and if all or part of such lots of record do not conform in the regulations for street frontage or area in effect for the zone involved, such lots of record shall be considered as a single lot for the purposes of this chapter. No such lot shall be divided for use, sale or other transfer of ownership without City Planning Commission or Joint Planning Commission as appropriate approval. The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200') of the subject lot, as confirmed by the Director.
 - (2) If two or more adjacent lots of record or combinations of lots of record are in single or undivided ownership at the time of the adoption of this chapter or future amendment, and if all or part of such lots of record are improved and do not conform in the regulations for street frontage or area in effect for the existing use within the zone involved, such lots of record shall be considered as a single lot for the purposes of this chapter. No such lot shall be divided for use, sale or other transfer of ownership without City Planning Commission or Joint Planning Commission as appropriate approval. The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200') of the subject lot, as confirmed by the Director.
 - (3) However, any merged lot in the RS, RT and RM District may be subdivided, with City Planning Commission approval, into as many five-thousand-square-foot lots as possible, and if any merged lot in the RL District may be subdivided, with City Planning Commission approval, into as many nine-thousand-square-foot lots as possible. Although the City Planning Commission shall have the power to approve an equal number of lots as would be created by such mechanism above, any and all lot area which remains after the subdivision of the merged lot shall not be construed as an existing nonconforming lot of record but, rather, such remaining lot area shall, without exception, be distributed evenly over such newly created legal and conforming lots.

(4) A substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. The setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. All proposals exceeding such reduced requirement shall proceed with a modification request in accordance with § 410-97.1 or a variance request in accordance with article XIII of this chapter.

C. Notwithstanding the failure of a single substandard lot of record or contiguous lots of record to meet the dimensional and /or quantitative requirements of this chapter, and/or frontage or other access requirements applicable to the district as stated in the ordinance, a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. The setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. All proposals exceeding such reduced requirement shall proceed with a modification request under § 41-97.1 or a dimensional variance request under Article XII of this chapter, whichever is applicable.

SECTION 25.

CHAPTER 410, ARTICLE XI: ADMINISTRATION AND ENFORCEMENT.

AMENDMENT TO § 410-93: ENFORCEMENT DUTIES OF DIRECTOR.

It shall be the duty of the Director to interpret and enforce the provisions of this chapter in the manner and form and with the powers provided in the laws of the state and in the Charter and ordinances of the City. The Director shall refer all applications for variances, special use permits and other appeals to the appropriate permitting authority~~Zoning Board of Review~~. The Director shall make a determination in writing, within 15 days, to any written complaint received, regarding a violation of this chapter. In order to provide guidance or clarification, the Director shall, upon written request, issue a zoning certificate or provide information to the requesting party within 15 days of the written request. Any determination of the Director, except modifications requested in accordance with § 410-97.1, may be appealed to the Zoning Board of Review in accordance with Article XII of this chapter.

SECTION 26.

CHAPTER 410, ARTICLE XI: ADMINISTRATION AND ENFORCEMENT.

AMENDMENT TO § 410-97.1: ~~MODIFICATIONS TO SELECTED DIMENSIONAL STANDARDS.~~

- A. The Director may issue dimensional modifications not to exceed 25% of the specified requirement ~~for the following requests: side yard widths where an open deck is proposed in any district and fence heights in residential districts.~~
- B. Within 10 days of receipt of a request for a modification, the Director shall make a decision as to the suitability of the requested modification based on the following determinations:
 - (1) The modification requested is reasonably necessary for the full enjoyment of the permitted use;
 - (2) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
 - ~~(3) The modification requested is in harmony with the purposes and intent of the Comprehensive Plan and Zoning Ordinance of the City of Pawtucket; and~~
 - (43) 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.

C. Upon an affirmative determination, in the case of a modification of five percent (5%) or less, the zoning enforcement offer shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than five percent (5%), the Director shall notify by certified first class mail all property owners abutting the property which is the subject of the modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the city newspaper that the modification will be granted unless written objection is received within 30fourteen (14) days of the public notice. If written objection is received within fourteen (14)30 days, the request for a modification shall be deniedscheduled for the next available hearing before the Zoning Board of Review, including notice requirements provided for under this chapter. In that case, the change requested will be considered a request for a variance and may only be issued by the Board following standard procedures for variances. If no written objections are received within fourteen (14)30 days, the Director shall grant the modification. The Director may apply such conditions to the permit as may, in the opinion of the Director, be required to conform to the intent and purposes of the Zoning Ordinance. The Director shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received. The costs of any notice required under this section shall be borne by the applicant requesting the modification.

SECTION 27.

CHAPTER 410, ARTICLE III: ZONING BOARD OF REVIEW.

AMENDMENT TO § 410-106: POWERS AND DUTIES.

The Board shall have the following powers and duties:

- A. To hear and decide appeals ~~in a timely fashion~~within sixty-five (65) days of the date of the filing of the appeal where it is alleged there is error in any order, requirement, decision or determination made by an administrative officer or agency in the enforcement of interpretation of this chapter.
- B. To hear and decide appeals from a party aggrieved by a decision of the Historic District Commission (HDC), pursuant to Article V.
- C. To authorize upon application, in specific cases of hardship, variances in the application of the terms of this chapter.
- D. To authorize upon application, where specified in this chapter, where the Board is designated as a permitting authority, special use permits.
- E. To refer matters to the City Planning Commission, Planning Department or to other boards or agencies of the City as the Board may deem appropriate for findings and recommendations.
- F. To provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals which are necessary are pending. A conditional zoning approval shall be revoked, upon motion of the Board, after a public hearing with due notice, in the instance where any necessary state or federal agency approvals are not received within a specified time period.
- G. To hear and decide such other matters according to the terms of this chapter or other statutes and upon which the Board may be authorized to pass under this chapter or other statutes.
- H. All members, including alternate members, of the Zoning Board of Review shall be required to participate in continuing education courses promulgated pursuant to R.I.G. L. Title 45, Chapter 70 , as amended, entitled "Continuing education for local planning and zoning boards and historic district commissions."

SECTION 28.

CHAPTER 410, ARTICLE XII: ZONING BOARD OF REVIEW.

AMENDMENT TO § 410-107: VOTING.

The Board shall be required to vote as follows:

- A. ~~Five~~Four (4) active members, ~~which may include alternates, are shall be~~ necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall excuse himself/herself, ~~and~~ shall not sit as an active member and shall take no part in the conduct of the hearing. ~~Only~~A maximum of five (5) active members, ~~which may include alternates, are shall be~~ entitled to vote on any issue.
- B. The concurring vote of ~~a majority of three of the five~~ members of the Board sitting at a hearing ~~shall be~~ is necessary to reverse any order, requirement, decision or determination of the HDC or any zoning administrative officer from whom an appeal was taken.
- C. The concurring vote of ~~a majority four of the five~~ members of the Board sitting at a hearing shall be required to decide in favor of an applicant on any matter within the discretion of the Board upon which it is required to pass under this chapter, including variances and special use permits.

SECTION 29.

CHAPTER 410, ARTICLE XIII: ZONING BOARD OF REVIEW.

AMENDMENT TO § 410-110: DECISIONS AND RECORDS OF THE ZONING BOARD OF REVIEW.

- A. Following a public hearing, the Board shall render a decision within 30 days. The Board shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon and the absence of a member or his or her failure to vote. Decisions shall be recorded and filed in the office of the City Clerk within 30 working days from the date when the decision was rendered and shall be a public record.
- B. The Board shall keep written minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings of fact and other official actions, all of which shall be recorded and filed in the office of the Director in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the Superior or Supreme Court, the Board shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.
- C. Any decision by the Board, including any special conditions attached thereto, shall be mailed to the applicant, ~~and to the City Planning Commission and to the Associate Director of the Division of Planning of the Rhode Island Department of Administration.~~ Any decision evidencing the granting of a variance or special use permit shall also be recorded in the land evidence records of the City.

SECTION 30.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

AMENDMENT TO § 410-111: APPLICATION.

An application for relief from the literal requirements of this chapter because of hardship or an application for a special use permit may be made by any person, group, agency or corporation, provided that the owner or owners of the subject property must join in any application by filing with the Director an application describing the request and supported by such data and evidence as may be required by the ~~Board~~permitting authority or by the terms of this chapter. Requests for dimensional and use variances and special use permits submitted under a unified development review provision of this zoning ordinance shall be submitted as part of the first stage of development plan review, subdivision or land development application to the Administrative Officer, pursuant to RIGL §45-24-46.4(a) and § 410-114.1. All development plan review, land development project, or and/or subdivision applications submitted under the unified development review provisions of this zoning ordinance shall have a public hearing, which shall meet the requirements of §§ 410-112 and/or 410-112.1, as appropriate. An application from a corporation must be signed by its attorney or a duly authorized officer of the corporation. The Director shall immediately transmit such application received to the ~~Board~~permitting authority and shall transmit a copy of each application to the City Planning Commission if not already transmitted to it.

SECTION 31.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

AMENDMENT TO § 410-112: VARIANCE HEARING AND NOTICE.

The Zoning Board of Review shall, immediately upon receipt of an application, request that the City Planning Commission shall report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan of the City, in writing to the Board within 30 days. The Board shall hold a public hearing on any application for variance or special use permit in an expeditious manner, after receipt, in proper form, of an application and shall give public notice thereof at least 14 days prior to the date of the hearing. The same notice shall be posted in the city clerk's office and one other municipal building in Pawtucket and the City must make the notice accessible on the home page of the City of Pawtucket website at least fourteen (14) days prior to the hearing. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. The cost of newspaper and mailing notification shall be borne by the applicant, which notice shall include the precise location of the subject property, including the street address and a description of the relief sought, as follows:

- A. In a newspaper of ~~general~~local circulation in the City.
- B. By first class mail to:
 - (1)All owners of the subject property in question.
 - (2)All property owners of record of land using the last known address as shown on the current real estate tax assessment records of the City within 200 feet of the property, which is the subject of the application, whether within the City or within an adjacent city or town.
 - (3)The city or town council of any city or town to which one or more of the following pertain:
 - (a)Which is located in or within not less than 200 feet of the boundary of the subject property; or
 - (b)Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of the subject property, regardless of municipal boundaries; and
 - (4)~~(e)~~The governing body of any state or municipal water department or agency, special water district or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within 2,000 feet of the subject property; provided, ~~however,~~ that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the Director a map survey, which shall be kept as public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.

SECTION 32.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

AMENDMENT TO § 410-112.1: SPECIAL USE PERMIT HEARING AND NOTICE.

The Zoning Board of Review shall, immediately upon receipt of an application, request that the City Planning Commission shall report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan of the City, in writing to the Board within 30 days. The Board shall hold a public hearing on any application for variance or special use permit in an expeditious manner, after receipt, in proper form, of an application and shall give public notice thereof at least 14 days prior to the date of the hearing. The cost of notification shall be borne by the applicant, which notice shall include the precise location of the subject property, including the street address and a description of the relief sought, as follows:

- A. In a newspaper of general circulation in the City.
- B. By first class mail to:
 - (1)All owners of the subject property in question.
 - (2)All property owners of record of land using the last known address as shown on the current real estate tax assessment records of the City within 200 feet of the property, which is the subject of the application, whether within the City or within an adjacent city or town. The sender of the notice shall utilize and obtain a United States Postal Service certificate of mailing, PS form 3817, or any applicable version thereof, to demonstrate proof of such mailing.
 - (3)The city or town council of any city or town to which one or more of the following pertain:
 - (a)Which is located in or within not less than 200 feet of the boundary of the subject property; or

(b)Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of the subject property, regardless of municipal boundaries; and

(4)(e)The governing body of any state or municipal water department or agency, special water district or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within 2,000 feet of the subject property; provided that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the Director a map survey, which shall be kept as public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.

SECTION 33.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

AMENDMENT TO § 410-113: STANDARDS FOR RELIEF.

A. Variance.

- (1) In granting a variance, the Board, or the City Planning Commission or Joint Planning Commission under unified development review as appropriate, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
 - (a) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 410-1(O).
 - (b) That said hardship is not the result of any prior action of the applicant ~~and does not result primarily from the desire of the applicant to realize greater financial gain.~~
 - (c) That the granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan of the City.
 - ~~(d) That the relief to be granted is the least relief necessary.~~
- (2) The Board, or the City Planning Commission or Joint Planning Commission under unified development review as appropriate, shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
 - (a) In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered grounds for granting a use variance; and
 - (b) In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.
 - (c) The Board, or the City Planning Commission or Joint Planning Commission under unified development review as appropriate, shall have the power to grant dimensional variances where the use is permitted by special use permit.

B. Special use permit.

- (1) In granting a special use permit, the Board, or the City Planning Commission or Joint Planning Commission under unified development review as appropriate, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
 - (a) That the special use is specifically authorized by this chapter and setting forth the exact subsection of this chapter containing the jurisdictional authorization.
 - (b) That the special use meets all of the criteria set forth in the subsection of this chapter authorizing such special use and any other applicable provisions of this chapter.

(c) That the special use is compatible with neighboring land uses~~That the granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan of the City.~~

(d) That the special use will not create a nuisance or hinder the future development of the city.

(2)An applicant may apply for, and be issued, a dimensional variance in conjunction with a special use. If the special use could not exist without the dimensional variance, the Board~~permitting authority~~ shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the above special use criteria and the dimensional variance evidentiary standards.

SECTION 34.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

AMENDMENT TO § 410-114: SPECIAL CONDITIONS.

In granting a variance or special use permit, or in making any determination upon which it is required to pass after public hearing under this chapter, the Board or other zoning enforcement agency may apply such special conditions that may, in the opinion of the Board or agency, be required to promote the intent and purposes of the Comprehensive Plan of the City and this chapter. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, be incorporated into the decision and may include, but are not limited to, provisions for:

- A. Minimizing adverse impact of the development upon other land, including the type, intensity, design 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. Assuring satisfactory installation and maintenance of required public improvements.
- E. Designating the exact location and nature of development.
- F. Establishing detailed records by submission of drawings, maps, plats or specifications.

SECTION 35.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

CREATION OF § 410-114.1: UNIFIED DEVELOPMENT REVIEW.

- A. Unified development review established. There shall be unified development review for the issuance of variances and special use permits for properties undergoing review by development plan review, land development or subdivision review.
- B. Public hearing. All land development and subdivision applications, and development plan review applications that include requests for variances and/or special-use permits submitted pursuant to this section, shall require a public hearing that meets the requirements of §§ 410-112 and/or 410-112.1, as appropriate.
- C. In granting requests for dimensional and use variances, the City Planning Commission or Joint Planning Commission as appropriate, shall be bound to the requirements of § 410-113(A) relative to entering evidence into the record in satisfaction of the applicable standards.
- D. In reviewing requests for special use permits the City Planning Commission or Joint Planning Commission as appropriate shall be bound to the conditions and procedures under which a special use permit may be issued and the criteria for the issuance of such permits, as found within §§ 410-59 and 410-113(B), and shall be required to provide for the recording of findings of fact and written decisions as described in the zoning ordinance pursuant to § 410-110.
- E. Appeals. An appeal from any decision made pursuant to this section may be taken pursuant to ~~§ 410-120~~ the Land Development and Subdivision Regulations.

SECTION 36.

CHAPTER 410, ARTICLE XIV: APPEALS.

AMENDMENT TO § 115: APPEALS FROM DECISION OF ENFORCING AGENCY OR OFFICER.

- A. An appeal to the Board from a decision of any other zoning enforcement agency or officer, the Administrative Officer~~City Planning Commission~~ or of the HDC pursuant to §§ 410-61 through 410-66 may be taken by an aggrieved party except as otherwise provided in this chapter. Such appeal shall be taken within 30 days of the date of the recording of the decision of the Director or agency, or within 30 days of the time when the aggrieved party knew or should have known of the action or decision of such Director or agency.
- B. The appeal shall be commenced by filing an application with the Board, with a copy to the Director or agency from whom the appeal is taken, specifying the ground thereof. The Director or agency from whom the appeal is taken shall forthwith transmit to the Board all papers, including any transcript or audio tapes, constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the City Planning Commission.

SECTION 37.

CHAPTER 410, ARTICLE XIV: APPEALS.

AMENDMENT TO § 120: APPEALS TO SUPERIOR COURT

An aggrieved party may appeal a decision of the permitting authority~~Board~~ to the Superior Court for Providence County by filing a complaint setting forth the reasons of appeal within 20 days after such decision has been filed and posted with the City Clerk. The decision shall be posted in a location visible to the public in the City Hall for a period of 20 days following the recording of the decision. The Board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the Clerk of the Court within 30 days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the Board shall be made parties to such proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the Court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

SECTION 38.

CHAPTER 410, ARTICLE XIV: ADOPTION AND AMENDMENT.

AMENDMENT TO § 410-121: PROCEDURE.

- A. Other than for proposals originated by the City Council, the Director shall be the officer to receive a proposal for adoption, amendment or repeal of a zoning ordinance or Zoning Map(s). Immediately upon receipt of such proposal, the Director shall refer such proposal to the City Council and the City Planning Commission for study and recommendation., unless the proposal originates from the City Planning Commission, in which case the proposal need not to be referred to it. If the proposal originates with the City Council, the City Council shall refer such proposal to the Director and the City Planning Commission.
- B. The City Planning Commission shall, in turn, notify and seek the advice of the Department of Planning and Redevelopment and report to the City Council within 45 days after receipt of the proposal, giving its findings and recommendations. The requirements for study may be waived if the proposal was proposed by the City Planning Commission and completed prior to submission to the Director.
- C. The City Council shall hold a public hearing within 65 days of receipt of proposal, giving proper notice as prescribed in § 410-123 of this chapter. The City Council shall render a decision on any such proposal within 45 days after the date of completion of the public hearing.
- D. The provisions of this section pertaining to deadlines shall not be construed to apply to any extension consented to by the applicant.

SECTION 39.

CHAPTER 410, ARTICLE XIV: ADOPTION AND AMENDMENT.

AMENDMENT TO § 410-123: NOTICE AND HEARING REQUIREMENTS.

A. No zoning ordinance shall be adopted, repealed or amended until after a public hearing has been held upon the question before the City Council. The City Council shall first give notice of such public hearing by publication of notice in a newspaper of ~~local~~general circulation within the City at least once each week for three consecutive weeks prior to the date of such hearing which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter to the proposed ordinance. Written notice, ~~which may be a copy of said newspaper notice,~~ shall be mailed ~~to the Associate Director of the Division of Planning of the Rhode Island Department of Administration,~~ and, where applicable, to the parties specified in Subsections B, C, D and E of this section, at least two weeks prior to the hearing. ~~Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and~~The same notice shall be posted in the city clerk’s office and one other municipal building in Pawtucket and the notice shall be accessible on the home page of the City of Pawtucket website at least fourteen (14) days prior to the hearing. The notice shall:

- (1) Specify the place of said hearing and the date and time of its commencement.
- (2) Indicate that adoption, amendment or repeal of a zoning ordinance is under consideration.
- (3) Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize or describe the matter under consideration.
- (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied.
- (5) State that the proposal shown thereon may be altered or amended prior to the close of the public hearing without further advertising as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.

B. Where a proposed general amendment to an existing zoning ordinance includes changes in an existing Zoning Map, public notice shall be given as required by Subsection A~~(4)~~ of this section.

C. Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the city or town. The notice shall be given by first-class mail at least two (2) weeks prior to the hearing at which the text amendment is to be considered, with the content required by subsection A. The notice shall include reference to the § 410-71 and the impacts of common ownership of nonconforming lots. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

~~E~~D. Where a proposed amendment to an existing ordinance includes a specific change in a Zoning District Map but does not affect districts generally, public notice shall be given as required in Subsection A~~(4)~~ of this section, with the additional requirements that:

- (1) Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries and existing streets and roads and their names and City boundaries where appropriate.

(2)Written notice of the date, time and place of the public hearing and the nature and purpose thereof shall be sent to all owners of real property whose property is located within two hundred feet (200')~~feet~~ of the perimeter of the area proposed for change, whether within the City or within an adjacent City or town in which the property is located. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. The notice shall be sent by first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town in which the property is located; provided, for any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

~~DE.~~ Notice of a public hearing shall be sent by first class mail to the City or town council of any City or town to which one or more of the following pertain:

- (1)Which is located within two hundred feet (200')~~feet~~ of the boundary of the area proposed for change.
- (2)Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within two thousand feet (2,000')~~feet~~ of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.

~~EF.~~ Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district or private water company that has riparian rights to a surface water resource and/or surface watershed that is used, or is suitable for use, as a public water source and that is within two thousand feet (2,000')~~feet~~ of any real property which is the subject of a proposed zoning change; provided, however, that the governing body of any state or municipal water company has filed with the Director in the City a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand feet (2,000')~~feet~~ thereof.

G. There is hereby established a public notice registry allowing any person or entity to register for electronic notice of any changes to the zoning ordinance. The Director shall maintain the public notice registry and shall provide public notice annually of the existence of the electronic registry by publication of notice in a newspaper of general circulation within the city.

(1) Notice pursuant to a public notice registry as per this subsection does not alone qualify a person or entity on the public notice registry as an “aggrieved party” under § 410-132.

~~FH.~~ No defect in the form of any notice under this section shall render any ordinance or amendment invalid, unless such defect is found to be intentional or misleading.

~~GI.~~Costs of any notice newspaper and mailing notices required under this section shall be borne by the applicant.

~~HJ.~~Limitations, conditions and restrictions.

(1)In granting a zoning ordinance amendment, the City Council may limit the change to one or more of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations, conditions and restrictions, including, without limitation:

- (a)Requiring the petitioner to obtain a permit or approval from any and all federal, state or local governmental agencies having jurisdiction over the land and use which are subject to the zoning change;
- (b)Those relating to the effectiveness or continued effectiveness of the zoning change; and/or
- (c)Those relating to the use of the land as it deems necessary.

(2) The Director and the City Clerk shall cause the limitations and conditions so imposed to be clearly noted on the Zoning Map and recorded in the land evidence records; provided, however, that in the case of a conditional zone change, the limitations, restrictions and conditions shall not be noted on the Zoning Map until the zone change has become effective. If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two years or more after the zone change becomes effective, the City Council may, after a public hearing as herein before set forth, change the land to its original zoning use before such petition was filed. If any limitation, condition or restriction in an ordinance amendment is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

SECTION 40.

CHAPTER 410, ARTICLE XIV: ADOPTION AND AMENDMENT.

AMENDMENT TO § 410-125: PUBLICATION AND AVAILABILITY OF CHAPTER.

- A. Printed copies of this chapter and map(s) shall be available to the general public through the City Clerk and shall be revised to include all amendments. A reasonable charge may be made for copies to reflect printing and distribution costs.
- B. Upon publication of this chapter and map(s), and any amendments thereto, the City Clerk shall send a copy, without charge, to the Associate Director of the Division of Planning of the Department of Administration of the State of Rhode Island and to the State Law Library.

SECTION 41.

CHAPTER 410, ARTICLE XV: MISCELLANEOUS PROVISIONS; DEFINITIONS.

AMENDMENT TO § 410-132: DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated except the terms utilized in § 410-20 for Article IV and § 410-32 for Article V:

ABUTTER

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

ACCESSORY FAMILY DWELLING UNIT (ADU)

A residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. An ADU provides complete independent living facilities for one or more persons. It may take various forms, including, but not limited to, a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling. ~~accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress and egress.~~

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. An "accessory use" may be restricted to the same lot as the principal use. An "accessory use" shall not be permitted without the principal use to which it is related.

ADAPTIVE REUSE

The conversion of an existing structure from the use for which it was constructed to a new use by maintaining the elements of the structure and adapting such elements to a new use.

ADMINISTRATIVE OFFICER

The municipal official designated by the local regulations to administer the Land Development and Subdivision Regulations to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies as set forth herein. The Director of Planning and Redevelopment or their designee, as established in § 50-23.

AGGRIEVED PARTY

An "aggrieved party," for purposes of this chapter, shall be:

- A. Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of the Director; or
- B. Anyone requiring notice pursuant to this chapter.

ALTERATION

An act that changes one or more of the exterior architectural features of a structure or its appurtenances, including but not limited to the erection, construction, reconstruction or removal of any structure or appurtenance.

ANIMAL

A living organism other than a plant or bacterium and excluding human beings. Included are fish, amphibians, reptiles, birds and mammals.

APPLICANT

An owner or authorized agent of the owner submitting an application or appealing an action of ~~the Director~~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.

APPURTENANCES

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

AUCTION HOUSE

A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment, excluding livestock, live animals or motor vehicles, to the highest bidder.

BED-AND-BREAKFAST

A single-family dwelling offering transient lodging accommodations to the general public within a portion of said dwelling, and which may include limited food preparation and the serving of such food within a common area. Such use shall accommodate no more than four transient guests at any one time, and the owner must reside on the premises.

BLACK BOX THEATER (or EXPERIMENTAL THEATER)

A simple, typically unadorned performance space, usually a large square room with black walls and a flat floor, usually home to plays or other performances with very basic technical arrangements.

BOARD

The Zoning Board of Review of the City of Pawtucket.

BUFFER

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

BUILDING

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

BUILDING ENVELOPE

The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height and bulk; by other regulations; and/or any combination thereof.

BUILDING HEIGHT

The vertical distance from grade, as determined by the municipality, to the top of the highest point of the roof or structure. The distance may exclude spires, chimneys, flagpoles and the like. For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island coastal resources management council (CRMC) suggested design elevation three foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:

- A.. The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or proposed freeboard, less the average existing grade elevation; or
- B. The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every ten (10) years, or as otherwise necessary.

CAFE
A restaurant serving coffee and other beverages along with baked goods or light meals.

CERTIFICATE OF APPROPRIATENESS
A certificate issued by an Historic District Commission established under this chapter indicating approval of plans for alteration, construction, repair, removal or demolition of a structure or appurtenances of a structure within an Historic District. Appropriate for the purposes of passing upon an application for a "certificate of appropriateness" means not incongruous with those aspects of the structure, appurtenances or the district which the Commission has determined to be historically or architecturally significant.

- CERTIFICATE OF OCCUPANCY
- A. A "certificate of occupancy" is a mandatory certificate issued by the Director following the requirements of the Rhode Island Building Code for the following actions:
 - (1)Occupancy and use of a building hereafter erected and enlarged;
 - (2)Change in use of an existing building to a difference in use;
 - (3)Intensification of an existing use of either a building or land;
 - (4)Occupancy and use of vacant land except for raising of crops;
 - (5)Change in the use of land to different use except for the raising of crops; or
 - (6)Any change in use of a nonconforming use.
 - B. The occupancy use or change of use shall not take place until a "certificate of occupancy" has been issued by the Director.

CITY
The City of Pawtucket, Rhode Island.

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.

COMMISSION

~~The Historic District Commission of the City.~~

COASTAL FEATURES

Any coastal beach, barrier island or spit, coastal wetland, coastal headland, bluff or cliff, rocky shore, manmade shoreline or dune as outlined and defined by the coastal resources management program, and as may be amended.

COMMON OWNERSHIP

Either:

- A. Ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots; or
- B. Ownership by any association (such ownership may also include a municipality) of one or more lots under specific development techniques.

COMMUNITY RESIDENCE

A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or ~~substance-use-disorder abuse~~-treatment facilities. This shall include, but not be limited to, the following:

- A. Whenever six or fewer ~~retarded~~-children or adults with intellectual or developmental disability reside in any type of residence in the community, as licensed by the state pursuant to R.I.G.L. Chapter 24 of Title 40.1. All requirements pertaining to this chapter are waived for these "community residences."
- B. A group home providing care or supervision, or both, to not more than eight ~~mentally disabled or mentally handicapped or physically handicapped~~ persons with disabilities and licensed by the state pursuant to R.I.G.L. chapter 24 of title 40.1.
- C. A residence for children providing care or supervision, or both, to not more than eight children, including those of the caregiver, and licensed by the state pursuant to R.I.G.L. chapter 72.1 of title 42.
- D. A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse or neglect and who are expected to reside in that residence not less than 60 days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency and eventual transition to a permanent living situation.

COMPASSION CENTER

As defined in R.I.G.L. § 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, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or related supplies and educational materials, to registered patient cardholders and/or their designated registered primary caregivers.

COMPREHENSIVE PLAN

The Comprehensive Plan of the City of Pawtucket adopted and approved pursuant to R.I.G.L. chapter 22.2 and to which this chapter shall be in compliance.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

A requirement of all local land use regulations which means that all these regulations and subsequent actions are in accordance with the public policies arrived at through detailed study and analysis and adopted by the municipality as the comprehensive plan as specified in R.I.G.L. § 45-22.2-3.

CONSTRUCTION

The act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including but not limited to buildings, extensions, outbuildings, fire escapes and retaining walls.

COWORKER SPACE

A shared working environment, often an office, but that houses independent activities, and those coworking are usually not employed by the same organization.

CULTURAL ACTIVITY

Any nonprofit or for-profit museum, library, art gallery, legitimate theater or other similar use, and may include outdoor.

DATA PROCESSING FACILITY

Facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

DAY CARE - DAY-CARE CENTER

Any other day-care center which is not a family day-care home.

DAY CARE - FAMILY DAY-CARE HOME

Any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to six or less individuals who are not relatives of the caregiver, but may not contain more than a total of eight individuals receiving day care.

DAYS

Calendar days.

DEMOLITION

An act or process that destroys a structure or its appurtenances in part or in whole.

DENSITY, RESIDENTIAL

The number of dwelling units per unit of land.

DEVELOPMENT

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

DEVELOPMENT PLAN REVIEW

~~The process whereby authorized local officials review the site plans, maps and other documentation of a development to determine the compliance with the stated purposes and standards of this chapter.~~Design or site plan review of a development of a permitted use. A municipality may utilize development plan review under limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines, for developments including, but not limited to:

- A. A change in use at the property where no extensive construction of improvements is sought.
- B. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
- C. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
- D. Development in a designated urban or growth center.
- E. Institutional development design review for educational or hospital facilities.
- F. Development in a historic district.

DEVELOPMENT REGULATION

Zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulation, soil erosion control or any other governmental regulation of the use and development of land.

DIRECTOR

Director of the Division of Zoning and Code Enforcement of the City of Pawtucket.

DISTRICT

See "zoning use district."

DRAINAGE SYSTEM

A system for the removal of water from land by drains, grading or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and groundwaters and the prevention and/or alleviation of flooding.

D.U.

Abbreviation for dwelling unit.

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.

ELECTRIC VEHICLE CHARGING STATION

A public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

EXTRACTIVE INDUSTRY

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

FAMILY MEMBER

A person, or persons, related by blood, marriage or other legal means, including but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household. See also "household."

FARMER'S MARKET

Seasonal outdoor retail sales of farm produce from vehicles or temporary stands, located within a parking lot or public right-of-way.

FEDERALLY INSURED OR ASSISTED HOUSING

"Federally insured or assisted housing" means:

- A. Low-income housing units insured or assisted under Sections 221(d)(3) and 236 of the National Housing Act (12 U.S.C. § 1701 et seq.).
- B. Low-income housing units produced with assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. § 1401 et seq.).
- C. Rural low-income housing financed under Section 515 of the Housing Act of 1949 (12 U.S.C. § 1715Z).

FENCE

A barrier constructed of posts and wire or boards erected for the purposes of protection, confinement, enclosure or privacy. Also included are solid hedges exceeding 30 inches in height adjacent to or on the front yard property line where a clear vision field is necessary for personal safety.

FENCE, NATURAL

A barrier of ornamental shrubbery that exceeds 30 inches in height.

FENCE, OPEN

A fence in which 75% or more of the side area is open. An example is a chain link fence.

FENCE, SOLID

A fence in which more than 50% of the side area is closed or opaque. An example is a wooden stockade fence.

FENCE, WALL

A barrier constructed of masonry materials erected at or near property lines for the purpose of enclosure.

FLEA MARKET

Any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces, and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise.

FLOATING ZONE

An unmapped zoning district adopted within the ordinance which is established on the Zoning Map only when an application for development, meeting the zone requirements, is approved.

FLOODPLAINS OR FLOOD HAZARD AREA

an area that is subject to a flood from a storm having a one percent (1%) chance of being equaled or exceeded in any given year, as delineated on a community’s flood hazard map as approved by the federal emergency management agency pursuant to the National Flood Insurance Act of 1968, as amended (Pub. L. No. 90-448), 42 U.S.C. § 4011 et seq.

FLOOR AREA, GROSS

See Rhode Island State Building Code.

GALLERY

A building or space for the exhibition of art, usually visual art. Paintings are the most commonly displayed art objects. However, sculpture, decorative arts, furniture, textiles, costumes, drawings, pastels, watercolors, collages, prints, artists' books, photographs, and installation.

GOVERNING BODY

The body of the local government, generally the city or town council, having the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.

GROUNDWATER

Water found underground which completely fills the open spaces between particles of sand, gravel, clay, silt, and consolidated rock fractures. The zone of materials filled with groundwater is called the “zone of saturation”.

HALFWAY HOUSES

A residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

HISTORIC DISTRICT or HISTORIC SITE

As defined in R.I.G.L. § 45-22.2-4. "Historic district" means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites, and has been registered or is deemed eligible to be included on the state register of historical places pursuant to R.I.G.L. § 42-45-5. "Historic site" means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been registered or is deemed eligible to be included on the state register of historic places pursuant to R.I.G.L. § 42-45-5.

HOME OCCUPATION

Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

HOTEL AND MOTEL.

Dwelling unit(s) or a rooming house offering transient lodging accommodations to the general public that does not meet the definition of a “bed-and-breakfast.”.

HOUSEHOLD

One or more persons living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

- A. A family, which may also include servants and employees living with the family; or
- B. A person or not more than five unrelated persons occupying a single household or dwelling unit.

INCENTIVE ZONING

The process whereby the Zoning Board of Review may grant additional development capacity in exchange for the developer's provision of a public benefit or amenity as specified in this chapter.

INCUBATOR

A business company that helps new and startup companies to develop by providing services such as management training or office space, including coworking space. Business incubators differ from research and technology parks in their commitment to startup and early-stage companies.

INDEPENDENT LIVING FACILITY

A residential facility where adults reside in a family setting and receive limited supervised care.

INFRASTRUCTURE

Facilities and services needed to sustain residential, commercial, industrial, institutional and other activities.

JOINT PLANNING COMMISSION (JPC)

The City Planning Commission meeting concurrently with the Central Falls Planning Board. See §§ 11-59 and 410-43.9.

KIOSK, FREESTANDING EXTERIOR

A freestanding exterior structure of less than 500 square feet for drive-up or walk-up window services or retail sales.

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 to be developed or redeveloped as a coordinated site for a complex of uses, units or structures, including but not limited to planned development and/or cluster development for residential, commercial, institutional, recreational, open space and/or mixed uses as may be provided for in this chapter. The local regulations shall include all requirements, procedures and standards necessary for proper review and approval of land development projects to ensure consistency with this chapter and the Rhode Island zoning enabling act.

- A. Minor land development project. A land development project involving any one the following:
 - (1) Ten thousand (10,000) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or
 - (2) An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing or industrial structures; or
 - (3) Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less;
 - (4) Multi-family residential or residential condominium development of nine (9) units or less; or
 - (5) Change in use at the property where no extensive construction of improvements are sought;

- (6) An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought;
- (7) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units

B. Major land development project. A land development project which exceeds the thresholds for a minor land development project as set forth in this section. The process by which major land development projects are reviewed by City Planning Commission or Joint Planning Commission as appropriate is set forth in R.I.G.L. § 45-23-39 and the Land Development and Subdivision Regulations.

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

Regulations adopted under the provisions of the Subdivision Enabling Act of 1992, R.I.G.L. 45-24 and Chapter 11 Article VII.

LICENSED CULTIVATOR

A person, as identified in R.I.G.L. § 43-3-6, who has been licensed by the Department of Business Regulation (Class A-D) to acquire, possess, cultivate, deliver, or transfer marijuana to licensed compassion centers pursuant to R.I.G.L. § 21-28.6-16. A licensed cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative cultivation license.

LITTLE FREE LIBRARY

An accessory freestanding structure located on private property that is installed for the sole purpose of enclosing books that are loaned to Pawtucket residents for free.

LIVE/WORK SPACE

A building or spaces within a building used for commercial activities and areas for residential/living purposes where two-thirds or 67% of the unit is dedicated for residential purposes. Examples of acceptable live/work space are live-work units of insurance and financial offices, artists, boutiques, small antique shops, dance studios, personal trainers, and consultants of various type. Said business shall be of no or low impact to neighbors, and the unit shall be required to be occupied by the business owner.

LOT

Either:

- A. The basic development unit for determination of lot area, depth and other dimensional regulations; or
- B. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

LOT AREA

The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet.

LOT BUILDING COVERAGE

That portion of the lot that is or may be covered by buildings and accessory buildings. Aboveground pools shall not be included in the calculation of maximum lot building coverage.

LOT DEPTH

The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

LOT FRONTAGE

That portion of a lot abutting a street.

LOT LINE

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

A. FRONT

On an interior lot, a through lot or a flag lot, any lot line abutting a street shall be considered a front lot line. Corner lots shall be considered to have two front lot lines abutting the streets. The determination of which is the front lot line and side lot line shall be made by the ~~permitting authority~~Planning Department or Planning Commission during development plan review.

B. REAR

The lot line(s) opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots an assumed line at least 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

C. SIDE

Any lot line other than a front or rear lot line.

LOT OF RECORD

A parcel of land record in the office of the Recorder of Deeds of the City of Pawtucket.

LOT SIZE, MINIMUM

Shall have the same meaning as “minimum lot area” defined herein.

LOT, THROUGH

A lot which fronts upon two parallel streets or which fronts upon two streets which do not intersect at the boundaries of the lot.

LOT WIDTH

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.

MANUFACTURED HOME PARK

Two or more manufactured homes located on the same lot.

MARIJUANA TESTING FACILITY

A third-party testing provider who performs independent testing of medical marijuana and/or marijuana products of a licensed cultivator in accordance with Department of Health Testing Regulations.

MIXED USE

A mixture of land uses within a single development, building or tract.

MODIFICATION

Permission granted and administered by the zoning enforcement officer of the city or town, and pursuant to the provisions of the Zoning Enabling Act, R.I.G.L. 45-24, as amended, to grant a dimensional variance other than lot area requirements from the zoning ordinance to a limited degree as determined by this chapter, but not to exceed twenty-five percent (25%) of each of the applicable dimensional requirements.

MULTITENANT COMMERCIAL STRUCTURE

A structure containing more than one tenant space in a commercial zone.

MULTITENANT INDUSTRIAL STRUCTURE

A structure containing more than one tenant space in an industrial zone.

NIGHTCLUB

An establishment serving food and liquor in which music, dancing and entertainment are conducted.

NONCONFORMANCE

A building, structure or parcel of land, or use thereof, lawfully existing at the time of the adoption (or amendment) of this chapter, October 21, 1966, and not in conformity thereof. Nonconformance shall be of only two types:

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

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

NONRESIDENTIAL COOPERATIVE CULTIVATION

A use of land located in a nonresidential zone, or of a structural building, or portion thereof, located in a nonresidential zone, for the cultivation of marijuana by two or more registered cardholders, as defined in R.I.G.L. § 21-28.6-3.

OPEN SPACE

Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring the open space; provided that the area may be improved with only those buildings, structures, streets, and off-street parking, and other improvements that are designed to be incidental to the natural openness of the land

OUTDOOR RETAIL - ACCESSORY

Retail activity that takes place in an open lot, tent, trailer, motor vehicle, enclosure or structure that is not permanently affixed to the land.

OVERLAY DISTRICT

A district established in this chapter that is superimposed on one or more districts or parts of districts and that imposes specified requirements in addition to but not less than those otherwise applicable for the underlying zone.

PARCEL

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

PARKING AREA OR LOT

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

PARKING SPACE (OFF-STREET)

An off-street parking space shall consist of a hard-surfaced space with a minimum area of 162 square feet and access using a curb cut to a public street or private right-of-way. For residences with three dwelling units or less, the paved driveway area, excluding front yard area, may be used to calculate required parking spaces. Vehicles parked tandem, one behind another, outside of a garage will not be considered as separate off-street parking spaces. Required off-street parking areas for five or more vehicles shall be designed in accordance with § 410-78.

PAWN SHOP

An establishment that engages, in whole or part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

PERFORMANCE STANDARDS

A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

PERMEABLE PAVERS

Permeable paving is a broadly defined group of pervious types of pavements used for roads, parking, sidewalks and plaza surfaces. Most of these consist of a permeable surface layer with enough structural integrity to support at least light vehicular use, and a subgrade layer or layers of materials such as aggregate that provide a structural base and allow for storage and infiltration of stormwater. Permeable paving reduces impacts of impervious cover by allowing runoff to infiltrate, augmenting the recharge of groundwater, and enhancing pollutant uptake removal in the underlying soils. Permeable pavement can even result in reduced maintenance requirements by improving the drainage characteristics of an impervious area. There are many different types of permeable paving, including concrete-style grid pavers; lattice-style paving that includes grass in spaces between lattice work; porous pavement that looks like regular pavement (asphalt or concrete) but is manufactured without fine (small particle size) materials; cobblestone; brick; plastic modular blocks; crushed aggregate or gravel.

PERMITTED USE

A use by right which is specifically authorized in a particular zoning district.

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.

PERSONAL COMMUNICATIONS SYSTEM ANTENNA

A site where antenna(s) are located on an existing structure and which transmit and receive signals in the frequency of 1,850 and 2,200 MHz (Megahertz) at a power of less than 200 watts.

PLANNED DEVELOPMENT

A "land development project," as defined herein, and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

CITY PLANNING COMMISSION

The official planning agency of the City of Pawtucket.

PORTABLE STORAGE CONTAINER

A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. The term shall not include yard waste containers provided by the City pursuant to City Code § 31-35, roll-off containers, or containers having a storage capacity of less than 150 cubic feet.

PRE-APPLICATION CONFERENCE

A review meeting of a proposed development held between applicants and the Planning Department before formal submission of an application for a permit or for development approval.

REHABILITATION

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

REMOVAL

A relocation of a structure on its present site or to another site.

REPAIR

A change meant to remedy damage or deterioration of a structure or its appurtenances.

ROOMING UNIT

Either one or two rooms without cooking facilities in a rooming house.

SETBACK LINE OR LINES

A line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

SITE PLAN

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

SLOPE OF LAND

The grade, pitch, rise or incline of the topographic landform or surface of the ground.

SPECIAL USE

A regulated use which is permitted pursuant to the special use permit issued by the authorized governmental entity, pursuant to R.I.G.L. § 45-24-42. Formerly referred to as a "special exception."

STORM WATER DETENTION

A provision for storage of storm water runoff and the controlled release of the 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, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See street classification.

STREET, ACCESS TO

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

STREET, ALLEY

A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

STREET, CUL-DE-SAC

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

STREET, LIMITED ACCESS HIGHWAY

A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at the points and in the manner as may be determined by the public authority having jurisdiction over the highway.

STREET, PRIVATE

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

STREET, PUBLIC

All public property reserved or dedicated for street traffic.

STREET, STUB

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

STREET CLASSIFICATION

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

A. ARTERIAL

A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.

B. COLLECTOR

A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.

C. LOCAL

Streets whose primary function is to provide access to abutting properties.

STRUCTURE

~~Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limited to buildings, gazebos, billboards, outbuildings, decorative and retaining walls and swimming pools~~
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.

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 of a recorded lot by any means is considered a subdivision.

A. Administrative Subdivision. Subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process by which the Administrative Officer reviews any subdivision qualifying for this review is set forth in the Land Development and Subdivision Regulations.

B. Minor Subdivision. A subdivision creating nine (9) or fewer buildable lots. The process by which the City Planning Commission or Joint Planning Commission as appropriate, a technical review committee, and/or Administrative Officer reviews a minor subdivision is set forth in the Land Development and Subdivision Regulations.

C. Major Subdivision. A subdivision creating ten (10) or more buildable lots. The process by which the City Planning Commission or Joint Planning Commission as appropriate reviews any subdivision qualifying for this review under the Land Development and Subdivision Regulations.

SUBSTANDARD LOT OF RECORD

Any lot lawfully existing on October 21, 1966, and not in conformance with the dimensional and/or area provisions of this chapter.

TECHNICAL REVIEW COMMITTEE

A committee or committees appointed by the municipality for the purpose of reviewing, commenting, and approving and/or making recommendations to the City Planning Commission or Joint Planning Commission as appropriate with respect to approval of land development and subdivision applications or Administrative Officer, as set forth in this chapter and the Land Development and Subdivision Regulations.

TRANSIT SHELTER

An independent structure, having a roof supported by columns, resting on a foundation and designed for the shelter of public transportation patrons.

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.

VARIANCE

Permission to depart from the literal requirements of this chapter. An authorization for the construction or maintenance of a building or structure or for the establishment or maintenance of a use of land which is prohibited by this chapter. There shall be only two categories of variance, a use variance or a dimensional variance.

A. USE VARIANCE

Permission to depart from the use requirements of this chapter where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this chapter.

B. DIMENSIONAL VARIANCE

Permission to depart from the dimensional requirements of this chapter under the applicable standards set forth in § 410-133(A)~~where the applicant for the requested relief has shown by evidence upon the record 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. However, 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.~~

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. See § 410-127.

WATERS

Includes all surface waters including all waters of the territorial sea, tidewaters, all inland waters of any river, stream, brook, pond, or lake, and wetlands, as well as all groundwaters.

WETLAND, COASTAL

Any salt marsh bordering on the tidal waters of this state, whether or not the tidal waters reach the littoral areas through natural or artificial watercourses, and those uplands directly associated and contiguous thereto which are necessary to preserve the integrity of that marsh, and as further defined by the RI coastal resources management program, as may be amended.

WETLAND, FRESHWATER

Includes, but is not limited to, those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support a prevalence of vegetation adapted for life in saturated soil conditions. Freshwater wetlands includes, but is not limited to: marshes, swamps, bogs, emergent, and submergent plant communities, and for the purposes of this chapter, rivers, streams, ponds, and vernal pools.

WIRELESS COMMUNICATIONS ANTENNA

A tower structure exceeding 50 feet in height used for transmitting and receiving signals in the 800 MHz (Megahertz) band, which may optionally have a microwave antenna(s) attached.

A. YARD

A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure; provided, however, that fences, walls, posts and customary yard accessories may be permitted subject to the limitation of this chapter.

B. FRONT YARD

The area between a street line and a line parallel thereto, drawn through the nearest point of a structure, other than an exempted structure.

C. REAR YARD

The area between a rear lot line and a line parallel thereto, drawn through the nearest point of a main structure, other than an exempted structure.

