

ORDINANCE NO. 2025-\_\_\_\_\_

ORDINANCE AMENDMENTS

Amendments to Appendix A – Zoning Ordinance

PURSUANT TO Section 1-8 of the Tiverton Code of Ordinances, the amendments below are adopted and effective on the date of passage. These are amendments to the following Articles of Appendix A – Zoning Ordinance:

1. Article II – Definitions. These amendments add “Commercial Marina,” amends “Mixed Use Complex,” and removes “Shopping centers, malls, mini-malls and strip-malls.”
2. Article IV – District Use Regulations, Section 1 – 13A. These amendments primarily effect uses in the General Commercial, Highway Commercial and Industrial Zones. Uses with use designations outside of those zones that are amended include: Three-family dwelling (§ 2(c)) and Family day care (§ 2(h)). In Section 1, attention is pointed to the need to consider the requirements of the Planned Development Park floating zone and the Watershed Protection Overlay District, and warns that the information in the “NOTES” column is not to the exclusion of other ordinances and laws. Notes calling attention to Article VIII, Watershed Overlay Protection District, are added to the “NOTES” column as well as reference to performance standards, Article VI, Section 10, and specific and objective criteria, Article XVI, Section 5, where appropriate. Further, the Solar Energy Systems use is added back into the District Use Table at Section 5(h). Finally, Section 13A is renumbered as Section 14.
3. Article VI – Other District Regulations, Section 10. These amendments provide, or amend, performance criteria for multiple uses permitted by right. Specifically: 1) Three-family dwellings, 2) Driving tee or range, miniature golf course, or similar use operated for commercial purposes, 3) Marina or boat yard, 4) Mixed use complex: Structure over 40,000 square foot building footprint for retail, commercial, or office uses, 5) Commercial marina, 6) Wholesale business and storage of nonflammable and non-explosive material in a building and 7) Retail outlet accessory to a wholesale or storage use.

**ARTICLE II. – DEFINITIONS**

(c) For the purposes of this ordinance, the following terms shall have the following meanings:

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

**Accessory dwelling unit (ADU):** A residential living unit on the same lot where the principal use is a legally established single-family dwelling unit or multi-family dwelling unit. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling. The standards for an ADU, including where allowed, are governed by R.I. Gen. Laws § 45-24-73, as amended.

**Accessory structure:** A subordinate structure detached from but located on the same lot or parcel as the principal structure, the use of which is incidental and accessory to that of the principal structure. A structure is detached when there is no physical connection to the primary structure.

Examples: Detached garage used for storage of vehicles and lawn maintenance equipment; garden or tool shed used only for the storage of garden implements and light home maintenance tools; cabana used for dressing and shower rooms and/or swimming pool equipment.

**Accessory use:** A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building, and located on the same lot as the principal use. An accessory use 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. See appendix A, Zoning, article IV, section 21, Adaptive reuse projects.

**Adult book/video store:** The retail sales of magazines, books, photographs, film, video or any type of reproduction depicting sexual activity or the showing of human male or female genitals, pubic area or buttocks, or the female breast, with less than a fully opaque covering.

**Adult entertainment:** An activity where any individual works or performs in the nude, meaning the exposure of human male or female genitals, pubic area or buttocks, or the showing of the female breast, with less than a fully opaque covering.

**Aggrieved party:** Either:

- (a) Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering the provisions of this ordinance; or
- (b) Anyone requiring notice pursuant to this ordinance.

**Agricultural land:** Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as prime farmland or additional farmland of statewide importance for Rhode Island by the Soil Conservation Service of the U.S. Department of Agriculture.

**Agricultural structure:** A structure which is reasonably necessary to the conduct of on-site working farms. Agricultural structure includes, barns, shed, silos and other similar structures.

**Antennae, satellite receiving:** A structure used to receive television broadcast signals transmitted via satellite.

**Applicant:** An owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency under the provisions of this ordinance.

**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 as required under the provisions of this ordinance.

**Aquaculture:** The cultivation, rearing or propagation of aquatic plants or animals under either natural or artificial conditions.

**Art center:** A facility used for arts instruction, promotion, display and/or sale.

**Automatic teller machines (ATMS)/Interactive teller machines (ITMS):** An indoor or outdoor electronic banking outlet that enables customers to complete banking transactions with or without the aid of a teller.

**Bed and breakfast:** A single-family dwelling offering transient lodging accommodations to the general public within a portion of said dwelling, and which must include limited food preparation and the serving of such food within a common area.