D. SIDE YARD

The area between a side lot line and a line parallel thereto, drawn through the nearest point of a structure, other than an exempted structure.

ZONING

The reservation of certain specified areas within a community or city for building and structures, or use of land, for certain purposes with other limitations as height, lot coverage, and other stipulated requirements.

ZONING CERTIFICATE

A document signed by the Director, as required in this chapter, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this chapter or is an authorized variance or modification therefrom.

ZONING MAP

The map or maps which are a part of this chapter and which delineate the boundaries of all mapped zoning districts within the City.

ZONING ORDINANCE

Chapter 410 of the Pawtucket Code of Ordinances; that includes the zoning map.

ZONING USE DISTRICT

The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. Zoning-use districts include, but are not limited to: agricultural, commercial, industrial, institutional, open space, and residential. Each district may include sub-districts. Districts may be combined.

SECTION 42.

CHAPTER 11, ARTICLE VII: CITY PLANNING COMMISSION.

AMENDMENT TO § 11-38: ENABLING AUTHORITY.

In accordance with the R.I.G.L. §§ 45-23-25 through 45-23-74, known as the "Rhode Island Land Development and Subdivision Review Enabling Act of 1992," the Pawtucket City Council hereby provides for the submission and approval of land development projects and subdivisions, as such terms are defined in the Rhode Island Zoning Enabling Act of 1991, and/or the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, and such are subject to the local regulations which shall be consistent with the requirements of the Rhode Island Land Development and Subdivision Review Enabling Act of 1992~~every municipality shall adopt land development and subdivision review regulations to comply with the provisions of the act.~~

SECTION 43.

CHAPTER 11, ARTICLE VII: CITY PLANNING COMMISSION.

AMENDMENT TO § 11-39: LOCAL AUTHORITY.

The City Council of the City of Pawtucket hereby authorizes the Pawtucket City Planning Commission to adopt and amend regulations and rules governing land development, development plan review, unified development review, and subdivision projects pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act and the Pawtucket zoning ordinance, Chapter 410. The regulations must include all requirements, procedures and standards necessary for proper review and approval of applications made under the Rhode Island Land Development and Subdivision Review Enabling Act to ensure consistency with the intent and purposes of the Rhode Island Land Development and Subdivision Review Enabling Act and with § 45-24-47 of the Rhode Island Zoning Enabling Act of 1991. The regulations shall include provisions for zoning incentives which include the adjustment of applicable lot density and dimensional standards where open space is to be permanently set aside for public or common use, and/or where the physical characteristics, location, or size of the site require an adjustment, and/or where the location, size, and type of housing, commercial, industrial, or other use require an adjustment, and/or where housing for low and moderate income families is to be provided, or where other amenities not ordinarily required are provided, as stipulated in the zoning ordinance. Provision may be made for adjustment of applicable lot density and dimensional standards for payment or donation of other land or facilities in lieu of an on-site provision of an amenity that would, if provided on-site, enable an adjustment.

SECTION 44.

CHAPTER 11, ARTICLE VII: CITY PLANNING COMMISSION.

AMENDMENT TO § 11-40: PURPOSE OF LOCAL REGULATIONS.

The land regulations adopted under this authority shall address the following purposes:

- A. Provide for the orderly and expeditious review and approval of land developments and subdivisions.

- B. Promoting high quality and appropriate design and construction of land developments and subdivisions.
- C. Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment.
- D. Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure.
- E. Encourage local design and improvement standards to reflect the intent of the Community Comprehensive Plan with regard to the physical character of the various neighborhoods of the city.
- ~~E~~F. Promote through technical review of all proposed land developments and subdivisions by appropriate local officials.
- G. Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered.
- ~~D~~H. Encourage the establishment and consistent application of procedures for local recordkeeping on all matters of land development and subdivision review, approval and construction.

SECTION 45.

CHAPTER 50, ARTICLE VII: DIRECTOR OF PLANNING AND DEVELOPMENT.

AMENDMENT TO § 50-23: APPOINTMENT; TERM OF OFFICE.

- A. The Director of Planning and Redevelopment shall be appointed by the Mayor from a list of persons furnished to him or her by the City Planning Commission. The Director of Planning and Redevelopment shall serve at the pleasure of the Mayor.
- B. The Director of Planning and Redevelopment or their designee shall have the authority of the chief zoning official or Director of Zoning and Code Enforcement for all matters related to the performance of roles and responsibilities of the Director of Zoning and Code Enforcement and the chief zoning official prescribed by the statutes of the state, the provisions of this Code and other ordinances of the City. The Director of Planning and Redevelopment or their designee shall serve as the Administrative Officer to the City Planning Commission and execute all duties and responsibilities associated with this appointment in accordance with the Subdivision Review Enabling Act of 1992, R.I.G.L. 45-23, as amended. In the absence of the Director of Planning and Redevelopment, the Assistant Director of Planning and Redevelopment shall assume said duties.

SECTION 46.

EFFECTIVE DATE.

This ordinance shall take effect January 1, 2024.

ZONING
410 Attachment 1

City of Pawtucket
TABLE OF USE REGULATIONS

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
1. Residential uses																				
A.	One-family dwelling	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	N	N	N	N	N	Y	Y
B.	Two-family dwelling	N	N	Y	Y	Y	N	N	Y	Y	Y	N	Y	N	N	N	N	N	Y	Y
C.	Three- or four-family dwell	N	N	N	Y	Y	N	N	Y	Y	Y	Y	Y	S	N	N	N	N	Y	Y
D.	Multifamily (5 dwelling un and over)	N	N	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	S	N	N	N	Y	Y
E.	State-licensed community residence*	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	Y	N	N	N	Y	Y
F.	Convent or rectory	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	N	N	N	Y	Y	Y
G.	Family day-care home, up t children*	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	Y	N	N	N	Y	Y
H.	Manufactured home park*	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
I.	Taking of boarders or leas rooms by a person residing the premises for not more th 2 boarders	Y	Y	Y	Y	Y	N	N	S	Y	Y	N	Y	N	N	N	N	N	Y	S
J.	Rooming house up to 6 rooming units	N	N	S	S	S	N	N	N	S	S	N	S	N	N	N	N	N	S	N
K.	Rooming house over 6 roo units (limit 12 persons)	N	N	N	N	S	N	N	N	S	S	N	S	N	N	N	N	N	S	N
L.	Mixed residential/commercial uses	N	N	N	S	N	N	N	Y	N	N	Y	Y	Y	N	N	N	N	Y	Y
M.	Independent-living facility*	N	N	N	S	N	N	N	S	N	S	S	S	Y	N	N	N	N	S	S
N.	Nursing care and assisted li facilities (623110)	N	N	N	S	S	N	N	Y	N	Y	S	Y	N	N	N	N	N	Y	Y
O.	Artist studio, display and sa	N	N	N	N	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y
2. Accessory uses																				
A.	Garage, no dwelling units	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	Y	N	N	N	N	N	Y	Y
B.	Storage shed up to 150 squa feet in area	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	Y	N	N	N	N	Y	Y
C.	Storage shed over 150 squa feet in area	S	S	S	S	S	S	Y	S	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y
D.	Swimming pool (residential use)	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	Y	N	N	Y	N	Y	Y
E.	Fence	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
F.	Ground-mounted antenna fo amateur radio and television	Y	Y	Y	Y	Y	N	N	S	Y	Y	N	Y	N	N	N	N	N	Y	S
G.	Home occupations	S	S	S	S	S	N	N	A	Y	Y	Y	Y	Y	N	N	N	N	Y	A
H.	Satellite dish antenna 2 feet feet in diameter	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	A	Y	N	N	N	Y	Y
I.	Satellite dish antenna over 4 feet in diameter	N	N	N	N	N	N	<u>NS</u>	<u>NS</u>	Y	Y	Y	Y	A	Y	Y	N	N	Y	<u>NS</u>
J.	Private greenhouse	Y	Y	Y	Y	Y	N	N	S	N	N	N	Y	A	N	N	N	Y	S	Y
K.	Flagpole	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y
L.	Sale of handicraft or homec products incidental to their manufacture on the premise provided that the display of such merchandise shall not visible from the street	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
M.	Accessory manufacturing	N	N	N	N	N	N	N	N	S	S	S	S	A	N	N	N	N	S	N
N.	Solar energy	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
O.	Electric vehicle charging	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
3. Transient residential																				
A.	Bed-and-breakfast home (1 dwelling unit)*	N	N	S	S	Y	N	N	Y	Y	Y	Y	Y	N	N	N	N	N	Y	Y
B.	Hotel and motel*	N	N	N	N	Y	N	N	Y	N	Y	Y	Y	Y	N	N	N	N	Y	Y
4. Gardening and raising of animals																				
A.	Gardening/Farming, not to include the raising of animals	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
B.	Greenhouse/Nursery not used for a private gainful business	<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>	Y	N	Y	Y	Y	Y	Y	A	Y	N	Y	Y	Y	Y
C.	Commercial greenhouse or nursery	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y
D.	Keeping of animals as household pets	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y
E.	Raising of animals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
F.	Public zoo	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	Y	N	N	N
G.	Pigeon loft	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
5. Public, education and recreation uses																				
A.	Place of worship (813110)	SY	SY	SY	SY	SY	S	S	S	SY	SY	S	SY	SY	SY	SY	N	SY	S	SY
B.	Cemetery	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
C.	Public museum or library	S	S	S	SY	S	SY	S	SY	SY	S	SY	S	SY	N	N	SY	N	SY	S
D.	Hospital (622)	N	N	N	S	N	N	N	S	N	N	N	SY	N	N	N	N	N	S	S
E.	Municipal incinerator (562)	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N
F.	Municipal fire station (922)	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
G.	Municipal refuse transfer station (562111)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
H.	Municipal structure or use not otherwise specified herein	S	S	S	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	S	Y	Y
I.	Individual instruction as defined by § 410-46C(2)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
J.	Day-care center*	S	S	S	S	S	S	A	V Y	<u>SY</u>	<u>SY</u>	<u>S</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	N	N	<u>S</u>	<u>SY</u>
K.	Elementary or secondary school (611110)	<u>SY</u>	<u>SY</u>	<u>S</u>	<u>SY</u>	<u>SY</u>	N	S	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	S	S	S	S	N	<u>SY</u>	<u>SY</u>
L.	Trade or vocational school (61151)	N	N	N	N	N	N	N	N	N	N	N	<u>SY</u>	<u>S</u>	<u>SY</u>	<u>SY</u>	N	N	<u>SY</u>	N
M.	Schools not otherwise defined (611410, 6116)	N	N	N	N	N	N	S	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	N	N	<u>SY</u>	<u>SY</u>
N.	Historical museum or art gallery, including incidental retail sales (7121)	N	N	N	N	N	<u>SY</u>	<u>S</u>	<u>SY</u>	N	N	<u>SY</u>	<u>SY</u>	<u>SY</u>	N	<u>SY</u>	<u>S</u>	N	<u>SY</u>	<u>S</u>
O.	Community center	N	S	S	S	S	S	<u>SY</u>	<u>S</u>	<u>S</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	N	N	N	N	<u>SY</u>	<u>SY</u>
P.	Municipal park	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Q.	Civic, social, fraternal organization (8134)	N	N	N	S	S	N	N	S	S	S	S	<u>SY</u>	N	N	N	N	N	S	S
R.	Nonprofit recreational facility	N	N	N	<u>SY</u>	N	N	<u>SY</u>	<u>SY</u>	N	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	<u>SY</u>	N	N	N	<u>SY</u>	<u>SY</u>
S.	Marina (713930)	N	N	N	N	N	<u>SY</u>	<u>SY</u>	<u>SY</u>	N	N	N	N	N	N	N	N	N	Y	Y
T.	Municipal police station/substation (922120)	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
U.	Municipal correctional institution (922140)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
6. Neighborhood commercial uses																				
A.	Retail store of less than 2,500 square feet per establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
B.	Eating places of less than 2,500 square feet of gross floor area	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
C.	Service business of less than 2,500 square feet of gross floor area per establishment, primarily serving local needs	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
7. General commercial uses																				
A.	Grocery store over 20,000 square feet	N	N	N	N	N	N	N	N	N	Y	N	Y	S	N	N	N	N	Y	Y
B.	Retail store over 2,500 square feet serving the general needs of the City	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	Y
C.	Restaurant exceeding 2,500 square feet of gross floor area	N	N	N	N	N	S	S	S	S	S	S	Y	S	S	S	N	N	Y	Y
D.	Tavern with liquor license	N	N	N	N	N	S	N	S	S	S	S	S	S	N	N	N	N	S	S
E.	Any commercial use with a drive-in window	N	N	N	N	N	N	N	N	S	S	N	Y	N	S	N	N	N	S	S
F.	Multi-tenant commercial structure	N	N	N	N	N	N	N	S	S	S	S	S	S	N	N	N	N	S	S
G.	Nightclub*	N	N	N	N	N	N	N	N	N	S	S	Y	S	S	S	N	N	S	N
H.	Flea market*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
I.	Auction house*	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	Y	N
J.	Compassion Center**	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>	<u>N</u>	S	S	N	N	N	N
8. Personal services																				
A.	Coin-operated commercial cleaner and laundering (812310)	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	Y	N
B.	Dry-cleaning plant, except rugs (812320)	N	N	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y	N	N	Y	N
C.	Carpet and upholstery cleaning (561740)	N	N	N	N	N	N	N	N	Y	Y	N	Y	N	Y	Y	N	N	N	N
D.	Funeral services (812210)	N	N	N	N	N	N	N	Y	N	Y	Y	Y	N	Y	N	N	N	Y	Y
E.	Bank, credit union (5221)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
F.	Beauty salon, barbershop (81211)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
G.	Travel agency (561510)	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
H.	Physical fitness facility (713940)	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
I.	Tattoo parlor (81219)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
J.	Massage therapy (81219)	N	N	N	N	N	N	N	S	S	S	S	S	S	N	N	N	N	Y	S
K.	Tanning salon (81219)	N	N	N	N	N	N	N	S	S	S	S	Y	Y	N	N	N	N	Y	S
L.	Electrolysis (81219)	N	N	N	N	N	N	N	S	S	S	S	Y	Y	N	N	N	N	Y	S
M.	Photographic studio (5419)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
N.	Cobbler (811430)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
O.	Tax return preparation (5419)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
P.	Tailoring/Dressmaking	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
Q.	Check cashing (522390)	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N
R.	Pawn shop*	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N	N	N	N
S.	Pet care services (812910)	N	N	N	N	N	N	N	N	N	S	N	S	S	Y	S	N	N	S	N
T.	Pet overnight boarding	N	N	N	N	N	N	N	N	N	N	N	S	S	Y	S	N	N	A	N
U.	Community food services (624210)	N	N	N	Y	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y

9. Business services																					
A.	Services to dwellings and buildings (5617, except 561710)	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y	Y	Y	N	N	Y	Y	
B.	Equipment rental and leasing and automotive rental and leasing (5322, 5321)	N	N	N	N	N	N	N	N	N	Y	Y	Y	NS	Y	Y	N	N	Y	N	
C.	Industrial equipment and leasing (5323, 5324)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y	N	
D.	Business support services (5614, except 56143)	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	
E.	Pest control (561710)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	
F.	Photocopying and duplicating service (5614)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	
G.	Employment agency (561311)	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N	
H.	Security systems services and locksmiths (56162)	N	N	N	N	N	N	Y	N	N	Y	N	Y	Y	Y	Y	N	N	Y	N	
10. Office uses																					
A.	Medical office building, ambulatory health care services (621)	N	N	N	S	S	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y	
B.	Veterinarian (541940)	N	N	N	N	N	N	YS	YS	Y	YS	Y	Y	Y	N	N	N	N	Y	N	
C.	Other office use (541, except 541940, 541921; and 811, except 8134)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	A	Y	Y	
11. Automotive and auto body repair, services and garages																					
A.	General automotive repair shops (81111)	N	N	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y	N	N	Y	N	
B.	Other automotive repair shops (811198)	N	N	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y	N	N	Y	N	
C.	Automotive services, except repair (811191)	N	N	N	N	N	N	N	N	N	Y	N	Y	N	Y	N	N	N	Y	N	
D.	Auto body repair shops (81112)	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	S	N	
E.	Car washing facility (811192)	N	N	N	N	N	N	N	N	S	Y	N	Y	N	N	N	N	N	Y	N	
F.	Gasoline service station, including repair facilities (447)	N	N	N	N	N	N	N	N	S	S	N	S Y	S Y	N	N	N	N	S Y	N	
G.	Automobile, truck and motorcycle sales, rental and service (441, except 441222)	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N	Y	N	
H.	Boat dealer (441222)	N	N	N	N	N	N	S	S	N	Y	N	Y	N	Y	N	N	N	Y	S	
I.	Motor vehicle towing (488410)	N	N	N	N	N	N	N	N	N	A	N	A	N	Y	Y	N	N	Y	N	
12. Miscellaneous repair services																					
A.	Miscellaneous repair Services (811211, 811212, 8114)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	
B.	Commercial and industrial machinery repair services (811212, 811219, 81131)	N	N	N	N	N	N	N	N	N	N	N	N	NS	Y	Y	N	N	N	N	
13. Amusement/recreation services																					
A.	Motion-picture theaters except drive-in (512131)	N	N	N	N	N	N	N	S Y	N	S Y	S Y	S Y	S Y	S	N	N	N	N	S Y	S Y
B.	Performing arts venues and related businesses (711, except 711190)	N	N	N	N	N	N	N	S Y	N	S Y	S	S Y	S Y	S Y	S Y	S Y	N	N	S Y	S Y
C.	Bowling alley, billiards and pool	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	
D.	Other amusement and recreation (713990)	N	N	N	N	N	N	N	NS	N	NS	NS	Y	NS	NS	NS	N	N	S	S	
E.	Non-gambling coin-operated amusement devices (game rooms)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	S	Y	N	N	N	Y	Y	

14. Parking Vehicle storage																				
A.	Parking garage or parking area	N	N	N	N	N	A	A	Y	Y	Y	Y	Y	N	Y	Y	A	A	Y	Y
B.	Parking garage or parking area for noncommercial vehicles	N	N	NS	NS	Y	A	A	Y	Y	Y	Y	Y	Y	Y	Y	A	A	Y	Y
C.	Parking garage or parking area within 100 feet of a commercial, riverfront, or industrial zone	N	S	S	S	S	N	N	S	Y	Y	Y	Y	Y	Y	Y	A	A	Y	Y
D	Storage of 1 truck of not more than 3/4-ton capacity owned and operated by a person residing on the premises, specifically excluding vehicles used the transportation of liquids, gases, rubbish, trash, garbage or other noxious matter	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	A	Y	Y	N	Y	Y	Y
E.	Parking of commercial vehicles over 3/4-ton capacity	N	N	N	N	N	N	Y	A	Y	Y	Y	Y	N	Y	Y	N	Y	Y	A
F.	Storage for noncommercial registered automobiles owned and operated by a person residing on the premises	A	A	A	A	A	N	N	A	A	A	A	A	A	A	A	A	A	A	A
G.	Off-street parking garage or parking area as required Article IX	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
15. Wholesale commercial uses																				
A.	Wholesale commercial use, including the sale and storage of goods, supplies or equipment	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N	Y	N
16. Public utility uses																				
A.	Communications of (517), excluding antennas	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
B.	Electric, gas, water, irrigation stations (22112, 22121, 221	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N	N	S	S
C.	Public utility pole	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
D.	Public utility tower otherwise specified herein	S	S	S	S	S	S	S	S	S	S	S	S	Y	Y	Y	S	N	S	S
E.	Radio or television transmission tower	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	Y	N
F.	Water tower	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
G.	Any other structure which is part of a public utility system, other than a freight or trucking terminal	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
H.	Personal communications system antenna*	N	N	N	N	S	N	S	S	N	S	S	S	S	S	S	N	N	S	S
I.	Wireless communications antenna*	N	N	N	N	N	N	S	S	N	N	N	N	S	S	S	N	N	S	S

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
17. Transportation uses																				
A.	Heliport	N	N	N	N	N	<u>NS</u>	<u>NS</u>	N	N	Y	N	Y	Y	Y	N	N	<u>NS</u>	<u>NS</u>	
B.	Railroad	N	N	N	S	S	N	N	S	S	S	S	S	Y	Y	Y	N	N	S	S
C.	Passenger transportation terminal	S	S	S	S	S	Y	Y	Y	S	Y	Y	Y	Y	S	S	N	N	Y	Y
D.	Freight or trucking terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>NS</u>	<u>NS</u>	N	N	<u>NS</u>	N
18. Storage uses																				
A.	Storage uses. Coal, lumber or wood yard, heating oil storage, distribution	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
B.	Storage of equipment, products, supplies, material	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	<u>S</u> Y	N
C.	Storage of junk, automotive junk, junkyard, commercial junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>NS</u>	<u>NS</u>	N	N	N	N
D.	Storage of flammable or volatile materials	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>NS</u>	<u>NS</u>	N	N	N	N
E.	Storage of building materials and equipment incident to adjacent construction	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
F.	Hazardous substance, any substance or mixture, or substance which is toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat, or other means if such substance may cause substantial personal injury or substantial illness	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
G.	Permanently sited trailers for storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
H.	Rental storage space, Self-Storage Facility (53113)	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N	N
19. Industrial uses																				
A.	Manufacture, processing or treatment of products, provided that they are principally sold at retail on the premises and provided that more than 5 persons are engaged therein	N	N	N	N	N	N	N	Y	A	A	A	A	Y	Y	Y	N	N	Y	N

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
B.	Processing of food and kindred products (31312)	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N*
C.	Textile mill products (314, 313)	N	N	N	N	N	N	Y	Y	N	N	N	N	Y	Y	Y	N	N	Y	Y
D.	Apparel and other textile products (315)	N	N	N	N	N	N	Y	S	N	N	N	N	Y	Y	Y	N	N	Y	S
E.	Lumber and wood products (321)	N	N	N	N	N	N	Y	S	N	N	N	N	S	Y	Y	N	N	S	S
F.	Furniture and fixtures (327)	N	N	N	N	N	N	Y	S	N	N	N	N	Y	Y	Y	N	N	Y	S
G.	Paper and allied products (3222)	N	N	N	N	N	N	Y	S	N	N	N	N	S	Y	Y	N	N	S	S
H.	Printing and publishing (323) and sign manufacturing (3399)	N	N	N	N	N	N	Y	S	N	N	N	N	Y	Y	Y	N	N	Y	S
I.	Plastic materials and synthetics (3261)	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N	N
J.	Drugs, pharmaceuticals (32541)	N	N	N	N	N	N	N	N	N	N	N	N	Y	S	S	N	N	N	N
K.	Soaps, cleaners (325)	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N	N
L.	Miscellaneous chemical products (325, except 3256, 3259)	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N	N
M.	Petroleum products (324)	N	N	N	N	N	N	N	N	N	N	N	N	N	NS	NS	N	N	N	N
N.	Rubber and miscellaneous plastic products (3262)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
O.	Leather and leather products (316)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y	N
P.	Stone, clay and glass products (3271, 3272)	N	N	N	N	N	N	NS	N	N	N	N	N	Y	Y	Y	N	N	Y	N
Q.	Primary metal industries (331, except 33141)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
R.	Fabricated metal products and services (332, except 332992-332995)	N	N	N	N	N	N	Y	S	N	N	N	N	S	Y	Y	N	N	S	S
S.	Jewelry, silverware and plated ware (33991)	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	Y	N
T.	Bulk storage of products with the primary purpose being distribution and transportation to commercial and industrial users	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
U.	Quarrying or mining of sand, gravel or rocks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
V.	Rock or stone crushing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
W.	Manufacturing of firearms	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
X.	Manufacturing use not listed	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Y.	Multitenant industrial structure	N	N	N	N	N	N	N	N	N	N	N	N	Y	S	S	N	N	N	N
Z.	Boat and ship building (3366)	N	N	N	N	N	N	Y	S	N	N	N	N	Y	Y	Y	N	N	S	S
AA.	Machinery manufacturing (3334, 3335, 334, 335)	N	N	N	N	N	N	N	N	N	N	N	N	Y	S	S	N	N	S	N
BB.	Medical equipment, medical supplies and office supplies manufacturing (3391, 33994)	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
CC.	Miscellaneous manufacturing (3399)	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N	N
DD.	Artist studio, display sales	N	N	N	N	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y
EE.	Nonresidential cooperative cultivation	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>	<u>N</u>	N	N	N	N	N	N
FF.	Licensed cultivation	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>	<u>N</u>	S	S	N	N	N	N
GG.	Marijuana testing facility**	N	N	N	N	N	N	N	N	N	S	N	<u>N</u>	S	S	N	N	N	N	
HH.	Brewing and distilling beer or spirits	N	N	N	N	N	N	N	Y	S	Y	Y	Y	Y	Y	Y	N	N	Y	Y
20. Signs																				
A.	Signs. See § 410-88, E	N	N	N	N	N	S	S	S	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
B.	Billboard, bulletin type	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	S	N
C.	Billboard, thirty-sheet poster type	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	S	N
D.	Billboard, eight-sheet poster type	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	S	N

Notes:

* Defined in § 410-132, Definitions.

** Denotes special use permit requirement for specific uses pursuant to § 410-60.

ORDINANCE OF THE
CITY OF PAWTUCKET

CHAPTER # 3287

INTRODUCED AND
LAID ON THE TABLE

/ /

Clerk

LAID ON THE TABLE AND REFERRED TO THE
ORDINANCE COMMITTEE & COMMITTEE OF THE WHOLE

AN ORDINANCE IN AMENDMENT OF
CHAPTERS 410 OF THE CODE OF
ORDINANCES OF THE CITY OF
PAWTUCKET 1996, ENTITLED "ZONING".
(Updates to Incorporate Required Changes due to
Enacted Land Use Laws)

11/21/2023

Clerk

ORDINANCE

COMMITTEE

RECOMMENDS APPROVAL

11 / 29 / 2023

Chair

READ AND GIVEN FIRST PASSAGE

AYES 6 NOES 0

12 / 6 / 2023

Clerk

READ AND GIVEN SECOND PASSAGE

AYES 8 NOES 0

12 / 20 / 2023

Clerk

APPROVED

12 / 21 / 2023

MAYOR

City of Pawtucket

CHAPTER _____

APPROVED _____

AN ORDINANCE IN AMENDMENT OF CHAPTERS 410 OF THE CODE OF ORDINANCES OF THE CITY OF PAWTUCKET 1996, ENTITLED “ZONING”. (Updates to Incorporate Required Changes due to Enacted Land Use Laws) AS AMENDED.

WHEREAS, an ordinance entitled “Zoning Ordinance” of Pawtucket, Rhode Island, designated as Chapter 2373 of the ordinances of Pawtucket, was approved on December 19, 1994, and such ordinance is further identified as Chapter 410 of the Revised Ordinances of the City of Pawtucket, and

WHEREAS, by terms of said ordinance 2373, the regulations, restrictions, and boundaries set forth in the ordinance may, from time to time, be amended, and

WHEREAS, it is deemed necessary that certain changes be made to the zoning ordinance to comply with revised state law, and

WHEREAS, the proposed amendments to the zoning ordinance have followed the procedure set forth in Rhode Island General Law § 45-24-53, and

WHEREAS, the Pawtucket Planning Commission has reviewed the proposed amendments and found that they are in conformance with the Pawtucket Comprehensive Plan as amended and the general purposes of zoning, and

WHEREAS, the Pawtucket City Council has reviewed the proposed amendments and found that they are in conformance with the Pawtucket Comprehensive Plan as amended and the general purposes of zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PAWTUCKET AS FOLLOWS:

SECTION 1.

CHAPTER 410, ARTICLE I: GENERAL PROVISIONS

AMENDMENT TO § 410-1: STATEMENT OF PURPOSE

The zoning districts and regulations set forth in this Chapter 410, Zoning, are made in accordance with the most recently adopted Pawtucket Comprehensive Community Plan, City of Pawtucket, adopted on October 26, 1995, [1] and for the following purposes:

- A. To promote the public health, safety and general welfare of the City.
- B. To provide for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs.
- C. To provide for orderly growth and development which recognizes:
 - (1) The goals and patterns of land use contained in the aforesaid Comprehensive ~~Community~~ Plan of the City adopted pursuant to R.I.G.L. § 45-22.2.
 - (2) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography and susceptibility to surface or ground water pollution.

- (3) The values and dynamic nature of freshwater ponds, the riverfront along the Blackstone River and Seekonk River and freshwater and coastal wetlands.
 - (4) The values of unique or valuable natural resources and features.
 - (5) The availability and capacity of existing and planned public and/or private services and facilities.
 - (6) The need to shape urban development.
 - (7) The use of innovative development regulations and techniques.
- D. To provide for the control, protection and/or abatement of air, water, groundwater and noise pollution and soil erosion and sedimentation.
 - E. To provide for the protection of the natural, historic, cultural and scenic character of the City or areas therein.
 - F. To provide for the preservation and promotion of open space and recreation resources of the City.
 - G. To provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space and other public requirements.
 - H. To promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing, including opportunities for the establishment of low- and moderate-income housing.
 - I. To provide opportunities for the establishment of low- and moderate-income housing.
 - J. To promote safety from fire, flood and other natural or man-made disasters.
 - J. To promote a high level of quality in design in the development of private and public facilities.
 - K. To promote implementation of the Pawtucket Comprehensive ~~Community~~ Plan, as amended.
 - L. To provide for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies.
 - M. To provide for efficient review of development proposals to clarify and expedite the zoning approval process.
 - N. To provide for procedures for the administration of this chapter.
 - O. To provide 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.

SECTION 2.

CHAPTER 410, ARTICLE II: USE REGULATIONS

AMENDMENT TO § 410-12: TABLE OF USE REGULATIONS; KEY

- A. The zoning districts as defined in this Article II are listed horizontally across the page by their abbreviated letter designation; for example, the letters "RL" denote the Residential Limited District.
 - B. Permitted uses are listed by district in the Table of Use Regulations and are denoted with a "Y" for yes, meaning the use is permitted in the specific district.
 - C. Uses that are not permitted are indicated by an "N" symbol in the district heading.
 - D. Uses that are permitted only upon approval of the Board of Review or City Planning Commission or Joint Planning Commission, under unified development review as appropriate, are denoted with an "S" for special use permit. No special use permit shall be approved except in accordance with the provisions of this chapter.
 - E. Uses that are permitted as an accessory building or use are denoted with an "A."
 - F. Any number of uses may be located on a lot or within a single building on a lot, provided that each use is permitted and all other requirements of the chapter are met except as provided for in § 410-60.
 - G. Uses not listed are prohibited, except as described in Subsection H below. Uses with an asterisk are defined in § 410-132, Definitions, and the 2007 North American Industry Classification System codes are given to assist in the classification of uses.
 - H. The City of Pawtucket recognizes that it cannot conceivably keep pace with the types of uses that result from new and changing technologies. The City also recognizes the benefit in allowing some flexibility for these new uses, provided that their impacts to the City are substantially similar to existing uses. Therefore, the City has developed a process whereby a use that is not specifically listed in the Table of Use Regulations, but is substantially similar to an existing use, may be allowed without a use variance.
- (1) Where a use is not specifically listed in the Table of Use Regulations, such use shall be permitted with a special use permit if both the Director of the Division of Zoning and Code Enforcement and the Director of Planning and Redevelopment, or their appointed designees, after consultation with the District City Councilor, mutually determine that the use can be classified in a substantially similar use category that is listed and allowed elsewhere in the applicable zoning district. The Director of Zoning shall make the finding that the proposed use is substantially similar to an existing allowed use based on the following criteria:
- (a) Whether the proposed use is similar in terms of hours of operation, traffic impacts, environmental impacts, and the potential for adverse impacts on surrounding properties;
 - (b) Whether the proposed use is typically housed in buildings or structures similar and compatible to those used to house permitted uses in the zoning district; or
 - (c) Whether the proposed use is consistent with the purpose and intent of the particular zoning district.
- (2) The Director of Planning shall make the finding that the proposed use is substantially similar to the same existing allowed use based on the use's potential impact on the intent of the Comprehensive Plan. This process will occur during the review of the certificate of zoning compliance and adhere to those existing time frames.
- (3) A proposed use that the Director of Zoning and the Director of Planning determines within thirty (30) days of a request does not fall into a permitted use classification, unless overturned on appeal, shall be prohibited until such time as the City Council may amend the ordinance to indicate that such use is a permitted or special use in one or more zoning districts.

I. The Table of Use Regulations sets out the uses which are allowed and prohibited within the Commercial Downtown District. The list below represents uses which are also allowed by right in the Commercial Downtown zoning district. In recent years, we have come across a number of new uses which cannot be easily classified but are desirable in the CD District because of their potential to increase activity during daytime and evening hours. This list represents uses which are allowed within the Commercial Downtown zone. Although they are new and/or difficult to classify, they are also uses that promote the purpose of the Comprehensive Plan for the Commercial Downtown district, and this section is clarifying that they are allowed by right:

- (1) Mixed use, especially ground-floor retail;
- (2) Incubator*;
- (3) Photography studio;
- (4) Black box theater*;
- (5) Cafe*;
- (6) Cultural activity*;
- (7) Gallery*;
- (8) Coworker space*;
- (9) Small design showroom, e.g., lighting, interior design, handcrafted furniture;
- (10)Film studio;
- (11)Recording studio;
- (12)Design studio;
- (13)Yoga or pilates studio (not a commercial full-service gym);
- (14)Live/work space*;
- (15)Small fabricating shops not to include industrial trade schools, and further provided that the activity does not include a use that is prohibited in the MO or MB Zoning Districts;
- (16)Cigar lounge;
- (17)Tattoo parlors;
- (18)Previously owned goods and merchandise, including antiques, collectibles, coins, consignment and stamps, excluding pawn shops;
- (19)Transit shelters*, drop-off points, bicycle rack(s) and/or corrals, and informational or retail kiosks. Layover locations for buses shall be prohibited;
- (20)Public structure or public use, including, but not limited to, public and private park, community or civic space, museum, gallery, or community center;
- (21)Bicycle paths and/or road bike lanes and pedestrian paths, bicycle racks or corrals.

* Defined in § 410-132, Definitions.

J. Adaptive Reuse Projects.

- (1) Permitted Use. Adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments is a permitted use under the criteria described below under Eligibility.

(2) Eligibility.

- (a) Adaptive reuse development must include at least 50% of existing gross floor area developed into residential units.
- (b) There are no environmental land use restrictions recorded on the property preventing the conversion to residential use by the Rhode Island Department of Environmental Management or the United States Environmental Protection Agency.

(3) Density calculations.

- (a) For projects that meet the following criteria, the residential density shall be no less than fifteen (15) dwelling units per acre:
 - [1]. Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building fire code, and utility requirements.
 - [2] The development includes at least twenty percent (20%) low- and moderate-income housing.
 - [3] The development has access to public sewer and water service or has access to adequate private water, such as well and/or wastewater treatment systems approved by the relevant state agency for the entire development as applicable.
- (b) For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing and has access to public sewer and water services or has access to adequate private water, such as well and wastewater treatment systems approved by the relevant state agency for the entire development, as applicable.
- (c) The density proposed for any adaptive reuse project shall be determined to meet all public health and safety standards.

(4) Dimensional requirements.

- (a) Notwithstanding any other provisions of this section, existing building setbacks shall remain and are considered legal nonconforming.
- (b) No additional encroachments shall be permitted into any nonconforming setback unless relief is granted by the permitting authority.
- (c) Notwithstanding other provisions of this section, the height of the structure shall be considered legal nonconforming if it exceeds the maximum height of the zoning district in which the structure is located.
 - [1] Any rooftop construction necessary for building or fire code compliance, or utility infrastructure is included in the height exemption.

(5) Parking requirements.

- (a) The parking requirements and design standards in Article IX of this chapter shall apply to all uses proposed as part of the project unless otherwise approved by the applicable authority except residential uses. Adaptive reuse developments are exempted from off-street parking requirements of over one space per dwelling unit.

(6) Allowed uses within an adaptive reuse project.

- (a) Residential dwelling units are a permitted use in an adaptive reuse project regardless of the zoning district in which the structure is located, in accordance with the provisions of this section.

(b) Any nonresidential uses proposed as part of an adaptive reuse project must comply with the provisions of Article II of this chapter for the zoning district in which the structure is located.

(7).Applicability of development plan review. An adaptive reuse conversion shall be subject to development plan review in accordance with Article IIIA of this chapter.

(a) In addition to the checklist requirements for the applicable review process, the applicant shall provide the following information:

[1] The proposed residential density and the square footage of nonresidential uses.

[2] A floor plan to scale for each building indicating, as applicable, the use of floor space, number of units, number of bedrooms, and the square footage of each unit.

SECTION 3.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-13.1: RIVERFRONT COMMISSION ESTABLISHMENT AND PURPOSES

The Pawtucket Riverfront Commission (hereinafter called the "Riverfront Commission" or the "Commission") is hereby established in accordance with the Subdivision Review Enabling Act of 1992, R.I.G.L. 45-23, as amended, as a technical review committee to review and regulate all structures and uses of land or structures within the RD1, RD2, RD3 Zoning Districts (hereinafter sometimes collectively referred to as the riverfront districts). The purpose of such review shall be the reasonable application of the police power of the City to protect the public from possible detrimental impacts of certain types of development and certain large-scale development while at the same time reasonably accommodating the goal of economic development within the City. The purpose is also to apply urban design principles that are respectful of the river by sustaining public access, maintaining view corridors, regulating height and bulk of structures, and permitting a diversity of uses.

SECTION 4.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-13.2: AUTHORITY OF COMMISSION

A. The Commission shall be the review body for all Formal Development Plan Review of development that is permitted by right within the riverfront districts, pursuant to Article IIIA of this chapter~~R.I.G.L. 45-24-49, as amended.~~

B. Where development within the riverfront districts requires either a special-use permit, a variance, a zoning ordinance amendment, and/or a zoning map change, or where a land development project is proposed within the riverfront districts or the development applies for but does not receive a modification, the Commission shall review such development or land development project in accordance with the procedures set forth herein, although such review shall be only advisory to the permitting authority.

~~C. The Chairperson, with the approval of the Commission, shall annually appoint a Design Review Committee (DRC) of the Commission as set forth in § 410-13.5 below, which shall be advisory only to the Riverfront Commission.~~

SECTION 5.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-13.5: ORGANIZATION AND STAFF.

A. Once a year, during the month of March, the Commission shall organize by electing from its membership a Chairperson and Vice Chairperson, and the members shall also notify the Rhode Island Ethics Commission, in writing, as required by law.

~~B. From time to time, as the need arises, the Chairperson, with the approval of the Commission, shall appoint members to the Design Review Committee. The other members of the Design Review Committee (DRC) shall be the Director, the Director of Public Works and the Director of Zoning and Code Enforcement.~~

€B. The Director shall assign staff to support and work with the Commission. Such staff may serve as Secretary to the Commission, or the Commission may appoint one of its members as Secretary.

ĐC. Applications and correspondence to the Commission shall be sent to the Commission in care of the Director. The Director shall file all records and decisions of the Commission.

SECTION 6.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-14.3: USES PERMITTED BY RIGHT; USES REQUIRING RELIEF; ZONING ORDINANCE AMENDMENT; LAND DEVELOPMENT PROJECTS

There are two different DPR processes, one for those uses that are permitted as of right, and a second process for those uses requiring a special use permit, and/or a variance, a Zoning Ordinance amendment, and/or a Zoning Map change or where a land development project is proposed within the Riverfront Districts. The Riverfront Commission shall have the administrative power and duty, in accordance with the requirements of this article and the Subdivision and Development Review Regulations (the "Regulations"), to review all plans for the proposed development.

A. Uses permitted by right. The decision by the Riverfront Commission shall be binding ~~upon the permitting authority, being that officer responsible to issue the building permit or certificate of occupancy.~~ Such decision shall be in writing and shall comply with all requirements of the Regulations, including those for filing of records and decisions. ~~The permitting authority may not issue a permit contrary to the decision of the Riverfront Commission, but such decision may be considered an appealable decision, appealable as set forth herein.~~

B. Uses not permitted by right.

(1) A use requiring a special use permit, and/or a variance, ~~a Zoning Ordinance amendment, and/or a Zoning Map change,~~ shall be subject to DPR by the RiverfrontPlanning Commission ~~prior to the hearing by the Zoning Board or City Council (pursuant to R.I.G.L. § 45-23-61A).~~

(2) The review by the Riverfront Commission shall be advisory only to the permitting authority. Such advisory opinion shall be in writing and shall comply with all requirements of the Regulations, including those for filing of records and decisions. The permitting authority may reject the advisory opinion of the Riverfront Commission, when considering the application before them.

(3)€C. Land development projects. When a land development project is proposed within the riverfront districts, it shall be subject to reviewDPR by the Riverfront Commission prior to review by the permitting authority~~the hearing by the City Planning Commission.~~

(1) ~~Review procedure: The review shall be conducted by the Riverfront Commission, pursuant to the procedures and time periods set forth in Article XIII of the Regulations.~~

(2) Scope of review: The review by the Riverfront Commission shall be advisory only to the permitting authority, ~~which is the City Planning Commission.~~ Such advisory opinion shall be in writing and shall comply with all requirements of the Regulations, ~~including those for filing of records and decisions.~~ The City Planning Commission, ~~as the permitting authority,~~ may reject the advisory opinion of the Riverfront Commission, when considering the application before them.

SECTION 7.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-14.4: ADDITIONAL CRITERIA.

The review by the permitting authority~~Riverfront Commission~~ shall be based upon the criteria~~specific requirements~~ set forth in § 410-15.1(I)~~herein~~, and in addition~~the Riverfront Commission shall find that~~:

- ~~A. The granting of approval will not result in conditions incompatible to the public health, safety and welfare;~~
- ~~B. The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district;~~
- AC. The plans for such project comply with all the requirements of this article ~~and the regulations~~;
- ~~D. The plans for such project are consistent with the Comprehensive Plan; and~~
- ~~E. Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval.~~

SECTION 8.

CHAPTER 410, ARTICLE III: RIVERFRONT DEVELOPMENT DISTRICTS

AMENDMENT TO § 410-14.7: APPEALS

- A. An applicant, or any aggrieved party, may appeal a decision of the Riverfront Commission to ~~the Pawtucket Zoning Board~~ Providence County Superior Court within 20 days of the filing of the decision of the Riverfront Commission with the Director.
 - (1) The appeal shall be heard in the same manner and pursuant to the same procedures as an appeal from the Planning Commission, as set forth in Chapter 23 of Title 45 of the General Laws of Rhode Island (as amended).
 - ~~(2) The Zoning Board shall not substitute its own judgment for that of the Riverfront Commission but must consider the issue upon the findings and record of the Riverfront Commission. The Zoning Board shall not reverse a decision of the Riverfront Commission except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.~~
- B. No appeal may be taken from an advisory opinion of the Riverfront Commission.

SECTION 9.

CHAPTER 410, ARTICLE IIIA: DEVELOPMENT PLANNED LAND DEVELOPMENT REVIEW.

AMENDMENT TO § 410-15.1: DEVELOPMENT PLAN REVIEW PROCESS

- A. Purpose. It is the purpose of this article to establish procedures pursuant to the permitting process which will enable the City to perform a comprehensive review of certain proposed developments. The development plan review (DPR) procedure shall not be used to deny an applicant a permitted use of the property as established by the Zoning Ordinance. The particular uses requiring development plan review are outlined. The development plan review requirements of this article are designed to assure safe, orderly and harmonious development of property in a manner that shall:
 - (1) Provide suitable safeguard and consideration for land use and site architectural design that is compatible with adjacent districts and uses;

- (2) Permit development to an extent commensurate with the availability and capacity of public facilities and services and promote the safe circulation of traffic throughout the City;
- (3) Preserve and protect natural resources and features and encourage consideration of environmental impacts and mitigative measures;
- (4) Encourage the provision of open space and public access and give due consideration to the quality and design of landscaping;
- (5) Encourage adequate consideration for the proper control of erosion, surface and subsurface drainage and pollution;
- (6) Facilitate orderly harmonious site development including safe and convenient provision and design of egress and ingress, off-street parking, truck loading, internal circulation, emergency access, refuse disposal outdoor storage, signage and lighting;
- (7) Preserve natural, historical, and cultural resources to the maximum extent feasible;
- (8) Protect appropriate vistas and environmental qualities of the City;
- (9) Assure consideration of the various elements of the comprehensive plan of the City.

B. Applicability.

- ~~(1) No permit to build, alter or expand any of the uses requiring development plan review as outlined below shall be issued by the Building Official until a written statement of final approval in accordance with this article has been received. The applicant is responsible for obtaining a building permit through the Zoning and Code Enforcement Office as required by City ordinances. The applicant must submit all plans and documents normally required for a building permit. The approved final plan shall be part of this submission. The development plan review process will not preclude the need to meet other City requirements as they may apply to a particular development. No alteration to any City ordinance requirements, or any necessity to gain approval by another legal jurisdiction shall be deemed to be authorized or granted by virtue of the development plan review under this article.~~
- ~~(2) Where the project is subject to development plan review and constitutes a subdivision, as defined in the Land Development and Subdivision Review Regulations adopted by the City Planning Commission, the two processes shall proceed concurrently. In the event that the development plan review decision is made prior to a final decision on the subdivision associated with the development, this decision shall be conditional on the subdivision approval.~~
- ~~(3) For any property located in the Riverfront Zoning District and therefore subject to design review by the Riverfront Commission, as defined by Article III of the Zoning Ordinance and where the project is subject to development plan review, the two processes shall proceed concurrently and Article III shall take precedence. In the event that the development plan review decision is made prior to a final decision on building design proposed in the development, this decision shall be conditional on Riverfront Commission approval.~~
- ~~(4) Projects subject to development plan review as defined in Article IIIA, § 410-15.1, Subsection E, shall not require review as a major land development project unless specifically required elsewhere in the Zoning Ordinance.~~

C. Coordination with other reviews.

- (1) Applications under this article which require relief which qualifies only as a modification shall proceed by filing an application and a request for a modification to the Director of Zoning and Code Enforcement in accordance with § 410-97.1. If such modification is granted the application shall then proceed to be reviewed by the designated permitting authority as determined in this article. If the modification is denied or an objection is received as set forth in § 410-97.1(C), such application shall proceed under unified development review and be reviewed by the City Planning Commission or Joint Planning Commission as appropriate.

(2) Applications under this article which require a special use permit or a varianceZoning Board of Review. The development plan review process (if applicable) must be conducted by the City Planning Commission or Joint Planning Commission under unified development review as appropriate, and a request for the review shallt accompany the preliminary Development Plan Review applicationtake place prior to the consideration of a dimensional variance, special use permit or appeal to the Zoning Board of Review.

D. Development Plan Review Process. Development plan review consists of two review processes, Administrative and Formal. A development subject to Formal DPR shall not be subject to Administrative DPR.The development plan review shall be conducted by either the City Planning Commission orthe staff of the Department of Planning and Redevelopment in accordance with the Subdivision Review Enabling Act of 1992, R.I.G.L. 45-23, as amended, and those procedures and requirements listed in this articlechapter and in the Land Development and Subdivision Review Regulations.

- (1) Administrative development plan review consists of one stage of review and the authorized permitting authority is the Administrative Officer.
- (2) Formal Development Plan Review consists of the preliminary stage and final stage of review.
- (3) The Administrative Officer may combine the stages of review for Formal Development Plan Review, providing that the submission requirements of both stages of review are met by the applicant to the satisfaction of the Administrative Officer.

E. Development Plan Review Thresholds. Applications for development shall be reviewed in accordance with the following thresholds. Any application for a Major Ssubdivision that meets the minimum for a land development project as defined by the City of Pawtucket shall be subject to the review procedures provided for those activities and shall not require development plan review. A development subject to development plan review shall not, otherwise be classified as a land development project. Specific zoning districts may have alternative requirements for development plan review. The requirements of those districts shall govern.

- (1) Formal Development plan review required by the City Planning Commission or Joint Planning Commission as appropriate unless assigned to a technical review committee elsewhere in this chapter:
 - (a) Any development exceeding the thresholds for Administrative Development Plan ReviewConstruction of any new residential structure, or combination of structures, with ten or more units.
 - (b) Construction of any new commercial or industrial structure with a gross floor area of 10,000 square feet or more.
 - (c) Exterior addition with a gross floor area of 1,000 square feet or more to an existing structure.
 - (bd) Any application that is referred to the City Planning Commission or Joint Planning Commission as appropriate by the Administrative Officer or the Zoning Board of Reviewstaff.
 - (ce) Unified Development Review applications.
- (2) Administrative Development plan review required by the Administrative Officerstaff of the Department of Planning and Redevelopment:
 - (a) Construction of any new one or two family residential structure or conversion of any existing structure to residential consisting of nine (9) units or less.
 - (b) Construction of any new commercial or industrial primary structure less than or equal to ten thousand 10,000 square feet of gross floor area.
 - (c) Accessory structures exceeding 15,000 square feet of gross floor area.

- (d) An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing or industrial structures.
- (e) Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less.
- (f) An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a ~~non-residential commercial~~ zone where no extensive exterior construction of improvements is sought.
- (g) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
- (h) Electric, gas, water, and irrigation stations and structures that are part of a public utility system.
- (i) Any permitted use that is specifically referred in writing to the ~~Department of Planning and Redevelopment~~ Administrative Officer by the Building Official or the Director of Zoning and Code Enforcement.
- (f) ~~Any other use for which the application for a variance or special use permit is specifically referred in writing to the Department of Planning and Redevelopment by the Zoning Board.~~

F. Certification.

- (1) The application shall be certified, in writing, complete or incomplete by the Administrative Officer within twenty-five (25) days. If no street creation or extension is required, and/or unified development review is not required, the application shall be certified complete or incomplete by the Administrative Officer within fifteen (15) days.
- (2) The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
- (3) If the Administrative Officer certifies the application as incomplete, the Administrative Officer shall set forth in writing with specificity the missing or incomplete items.

G. Application review and decision

- (1) Administrative Development Plan Review. An application shall be approved, denied, or approved with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and Administrative Officer.
- (2) Formal Development Plan Review.
 - (a) Preliminary plan. Unless the application is reviewed under unified development review, the permitting authority will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority.
 - (b) Final Plan. For Formal Development Plan Review, the permitting authority shall delegate final plan review and approval to the Administrative Officer. The Administrative Officer will report its actions in writing to the permitting authority at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.
- (3) Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the Administrative Officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.

(4) Vested rights. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the Administrative Officer or permitting authority, whichever entity approved the application, upon a showing of good cause.

(5) Changes to plans.

(a) Minor changes to the plans approved at any stage may be approved administratively, by the Administrative Officer, whereupon final plan approval may be issued. The changes may be authorized without an additional permitting authority meeting, at the discretion of the Administrative Officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the Administrative Officer from requesting recommendation from the permitting authority. Minor changes are described in the Land Development and Subdivision Regulations

(b) Denial of the proposed change(s) shall be referred to the permitting authority for review as a major change.

(c) Major changes to the plans approved at any stage may be approved only by the permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing. Major changes are described in the Land Development and Subdivision Regulations.

(d) The Administrative Officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the Administrative Officer determines that there has been a major change to the approved plans.

H. Waivers.

(1) Requirements for development plan approval may be waived where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the permitting authority identified in this article, finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.

(2) The application for a waiver of development plan approval review shall include documentation on prior use of the site, the proposed use, and its impact.

I. ~~Standards of Criteria for Approval.~~ The City Planning Commission or the permitting authority ~~Administrative Officer~~ ~~Department of Planning and Redevelopment~~ staff shall review the application and supporting documentation and shall issue development plan approval (including appropriate revisions and conditions), provided that the applicant has proved to the Commission/~~Administrative Officer~~ staff permitting authority that the following ~~criteria~~ standards will be met:

(1) The design of the proposed development will be consistent with the goals of the City Comprehensive Plan and will implement the purposes of development plan review;

(2) The proposal complies with all applicable provisions within the Zoning Ordinance;

(3) The plans for such project provide sufficient designs to all dimensional standards, including, but not limited to, parking and circulation, to ensure the health and safety of Pawtucket residents and visitors;

(4) The proposal complies with all submittal requirements listed for development plan review within the Land Development and Subdivision Regulations[1];

- (45) The proposal is designed to meet all applicable Required Improvements and Design Requirements and Performance Standards as provided in Section XV of the Land Development and Subdivision Regulations.[1]
- (6) Any conditions or restrictions that are necessary to ensure that these criteria have been met have been incorporated into the written approval.

[1]Editor's Note: Said regulations are on file in the City offices.

GJ.Appeals

- (1) Appeals to ~~the Zoning Board of Review~~Providence County Superior Court may be taken by a person aggrieved by any final action of ~~the permitting authority~~staff or the Commission pursuant to the provisions of this section. Such appeal shall be taken within 20 days of recording and posting of the decision with the City Clerk. ~~such final action by filing with the Zoning Board of Review a written notice of appeal specifying the grounds for appeal and the specific finding or findings of staff or the Commission in its final actions which are challenged, if any. The lack of particularity of specific grounds for appeal shall constitute cause for dismissal of any appeal. Only the grounds for appeal so specified will be reviewed by the Zoning Board of Review on appeal. Such appeal shall be accompanied by copies of the original development plan submission and the written findings of staff or the Commission with respect to the final action appealed from. Copies of the development plan and the findings shall be made available by the Department of Planning and Redevelopment for review by any party.~~
- (2) ~~On such review, the Zoning Board of Review shall not substitute its judgment for that of staff or the Commission but must consider the findings and record of staff or the Commission. The Zoning Board of Review shall not reverse a decision of the Commission or staff except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.~~

HK.Interpretation, Conflict, and Severability.

- (1) In their interpretation and application, the provisions of this article shall be held to be the minimum requirements. More stringent requirements may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.
- (2) Where ~~the Administrative Officer~~staff or the Commission recognizes the design standards of this article cannot be fully met, ~~the Administrative Officer~~staff or the Commission has the authority to approve development plans incorporating a balance of the design standards in a manner which maximizes the achievement of the stated objectives of this article. Compensating amenities and features exceeding standards and objectives must be identified within such a development plan. ~~The Administrative Officer~~Staff or the Commission shall address these offsetting features in writing as part of its statement of final decision.
- (3) Where the conditions imposed by any provisions of this article are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this article or of any other applicable law, ordinance resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (4) The provisions of this article are severable. If a section, sentence, clause, or phrase of this article is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this article.

SECTION 10.

CHAPTER 410, ARTICLE V: HISTORIC DISTRICTS.

AMENDMENT TO § 410-32: DEFINITIONS.

As used in this ~~chapter~~article, the following terms shall have the following respective meanings unless a different meaning clearly appears from the context:

ALTERATION

An act that changes one or more of the exterior architectural features of a structure or its appurtenances, including but not limited to the erection, construction, reconstruction or removal of any structure or appurtenance.

APPURTENANCES

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

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Historic District Commission established under this Article indicating approval of plans for alteration, construction, repair, removal or demolition of a structure or appurtenances of a structure within an historic district. "Appropriate for the purposes of passing upon an application for a certificate of appropriateness" means not incongruous with those aspects of the structure, appurtenances or the district which the Commission has determined to be historically or architecturally significant.

CITY

The City of Pawtucket, Rhode Island.

COMMISSION

The Historic District Commission of the City.

CONSTRUCTION

The act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including but not limited to buildings, extensions, outbuildings, fire escapes and retaining walls.

DEMOLITION

An act or process that destroys a structure or its appurtenances in part or in whole.

HISTORIC DISTRICT

A specific geographic area of a City or town as designated by ordinance of the City or town pursuant to Chapter 45-24.1. of the Rhode Island General Laws. An "historic district" may include one or more structures.

REHABILITATION

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

REMOVAL

A relocation of a structure on its present site or to another site.

REPAIR

A change meant to remedy damage or deterioration of a structure or its appurtenances.

STRUCTURE

Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limited to buildings, gazebos, billboards, outbuildings, decorative and retaining walls and swimming pools.

SECTION 11.

CHAPTER 410, ARTICLE V: HISTORIC DISTRICTS.

AMENDMENT TO § 410-32: APPEALS OF DECISIONS.

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission has the right to ~~shall have the right of appeal concerning~~ the decision to the Zoning Board of Review and a further right of appeal from the Zoning Board to the Superior Court in the same manner provided in R.I.G.L. § 45-24-6920~~[1]~~ and from the Superior Court by writ of certiorari. When hearing appeals from Commission decisions, the Zoning Board of Review shall not substitute its own judgment for that of the Commission, but must consider the issue upon the findings and record of the Commission. The Zoning Board of Review shall not reverse a Commission decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record. The Zoning Board of Review shall put all decisions on appeal in writing. The Zoning Board of Review shall articulate and explain the reasons and bases of each decision on the record, and the Zoning Board of Review shall send a copy of the decision to the applicant and to the Commission.

[1] Editor's Note: R.I.G.L. § 45-24-20 was repealed.

SECTION 12.

CHAPTER 410, ARTICLE VA: MILL BUILDING REUSE DISTRICT

AMENDMENT TO § 410-43.2: ESTABLISHMENT OF DISTRICT; PERMITTED USES; ADDITIONAL CRITERIA; REVIEW OF PROJECTS.

- A. Establishment. A reuse development may be established upon development plan review or land development project approval in accordance with Article IIIA of this chapter~~by the Planning Commission pursuant to R.I.G.L. § 45-24-47~~ for any mill listed in the Pawtucket Mill Building Survey dated 1995 and on file in the Department of Planning and Redevelopment, in any MB or MO Zone in which the proposed use of each building is permitted in accordance with Table of Use Regulations[1] of this chapter and Article VA.
[1]Editor's Note: The Table of Use Regulations is included at the end of this chapter.
- B. Permitted uses. Uses permitted by right in the MB or MO Zone and the following uses, listed by Table of Use Regulations category, are permitted in a Mill Building Reuse District:

Use Table Reference Number	Use
1.	Residential uses: D, L and O;
5.	Public, semipublic, education and recreation uses: C, N, O, P, Q, and R;
6.	Neighborhood commercial uses; A, B, and C;
7.	General commercial uses: A, B, D , and F
8.	Personal services: A, E, F, and G;
10.	Offices uses: A, B and C.

- C. Conditional uses. Uses permitted by special use permit in the MB or MO Zone and the following uses, listed by Table of Use Regulations category, are permitted in a Mill Building Reuse District

Use Table Reference Number	Use
5.	Public, semipublic, education and recreation uses: C, N, O, P, Q, and R;
7.	General commercial uses: D

- D. Additional criteria for approval. The approval of a reuse development shall be based upon the criteria set forth in § 410-15.1(I), and in addition, the Planning Commission permitting authority shall find that:
- ~~(1) The plans for the reuse development are consistent with the Comprehensive Plan.~~
 - (12) That the reuse development is not displacing an active manufacturing and or industrial use and that there is no reasonable expectation that manufacturing will continue at the site.
 - (23) The reuse development will not create a serious conflict with adjacent manufacturing and or industrial businesses in the MO and MB Zones.
 - (34) The developer has a plan to notify all tenants and owners of the buildings and units in the reuse development that they are in a MO or MB Zone and that allowed industrial zone uses that may be perceived as a nuisance or otherwise obnoxious shall give them no cause for action against such industrial and or manufacturing activity.
 - (45) The plans for the reuse do not include the demolition of more than 25% of the existing structures.

ED. Review by the Pawtucket Historic District Commission.

- (1) Proposed mill building reuse projects which are not participating in the federal or the Rhode Island Historic Tax Credit Program shall be reviewed by the Pawtucket Historic District Commission prior to ~~Planning Commission~~ a development plan review application being considered complete.
- (2) Scope of review. The review by the Historic District Commission shall be advisory only to the permitting authority, ~~which is the City Planning Commission.~~ Such advisory opinion shall be in writing and shall comply with all requirements of the regulations, including those for filing of records and decisions. ~~The City Planning Commissions, as the~~ permitting authority, may reject the advisory opinion of the Historic District Commission when considering the application before it or may incorporate the Historic District Commission's recommendations as conditions of the establishment of the Mill Building Reuse District.

SECTION 13.

CHAPTER 410, ARTICLE VB: RIVERFRONT COMMONS DISTRICT

AMENDMENT TO § 410-43.4: PERMITTED USES; ADDITIONAL CRITERIA; DEVELOPMENT PLAN REVIEW PROCESS..

A. Permitted uses.

- (1) Uses currently permitted by right in the Commercial General (CG) Zone or Riverfront Mixed Use (RD3) Zones are permitted in the RCD Zone. The following uses, listed by Table of Use Regulations[1] category, are also permitted in the RCD zone:

Use Table Reference Number	Use
1.	Multi-residential use: D and L
5.	Education facilities, art galleries, and houses of worship: A, I, J, K, L, M and N
7.	General commercial uses: excluding <u>C, Restaurant; ; D, Tavern; E, Drive-in; G, Nightclub, and H, Flea markets</u>
8.	Personal services: excluding C, Carpet cleaning; <u>J. Massage therapy;</u> R, Pawn shops; and Q, Check cashing
9.	Business services: excluding E, Pest control

10.

Office uses
11.

General automotive repairs: A, B, C, G and I
15.

Wholesale commercial uses
18.

~~Storage: B and H~~
19.

Industrial uses: D, F, H, O, P and S

[1]Editor's Note: The Table of Use Regulations is included at the end of this chapter.

(2) Existing nonconforming uses in an area being put in to the RCD Zone are allowed in the RCD Zone.

(3) Uses allowed by special use permit. Uses currently permitted by special use permit in the Commercial General (CG) Zone or Riverfront Mixed Use (RD3) Zone are permitted in the RCD Zone by special use permit (unless allowed by right above). The following uses, listed by Table of Use Regulations category, are also permitted in the RCD Zone by special use permit (unless allowed by right above):

Use Table Reference

Number

Use

7.

~~General commercial uses: E, Any commercerial use with a drive in window, and G, Nightclubs~~

19.

Industrial uses: AA

(4) Uses allowed as accessory uses. Uses currently permitted as accessory uses in the Commercial General (CG) Zone or Riverfront Mixed Use (RD3) Zone are permitted in the RCD Zone as accessory uses (unless allowed by right above). The following uses, listed by Table of Use Regulations category, are also permitted in the RCD Zone as accessory uses (unless allowed by right above):

Use Table Reference

Number

Use

8.

Personal services: T, Pet overnight boarding

(5) In addition, the uses permitted in the Table of Use Regulations, 410 Attachment 1, as amended,[2] are permitted in the RCD Zone and any uses added to the Commercial General (CG) or Riverfront Mixed Use (RD3) Zones shall also be added to and allowed in the RCD Zone.

[2]Editor's Note: The Table of Use Regulations is included at the end of this chapter.

B. Additional criteria for approval.

- (1)

To approve any development activity in the RCD Zone, the ~~permitting authority~~Planning Commission shall find that the application is consistent with the Comprehensive Plan and complies with the applicable sections of the Zoning Ordinance.
- (2)

Parking. There is no minimum (or maximum) number of parking spaces in the RCD Zone. The parking design standards set forth in § 410-78 shall apply.

- (3) Dimensional regulations. Dimensional regulations, as presented in Article VI, § 410-44, of the Pawtucket Zoning Ordinance as amended below for Riverfront Commons Zone, shall apply to the RCD Zone.
 - (4) Signs. Any permitted signs for Commercial Local, General and Downtown Zoning Districts and Riverfront Public Open, Riverfront Industrial and Riverfront Mixed Use Districts under § 410-88D and G and § 410-89, Shopping center signs, of the existing Pawtucket Zoning Ordinance are permitted in the RCD Zone, except that any electronic messaging centers (EMC signs) shall be allowed only by special use permit. All existing signage in place or permitted via variance or special use permit and yet to be built in an area being put into the RCD Zone is allowed in the RCD Zone.
 - (5) Riverfront Commission. The Riverfront Commission will serve in an advisory capacity to the permitting authority~~Planning Commission~~ in the RCD Zone. The review process shall occur concurrently. The procedural processes of the permitting authority~~Planning Commission~~ shall govern.
- C. Development design review process. ~~Design review~~All development in the RCD Zone shall be subject to development plan review in accordance with as currently defined in Article IIIA of this chapter, Planned Land Development, § 410-15.1.

SECTION 14.

CHAPTER 410, ARTICLE VC: COMMERCIAL MIXED USE (CMU)

AMENDMENT TO § 410-43.6: DIMENSIONAL REGULATIONS; PERMITTED USES; ~~ADDITIONAL CRITERIA.~~

- A. Dimensional regulations. Dimensional regulations, as presented in Article VI, § 410-44, of the Zoning Ordinance, as amended below for the Commercial Mixed Use Zone, shall apply to the CMU Zone.
- B. Permitted uses.
 - (1) Uses permitted by right in the Commercial General (CG) Zone are permitted in the CMU Zone.

(a) ~~The following uses, listed by Table of Use Regulations category, are also permitted in the CMU Zone:~~

Use Table Reference Number	Use
1	Multiresidential use:
	L (Mixed residential/commercial uses)
2	Accessory use:
	J (Private greenhouse, includes garden center)
5	Public, education, and recreation uses:
	D (Hospital),

~~L (Trade or vocational school),~~

~~N (Historical museum or art gallery, including incidental retail sales), and~~

~~O (Civic, social, fraternal organization)~~

7

~~General commercial uses:~~

~~C (Restaurant exceeding 2,500 square feet gross floor area),~~

~~E (Any commercial use with a drive in window), and~~

~~G (Nightclub)~~

8

~~Personal services uses:~~

~~J (Massage therapy),~~

~~K (Tanning salon),~~

~~L (Electrolysis),~~

~~S (Pet care services), and~~

~~T (Pet overnight boarding)~~

11

~~Automotive services use:~~

~~F (Gasoline service station, including repair facilities), and~~

~~G (Automobile, truck and motorcycle sales, rental and service)~~

13

~~Amusement/recreation services use:~~

~~D (Other amusement and recreation)~~

~~Wholesale commercial use:~~

~~15~~

~~A (Wholesale commercial use, including the sale and storage of goods, supplies and equipment)~~

~~Industrial use:~~

~~19~~

~~B [Processing of food and kindred products (e.g., brewery and distillery)]~~

~~(b)~~ The following uses, not listed in the Table of Use Regulations, are also permitted in the CMU Zone:

~~[1] Electric vehicle charging station.~~

[2] Kiosk, freestanding exterior.

[3] Outdoor retail - accessory.

[4] Data processing facility.

(2) Uses allowed by special use permit in the Commercial General (CG) Zone are permitted by special use permit in the CMU Zone, unless allowed by right above.

(3) Uses permitted as accessory uses in the Commercial General (CG) Zone are permitted in the CMU Zone.

(4) Use 18H, Rental storage space, shall not be permitted in the CMU Zone.

(5) Use 11G, Automobile, truck and motorcycle sales, shall be limited to the display of a maximum of 10 vehicles in the CMU Zone.

C. Number of buildings on a lot. More than one commercial or mixed-use primary structure located on a single lot is permitted in the CMU Zone.

D. Signs. Any permitted signs for the Commercial General (CG) Zone and shopping center signs as set forth in §§ 410-88 through 410-90 shall be permitted in the CMU Zone. Any electronic messaging centers (EMC signs) shall only be permitted by special use permit.

E. Additional standard~~criteria~~ for approval.

(1) There is no maximum requirement for off-street parking in the CMU Zone. Parking design standards as set forth in § 410-78 shall apply, and post-construction stormwater control standards as set forth in § 410-92 shall apply.

(2) Minimum parking requirements in the CMU Zone are:

(a) Residential: 1.5 spaces per unit;

(b) Office: four spaces per 1,000 square feet;

(c) Retail/restaurant: 4.5 spaces per 1,000 square feet.

(3) Maximum impervious coverage is 90%.

(4) Off-street loading minimum requirements:

(a) Size: length: 55 feet; width: 12 feet.

(b) Number:

[1] Four thousand square feet to 20,000 square feet: one space;

[2] Over 20,000 square feet: one space per 20,000 square feet or fraction thereof.

(c) Office uses are excluded from off-street loading requirements.

F. Development plan review. Development ~~plan review~~ in the CMU Zone shall follow the process and criteria defined in Article IIIA, ~~Planned Land Development, § 410-15.1 of this chapter.~~

SECTION 15.

CHAPTER 410, ARTICLE VD: CONANT THREAD DISTRICT (CT)

AMENDMENT TO § 410-43.7: DEFINITIONS.

~~ADAPTIVE REUSE~~

~~The process of repurposing an existing building for a different purpose than what was originally contained therein~~

ADULT USE

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

AMUSEMENT PARK

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

AUTO BODY SHOP OR REPAIR SERVICE

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

AWNING SIGN

A sign placed directly on the surface of an awning.

BUILDING CONTRACTOR OPERATION

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

COMMERCIAL SURFACE PARKING

A surface parking area that leases spaces on a temporary basis as a primary use.

COORDINATED DEVELOPMENT

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

EDGE OF PAVEMENT

The linear edge where curbing, sidewalks, and driveways meet the street surface.

ELEVATED FREESTANDING SIGN

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

FRONTAGE AREA

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

FRONTAGE BUILDING

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

FRONTAGE ZONE

The part of the frontage area immediately adjacent to the building facade.

FUEL STATION

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

FURNISHING ZONE

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

GOLF COURSE

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

HEAVY EQUIPMENT OPERATIONS

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

INFILL DEVELOPMENT

New buildings or structures developed where such development is contiguous with the preexisting pattern of buildings either on that lot or on adjacent lots.

MANUFACTURED ON-SITE HOME SALES

Establishments that provide for the assembly, display, storage, and sale of manufactured homes on the premises.

MINI-STORAGE AND SELF-STORAGE FACILITIES

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

MONUMENT SIGN

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

MOTOR VEHICLE AND EQUIPMENT LEASE AND SALES

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

MOTOR VEHICLE AND EQUIPMENT TOWING AND STORAGE

Any lot or land area used for the storage or layover of passenger buses, motor coaches, taxis, limousines, and other such fleets.

NEW DEVELOPMENT

Newly constructed buildings or structures. Includes infill development.

ON-SITE DRY CLEANING

An establishment that provides dry cleaning services where the cleaning operation is performed on site.

PEDESTRIAN ZONE

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

PROJECTING SIGN, HORIZONTAL

A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

PROJECTING SIGN, VERTICAL

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

RECESS LINE

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

REHABILITATION

Repair, renovation, and/or restoration activities designed to place unused or under-utilized buildings back into active use. See "Adaptive reuse."

ROOF SIGN

A sign that projects above the roof, parapet or ridgeline of the building; or mounted upon any roof, parapet or ridgeline of a building.

SALVAGE YARD

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

SIGNIFICANT RENOVATION

- Any improvements to an existing building that would include:
- A. Demolition of up to 20% of an existing structure designated as architecturally/historically significant by the Conant Thread Historic Inventory. The area of demolition shall be measured by the building footprint.
 - B. Replacing or changing the appearance of more than 50% of any exterior wall on any existing principal building (not accessory structures).
 - C. Replacement of windows cumulatively covering more than 300 square feet on any building designated as architecturally/historically significant by the Conant Thread Historic Inventory.
 - D. Replacing or changing any wall sign, monument sign, roof sign, or elevated projecting sign.
 - E. Changing the location of the primary entrance to the building.

SINGLE BUILDING LARGE RETAIL

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

STRIP COMMERCIAL DEVELOPMENT

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

STRUCTURED PARKING FACILITY

A multistory structure used to park vehicles as its primary use.

TRANSIT-ORIENTED DEVELOPMENT (TOD)

A style of land use development designed to concentrate residential use and complementary nonresidential uses in close proximity to high-volume transit infrastructure.

TURF

Landscaped grass areas designed to be regularly mowed.

WALL SIGN

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

WAREHOUSING AND DISTRIBUTION FACILITIES

Establishments where goods are stored in bulk temporarily before being shipped to other businesses or directly to consumers

SECTION 16.

CHAPTER 410, ARTICLE VD: CONANT THREAD DISTRICT (CT)

AMENDMENT TO § 410-43.11: PERMIT REVIEW CRITERIA.

- A. General criteria. In reviewing applications for development permits in the CT District, the approving authorities for any application shall consider the following overarching criteria:
- (1) Compliance with all applicable sections of the Zoning Ordinance and the subdivision and land development regulations.
 - (2) Consistency with the goals of the City Comprehensive Plan and the purposes of the CT District.
 - (3) The quality and accuracy of information presented by the applicant for the proposal.
 - (4) Compliance with the Conant Thread District Design Guidelines. These guidelines are available in the Pawtucket Department of Planning and Redevelopment, and may be updated by the JPC.
 - (5) Quality of site design and building design for the proposal.
 - (6) Preservation and considerate reuse of structures identified as being architecturally/historically significant by the Conant Thread Historic Inventory. This inventory is available in the Pawtucket Department of Planning and Redevelopment, and may be updated by the JPC.
 - (7) The plans for such project provide sufficient designs to all dimensional standards, including, but not limited to, parking and circulation, to ensure the health and safety of Pawtucket residents and visitors
 - (8) Any conditions or restrictions that are necessary to ensure that these criteria have been met have been incorporated into the written approval
- B. Special use permits. All uses of land and structures within the CT District that require a special use permit shall be consistent with the following standards for approval:
- (1) The proposed use of land and structures shall not deter the use of the remainder of the building and/or abutting buildings for residential or commercial uses by introducing noise, large truck traffic, or odors.
 - (2) The proposed use of land and structures shall not include storage or use of any materials that are harmful, flammable, noxious, or may otherwise be determined to be an undue nuisance to abutting property owners or residents.
 - (3) The scale of the proposed use of land and structures shall not directly result in increased traffic flow, particularly large industrial vehicles, that exceeds the capacity of existing CT District roadways and infrastructure.
 - (4) The proposed use of land and structures shall be consistent with the stated goals of the CT District, most specifically the creation of new light manufacturing job opportunities, a complementary mix of residential, office, and commercial activity, the preservation of historic mill structures, and the overall improvement of environmental conditions through brownfield remediation and stormwater management best practices.

SECTION 17.

CHAPTER 410, ARTICLE VD: CONANT THREAD DISTRICT (CT)

AMENDMENT TO § 410-43.12: SUBDIVISION AND LAND DEVELOPMENT REVIEW.

A. Applications for a subdivision within the CT District shall follow the applicable JPC development regulations.

~~B. Any proposal that includes the demolishing of more than 20% of a building prioritized for rehabilitation/adaptive reuse by the Conant Thread Historic Inventory[1] shall be reviewed as a major land development project.~~

~~[1]Editor's Note: Said inventory is available in the Pawtucket Department of Planning and Redevelopment~~

SECTION 18.

CHAPTER 410, ARTICLE VD: CONANT THREAD DISTRICT (CT)

AMENDMENT TO § 410-43.13: UNIFIED DEVELOPMENT REVIEW.

Applications for any variance and applications for special use permits shall be heard by the JPC as enabled by the unified development review provisions of the Cities of Pawtucket and Central Falls, and in accordance with the rules and procedures for the JPC as amended. Where an application does not require a subdivision or development plan review, but does require a variance or special use permit, the application shall be classified as a ~~major~~ land development project for the purposes of establishing review procedures under unified development review.

SECTION 19.

CHAPTER 410, ARTICLE VD: CONANT THREAD DISTRICT (CT)

AMENDMENT TO § 410-43.14: DEVELOPMENT PLAN REVIEW (DPR).

A. Purpose. It is the purpose of this article to establish procedures pursuant to the permitting process which will enable the City or the JPC, as applicable, to perform a comprehensive review of certain proposed developments. DPR will generally follow the process outlined in Article IIIA of this chapter, except that where this article conflicts with Article IIIA, this article shall govern. ~~The development plan review (DPR)~~ procedure shall not be used to deny an applicant a permitted use of the property as established by the Zoning Ordinance. The particular uses requiring DPR are outlined below.

B. Administration.

(1) No permit to build, alter, or expand any of the uses requiring DPR as outlined below shall be issued by the Building Official until a written statement of final approval in accordance with this article has been received. The applicant is responsible for obtaining a building permit through the Zoning and Code Enforcement Office as required by City ordinances. The applicant must submit all plans and documents normally required for a building permit. The approved final development plan shall be part of this submission. The DPR process will not preclude the need to meet other City requirements as they may apply to a particular development. No alteration to any City ordinance requirements or any necessity to gain approval by another legal jurisdiction shall be deemed to be authorized or granted by virtue of the DPR under this article.

(2) Projects subject to ~~DPR shall not require~~ review as a ~~major~~ land development project shall not require DPR unless specifically required elsewhere in the Zoning Ordinance. A project submitted for DPR may also be referred to the JPC as a ~~minor or major~~ land development project.

C. DPR process. The DPR shall be conducted by either the JPC or the Administrative Officer to the Pawtucket City Planning Commission~~staff of the Department of Planning and Redevelopment (staff)~~ in accordance with the Subdivision Review Enabling Act of 1992, R.I.G.L. 45-23, as amended, and those procedures and requirements listed in this ~~article~~chapter and in the Land Development and Subdivision Review Regulations. The JPC or Administrative Officer~~staff~~ may enlist the assistance of other municipal staff or boards in the review of applications. Mechanisms to enlist this assistance can include, but are not limited to, the establishment of a Technical Review Committee.

D. DPR thresholds. Applications for development shall be reviewed in accordance with the following thresholds.

(1) Formal DPR shall be under the jurisdiction of the JPC where any of the following conditions apply:

- (a) Where 20% or more of an existing structure is proposed to be demolished as measured by the footprint of the structure. Any site improvements or development occurring as a result of the demolition shall be reviewed along with the plans for demolition. ~~This threshold only applies to structures that are not identified as being architecturally/historically significant by the Conant Thread Historic Inventory[1] (see § 410-43.12).~~
~~[1]Editor's Note: Said inventory is available in the Pawtucket Department of Planning and Redevelopment.~~
- (b) Where proposed development would include 80,000 square feet or more of newly developed or renovated floor area in a new building, an existing building, accessory structures, or additions. Where multiple buildings or additions are included in the proposal, the floor area shall be measured in the aggregate.
- (c) Where proposed development would include 25,000 square feet or more of floor area utilized for industrial or manufacturing purposes and/or include accessory storage of equipment or materials.
- (d) Where proposed development would include more than 50 units of new housing.
- (e) Any site disturbance of 40,000 square feet or more.
- (f) Any development where a structured parking facility is proposed.
- (g) Any application that is referred to the JPC by the Administrative Officer~~staff~~.
- (h) Any development subject to unified development review.

(2) DPR shall be administrative (performed by Administrative Officer~~staff~~):

- (a) Where significant renovation, as defined in this article, of an existing building is proposed.
- (b) Where proposed development would include between 1,000 square feet and 80,000 square feet of newly developed floor area in a new building, an existing building, accessory structures, or additions. Where multiple buildings or additions are included in the proposal, the floor area shall be measured in the aggregate.
- (c) Where proposed development would include more than five and up to 50 units of new housing.
- (d) Any site disturbance between 2,000 square feet and 40,000 square feet.
- (e) Any permitted use that is specifically referred in writing to the Administrative Officer~~staff~~ by the Building Official or the Director of Zoning and Code Enforcement.

(3) A development subject to Formal DPR shall not also be subject to Administrative DPR.

E. Appeals.

- (1) Appeals to the Providence County Superior Court~~Zoning Board of Review~~ may be taken by a person aggrieved by any final action of ~~staff~~the Administrative Officer or the JPC pursuant to the provisions of this section. ~~Where the application was reviewed by staff, appeals will be confined to the City of Pawtucket Zoning Board of Review. Where the application was reviewed by the JPC, appeals shall be filed with Providence County Superior Court.~~

- (2) ~~For appeals made to the Zoning Board of Review, a~~Any appeal shall be taken within 20 days of such final action by filing with the Zoning Board of Review a written notice of appeal specifying the grounds for appeal and the specific finding or findings of staff in its final actions which are challenged, if any. The lack of particularity of specific grounds for appeal shall constitute cause for dismissal of any appeal. Only the grounds for appeal so specified will be reviewed by the Zoning Board of Review on appeal. Such appeal shall be accompanied by copies of the original development plan submission and the written findings of staff or the JPC with respect to the final action appealed from. Copies of the development plan and the findings shall be made available by the Department of Planning and Redevelopment for review by any party.
- (3) ~~On such review, the Zoning Board of Review shall not substitute its judgment for that of staff but must consider the findings and record of staff. The Zoning Board of Review shall not reverse a staff decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.~~

SECTION 20.

CHAPTER 410, ARTICLE VE: RIVERFRONT TIDEWATER (RTW)

AMENDMENT TO § 410-43.24: DIMENSIONAL REGULATIONS, PERMITTED USES; ADDITIONAL CRITERIA; REVIEW OF PROJECTS.

- A. Dimensional regulations. Dimensional regulations as presented in Article VI, § 410-44, of the Zoning Ordinance shall apply to the RTW Zone.
- B. Accessory structures. Accessory structures that are directly related to the functionality of primary structures in the RTW Zone, e.g., light poles and parking structures, are permitted to exceed the maximum allowable height for accessory structures as presented in § 410-44 of the Pawtucket Zoning Ordinance, provided that they are approved by the City Planning Commission through the development plan review process.
- C. Permitted uses. Use regulations as presented in Article II, § 410-12, of the Zoning Ordinance shall apply to the RTW Zone.
- D. Signs. All sign type and maximum sign area requirements for commercial zoning districts, as presented in § 410-88D, shall apply to the RTW Zone. Electronic messaging centers (EMC signs) shall be permitted by special use permit in the RTW Zone.
- E. Number of buildings on a lot. More than one commercial, residential, or mixed-use primary structure located on a single lot is permitted in the RTW Zone if approved by the Planning Commission through the development plan review process.
- F. Parking. There are no minimum or maximum parking space requirements in the RTW Zone. All development projects in the RTW Zone shall demonstrate adequate off street parking to support peak demand periods with limited reliance on proximate public right of ways to satisfy projected parking needs. This parking may be provided off-site, provided that it is easily accessible, safe for pedestrians, and does not adversely impact the character of abutting residential or commercial properties. Parking design standards as set forth in § 410-78 shall apply for all surface and structured parking areas.
- G. Additional criteria for approval.
- The review by the permitting authority shall be based upon the criteria set forth in § 410-15.1(I), and in addition:
- (1) ~~Development activity in the RTW Zone shall be consistent with the goals of the Pawtucket City Comprehensive Plan.~~
- (2) Structures and parking areas shall be situated in such a way as to maintain or maximize views of the Blackstone and Seekonk Rivers.

- (23)Development activity in the RTW Zone shall include features or amenities intended to maintain and maximize pedestrian access to riverfront areas, including connection wherever possible of all walkways, sidewalks, travel lanes, bikeways, and similar facilities along the river.
- (34)Development activity in the RTW Zone shall include adequate drainage systems and erosion control measures to minimize any adverse impact on the quality and condition of the Blackstone and Seekonk Rivers.
- (45)All screening, fences, walls, landscaped areas, plantings, or other landscaping treatment shall enhance and buffer the premises in a manner that is compatible with surrounding uses. The design of these features should avoid significant obstruction of views of the river.

H. Development plan review.

- (1)Development and design review in the RTW Zone shall follow the standard process of ~~planned land~~ development plan review as set forth in § 410-15.1.
- (2)The Pawtucket Riverfront Commission shall serve in an advisory capacity ~~to the Planning Commission~~ when considering ~~planned land~~ development plan review in the RTW Zone. The Riverfront Commission review process may occur concurrently and the procedural process of ~~the Planning Commission~~development plan review shall govern.

SECTION 21.

CHAPTER 410, ARTICLE VI: DIMENSIONAL REGULATIONS.

AMENDMENT TO § 410-44: ENUMERATION.

Enumeration.

Except as provided in Article VII, Supplementary Regulations, Article VIII, Nonconformance, and Article XI, Administration and Enforcement, the minimum and maximum dimensional regulations shown on the following tables shall be applied to each class of structure or use within each zone:

				Minimum Yard Setback Line			Maximum Height of Structures	
	Minimum Lot Size	Minimum Lot Frontage	Maximum Lot Coverage	Front	Side	Rear	Main*	Accessory
Zone and Use	(square feet)	(feet)	(percent)	(feet)	(feet)	(feet)	(feet)	(feet)
Residential Limited Zone								
One-family dwelling	<u>Existing</u> lots 0; <u>New</u> lots:9,000	90	30%	25	15	25	30	15
Residential Single-Family Zone								
One-family dwelling	<u>Existing</u> lots 0; <u>New</u> lots:5,000	50	30%	18	8	25	30	15

Other residential use	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:7,500</u>	75	30%	18	8	25	30	15
Other permitted use	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:10,000</u>	100	30%	18	8	25	30	15
Residential Two-Family Zone Residential Use								
One-family dwelling	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:5,000</u>	50	30%	15	8	25	30	15
Two-family dwelling	7,500	75	30%	15	8	25	30	15
Other residential use	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:7,500</u>	75	30%	15	8	25	30	15
Other permitted use	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:10,000</u>	100	30%	15	8	25	30	15
Residential Multifamily Zone								
Residential use								
One-family dwelling	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:5,000</u>	50	30%	10	8	25	30	15
Two-family dwelling	7,500	75	30%	10	8	25	35	15
Three-family dwelling	10,000	100	30%	10	10	25	35	15
Multifamily dwelling, per dwelling unit	<u>Existing</u> <u>lots 0**:</u> <u>New</u> <u>lots:3,000</u>	100	30%	10	10	25	35	15
Other permitted residential use	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:10,000</u>	100	30%	10	10	25	35	15

Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:10,000</u>	100	30%	10	10	25	35	15
Residential Elevator Zone								
Residential use								
Multifamily dwelling								
First 4 dwellings, per dwelling unit	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:2,000</u>	75	30%	20	20	20	30	15
Dwelling unit after first 4, per dwelling unit	1,600	75	30%	20	20	20	105	15
Other residential use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:7,500</u>	75	50%	20	20	20	40	15
Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:10,000</u>	100	50%	20	20	20	40	15
Commercial Local Zone								
Residential use		(Same dimensional regulations as for residential uses in RM Zones)						
Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:5,000</u>	50	50%	0	0	10	25	15
Commercial General Zone								
Residential use		(Same dimensional regulations as for residential uses in Residential Multifamily Zones)						
Other permitted use	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:5,000</u>	50	50%	0	0	10	40	15
Commercial Downtown Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:2,500</u>	25	100%	0*** _	0	0	65	15

Commercial Mixed Use	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:45,000</u>	50	50%					
Main structures between 46 and 100 feet				10	20****_	10	100	
Main structures up to 45 feet				0	0	5	45	
Accessory structures				0	0	5	45	
Industrial Open Zone								
Residential (minimum 5 units)			(Same dimensional regulations as for Residential Multifamily Zones)					
Other permitted use	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:20,000</u>	100	60%	20	20	20	40	15
Industrial Built-Up Zone	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:10,000</u>	75	80%	0	0	0	40	15
Public Open Zone								
Uses listed	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:100,000</u>	100	25%	25	25	25	35	15
Other permitted use	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:100,000</u>	100	5%	25	25	25	35	15
Public Cemetery Zone	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:100,000</u>	100	5%	25	25	25	25	15
Riverfront Development - Public Open Zone	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:20,000</u>	100	25%	25	25	25	35	15
Riverfront Development - Industrial Zone	<u>Existing</u> <u>lots 0:</u> <u>New</u> <u>lots:20,000</u>	100	60%	20	20	20	40	15

Riverfront Development Mixed-Use Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:5,000</u>	50	60%	See § 410-14.5C(7)			40	15
Riverfront Commons Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:2,500</u>	25	100%	0	0	0	85	15
Riverfront Tidewater Zone	<u>Existing</u> <u>lots 0;</u> <u>New</u> <u>lots:5,000</u>	50	100%	0	0	0	120	15

NOTES:

~~*Maximum Building height is measured as defined in § 410-132 from the highest set grade of site location to the highest point of the structure.~~

~~**Only applies to the existing number of units. Any additional units shall meet the requirement for a new lot.~~

~~***-Maximum front yard setbacks apply within the Commercial Downtown Zone, as prescribed in § 410-44.2.~~

~~****Minimum side yard setback requirement when directly abutting residential zoning districts only; minimum side yard setback of 10 feet applies when abutting commercial or industrial zoning districts or properties with established commercial or industrial use. Minimum side yard setback of zero feet applies for contiguous parcels under the same ownership.~~

~~A. In no instance shall the distance between an existing primary building on a separate lot in the same zoning district as the subject lot and a newly constructed building on the subject lot be less than twice the side yard setback for the subject lot.~~

SECTION 22.

CHAPTER 410, ARTICLE VII: SUPPLEMENTARY REGULATIONS.

AMENDMENT TO § 410-59: PERMITTED SPECIAL USES.

The following special uses are permitted upon approval by the ~~Board~~permitting authority, in accordance with Article XIII, and the following conditions are in addition to those set forth in Article XIII.

A. Boarding. The ~~Board~~permitting authority may permit that up to two rooms may be rented with or without meals within any dwelling unit, provided that more than 50% of the habitable space is occupied by the family occupying the dwelling unit, and provided that no more than one person may occupy any one of said rooms.

B. Accessory manufacturing. Within commercial zones manufacturing, compounding, processing, catering, cleaning, laundering, plumbing, baking, or treatment of products and similar uses which are clearly incidental and essential to a retail use may be permitted by the ~~Board~~permitting authority, provided that such uses, generate no perceptible operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or electrical interference from outside the property~~other similar causes.~~

C. Change in nonconforming use.

- (1) Industrial and commercial zones. Within any such zone, a nonconforming use may be changed to a different nonconforming use by special use permit. In considering an application for a special use permit to change to a different nonconforming use, the Boardpermitting authority shall find that the new use will be less nonconforming and less disruptive of the neighborhood land use pattern. A nonconforming use changed to a different nonconforming use by a special use permit may not be changed to another nonconforming use without the granting of another special use permit.
- (2) Residential zones. Within any such zone, a nonconforming use may be changed to a different use which is allowed by special use permit in that zone. In considering the application, the Boardpermitting authority shall consider any conditions required for the granting of that special use permit.

D. Parking in residential zones. Off-street automobile parking lots may be established by special use permit to support off-street parking requirements of residential uses in areas where the Boardpermitting authority finds that there is a need for such additional facilities or where required off-street parking cannot be satisfied on the lot in which such residential uses are located. Such lots shall be developed and maintained as required by § 410-77 of this chapter and subject to such further conditions as may be imposed by the Boardpermitting authority. A parking lot shall be used solely for the temporary parking of motor vehicles and shall not be used as an off-street loading area. The parking lot shall be screened by a four-foot-high compact evergreen screen or tight board fence. Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

E. Off-site parking. The Boardpermitting authority may permit off-street parking on other off-site lots in any district, provided that such off-site parking is reasonably and safely accessible from the principal use, either by pedestrians or other means, such as tram and/or shuttle service. The Boardpermitting authority shall require that appropriate deed restrictions be recorded in the land evidence records. A parking lot shall be used solely for the temporary parking of motor vehicles and shall not be used as an off-street loading area. The parking lot shall be screened by a four-foot-high compact evergreen screen or tight board fence. Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

F. Shared parking. The Boardpermitting authority may allow shared parking, provided that the type of structures or uses indicate that the period of usage of such structures or use will not be simultaneous (e.g., a church with Sunday services together with a business that is closed on Sundays) and neither use may be a residential use.

G. Maximum lot coverage. The Boardpermitting authority may allow an additional 10% lot coverage above the maximum lot coverage specified in this chapter if, and only if, parking is provided in accordance with § 410-76 and the use of the building is in conformance with Article II.

H. Maximum height in residential zones. The Boardpermitting authority may, by special use permit, allow an increase in the maximum height to 40 feet, provided that the use of building is in conformance with Article II.

SECTION 23.

CHAPTER 410, ARTICLE VII: SUPPLEMENTARY REGULATIONS.

AMENDMENT TO § 410-60: SPECIAL USE PERMIT REQUIREMENTS FOR SPECIFIC USES.

The following uses of land and structures are permitted upon approval by the Boardpermitting authority, in accordance with Article XIII, and the following conditions are in addition to those set forth in Article XIII.

A Service stations. Automobile service stations shall be permitted subject to Rhode Island Department of Environmental Management Regulations and only when the following requirements are met:

(1) Lot requirements:

- (a) Minimum lot size shall be 20,000 square feet.
- (b) Minimum lot depth shall be 100 feet.
- (c) Minimum lot width and frontage shall be 100 feet.

(2) Requirements for service station buildings:

- (a) Minimum setback from all street lines shall be 40 feet.
- (b) Minimum setback from all interior lot lines shall be 20 feet.

(3) Requirements for driveways:

- (a) Minimum distance between access driveways shall be 20 feet.
- (b) Maximum width for curb cuts shall be 25 feet.