**Billboard:** An outdoor sign advertising products or services not made, sold, used or served on the premises, or advertising displayed so as to attract the attention of persons on any public highway; see "Off-site sign" in article XII, section 2.

**Boat Club:** A club that promotes yachting and boating, and which may provide educational, recreational, entertainment and leisure services to its membership or program participants. A boat club may or may not include a boat yard/marina. Also known as a Yacht Club.

**Brewery:** An establishment for the manufacture of malt (grain based) alcohol and other liquors. **Brewpub:** A brewery where alcoholic products are served. The products sold may or may not be made on the premises.

**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 coverage:** That portion of the lot that is or may be covered by buildings and accessory buildings. (Same as Lot building coverage.)

**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.

**Building height:** See Article V, Section 4.

**Building official or inspector:** The person(s) designated by the town as responsible for enforcement of the state building code.

**Building permit:** An official certificate issued by the building official which authorizes interior or exterior alterations to any structure in conformance with the state building code.

**Campground:** An outdoor location where guests spend one or more nights, typically in a tent or motor vehicle or trailer. The site may be equipped with cooking grills, showers, toilets and electricity. Includes profit and non-profit campgrounds.

**Car Wash, Self Service:** See Self Service Car Wash.

**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.

**Commercial dock or pier:** A structure extending into a waterbody that is used to service a business or commercial purpose or used to secure a business or commercial vessel.

**Commercial kitchen:** A commercial kitchen is a professional kitchen designed for food preparation on a large scale, with the main focus being to prepare food for customers. These kitchens are typically found in restaurants, hotels, bars, and other hospitality businesses. The term "commercial" refers to the fact that these kitchens are designed for selling food rather than food cooked and eaten by the person or people making it. Commercial kitchens are typically equipped with heavy-duty appliances, ample storage space, and robust extractor fans and ventilation systems to handle large turnovers and high output. They must also meet strict health and safety regulations to ensure food is prepared in a hygienic environment.

**Commercial marina:** Area of land and water designated for the dockage and/or mooring of four or more vessels (temporary or long term) where 80% or more of such vessels are commercial vessels. Facilities may include vessel haul-out, launching, and other related services such as fueling, pump-out, retail sales of marine accessories, and wholesale and/or retail sales of fish and shellfish. The terms "commercial vessel" and "vessel" have the same meaning as those terms are used in the Tiverton Code of Ordinances, Chapter 14, Article II, Section 14-26, as amended.

**Common driveway:** A driveway passing through private property for the use of adjacent property owners in rural residential developments (see article IX).

**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, or 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 abuse treatment facilities. This shall include but not be limited to the following:

- (a) Whenever six or fewer children or adults with intellectual and/or developmental disabilities reside in any type of residence in the community, as licensed by the state pursuant to chapter 24 of title 40.1;
- (b) A group home providing care or supervision, or both, to not more than eight persons with disabilities, and licensed by the state pursuant to 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 chapter 72.1 of title 42; or
- (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 G.L. § 21-28.6-3, a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and registered under G.L. § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder, who have designated it as one of their primary caregivers.

**Comprehensive community plan:** The comprehensive community plan of the town, adopted and approved pursuant to G.L. § 45-22.2-1 et seq., and to which the provisions of this ordinance shall be in compliance.

**Conservation Development Project:** A Conservation Development Project is a subdivision or land development project that allows the flexibility to design residential development to achieve the objectives of the Tiverton Comprehensive Community Plan as it relates to resource protection, land use and community services.

1 **Continuing care facility:** A long-term care option for older people who want to stay in the same  
2 place through different phases of the aging process, providing a full continuum of care options.

3  
4 **Convalescent home:** A facility that provides medical and skilled nursing care for people who  
5 are recovering from surgery, illness, or injury. This shall include hospices.

6  
7 **Day care—Day care center:** Any other day care center which is not a family day care home.

8  
9 **Day care—Family day care home:** Any home other than the individual's home, in which day  
10 care in lieu of parental care or supervision is offered at the same time to six or less individuals  
11 who are not relatives of the caregiver, but which may not contain more than a total of eight  
12 individuals receiving day care.

13  
14 **Density calculation:** The method for calculating development density and/or lot coverage for  
15 any given parcel.

16  
17 **Density, residential:** The number of dwelling units per unit of land.

18  
19 **Development:** The construction, reconstruction, conversion, structural alteration, relocation or  
20 enlargement of any structure; any mining, excavation, landfill or land disturbance; or any change  
21 in use, or alteration or extension of the use, of land.