(4) Requirements for other structures:

- (a) Minimum distance between pump islands, compressed air connections and similar equipment and any street or property lines shall be 20 feet.
- (b) Minimum distance between the canopy and the street line shall be 12 feet.
- (c) Minimum distance between any canopy and compressed air and similar equipment and any interior lot line shall be 20 feet.

(5) Requirements for underground tanks:

- (a) Maximum storage capacity for petroleum products shall be 42,000 gallons.
- (b) 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.

(6) Requirements for repairing and washing vehicles. Repairing shall be limited to minor repair work, such as tire or tube repairing, battery charging, lubrication, engine tuneups and similar type work, and 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 on site 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.

(7) Outside storage of vehicles. For all auto service stations, new and used car dealerships, recreational vehicle dealerships, garage repair shops, auto body shops, car washes, storage of vehicles and similar types of uses, overnight outside storage of any vehicles intended to be repaired shall be limited to one vehicle for every 500 square feet of lot area.

(8) There is vertical separation of at least four inches (4") between the use and adjoining sidewalks or roadways

(9) There is a landscaped planting area of at least three feet (3') along all edges of the use.

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

(a) Safe pedestrian and vehicular circulation.

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

(11) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or operational or physical alterations to the subject property.

B. Auto body repair shops. In granting a special use permit for the construction of an auto body repair shop, the following standards for development shall apply:

- (1) The minimum lot size shall be 10,000 square feet in an MB Zone and 20,000 square feet in an MO Zone.
- (2) All structural and cosmetic work made on motor vehicle bodies shall be conducted within a fully enclosed structure of at least 3,000 square feet in area.
- (3) Buildings shall be set back at least 25 feet from the street right-of-way and at least 20 feet from any other property line.
- (4) Auto body repair shops that store inoperable vehicles, automotive parts or trash out-of-doors shall erect a commercial opaque fence of six feet in height along all side and rear property lines. The fencing or wall shall be reduced in height when approaching a street line to provide proper visibility where an adjacent driveway exists or is to be established.
- (5) Each auto body repair shop shall have as a minimum one parking space for every 1,000 square feet of gross floor area or two employees on maximum working shift, whichever is greater.
- (6) Each auto body repair shop shall have as a minimum two access drives from abutting City streets, neither of which shall exceed 20 feet in width. Associated curb cuts shall conform to Chapter 351, Streets and Sidewalks, Article IX, Curb Cuts and Driveway Openings.
- (7) No motor vehicles shall be stored and no repair and/or service work shall be conducted in the public right-of-way.
- (8) There is vertical separation of at least four inches (4") between the use and adjoining sidewalks or roadways
- (9) There is a landscaped planting area of at least three feet (3') along all edges of the use.
- (10) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:

(a) Safe pedestrian and vehicular circulation.

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

(11) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or operational or physical alterations to the subject property.

C. Rooming houses with six rooming units or less.

- (1) Dimensional requirements shall be as follows:
 - (a) Minimum lot size 5,000 square feet.
 - (b) One parking space per two rooming units.
 - (c) One dwelling unit required for resident manager.

(2) Density requirements.

- (a) Maximum number of residents per rooming unit is two persons.
- (b) Maximum number of beds is two per rooming unit.

(3) Other requirements.

- (a) Sprinkler system and fire alarm shall be provided as determined by the Fire Safety Code.[1]

[1]Editor's Note: See Chapter 210, Fire Prevention, Article II, Fire Prevention Code.

- (b) Sanitary facilities shall be sized according to the number of rooming units in accordance with the International Plumbing Code.
- (c) A security system controlling the front entrance shall be provided.
- (d) A central kitchen facility will be allowed for cooking and eating. ~~The kitchen will be sized to accommodate the number of rooming units.~~
- (e) There shall be a resident manager on the premises.

D. Rooming house with seven or more rooming units.

(1) Dimensional requirements shall be as follows:

- (a) Minimum lot size 10,000 square feet.
- (b) One parking space per rooming unit.
- (c) One dwelling unit required for resident manager.

(2) Density.

- (a) Maximum number of residents per rooming unit is two persons.
- (b) Maximum number of beds is two per rooming unit.

(3) Other requirements.

- (a) Sprinkler system and fire alarm shall be installed as determined by the Fire Safety Code.
- (b) There shall be a resident manager on the premises.
- (c) Sanitary facilities shall be sized according to the number of rooming units in accordance with the International Plumbing Code.
- (d) Private trash disposal shall be provided by the property owner.
- (e) There shall be a security entrance to the front door.
- (f) Central kitchen facilities will be allowed for cooking and eating. ~~The kitchen shall be sized to accommodate the number of rooming units.~~

E. Home occupations by special use permit. All home occupations not meeting the home occupation by right criteria shall be considered as special permit uses and ~~shall be reviewed by the Board of Review and shall:~~

- (1) Be conducted by the legal resident.

- (2) Have no more than one-third (1/3) of the home devoted to business or 500 square feet, whichever is smaller.
- (3) Generate no perceptible noise, vibration, emissions, odor or electrical interference from outside the property.
- (4) Have no bulk freight deliveries.
- (5) Have a maximum of 20 visits per week and five per day.
- (6) Not have a sign larger than one square foot.
- (7) Have off-street parking with at least one space required.
- (8) Have no retail sales.
- (9) Have no more than one nonresident employee.
- (10) Have no occupations which are otherwise prohibited by state law or City ordinance.

F. Mixed residential/commercial uses.

- (1) The application shall propose occupancy of residential and commercial uses.
- (2) The number of dwelling units permitted shall be based on one dwelling unit per 2,000 square feet of land area.
- (3) The proposed commercial uses shall be those allowed in Article II as personal services, business services, office uses, entertainment, amusement and recreation services, commercial services, excluding restaurants providing dancing.
- (4) Commercial and residential parking spaces and loading shall be required as per Article IX.

G. Manufactured home park.

- (1) It shall be unlawful for any person to construct, alter or extend any manufactured home park within the City unless the applicant holds a zoning certificate issued by the Director for the specific construction, alteration or extension proposed.
 - (a) Any applicant for a special use permit for a manufactured home park shall present an application and a development plan made by a registered engineer or land surveyor at a scale of no more than 100 feet to one inch. The plans shall show existing and proposed curb cuts, driveways, parking spaces, all manufactured home park spaces, service buildings and proposed structures. A separate utility plat plan, including water, sewer and electric city, is also required in the case of new construction or an extension.
 - (b) Any person operating a manufactured home park shall hold a license from the Rhode Island Department of Health which shall be copied and made a required part of any application.
- (2) Environmental, open space and access requirements.
 - (a) Generally. Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. ~~There site shall be no perceptible not be exposed to objectionable~~ smoke, noise, dust, vibration, odors or electrical interference from outside the property ~~other adverse influences~~, and no portion subject to unpredictable or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
 - (b) Soil and ground cover. Exposed ground surfaces in all parts of every manufactured home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative cover that is capable of preventing soil erosion and of eliminating ~~objectionable~~ dust.

- (c) Site drainage. The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

(3) Nonresidential uses.

- (a) No part of any manufactured home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- (b) Nothing in this subsection shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home stand and, if an independent manufactured home, connected to the pertinent utilities.

(4) Minimum size of manufactured home space.

- (a) Manufactured home spaces shall provide a minimum of 3,500 square feet for each space that shall be at least 35 feet wide and clearly defined; provided, however, that manufactured home parks in existence on the effective date of this chapter (March 29, 1971) which provide manufactured home spaces having a width or area less than that hereinabove prescribed may continue to operate with spaces of the existing width and area.
- (b) Manufactured homes shall be separated from each other and from other buildings and structures by at least 15 feet, provided that manufactured homes placed end-to-end may have a clearance of 10 feet where opposing rear walls are staggered.
- (c) An accessory structure which has a horizontal area exceeding 25 square feet, is attached to a manufactured home or located within 10 feet of its window and has an opaque top or roof that is higher than the nearest window shall, for purposes of all separation requirements, be considered to be part of the manufactured home.

(5) Required setbacks, buffer strips and screening.

- (a) All manufactured homes shall be located at least 25 feet from any park property boundary line abutting upon a public street or highway and at least 15 feet from other park property boundary lines.
- (b) There shall be a minimum distance of 10 feet between an individual manufactured home and adjoining pavement of a park street or common parking area or other common areas.
- (c) All manufactured home parks located adjacent to industrial or commercial land uses shall be provided with screening, such as fences or natural growth, along the property boundary line separating the park and such adjacent nonresidential uses.

(6) Street design requirements.

- (a) All manufactured home parks shall be provided with ~~safe and convenient~~ vehicular access from abutting public streets whose maintenance will be the duty of the permittee.
- (b) Access to manufactured home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have a minimum road pavement of 34 feet where parking is limited to one side. Where the primary entrance road is more than 100 feet long and does not provide access to abutting manufactured home spaces within such distance, the minimum road pavement width may be 24 feet, provided that parking is prohibited at both sides.
- (c) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and, in any case, shall meet the following minimum requirements:

[1] All streets shall be 32 feet minimum in width.

[2] Dead-end streets shall be limited in length to 600 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 60 feet.

[3] All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.

(d) Required illumination of park street systems. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night in all parts of the park street systems: 0.6 footcandle, with a minimum of 0.1 footcandle.

H. Personal communications system and amateur radio or television antenna.

- (1) Personal communications system antennas are attached to the roof or wall of existing manufacturing, commercial, public and semipublic structures.
- (2) Personal communications system and amateur radio or television antennas meet the following standards: maximum height 15 feet and maximum area 50 square feet.

I. Wireless communications antenna.

- (1) No wireless communications antenna shall be erected within 700 linear feet of a residential zoning district, measured from the center of the antenna.
- (2) No wireless communications antenna shall exceed 180 feet in height.
- (3) All wireless communications antenna facilities shall have an eight-foot fence enclosing the structure and be landscaped with shrubs.
- (4) All wireless communications antennas shall be approved and certified for structural safety by a registered engineer.
- (5) All wireless communications antennas shall be removed once they have ceased to function for a period of one year.

J. Multitenant commercial structures.

- (1) Minimum side yard width: 12 feet.
- (2) Any freestanding sign shall not exceed the dimension regulations of this chapter.
- (3) Location of a trash container approved through development plan review ~~is to be approved by the Director.~~
- (4) Occupancy shall be limited to tenants in the use category of 6, 7 commercial uses; 8, personal services; and 9, business services. All other use categories are prohibited.
- (5) The commercial standards for parking must be met.

K. Any commercial use with a drive-in window.

- (1) Minimum lot site shall be 10,000 square feet. All land, including stacking area and parking, must be zoned commercial local, general, riverfront commons or manufacturing open.
- (2) There shall be no on-site stacking lane within 50 feet of a residential property.

- (3) The applicant shall provide information on the following:
 - (a) Nature of the product or service being offered.
 - (b) Method by which an order is processed.
 - (c) Time required to serve a typical customer.
 - (d) Anticipated arrival rate of customers.
 - (e) Peak demand hour.
 - (f) Approval of the anticipated vehicular stacking plan to ensure no stacked cars will be in the right-of-way and will not increase traffic in adjacent residential neighborhoods required by the City's Traffic Engineer.
- (4) There shall be no microphone and amplification system within 150 feet of a residential structure.
Amplification systems shall not be directed at abutting properties.
- (5) Queuing areas shall be screened from adjoining residential zones by a four-foot-high compact evergreen screen or tight board fence.
- (6) 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
- (7) A signage plan that clearly identifies the business, its driveway and building entrances, and drive-through progression shall be submitted with the special use permit application.
- (8) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or physical alterations to the subject property.
- L. Billboard, bulletin type.
 - (1) Location shall be in an Industrial Open MO or Industrial Built-Up MB District within 600 feet of freeway line of an interstate highway.
 - (2) No billboard-bulletin sign shall be erected after the date of this amendment, except to the extent that such sign replaces an existing nonconforming sign.
 - (3) Maximum sign area is 675 square feet and maximum height is 25 feet. Cutouts and extensions are permitted in accordance with Department of Transportation Rules and Regulations for Outdoor Advertising.
 - (4) Any new billboard sign constructed shall be in conformance with the State of Rhode Island Department of Transportation Rules and Regulations for Outdoor Advertising.
 - (5) All billboard signs erected must conform to applicable Rhode Island State Building Code regulations and City of Pawtucket ordinances.
- M. Billboard, thirty-sheet poster type.
 - (1) The location is to be in Industrial Open MO or Industrial Built-Up MB Zoning District within 600 feet of an interstate highway or along a highway classified as primary system.
 - (2) No billboard, thirty-sheet poster type, shall be constructed or erected after the date of the amendment, except to the extent that such sign replaces an existing nonconforming sign.

- (3) The maximum area shall be 300 square feet, and the maximum height shall be 50 feet.
- (4) The location is to be at least 500 feet from any other billboard, thirty-sheet poster type.
- (5) All signs erected must conform to applicable Rhode Island State Building Code and Department of Transportation regulations.

N. Billboard, eight-sheet poster type.

- (1) The location is to be in Industrial Open MO or Industrial Built-Up MB District.
- (2) No sign shall be constructed or erected after the date of this amendment, except to the extent that such sign replaces an existing nonconforming sign.
- (3) The maximum sign area is to be 100 square feet, and the maximum height is to be 16 feet.
- (4) The distance from a public right-of-way shall be 10 feet.
- (5) All signs erected must conform to applicable RI State Building Code regulations and local ordinances.
- (6) The minimum distance of a sign from any residential district is to be 100 feet.

O. Marina.

- (1) Marinas are limited to land parcels with access to Seekonk and Pawtucket Rivers.
- (2) There shall be a minimum of 10 boat-docking spaces during summer boating season.
- (3) An accessory use permitted is the sale of boating supplies, excluding fuels.
- (4) There shall be one parking space per boat leasing space at the marina.
- (5) Marinas shall be in compliance with Coastal Resources Management Council regulations.
- (6) Off-season boat storage shall be allowed, subject to an egress plan approved by the fire department.
- (7) No boat is kept in the same location for more than five hundred (500) days.
- (8) Composting, recycling, and waste bins are readily available for patrons.

P. Medical office building.

- (1) New structure or conversion of nonresidential structure for medical office building; no conversion of existing residential dwellings.
- (2) The minimum lot size shall be 10,000 square feet.
- (3) Buildings shall meet parking lot standard of one space per 300 square feet of leasable floor space.
- (4) There shall be no front yard parking in developed residential areas.
- (5) Landscaping is to be provided in all parking lots; three-foot exterior border in parking lots and trees every 40 feet.
- (6) Best management practices shall be employed for parking lot stormwater drainage.

- (7) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
- (a) Safe pedestrian and vehicular circulation.
 - (b) A designated drop-off area near an entrance to the building sufficient to hold at least four vehicles that does not block vehicle parking spaces.
 - (c) Vehicular and pedestrian signage directing patients and visitors to the different driveways and building entrances.
- (8) Sufficient hospital design shall be demonstrated through the submission of architectural plans stamped by a Rhode Island licensed architect with the special use permit application that includes wayfinding directing patients and visitors to the different care destinations.
- (9) A signage plan that clearly identifies the hospital and all wayfinding shall be submitted with the special use permit application.
- (10) 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.
- (11) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
- (12) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or physical alterations to the subject property.

Q. Manual assembly of jewelry products.

- (1) To exclude jewelry manufacturing and metal processing machinery.
- (2) To consist primarily of carding and packaging of manufactured jewelry products.

R. Independent-living facility and nursing care and assisted living.

- (1) Minimum lot size: 5,000 square feet.
- (2) The required minimum lot area is 1,000 square feet per resident.
- (3) Lot coverage does not exceed thirty (30) percent.
- (4) Every room used for sleeping purposes contains at least 100 square feet of floor space, and every room occupied for sleeping purposes by more than one person contains at least an additional 60 square feet of floor space for each additional occupant thereof.
- (5) Landscaping and architectural treatment is in harmony with the surrounding residential development. The building and grounds shall be maintained so as to enhance the appearance of the premises.
- (6) Provisions for outdoor passive recreation are provided in the form of paved walks and patios and include benches and similar facilities. Area devoted to passive recreation is equal at least ten percent of the lot or premises.

- (7) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
- (a) Safe pedestrian and vehicular circulation.
 - (b) A designated drop-off area near an entrance to the building sufficient to hold at least four vehicles that does not block vehicle parking spaces.
 - (c) Vehicular and pedestrian signage directing patients and visitors to the different driveways and building entrances.
 - (d) Delivery and waste removal locations and schedules that do not disturb the peace.
- (8) Sufficient healthcare design shall be demonstrated through the submission of architectural plans stamped by a Rhode Island licensed architect with the special use permit application that includes wayfinding directing patients and visitors to the different care destinations.
- (9) A signage plan that clearly identifies the hospital and all wayfinding shall be submitted with the special use permit application.
- (10) 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.
- (11) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
- (12) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or physical alterations to the subject property.

S. Multitenant industrial structures.

- (1) Minimum lot size: 20,000 square feet.
- (2) Minimum side, front, rear yard width: 20 feet.
- (3) Any freestanding sign shall not exceed the dimension regulations of this chapter.
- (4) Location of a trash container is to be approved through development plan review~~by the Director~~.
- (5) Occupancy shall be limited to tenants in the use category of 8, personal services; 9, business services; 12, miscellaneous repair services; 15, wholesale commercial; 18, storage uses; and 19, industrial uses. All other use categories are prohibited.
- (6) The commercial standards for parking must be met.

T. Multifamily (five plus units) in an Industrial - Open Zone.

- (1) The dimensional regulations for an RM Zone must be followed.
- (2) The residential standards for parking must be met.
- (3) The residential standard for parking lot landscaping must be met.
- (4) The buffering requirements for when commercial or industrial zones abut residential zones must be met.

U. Pet care services and pet overnight boarding.

- (1) Minimum lot size: 20,000 square feet.
- (2) Minimum side, front, rear yard width: 20 feet.
- (3) Lot cannot be within 200 feet of a residential district or a commercial or office building.
- (4) Landscaping (a hedge of compact evergreens) or a tight board fence must be installed along all interior lot lines.
- (5) Exterior exercise areas shall be located in the interior side or rear yard and shall be enclosed by a six foot (6') fence.
- (6) All overnight boarding operations shall be located indoors.
- (7) All pet care services and pet overnight boarding facilities shall have a valid kennel license from the City of Pawtucket.
- (8) Applicant must provide the following information:
 - (a) Hours of operation;
 - (b) Number of staff;
 - (c) Maximum number of pets on premises and the indoor and outdoor square footage per pet.

V. Massage therapy.

- (1) The person engaged in the practice of massage has completed a program in or is certified by a school or institution of learning that is approved by the Commission on Massage Therapy Accreditation (COMTA) or equivalent academic and training program meeting the requirements of the Rhode Island Department of Health as stated in their Rules and Regulations for licensing massage therapists ~~as approved by the Director~~, other than a corresponding course which a school or institution has for its purpose the teaching of the theory, practice, method, profession or work of massage, including at least anatomy, physiology, hygiene and professional ethics, pursuant to the statutory provisions. Proof of a current license issued by the Department of Health shall be posted on the premises in a location visible to customers.
- (2) Where this use adjoins a lot in residential use, it shall be screened by a solid wall, a uniformly painted tight board fence or a hedge of compact evergreens or other suitable plantings. Such screen shall be at least four feet in height and shall be erected and maintained between such lot and any property in residential use.
- (3) Development or redevelopment shall comply with all parking and landscaping requirements. A site plan which demonstrates that the parking requirements have been met shall be approved by the Director.
- (4) Within Riverfront Zones, structures shall be subject to ~~design review by the Riverfront Commission~~ development plan review. Structures that are within either the Commercial Downtown Zone or the Downtown Pawtucket National Register Historic District shall be subject to design review by the Historic District Commission.
- (5) Within Riverfront Zones, development or redevelopment shall comply with § 410-14.6.

W. Electronic messaging centers.

- (1) Only one electronic messaging center (EMC) per site is permitted.
- (2) Each message is displayed for a minimum period of 60 seconds.

- (3) Signs cannot contain or display animated, moving video, scrolling advertising or pictures.
- (4) A uniform background must be provided, and a maximum of two colors may be displayed at the same time for maximum legibility.
- (5) The intensity of the LED display shall not exceed the levels specified in the chart below:

Maximum Intensity of LED Display

Daytime maximum	5,000 nits*
Nighttime** maximum	1,000 nits

NOTES:

*Nits are a luminance measuring unit equal to one candela per square meter measured perpendicular to the rays from the source.

**"Nighttime" is defined as sunset to sunrise based upon the determination of the National Weather Service.

- (6) EMCs are not permitted within local Historic Districts, National Register Historic Districts, or Mill Building Reuse Overlay Districts.
- (7) EMCs cannot be located within 200 feet of a Residential Zone, a Riverfront Zone, a local Historic District or a National Register District. The applicant must provide a site plan which identifies all buildings~~parcels~~ within 200 feet. The submission of an Assessor's Map is not sufficient. All buildings~~parcels~~ within 200 feet of the proposed sign must be identified.
- (8) EMCs may only operate between the hours of 7:00 a.m. and 11:00 p.m.
- (9) Each square foot of the electronic messaging center counts for two square feet toward the calculation of total area of all signs.

X. ~~Medical~~ marijuana cultivation and distribution.

- (1) All ~~medical~~ marijuana building facilities in all zoning districts in the City of Pawtucket shall be subject to the following requirements:
 - (a) All registered cardholders, whether acting individually or in a cooperative cultivation, shall comply with all Rhode Island Department of Business Regulation (DBR) and Rhode Island Department of Health (DOH) regulations regarding the cultivation, distribution, and storage of ~~medical~~ marijuana and ~~medical~~ marijuana products at all times.
 - (b) All registered cardholders, whether acting individually or in a cooperative cultivation, are encouraged to comply with all building and fire codes for the City of Pawtucket. If the scale of cultivation operation necessitates the issuance of building, electrical, mechanical, or plumbing permits and inspections, said applications shall remain sealed and confidential by the Pawtucket Building Official at all times in accordance with state and federal medical confidentiality requirements.
 - (c) No marijuana establishment shall be combined with residential use of property.
 - (d) The building housing the cultivation shall be enclosed on the outside by a chain-link security fence with a height of no less than six (6) feet.
 - (e) The facility must have a security system to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana, which shall include both adequate lighting, subject to the approval of the city's Building Official or Zoning Official in consultation with the city's Public Safety Director, including motion control lighting, and an alarm system that is linked to ~~Woonsocket's~~ Pawtucket's public safety departments (Police and Fire).

- (f) The use of butane, propane, or other compressed gases and solvents used for the purposes of marijuana extraction shall be strictly prohibited in all districts.
- (ge) In addition to the requirements above, the following shall be required for the cultivation of ~~medical~~ marijuana:
- [1] That the area used for marijuana growing be secured by locked doors.
 - [2] That the area used for marijuana growing have unobstructed means of ingress and egress at all times.
 - [3] That the area used for marijuana growing shall not be within 10 feet of a fuel or heating source, including but not limited to propane, natural gas, or an oil tank.
- (he) In accordance with R.I.G.L. § 21-28/6-4(a), all ~~medical~~-marijuana must be cultivated and stored in an indoor facility.
- (ie) Odor mitigation measures shall be incorporated to eliminate any and all detection of marijuana cultivation, storage, sale, or distribution from abutting properties, tenants, and public ways.
- (2) Compassion centers may be permitted by special use permit in Industrial Open (MO) and Industrial Built-Up (MB) Zones and are subject to all applicable provisions of the Zoning Ordinance and building construction codes. All of the following additional requirements must also be satisfied prior to the grant of a special use permit:
- (a) The application for a special use permit shall provide the legal name and address of the compassion center, a copy of the articles of incorporation, and the name, address, and date of birth of each principal officer and board member of the compassion center. The application shall also include a site plan, which shall show the distances between the proposed use and the boundary of the nearest residential zoning district and the property line of all other abutting uses as described within this section.
 - (b) ~~Submission of an operation plan demonstrating the operation of the requested use at the proposed location will not adversely affect~~prevent the public from the beneficial use of any property used for a school, public or private, park, playground, recreational field, youth center, or licensed day-care center.
 - (c) The requested use at the proposed location shall not be located within a designated Mill Building Reuse District.
 - (d) ~~Public access to the requested use at the proposed location does not impede adjacent residential uses will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.~~
 - (e) The exterior appearance of the structure must be ~~compatible~~harmonious with that of existing structures within the immediate neighborhood of the zone and may incorporate modest signage, so as to prevent substantial diminishment or impairment of property values within the neighborhood.
 - (f) The requested use at the proposed location must not be located within:
 - [1] Two hundred feet of the nearest residential zoning district; or
 - [2] One thousand feet of the nearest school, public or private, park, playground, recreation field, youth center, or licensed day-care center; or
 - [3] Two thousand feet of any existing compassion center.
 - (g) The distances specified in the immediately preceding Subsection X(2)(f) shall be measured by a straight line from the nearest property line of the premises on which the proposed compassion center use is to be located to the nearest boundary line of the residential district or to the nearest property line of any of the other designated uses set forth therein.

- (h) Hours of operation for a compassion center shall be limited to 8:00 a.m. to 8:00 p.m.
- (i) Lighting shall be required such that will illuminate the compassion center, its immediate surrounding area, any accessory uses, including storage areas, all parking areas, the front facade of the center, and any adjoining public sidewalks.
- (j) The proposed compassion center shall implement the appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.
- (k) ~~Compassion centers are subject to development plan review shall be conducted by the Planning Commission prior to application review by the Zoning Board of Review.~~
- (l) All provided off-street parking and loading facilities shall comply with regulations included in Article IX of the Zoning Ordinance.
- (m) All compassion centers shall fully comply with all other licensing requirements of the City of Pawtucket and the laws of the State of Rhode Island.
- (n) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - [1] Safe vehicular and pedestrian circulation
- (o) A traffic impact study stamped by a Rhode Island licensed civil engineer that shows no decrease in service at any period in time
- (p) A signage plan that clearly identifies the business and its driveway and building entrances shall be submitted with the special use permit application.
- (q) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any operational or physical alterations to the subject property.
- (3) Licensed cultivator facilities may be permitted by special use permit in Industrial Open (MO) and Industrial Built-Up (MB) Zones and are subject to all applicable provisions of the Zoning Ordinance and building construction codes. All of the following additional requirements must also be satisfied prior to the grant of a special use permit:
 - (a) Minimum lot size: 8,000 square feet.
 - (b) The requested use at the proposed location must not be located within:
 - [1] Two hundred feet of the nearest residential zoning district; or
 - [2] One thousand feet of the nearest school, public or private, park, playground, recreation field, youth center, or licensed day-care center; or
 - [3] Two thousand feet of any existing licensed compassion center.

- (c) The distances specified in the immediately preceding Subsection X(3)(b) shall be measured by a straight line from the nearest property line of the premises on which the proposed licensed cultivator use is to be located to the nearest boundary line of the residential district or to the nearest property line of any of the other designated uses set forth therein.
 - (d) The requested use at the proposed location shall not be located within a designated Mill Building Reuse District.
 - (e) Interior cultivation and storage activities shall not be visible from surrounding public ways or areas.
 - (f) A written acknowledgement of the limitations of the right to use and possess marijuana ~~for medical purposes~~ in Rhode Island that is signed by the cultivator license holder must be displayed prominently in the premises when cultivation is occurring.
 - (g) A licensed cultivator facility shall comply with all applicable Department of Business Regulation requirements regarding the possession of usable marijuana, mature marijuana plants, and seedlings allowable at a given time.
 - (h) A licensed cultivator facility must have displayed prominently on the premises documentation from the municipality that the location and cultivation has been inspected by the municipal building official, the municipal fire department, and state licensing officials and is in compliance with any applicable state and municipal housing and zoning codes.
 - (i) A licensed cultivator facility must report the location of the facility to the division of state police and fully comply with the laws of the State of Rhode Island.
 - (j) The licensed cultivator facility shall implement the appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.
 - (k) All provided off-street parking and loading facilities shall comply with regulations included in Article IX of the Zoning Ordinance.
- (4) Marijuana testing facilities may be permitted by special use permit in Industrial Open (MO), Industrial Built-Up (MB), and Commercial General (CG) Zones and are subject to all applicable provisions of the Zoning Ordinance and building and construction codes. All of the following additional requirements must also be satisfied prior to the grant of a special use permit:
- (a) The lot cannot be within 500 feet of the nearest public or private school, public park, playground, recreation field, youth center, or licensed day-care center.
 - (b) The distances specified in the immediately preceding Subsection X(4)(a) shall be measured by a straight line from the nearest property line of the premises on which the proposed marijuana testing facility use is to be located to the nearest boundary line of the residential district or to the nearest property line of any of the other designated uses set forth therein.
 - (c) Interior testing and storage activities shall not be visible from surrounding public ways or areas.
 - (d) A written acknowledgement of the limitations of the right to use and possess marijuana ~~for medical purposes~~ in Rhode Island that is signed by the marijuana testing facility license holder must be displayed prominently in the premises where testing is occurring.
 - (e) A testing facility shall comply with all applicable Department of Business Regulation and Department of Health requirements regarding the possession, transportation, and removal of all usable marijuana.

- (f) A testing facility must have displayed prominently on the premises documentation from the municipality that the location and testing has been inspected by the municipal building official, the municipal fire department, and state licensing officials and is in compliance with any applicable state and municipal housing and zoning codes.
- (g) A testing facility must report the location of the facility to the division of state police and fully comply with the laws of the State of Rhode Island.

Y. Rental Storage Space / Self-Storage Facilities where permitted by special use permit shall comply with the following requirements:

- (1) The proposed Rental Storage Space / Self -Storage Facilities shall not be located within 1, 000 feet of an existing Rental Storage Space / Self -Storage Facility. The 1, 000 -foot distance shall be measured from the property lot line of the existing facility to the closest property lot line of the proposed self -storage facility.
- (2) The only commercial activities permitted at a self-service storage facility shall be rental of storage units, pickup and deposit of goods and/ or property in dead storage. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.
- (3) Storage units shall not be used to: manufacture, fabricate or process goods: service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity.
- (4) The rental of trucks and trailers used for moving and the installation of hitch and towing packages may be allowed in association with a self-service storage facility.
- (5) The maximum size of a storage unit shall be 500 square feet.
- (6) All property stored on the site shall be entirely within enclosed buildings.

Z.Place of worship.

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

(a) Safe pedestrian and vehicular circulation.

(b) Outdoor gathering space immediately outside the main entrance sufficient to hold congregant to fire code standards shall be shown on the plans.

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

(2) Religious motifs for the respective religion(s) shall be demonstrated through the submission of architectural plans stamped by a Rhode Island licensed architect with the special use permit application.

(3) A signage plan that clearly identifies the place of worship and denomination of the congregants shall be submitted with the special use permit application.

(5) 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.

(6) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(7) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AA.Museum.

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

(a) Safe pedestrian and vehicular circulation.

(b) A designated drop-off area near an entrance to the building sufficient to hold at least four vehicles that does not block vehicle parking spaces .

(2) Curatorial design shall be demonstrated through the submission of architectural plans stamped by a Rhode Island licensed architect with the special use permit application.

(3) A signage plan that clearly identifies the museum shall be submitted with the special use permit application.

(4) 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.

(5) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(6) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AB.Hospital.

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

(a) Safe pedestrian and vehicular circulation.

(b) A designated drop-off area near an entrance to the building sufficient to hold at least four vehicles that does not block vehicle parking spaces.

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

(2) Sufficient hospital design shall be demonstrated through the submission of architectural plans stamped by a Rhode Island licensed architect with the special use permit application that includes wayfinding directing patients and visitors to the different care destinations.

(3) A signage plan that clearly identifies the hospital and all wayfinding shall be submitted with the special use permit application.

(4) 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.

(5) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(6) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AC.Day-care center.

(1) The applicant shall provide proof of state licensing.

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

(a) Safe pedestrian and vehicular circulation.

(b) Outdoor recreation space under the custody and control of the day-care center sufficient to hold the entire facility's capacity

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

(2) A signage plan that clearly identifies the day-care center shall be submitted with the special use permit application.

(3) 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) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(5) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AD.School.

(1) The applicant shall provide proof of licensing as required.

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

(a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

(b) There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as five percent (5%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number

(4) A signage plan that clearly identifies the school shall be submitted with the special use permit application

(5) 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.

(6) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(7) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AE.Community center and nonprofit recreational facility.

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

(a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

(b) There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as one percent (1%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number

(2) A signage plan that clearly identifies the use shall be submitted with the special use permit application

(3) 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) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(5) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AF.Civic, social, fraternal organization.

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

(a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

(b) There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as one percent (1%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number

(c) The majority of parking is in the rear yard behind the building.

(2) 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.

(3) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(4) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AG.Restaurant, Tavern, Nightclub, and Bowling Alley, Billiards, and Pool.

(1) The use may not be combined with the residential use of the property.

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

(a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.

(b) There shall be a designated drop-off area near an entrance to the building calculated as one percent (1%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number

(c) The majority of parking is in the rear yard behind the building.

(3) 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) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.

(5) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AH.Car washing facility.

(1) An operations plan is submitted with the special use permit demonstrating that seventy-five percent (75%) of water will be reused. The car washing facility shall adhere to the operations plan for the duration of its special use permit.

(2) Whether 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 on site with no runoff onto the public right-of-way.

(3) All outdoor activities shall be screened from adjoining residential zones by a four-foot-high compact evergreen screen or tight board fence.

(4) When vacuums are included on the site, they shall include mufflers to reduce the sound of the equipment to a maximum of eight-five (85) decibels.

(5) Trash receptacles shall be placed near all vacuum stations as applicable and at the car wash entrance.

AI.Storage of equipment, products, supplies or material.

(1) A site plan shall be submitted with dimension showing that all outdoor storage areas are completely enclosed by a six foot (6') solid fence or wall.

(2) 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.

(3) A drainage plan signed by a Rhode Island licensed civil engineer shall be submitted with the special use permit demonstrating that surface water will not congregate in storage areas and no runoff from storage areas will enter the right-of-way.

(3) No vehicles shall back into or out of the property.

(4) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AJ.Rental storage space.

- (1) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.
 - (b) There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as one percent (1%) of facility's capacity as determined by the fire safety code, rounded up to the nearest whole number
 - (c) The majority of parking is in the rear yard behind the building.
- (2) 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.
- (3) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

AK.Apparel and other textile products, lumber and wood products, furniture and fixtures, paper and allied products, printing and publishing and sign manufacturing, plastic materials and synthetics, pharmaceutical drugs, soaps and cleaners, miscellaneous chemical products, fabricated metal products, machinery manufacturing, miscellaneous manufacturing, and brewing and distilling of beer or spirits.

- (1) The operation of the facility shall generate no perceptible noise, vibration, emissions, odor or electrical interference from outside the property.
- (2) Smoke and other airborne emissions shall conform to the standards of the Air Pollution Control Regulations of the Rhode Island Department of Environmental Management, issued under the authority of Chapter 23-25 of the General Laws of Rhode Island, 1956, as amended.
- (3) If deemed necessary by the Department of Public Works, the permitting authority may require the pretreatment of liquid waste prior to discharge into the sewer system, or may require that such liquid waste be transported to a suitable treatment or disposal facility in a manner conforming to all applicable federal and state regulations.
- (4) No manufacturing or business enterprise shall cause radiation emission which exceeds the safe limits established in the regulations of the United States Nuclear Regulatory Commission, or any other agency of competent jurisdiction. This limit shall apply to emissions from radioactive materials and waste, electromagnetic radiation, x-ray radiation, microwave radiation and other forms of radiation presenting a potential hazard to employees and abutters of the manufacturing or business enterprise.

AL.Bed-and-breakfast.

- (1) The maximum number of parked vehicles must be consistent with available on-site parking.

AM.Theater and performing arts venue

- (1) Circulation plans shall be submitted with the special use permit application, stamped by a Rhode Island licensed civil engineer, demonstrating:
 - (a) Safe pedestrian and vehicular circulation, including pedestrian paths from the nearest transit stops and bicycle paths from nearby bicycle infrastructure.
 - (b) Outdoor gathering space immediately outside the main entrance sufficient to hold the property's largest theater's fire code occupancy shall be shown on the plans.
 - (c) There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as five percent (5%) of facility's property's largest theater's fire code occupancy , rounded up to the nearest whole number

- (2) A signage plan that clearly identifies the use and wayfinding to the theater(s) shall be submitted with the special use permit application
- (3) 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) A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or their designee as sufficiently safe and updates shall be submitted to and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
- (5) Any future changes to those items depicted on the plans shall be submitted to the permitting authority for its review and approval prior to completion of any physical alterations to the subject property.

SECTION 24.

CHAPTER 410, ARTICLE VIII: NONCONFORMANCE.

AMENDMENT TO § 410-71: LAND NONCONFORMING BY AREA.

- A. Enlargement of undersized lots. Lawfully established lots which have less than the minimum area requirements may be maintained and may be changed by adding additional land to such lots without prejudice to the rights of the owner of such lots pursuant to the provisions of this article.
- B. Merger of substandard lots.
 - (1) If two or more adjacent lots of record or combinations of lots of record are in single or undivided ownership at the time of the adoption of this chapter or future amendment, and if all or part of such lots of record do not conform in the regulations for street frontage or area in effect for the zone involved, such lots of record shall be considered as a single lot for the purposes of this chapter. No such lot shall be divided for use, sale or other transfer of ownership without City Planning Commission or Joint Planning Commission as appropriate approval. The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200') of the subject lot, as confirmed by the Director.
 - (2) If two or more adjacent lots of record or combinations of lots of record are in single or undivided ownership at the time of the adoption of this chapter or future amendment, and if all or part of such lots of record are improved and do not conform in the regulations for street frontage or area in effect for the existing use within the zone involved, such lots of record shall be considered as a single lot for the purposes of this chapter. No such lot shall be divided for use, sale or other transfer of ownership without City Planning Commission or Joint Planning Commission as appropriate approval. The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200') of the subject lot, as confirmed by the Director.
 - (3) However, any merged lot in the RS, RT and RM District may be subdivided, with City Planning Commission approval, into as many five-thousand-square-foot lots as possible, and ~~if~~ any merged lot in the RL District may be subdivided, with City Planning Commission approval, into as many nine-thousand-square-foot lots as possible. Although the City Planning Commission shall have the power to approve an equal number of lots as would be created by such mechanism above, any and all lot area which remains after the subdivision of the merged lot shall not be construed as an existing nonconforming lot of record but, rather, such remaining lot area shall, without exception, be distributed evenly over such newly created legal and conforming lots.

(4) A substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. The setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. All proposals exceeding such reduced requirement shall proceed with a modification request in accordance with § 410-97.1 or a variance request in accordance with article XIII of this chapter.

C. Notwithstanding the failure of a single substandard lot of record or contiguous lots of record to meet the dimensional and /or quantitative requirements of this chapter, and/or frontage or other access requirements applicable to the district as stated in the ordinance, a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. The setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. All proposals exceeding such reduced requirement shall proceed with a modification request under § 41-97.1 or a dimensional variance request under Article XII of this chapter, whichever is applicable.

SECTION 25.

CHAPTER 410, ARTICLE XI: ADMINISTRATION AND ENFORCEMENT.

AMENDMENT TO § 410-93: ENFORCEMENT DUTIES OF DIRECTOR.

It shall be the duty of the Director to interpret and enforce the provisions of this chapter in the manner and form and with the powers provided in the laws of the state and in the Charter and ordinances of the City. The Director shall refer all applications for variances, special use permits and other appeals to the appropriate permitting authority~~Zoning Board of Review~~. The Director shall make a determination in writing, within 15 days, to any written complaint received, regarding a violation of this chapter. In order to provide guidance or clarification, the Director shall, upon written request, issue a zoning certificate or provide information to the requesting party within 15 days of the written request. Any determination of the Director, except modifications requested in accordance with § 410-97.1, may be appealed to the Zoning Board of Review in accordance with Article XII of this chapter.

SECTION 26.

CHAPTER 410, ARTICLE XI: ADMINISTRATION AND ENFORCEMENT.

AMENDMENT TO § 410-97.1: ~~MODIFICATIONS TO SELECTED DIMENSIONAL STANDARDS.~~

A. The Director may issue dimensional modifications not to exceed 25% of the specified requirement ~~for the following requests: side yard widths where an open deck is proposed in any district and fence heights in residential districts.~~

B. Within 10 days of receipt of a request for a modification, the Director shall make a decision as to the suitability of the requested modification based on the following determinations:

- (1) The modification requested is reasonably necessary for the full enjoyment of the permitted use;
- (2) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
- ~~(3) The modification requested is in harmony with the purposes and intent of the Comprehensive Plan and Zoning Ordinance of the City of Pawtucket; and~~
- ~~(4) 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.

C. Upon an affirmative determination, in the case of a modification of five percent (5%) or less, the zoning enforcement offer shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than five percent (5%), the Director shall notify by ~~certified first class mail~~ all property owners abutting the property which is the subject of the modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the city ~~newspaper~~ that the modification will be granted unless written objection is received within ~~30~~fourteen (14) days of the public notice. If written objection is received within fourteen (14)~~30~~ days, the request for a modification shall be ~~denied~~scheduled for the next available hearing before the Zoning Board of Review, including notice requirements provided for under this chapter. ~~In that case, the change requested will be considered a request for a variance and may only be issued by the Board following standard procedures for variances.~~ If no written objections are received within fourteen (14)~~30~~ days, the Director shall grant the modification. The Director may apply such conditions to the permit as may, in the opinion of the Director, be required to conform to the intent and purposes of the Zoning Ordinance. The Director shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received. The costs of any notice required under this section shall be borne by the applicant requesting the modification.

SECTION 27.

CHAPTER 410, ARTICLE III: ZONING BOARD OF REVIEW.

AMENDMENT TO § 410-106: POWERS AND DUTIES.

The Board shall have the following powers and duties:

- A. To hear and decide appeals ~~in a timely fashion~~within sixty-five (65) days of the date of the filing of the appeal where it is alleged there is error in any order, requirement, decision or determination made by an administrative officer or agency in the enforcement of interpretation of this chapter.
- B. To hear and decide appeals from a party aggrieved by a decision of the Historic District Commission (HDC), pursuant to Article V.
- C. To authorize upon application, in specific cases of hardship, variances in the application of the terms of this chapter.
- D. To authorize upon application, where specified in this chapter, where the Board is designated as a permitting authority, special use permits.
- E. To refer matters to the City Planning Commission, Planning Department or to other boards or agencies of the City as the Board may deem appropriate for findings and recommendations.
- F. To provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals which are necessary are pending. A conditional zoning approval shall be revoked, upon motion of the Board, after a public hearing with due notice, in the instance where any necessary state or federal agency approvals are not received within a specified time period.
- G. To hear and decide such other matters according to the terms of this chapter or other statutes and upon which the Board may be authorized to pass under this chapter or other statutes.
- H. All members, including alternate members, of the Zoning Board of Review shall be required to participate in continuing education courses promulgated pursuant to R.I.G. L. Title 45, Chapter 70 , as amended, entitled "Continuing education for local planning and zoning boards and historic district commissions."

SECTION 28.

CHAPTER 410, ARTICLE XII: ZONING BOARD OF REVIEW.

AMENDMENT TO § 410-107: VOTING.

The Board shall be required to vote as follows:

- A. ~~Five~~Four (4) active members, ~~which may include alternates, are shall be~~ necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall excuse himself/herself, ~~and~~ shall not sit as an active member and shall take no part in the conduct of the hearing. ~~Only~~A maximum of five (5) active members, which may include alternates, are shall be entitled to vote on any issue.
- B. The concurring vote of ~~a majority of three of the five~~ members of the Board sitting at a hearing ~~shall be~~is necessary to reverse any order, requirement, decision or determination of the HDC or any zoning administrative officer from whom an appeal was taken.
- C. The concurring vote of ~~a majority four of the five~~ members of the Board sitting at a hearing shall be required to decide in favor of an applicant on any matter within the discretion of the Board upon which it is required to pass under this chapter, including variances and special use permits.

SECTION 29.

CHAPTER 410, ARTICLE XIII: ZONING BOARD OF REVIEW.

AMENDMENT TO § 410-110: DECISIONS AND RECORDS OF THE ZONING BOARD OF REVIEW.

- A. Following a public hearing, the Board shall render a decision within 30 days. The Board shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon and the absence of a member or his or her failure to vote. Decisions shall be recorded and filed in the office of the City Clerk within 30 working days from the date when the decision was rendered and shall be a public record.
- B. The Board shall keep written minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings of fact and other official actions, all of which shall be recorded and filed in the office of the Director in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the Superior or Supreme Court, the Board shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.
- C. Any decision by the Board, including any special conditions attached thereto, shall be mailed to the applicant; ~~and to the City Planning Commission and to the Associate Director of the Division of Planning of the Rhode Island Department of Administration.~~ Any decision evidencing the granting of a variance or special use permit shall also be recorded in the land evidence records of the City.

SECTION 30.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

AMENDMENT TO § 410-111: APPLICATION.

An application for relief from the literal requirements of this chapter because of hardship or an application for a special use permit may be made by any person, group, agency or corporation, provided that the owner or owners of the subject property must join in any application by filing with the Director an application describing the request and supported by such data and evidence as may be required by the ~~Board~~permitting authority or by the terms of this chapter. Requests for dimensional and use variances and special use permits submitted under a unified development review provision of this zoning ordinance shall be submitted as part of the first stage of development plan review, subdivision or land development application to the Administrative Officer, pursuant to RIGL §45-24-46.4(a) and § 410-114.1. All development plan review, land development project, or and/or subdivision applications submitted under the unified development review provisions of this zoning ordinance shall have a public hearing, which shall meet the requirements of §§ 410-112 and/or 410-112.1, as appropriate. An application from a corporation must be signed by its attorney or a duly authorized officer of the corporation. The Director shall immediately transmit such application received to the ~~Board~~permitting authority and shall transmit a copy of each application to the City Planning Commission if not already transmitted to it.

SECTION 31.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

AMENDMENT TO § 410-112: VARIANCE HEARING AND NOTICE.

The Zoning Board of Review shall, immediately upon receipt of an application, request that the City Planning Commission shall report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan of the City, in writing to the Board within 30 days. The Board shall hold a public hearing on any application for variance or special use permit in an expeditious manner, after receipt, in proper form, of an application and shall give public notice thereof at least 14 days prior to the date of the hearing. The same notice shall be posted in the city clerk's office and one other municipal building in Pawtucket and the City must make the notice accessible on the home page of the City of Pawtucket website at least fourteen (14) days prior to the hearing. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. The cost of newspaper and mailing notification shall be borne by the applicant, which notice shall include the precise location of the subject property, including the street address and a description of the relief sought, as follows:

- A. In a newspaper of ~~general~~local circulation in the City.
- B. By first class mail to:
 - (1)All owners of the subject property in question.
 - (2)All property owners of record of land using the last known address as shown on the current real estate tax assessment records of the City within 200 feet of the property, which is the subject of the application, whether within the City or within an adjacent city or town.
 - (3)The city or town council of any city or town to which one or more of the following pertain:
 - (a)Which is located in or within not less than 200 feet of the boundary of the subject property; or
 - (b)Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of the subject property, regardless of municipal boundaries; and
 - ~~(4)(e)~~The governing body of any state or municipal water department or agency, special water district or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within 2,000 feet of the subject property; provided; ~~however,~~ that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the Director a map survey, which shall be kept as public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.