22  
23 **Development plan review:** See appendix B, Land Development and Subdivision Regulations,  
24 article XVI, as well as G.L. §§ 45-23-32 and 45-23-50.

25  
26 **Distillery:** An establishment or plant for distilling alcoholic beverages or other liquids.

27  
28 **District:** See Zoning use districts.

29  
30 **Drainage system:** A system for the removal of water from land by drains, grading or other  
31 appropriate means. These techniques may include runoff controls to minimize erosion and  
32 sedimentation during and after construction or development, the means for preserving surface  
33 and ground waters, and the prevention and/or alleviation of flooding.

34  
35 **Dry Cleaning or Laundromat that processes on site:** A business that utilizes an on-site  
36 waterless cleaning process that removes dirt and debris from cloth or fabric using a chemical  
37 solvent.

38  
39 **Duplex:** A building containing two single dwelling units each with separate entrances divided by  
40 a common party wall.

41  
42 **Dwelling, multifamily:** Any dwelling containing more than two dwelling units and for  
43 occupancy of households living independently of each other, including apartment houses,  
44 apartment hotels and flats.

45  
46 **Dwelling, single-family:** A building used exclusively for occupancy by one household.

**Dwelling, two-family:** A building used exclusively for occupancy by two households living independently of each other.

**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.

**Earth removal:** The removal or extraction for sale of any rock, stone, sand, gravel, loam, topsoil, or other earth or earth products from a lot or plot of land or part thereof; not including the process of grading, or excavation on a lot preparatory to the construction of a structure or street.

**Electric Vehicle Charging Station, Commercial:** Also known as a charge or charging station. A public, for-profit station where electric-powered vehicles and hybrids plug into an electric power source to recharge their battery.

**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.

**Flexible zoning:** A land development tool that allows reduced lot areas and dimensional regulations in order to preserve character defining features of a site.

**Floating zone:** An unmapped zoning district adopted within this ordinance which is established on the zoning map only when an application for development, meeting the zoning district 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.

**Garage:** A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles.

**Gasoline filling station or service station:** A building or premises, or portion thereof, arranged, intended or designed to be used for the sale of gasoline or other motor vehicle, airplane or motorboat fuel, oils and accessories for the use of motor vehicles; and the rendering of services

1 such as lubrication, washing and minor repairs, where such service facilities are incidental to  
2 such principal filling station uses, but not including body or fender work, or major repairs.

3  
4 **Golf Course or Golf Club:** A golf course is an area of land designed for the sport of golf  
5 including a series of holes (usually 9 or 18) with tees, fairways, putting greens and hazards. It  
6 may be public or private. A golf club is a membership club including a golf course and often  
7 including a clubhouse facility accommodating members and guests with shower facilities,  
8 changing rooms and dining facilities.

9  
10 **Gross floor area:** The total floor area of all floors of a building within the inside perimeter of  
11 the exterior walls exclusive of vent shafts and courts, without deductions for corridors, stairways,  
12 closets, the thickness of interior walls, columns or other similar features. (See also Net leasable  
13 floor area.)

14  
15 **Groundwater:** Groundwater and associated terms, as defined in G.L. § 46-13.1-3.

16  
17 **Halfway house:** A residential facility for adults or children who have been institutionalized for  
18 criminal conduct, and who require a group setting to facilitate the transition to a functional  
19 member of society.

20  
21 **Hardship:** As set forth in R.I. Gen. Laws 1956, § 45-24-41, hardship is the standard a petitioner  
22 must demonstrate in order to be granted a use variance from the requirements of this ordinance.  
23 See article XVII of this ordinance.

24  
25 **Historic district:** One or more historic sites and intervening or surrounding property  
26 significantly affecting or affected by the quality and character of the historic site or sites, and that  
27 has been registered, or is deemed eligible to be included, on the state register of historic places  
28 pursuant to G.L. § 42-45-5.

29  
30 **Historic site:** Any real property, manmade structure, natural object, or configuration or any  
31 portion or group of the foregoing which has been registered, or is deemed eligible to be included,  
32 on the state register of historic places pursuant to G.L. § 42-45-5.

33  
34 **Home occupation:** Any activity customarily carried out for gain by a resident, conducted as an  
35 accessory use in the resident's dwelling unit. See Article VI, Section 6, of this ordinance.

36  
37 **Hookah Lounge/Bar:** An establishment where patrons share shisha (flavored tobacco) from a  
38 communal hookah (container of water through which tobacco smoke is passed).

39  
40 **Hotel:** A building or buildings containing lodging rooms, a dining room facility, a common  
41 entrance lobby, halls, and stairway; and where lodging rooms do not have a direct egress  
42 outdoors, except for emergencies; and where more than 50 percent of the lodging rooms are for  
43 rent, with or without meals, to transient guests for a continuous period of less than 30 days.

44  
45 **Household:** One or more persons living together in a single dwelling unit, with common access  
46 to, and common use of, all living and eating areas and all areas and facilities for the preparation



1 and storage of food within the dwelling unit. The term "household unit" shall be synonymous  
2 with the term "dwelling unit" for determining the number of such units allowed within any  
3 structure on any lot in a zoning district. An individual household shall consist of any one of the  
4 following:

- 5 (a) A family, which may also include servants and employees living with the family; or
- 6 (b) A person or group of unrelated persons living together. The maximum number may  
7 be set by local ordinance, but this maximum shall not be less than one person per  
8 bedroom and shall not exceed five (5) unrelated persons per dwelling. The maximum  
9 number shall not apply to NARR-certified recovery residences.

10  
11 **Improved lot:** A lot upon which a building is located that is used for a principal use. For the  
12 purposes of determining merger requirements (see article VII), an unimproved lot is a lot without  
13 a principal use structure.

14  
15 **Incentive zoning:** The process whereby additional development capacity is granted in exchange  
16 for a developer's provision of a public benefit or amenity as specified in this ordinance.

17  
18 **Incinerator or Incinerated Waste Disposal:** A furnace, oven, retort or other apparatus used to  
19 incinerate waste materials and where waste may be stored or disposed on the premises.

20  
21 **Infrastructure:** Facilities and services needed to sustain residential, commercial, industrial,  
22 institutional and other activities.

23  
24 **Impervious surface:** As defined by the Rhode Island Department of Environment Management  
25 Stormwater Management, Design and Installation Rules and including those surfaces that cannot  
26 effectively infiltrate rainfall and/or stormwater consisting of surfaces such as building rooftops,  
27 pavement, sidewalks, driveways, or compacted gravel.

28  
29 **Land development project:** A project in which one or more lots, tracts, or parcels of land or a  
30 portion thereof are developed or redeveloped as a coordinated site for one or more uses, units, or  
31 structures, including, but not limited to, planned development or cluster development for  
32 residential commercial, institutional, recreational, open space, or mixed uses.

33  
34 **Line, street:** A lot line separating a lot from an adjacent street.

35  
36 **Lot:** Either:

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

42  
43 **Lot area:** The total area within the boundaries of a lot, excluding any street right-of-way, usually  
44 reported in acres or square feet.

1 **Lot building coverage:** That portion of the lot that is or may be covered by buildings and  
2 accessory buildings. (Same as Building coverage.)  
3

4 **Lot, corner:** A lot at the junction of, and fronting on, two or more intersecting streets.  
5

6 **Lot coverage:** That portion of the lot that is or may be covered by buildings and accessory  
7 buildings. (Same as Building coverage and Lot building coverage.)  
8

9 **Lot depth:** The distance measured from the front lot line to the rear lot line. For lots where the  
10 front and rear lot lines are not parallel, the lot depth is an average of this distance.  
11

12 **Lot frontage:** That portion of a lot abutting a street. Only contiguous (unbroken) frontage will  
13 be considered applicable in meeting the minimum frontage requirements of a given zoning  
14 district. Lot frontage shall be measured on the side of the lot that serves as the primary access to  
15 the street right-of-way.  
16

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

- 19 (a) **Front:** The lot line separating a lot from a street right-of-way and shall be the side of  
20 the lot that serves as the primary access to the street right-of-way;  
21 (b) **Rear:** The lot line opposite and most distant from the front lot line, or, in the case of  
22 triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in  
23 length entirely within the lot, parallel to and at a maximum distance from the front lot  
24 line; and  
25 (c) **Side:** Any lot line other than a front or rear lot line. On a corner lot, one side lot line  
26 will also be a street lot line.  
27

28 **Lot of record:** A parcel of land recorded in the office of the Town Clerk of the Town of  
29 Tiverton.  
30

31 **Lot, through:** A lot which fronts upon two parallel streets, or which fronts upon two streets  
32 which do not intersect at the boundaries of the lot.  
33

34 **Lot width:** The horizontal distance between the side lines of a lot measured at right angles to its  
35 depth along a straight line parallel to the front lot line at the minimum front setback line.  
36

37 **Low influx sustainable agriculture (LISA):** Agricultural techniques that promote the use of  
38 biological interactions and cultural practices over the use of agricultural chemicals. The goal of  
39 LISA is productive, profitable farming that protects natural resources and is economically  
40 sustainable. It includes such measures as integrated pest management, crop and livestock  
41 diversification, soil and water conservation practices and green manures whose application  
42 reduces the need for purchased pesticide and fertilizer input.  
43

44 **Manufactured home:** A structure transportable in one or more sections which is built on a  
45 permanent chassis and is designed for use with or without a permanent foundation when

connected to the required utilities. This term does not include park trailer, travel trailer, or other similar vehicles. See R.I. Gen. Laws 45-24-31(50).