SECTION 32.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

AMENDMENT TO § 410-112.1: SPECIAL USE PERMIT HEARING AND NOTICE.

The Zoning Board of Review shall, immediately upon receipt of an application, request that the City Planning Commission shall report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan of the City, in writing to the Board within 30 days. The Board shall hold a public hearing on any application for variance or special use permit in an expeditious manner, after receipt, in proper form, of an application and shall give public notice thereof at least 14 days prior to the date of the hearing. The cost of notification shall be borne by the applicant, which notice shall include the precise location of the subject property, including the street address and a description of the relief sought, as follows:

- A. In a newspaper of general circulation in the City.
- B. By first class mail to:
 - (1)All owners of the subject property in question.
 - (2)All property owners of record of land using the last known address as shown on the current real estate tax assessment records of the City within 200 feet of the property, which is the subject of the application, whether within the City or within an adjacent city or town. The sender of the notice shall utilize and obtain a United States Postal Service certificate of mailing, PS form 3817, or any applicable version thereof, to demonstrate proof of such mailing.
 - (3)The city or town council of any city or town to which one or more of the following pertain:
 - (a)Which is located in or within not less than 200 feet of the boundary of the subject property; or

- (b)Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of the subject property, regardless of municipal boundaries; and
- (4)(e)The governing body of any state or municipal water department or agency, special water district or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within 2,000 feet of the subject property; provided that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the Director a map survey, which shall be kept as public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.

SECTION 33.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

AMENDMENT TO § 410-113: STANDARDS FOR RELIEF.

A.Variance.

- (1) In granting a variance, the Board, or the City Planning Commission or Joint Planning Commission under unified development review as appropriate, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
- (a) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 410-1(O).
- (b) That said hardship is not the result of any prior action of the applicant ~~and does not result primarily from the desire of the applicant to realize greater financial gain.~~
- (c) That the granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan of the City.
- ~~(d) That the relief to be granted is the least relief necessary.~~
- (2) The Board, or the City Planning Commission or Joint Planning Commission under unified development review as appropriate, shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
- (a) In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered grounds for granting a use variance.; and
- (b) In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.
- (c) The Board, or the City Planning Commission or Joint Planning Commission under unified development review as appropriate, shall have the power to grant dimensional variances where the use is permitted by special use permit.

B. Special use permit.

- (1) In granting a special use permit, the Board, or the City Planning Commission or Joint Planning Commission under unified development review as appropriate, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
- (a) That the special use is specifically authorized by this chapter and setting forth the exact subsection of this chapter containing the jurisdictional authorization.
- (b) That the special use meets all of the criteria set forth in the subsection of this chapter authorizing such special use and any other applicable provisions of this chapter.

(c) That the special use is compatible with neighboring land uses~~That the granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan of the City.~~

(d) That the special use will not create a nuisance or hinder the future development of the city.

(2)An applicant may apply for, and be issued, a dimensional variance in conjunction with a special use. If the special use could not exist without the dimensional variance, the ~~Board~~permitting authority shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the above special use criteria and the dimensional variance evidentiary standards.

SECTION 34.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

AMENDMENT TO § 410-114: SPECIAL CONDITIONS.

In granting a variance or special use permit, or in making any determination upon which it is required to pass after public hearing under this chapter, the Board or other zoning enforcement agency may apply such special conditions that may, in the opinion of the Board or agency, be required to promote the intent and purposes of the Comprehensive Plan of the City and this chapter. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, be incorporated into the decision and may include, but are not limited to, provisions for:

- A. Minimizing adverse impact of the development upon other land, including the type, intensity, design 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. Assuring satisfactory installation and maintenance of required public improvements.
- E. Designating the exact location and nature of development.
- F. Establishing detailed records by submission of drawings, maps, plats or specifications.

SECTION 35.

CHAPTER 410, ARTICLE XIII: VARIANCES AND SPECIAL USE PERMITS.

CREATION OF § 410-114.1: UNIFIED DEVELOPMENT REVIEW.

- A. Unified development review established. There shall be unified development review for the issuance of variances and special use permits for properties undergoing review by development plan review, land development or subdivision review.
- B. Public hearing. All land development and subdivision applications, and development plan review applications that include requests for variances and/or special-use permits submitted pursuant to this section, shall require a public hearing that meets the requirements of §§ 410-112 and/or 410-112.1, as appropriate.
- C. In granting requests for dimensional and use variances, the City Planning Commission or Joint Planning Commission as appropriate, shall be bound to the requirements of § 410-113(A) relative to entering evidence into the record in satisfaction of the applicable standards.
- D. In reviewing requests for special use permits the City Planning Commission or Joint Planning Commission as appropriate shall be bound to the conditions and procedures under which a special use permit may be issued and the criteria for the issuance of such permits, as found within §§ 410-59 and 410-113(B), and shall be required to provide for the recording of findings of fact and written decisions as described in the zoning ordinance pursuant to § 410-110.
- E. Appeals. An appeal from any decision made pursuant to this section may be taken pursuant to ~~§ 410-120~~ the Land Development and Subdivision Regulations.

SECTION 36.

CHAPTER 410, ARTICLE XIV: APPEALS.

AMENDMENT TO § 115: APPEALS FROM DECISION OF ENFORCING AGENCY OR OFFICER.

- A. An appeal to the Board from a decision of any other zoning enforcement agency or officer, the Administrative Officer~~City Planning Commission~~ or of the HDC pursuant to §§ 410-61 through 410-66 may be taken by an aggrieved party except as otherwise provided in this chapter. Such appeal shall be taken within 30 days of the date of the recording of the decision of the Director or agency, or within 30 days of the time when the aggrieved party knew or should have known of the action or decision of such Director or agency.
- B. The appeal shall be commenced by filing an application with the Board, with a copy to the Director or agency from whom the appeal is taken, specifying the ground thereof. The Director or agency from whom the appeal is taken shall forthwith transmit to the Board all papers, including any transcript or audio tapes, constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the City Planning Commission.

SECTION 37.

CHAPTER 410, ARTICLE XIV: APPEALS.

AMENDMENT TO § 120: APPEALS TO SUPERIOR COURT

An aggrieved party may appeal a decision of the permitting authority~~Board~~ to the Superior Court for Providence County by filing a complaint setting forth the reasons of appeal within 20 days after such decision has been filed and posted with the City Clerk. The decision shall be posted in a location visible to the public in the City Hall for a period of 20 days following the recording of the decision. The Board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the Clerk of the Court within 30 days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the Board shall be made parties to such proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the Court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

SECTION 38.

CHAPTER 410, ARTICLE XIV: ADOPTION AND AMENDMENT.

AMENDMENT TO § 410-121: PROCEDURE.

- A. Other than for proposals originated by the City Council, the Director shall be the officer to receive a proposal for adoption, amendment or repeal of a zoning ordinance or Zoning Map(s). Immediately upon receipt of such proposal, the Director shall refer such proposal to the City Council and the City Planning Commission for study and recommendation., unless the proposal originates from the City Planning Commission, in which case the proposal need not to be referred to it. If the proposal originates with the City Council, the City Council shall refer such proposal to the Director and the City Planning Commission.
- B. The City Planning Commission shall, in turn, notify and seek the advice of the Department of Planning and Redevelopment and report to the City Council within 45 days after receipt of the proposal, giving its findings and recommendations. The requirements for study may be waived if the proposal was proposed by the City Planning Commission and completed prior to submission to the Director.
- C. The City Council shall hold a public hearing within 65 days of receipt of proposal, giving proper notice as prescribed in § 410-123 of this chapter. The City Council shall render a decision on any such proposal within 45 days after the date of completion of the public hearing.
- D. The provisions of this section pertaining to deadlines shall not be construed to apply to any extension consented to by the applicant.

SECTION 39.

CHAPTER 410, ARTICLE XIV: ADOPTION AND AMENDMENT.

AMENDMENT TO § 410-123: NOTICE AND HEARING REQUIREMENTS.

A. No zoning ordinance shall be adopted, repealed or amended until after a public hearing has been held upon the question before the City Council. The City Council shall first give notice of such public hearing by publication of notice in a newspaper of ~~local~~^{general} circulation within the City at least once each week for three consecutive weeks prior to the date of such hearing which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter to the proposed ordinance. Written notice, ~~which may be a copy of said newspaper notice,~~ shall be mailed ~~to the Associate Director of the Division of Planning of the Rhode Island Department of Administration, and,~~ where applicable, to the parties specified in Subsections B, C, D and E of this section, at least two weeks prior to the hearing. ~~Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and~~The same notice shall be posted in the city clerk’s office and one other municipal building in Pawtucket and the notice shall be accessible on the home page of the City of Pawtucket website at least fourteen (14) days prior to the hearing. The notice shall:

- (1) Specify the place of said hearing and the date and time of its commencement.
- (2) Indicate that adoption, amendment or repeal of a zoning ordinance is under consideration.
- (3) Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize or describe the matter under consideration.
- (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied.
- (5) State that the proposal shown thereon may be altered or amended prior to the close of the public hearing without further advertising as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.

B. Where a proposed general amendment to an existing zoning ordinance includes changes in an existing Zoning Map, public notice shall be given as required by Subsection A~~(4)~~ of this section.

C. Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the city or town. The notice shall be given by first-class mail at least two (2) weeks prior to the hearing at which the text amendment is to be considered, with the content required by subsection A. The notice shall include reference to the § 410-71 and the impacts of common ownership of nonconforming lots. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

~~€D.~~ Where a proposed amendment to an existing ordinance includes a specific change in a Zoning District Map but does not affect districts generally, public notice shall be given as required in Subsection A~~(4)~~ of this section, with the additional requirements that:

- (1) Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries and existing streets and roads and their names and City boundaries where appropriate.

(2)Written notice of the date, time and place of the public hearing and the nature and purpose thereof shall be sent to all owners of real property whose property is located within two hundred feet (200')~~feet~~ of the perimeter of the area proposed for change, whether within the City or within an adjacent City or town in which the property is located. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. The notice shall be sent by first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town in which the property is located; provided, for any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

~~DE~~. Notice of a public hearing shall be sent by first class mail to the City or town council of any City or town to which one or more of the following pertain:

- (1)Which is located within two hundred feet (200')~~feet~~ of the boundary of the area proposed for change.
- (2)Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within two thousand feet (2,000')~~feet~~ of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.

~~EF~~. Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district or private water company that has riparian rights to a surface water resource and/or surface watershed that is used, or is suitable for use, as a public water source and that is within two thousand feet (2,000')~~feet~~ of any real property which is the subject of a proposed zoning change; provided, however, that the governing body of any state or municipal water company has filed with the Director in the City a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand feet (2,000')~~feet~~ thereof.

G. There is hereby established a public notice registry allowing any person or entity to register for electronic notice of any changes to the zoning ordinance. The Director shall maintain the public notice registry and shall provide public notice annually of the existence of the electronic registry by publication of notice in a newspaper of general circulation within the city.

(1) Notice pursuant to a public notice registry as per this subsection does not alone qualify a person or entity on the public notice registry as an “aggrieved party” under § 410-132.

~~FH~~. No defect in the form of any notice under this section shall render any ordinance or amendment invalid, unless such defect is found to be intentional or misleading.

~~GI~~. Costs of ~~any notice~~newspaper and mailing notices required under this section shall be borne by the applicant.

~~HJ~~. Limitations, conditions and restrictions.

(1)In granting a zoning ordinance amendment, the City Council may limit the change to one or more of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations, conditions and restrictions, including, without limitation:

- (a)Requiring the petitioner to obtain a permit or approval from any and all federal, state or local governmental agencies having jurisdiction over the land and use which are subject to the zoning change;
- (b)Those relating to the effectiveness or continued effectiveness of the zoning change; and/or
- (c)Those relating to the use of the land as it deems necessary.

- (2) The Director and the City Clerk shall cause the limitations and conditions so imposed to be clearly noted on the Zoning Map and recorded in the land evidence records; provided, however, that in the case of a conditional zone change, the limitations, restrictions and conditions shall not be noted on the Zoning Map until the zone change has become effective. If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two years or more after the zone change becomes effective, the City Council may, after a public hearing as herein before set forth, change the land to its original zoning use before such petition was filed. If any limitation, condition or restriction in an ordinance amendment is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

SECTION 40.

CHAPTER 410, ARTICLE XIV: ADOPTION AND AMENDMENT.

AMENDMENT TO § 410-125: PUBLICATION AND AVAILABILITY OF CHAPTER.

- A. Printed copies of this chapter and map(s) shall be available to the general public through the City Clerk and shall be revised to include all amendments. A reasonable charge may be made for copies to reflect printing and distribution costs.
- B. Upon publication of this chapter and map(s), and any amendments thereto, the City Clerk shall send a copy, without charge, to the ~~Associate Director of the Division of Planning of the Department of Administration of the State of Rhode Island~~ and to the State Law Library.

SECTION 41.

CHAPTER 410, ARTICLE XV: MISCELLANEOUS PROVISIONS; DEFINITIONS.

AMENDMENT TO § 410-132: DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated except the terms utilized in § 410-20 for Article IV and § 410-32 for Article V:

ABUTTER

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

ACCESSORY FAMILY DWELLING UNIT (ADU)

A residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. 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~~n accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress and egress.~~

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. An "accessory use" may be restricted to the same lot as the principal use. An "accessory use" shall not be permitted without the principal use to which it is related.

ADAPTIVE REUSE

The conversion of an existing structure from the use for which it was constructed to a new use by maintaining the elements of the structure and adapting such elements to a new use.

ADMINISTRATIVE OFFICER

The municipal official designated by the local regulations to administer the Land Development and Subdivision Regulations to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies as set forth herein. The Director of Planning and Redevelopment or their designee, as established in § 50-23.

AGGRIEVED PARTY

An "aggrieved party," for purposes of this chapter, shall be:

- A. Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of the Director; or
- B. Anyone requiring notice pursuant to this chapter.

ALTERATION

An act that changes one or more of the exterior architectural features of a structure or its appurtenances, including but not limited to the erection, construction, reconstruction or removal of any structure or appurtenance.

ANIMAL

A living organism other than a plant or bacterium and excluding human beings. Included are fish, amphibians, reptiles, birds and mammals.

APPLICANT

An owner or authorized agent of the owner submitting an application or appealing an action of ~~the Director~~any official, board, or agency.

APPLICATION

The completed form_s, or forms_s, and all accompanying documents, exhibits and fees required of an applicant by an approving authority for development review, approval or permitting purposes.

APPURTENANCES

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

AUCTION HOUSE

A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment, excluding livestock, live animals or motor vehicles, to the highest bidder.

BED-AND-BREAKFAST

A single-family dwelling offering transient lodging accommodations to the general public within a portion of said dwelling, and which may include limited food preparation and the serving of such food within a common area. Such use shall accommodate no more than four transient guests at any one time, and the owner must reside on the premises.

BLACK BOX THEATER (or EXPERIMENTAL THEATER)

A simple, typically unadorned performance space, usually a large square room with black walls and a flat floor, usually home to plays or other performances with very basic technical arrangements.

BOARD

The Zoning Board of Review of the City of Pawtucket.

BUFFER

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

BUILDING

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

BUILDING ENVELOPE

The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height and bulk; by other regulations; and/or any combination thereof.

BUILDING HEIGHT

~~The vertical distance from grade, as determined by the municipality, to the top of the highest point of the roof or structure. The distance may exclude spires, chimneys, flagpoles and the like.~~For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island coastal resources management council (CRMC) suggested design elevation three foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:

- A.. The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or proposed freeboard, less the average existing grade elevation; or
- B. The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every ten (10) years, or as otherwise necessary.

CAFE

A restaurant serving coffee and other beverages along with baked goods or light meals.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by an Historic District Commission established under this chapter indicating approval of plans for alteration, construction, repair, removal or demolition of a structure or appurtenances of a structure within an Historic District. Appropriate for the purposes of passing upon an application for a "certificate of appropriateness" means not incongruous with those aspects of the structure, appurtenances or the district which the Commission has determined to be historically or architecturally significant.

CERTIFICATE OF OCCUPANCY

- A. A "certificate of occupancy" is a mandatory certificate issued by the Director following the requirements of the Rhode Island Building Code for the following actions:
 - (1)Occupancy and use of a building hereafter erected and enlarged;
 - (2)Change in use of an existing building to a difference in use;
 - (3)Intensification of an existing use of either a building or land;
 - (4)Occupancy and use of vacant land except for raising of crops;
 - (5)Change in the use of land to different use except for the raising of crops; or
 - (6)Any change in use of a nonconforming use.
- B. The occupancy use or change of use shall not take place until a "certificate of occupancy" has been issued by the Director.

CITY

The City of Pawtucket, Rhode Island.

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.

COMMISSION

~~The Historic District Commission of the City.~~

COASTAL FEATURES

Any coastal beach, barrier island or spit, coastal wetland, coastal headland, bluff or cliff, rocky shore, manmade shoreline or dune as outlined and defined by the coastal resources management program, and as may be amended.

COMMON OWNERSHIP

Either:

- A. Ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots; or
- B. Ownership by any association (such ownership may also include a municipality) of one or more lots under specific development techniques.

COMMUNITY RESIDENCE

A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance-use-disorder ~~abuse~~-treatment facilities. This shall include, but not be limited to, the following:

- A. Whenever six or fewer ~~retarded~~-children or adults with intellectual or developmental disability reside in any type of residence in the community, as licensed by the state pursuant to R.I.G.L. Chapter 24 of Title 40.1. All requirements pertaining to this chapter are waived for these "community residences."
- B. A group home providing care or supervision, or both, to not more than eight ~~mentally disabled or mentally handicapped or physically handicapped~~-persons with disabilities and licensed by the state pursuant to R.I.G.L. chapter 24 of title 40.1.
- C. A residence for children providing care or supervision, or both, to not more than eight children, including those of the caregiver, and licensed by the state pursuant to R.I.G.L. chapter 72.1 of title 42.
- D. A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse or neglect and who are expected to reside in that residence not less than 60 days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency and eventual transition to a permanent living situation.

COMPASSION CENTER

As defined in R.I.G.L. § 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, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or related supplies and educational materials, to registered patient cardholders and/or their designated registered primary caregivers.

COMPREHENSIVE PLAN

The Comprehensive Plan of the City of Pawtucket adopted and approved pursuant to R.I.G.L. chapter 22.2 and to which this chapter shall be in compliance.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

A requirement of all local land use regulations which means that all these regulations and subsequent actions are in accordance with the public policies arrived at through detailed study and analysis and adopted by the municipality as the comprehensive plan as specified in R.I.G.L. § 45-22.2-3.

CONSTRUCTION

The act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including but not limited to buildings, extensions, outbuildings, fire escapes and retaining walls.

COWORKER SPACE

A shared working environment, often an office, but that houses independent activities, and those coworking are usually not employed by the same organization.

CULTURAL ACTIVITY

Any nonprofit or for-profit museum, library, art gallery, legitimate theater or other similar use, and may include outdoor.

DATA PROCESSING FACILITY

Facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

DAY CARE - DAY-CARE CENTER

Any other day-care center which is not a family day-care home.

DAY CARE - FAMILY DAY-CARE HOME

Any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to six or less individuals who are not relatives of the caregiver, but may not contain more than a total of eight individuals receiving day care.

DAYS

Calendar days.

DEMOLITION

An act or process that destroys a structure or its appurtenances in part or in whole.

DENSITY, RESIDENTIAL

The number of dwelling units per unit of land.

DEVELOPMENT

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

DEVELOPMENT PLAN REVIEW

~~The process whereby authorized local officials review the site plans, maps and other documentation of a development to determine the compliance with the stated purposes and standards of this chapter.~~Design or site plan review of a development of a permitted use. A municipality may utilize development plan review under limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines, for developments including, but not limited to:

- A. A change in use at the property where no extensive construction of improvements is sought.
- B. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
- C. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
- D. Development in a designated urban or growth center.
- E. Institutional development design review for educational or hospital facilities.
- F. Development in a historic district.

DEVELOPMENT REGULATION

Zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulation, soil erosion control or any other governmental regulation of the use and development of land.

DIRECTOR

Director of the Division of Zoning and Code Enforcement of the City of Pawtucket.

DISTRICT

See "zoning use district."

DRAINAGE SYSTEM

A system for the removal of water from land by drains, grading or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and groundwaters and the prevention and/or alleviation of flooding.

D.U.

Abbreviation for dwelling unit.

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.

ELECTRIC VEHICLE CHARGING STATION

A public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

EXTRACTIVE INDUSTRY

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

FAMILY MEMBER

A person, or persons, related by blood, marriage or other legal means, including but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household. See also "household."

FARMER'S MARKET

Seasonal outdoor retail sales of farm produce from vehicles or temporary stands, located within a parking lot or public right-of-way.

FEDERALLY INSURED OR ASSISTED HOUSING

"Federally insured or assisted housing" means:

- A. Low-income housing units insured or assisted under Sections 221(d)(3) and 236 of the National Housing Act (12 U.S.C. § 1701 et seq.).
- B. Low-income housing units produced with assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. § 1401 et seq.).
- C. Rural low-income housing financed under Section 515 of the Housing Act of 1949 (12 U.S.C. § 1715Z).

FENCE

A barrier constructed of posts and wire or boards erected for the purposes of protection, confinement, enclosure or privacy. Also included are solid hedges exceeding 30 inches in height adjacent to or on the front yard property line where a clear vision field is necessary for personal safety.

FENCE, NATURAL

A barrier of ornamental shrubbery that exceeds 30 inches in height.

FENCE, OPEN

A fence in which 75% or more of the side area is open. An example is a chain link fence.

FENCE, SOLID

A fence in which more than 50% of the side area is closed or opaque. An example is a wooden stockade fence.

FENCE, WALL

A barrier constructed of masonry materials erected at or near property lines for the purpose of enclosure.

FLEA MARKET

Any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces, and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise.

FLOATING ZONE

An unmapped zoning district adopted within the ordinance which is established on the Zoning Map only when an application for development, meeting the zone requirements, is approved.

FLOODPLAINS OR FLOOD HAZARD AREA

an area that is subject to a flood from a storm having a one percent (1%) chance of being equaled or exceeded in any given year, as delineated on a community’s flood hazard map as approved by the federal emergency management agency pursuant to the National Flood Insurance Act of 1968, as amended (Pub. L. No. 90-448), 42 U.S.C. § 4011 et seq.

FLOOR AREA, GROSS

See Rhode Island State Building Code.

GALLERY

A building or space for the exhibition of art, usually visual art. Paintings are the most commonly displayed art objects. However, sculpture, decorative arts, furniture, textiles, costumes, drawings, pastels, watercolors, collages, prints, artists' books, photographs, and installation.

GOVERNING BODY

The body of the local government, generally the city or town council, having the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.

GROUNDWATER

Water found underground which completely fills the open spaces between particles of sand, gravel, clay, silt, and consolidated rock fractures. The zone of materials filled with groundwater is called the “zone of saturation”.

HALFWAY HOUSES

A residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

HISTORIC DISTRICT or HISTORIC SITE

As defined in R.I.G.L. § 45-22.2-4. "Historic district" means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites, and has been registered or is deemed eligible to be included on the state register of historical places pursuant to R.I.G.L. § 42-45-5. "Historic site" means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been registered or is deemed eligible to be included on the state register of historic places pursuant to R.I.G.L. § 42-45-5.

HOME OCCUPATION

Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

HOTEL AND MOTEL.

Dwelling unit(s) or a rooming house offering transient lodging accommodations to the general public that does not meet the definition of a “bed-and-breakfast.”.

HOUSEHOLD

One or more persons living together in a single dwelling unit with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

- A. A family, which may also include servants and employees living with the family; or
- B. A person or not more than five unrelated persons occupying a single household or dwelling unit.

INCENTIVE ZONING

The process whereby the Zoning Board of Review may grant additional development capacity in exchange for the developer's provision of a public benefit or amenity as specified in this chapter.

INCUBATOR

A business company that helps new and startup companies to develop by providing services such as management training or office space, including coworking space. Business incubators differ from research and technology parks in their commitment to startup and early-stage companies.

INDEPENDENT LIVING FACILITY

A residential facility where adults reside in a family setting and receive limited supervised care.

INFRASTRUCTURE

Facilities and services needed to sustain residential, commercial, industrial, institutional and other activities.

JOINT PLANNING COMMISSION (JPC)

The City Planning Commission meeting concurrently with the Central Falls Planning Board. See §§ 11-59 and 410-43.9.

KIOSK, FREESTANDING EXTERIOR

A freestanding exterior structure of less than 500 square feet for drive-up or walk-up window services or retail sales.

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 to be developed or redeveloped as a coordinated site for a complex of uses, units or structures, including but not limited to planned development and/or cluster development for residential, commercial, institutional, recreational, open space and/or mixed uses as may be provided for in this chapter. The local regulations shall include all requirements, procedures and standards necessary for proper review and approval of land development projects to ensure consistency with this chapter and the Rhode Island zoning enabling act.

- A. Minor land development project. A land development project involving any one the following:
 - (1) Ten thousand (10,000) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or
 - (2) An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing or industrial structures; or
 - (3) Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less;
 - (4) Multi-family residential or residential condominium development of nine (9) units or less; or
 - (5) Change in use at the property where no extensive construction of improvements are sought;

(6) An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought;

(7) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units

B. Major land development project. A land development project which exceeds the thresholds for a minor land development project as set forth in this section. The process by which major land development projects are reviewed by City Planning Commission or Joint Planning Commission as appropriate is set forth in R.I.G.L. § 45-23-39 and the Land Development and Subdivision Regulations.

LAND DEVELOPMENT AND SUBDIVISION REGULATIONS

Regulations adopted under the provisions of the Subdivision Enabling Act of 1992, R.I.G.L. 45-24 and Chapter 11 Article VII.

LICENSED CULTIVATOR

A person, as identified in R.I.G.L. § 43-3-6, who has been licensed by the Department of Business Regulation (Class A-D) to acquire, possess, cultivate, deliver, or transfer marijuana to licensed compassion centers pursuant to R.I.G.L. § 21-28.6-16. A licensed cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative cultivation license.

LITTLE FREE LIBRARY

An accessory freestanding structure located on private property that is installed for the sole purpose of enclosing books that are loaned to Pawtucket residents for free.

LIVE/WORK SPACE

A building or spaces within a building used for commercial activities and areas for residential/living purposes where two-thirds or 67% of the unit is dedicated for residential purposes. Examples of acceptable live/work space are live-work units of insurance and financial offices, artists, boutiques, small antique shops, dance studios, personal trainers, and consultants of various type. Said business shall be of no or low impact to neighbors, and the unit shall be required to be occupied by the business owner.

LOT

Either:

- A. The basic development unit for determination of lot area, depth and other dimensional regulations; or
- B. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

LOT AREA

The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet.

LOT BUILDING COVERAGE

That portion of the lot that is or may be covered by buildings and accessory buildings. Aboveground pools shall not be included in the calculation of maximum lot building coverage.

LOT DEPTH

The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

LOT FRONTAGE

That portion of a lot abutting a street.

LOT LINE

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

A. FRONT

On an interior lot, a through lot or a flag lot, any lot line abutting a street shall be considered a front lot line. Corner lots shall be considered to have two front lot lines abutting the streets. The determination of which is the front lot line and side lot line shall be made by the permitting authority~~Planning Department or Planning Commission during development plan review.~~

B. REAR

The lot line(s) opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots an assumed line at least 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

C. SIDE

Any lot line other than a front or rear lot line.

LOT OF RECORD

A parcel of land record in the office of the Recorder of Deeds of the City of Pawtucket.

LOT SIZE, MINIMUM

Shall have the same meaning as “minimum lot area” defined herein.

LOT, THROUGH

A lot which fronts upon two parallel streets or which fronts upon two streets which do not intersect at the boundaries of the lot.

LOT WIDTH

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.

MANUFACTURED HOME PARK

Two or more manufactured homes located on the same lot.

MARIJUANA TESTING FACILITY

A third-party testing provider who performs independent testing of medical marijuana and/or marijuana products of a licensed cultivator in accordance with Department of Health Testing Regulations.

MIXED USE

A mixture of land uses within a single development, building or tract.

MODIFICATION

Permission granted and administered by the zoning enforcement officer of the city or town, and pursuant to the provisions of the Zoning Enabling Act, R.I.G.L. 45-24, as amended, to grant a dimensional variance other than lot area requirements from the zoning ordinance to a limited degree as determined by this chapter, but not to exceed twenty-five percent (25%) of each of the applicable dimensional requirements.

MULTITENANT COMMERCIAL STRUCTURE

A structure containing more than one tenant space in a commercial zone.

MULTITENANT INDUSTRIAL STRUCTURE

A structure containing more than one tenant space in an industrial zone.

NIGHTCLUB

An establishment serving food and liquor in which music, dancing and entertainment are conducted.

NONCONFORMANCE

A building, structure or parcel of land, or use thereof, lawfully existing at the time of the adoption (or amendment) of this chapter, October 21, 1966, and not in conformity thereof. Nonconformance shall be of only two types:

- A. Nonconforming by use: a lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use; or
- B. Nonconforming by dimension: a building, structure or parcel of land not in compliance with the dimensional regulations of this chapter. Dimensional regulations include all regulations of this chapter, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of this chapter, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

NONRESIDENTIAL COOPERATIVE CULTIVATION

A use of land located in a nonresidential zone, or of a structural building, or portion thereof, located in a nonresidential zone, for the cultivation of marijuana by two or more registered cardholders, as defined in R.I.G.L. § 21-28.6-3.

OPEN SPACE

Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring the open space; provided that the area may be improved with only those buildings, structures, streets, and off-street parking, and other improvements that are designed to be incidental to the natural openness of the land

OUTDOOR RETAIL - ACCESSORY

Retail activity that takes place in an open lot, tent, trailer, motor vehicle, enclosure or structure that is not permanently affixed to the land.

OVERLAY DISTRICT

A district established in this chapter that is superimposed on one or more districts or parts of districts and that imposes specified requirements in addition to but not less than those otherwise applicable for the underlying zone.

PARCEL

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

PARKING AREA OR LOT

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

PARKING SPACE (OFF-STREET)

An off-street parking space shall consist of a hard-surfaced space with a minimum area of 162 square feet and access using a curb cut to a public street or private right-of-way. For residences with three dwelling units or less, the paved driveway area, excluding front yard area, may be used to calculate required parking spaces. Vehicles parked tandem, one behind another, outside of a garage will not be considered as separate off-street parking spaces. Required off-street parking areas for five or more vehicles shall be designed in accordance with § 410-78.

PAWN SHOP

An establishment that engages, in whole or part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

PERFORMANCE STANDARDS

A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

PERMEABLE PAVERS

Permeable paving is a broadly defined group of pervious types of pavements used for roads, parking, sidewalks and plaza surfaces. Most of these consist of a permeable surface layer with enough structural integrity to support at least light vehicular use, and a subgrade layer or layers of materials such as aggregate that provide a structural base and allow for storage and infiltration of stormwater. Permeable paving reduces impacts of impervious cover by allowing runoff to infiltrate, augmenting the recharge of groundwater, and enhancing pollutant uptake removal in the underlying soils. Permeable pavement can even result in reduced maintenance requirements by improving the drainage characteristics of an impervious area. There are many different types of permeable paving, including concrete-style grid pavers; lattice-style paving that includes grass in spaces between lattice work; porous pavement that looks like regular pavement (asphalt or concrete) but is manufactured without fine (small particle size) materials; cobblestone; brick; plastic modular blocks; crushed aggregate or gravel.

PERMITTED USE

A use by right which is specifically authorized in a particular zoning district.

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.

PERSONAL COMMUNICATIONS SYSTEM ANTENNA

A site where antenna(s) are located on an existing structure and which transmit and receive signals in the frequency of 1,850 and 2,200 MHz (Megahertz) at a power of less than 200 watts.

PLANNED DEVELOPMENT

A "land development project," as defined herein, and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

CITY PLANNING COMMISSION

The official planning agency of the City of Pawtucket.

PORTABLE STORAGE CONTAINER

A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. The term shall not include yard waste containers provided by the City pursuant to City Code § 31-35, roll-off containers, or containers having a storage capacity of less than 150 cubic feet.

PRE-APPLICATION CONFERENCE

A review meeting of a proposed development held between applicants and the Planning Department before formal submission of an application for a permit or for development approval.

REHABILITATION

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

REMOVAL

A relocation of a structure on its present site or to another site.

REPAIR

A change meant to remedy damage or deterioration of a structure or its appurtenances.

ROOMING UNIT

Either one or two rooms without cooking facilities in a rooming house.

SETBACK LINE OR LINES

A line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

SITE PLAN

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

SLOPE OF LAND

The grade, pitch, rise or incline of the topographic landform or surface of the ground.

SPECIAL USE

A regulated use which is permitted pursuant to the special use permit issued by the authorized governmental entity, pursuant to R.I.G.L. § 45-24-42. Formerly referred to as a "special exception."

STORM WATER DETENTION

A provision for storage of storm water runoff and the controlled release of the 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, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See street classification.

STREET, ACCESS TO

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

STREET, ALLEY

A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

STREET, CUL-DE-SAC

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

STREET, LIMITED ACCESS HIGHWAY

A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at the points and in the manner as may be determined by the public authority having jurisdiction over the highway.

STREET, PRIVATE

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

STREET, PUBLIC

All public property reserved or dedicated for street traffic.

STREET, STUB

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

STREET CLASSIFICATION

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

A. ARTERIAL

A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.

B. COLLECTOR

A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.

C. LOCAL

Streets whose primary function is to provide access to abutting properties.

STRUCTURE

~~Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limited to buildings, gazebos, billboards, outbuildings, decorative and retaining walls and swimming pools~~
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.

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 of a recorded lot by any means is considered a subdivision.

A. Administrative Subdivision. Subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process by which the Administrative Officer reviews any subdivision qualifying for this review is set forth in the Land Development and Subdivision Regulations.

B. Minor Subdivision. A subdivision creating nine (9) or fewer buildable lots. The process by which the City Planning Commission or Joint Planning Commission as appropriate, a technical review committee, and/or Administrative Officer reviews a minor subdivision is set forth in the Land Development and Subdivision Regulations.

C. Major Subdivision. A subdivision creating ten (10) or more buildable lots. The process by which the City Planning Commission or Joint Planning Commission as appropriate reviews any subdivision qualifying for this review under the Land Development and Subdivision Regulations.

SUBSTANDARD LOT OF RECORD

Any lot lawfully existing on October 21, 1966, and not in conformance with the dimensional and/or area provisions of this chapter.

TECHNICAL REVIEW COMMITTEE

A committee or committees appointed by the municipality for the purpose of reviewing, commenting, and approving and/or making recommendations to the City Planning Commission or Joint Planning Commission as appropriate with respect to approval of land development and subdivision applications or Administrative Officer, as set forth in this chapter and the Land Development and Subdivision Regulations.

TRANSIT SHELTER

An independent structure, having a roof supported by columns, resting on a foundation and designed for the shelter of public transportation patrons.

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.

VARIANCE

Permission to depart from the literal requirements of this chapter. An authorization for the construction or maintenance of a building or structure or for the establishment or maintenance of a use of land which is prohibited by this chapter. There shall be only two categories of variance, a use variance or a dimensional variance.

A. USE VARIANCE

Permission to depart from the use requirements of this chapter where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this chapter.

B. DIMENSIONAL VARIANCE

Permission to depart from the dimensional requirements of this chapter under the applicable standards set forth in § 410-133(A)~~where the applicant for the requested relief has shown by evidence upon the record 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. However, 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.~~

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. See § 410-127.

WATERS

Includes all surface waters including all waters of the territorial sea, tidewaters, all inland waters of any river, stream, brook, pond, or lake, and wetlands, as well as all groundwaters.

WETLAND, COASTAL

Any salt marsh bordering on the tidal waters of this state, whether or not the tidal waters reach the littoral areas through natural or artificial watercourses, and those uplands directly associated and contiguous thereto which are necessary to preserve the integrity of that marsh, and as further defined by the RI coastal resources management program, as may be amended.

WETLAND, FRESHWATER

Includes, but is not limited to, those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support a prevalence of vegetation adapted for life in saturated soil conditions. Freshwater wetlands includes, but is not limited to: marshes, swamps, bogs, emergent, and submergent plant communities, and for the purposes of this chapter, rivers, streams, ponds, and vernal pools.

WIRELESS COMMUNICATIONS ANTENNA

A tower structure exceeding 50 feet in height used for transmitting and receiving signals in the 800 MHz (Megahertz) band, which may optionally have a microwave antenna(s) attached.

A. YARD

A required open space other than a court, unoccupied and unobstructed by any structure or portion of a structure; provided, however, that fences, walls, posts and customary yard accessories may be permitted subject to the limitation of this chapter.

B. FRONT YARD

The area between a street line and a line parallel thereto, drawn through the nearest point of a structure, other than an exempted structure.

C. REAR YARD

The area between a rear lot line and a line parallel thereto, drawn through the nearest point of a main structure, other than an exempted structure.

D. SIDE YARD

The area between a side lot line and a line parallel thereto, drawn through the nearest point of a structure, other than an exempted structure.

ZONING

The reservation of certain specified areas within a community or city for building and structures, or use of land, for certain purposes with other limitations as height, lot coverage, and other stipulated requirements.

ZONING CERTIFICATE

A document signed by the Director, as required in this chapter, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this chapter or is an authorized variance or modification therefrom.

ZONING MAP

The map or maps which are a part of this chapter and which delineate the boundaries of all mapped zoning districts within the City.

ZONING ORDINANCE

Chapter 410 of the Pawtucket Code of Ordinances; that includes the zoning map.

ZONING USE DISTRICT

The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. Zoning-use districts include, but are not limited to: agricultural, commercial, industrial, institutional, open space, and residential. Each district may include sub-districts. Districts may be combined.

SECTION 42.

CHAPTER 11, ARTICLE VII: CITY PLANNING COMMISSION.

AMENDMENT TO § 11-38: ENABLING AUTHORITY.

In accordance with the R.I.G.L. §§ 45-23-25 through 45-23-74, known as the "Rhode Island Land Development and Subdivision Review Enabling Act of 1992," the Pawtucket City Council hereby provides for the submission and approval of land development projects and subdivisions, as such terms are defined in the Rhode Island Zoning Enabling Act of 1991, and/or the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, and such are subject to the local regulations which shall be consistent with the requirements of the Rhode Island Land Development and Subdivision Review Enabling Act of 1992~~every municipality shall adopt land development and subdivision review regulations to comply with the provisions of the act.~~

SECTION 43.

CHAPTER 11, ARTICLE VII: CITY PLANNING COMMISSION.

AMENDMENT TO § 11-39: LOCAL AUTHORITY.

The City Council of the City of Pawtucket hereby authorizes the Pawtucket City Planning Commission to adopt and amend regulations and rules governing land development, development plan review, unified development review, and subdivision projects pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act and the Pawtucket zoning ordinance, Chapter 410. The regulations must include all requirements, procedures and standards necessary for proper review and approval of applications made under the Rhode Island Land Development and Subdivision Review Enabling Act to ensure consistency with the intent and purposes of the Rhode Island Land Development and Subdivision Review Enabling Act and with § 45-24-47 of the Rhode Island Zoning Enabling Act of 1991. The regulations shall include provisions for zoning incentives which include the adjustment of applicable lot density and dimensional standards where open space is to be permanently set aside for public or common use, and/or where the physical characteristics, location, or size of the site require an adjustment, and/or where the location, size, and type of housing, commercial, industrial, or other use require an adjustment, and/or where housing for low and moderate income families is to be provided, or where other amenities not ordinarily required are provided, as stipulated in the zoning ordinance. Provision may be made for adjustment of applicable lot density and dimensional standards for payment or donation of other land or facilities in lieu of an on-site provision of an amenity that would, if provided on-site, enable an adjustment.

SECTION 44.

CHAPTER 11, ARTICLE VII: CITY PLANNING COMMISSION.

AMENDMENT TO § 11-40: PURPOSE OF LOCAL REGULATIONS.

The land regulations adopted under this authority shall address the following purposes:

- A. Provide for the orderly and expeditious review and approval of land developments and subdivisions.

B. Promoting high quality and appropriate design and construction of land developments and subdivisions.

C. Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment.

D. Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure.

E. Encourage local design and improvement standards to reflect the intent of the Community Comprehensive Plan with regard to the physical character of the various neighborhoods of the city.

~~E~~F. Promote through technical review of all proposed land developments and subdivisions by appropriate local officials.

G. Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered.

~~D~~H. Encourage the establishment and consistent application of procedures for local recordkeeping on all matters of land development and subdivision review, approval and construction.

SECTION 45.

CHAPTER 50, ARTICLE VII: DIRECTOR OF PLANNING AND DEVELOPMENT.

AMENDMENT TO § 50-23: APPOINTMENT; TERM OF OFFICE.

A. The Director of Planning and Redevelopment shall be appointed by the Mayor from a list of persons furnished to him or her by the City Planning Commission. The Director of Planning and Redevelopment shall serve at the pleasure of the Mayor.

B. The Director of Planning and Redevelopment or their designee shall have the authority of the chief zoning official or Director of Zoning and Code Enforcement for all matters related to the performance of roles and responsibilities of the Director of Zoning and Code Enforcement and the chief zoning official prescribed by the statutes of the state, the provisions of this Code and other ordinances of the City. The Director of Planning and Redevelopment or their designee shall serve as the Administrative Officer to the City Planning Commission and execute all duties and responsibilities associated with this appointment in accordance with the Subdivision Review Enabling Act of 1992, R.I.G.L. 45-23, as amended. In the absence of the Director of Planning and Redevelopment, the Assistant Director of Planning and Redevelopment shall assume said duties.

SECTION 46.

EFFECTIVE DATE.

This ordinance shall take effect January 1, 2024.

ZONING

410 Attachment 1

City of Pawtucket

TABLE OF USE REGULATIONS

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
1. Residential uses																				
A.	One-family dwelling	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	N	N	N	N	N	Y	Y
B.	Two-family dwelling	N	N	Y	Y	Y	N	N	Y	Y	Y	N	Y	N	N	N	N	N	Y	Y
C.	Three- or four-family dwell	N	N	N	Y	Y	N	N	Y	Y	Y	Y	Y	S	N	N	N	N	Y	Y
D.	Multifamily (5 dwelling unit and over)	N	N	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	S	N	N	N	Y	Y
E.	State-licensed community residence*	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	Y	N	N	N	Y	Y
F.	Convent or rectory	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	N	N	N	N	Y	Y	Y
G.	Family day-care home, up to 12 children*	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	N	Y	N	N	N	Y	Y
H.	Manufactured home park*	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
I.	Taking of boarders or leasing of rooms by a person residing on the premises for not more than 30 days or 2 boarders	Y	Y	Y	Y	Y	N	N	S	Y	Y	N	Y	N	N	N	N	N	Y	S
J.	Rooming house up to 6 rooming units	N	N	S	S	S	N	N	N	S	S	N	S	N	N	N	N	N	S	N
K.	Rooming house over 6 rooming units (limit 12 persons)	N	N	N	N	S	N	N	N	S	S	N	S	N	N	N	N	N	S	N
L.	Mixed residential/commercial uses	N	N	N	S	N	N	N	Y	N	N	Y	Y	Y	N	N	N	N	Y	Y
M.	Independent-living facility*	N	N	N	S	N	N	N	S	N	S	S	S	Y	N	N	N	N	S	S
N.	Nursing care and assisted living facilities (623110)	N	N	N	S	S	N	N	Y	N	Y	S	Y	N	N	N	N	N	Y	Y
O.	Artist studio, display and sale of artwork	N	N	N	N	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y
2. Accessory uses																				
A.	Garage, no dwelling units	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	Y	N	N	N	N	N	Y	Y
B.	Storage shed up to 150 square feet in area	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	Y	N	N	N	N	Y	Y
C.	Storage shed over 150 square feet in area	S	S	S	S	S	S	Y	S	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y
D.	Swimming pool (residential use)	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	Y	N	N	Y	N	Y	Y
E.	Fence	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
F.	Ground-mounted antenna for amateur radio and television	Y	Y	Y	Y	Y	N	N	S	Y	Y	N	Y	N	N	N	N	N	Y	S
G.	Home occupations	S	S	S	S	S	N	N	A	Y	Y	Y	Y	Y	N	N	N	N	Y	A
H.	Satellite dish antenna 2 feet or less in diameter	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	A	Y	N	N	N	Y	Y
I.	Satellite dish antenna over 2 feet in diameter	N	N	N	N	N	N	NS	NS	Y	Y	Y	Y	A	Y	Y	N	N	Y	NS
J.	Private greenhouse	Y	Y	Y	Y	Y	N	N	S	N	N	N	Y	A	N	N	N	Y	S	Y
K.	Flagpole	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y
L.	Sale of handicraft or home-produced products incidental to their manufacture on the premises, provided that the display of such merchandise shall not be visible from the street	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
M.	Accessory manufacturing	N	N	N	N	N	N	N	N	S	S	S	S	A	N	N	N	N	S	N
N.	Solar energy	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
O.	Electric vehicle charging	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
3. Transient residential																				
A.	Bed-and-breakfast home (1 dwelling unit)*	N	N	S	S	Y	N	N	Y	Y	Y	Y	Y	N	N	N	N	N	Y	Y
B.	Hotel and motel*	N	N	N	N	Y	N	N	Y	N	Y	Y	Y	Y	N	N	N	N	Y	Y
4. Gardening and raising of animals																				
A.	Gardening/Farming, not to include the raising of anima	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
B.	Greenhouse/Nursery not use	AS	AS	AS	AS	AS	Y	N	Y	Y	Y	Y	Y	A	Y	N	Y	Y	Y	Y
C.	Commercial greenhouse or nursery	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y
D.	Keeping of animals as household pets	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y
E.	Raising of animals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
F.	Public zoo	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	Y	N	N	N
G.	Pigeon loft	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
5. Public, education and recreation uses																				
A.	Place of worship (813110)	SY	SY	SY	SY	SY	S	S	S	SY	SY	S	SY	SY	SY	SY	N	SY	S	SY
B.	Cemetery	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
C.	Public museum or library	S	S	S	SY	S	SY	S	SY	SY	S	SY	S	SY	N	N	SY	N	SY	S
D.	Hospital (622)	N	N	N	S	N	N	N	S	N	N	N	SY	N	N	N	N	N	S	S
E.	Municipal incinerator (5622)	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N
F.	Municipal fire station (922)	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
G.	Municipal refuse transfer station (562111)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
H.	Municipal structure or use otherwise specified herein	S	S	S	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	S	Y	Y
I.	Individual instruction as defined by § 410-46C(2)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
J.	Day-care center*	S	S	S	S	S	S	A	V Y	SY	SY	S	SY	SY	SY	SY	N	N	S	SY
K.	Elementary or secondary sc (611110)	SY	SY	S	SY	SY	N	S	SY	SY	SY	SY	SY	S	S	S	S	N	SY	SY
L.	Trade or vocational school (61151)	N	N	N	N	N	N	N	N	N	N	N	SY	S	SY	SY	N	N	SY	N
M.	Schools not otherwise defin (611410, 6116)	N	N	N	N	N	N	S	SY	SY	SY	SY	SY	SY	SY	SY	N	N	SY	SY
N.	Historical museum or art gallery, including incidental retail sales (7121)	N	N	N	N	N	SY	S	SY	N	N	SY	SY	SY	N	SY	S	N	SY	S
O.	Community center	N	S	S	S	S	S	SY	S	S	SY	SY	SY	SY	N	N	N	N	SY	SY
P.	Municipal park	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Q.	Civic, social, fraternal organization (8134)	N	N	N	S	S	N	N	S	S	S	S	SY	N	N	N	N	N	S	S
R.	Nonprofit recreational facility	N	N	N	SY	N	N	SY	SY	N	SY	SY	SY	SY	SY	SY	N	N	N	SY
S.	Marina (713930)	N	N	N	N	N	SY	SY	SY	N	N	N	N	N	N	N	N	N	Y	Y
T.	Municipal police station/substation (922120)	N	N	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
U.	Municipal correctional institution (922140)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
6. Neighborhood commercial uses																				
A.	Retail store of less than 2,500 square feet per establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
B.	Eating places of less than 2,500 square feet of gross floor area	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
C.	Service business of less than 2,500 square feet of gross floor area per establishment, primarily serving local needs	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
7. General commercial uses																				
A.	Grocery store over 20,000 square feet	N	N	N	N	N	N	N	N	N	Y	N	Y	S	N	N	N	N	Y	Y
B.	Retail store over 2,500 square feet serving the general needs of the City	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	Y
C.	Restaurant exceeding 2,500 square feet of gross floor area	N	N	N	N	N	S	S	S	S	S	S	Y	S	S	S	N	N	Y	Y
D.	Tavern with liquor license	N	N	N	N	N	S	N	S	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	N	N	N	N	<u>S</u>	<u>S</u>
E.	Any commercial use with a drive-in window	N	N	N	N	N	N	N	N	S	S	N	Y	N	S	N	N	N	S	S
F.	Multi-tenant commercial structure	N	N	N	N	N	N	N	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	N	N	N	N	<u>S</u>	<u>S</u>
G.	Nightclub*	N	N	N	N	N	N	N	N	N	S	S	Y	S	S	S	N	N	S	N
H.	Flea market*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
I.	Auction house*	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	Y	N
J.	Compassion Center**	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>	<u>N</u>	S	S	N	N	N	N
8. Personal services																				
A.	Coin-operated commercial cleaner and laundering (812310)	N	N	N	N	N	N	N	<u>N</u>	<u>S</u>	Y	Y	Y	Y	Y	Y	N	N	N	<u>S</u>
B.	Dry-cleaning plant, except rugs (812320)	N	N	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y	N	N	Y	N
C.	Carpet and upholstery cleaning (561740)	N	N	N	N	N	N	N	N	Y	Y	N	Y	N	Y	Y	N	N	N	N
D.	Funeral services (812210)	N	N	N	N	N	N	N	Y	<u>N</u>	Y	Y	Y	N	Y	N	N	N	Y	Y
E.	Bank, credit union (5221)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
F.	Beauty salon, barbershop (81211)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
G.	Travel agency (561510)	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
H.	Physical fitness facility (713940)	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
I.	Tattoo parlor (81219)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
J.	Massage therapy (81219)	N	N	N	N	N	N	N	S	S	S	S	<u>S</u>	<u>S</u>	N	N	N	N	Y	S
K.	Tanning salon (81219)	N	N	N	N	N	N	N	S	S	S	S	Y	Y	N	N	N	N	Y	S
L.	Electrolysis (81219)	N	N	N	N	N	N	N	S	S	S	S	Y	Y	N	N	N	N	Y	S
M.	Photographic studio (5419)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
N.	Cobbler (811430)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
O.	Tax return preparation (5419)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
P.	Tailoring/Dressmaking	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
Q.	Check cashing (522390)	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N
R.	Pawn shop*	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N	N	N	N
S.	Pet care services (812910)	N	N	N	N	N	N	N	N	N	S	N	<u>S</u>	S	Y	S	N	N	<u>S</u>	N
T.	Pet overnight boarding	N	N	N	N	N	N	N	N	N	N	N	<u>S</u>	S	Y	S	N	N	A	N
U.	Community food services (624210)	N	N	N	Y	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
9. Business services																				
A.	Services to dwellings and buildings (5617, except 561710)	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y	Y	Y	N	N	Y	Y
B.	Equipment rental and lease and automotive rental and leasing (5322, 5321)	N	N	N	N	N	N	N	N	N	Y	Y	Y	NS	Y	Y	N	N	Y	N
C.	Industrial equipment rental and leasing (5323, 5324)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y	N
D.	Business support services (5614, except 56143)	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y
E.	Pest control (561710)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
F.	Photocopying and duplicating service (5614)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
G.	Employment agency (561311)	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
H.	Security systems services and locksmiths (56162)	N	N	N	N	N	N	Y	N	N	Y	N	Y	Y	Y	Y	N	N	Y	N
10. Office uses																				
A.	Medical office buildingAmbulatory health care services (621)	N	N	N	S	S	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	Y
B.	Veterinarian (541940)	N	N	N	N	N	N	N	YS	YS	Y	YS	Y	Y	N	N	N	N	Y	N
C.	Other office use (541, except 541940, 541921; and 811 except 8134)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	A	Y	Y
11. Automotive and auto body repair, services and garages																				
A.	General automotive repair shops (81111)	N	N	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y	N	N	Y	N
B.	Other automotive repair shops (811198)	N	N	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y	N	N	Y	N
C.	Automotive services, except repair (811191)	N	N	N	N	N	N	N	N	N	Y	N	Y	N	Y	N	N	N	Y	N
D.	Auto body repair shops (81112)	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	S	N
E.	Car washing facility (811192)	N	N	N	N	N	N	N	N	S	Y	N	Y	N	N	N	N	N	Y	N
F.	Gasoline service station, including repair facilities (447)	N	N	N	N	N	N	N	N	S	S	N	SY	N	N	N	N	N	SY	N
G.	Automobile, truck and motorcycle sales, rental and service (441, except 441222)	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N	Y	N
H.	Boat dealer (441222)	N	N	N	N	N	N	S	S	N	Y	N	Y	N	Y	N	N	N	Y	S
I.	Motor vehicle towing (488410)	N	N	N	N	N	N	N	N	N	A	N	A	N	Y	Y	N	N	Y	N
12. Miscellaneous repair services																				
A.	Miscellaneous repair Services (811211, 811218114)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
B.	Commercial and industrial machinery repair services (811212, 811219, 81131)	N	N	N	N	N	N	N	N	N	N	N	N	NS	Y	Y	N	N	N	N
13. Amusement/recreation services																				
A.	Motion-picture theaters except drive-in (512131)	N	N	N	N	N	N	N	SY	N	SY	SY	SY	S	N	N	N	N	SY	SY
B.	Performing arts venues and related businesses (711, except 711190)	N	N	N	N	N	N	N	SY	N	SY	S	SY	SY	SY	SY	N	N	SY	SY
C.	Bowling alley, billiards and pool	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y
D.	Other amusement and recreation (713990)	N	N	N	N	N	N	N	NS	N	NS	NS	Y	NS	NS	NS	N	N	S	S
E.	Non-gambling coin-operated amusement devices (game rooms)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	S	Y	N	N	N	Y	Y

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
14. Parking Vehicle storage																				
A.	Parking garage or parking area	N	N	N	N	N	A	A	Y	Y	Y	Y	Y	N	Y	Y	A	A	Y	Y
B.	Parking garage or parking area for noncommercial vehicles	N	N	NS	NS	Y	A	A	Y	Y	Y	Y	Y	Y	Y	Y	A	A	Y	Y
C.	Parking garage or parking area within 100 feet of a commercial, riverfront, or industrial zone	N	S	S	S	S	N	N	S	Y	Y	Y	Y	Y	Y	Y	A	A	Y	Y
D	Storage of 1 truck of not more than 3/4-ton capacity owned and operated by a person residing on the premises, specifically excluding vehicles used in the transportation of liquids, gases, rubbish, trash, garbage or other noxious matter	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	A	Y	Y	N	Y	Y	Y
E.	Parking of commercial vehicles over 3/4-ton capacity	N	N	N	N	N	N	Y	A	Y	Y	Y	Y	N	Y	Y	N	Y	Y	A
F.	Storage for noncommercial registered automobiles owned and operated by a person residing on the premises	A	A	A	A	A	N	N	A	A	A	A	A	A	A	A	A	A	A	A
G.	Off-street parking garage or parking area as required by Article IX	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
15. Wholesale commercial uses																				
A.	Wholesale commercial use, including the sale and storage of goods, supplies or equipment	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N	Y	N
16. Public utility uses																				
A.	Communications of (517), excluding antennas	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
B.	Electric, gas, water, irrigation stations (22112, 22121, 22131)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N	N	S	S
C.	Public utility pole	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
D.	Public utility tower otherwise specified herein	S	S	S	S	S	S	S	S	S	S	S	S	Y	Y	Y	S	N	S	S
E.	Radio or television transmission tower	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	Y	N
F.	Water tower	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
G.	Any other structure which is part of a public utility system, other than a freight or trucking terminal	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
H.	Personal communications system antenna*	N	N	N	N	S	N	S	S	N	S	S	S	S	S	S	N	N	S	S
I.	Wireless communications antenna*	N	N	N	N	N	N	S	S	N	N	N	N	S	S	S	N	N	S	S

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
17. Transportation uses																				
A.	Heliport	N	N	N	N	N	<u>NS</u>	<u>NS</u>	N	N	Y	N	Y	Y	Y	N	N	<u>NS</u>	<u>NS</u>	
B.	Railroad	N	N	N	S	S	N	N	S	S	S	S	S	Y	Y	Y	N	N	S	S
C.	Passenger transportation terminal	S	S	S	S	S	Y	Y	Y	S	Y	Y	Y	Y	S	S	N	N	Y	Y
D.	Freight or trucking terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>NS</u>	<u>NS</u>	N	N	<u>NS</u>	N
18. Storage uses																				
A.	Storage uses. Coal, lumber or wood yard, heating oil storage, distribution	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
B.	Storage of equipment, products, supplies, material	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	SY	N
C.	Storage of junk, automotive junk, junkyard, commercial junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>NS</u>	<u>NS</u>	N	N	N	N
D.	Storage of flammable or volatile material	N	N	N	N	N	N	N	N	N	N	N	N	N	<u>NS</u>	<u>NS</u>	N	N	N	N
E.	Storage of building materials and equipment incidental to adjacent construction	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
F.	Hazardous substance. Any substance or mixture, or substance which is toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, or generates pressure through decomposition, heat, or other means if such substance may cause substantial personal injury or substantial illness	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
G.	Permanently sited trailers for storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
H.	Rental storage space. Self-Storage Facility (53113)	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N	N
19. Industrial uses																				
A.	Manufacture, processing or treatment of products, provided that they are principally sold at retail on the premises and provided that more than 5 persons are engaged therein	N	N	N	N	N	N	N	Y	A	A	A	A	Y	Y	Y	N	N	Y	N

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
B.	Processing of food and kindred products (31312)	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N*
C.	Textile mill products (314, 313)	N	N	N	N	N	N	Y	Y	N	N	N	N	Y	Y	Y	N	N	Y	Y
D.	Apparel and other textile products (315)	N	N	N	N	N	N	Y	S	N	N	N	N	Y	Y	Y	N	N	Y	S
E.	Lumber and wood products (321)	N	N	N	N	N	N	Y	S	N	N	N	N	S	Y	Y	N	N	S	S
F.	Furniture and fixtures (327)	N	N	N	N	N	N	Y	S	N	N	N	N	Y	Y	Y	N	N	Y	S
G.	Paper and allied products (3222)	N	N	N	N	N	N	Y	S	N	N	N	N	S	Y	Y	N	N	S	S
H.	Printing and publishing (323) and sign manufacturing (3399)	N	N	N	N	N	N	Y	S	N	N	N	N	Y	Y	Y	N	N	Y	S
I.	Plastic materials and synthetics (3261)	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N	N
J.	Drugs, pharmaceuticals (32541)	N	N	N	N	N	N	N	N	N	N	N	N	Y	S	S	N	N	N	N
K.	Soaps, cleaners (325)	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N	N
L.	Miscellaneous chemical products (325, except 3256, 3259)	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N	N
M.	Petroleum products (324)	N	N	N	N	N	N	N	N	N	N	N	N	N	NS	NS	N	N	N	N
N.	Rubber and miscellaneous plastic products (3262)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
O.	Leather and leather products (316)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	Y	N
P.	Stone, clay and glass products (3271, 3272)	N	N	N	N	N	N	NS	N	N	N	N	N	Y	Y	Y	N	N	Y	N
Q.	Primary metal industries (331, except 33141)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
R.	Fabricated metal products and services (332, except 332992-332995)	N	N	N	N	N	N	Y	S	N	N	N	N	S	Y	Y	N	N	S	S
S.	Jewelry, silverware and plated ware (33991)	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	Y	N
T.	Bulk storage of property with the primary purpose being distribution and transportation to commercial and industrial users	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
U.	Quarrying or mining sand, gravel or rocks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
V.	Rock or stone crushing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
W.	Manufacturing of firearms	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
X.	Manufacturing use not listed	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Y.	Multitenant industrial structure	N	N	N	N	N	N	N	N	N	N	N	N	Y	S	S	N	N	N	N
Z.	Boat and ship building (3366)	N	N	N	N	N	N	Y	S	N	N	N	N	Y	Y	Y	N	N	S	S
AA.	Machinery manufacturing (3334, 3335, 334, 335)	N	N	N	N	N	N	N	N	N	N	N	N	Y	S	S	N	N	S	N
BB.	Medical equipment, medical supplies and office supplies manufacturing (3391, 33994)	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	CMU	CT	MO	MB	PO	PC	RCD	RTW
CC.	Miscellaneous manufacturing (3399	N	N	N	N	N	N	N	N	N	N	N	N	S	Y	Y	N	N	N	N
DD.	Artist studio, display sales	N	N	N	N	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y
EE.	Nonresidential cooperative cultivation	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>	<u>N</u>	N	N	N	N	N	N
FF.	Licensed cultivator*	N	N	N	N	N	N	N	N	N	N	N	<u>N</u>	<u>N</u>	S	S	N	N	N	N
GG.	Marijuana testing facility**	N	N	N	N	N	N	N	N	N	S	N	<u>N</u>	S	S	N	N	N	N	
HH.	Brewing and distilling beer or spirits	N	N	N	N	N	N	N	Y	S	Y	Y	Y	Y	Y	Y	N	N	Y	Y
20. Signs																				
A.	Signs. See § 410-884 E	N	N	N	N	N	S	S	S	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
B.	Billboard, bulletin type	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	S	N
C.	Billboard, thirty-sheet poster type	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	S	N
D.	Billboard, eight-sheet poster type	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	S	N

Notes:
* Defined in § 410-132, Definitions.
** Denotes special use permit requirement for specific uses pursuant to § 410-60.

Pawtucket City Planning Commission

Land Development and Subdivision Regulations

Adopted March 22, 1994

Revised January 17, 2012

Revised January 16, 2024

City of Pawtucket
Land Development and Subdivision Regulations

SECTION I GENERAL

Article A. State Enabling Authority

In accordance with the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, the City of Pawtucket is required to adopt land development and subdivision review regulations in conformity to the requirements of the Act.

Article B. City Council Authority

The City Council has empowered by Ordinance, Chapter 2318 on August 12, 1993, the City Planning Commission to adopt, modify and amend regulations and rules governing land development and subdivision projects within the municipality and to control land development and subdivision projects pursuant to those rules and regulations. The City Council further empowered the City Planning Commission to include development plan review and unified development regulations by Ordinance, Chapter 3287 on December 20, 2023. The City Planning Commission approved these regulations on March 22, 1994. Amendments to these regulations have been approved on January 17, 2012, and January 16, 2024.

Article C. Statement of Purpose and Consistency

The Land Development and Subdivision Review Regulations of the City of Pawtucket have been written to address the following purposes:

- (1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- (3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promoting design of land developments and subdivision which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging local design and improvements standards to reflect the intent of the comprehensive plan and zoning ordinance with regard to the physical character of the various neighborhoods and districts of the city;
- (6) Promoting thorough technical review of all proposed land developments and subdivision by appropriate local officials;
- (7) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

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Article D. Applicability

Subdivisions and development classified as a land development project or subject to development plan review pursuant to the Pawtucket Zoning Ordinance shall submit and receive approval as evidenced by endorsed recording with the City Clerk in accordance with these regulations prior to the transfer of title, in the case of subdivision, or the commencement of construction, in the case of development.

- (1) These regulations shall not apply to lawful preexisting lots or developments. Nothing in these regulations shall impact the continuation of lawful preexisting development or use of land which are nonconforming in standards of design or required improvements to the land.

Article E. Administrative Officer

The director or agent of the Director of the Department of Planning and Redevelopment shall serve as Administrative Officer. Local administration of these regulations shall be under the direction of the Administrative Officer, who shall report to the City Planning Commission. The Administrative Officer shall be responsible for the following:

- (1) Overseeing and coordinating the review, approval, recording and enforcement provisions of these regulations.
- (2) Coordinating reviews of proposed land development projects and subdivisions with adjacent municipalities, as is necessary to be consistent with applicable federal, state and local laws and as directed by the City Planning Commission.
- (3) Approval of various stages of land development projects, subdivisions, and development plan review in accordance with these regulations.
- (4) Enforcement of these regulations, including coordinating the enforcement efforts of the Building Official, Planning Department staff, the City Engineer, the Office of the City Clerk, Department of Public Works, and other local officials responsible for the enforcement or carrying out of discrete elements of these regulations.

Article F. Technical Review Committees

- (1) Pursuant with its designation as a technical review committee subject to the requirements of these regulations, the Riverfront Commission shall bylaws for the conduct of its meetings submit to the City Planning Commission for its approval. Additionally, the Administrative Officer shall sit as the chair of the Riverfront Commission.
- (2) A technical review committee of not fewer than three (3) members may be appointed by the City Planning Commission for the purposes of reviewing, commenting and making recommendations to the City Planning Commission on land development and subdivision.

City of Pawtucket
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The Administrative Officer shall serve as an ex-officio member and the chair of the CPC Technical Review Committee. Membership may include, but shall not be limited to, members of the City Planning Commission, Department of Planning and Redevelopment staff, and other municipal departments with responsibility for review or enforcement of the regulations. In no case, shall the opinions of the committee be binding upon the City Planning Commission in its activities, except as specified in these regulations.

The CPC Technical Review Committee shall adopt written procedures establishing the committee's responsibilities for approval by the City Planning Commission. Reports of the committee shall be in writing and be kept up as a part of the permanent documentation on all projects.

Article G. The Board of Appeal

- (1) The Pawtucket Zoning Board of Review shall act as the Board of Appeals to hear appeals of decisions of the Administrative Officer pursuant to Section XVII Article K.
- (2) The Board of Appeal shall only hear appeals of the actions of the Administrative Officer at a meeting called especially for the purpose of hearing such appeals, and which has been so advertised. The hearing, which may be held on the same date and at the same place as a regularly scheduled meeting of the Zoning Board of Review, must be held as a separate meeting from any such regularly scheduled Zoning Board of Review meeting. Separate minutes and records of votes shall be maintained by the Board of Appeal.
- (3) The Board of Appeal shall keep complete records of all proceedings, including a record of all votes taken, and shall put all decisions on appeals in writing. The Board of Appeal shall include the reasons for each decision in the written record.
- (4) When reviewing a decision of the Administrative Officer on matters subject to these regulations, the Board of Appeal shall not substitute its own judgment for that of the Administrative Officer, but must consider the issue upon the findings and record of the Administrative Officer. The Zoning Board shall not reverse a decision of the Administrative Officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
- (5) The concurring vote of three of the five members of the Board of Appeal sitting at a hearing shall be necessary to reverse any decision of the Administrative Officer.
- (6) Where the Board of Appeal overturns a decision of the Administrative Officer, the proposed project application shall be remanded to the Administrative Officer at the stage of processing from which the appeal was taken, for further proceedings before the Administrative Officer and/or for the final disposition, which shall be consistent with the decision of the Board of Appeal.

Article H. Special Provisions - Phasing of Projects

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The City Planning Commission may provide for preliminary and final review stages and for the construction of major land developments and subdivisions to be divided into reasonable phases.

SECTION II ADOPTION AND AMENDMENT

Article A. General Provisions

Land development and subdivision regulations adopted by the Pawtucket City Planning Commission on March 22, 1994, set forth in text and may incorporate other necessary technical and graphic material necessary for the proper use of the regulations.

Article B. Public Notice - Adoption Process

The City Planning Commission shall hold a public hearing prior to the adoption, repeal, or amendment of any land or development regulations. At the hearing, all interested persons shall be given an opportunity to be heard upon the matter of the proposed regulations. Copies of the proposed regulations or amendment shall be available prior to the public hearing. Any amendment to these regulations shall be consistent with all provisions of Land Development and Subdivision Review Enabling Act of 1992, and with the Comprehensive Plan and the zoning ordinance. The City Planning Commission shall give notice of a public hearing by publication in a newspaper of local circulation; a notice at least once a week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is held. The same notice shall be posted in the City Clerk's office and one other municipal building in Pawtucket and the City must make the notice accessible on the home page of its website at least fourteen (14) days prior to the hearing. The newspaper notice shall include the following:

- (1) The date, time and place of the hearing;
- (2) A statement that amendment of the land development and subdivision regulations is under consideration;
- (3) A statement of the proposed amendment in its entirety, or a summary of the matter under consideration;
- (4) The location where and the times when a copy of the proposed amendment may be obtained or examined and copied; and
- (5) A statement that the proposed amendment may be altered or further amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing; and that any such alteration or amendment must be presented for comment in the course of the public hearing.

SECTION III PRE-APPLICATION MEETINGS AND CONCEPT REVIEW

Article A. Pre-application Meetings

One or more pre-application meetings shall be held for all major land development project or subdivision applications. Pre-application meetings may be held for administrative and minor applications or Development Plan Review, upon request of either the municipality or the applicant.

City of Pawtucket
Land Development and Subdivision Regulations

Pursuant to Section XVII Article D(2), a pre-application meeting is required for all property located in the Historic District submitting an application subject to these regulations. Pre-application meetings shall allow the applicant to meet with appropriate officials, boards and/or commissions, planning staff, and, where appropriate, state agencies, for advice as to the required steps in the approval process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project.

Article B. Concept Plan Review

At the pre-application stage, the applicant may request the City Planning Commission or a technical review committee conduct an informal concept plan review for a development. The purpose of the concept plan review is also to provide City Planning Commission or technical review committee input in the formative stages of subdivision and land development concept design.

Article C. Submission of Materials

Applicants seeking a pre-application meeting or an informal concept review shall submit materials in advance of the meeting(s) as requested by the Administrative Officer.

Article D. Purpose

Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements.

SECTION IV GENERAL PROVISIONS - APPLICATION AND COMPLETENESS

Article A. Classification

Any applicant intending to undertake a project in the City of Pawtucket subject to these regulations shall file an appropriate application with the Administrative Officer. The Administrative Officer shall advise the applicant as to which category of approval is required for a project and the submission requirements and review procedures according to the classification of the application. One project shall not be required to undergo review for both a land development project and development plan review. The following categories of applications may be filed:

- (1) Administrative development plan review
- (2) Formal development plan review
- (3) Administrative subdivision
- (4) Minor land development project and/or subdivision
- (5) Major land development project and/or subdivision

Article B. Certification of a Complete Application

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An application shall be complete for purposes of commencing the applicable time period for review and decision when certified by the Administrative Officer. Every certification of completeness required by these regulations shall be in writing. In the event certification of the application is not made within the time specified in these regulations, or the Commission's adopted rules for the type of plan, the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in these regulations and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application. The granting of a certification of complete for any application does not presume compliance with local, state or federal requirements or imply approval of the application.

Article C. Permitting Authority Actions

Notwithstanding articles A and B above, the permitting authority may subsequently require correction of any information found to be in error and submission of additional information specified in the regulations but not required by the Administrative Officer prior to certification, as is necessary to make an informal decision.

Article D. Postponement with Consent

Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the permitting authority determines that the required application information is complete.

SECTION V DEVELOPMENT PLAN REVIEW

Article A. Application

Any applicant requesting development plan review shall pay the required fee and submit to the Administrative Officer the application cover sheet (Appendix A) and the completed checklist and its required submission materials according to the necessary level of review (Appendix B).

Article B. Preliminary Formal Development Plan Review

A public hearing shall be held prior to the permitting authority decision on the preliminary plan for formal development plan review. Notice for the public hearing shall be sent by first class mail, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing to the applicant and as specified in Section XI Article C. Notice shall be provided to abutters within the notice area only. The cost of notice shall be borne by the applicant.

Article C. Final Action

Following application in accordance with Article A of this section and certification of completeness in accordance with § 410-15.1(F) of the Zoning Ordinance, the permitting authority, as assigned in the Zoning Ordinance, shall review the application, consider any requested waivers and/or modifications in accordance with Section XVII Article E, approve proposed agreements with the

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developer for the completion of all required improvements specified in Section XIV, and approve of the plan as submitted, approve with changes and/or conditions, or deny the application within the timeframes stated in § 410-15.1(G) of the Zoning Ordinance. Such final action shall be one of the following:

- (1) A written statement of approval indicating that the permitting authority has determined that the weight of the record has demonstrated or proved to the satisfaction of the permitting authority that each of the applicable criteria listed in the appropriate section of the Zoning Ordinance have been met.
- (2) A written statement of conditional approval, subject to such conditions, modifications and restrictions as the permitting authority deems necessary so that the proposed activities meet each of the applicable criteria listed in the appropriate section of the Zoning Ordinance.
- (3) A written statement of a denial of an application indicating that the permitting authority has determined that the weight of the record has failed to provide sufficient evidence that the application has demonstrated or proved to the satisfaction of the permitting authority that each of the applicable criteria listed in listed in the appropriate section of the Zoning Ordinance have been met.

The permitting authority shall issue written findings of fact, and, where applicable, conclusions of law, explaining the reason why any standard or standards have or have not been met and setting forth the basis for the decision.

Article D. Changes to Plans

Minor changes must meet the following criteria:

- (1) There is no increase in the number of lots or dwelling units.
- (2) There is no change to any dimension of the previously approved plan, including building envelopes beyond what may be incidental to site-specific construction conditions. Additions or movement of built features not shown on the development plans shall be considered a major change.
- (3) Streets or driveways are not changed in a manner that alters circulation on the site or adjacent to the site from what was shown on the approved development plan.
- (4) There is no change required to any public infrastructure.

Changes that do not meet the above criteria will be considered major and shall be resubmitted for the review process.

SECTION VI ADMINISTRATIVE SUBDIVISIONS

Article A. Submission of Material

Any applicant requesting preliminary approval of a proposed administrative subdivision, as defined in this chapter, shall pay the required fee and submit to the Administrative Officer the subdivision

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application cover sheet (Appendix C) and the completed checklist for administrative subdivision approval and its required submission material (Appendix D).

Article B. Certification Process

The application shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission according to the provisions of Section IV Article B.

Article C. Review Process

- (1) Within fifteen (15) days of certification of completeness, the Administrative Officer, or a technical review committee, shall review the application, consider any requested waivers and/or modifications in accordance with Section XVII Article E, and approve, deny, or refer it to the City Planning Commission with recommendations. The officer or committee shall report their actions to the City Planning Commission at its next regular meeting, to be made part of the record.
- (2) If no action is taken by the Administrative Officer or a technical review committee within the fifteen (15) days, the application shall be placed on the agenda of the next regular City Planning Commission meeting.

Article D. City Planning Commission Actions

If referred to the City Planning Commission, the commission shall consider the application and the recommendations of the Administrative Officer and/or a technical review committee and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of the date of certification of completeness.

Failure of the City Planning Commission to act within the period prescribed shall constitute approval of the administrative subdivision plan and a certificate of the Administrative Officer as to the failure of the City Planning Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

Article E. Denial of the Application

Denial of an application by the Administrative Officer and/or the Technical Review Committee shall not be appealable and shall require the plan to be submitted as a minor subdivision application.

Article F. Approval Expiration

Approval of an administrative subdivision shall expire ninety (90) days from the date of approval unless within such period a final plat in conformity with such approval is submitted for signature and recording as specified in Section XVII Article H.

SECTION VII MINOR LAND DEVELOPMENTS OR MINOR SUBDIVISIONS

City of Pawtucket
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Article A. Review Stages

Minor plan review shall consist of two stages, preliminary and final; provided that, if a street creation or extension is involved, or a request for variances and /or special use permits are submitted pursuant to a unified development review application, a public hearing is required. The Administrative Officer may combine the approval stages, providing requirements for both stages have been met by the applicant to the satisfaction of the Administrative Officer.

Article B. Preliminary Plan Submission Requirements

Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in this chapter, shall pay the required fee and submit to the Administrative Officer the application cover sheet (Appendix A for land development projects or Appendix C for subdivisions) and the completed checklist for preliminary minor approval and its required submission material (Appendix B for land development projects or Appendix D for subdivisions).

Article C. Certification

An application for any stage of minor land development project or subdivision shall be certified complete or incomplete by the Administrative Officer within twenty five (25) days from the date of its submission, according to the provisions of Section IV Article B so long as a completed checklist of the requirements for submission (Appendix B for land development projects or Appendix D for subdivisions) is provided as part of the submission. If no street creation or extension is required, and/or unified development review is not requested, and a completed checklist of the requirements for submission are provided as part of the submission, such application shall be certified, in writing, complete or incomplete by the Administrative Officer within fifteen (15) days. The running of the time period set forth in this article will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

Article D. Preliminary Plan Review Procedure

- (1) Applications requesting relief from the zoning ordinance.
 - (a) Applications under this article which require relief which qualifies only as a modification shall proceed by filing an application under this article and a request for a modification to the Zoning Enforcement Officer. If such modification is granted, the application shall then proceed to be reviewed by the Administrative Officer pursuant to the applicable requirements of this article. If the modification is denied or an objection is received, such application shall proceed under unified development review.

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- (b) Applications under this article which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the City Planning Commission under unified development review, and a request for review shall accompany the preliminary plan application.
- (2) Any application involving a street creation or extension shall be reviewed by the City Planning Commission and require a public hearing.
- (3) Other applications. The Administrative Officer shall review and grant, grant with conditions or deny all other applications under this section. The Administrative Officer may utilize a technical review committee for initial review and recommendation.

Article E. Re-assignment to Major Review

The permitting authority may re-assign a proposed minor project to major review only when the permitting authority is unable to make the positive findings required.

Article F. Preliminary Plan Decision

If no street creation or extension or unified development review is required, the Administrative Officer shall review the application, consider any requested waivers and/or modifications in accordance with Section XVII Article E, and approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Administrative Officer.

If a street extension or creation is required and/or the application is reviewed under unified development review, the City Planning Commission shall hold a public hearing pursuant to Section XI prior to approval. The Commission shall review the application, consider any requested waivers and/or modifications in accordance with Section XVII Article E, and approve, deny, or approve with conditions the preliminary plan within ninety-five (95) days of certification of completeness, or within such further time as is agreed to by the applicant and the Commission.

Article G. Failure to Act

Failure of the permitting authority to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the Administrative Officer as to the failure of the permitting authority to act within the required time and the resulting approval shall be issued on request of the applicant.

Article H. Final Plan Submission Requirements

Following the decision of the permitting authority on the preliminary plan application, the applicant shall pay the required fee and submit to the Administrative Officer the completed checklist for final

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minor approval and its required submission material (Appendix B for land development projects or Appendix D for subdivisions).

Article I. Final Plan Decision

- (1) The Administrative Officer shall review the application, consider any requested waivers and/or modifications in accordance with Section XVII Article E, approve agreements with the developer for the completion of all required improvements specified in Section XIV, and approve, approve with conditions, deny, or refer the application to the City Planning Commission based upon a finding there is a major change pursuant to Section XVII Article J (4) for final plan as submitted within 25 days of certification of completeness.
- (2) Failure of the Administrative Officer to act within the period prescribed shall constitute approval of the final plan, and a certificate of the Administrative Officer as to the failure of the Administrative Officer to act within the required time, and the resulting approval, shall be issued on request of the applicant.
- (3) The Administrative Officer shall report their actions to the City Planning Commission at its next regular meeting, to be made part of the record.

Article J. Vesting

Approval of a minor land development or subdivision plan, either at the preliminary or final stage, shall expire one (1) year from the date of approval unless within such period either a final plan is submitted for review and approval by the permitting authority, or a final plat or approved land development plan, in conformity with such approval, is submitted for signature and recording as specified in Section XVII Article I. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the City Planning Commission.

**SECTION VIII MAJOR LAND DEVELOPMENT OR MAJOR SUBDIVISION
REVIEW STAGES**

Article A. Required Review

Major plan review shall be required of all applications for land development and subdivision approval subject to these regulations, unless classified as an administrative subdivision or as a minor land development or a minor subdivision.

Article B. Stages of Major Plan Review

Major plan review shall consist of three stages of review: master plan, preliminary plan, and final plan, following the pre-application meeting(s) specified in Section III Article A. Also required is a public hearing at the master plan stage of review, or if combined, at the first stage of review.

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Article C. City Planning Commission Actions

The Administrative Officer may combine review stages, but only the City Planning Commission may waive requirements as specified in Section XVII Article E. Review stages may be combined only after the Administrative Officer determines that all necessary requirements have been met by the applicant or the City Planning Commission has waived any submission requirements not included by the applicant pursuant to Section XVII Article E.

**SECTION IX MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION -
MASTER PLAN**

Article A. Submission Requirements

- (1) Any applicant requesting approval of a proposed major land development project or major subdivision shall pay the required fee and submit to the Administrative Officer the application cover sheet (Appendix A for land development projects or Appendix C for subdivisions) and the completed checklist for master plan major approval and its required submission material (Appendix B for land development projects or Appendix D for subdivisions).

Article B. Review Procedure

Applications requesting relief from the zoning ordinance:

- (1) Applications under this article which require relief which qualifies only as a modification shall proceed by filing a master plan application under this article and a request for a modification to the Zoning Enforcement Officer. If such modification is granted, the application shall then proceed to be reviewed by the City Planning Commission pursuant to the applicable requirements of this article. If the modification is denied or an objection is received, such application shall proceed under unified development review as detailed in Subarticle (2) below.
- (2) Applications under this article which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the City Planning Commission under unified development review, and a request for review shall accompany the master plan application.

Article C. Certification

The application shall be certified complete or incomplete by the Administrative Officer according to the provisions of Section IV Article B within twenty-five (25) days, so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the

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Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

Article D. Public Official Comments

Initial comments shall be solicited from, a) local agencies including, but not limited to, the Planning Department, the Department of Public Works, Public Safety Department, the Law Department, Parks and Recreation commissions; b) adjacent communities; c) state agencies, as appropriate, including the Departments of Environmental Management and Transportation, and the Coastal Resources Management Council; and d) federal agencies, as appropriate. The Administrative Officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

Article E. Technical Review Committee

A Technical Review Committee shall review the application and shall comment and make recommendations to the City Planning Commission.

Article F. Public Hearing

A public hearing shall be held prior to the City Planning Commission decision on the master plan, unless the master plan and preliminary plan approvals are being combined, in which case the public hearing shall be held during the combined stage of review.

- (1) Notice for the public hearing is required in accordance with Section XI.
- (2) At the public hearing, the applicant shall present the proposed development project. The City Planning Commission shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.

Article G. Decision by the City Planning Commission

The City Planning Commission shall review the application, consider any requested waivers and/or modifications in accordance with Section XVII Article E, and approve of the master plan as submitted, approve with changes and/or conditions, or deny the application within ninety (90) days of certification of completeness, or within a further amount of time that may be consented to by the applicant through the submission of a written waiver.

Article H. Failure to Act

Failure of the City Planning Commission to act within the period prescribed shall constitute approval of the master plan and a certificate of the Administrative Officer as to the failure of the City

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Planning Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

Article I. Vesting

The approved master plan shall be vested for a period of two years, with the right to extend for two one-year extensions upon written request by the applicant, who must appear before the City Planning Commission for the annual review. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested by the applicant in writing, and approved by the City Planning Commission. Master plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved master plan drawings and supporting materials.

**SECTION X MAJOR LAND DEVELOPMENT OR MAJOR SUBDIVISION -
PRELIMINARY PLAN**

Article A. Submission Requirements

Following the decision of the City Planning Commission on the master plan application, the applicant shall pay the required fee for preliminary plan approval and submit to the Administrative Officer the completed checklist for preliminary major approval and its required submission material (Appendix A for land development projects or Appendix B for subdivisions).

Article B. Certification

The application shall be certified as complete or incomplete by the Administrative Officer according to the provisions of Section IV Article B within twenty-five (25) days so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

Article C. Technical Review Committee

A Technical Review Committee shall review the application prior to the first City Planning Commission meeting and shall comment and make recommendations to the City Planning Commission.

Article D. Public Official Comments

Final written comments and/or approvals of the department of public works, the engineering division, the city solicitor, other local government departments, commissions, or authorities as appropriate will be solicited by the Administrative Officer and provided to the applicant prior to the first City Planning Commission meeting.

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Article E. Abutter Notice

Prior to first City Planning Commission decision on the preliminary plan, notice shall be sent to abutters only at least fourteen (14) days before the hearing. .

Article F. Decision by the City Planning Commission

The City Planning Commission shall review the application, consider any requested waivers and/or modifications in accordance with Section XVII Article E, approve proposed agreements with the developer for the completion of all required improvements specified in Section XIV, and approve of the preliminary plan as submitted, approve with changes and/or conditions, or deny the application within ninety (90) days of the date when it is certified complete or within a further amount of time that may be consented to by the applicant through the submission of a written waiver. Provided that, the timeframe for design is automatically extended if evidence of state permits has not been provided, or otherwise waived.

Article G. Failure to Act

Failure of the City Planning Commission to act within the period prescribed shall constitute approval of the preliminary plan and a certificate of the Administrative Officer as to the failure of the City Planning Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

Article H. Vesting of Preliminary Plan

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

SECTION XI APPLICATION PUBLIC HEARING

Article A. Public Hearing Required

A public hearing shall be required for a major land development project or a major subdivision, or where a street extension or creation requires a public hearing for a minor land development project or minor subdivision.

Article B. Notice Requirements

Public notice of the hearing shall be given using a legal advertisement at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation within Pawtucket. The same notice

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shall be posted in the Pawtucket City Clerk's office and one other municipal building in Pawtucket and the notice must be accessible on the home page of the City of Pawtucket website at least fourteen (14) days prior to the hearing. Notice shall be sent to the applicant and to each owner within the notice area as detailed in Article C of this section, by first class mail of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Said notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10s) of a mile. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application at least fourteen (14) days prior to the hearing.

Article C. Notice Area

- (1) The distance(s) for notice of the public hearing shall be 200 linear feet from the property boundary. At a minimum, all abutting property owners to the proposed development's property boundary shall receive notice.
- (2) Watersheds. Additional notice within watersheds shall also be sent as required in R.I.G.L. § 45-23-53 (b), (c), and (d).
- (3) Adjacent municipalities. Notice of the public hearing shall be sent by the Administrative Officer to the Administrative Officer of an adjacent municipality if 1) the notice area extends into the adjacent municipality, or 2) the development site extends into the adjacent municipality, or 3) there is a potential for significant negative impact on the adjacent municipality.

Article D. Cost of Public Notice

The cost of all such notices shall be borne by the applicant.

SECTION XII MAJOR LAND DEVELOPMENT OR MAJOR SUBDIVISION - FINAL PLAN

Article A. Submission Requirements

Following the decision of the City Planning Commission on the preliminary plan application, the applicant shall pay the required fee for final plan approval and submit to the Administrative Officer the completed checklist for final major approval and its required submission material (Appendix B for land development projects or Appendix D subdivisions).

Article B. Certification

The application for final plan approval shall be certified complete or incomplete by the Administrative Officer according to the provisions of Section IV Article B in writing, within 15 days, so long as a completed checklist of requirements are provided with the submission. This time period may be extended to twenty-five (25) days by written notice from the Administrative Officer

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to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. . If the Administrative Officer certifies the application as complete and does not require submission to the City Planning Commission as per Article C below, the final plan shall be considered approved.

Article C. Review

The Administrative Officer, or if referred to it, the City Planning Commission shall review the application, consider any requested waivers and/or modifications in accordance with Section XVII Article E and grant or deny final plan approval. A decision shall be issued within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant.

Article D. Failure to Act

Failure of the City Planning Commission to act within the period prescribed shall constitute approval of the final plan and a certificate of the Administrative Officer as to the failure of the City Planning Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

Article E. Vesting

The final approval of a major subdivision or land development project shall expire one year from the date of approval with the right to extend for one year upon written request of the applicant, who must appear before the City Planning Commission for the annual review, unless, within that period, the final plat or approved land development project plan shall have been submitted for signature and recorded by the City Clerk of the City of Pawtucket. Thereafter, the City Planning Commission may, for good cause shown, extend the period for recording for an additional period.

**SECTION XIII POST APPLICATION APPROVAL
DOCUMENTATION AND NOTICE**

Article A. Construction Plans

One complete set of all construction plans, profiles, cross-sections, or other working drawings of alterations to rights-of-way or utility easements shall be submitted to and approved by the Engineering Department and the Chief Engineer of the Pawtucket Water Supply Board prior to any construction start.

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Article B. Notification of City Officials

- (1) No phase or step in the construction of improvements within a right-of-way or utility easement shall commence until the Engineering Department or their authorized representative has been notified at least twenty-four (24) hours prior thereto.
- (2) The Engineering Department or their authorized representative, upon proper notification of commencement of a phase or stage of construction shall not impede such construction by delaying inspection and approval without just cause.

Article C. As-built Drawings

On the completion of construction and installation of all improvements to the land, the subdivider/developer shall furnish three (3) complete sets of as-built drawings of such improvements to the City, two (2) shall be delivered to the City Engineer and one (1) shall be delivered to the Administrative Officer.

SECTION XIV APPROVAL REQUIREMENTS

Article A. Required Improvements

As a condition of approval, the permitting authority shall require that the subdivider/developer, at their own expense, construct improvements to the land in accordance with the specifications of these regulations, any rules and regulations adopted by the City Planning Commission,, or otherwise designated city officials. Required improvements are as follows:

- (1) Street rights-of-way shall be cleared, cleared and graded for their entire width in accordance with the specifications in the rules and regulations.
- (2) Streets shall be graded, graveled and paved in accordance with the Rhode Island Department of Transportation Standard Specifications for Road and Bridge Construction.
- (3) Street signs shall be installed immediately after grading and preparation of sub base. Street signs shall be of the size, type and number specified by the Director of Public Works.
- (4) Curbs. Unless waived by the permitting authority, all streets in new developments shall have granite curbing. Under no circumstances will asphalt or concrete curbing be allowed to be substituted for granite curbing. The specifications and installation of granite curbs shall be in accordance with the Rhode Island Department of Transportation Standard Specifications for Road and Bridge Construction
- (5) Sidewalks. Sidewalks shall be installed, unless waived by the permitting authority, in accordance with the Rhode Island Department of Transportation Standard Specifications for Road and Bridge Construction.
- (6) Surface and subsurface storm drainage structures and facilities shall be installed in accordance with Best Management Practices and the approval of the City Engineer.

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- (7) The subdivider/developer shall file, at the Pawtucket Water Supply Board (PWSB) Engineering Office, an application for all proposed water main and water service installations in accordance with the current "PWSB Rules and Regulations". All PWSB approvals are granted via this application process.
- (8) Sanitary sewers shall be installed in accordance with the specifications recommended by the City Engineer.
- (9) Street trees. Unless waived by the permitting authority, shall be planted in accordance with City of Pawtucket Ordinance, Chapter 29, Trees and shrubs, § 29-29.
- (10) The subdivider/developer may be required to install oversized improvements by the City Engineer in which case the subdivider/developer may negotiate with the City for the reimbursement of the expense incurred over and above the cost of a normal size improvement.

Article B. Construction and/or Improvement Guarantees

- (1) The permitting authority shall approve all agreements that concern the required improvement in the following form: 1) completion of actual construction of all improvements, 2) improvement guarantees, or 3) a combination thereof.
- (2) Construction before final approval. 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 Administrative Officer.
- (3) Surety Improvement Guarantees. Surety improvement guarantees shall be in an amount and with all necessary conditions to secure for the City the actual construction and complete installation of all required improvements within the period specified by the permitting authority.
- (4) Maintenance Guarantees. The permitting authority shall also require maintenance guarantees to be provided for a one (1) year period subsequent to completion, inspection, and acceptance of the improvement.

Article C. Requirements for Dedication of Public Land

(Reserved)

Article D. Acceptance of Public Improvements

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

SECTION XV DESIGN STANDARDS

Article A. Landscaping Standards

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These standards are in addition to the minimum landscaping requirements listed in § 410-78 of the City of Pawtucket Zoning Ordinance.

(1) Purpose

- (a) To improve the physical environment through the provision of open space, street trees and vegetation;
- (b) To provide a transition between land uses through the use of well designed landscaping and/or buffers;
- (c) To reduce noise, dust pollution and glare.
- (d) To reduce impacts from impervious surfaces including heat island effect and disruption to the hydrologic cycle;
- (e) To improve air quality;
- (f) To provide shade for pedestrians and automobiles, and pavement;
- (g) To provide privacy in residential settings;
- (h) Provide for soil conservation, erosion control, flood control and pollutant mitigation; and
- (i) To eliminate or reduce the need for irrigation by providing landscapes that are developed in accordance with best practices and are well-suited to the regional environment and climate.