**Manufactured home elderly community (MHEC):** See article IV, section 16.

**Manufacturing, except as regulated herein:** The process of turning raw materials or parts into finished goods through the use of tools, human labor, machinery and chemical processing.

**Marijuana cultivation center:** Any entity that, under state law, may acquire, possess, cultivate, manufacture, deliver, transfer, transport, or supply marijuana to a registered compassion center, or other entity authorized to dispense marijuana.

**Marijuana store:** Any retail establishment at which the sale or use of marijuana, medical or otherwise, takes place. This shall not include a compassion center regulated and licensed by the State of Rhode Island, as defined herein.

**Marina or boat yard:** Area of land and water designated for the storage (indoor and/or outdoor) of vessels, dockage and/or mooring (temporary and long-term), launching ramps, vessel haul-out facilities, and vessel maintenance and repair and which has docks and/or moorings for vessels. These may also include related service facilities such as fueling, sales of vessels and accessories, retail sales of marine products, laundry services, pump-out services, and other marine related services.

**Medical center:** A facility offering outpatient healthcare services to include doctors' offices, lab, diagnostic and treatment facilities.

**Membership athletic club:** An organization catering to members and their guests, including premises and buildings utilized for recreational or athletic purposes, such as game courts, exercise equipment, locker rooms, pool, hot tub, sauna and/or pro-shop.

**Mere inconvenience:** See article XVII of this ordinance.

**Mini-storage facility:** A building consisting of individual, self-contained units that are leased or owned for the storage of personal property and/or household goods. Not to include explosives, chemicals, flammables, or other hazardous items.

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

**Mixed use complex:** A development of one or more commercial establishments, primarily retail, office, and/or consumer service-oriented in nature, located on a single parcel or contiguous parcels and consisting of an aggregate of 5,000 gross square feet of floor space or more. For the purpose of this section, any structures located within 20 feet of each other shall be deemed to be connected structures. A mixed use complex provides on-site parking facilities sufficient to serve its own parking demands.

1 These developments may include, but are not limited to, a variety of retail shops that specialize  
2 in food, quality apparel, hard goods and services such as grocery stores, department stores, real  
3 estate offices, dance studios, florists and small restaurants as well as office buildings, movie  
4 theaters, restaurants, post offices, banks, health clubs.

5  
6 Such developments shall be considered land development projects, as defined herein, and shall  
7 be reviewed as major land developments in accordance with the land development and  
8 subdivision regulations, and design standards, of the Town of Tiverton and approved by the  
9 planning board.

10  
11 **Mixed use residential:** A structure which is used for both residential and commercial purposes,  
12 each of which is totally separated from the other.

13  
14 **Mobile home:** Any vehicle or similar structure designed and constructed so as to permit the  
15 occupancy thereof as a dwelling by one or more persons, and so designed and constructed that it  
16 was or may be mounted on wheels and used as a conveyance on a street or highway, propelled or  
17 drawn by its own or other motive power. Mobile home shall include previously portable vehicles  
18 or structures which have been placed on a permanent foundation, but shall not include a  
19 prefabricated home or structure. A transportable, single-family dwelling unit suitable for year-  
20 round occupancy with or without a permanent foundation and having a water supply and waste  
21 disposal system comparable to immobile housing. A mobile home is designed to be transported  
22 on streets and highways on its own wheels and to arrive at the site where it is to be occupied as a  
23 dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and  
24 assembly operations, location on racks or permanent foundations, and connection to utilities and  
25 water supply and waste disposal systems. Removal of wheels and/or axles shall not change its  
26 status as a mobile home.

27  
28 **Mobile Home or Trailer Park:** Mobile home or trailer park refers to a site where mobile homes  
29 or trailers are located for purposes of long-term or transient occupancy.

30  
31 **Modification:** Permission granted and administered by the zoning enforcement officer to grant a  
32 dimensional variance, other than lot area, from the requirements of this ordinance, but not to  
33 exceed 25 percent of each of the applicable dimensional requirements. See Article X, Section 7,  
34 of this Ordinance.