(2) General Standards

- (a) In residential developments, applicants shall provide plantings or landscaping elements throughout the development to promote the purposes of these regulations in addition to any screening and/or street trees required;
- (b) In non-residential developments, all areas of the site not occupied by buildings and required improvements shall be retained in their natural state as part of the site design process or landscaped in accordance with these regulations. If the property was cleared in the past and the current state of the property does not serve as an adequate buffer or natural area, a planting plan shall be submitted for this area of the site;
- (c) Plant varieties shall be selected for long term resistance to drought, moisture, salt, urban conditions, or insects and other pests depending on the location of landscaping and the specific stressors anticipated for different areas of the site. Plants should be selected so that landscaping can be maintained with minimal care and the need for watering, pesticides, or fertilizers is minimized or eliminated;
- (d) Landscape professionals are encouraged to reference *Sustainable Trees and Shrubs*, 3rd ed., 1999, URI Cooperative Extension- Landscape Horticulture, Exhibit A in the *Subdivisions and Land Development Regulations* as well as other current standards for nursery stock/species when selecting plant varieties for landscaping;
- (e) Under no circumstances shall any plant be selected that appears on the most recent listing of invasive species as published by the Rhode Island Invasive Species Council.

(3) Landscape Plan Required. A Landscape Plan prepared by a Rhode Island Registered Landscape Architect shall be submitted for all projects requiring Development Plan

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Review, Subdivision, or Land Development approval as specified in the Land Development and Subdivision Regulations. In addition to the requirements listed in any checklist attached to these regulations, a Landscape Plan shall contain the elements listed below.

- (a) Proposed grading at two-foot contour intervals. The Director or Planning Commission may waive this requirement if the proposal will clearly not alter on site drainage patterns in a manner that affects adjacent properties or may compromise the performance of on-site stormwater or wastewater infrastructure;
 - (b) Proposed location of retained vegetation;
 - (c) Methods of protection for retained vegetation during the construction phase;
 - (d) List of proposed plantings and general locations;
 - (e) Identification of any landscaped areas that will be used for stormwater management including details and specifications for vegetated practices such as swales, constructed wetlands, rain gardens, etc;
 - (f) Specifications for cultivation, loaming, seeding, and fertilization that demonstrate compliance with Subarticles (3) and (4) as applicable.
- (4) Site protection. Protection of the site shall be in accordance with the following:
- (a) Sediment and erosion control shall be addressed as part of the Landscaping Plan unless a separate soil and erosion control plan is prepared;
 - (b) Topsoil suitable for landscaping shall be retained on site in an amount as determined as part of the required landscape plan. To the maximum extent practicable, the developer shall minimize the areas of the site to be regraded or disturbed. Topsoil exposed during construction shall be protected through stabilization measures consistent with the *Rhode Island Sediment Control Handbook* and approved by the Director of Planning and Development or the Planning Commission as applicable;
 - (c) All organic material, rubbish, potentially harmful materials or debris shall be removed from the site in a timely fashion. Disposal of cleared, grubbed and stripped materials shall be the responsibility of the developer. All roots, stumps, brush, foliage and other vegetation that have been cleared or excavated shall be removed and disposed of by the developer off the project site.
 - (d) No filling, excavation, or material storage shall occur within four (4) feet of any shrub or the dripline of any tree that will be retained. Protective barriers shall be installed to protect this area surrounding retained vegetation and shall be a minimum of three (3) feet high and constructed of durable material. Snow fences and silt fences are examples of acceptable barriers;
 - (e) Parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, etc. shall take place in areas designated for permanent structures or other impervious surfaces;
 - (g) Landscaping of all cut and fill areas and/or terraces shall be sufficient to prevent erosion, and all roadway side slopes greater than 1:3 shall be planted with vegetated ground cover appropriate for the purpose of erosion control and for the soil conditions

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and environment. The use of erosion control fabric or mats shall be utilized when appropriate;

- (h) Disturbed areas intended for natural re-growth should be, at a minimum, graded, loamed, and seeded with wildflowers, perennial rye grass, a meadow or “conservation” native grass mix or similar varieties.

(5) Plant Specifications

- (a) Caliper measurements and root ball specifications for all trees and shrubs shall conform to the American Standard for Nursery Stock ANSI Z60.12004 as amended.
- (b) Shade or canopy trees shall not be less than twelve (12) feet in planted height above grade;
- (c) Small or minor shade trees shall not be less than ten (10) feet in planted height above grade;
- (d) Ornamental or flowering fruit trees shall not be less than ten (10) feet in planted height above grade;
- (e) Evergreen trees used for screening shall not be less than six (6) feet in planted height above grade;
- (f) Lawn seed mixes shall be drought resistant. To achieve a high level of drought tolerance, lawn mixes may include, but shall not be limited to, a predominance of fine fescues.

(6) Planting and Cultivation

(a) Soil Restoration and Protection

- (i) In all areas where landscaping is to be provided and topsoil is to be removed for the purposes of site development and/or grading, or where existing conditions require the restoration of topsoil, topsoil shall be restored and shall contain a minimum of 5% organic matter for turf areas and 10% for trees and shrubs. The minimum depth of any restored topsoil shall be six (6) inches;
- (ii) Where pre-existing topsoil will be used for landscaping, such soil shall be cultivated to a depth of six (6) inches;
- (iii) Cultivated areas shall be covered with not less than a two (2) inch deep layer of mulch after planting where weed control is required. Mulch should be natural, unpainted, unstained, and designed to retain moisture where applied. Mulching around plantings shall not cover the base of plants or the root zone in a manner that encourages damage from excessive moisture. Wood chip mulch shall not be allowed.

(b) Lawn and Turf

- (i) Lawn area for ornamental purposes in commercial or industrial development shall be limited to yards with frontage and ornamental turf shall be limited to areas

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within the front yard setback. The use of turf in yards without frontage shall be limited to areas reserved for utilities, grass swales, or alternative parking surfaces.

- (ii) Lawn or turf areas shall not be planted in strips that are less than three (3) feet in width.

(c) Trees

- (i) Deciduous shade trees along streets are required as part of all development activity in accordance with the Zoning Ordinance.
- (ii) Trees shall be spaced approximately 30 to 40 feet on center along streets, but shall not be located within 30 feet of intersecting right of way lines.
- (iii) Pit cultivation for all trees shall be 2.5 times the diameter of the root ball and a depth equal to the same. Holes for trees shall be prepared in a manner that facilitates grow-in of new trees through the use of best practices.
- (iv) Trees and other landscaping shall be staked as necessary and provisions shall be made by the developer for adequate watering and maintenance until the plantings are established.
- (v) No street trees shall be located in a manner that interferes with overhead or underground utility lines.
- (vi) When planted closer than seven (7) feet from the edge of any pavement, vertical barriers shall be installed to discourage the growth of tree roots into and immediately under the pavement area. Alternative tree planting methods such as the use of "CU-structural soil TM" to prevent damage to pavements and enhance tree growth are encouraged.

(7) Parking and Loading Area Landscaping

Parking lot and loading area landscaping shall be provided, in addition to any required buffer, to minimize direct views of parked vehicles from streets and public sidewalks, provide the parking area with a reasonable measure of shade and avoid spillover light, glare, noise or exhaust onto adjacent properties. The Planning Commission and Director of Planning and Redevelopment may modify any of the minimum standards associated with parking lot landscaping where deviating from these standards would facilitate an effective use of landscaping to manage stormwater runoff or where a waiver is requested. The following minimum standards shall apply:

- (i) The minimum required amount of interior landscaping shall be 10% of the parking area, which includes driveways, borders, sidewalks, parking stalls and travel lanes. Parking lots with 20 or fewer spaces may not require interior landscaping if the Planning Commission or Director of Planning and Redevelopment determines that there is adequate perimeter landscaping and that the objectives of these regulations have been met.
- (ii) Each double row of parking spaces shall be terminated by landscaped islands which measure not less than ten (10) feet in width. For islands with a tapered

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- design, the width shall be measured at the island's widest point. The island shall be designed to border the entire length of the adjacent parking stall.
- (iii) The interior of parking lots shall have, at a minimum, landscaped center islands at every other double row. Pedestrian paths may be incorporated within center islands provided a minimum width of four feet is maintained for vegetated areas.
 - (iv) Interior islands and divider medians shall be appropriately lit to protect them from encroachment of motor vehicles in a manner approved by the Planning Commission or Director of Planning and Redevelopment.
 - (v) The interior of parking areas and all internal circulation areas to the site shall be shaded by deciduous trees. At maturity, each tree shall provide a canopy with a radius of at least 15 feet. There shall be a sufficient tree canopy to cover 30 percent of the parking area. (iv) Shade trees shall be located so that they are surrounded by at least 25 square feet of evenly distributed unpaved area, which may be counted towards calculating the required landscaped area. Trees located in sidewalks shall be located in a protected enclosure level with the sidewalk capable of allowing the trunk to grow to maturity.

Article B. Design Standards for the Commercial Downtown District

For the Commercial Downtown District (CD), the following design standards and guidelines are provided to maintain the CD District as a vibrant, pedestrian-friendly, mixed use neighborhood. The standards and guidelines recognize the importance of consistency in building materials, massing, scale and articulation, design elements and motifs that represent Pawtucket's architectural heritage while allowing the downtown to continue to evolve from a design perspective. It is not the intent of these standards and guidelines to create a homogenous district in which all buildings closely resemble one another in a unified design concept. Rather, these standards and guidelines provide a framework for development that will ensure a high quality of design that is consistent with the most appealing aspects of Pawtucket's community character and best practices in site design and architecture. Figures used to illustrate many of the design standards provided below are provided in Appendix E.

(1) Applicability

These standards and guidelines shall apply to any development proposal that requires Development Plan Review or Land Development approval within the CD District. Where Development Plan Review is triggered exclusively in relation to a proposed building addition or the construction of an accessory structure, compliance with these standards shall be limited to those standards that apply to the proposed activity.

(2) Site Design (Appendix E, Figure 1)

- (a) The location of buildings, parking areas, walkways, outdoor gathering places, landscaping, utilities, loading areas, dumpsters, automobile access, travel lanes, and signs shall reflect a thoughtful approach that focuses primarily on providing optimal access and mobility for pedestrians on and between sites;

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- (b) Parking areas shall allow for easy access between lots for automobiles and pedestrians. Where existing structures or topography do not preclude the possibility, parking lots shall be connected by a travel lane within the rear yard to provide an opportunity for pedestrians and motorists to pass from one site to another without using established rights of way;
- (c) Within the front yard setback, clear pedestrian pathways shall be provided between buildings and across automobile travel lanes in the form of raised or distinct surfaces such as stamped concrete or grid pavers, arcades, colonnades or other similar features;
- (d) In complexes with multiple principal buildings, landscaped areas with walkways, courtyards or other similar features shall be used in conjunction with compact site design to bring buildings closer together and enhance connectivity between them for residents and customers.

(3) Building Placement

- (a) Building setbacks shall comply with the applicable provisions in Zoning Ordinance and shall design any proposed space within the front yard setback for pedestrian activity (Appendix E, Figure 2).
- (b) On sites with multiple principal buildings, site design shall be compact and the need to have pedestrians cross parking areas to move from one building to another shall be minimized.

(4) Loading, Accessory Buildings, and Driveways (Appendix E, Figures 1 and 2)

- (a) Loading docks, service areas and trash disposal facilities shall not face a public gathering space or a public street.
- (b) Garages and other accessory buildings shall be subordinate in size, height and location to the overall building and shall be located with entrances behind the principal building(s);
- (c) Common or shared driveways and parking lots are encouraged to reduce curb cuts and enhance pedestrian circulation.

(5) Building Size, Height & Scale (Appendix E, Figures 3 and 4)

- (a) 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, borders of distinct material, or other articulating features.
- (b) Larger buildings with long façades shall articulate the façade with varied rooflines, distinct signage for multiple tenants, awnings, columns, recessed spaces and/or entrances and any other features that serve to add texture to these longer façades. Unbroken façades in excess of thirty (30) horizontal feet shall not be allowed.
- (c) Large, flat, unadorned, blank walls shall be avoided for any side or rear walls of buildings. Where windows are not feasible, raised or recessed vertical surfaces may be used in conjunction with awnings, windowshaped depressions and decorative

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lighting to make these surfaces more attractive. Where a side wall is located on an adjacent property line, these walls may be flat to allow for future development along the same property line.

- (d) Awnings shall be made of canvas and/or weather-coated materials or glass. Each awning should be distinct from its neighbor and continuous awnings over distinct storefront façades are discouraged.

(6) Entranceways (Appendix E, Figure 3)

- (a) All buildings shall have a principal façade and entry (with operable doors) facing a street or other area dedicated to pedestrian circulation. Buildings may have more than one principal façade and/or entry. Secondary entrances not facing a street shall open onto sidewalks or other pedestrian features at least ten (10) feet in width.
- (b) Primary entrances shall incorporate architectural features that draw attention to the entrance. These features may include, but shall not be limited to, covered porches, recessed doorways and awnings.
- (c) Street level frontage shall be primarily devoted to entrances, shop windows or other displays.

(7) Fenestration (Appendix E, Figures 3 and 5)

- (a) Windows on the ground floor shall begin no lower than one (1) foot from street level and shall extend at a minimum height of seven (7) feet from street level.
- (b) Where traditional architectural patterns are selected, mullion pattern and thickness shall be consistent with traditional treatments broad decorative surfaces between windows. For these traditional applications, any mullion finishes that are be highly reflective or industrial in nature shall not be used.
- (c) Clear, non-reflective glass with minimal tinting shall be used at street level to allow maximum visual interaction between pedestrians and the interior of the building.
- (d) Street level façades shall have a transparency of at least sixty (60) percent.
- (e) All windows (with the possible exception of storefront windows) shall be operable.

(8) Dormers (Applicable to traditional architectural styles in new development)

- (a) On pitched rooflines, dormers shall be used to break up roof surfaces and shall be provided at a minimum frequency of one per thirty (30) feet or fraction thereof.
- (b) Dormer styles may include doghouse, eyebrow or shed dormers.
- (c) Windows shall fill the face wall of the dormer and match the windows in the rest of the building (Appendix E, Figure 5).

(9) Roofline Articulation (Appendix E, Figure 3)

- (a) The roof design shall provide a variety of building heights and varied roofline articulation. Where traditional New England architecture is used, applicable models include gables, gambrels, flat roofs, mansards and any jointed configuration of these

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styles. Decorative spires or towers may also be used to articulate rooflines and to provide focal points within a complex of principal buildings;

- (b) Industrial style metal roofing visible from the street shall not be permitted.
- (c) Metal roofing that uses decorative finishes and textures may be allowed.
- (d) Where proposed, flat roofs shall have decorative cornices or parapets that shield all views of any mechanical systems located on the roof from the street or from windows at a lower elevation in adjacent buildings.
- (e) Downspouts shall match gutters in material and finish.
- (f) Utilities and protuberances through or on the front of roofs are shall not be used in new development and should generally be shielded from view.

(10) Building Materials

- (a) Materials and building treatments shall be used that reduce the visibility of buildings from distant vantage points and shall be consistent and compatible with traditional New England design.
- (b) Where more than one material is used, traditionally heavier materials (stone, brick, concrete with stucco, etc.) shall be located below lighter materials (wood, fiber cement board, siding, etc). For traditional architectural applications, the change in material shall occur along a horizontal line, preferably at the floor level.
- (c) Natural materials, such as brick, stone, finished concrete, glass, high quality metal or porcelain enamel panels, wood/concrete clapboards and shingles, and slate shall be used as visible exterior finish. Materials such as unfinished concrete, sheet metal, asphalt shingles, exterior insulation finish system (EIFS), vinyl and plastic synthetic siding and windows, and insulated steel doors shall not be used as visible exterior finish.

(11) Lighting (Appendix E, Figure 6)

- (a) Light standards shall not exceed fifteen (15) feet in height; and
- (b) Light posts and fixtures shall be designed in a manner that is complementary to adjacent streetscapes or to the architectural context provided by surrounding buildings. Standard industrial-finish poles or shades selected exclusively for their ability to provide adequate illumination, without regard for the aesthetic context of the site and/or neighborhood, are prohibited.

(12) Signage (Appendix E, Figure 7)

- (a) 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.
- (b) Sign colors should be selected to enhance sign legibility for both day and nighttime viewing. Contrasting colors can be used effectively to increase clarity. Sign colors and finishes should be compatible with the color of the building or development.

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- (c) Sign materials should be of high quality and compatible with the design of the building and façade on which they are placed.
- (d) Externally illuminated signs should have downward-directed, wall mounted lights with fully-shielded decorative lamps that do not obscure the graphics of the sign.
- (e) Internally illuminated plastic or fiberglass cabinet (can) signs are not allowed. Where internal illumination or back-lighting is proposed, solid letters (reverse channel) are a preferred alternative.
- (f) Signage on awnings is permitted only on the apron portion of the awning for business identification or to advertise particular goods and/or services.
- (g) Free-standing single pole (lollipop) signs are not allowed. Free-standing monument or structured signs are preferred. Free-standing signs should incorporate design details, materials and colors of the associated buildings. The base or support elements of freestanding signs should be integrated into the overall site design through the use of lighting, decorative surfaces or landscaped treatment.

SECTION XVI UNIFIED DEVELOPMENT REVIEW

Article A. Unified development review process

All unified development review, including the required singular public hearing, is completed by the City Planning Commission. Review of projects submitted under this article shall adhere to the procedures, timeframes and standards of the underlying category of the project as listed in Section IV Article A, but shall also include the following procedures:

- (1) Minor subdivisions and land development projects. Except for dimensional relief granted by modification, requests for variances and/or for the issuance of special use permits related to minor subdivisions and land development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the first stage of reviews. A public hearing on the application, including any variance and special use permit requests that meets the requirements of Section XI, shall be held prior to consideration of the preliminary plan by the City Planning Commission. The City Planning Commission shall conditionally approve or deny the request(s) for the variance(s) and/or special use permit(s) before considering the preliminary plan application for the minor subdivision or land development project. Approval of the variance(s) and/or special use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land development project.
- (2) Development plan review. Except for dimensional relief granted by modification, requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special use permits related to development plan review projects shall be submitted as part of the application materials for the first stage of review. A public hearing on the application, including any variance and special use permit requests that meets the requirements of Section XI shall be held prior to consideration of the preliminary plan by the City Planning Commission. The City Planning Commission shall conditionally approve or deny the request(s) for the variance(s) and/or special use

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permit(s) before considering the preliminary plan application for the development plan review project. Approval of the variance(s) and/or special use permit(s) shall be conditioned on approval of the final stage of review of the development plan review project.

- (3) Major subdivisions and land development projects.
- (a) Master plan. Except for dimensional relief granted by modification, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special use permit related to major subdivisions and land development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined with other stage(s), the first stage of review. A public hearing on the application, including any variance and special use permit requests that meets the requirements Section XI, shall be held prior to consideration of the master plan by the City Planning Commission. The City Planning Commission shall conditionally approve or deny the requests for the variance(s) and/or special use permit(s) before considering the master plan application for the major subdivision or land development project. Approval of the variance(s) and/or special use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land development project.
 - (b) Preliminary plan. During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and/or special use permit(s) granted by the City Planning Commission during the master plan stage of review, and/or to request new variance(s) and/or special use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, that meets the requirements of Section XI, shall be held prior to consideration of the preliminary plan by the City Planning Commission. The City Planning Commission shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special use permit(s), before considering the preliminary plan application for the major subdivision or land development project. Approval of the alteration(s), new variance(s), and/or new special use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land development project. If the City Planning Commission denies the request for alteration(s), new variance(s), and/or new special use permit(s), the City Planning Commission shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the City Planning Commission denies the request for alteration(s), new variance(s), and/or new special use permit(s), the applicant may consent to an extension of the decision period mandated by Section X Article F so that additional information can be provided and reviewed by the City Planning Commission.

Article B. Public hearing

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Unless otherwise provided in these regulations all under this section shall require a single public hearing. The public hearing must meet the following requirements:

- (1) Public hearing notice shall adhere to the requirements found in Section XI.
- (2) Public notice shall indicate that dimensional variance(s), use variance(s) and/or special use permit(s) are to be considered for the subdivision and/or land development project.
- (3) The cost of all public notice is to be borne by the applicant.

Article C. Time Periods for Review

The time periods by which the City Planning Commission must approve, approve with conditions or deny requests for variances and special use permits under unified development shall be the same as the time periods by which the permitting authority must make a decision on the applicable review stage of the underlying type of project under review.

Article D. Vesting

The expirations period of an approval of a variance or special use permit granted under this article shall be the same as those set forth in these regulations for the underlying type of project under review.

Article E. Appeals

Decisions under this article, including requests for the variance(s) and/or special use permits that are decided by the City Planning Commission may be appealed pursuant to Section XVII Article K.

SECTION XVII ADMINISTRATION

Article A. Administrative Fees

Reasonable administrative fees may be established in an amount not to exceed actual costs incurred to be paid by the applicant. Costs shall be based upon review and hearing of applications, issuance of permits and the recording of the decisions.

Article B. Violations and Penalties

- (1) Any owner or agent of the owner, who:
 - (a) Transfers, sells, or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved and recorded with the City Clerk in accordance with these regulations;
 - (b) Makes improvements that constitute a land development project as defined in the Pawtucket Zoning Ordinance before the plan thereof has been recorded with the City Clerk in accordance with these regulations; or

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- (c) Fails to adhere to an approved land development project plan / final plat or the recorded conditions thereof
shall be subject to a fine of five hundred (\$500.00) dollars for each violation and each day of existence of any violation shall be deemed to be a separate offense. Any such fine shall be the property of the City of Pawtucket.
- (2) Any subdivision of land in violation of these regulations shall be void.
- (3) The City of Pawtucket may also cause suit to be brought in the housing court or municipal court in the name of the City to restrain the violations of, or to compel compliance with, the provisions of these regulations.

Article C. Required Findings

The permitting authority shall address each of the general purposes stated in Section I Article C and make positive findings on the below provisions as a part of a subdivision and/or land development project's record prior to approval. Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.

- (1) The proposed development is consistent with the Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards of the City of Pawtucket Zoning Ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown by the final plan, with all required conditions for approval;
- (4) The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impractical. Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
- (5) All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

Article D. Precedence of Approvals between the City Planning Commission and Other Local Authorities

- (1) City Council. Where an applicant requires both City Planning Commission approval and City Council approval or a Zoning Ordinance or Zoning Map change, the applicant shall first obtain an advisory recommendation on the zoning change from the City Planning Commission, as well as conditional permitting authority approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional

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zoning change from the City Council, and then return to the permitting authority for subsequent required approvals.

- (2) Historic District Commission. Where an application is located within the City's Historic District, the applicant shall complete a pre-application meeting with the Historic District Commission. Upon submitting an application under these regulations, the applicant shall obtain conditional approval of the first approval stage from the permitting authority, then obtain approval of any changes to the exterior of the building by the Historic District Commission, and finally return to the permitting authority for subsequent required approvals.

Article E. Waivers and Modifications of Requirements

An applicant may request a waiver and/or modification of a requirement of these regulations by written request to the Administrative Officer as part of the application and in no instance more than ten (10) days prior to the expected issuance of a certificate of completeness. If at a later date, the permitting authority finds a requirement of these regulations is not met, the applicant shall amend their application or apply for the necessary waiver and/or modification pursuant to this section prior to recording.

- (1) The permitting authority may waive requirements for Development Plan Review where there is a change in use or occupancy and no extensive construction or improvements are sought. The application for a waiver of Development Plan Review shall include documentation on the prior use of the site, the proposed use, and its impact. The waiver may be granted only by a finding by the permitting authority that the proposed or expanded use will not affect drainage, circulation, relationships of buildings to each other, landscaping buffering, lighting, and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.
- (2) The City Planning Commission, after a public hearing on the matter, shall have the power to grant such waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purposes and intents of these regulations. Such relief shall be considered prior to the certification of a complete application by the Administrative Officer. Notice of the public hearing shall be provided in accordance with Section XI. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the municipality's Comprehensive Plan and Zoning Ordinance.
- (3) In addition to the above criteria, the permitting authority may modify required improvements and design standards, as contained in Sections XIV and XV, respectively, of these regulations, due to special conditions of the land or other features of the development or subdivision, following consultation with the Director of Public Works and a determination by the permitting authority that such failure to grant such

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modification would provide significant hardship and preclude implementation due to any of the following conditions:

- (a) Constraints resulting from unique parcel shape, geometry, or topography make compliance with a particular standard impracticable;
 - (b) Constraints that result from the location or orientation of existing structures make compliance with a particular standard impracticable;
 - (c) The imposition of a particular standard(s) would result in the loss of a significant historic or cultural feature within the CD District; or
 - (d) The imposition of a particular standard(s) would result in a threat to public safety, health or welfare.
- (4) The reviewing body shall approve, approve with conditions, or deny the request for either a waiver or modification as described in the subarticles above. When the action is taken by the City Planning Commission, it shall be according to Article G of this section. When the action is taken by a technical review committee, it shall be in accordance with their bylaws as approved by the City Planning Commission.

Article F. Reinstatement

- (1) When an applicant has exceeded a deadline established by these regulations for submission of material at any stage of review for a land development or subdivision project, or for signature and recording of plans and plats following final approval under the provisions of Article I below, thereby rendering an application or any previous approval invalid, the application may be reinstated by the permitting authority under the following conditions:
- (a) The content of these regulations, and of all other local, state or federal regulations or guidelines applicable to the project, are substantially the same as at the time of the previous approval;
 - (b) The zoning designation of the proposed development parcel has remained the same;
 - (c) The physical conditions of the proposed development parcel are substantially the same as at the time of the previous approval; and
 - (d) The proposed development is consistent with the Comprehensive Plan, including all amendments thereto.
- (2) Any applicant seeking reinstatement of a previously approved development application for which the approval has expired, shall make such a request in writing to the permitting authority within one (1) year of expiration of approval and pay the required fee for the most recently approved stage of review.

Article G. Meeting, Votes, Decisions of the City Planning Commission

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- (1) All records of City Planning Commission proceedings and decisions shall be written and kept permanently available for public review.
- (2) Participation in a City Planning Commission meeting or other proceedings by any other party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.
- (3) All final written comments to the City Planning Commission from the Administrative Officer, municipal departments, a technical review committee, state and federal agencies, and local commissions shall be part of the permanent record of the development application.
- (4) All votes of the City Planning Commission shall be made part of the permanent record and shall show the members present their votes. A decision by the City Planning Commission to approve any land development project, development plan review, or subdivision application shall require a vote for approval by a majority of the City Planning Commission members present.

Article H. Recording of Decisions

All decisions of the permitting authority made under these regulations shall be written and signed by the Administrative Officer. The decision shall be recorded within forty (40) days of the date of the decision by the permitting authority provided that all outstanding application, notice, and review fees have been paid. Following recording, copies of the decision shall be mailed first class to the applicant and any party who has requested notice of the decision.

Article I. Signing and Recording of Plats and Plans

- (1) Before the final plat / approved land development project plan / approved development plan review plan is recorded, all specific changes, conditions, or other requirements of the permitting authority's approval shall be met. Endorsement will be withheld until said changes or conditions are made or satisfied. Where certain conditions are to become a restriction on any feature or lot of the development or subdivision, this restriction shall be printed upon the copies of the final plat / approved land development project plan / approved development plan review plan.
- (2) The applicant shall provide the Administrative Officer with three full size (no larger than 11" x 17" unless otherwise approved by the Administrative Officer) copies of the final plat / approved land development project plan / approved development plan review plan, one of which shall be on Mylar. All approved final plans and plats for land development and subdivision projects shall be signed by the appropriate City Planning Commission official attesting to the approval, with the date of approval, prior to submission to the City Clerk for recording. Approved land development project plans and final plats for major land development projects and subdivisions, respectively, shall be signed by the City Planning Commission Chairperson or the Secretary of the City Planning Commission. All final plats for minor subdivisions and administrative subdivisions, approved land development project plans for minor land development projects, and approved development plan review plans shall be signed by the Administrative Officer.

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- (3) Upon signature, copies shall be submitted distributed as follows:
 - (a) The Mylar copy shall be recorded in the office of the City Clerk. The material to be recorded for all plans and plats shall include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the municipality, permits and agreements with state and federal reviewing agencies, and other information as required by the permitting authority.
 - (b) One copy of the entire final approved set of drawings, as well as other parts of the applications record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, all legal agreements, records of the public hearing and the entire final approval set of drawings shall be kept permanently by the municipal departments responsible for implementation and enforcement.
 - (c) One copy shall be returned to the applicant.
- (4) No permit for the construction or development of any structure or facility on any lot or parcel within subject to land development project approval, development plan review, or a subdivision shall be issued by the Building Official until the plan or plat of said development or subdivision has been approved by the permitting authority and recorded with the City Clerk in accordance with this article.
- (5) The Administrative Officer shall notify the statewide "911" emergency authority and the local police and fire authorities servicing the new development with the information required by each of the authorities.
- (6) The approved land development project plan / final plat / approved development plan review plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure set forth in Article J of this section or a new plan is approved by the permitting authority

Article J. Changes to Approved Plans

- (1) An applicant may request a change to an approved plan by submitting to the Administrative Officer a letter detailing the requested change and pay any required fee.
- (2) For all changes to the recorded plat / approved land development project plan / approved development review plan, an amendment of the final plat / approved land development project plan / approved development review plan is required prior to the issuance of any building permits for construction on the subject property. Any changes approved in the plat / approved land development project plan / approved development review plan shall be recorded as amendments to the plat / approved land development project plan / approved development review plan in accordance with the procedure established for recording of plats in Article H of this section.
- (3) Minor changes to a land development project, development plan review, or subdivision plan may be approved administratively, in writing by the Administrative Officer. The changes may be authorized without additional public meetings, at the discretion of the Administrative Officer. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from either the Technical Review Committee or the City

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Planning Commission. Denial of the proposed change(s) shall be referred to the City Planning Commission for review as a major change. For the purposes of these regulations, a minor change shall be limited to the following:

- (a) Amendments to grading plans or drainage plans which are acceptable to the Director of the Department of Public Works and which do not require approval of any state or federal agency;
 - (b) Amendments to utility plans which are acceptable to the Director of the Department of Public Works, or to the appropriate utility company;
 - (c) Changes which are required by a state permitting agency, such as the Department of Environmental Management, the Coastal Resources Management Council, the Department of Transportation, or any other outside agency having jurisdiction over the project, provided said change does not qualify as a major change per Subarticle 4 below; or
 - (d) Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided or otherwise developed, which are acceptable to the Director of Public Works, Administrative Officer and the Fire Chief, and which are not a major change as described per Subarticle 4 below.
- (4) Major changes to a land development project, development plan review, or subdivision approved at any stage may be approved only by the permitting authority and must follow the same review and public hearing process required for approval of a preliminary plan, which shall include a public hearing in accordance with Section XI. For the purposes of these regulations, a major change shall include, but not necessarily be limited to the following:
- (a) Changes in lot boundaries and areas;
 - (b) Changes which would result in the creation of additional lots or dwelling units in a development;
 - (c) Changes in the dimensions or configuration of a proposed street or street system;
 - (d) Changes which would involve the installation of utilities, water lines, sewers and/or drainage systems to service a larger area;
 - (e) Changes which would require the issuance of a variance or special use permit;
 - (f) Changes which may have significant negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project; or
 - (g) Any change not listed as a minor change.

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- (5) The Administrative Officer shall notify the applicant in writing within 14 days of submission of request to change an approved plan if the Administrative Officer determines the change to be a major change.

Article K. Appeals

Any party aggrieved by a decision of the City Planning Commission or of the Administrative Officer, on matters of review and approval of land development and subdivision projects, may appeal such decision.

- (1) Decisions by the Administrative Officer approving or denying projects under Section V, VII, VIII, IX, X, or XII shall not be subject to this subarticle and shall proceed directly to Superior Court as set forth in subarticle (2) below. An appeal to the Board of Appeal from a decision or action of the City Planning Commission or the Administrative Officer may be taken by an aggrieved party. The appeal must be taken within 20 days after the decision has been recorded and posted with the City Clerk.
- (a) The appeal shall be in writing and shall state clearly and unambiguously the issue or decision which is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand delivered to the Board of Appeal.
- (b) Upon receipt of an appeal under these regulations, the Board of Appeal shall require the Administrative Officer to transmit forthwith to the Board of Appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.
- (c) An appeal under this subarticle shall stay all proceedings in furtherance of the action being appealed.
- (d) Public hearing. The Board of Appeal shall hold a public hearing on the appeal within 45 days of the receipt of the appeal, giving public notice thereof, as well as due notice to the parties of interest. At the public hearing, any party may appear in person or may be represented by an agent or attorney. The Board of Appeal shall render a decision within 10 days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the appellant.
- (2) An aggrieved party may appeal a decision of the Board of Appeal, a decision of the Administrative Officer approving or denying a stage of review under Section V, VII, VIII, IX, X, or XII, a decision of the Technical Review Committee, where authorized to approve or deny an application, or a decision of the City Planning Commission to the Superior Court by filing a complaint setting forth the reasons of appeal within 20 days after the decision has been recorded and posted in the office of the City Clerk. Recommendations by any public body or officer under this chapter are not appealable.

City of Pawtucket
Land Development and Subdivision Regulations

The authorized permitting authority shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the Clerk of the court within 30 days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such applicant or appellant and the City Planning Commission shall be made parties to the proceedings. No responsive pleading is required for an appeal filed pursuant to this subarticle. The appeal shall not stay proceedings upon the decision appealed from, but the Court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

- (3) An appeal of an amendment of these regulations may be taken to the Superior Court by filing a complaint within 30 days after such amendment has become effective. The appeal may be taken by any legal resident or landowner of the City of Pawtucket, or by any association of residents or landowners of the City. The appeal shall not stay the enforcement of these regulations as amended, but the Court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal. The complaint shall set forth with specificity the area or areas in which the amendment is not consistent with the Comprehensive Planning Act, Title 45 Chapter 22.2 of the General Laws of Rhode Island; the Zoning Enabling Act of 1991, Title 45 Chapter **45** of the General Laws of Rhode Island; the Comprehensive Plan; or the Zoning Ordinance.

Article L. Vesting

Any application considered in accordance with these regulations shall be reviewed according to the regulations in force at the time the application was submitted all required documents for its first certificate of completeness and subsequently received the certificate of completeness without any intervening certificate of incompleteness. If an application is so vested, action shall be taken by the applicant or owner within timeframes established in these regulations and diligently pursued until recording. Any proposed development or subdivision which has vested under the terms of this article, and which has exceeded the timeframes for vesting under these regulations, including recording, shall require the submission of a new application in accordance with Article F of this section.

Article M. Availability

An electronic copy of these regulations shall be available on the City Planning Commission webpage and printed copies of these regulations shall be available to the general public. These copies shall be revised to include all amendments. A reasonable charge may be made for printed copies.

SECTION XVIII DEFINITIONS

For the purposes of these regulations, the following words and phrases shall have the meanings respectively ascribed to them by this section. Where words or phrases used in these regulations are

City of Pawtucket
Land Development and Subdivision Regulations

defined in the definitions section of either the "Rhode Island Comprehensive Planning and Land Use Regulation Act", §45-22.2-4, or the "Zoning Enabling Act of 1991", §45-24-31, they shall have the meanings stated therein. Definitions included in § 410-132 of the Pawtucket Zoning Ordinance are controlling unless enumerated below. In addition, the following words and phrases shall have the following meanings.

- (1) Approved Development Plan Review Plan. The final drawing(s) of all or a portion of a development plan review application to be recorded after approval and any accompanying material as required.
- (2) Approved Land Development Project Plan. The final drawing(s) of all or a portion of a land development project to be recorded after approval and any accompanying material as required.
- (3) Board of Appeal. The City of Pawtucket Board of Review shall be the Pawtucket Zoning Board of Review constituted as the Pawtucket Board of Appeal. See Section I Article G.
- (4) Bond. See improvement guarantee.
- (5) Buildable Lot. A lot where construction for the use(s) permitted on the site under the Pawtucket Zoning Ordinance is considered practicable by the City Planning Commission, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state, and local requirements.
- (6) Certificate of Completeness. A notice issued by the Administrative Officer informing an applicant that the application is complete and meets the requirements of the City of Pawtucket's regulations, and that the applicant may proceed with the approval process.
- (7) Concept Plan. A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for pre-application meetings and early discussions, and classification of the project within the approval process.
- (8) Division of Land. A "subdivision."
- (9) Environmental Constraints. Natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also "physical constraints to development."
- (10) Final Plan. The final stage of land development and subdivision review.
- (11) Final Plat. The final drawing(s) of all or a portion of a subdivision to be recorded after approval and any accompanying material as required.
- (12) Improvement. Any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.
- (13) Improvement Guarantee. A security instrument accepted by the City of Pawtucket to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the City of Pawtucket as a condition of approval, will be completed in compliance with the approved plans and specifications of a development.
- (14) Maintenance Guarantees. Any security instrument which may be required and accepted by the City of Pawtucket to ensure that necessary improvements will function as required for a specific period of time.

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- (15) Master Plan. An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. A master plan is required in major land development or major subdivision review.
- (16) Modification of Requirements. See Section XVII Article E.
- (17) Parcel. A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a tract.
- (18) Phased Development. Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by sections subsequent to approval of a Master Plan for the entire site.
- (19) Physical Constraints to Development. Characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also “environmental constraints.”
- (32) Plat. A drawing or drawings of a land development or subdivision plan showing the location, boundaries, and lot lines of individual properties, as well as other necessary information as specified in these regulations.
- (33) Pre-application Conference. An initial meeting between developers and City of Pawtucket representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the City of Pawtucket officials and others.
- (34) Preliminary Plan. A required stage of land development and subdivision which generally requires engineered drawings.
- (35) Public Improvement. Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the City of Pawtucket or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.
- (36) Subdivider. Any person who 1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who 2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, unit, or plat in a subdivision, or who 3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.
- (37) Temporary Improvement. Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.
- (38) Waiver of Requirements. See Section XVII Article E.

SECTION XIX SEVERABILITY

If any provision of these regulations or of any rule, regulation, or determination made thereunder, or the application thereof to any person, agency, or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the regulations, rule, regulation, or determination and the application of such provisions to other, persons, agencies, or circumstances shall not be affected

City of Pawtucket
Land Development and Subdivision Regulations

thereby. The invalidity of any provision or provisions of these regulations shall not affect the validity of the remainder of these regulations.

SECTION XX EFFECTIVE DATE

These regulations shall be effective upon approval by the Pawtucket City Planning Commission following a public hearing on the date of approval, originally on March 22, 1994. Subsequent amendments shall be effective on their date of City Planning Commission approval following the required public hearing, or such later date set by the City Planning Commission during the course of its consideration of the amendment.

APPENDIX A.

**DEVELOPMENT PLAN REVIEW OR LAND DEVELOPMENT PROJECT
APPLICATION**

City of Pawtucket Development Plan Review or Land Development Project Application

Incomplete applications will not be accepted.

If you have any questions, please call the Department of Planning and Redevelopment at (401) 724-5200 ext 430.

Application Instructions:

- All applications must be certified as complete by the Department of Planning and Redevelopment.
- Applicants will not be considered complete unless they include all required information listed in the checklist.
- Applications requiring Planning Commission review must be submitted no later than the 10th of the month prior to the scheduled Planning Commission meeting (e.g., the 10th of January for the February meeting). Applications certified as complete less than 21 days prior to the next scheduled meeting will be scheduled for the subsequent Planning Commission meeting.
- Applicants may schedule a pre-application conference to review their proposal and for assistance in determining the type of review and applicable fee.
- All necessary utility, infrastructure, roadway, sidewalk, walkway and parking area improvements will be provided for the development by the applicant at their own expense.
- All improvements will be required to meet all applicable city requirements and standards.
- The applicant is required to pay all costs associated with the required advertising and mailing for any required public hearings and will be billed for all associated costs. Applications with outstanding application, notice, or review fees will not be considered. No decision will be recorded prior to the payment of outstanding advertising and mailing costs.
- Applications are subject to the following fees:

Development Plan Review	Land Development Project
Administrative: <ul style="list-style-type: none">• 1-2 residential units \$50• New commercial/industrial construction up to 10,000 s.f.: \$50• Additions between 500-999 s.f.: \$50• Accessory structures over 1,000 s.f.: \$50• 3-6 residential units: \$300• 7-9 residential units: \$500	Minor: \$200
Formal: <ul style="list-style-type: none">• 10+ residential units: \$1,000• Commercial additions over 1,000 s.f.: \$300• New commercial development 10,000-20,000 square feet: \$500• New commercial development 20,000 square feet or more: \$1,000	Major: \$200

City of Pawtucket Development Plan Review or Land Development Project Application

Provide the following information:

Applicant's Name: _____

Address: _____

Telephone: __ (____) _____ - _____

Email: _____

Owner's Name (if different): _____

Owner's Signature authorizing development restriction and certifying application contents as correct:

Address: _____

Telephone: __ (____) _____ - _____

Email: _____

Applicants requesting that their correspondence be through a representative must provide contact information below:

Representative's Name: _____

Address: _____

Telephone: __ (____) _____ - _____

Email: _____

Location of Premises: _____

(number) (street name)

Assessor's Plat: _____ Lot: _____

Please submit an additional copy of this form for each additional lot.

Please provide a name for your proposed development: _____

Is the property located in a Historic District? ___Yes ___No

Current Use of Premises: _____

Proposed use of premises (include size of building or addition & number of units): _____

This box for City Staff use only:

Application Type ___ Administrative ___ Formal ___ Minor ___ Major

Dates Received: _____ By: _____

Dates Certified Complete: _____ By: _____

Master Plan CPC: _____ Action: _____ Approve _____ Deny _____ Other

TRC Meetings: _____ Recommendation: _____ Approve _____ Deny _____ Other

Preliminary: _____ Action: _____ Approve _____ Deny _____ Other

Final: _____ Action: _____ Approve _____ Deny _____ Other

Approved Development Plan Recording Date: _____

APPENDIX B.

**DEVELOPMENT PLAN REVIEW OR LAND DEVELOPMENT PROJECT
CHECKLIST**

City of Pawtucket Development Plan Review or Land Development Project Application Checklist

Instructions:

The shaded boxes within the checklist indicate an item is not required at a particular stage of review. Split cells vary by application type, per the key at the bottom of each page. Complete the unshaded boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). If you cannot meet a checklist requirement, you must apply for and receive a waiver prior to the application being considered complete pursuant to Section XVII Article E of the Land Development and Subdivision Regulations. Please complete a separate copy of this document for each review stage. One copy may be submitted for combined review stages. Application materials shall be submitted in electronic .pdf format and shall legibly print at tabloid (11"x17") size unless otherwise indicated. Each page of submitted material shall have the date created and the name of the proposed development. Each stage of review shall include one full size paper copy to be kept by the Administrative Officer for public viewing. For the *Location* column, provide the electronic file name and page number. This checklist pertains to the following development application review stages:

1. **Administrative Development Plan Review (AD)**
2. **Master Plan Review of a Major Land Development Project (MD)**
3. **Preliminary Formal Development Plan Review or Preliminary Plan Review of a Major or Minor Land Development Project (PD)**
4. **Final Formal Development Plan Review or Final Plan Review of a Major or Minor Land Development Project (FD)**
5. **Approved Land Development Project or Approved Development Plan Review Plan (AP)**

1. AD	2. MD	3. PD	4. FD	5. AP	Description of Required Submission Material	Location
		1*			1. Completed application form	
					2. Completed Checklist	
		2*			3. Ten (10) full size paper copies of all submission materials within ten (10) days of issuance of the certificate of completeness	
					3. All application materials consistent with the Planning Board Design Standards, Section XV, and Required Improvements, Section XIV, of the Land Development and Subdivision Regulations	
					4. Pawtucket Tax Collector account statement showing a zero balance	
					5. If connections to existing utilities are proposed, documentation from existing utility agencies providing consent to connect to existing utilities. Said documentation may not be required at the time of application, however, approval may be conditioned upon providing said documentation to the City. If connections to existing utilities are not proposed, a utility service plan may be required.	
					6. If a special use permit or variance is requested, all application materials for such required by the City of Pawtucket. An application with an outstanding modification request will not be certified complete.	

1* - only for minor land development projects and formal development plan review

2* - only for major land development projects

3* - only for formal development plan review

Date: _____ Name of Proposed Development: _____

City of Pawtucket Development Plan Review or Land Development Project Application Checklist

1. AD	2. MD	3. PD	4. FD	5. AP	Description of Required Submission Material	Location
		1*			7. A letter certified as true and correct identifying: A. Changes made since pre-application B. Any required zoning approvals C. Any requested waivers or modification of requirements as written in Section XVII Article E of the Land Development and Subdivision Regulations D. Any proposed public improvements or dedications E. Use allocation by total square footage of each proposed use, according to § 410-12 of the City of Pawtucket Code of Ordinances	
			2*		8. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval	
		1*			9. A written narrative containing: A. Information on the natural and built features of the surrounding neighborhood B. Existing natural and man-made conditions of the tract, including topographic, freshwater wetland, and coastal features, the floodplains, proposed improvements and dedications, tentative construction phasing; C. Potential neighborhood impacts; D. Description of the application's consistency with the Pawtucket Comprehensive Plan; E. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features and the design's compatibility with the existing character of Pawtucket; and F. For major land development projects only: If the proposed development is proposed for phased construction, a description and timing for individual phases.	
					10. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, and connections to state roads.	
					11. All updated permits required by local, state or federal agencies for construction of improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and connections to streets.	

1* - only for minor land development projects and formal development plan review

2* - only for major land development projects

3* - only for formal development plan review

Date: _____ Name of Proposed Development: _____

City of Pawtucket Development Plan Review or Land Development Project Application Checklist

1. AD	2. MD	3. PD	4. FD	5. AP	Description of Required Submission Material	Location
					12. Public Dedication Form if any public dedications are proposed	
					13. Proposed arrangements for the completion of any improvements, including construction schedule / improvement guarantees	
					14. Proposed terms of any improvement guarantees for improvements required by Section XIV of the Land Development and Subdivision Regulations, and cost estimates to complete the required improvements	
				2*	15. For phased developments, as-built drawings of all public improvements approved in prior phases and already constructed.	
		2*	1*		16. If additional impervious surface is proposed, and/or 40% or more of the site will be impervious, a stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
				2*	17. An updated Stormwater Management Plan, if any changes are necessitated by changes made to the application since the previous approval stage	
		1*			18. Three (3) daytime photographs of the site showing access and the location of the proposed development submitted as .jpg digital image files to the Administrative Officer	
					19. Preliminary drawings at no larger than 11"x17" showing items B1, B3 - B4, B9 - B18, C1, C3 - C7, and D at the bottom of the table.	
			3*		20. A locus map of the subject property highlighting all properties within 200' of the subject property with a radial line identifying Assessor's plat and lot. Include a list of names and addresses of all abutting property owners within 200 feet of property lines, submitted with mailing labels	
					21. A sketch at no larger than 11" x 17" depicting the items listed under A at the bottom of the table.	
					22. Preliminary drawings at no larger than 11"x17" showing items B2 - B19 ,C2 - C7, and E at the bottom of the table.	
					23. Final drawings at no larger than 11"x17" showing items B2 - B19 ,C2 - C7, and E at the bottom of the table.	

1* - only for minor land development projects and formal development plan review

2* - only for major land development projects

3* - only for formal development plan review

Date: _____ Name of Proposed Development: _____

City of Pawtucket Development Plan Review or Land Development Project Application Checklist

1. AD	2. MD	3. PD	4. FD	5. AP	Description of Required Submission Material	Location
					<p>24. Final plans in conformity with the previous stage of approval in digital (.pdf) format and generated on mylar able to be recorded by the Office of Land Evidence Records no larger than 11"X 17" at a scale of 1/4" to 1', or other scale as the Administrative Officer may require, and containing the following information:</p> <ul style="list-style-type: none"> A. All the essential aspects of the approved design; B. The implementation schedule; C. Special conditions placed by the City; D. Permits and agreements with state and federal reviewing agencies; E. Other information required by the permitting authority; and F. Three lines, three inches long and one inch apart in the lower left-hand corner of each drawing for approval signatures. The first line states "City of Pawtucket." The second line shall state "Approved Development Plan." The third line shall be blank. 	
			2*		25. Additional items deemed necessary by the permitting authority during the previous review stage	

1* - only for minor land development projects and formal development plan review

2* - only for major land development projects

3* - only for formal development plan review

Drawing Submission Requirements:

A. Master Plan Sketch.

1. Name of proposed development, name of owner, name of the architect, engineers, landscape designer, and other consultants involved in the preparation of the plan, date, north point;
2. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
3. Existing and proposed streets, approximate parking areas;
4. Concept for collecting and discharging stormwater;
5. Concept for grading, including limits of disturbance;
6. Names of abutting property owners and property owners immediately across any streets adjacent to the subject parcel;
7. Location and approximate size of existing buildings or significant aboveground structures on the subject parcel;
8. Location of wetlands, watercourses or coastal features within and immediately adjacent to the subject parcel;
9. Location of wooded areas and areas of agricultural use;
10. Location of any unique or historic features, including historic cemeteries; within or immediately adjacent to the subject lot(s);
11. Existing zoning on the site and on all abutting properties;
12. Availability of utilities;
13. Proposed buildings;
14. Proposed number of building lots;
15. Proposed number of dwellings;
16. Concept for collecting and discharging stormwater; and

Date: _____ Name of Proposed Development: _____

City of Pawtucket Development Plan Review or Land Development Project Application Checklist

17. Concept for grading, including limits of disturbance
- B. Site Plan. The applicant shall provide a proposed site plan for all areas of lots containing the entire tract, whether or not intended for development showing:
 1. Name of proposed development, name of owner, name of the architectural designer, engineers(s) (if applicable), landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
 2. Name of proposed development, name of owner, name of the architect, engineers, landscape designer, and other consultants involved in the preparation of the plan, date, north point and scale;
 3. Lots, including lot lines, approximate dimensions, approximate area and Assessor's lot numbers;
 4. Existing and proposed streets, drives, parking areas (including arrangement and dimensions of parking spaces and drive aisles as well as points of ingress/egress), loading areas, and walks, including location, name and right-of-way widths on entire tract and on abutting property, as well as point(s) of access to the site;
 5. Utilities, indicating pipe sizes, grades, and manholes, proposed utility extensions, and text defining ownership and maintenance plans (water utilities to be verified by the Pawtucket Water Supply Board and sewer utilities to be verified by the Department of Public Works and Narragansett Bay Commission);
 6. Topography, including contours at suitable intervals;
 7. Location of areas of active agricultural use or containing prime agricultural soils and farmland soils of statewide importance;
 8. Identification of the following areas of special concern:
 - a) Natural Heritage Areas, as defined by the Rhode Island Department of Environmental Management (RIDEM)
 - b) The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of Rhode Island Coastal Resources Management Council (RI CRMC)
 - c) A Groundwater Protection Overlay District
 - d) A Wellhead Protection Area
 - e) Groundwater Recharge Area
 - f) Areas within a TMDL watershed, as identified by RIDEM
 - g) Onsite Wastewater Treatment System Critical Resource Area, as defined by RIDEM
 - h) A Drinking Water Supply Watershed, as defined by RIDEM
 - i) National Register of Historic Places
 9. Coastal features, verified freshwater wetlands and the proposed drainage system;
 10. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency's (FEMA's) "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" as may be amended;
 11. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3') sea level rise map as being inundated during a one-hundred-year storm as may be amended;
 12. Other conditions, including the location of rock outcrop, wooded areas, existing structures, embankments or retaining walls, railroads, power lines and significant physical features on the site and on adjacent land that may have an influence on the development of the site;
 13. Public access areas, including parcels of land proposed to be dedicated for public use;
 14. Solid waste collection areas;
 15. Existing zoning on the site and on all abutting properties;

City of Pawtucket Development Plan Review or Land Development Project Application Checklist

16. Zoning setback lines, accounting for abutting buildings pursuant to § 410-44(A) of the City of Pawtucket Code of Ordinances;
 17. Location and orientation of all structures and their proposed uses identifying gross square footage of floor area according to § 410-15.1 of the City of Pawtucket Code of Ordinances;
 18. Proposed location and treatment of any public or private common areas or structures including open spaces, green roofs, plazas, parks or recreation areas. Applicant shall include a statement addressing long term maintenance of such areas;
 19. Proposed renewable energy facilities and electric vehicle charging locations; and
 20. The stamp of a RI licensed professional architect and/or engineer.
- C. Building Floor Plans and Structure Elevations. The applicant shall provide proposed structures elevations and floor plans for all buildings showing:
1. Name of proposed development, name of owner, name of the architectural designer and other consultants involved in the preparation of the drawings, date, north point and scale;
 2. Name of proposed development, name of owner, name of the architect and other consultants involved in the preparation of the drawings, date, north point and scale;
 3. Base flood elevation data, if any portion of the proposed development is located within a flood hazard area as identified by the Federal Emergency Management Agency (FEMA)'s "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" or Rhode Island Coastal Management Council (RI CRMC)'s three-foot (3') sea level rise map as being inundated during a one-hundred-year storm, as may be amended;
 4. General division of leasable units within structures and associated square footages, according to § 410-15.1 of the City of Pawtucket Code of Ordinances, including identification of affordable and market-rate housing units;
 5. Location of all building entrances and identification of which entrances shall be primary entrances, ADA accessible, exit only, and/or access-controlled;
 6. Areas of glazing and identification of operable windows; and
 7. Identification of façade materials.
- D. Landscape Plan. A landscape plan that indicates the general treatment proposed for the site, including the approximate amount, location and type of buffering, landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.
- E. Landscape Plan. A landscape plan, prepared by a licensed landscape architect that indicates the general treatment proposed for the site, including the approximate amount, location and type of buffering, landscaping, hardscape and lighting proposed, as well as location and dimensions of pedestrian entrances, exits, and walkways.

Please note that complete applications may be referred for review and comment by adjacent communities, state and federal agencies, and Pawtucket's Technical Review Committees, Fire Department, and Public Works Department, as appropriate, prior to the first public meeting on the application for the present stage of review and comments therefrom shall be provided to the Administrative Officer. Comments may also be solicited from peer professionals at direct cost to the applicant. The Administrative Officer will provide any comments received to the applicant prior to the meeting. Additional comments may be solicited by the Administrative Officer at future review stages.

APPENDIX C.

SUBDIVISION APPLICATION

City of Pawtucket
Subdivision Application
Incomplete applications will not be accepted

If you have any questions, please call the Department of Planning and Redevelopment at (401) 724-5200 ext 430

Application Instructions:

- All applications must be certified as complete by the Department of Planning and Redevelopment.
- Applicants will not be considered complete unless they include all required information listed in the checklist.
- Applications requiring Planning Commission review must be submitted no later than the 10th of the month prior to the scheduled Planning Commission meeting (e.g.. the 10th of January for the February meeting).
Applications certified as complete less than 21 days prior to the next scheduled meeting will be scheduled for the subsequent Planning Commission meeting.
- Applicants may schedule a pre-application conference to review their proposal and for assistance in determining the type of review and applicable fee.
- All necessary utility, infrastructure, roadway, sidewalk, walkway and parking area improvements will be provided for the development by the applicant at their own expense.
- All improvements will be required to meet all applicable city requirements and standards.
- The applicant is required to pay all costs associated with the required advertising and mailing for any required public hearings and will be billed for all associated costs. Applications with outstanding application, notice, or review fees will not be considered. No decision will be recorded prior to the payment of outstanding advertising and mailing costs.
- Subdivision applications are classified into the following categories subject to the following fees: Administrative (no new lots for development) - \$50; Minor (nine or fewer lots) - \$200; Major (ten or more lots)- \$500.
Applications will not be processed until payment is received. Please submit payment to the Department of Planning and Redevelopment.

**City of Pawtucket
Subdivision Application**

Provide the following information:

Applicant's Name: _____

Address: _____

Telephone: __ (____) _____ - _____

Email: _____

Owner's Name (if different): _____

Owner's Signature authorizing subdivision and certifying application contents as correct:

Address: _____

Telephone: __ (____) _____ - _____

Email: _____

Applicants requesting that their correspondence be through a representative must provide contact information below:

Representative's Name: _____

Address: _____

Telephone: __ (____) _____ - _____

Email: _____

Lot Address: _____
(number) (street name)

Assessor's Plat: _____ Lot: _____

Please submit an additional copy of this form for each additional existing lot.

Please provide a name for your proposed subdivision: _____

Is the property located in a Historic District? ___Yes ___No

Present use of land: _____

Proposed use of land: _____

This box for City Staff use only

Application Type ___ Administrative ___ Minor ___ Major

Dates received: _____ **By:** _____

Dates Certified Complete: _____ **By:** _____

Master Plan CPC Meeting: _____ **Action:** ___ Approve ___ Deny

TRC Meetings: _____ **Recommendation:** ___ Approve ___ Deny ___ Other

Preliminary: _____ **Action:** ___ Approve ___ Deny

Final: _____ **Action:** ___ Approve ___ Deny

Final Plat Recording Date: _____

APPENDIX D.

SUBDIVISION CHECKLIST

City of Pawtucket Subdivision Application Checklist

Instructions:

The shaded boxes within the checklist indicate an item is not required at a particular stage of review. Split cells vary by application type, per the key at the bottom of each page. Complete the unshaded boxes on the left side of the table for your applicable review stage(s) with an affirmation (Y, X, or ✓) or an indication that the requirement is not applicable to your application (N/A). If you cannot meet a checklist requirement, you must apply for and receive a waiver prior to the application being considered complete pursuant to Section XVII Article E of the Land Development and Subdivision Regulations. Please complete a separate copy of this document for each review stage. One copy may be submitted for combined review stages. Application materials shall be submitted in electronic .pdf format and shall legibly print at tabloid (11"x17") size unless otherwise indicated. Each page of submitted material shall have the date created and the name of the proposed subdivision. Each stage of review shall include one full size paper copy to be kept by the Administrative Officer for paper viewing. For the *Location* column, provide the electronic file name and page number. This checklist pertains to the following subdivision application review stages:

1. **Administrative Subdivision (AS)**
2. **Master Plan Review of a Major Subdivision (MS)**
3. **Preliminary Plan Review of a Major or Minor Subdivision (PS)**
4. **Final Plan Review of a Major or Minor Subdivision (FS)**
5. **Final Plat for recording (FP)**

1. AS	2. MS	3. PS	4. FS	5. FP	Description of Required Submission Material	Location
		1*			1. Completed application form	
					2. Completed checklist	
		2*			3. Seven (7) full size paper copies of all submission materials within ten (10) days of issuance of the certificate of completeness	
					4. All application materials consistent with the Planning Board Design Standards, Section XV, and Required Improvements, Section XIV, of the Land Development and Subdivision Regulations	
					5. Drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
					6. If any changes have been made, drafts of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
					7. Final versions of all legal documents describing the proposed lots, proposed easements, and rights-of-way, including protective covenants, if any, in digital rich text (i.e. .doc) format.	
					8. Pawtucket Tax Collector account statement showing a zero balance	

1* - only for minor subdivisions

2* - only for major subdivisions

3* - only for minor subdivisions with a public hearing

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		1*			8. A letter certified as true and correct identifying: A. Changes made since pre-application B. Any required zoning approvals C. Any requested waivers or modification of requirements as written in Section XVII Article E of the Land Development and Subdivision Regulations	
			2*		9. A letter certified as true and correct requesting this stage of approval and identifying any changes made to the application since the previous stage of approval	
					10. If a special use permit or variance is requested, all application materials for such required by the City of Pawtucket. An application with an outstanding modification request will not be certified complete.	
		1*			11. A written narrative containing: A. Information on the natural and built features of the surrounding neighborhood B. Existing natural and man-made conditions of the tract, including topographic, freshwater wetland, and coastal features, the floodplains, proposed improvements and dedications, tentative construction phasing; C. Potential neighborhood impacts; D. Description of the application's consistency with the Pawtucket Comprehensive Plan; E. A general statement and supporting maps and/or graphics that illustrates the approach utilized in designing the proposed subdivision/development, including consideration of existing conditions and significant site features and the design's compatibility with the existing character of Pawtucket; and F. For major subdivisions only: If the proposed development is proposed for phased construction, a description and timing for individual phases.	
					5. If connections to existing utilities are proposed, documentation from existing utility agencies providing consent to connect to existing utilities. Said documentation may not be required at the time of application, however, approval may be conditioned upon providing said documentation to the City. If connections to existing utilities are not proposed, a utility service plan may be required.	
					16. Public Dedication Form if any public dedications are proposed	

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					13. All permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and excavations and connections to streets, and evidence of completion of any necessary amendments to the Official Streets Map maintained by the City Council.	
					14. All permits required by state or federal agencies for construction, including freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, and connections to state roads.	
					15. All updated permits required by local, state or federal agencies for construction of required improvements, including freshwater wetlands, the coastal zone, floodplains, land disturbance, preliminary suitability for individual septic disposal systems, public water systems, zoning approvals, and excavations and connections to streets, and evidence of completion of any necessary amendments to the Official Streets Map maintained by the City Council.	
					17. Proposed arrangements for the completion of any improvements, including construction schedule / improvement guarantees	
					18. Proposed terms of any improvement guarantees for improvements and cost estimates to complete the required improvements	
				2*	19. For phased developments, as-built drawings of all public improvements approved in prior phases and already constructed.	
		2*	1*		20. A stormwater management plan consistent with the Rhode Island Stormwater Maintenance, Design and Installation Manual; the Rhode Island Soil Erosion and Sediment Control Handbook; and in accordance with any applicable provisions of the Code of Ordinances	
				2*	21. (All applications except administrative subdivisions) an updated Stormwater Management Plan, if any changes are necessitated by changes made to the application since the previous stage of approval	
					22. A preliminary plat at no larger than 11"x17" depicting items a - i, o - r, t - u, and x - aa at the bottom of the table.	
					23. A sketch at no larger than 11" x 17" depicting items a - c, e - r and t - v at the bottom of the table.	

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		3*			24. A locus map of the subject property highlighting all properties within 200' of the subject property with a radial line identifying Assessor's plat and lot. Include a tabulated list of properties within the notice area identifying owner on file with the Pawtucket Tax Assessor, mailing address, and assessor's plat and lot.	
					25. A preliminary plat, no larger than 11"x17" depicting items a - v at the bottom of the table.	
					26. A sketch of any remaining part of the entire tract shall accompany the plat, showing the location, names and present widths of adjacent existing streets and the proposed general layout of streets in the entire tract	
					27. A drawn plan of the new lots in digital (.pdf) format no larger than 11"X 17" at a scale of 1" to 50', or other scale as the Administrative Officer may require, and depicting items a - i and k - cc at the bottom of the table.	
					28. A Final Plat of the Assessor's lot(s) in conformity with the previous stage of approval in digital (.pdf) format and generated on mylar able to be recorded by the Office of Land Evidence Records no larger than 11"X 17" at a scale of 1" to 50', or other scale as the Administrative Officer may require, plus two additional full size paper copies, and containing the following information: A. All the essential aspects of the approved subdivision design; B. The implementation schedule for improvement guarantees, if any; C. Special conditions placed by the City; D. Permits and agreements with state and federal reviewing agencies; E. Other information required by the permitting authority; and F. Three lines, three inches long and one inch apart in the lower left-hand corner of each drawing for approval signatures. The first line states "City of Pawtucket." The second line shall state "Approved Subdivision." The third line shall be blank.	
					29. Profiles of any proposed streets with adequate ties to existing streets	
					30. An updated profile of any proposed streets with adequate ties to existing streets, if any changes are necessitated by changes made to the application since Preliminary Plan submission	
			2*		31. Additional items deemed necessary by the permitting authority during the previous review stage	

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Subdivision Survey Requirements:

- a. Subdivision name;
- b. Name and address of record owner, subdivider and subdivision designer;
- c. Date prepared, north arrow, acreage and number of lots;
- d. Graphic scale;
- e. Names and addresses of all abutters and property owners directly across any rights-of-way, as determined from the most recent official tax list;
- f. Assessor's Plat and Lot Number(s) of the lot(s) being subdivided;
- g. Size(s) of the new lot(s) in square feet;
- h. Zoning district and any overlay zones of the lot(s) being subdivided, with zoning boundary lines if applicable;
- i. Zoning setback lines, accounting for abutting buildings pursuant to § 410-44(A) of the City of Pawtucket Code of Ordinances, and analysis of lot building coverage, surface parking areas, and other impervious surfaces;
- j. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line;
- k. Existing and proposed topography with two-foot contour intervals, elevations based on the most recent Rhode Island digital elevation model, as determined by the Administrative Officer;
- l. Location of wooded areas and areas of active agricultural use;
- m. Identification of areas containing prime agricultural soils and farmland soils of statewide importance;
- n. Identification of the following areas of special concern:
 - i. Natural Heritage Areas, as defined by the Rhode Island Department of Environmental Management (RIDEM)
 - ii. The area(s) under the jurisdiction of any Special Area Management Plan (SAMP) of RI Coastal Resources Management Council (CRMC)
 - iii. A Groundwater Protection Overlay District
 - iv. A Wellhead Protection Area
 - v. Groundwater Recharge Area
 - vi. Areas within a TMDL watershed, as identified by RIDEM
 - vii. Onsite Wastewater Treatment System Critical Resource Area, as defined by RIDEM
 - viii. A Drinking Water Supply Watershed, as defined by RIDEM
 - ix. National Register of Historic Places
- o. Existing and any proposed utilities indicating pipe sizes, grades, and manholes, including water, fuel, electric, drainage and communications (water utilities to be verified by the Pawtucket Water Supply Board and sewer utilities to be verified by the Department of Public Works);
- p. Existing and any proposed lines of streets, ways, and easements, with widths labeled;
- q. Indication of purpose of easements, if any;
- r. Names of existing streets;
- s. Proposed names of any proposed streets;
- t. The location of all existing structures, fences, paved areas, verified freshwater wetlands, coastal features, and trees of more than twelve (12") inches diameter;
- u. The location of historic areas, cemeteries, walls, foundations, etc. (if none, state on plan);

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- v. Boundaries and total area of any land classified as “unsuitable for development (e.g. wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record)”;
- w. Any landscape buffering, landscaping, hardscape and lighting proposed; and
- x. The location of existing and proposed monuments.
- y. Certification (stamp) of the land surveyor indicating that a Class I and Class III survey have been performed or are otherwise correct;
- z. Any new Assessor’s Lot numbers, as provided by the Administrative Officer in consultation with the Tax Assessor;
- aa. Sufficient data to determine the location, bearing, size, and shape of every lot, boundary, and setback line, and to reproduce the same upon the ground. All metes shall contain X/Y coordinates referencing the most recent State Plane Feet Datum. All bounds shall indicate the direction and measure;
- bb. Portions of the site located within a flood hazard area as identified by the Federal Emergency Management Agency’s (FEMA’s) “Flood Insurance Rate Map” and “Flood Boundary and Floodway Map” as may be amended; and
- cc. Portions of the site located within the Rhode Island Coastal Resources Management Council (RI CRMC) three-foot (3’) sea level rise map as being inundated during a one-hundred-year storm as may be amended.

Please note that complete applications may be referred for review and comment by adjacent communities, state and federal agencies, and Pawtucket’s Technical Review Committees, Fire Department, and Public Works Department, as appropriate, prior to the first public meeting on the application for the present stage of review and comments therefrom shall be provided to the Administrative Officer. Comments may also be solicited from peer professionals at direct cost to the applicant. The Administrative Officer will provide any comments received to the applicant prior to the meeting. Additional comments may be solicited by the Administrative Officer at future review stages.

APPENDIX E.

FIGURES FOR DOWNTOWN DESIGN STANDARDS

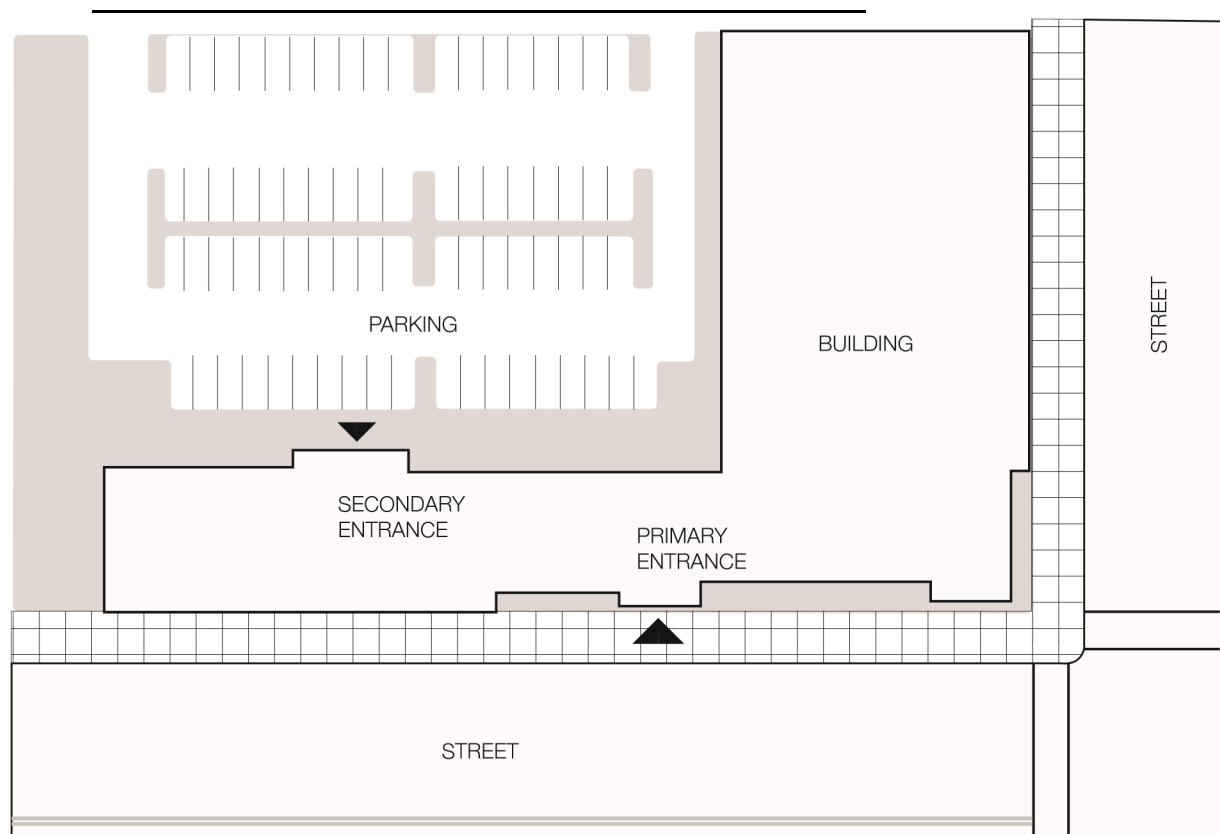


FIGURE 1: This image shows how parking is located in the inner part of the block to allow buildings to create a continuous sidewalk and street edge. Primary entrances are on the public sidewalk with alternative entrances adjacent to the parking.

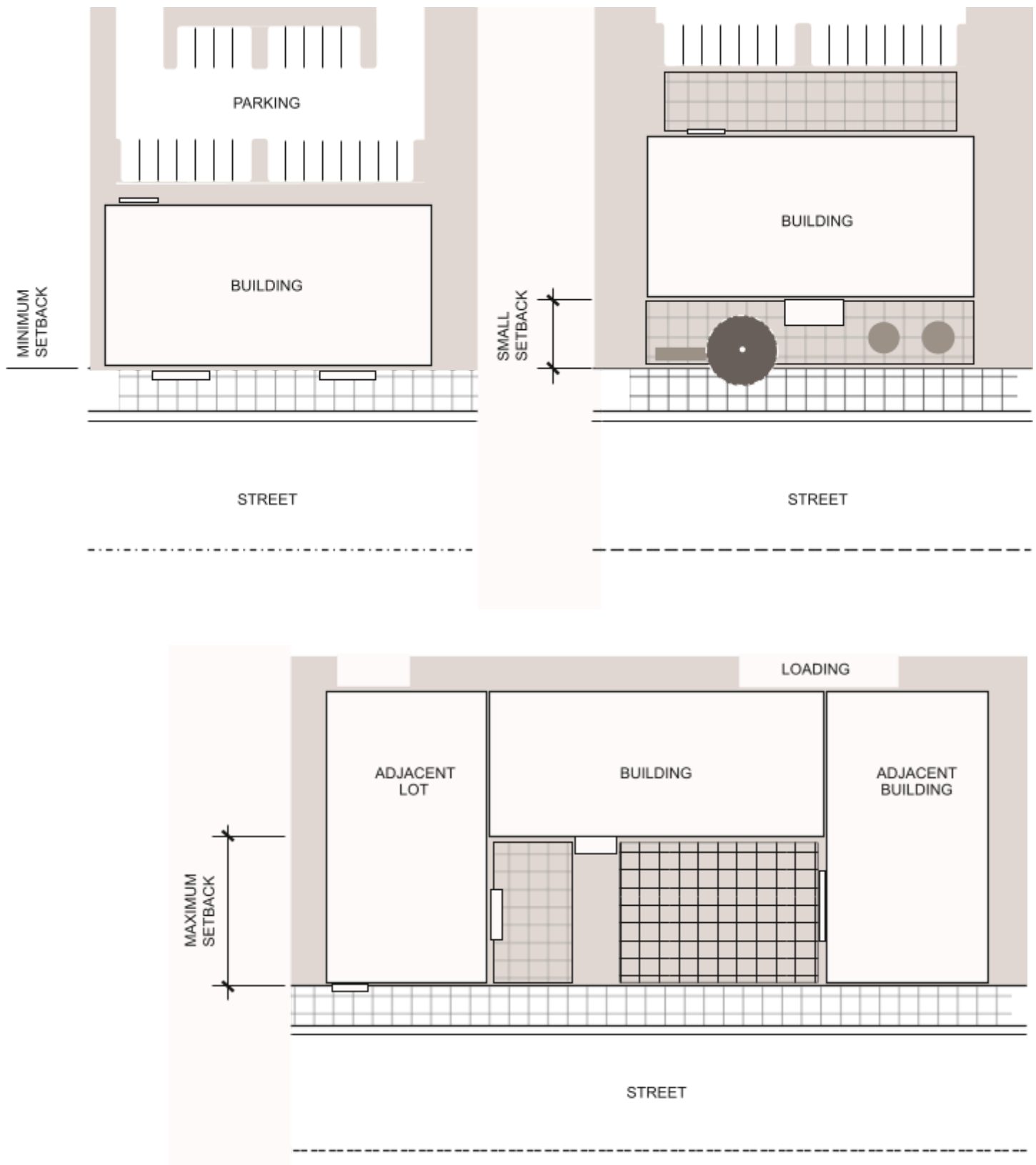


FIGURE 2: This image shows how three different setbacks can work between a minimum of zero to a maximum of 40 feet. Minimum setbacks support a continuous street edge along the public sidewalk. A small setback can offer pedestrian amenities including benches, trees, tables and seating. The maximum setback can be used to create plaza space defined by adjacent structures for activities, seating or outdoor program.

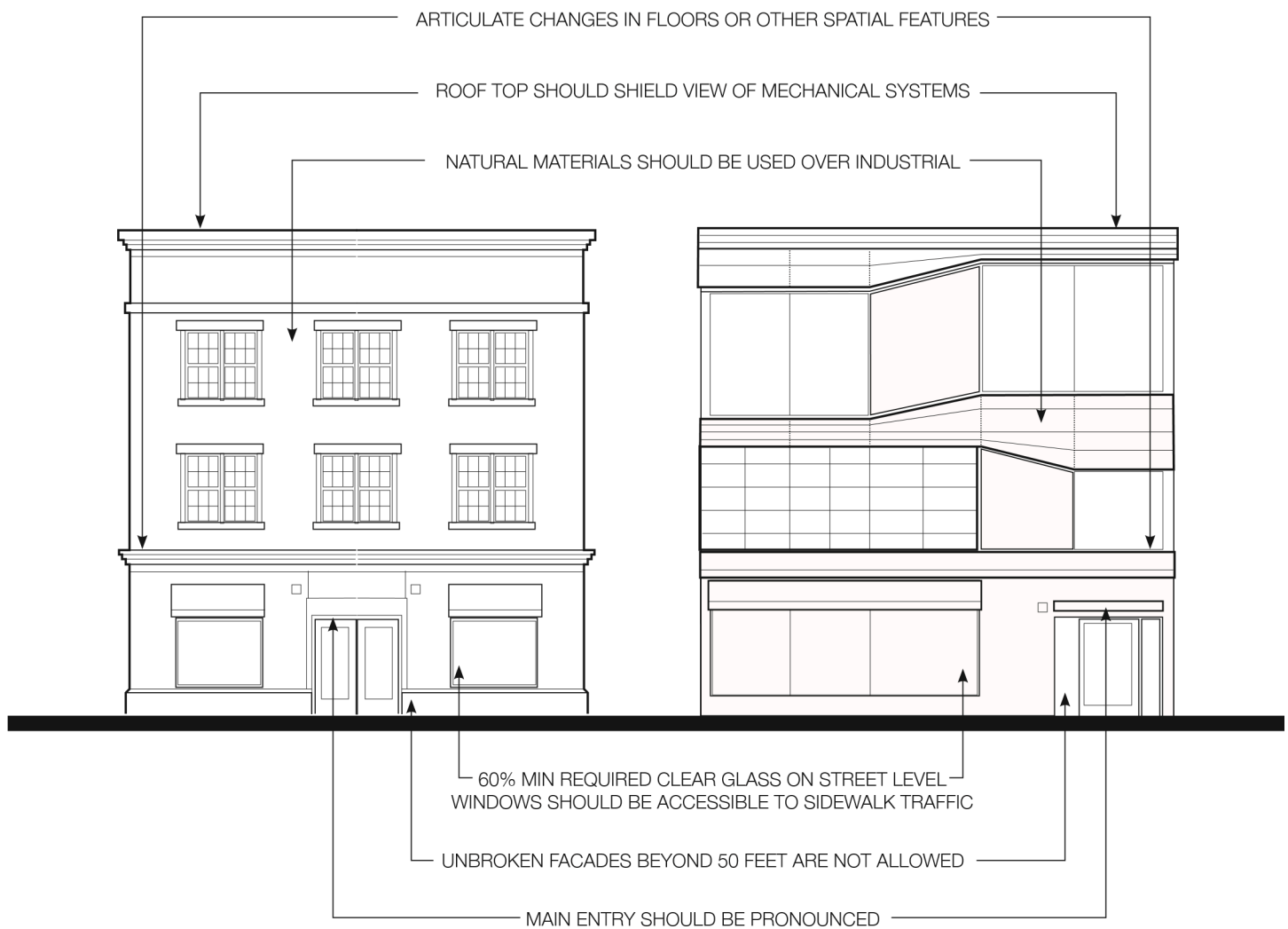


FIGURE 3: This image shows how different types of architectural languages can articulate the same goals. The overall goal is to avoid large unbroken facades or street level facades that disconnect pedestrian visual access into buildings.

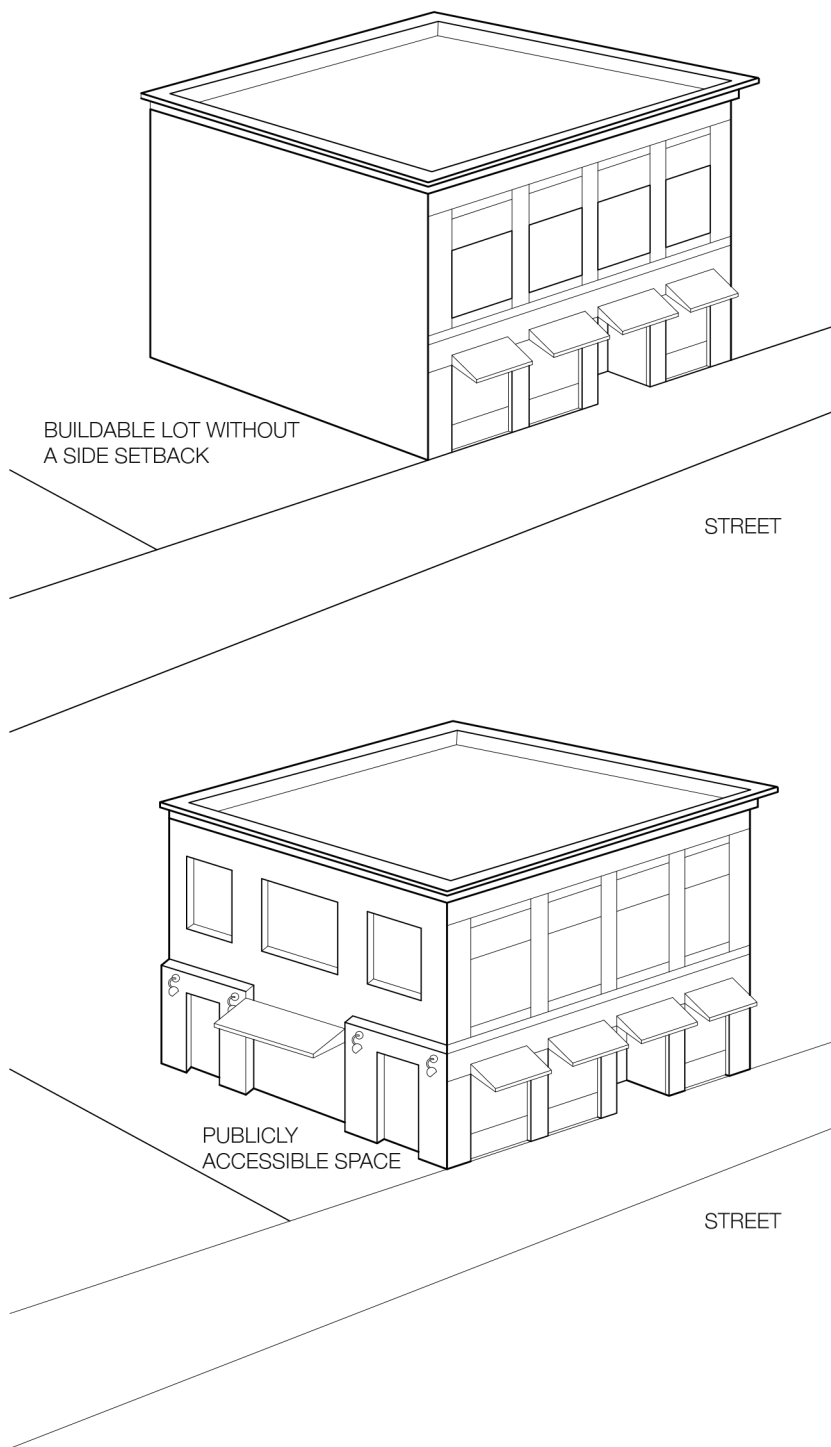
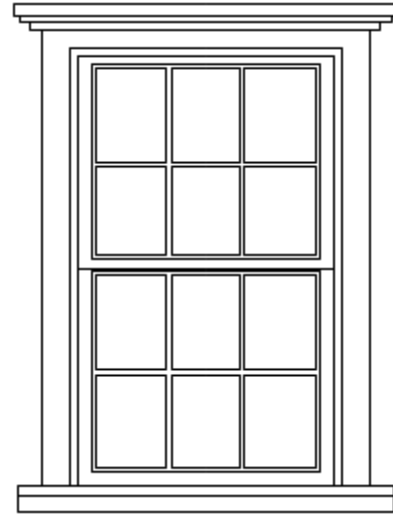
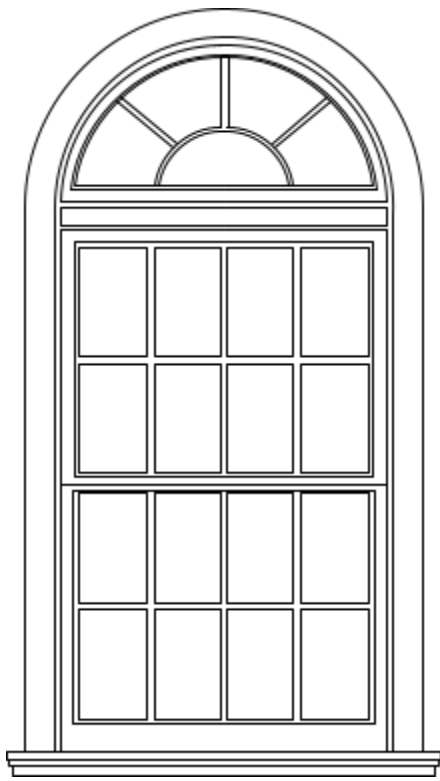
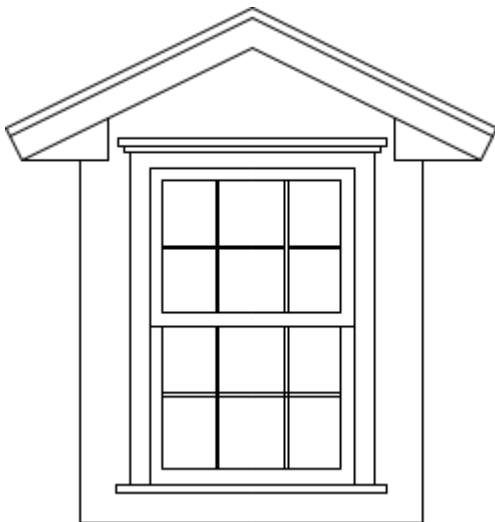


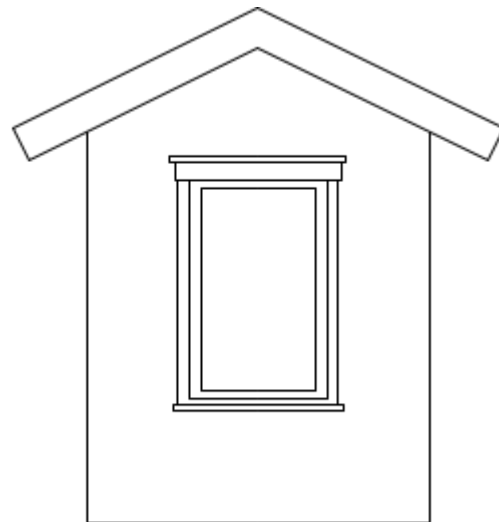
FIGURE 4: This image shows how building side walls should be treated depending on lot conditions. Buildings that have side walls that are adjacent to publicly accessible space should add detail, glazing or entrances to the side wall to avoid large blank surfaces. Buildings that are adjacent to buildable lots with no side setback may have blank walls in anticipation of future site development.



These windows illustrate potential styles that meet the dimensional, material and functional recommendations. Mullions or muntins should divide large areas of glass, especially for windows above the ground floor.



DESIRABLE



UNDESIRABLE

These images illustrate how windows faces should be sized appropriately to the face of dormers.

FIGURE 5: These images illustrate how traditional windows should use details to provide attractive features.

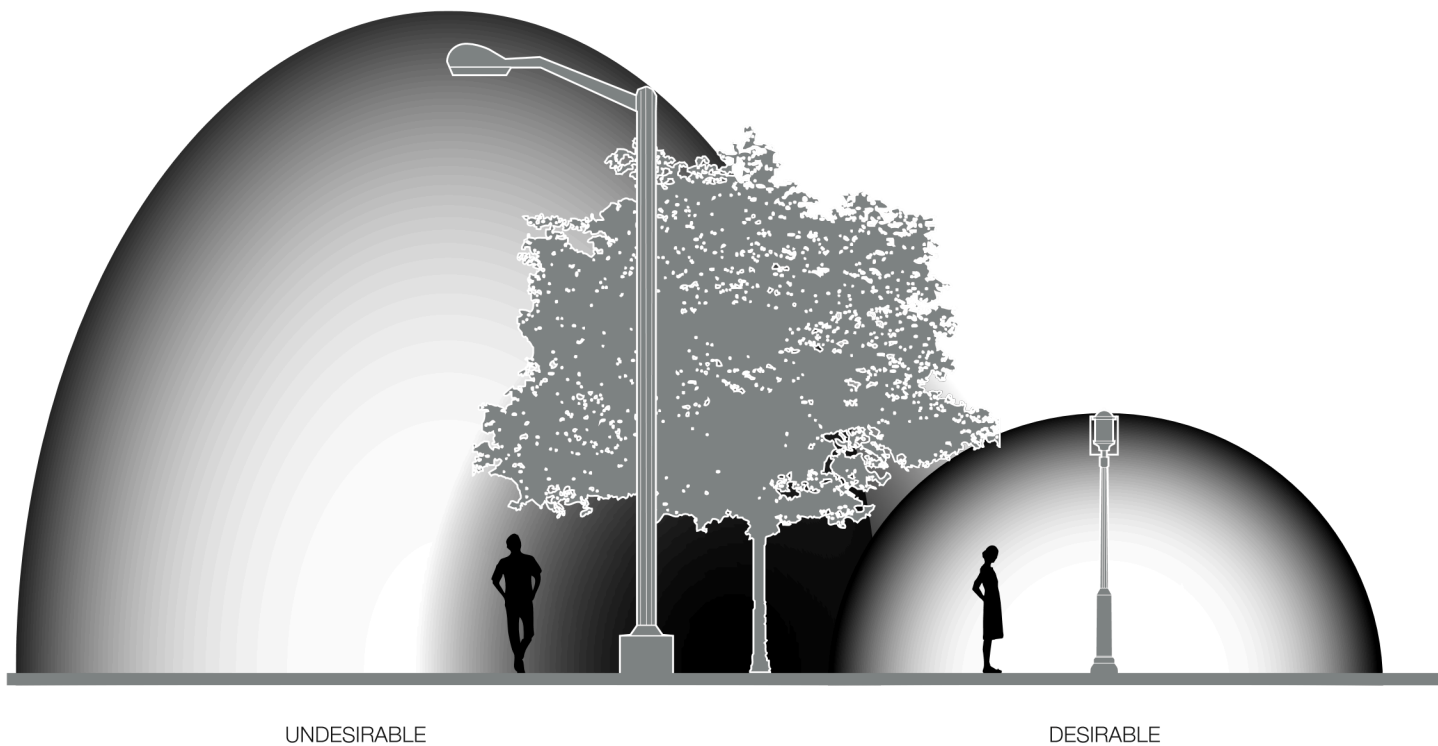
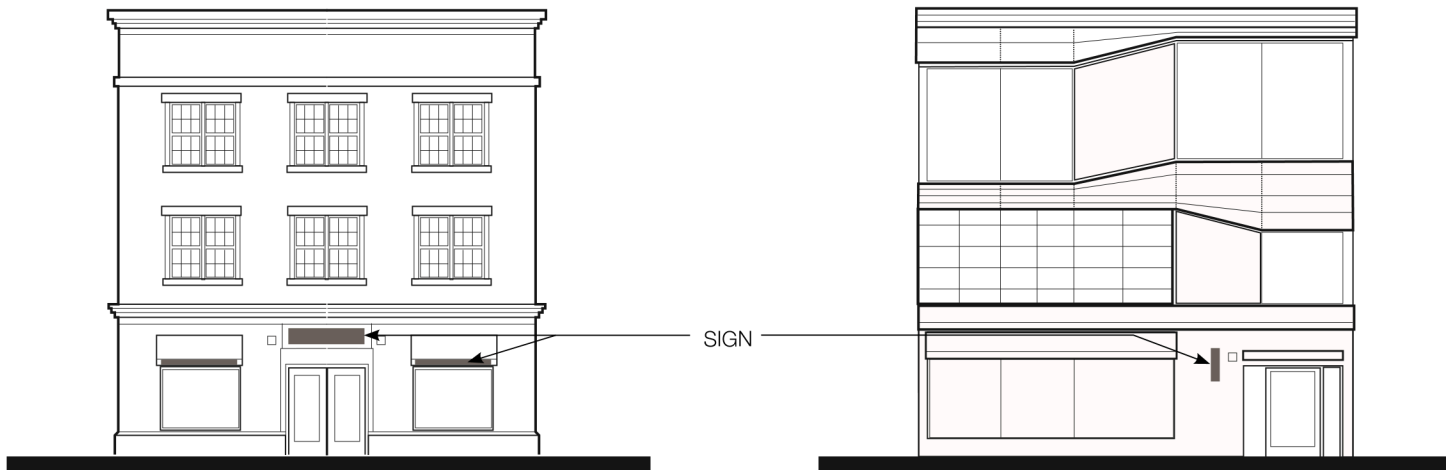


FIGURE 6: These images illustrate how human-scale decorative lighting creates a more inviting environment for pedestrians.



The poor placement of signs in this illustration shows how signage can detract from the architectural appeal of well designed buildings.



DESIRABLE

The same buildings shown above are provided here with better signage scale and placement.

FIGURE 7: These images show more desirable signage locations and scales.