35  
36 **Motel:** A one- or two-story building providing transient lodging accommodations to the general  
37 public consisting of rooms or suites with separate entrances facilities. Such use may include a  
38 general kitchen and common dining room. Motels include motor inns, motor lodges, tourist  
39 courts, cabins and other similar establishments.

40  
41 **Motorcross/All-Terrain Vehicle Venue for driving, racing and/or instruction:** A business  
42 that provides users of motor bikes/dirt bikes/motorcycles a venue to drive or race on a dirt path  
43 or trackway usually in a competitive race environment. Business may also involve safe  
44 driving/riding lessons.

**Motor Freight Terminal:** Also called trucking depot. A place, building or part thereof where merchandise, property or freight transported by motor vehicle, including trailers, is received, stored, transferred, loaded, unloaded, delivered or dispatched.

**Municipal Recycling Center:** A municipal facility where the Town of Tiverton accepts materials and goods from its residents, including, hard plastics, bottles, glass, electronics, appliances, cardboard, paper and yard waste for collection and eventual dispersal or sale to other entities as part of its local recycling program.

**Net leasable floor area:** The total leasable floor area of all floors of a building within the inside perimeter of the exterior walls exclusive of the thickness of interior walls, vent shafts, courts, corridors, lobbies, common areas, stairways, elevators, mechanical rooms, closets, columns or other similar features. (See also Gross floor area.)

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

(a) **Nonconforming by use:** A lawfully established use of land, building or structure which is not a permitted use in that zoning district, including a building or structure containing more dwelling units than are permitted by the use regulations of this ordinance; or

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

**Non-residential cooperative cultivation:** A use of land located in a non-residential zone, or of a building, or a portion thereof, located in a non-residential zone, for the cultivation of marijuana by two or more cardholders, as defined in G.L. § 21-28.6-3.

**Nuclear Power Station:** A plant or facility where electrical energy is produced by means of the energy released by a nuclear reaction altering the structure of an atomic nucleus such as fission, fusion or radioactive decay.

**Overlay district:** A district established in this ordinance 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 district.

**Pawn Shop:** A business offering secured loans to the public with items of personal property used as collateral and where the pawnbroker sells unredeemed items to the public.

**Payday Loan Shop:** A business where customers secure short-term loans to be repaid with interest by a post-dated bank check or authorization enabling the lender to electronically debit the repayment from the customer's bank or pre-paid debit card account.

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

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

**Personal residential marijuana cultivation:** Marijuana cultivation by a single registered patient or caregiver cardholder, as defined in G.L. ch. 21-28.6, within his or her residential dwelling for medical use only. This use shall only be permitted as an accessory use to a lawfully permitted residential use. In a mixed-use building that contains residential and nonresidential uses, this use shall be contained within the residential dwelling unit only.

**Petroleum Refining and Related:** Includes the process of separating crude oil into its various components, which are then selectively reconfigured into new products, including transportation and heating fuel and feedstock for chemical manufacturing, among other uses.

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

**Planning board:** The Planning Board of the Town of Tiverton.

**Preapplication conference:** A review meeting of a proposed development held between applicants and reviewing officials and/or agencies prior to formal submission of an application for a permit or approval.

**Primary Manufacture or Storage of Ammonia, Bleach (Chlorine), Acetylene gas:** These industrial, toxic and corrosive gasses are used as active ingredients in a wide range of secondary products.

**Principal or main use:** The specific primary purpose for which a lot of land or structure is used.

**Private Beach:** a privately owned bathing beach administered as a commercial enterprise or a club.

**Production of Rubber, Glue or Asphalt:** Includes the blending of crumb rubber produced from recycled waste tires into liquid asphalt cement (bitumen) to produce a binder used in the paving process.

**Pulp Mill:** A manufacturing facility that converts wood chips or other plant fiber sources into a thick fiber board. Pulp mills may use mechanical, chemical or semi-chemical methods of processing pulp.

**Professional home office:** Not more than one office or studio of a physician, dentist, attorney, architect, engineer, land surveyor, real estate broker, accountant, insurance agent or other professional person licensed by law or certified by a recognized professional society or agency and providing professional services, residing on the premises, and having not more than one employee or associate, and utilizing not more than 350 square feet of floor space.

**Recycling Center:** A private or commercial facility that accepts materials and goods, including, hard plastics, bottles, glass, electronics, appliances, cardboard, paper and yard waste for collection and eventual dispersal or sale to other entities as part of its local recycling program.

**Residential arts and crafts:** The creation of art objects or functional items by a person residing on the premises, provided the following standards are met: no heat, smoke, glare, dust, odors, vibration or offensive noise detectable beyond the edge of the lot; no outside storage of materials; and no substantial increase in traffic. Residential arts and crafts shall not include tattoo parlors.

**Residential cooperative cultivation:** A use of land located in a residential zone, or of a building, or a portion thereof, located in a residential zone, for the cultivation of marijuana by two or more cardholders, as defined in G.L. § 21-28.6-3.

**Retirement residence/assisted living/continuing care facility:** An elderly housing facility licensed in whole or in part in accordance with the assisted living provisions of G.L. § 23-7.4-1 et seq., as amended, and where applicable, G.L. § 23-17-1 et seq., as amended, that provides elderly residents with flexible living arrangements and choices with regard to services and assistance. Such facilities:

- (a) Consist of one primary structure housing central dining, recreational, cultural, avocational, personal care, and shared transportation facilities. Integral facilities for independent or semi-independent living and nursing care may also be included.
- (b) May include within the primary structure ancillary facilities such as retail services, beauty parlors, libraries and laundry rooms serving exclusively the residents of the facility, with no outside signs or direct outside entrances to such services permitted.
- (c) May include within the primary structure offices, meeting and conference rooms for administrative functions related to the operation, business, programs or services of the facility.
- (d) May have within the primary structure, or attached thereto, a nursing care facility licensed in accordance with G.L. tit. 23, ch. 17-1 et seq., entitled "Licensing of Health Care Facilities," primarily for the use of the residents.

**Rural residential developments:** Alternative residential subdivisions designed to protect rural character through the use of flexible zoning, different engineering and design standards and/or decreased site density, as compared to conventional subdivisions. There are three types of rural residential developments. Rural compounds, rural subdivisions and rural frontage subdivisions, as defined in article IX of this ordinance.

1 **Self Service Car Wash:** A motor vehicle washing station where the vehicle owner/operator pays  
2 to use the equipment provided to wash the vehicle themselves.

3  
4 **Setback line or lines:** A line or lines parallel to a lot line at the minimum distance of the  
5 required setback for the zoning district in which the lot is located, that establishes the area within  
6 which the principal structure must be erected or placed.

7  
8 **Sewage Treatment or Solid Waste Disposal Facility:** Sewage treatment processes sewage or  
9 wastewater to remove contaminants and prevent water pollution from discharge. Often involves  
10 primary, secondary and tertiary chemical and separation treatment. Solid waste disposal is the  
11 process of treating garbage, refuse, sludge or other discarded material, whether harmful to human  
12 health and the environment or not harmful. Includes liquid, semi-solid, solid and gaseous waste  
13 material.

14  
15 **Shopping centers, malls, mini-malls and strip-malls:** A development of an integrated group of  
16 commercial establishments, including supermarkets, which in the aggregate have a footprint  
17 exceeding 40,000 square feet, that is planned, developed, owned and managed as a unit and may  
18 contain non-merchandising facilities as well, such as office buildings, movie theaters,  
19 restaurants, post-offices, banks, health clubs and recreational facilities (for example, ice skating  
20 rinks or indoor miniature golf courses). A shopping center's composition is related to its market  
21 area in terms of size, location and type of store. A shopping center may be composed of one or  
22 more structures. A shopping center also provides on-site parking facilities sufficient to serve its  
23 own parking demands.

24  
25 Such developments shall be considered land development projects, as defined herein, and shall  
26 be reviewed as major land developments in accordance with the land development and  
27 subdivision regulations, and design standards, of the Town of Tiverton and approved by the  
28 planning board.

29  
30 **Site plan:** The development plan for one or more lots on which is shown the existing and/or  
31 proposed conditions of the lot.

32  
33 **Smelter, Blast Furnace, Blooming Mill:** These uses are related to the manufacture of pig iron  
34 and iron ore and includes iron blast furnaces designed to smelt iron ores and prepared  
35 agglomerates or iron ore blooms.

36  
37 **Special use:** A regulated use which is permitted pursuant to a special use permit issued under the  
38 provisions of article XVI of this ordinance.

39  
40 **Street:** A public or private thoroughfare used, or intended to be used, for passage of travel by  
41 motor vehicles.

42  
43 **Street, public:** Either a street constructed, improved and accepted for maintenance by the Town  
44 of Tiverton, or a state road.



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

3  
4 **Substandard lot of record:** Any lot lawfully existing at the time of adoption or amendment of  
5 this ordinance, and not in conformance with the dimensional and/or area provisions of the  
6 ordinance.

7  
8 **Tent or Recreational Vehicle (RV) Camp:** A site that hosts motor vehicles or trailers that  
9 include living quarters designed for accommodation. Also includes campsites where visitors  
10 erect tents and related shelter to stay overnight or longer.

11  
12 **Transient Trailer Park:** A site where campers, recreational vehicles and mobile homes may  
13 pass through from one location to another, stopping only briefly, such as a holiday, vacation or  
14 seasonal visit and not on a long term basis.

15  
16 **Unsuitable land:** Street rights-of-way and lands which, when developed, would result in  
17 environmental harm and/or present a threat to the public health or safety. Such lands include, but  
18 are not limited to, the following:

- 19 (a) Waters, and coastal and freshwater wetlands as defined herein.  
20 (b) Land with slopes greater than or equal to 21 percent.  
21 (c) Land located in any flood hazard area or coastal high hazard area, as shown on the  
22 most recent flood insurance rate map or floodway map for the Town of Tiverton  
23 published by the Federal Emergency Management Agency.  
24 (d) Any unique sites having significant historic or archaeological value, or consisting of  
25 an endangered or threatened species habitat, as identified by the appropriate state or  
26 federal agency.  
27 (e) An area of a tract proposed for development that is equal to the area of the street  
28 rights-of-way for such development.

29  
30 **Use:** The purpose or activity for which land or buildings are designed, arranged or intended, or  
31 for which land or buildings are occupied or maintained.

32  
33 **Variance:** Permission to depart from the literal requirements of a zoning ordinance. An  
34 authorization for the construction or maintenance of a building or structure, or for the  
35 establishment or maintenance of a use of land, which is prohibited by this ordinance. There shall  
36 be only two categories of variance:

- 37 (a) **Use variance:** Permission to depart from the use requirements of this ordinance,  
38 where the applicant for the requested variance has shown by evidence upon the record  
39 that the subject land or structure cannot yield any beneficial use if it is to conform to  
40 the provisions of the ordinance; or  
41 (b) **Dimensional variance:** Permission to depart from the dimensional requirements of  
42 this zoning ordinance under the applicable standards set forth in G.L. § 45-24-41.

43  
44 **Waters:** As defined in G.L. § 46-12-1(23).

45  
46 **Wetland, coastal:** As defined in G.L. 45-22.2-4.

**Wetland, freshwater:** As defined in G.L. § 2-1-20.

**Wind turbine:** Any device that converts the kinetic energy of wind into electrical energy, including structures such as towers, blades, transformers, power distribution poles and cables.

**Yard:** A required open space on a lot, unoccupied and unobstructed by any structure or portions of a structure from the general ground level of the graded lot upward; provided that drives, walks, and customary yard accessories and other structures or projections as specifically allowed by this ordinance may be allowed in any yard. The following yards are specifically defined in this ordinance:

- (a) **Yard, corner side:** A side yard on that side of a lot located at the corner or intersection of two street lines, nearest the side street.
- (b) **Yard, front:** A required yard extending between side lot lines across the full width of the lot adjacent to any street line, and to the depth of the required front yard setback.
- (c) **Yard, rear:** A required yard extending across the full width of the lot adjacent to any rear lot line(s), and to the depth of the required rear yard setback.
- (d) **Yard, side:** A required yard extending from the rear of the required front yard to the required rear yard and to the depth of the required side yard setback; and if there is no rear yard, then extending from the required front yard to another required front yard or required side yard or to another part of the same required front yard.

**Yield plan:** A plan of development demonstrating the maximum density (number of lots or units) on a given parcel or parcels of land based on the zoning designation, meeting all applicable environmental and dimensional requirements. A yield plan shall take into account all environmental, natural, and man-made physical constraints to development, including but not limited to wetlands, topography, groundwater characteristics, view sheds and existing improvements. The submission requirements for a yield plan are provided in Section XVII of these regulations.

**Zoning board or board:** The Zoning Board of Review of the Town of Tiverton.

**Zoning certificate:** A document signed by the zoning officer as required in this ordinance, which acknowledges that a use, structure, building or lot either complies with, or is legally nonconforming to, the provisions of the ordinance, or is an authorized variance or modification therefrom.

**Zoning map:** The maps which are a part of this ordinance, and which delineate the boundaries of all mapped zoning districts within the physical boundary of the Town of Tiverton.

**Zoning officer:** The zoning officer of the Town of Tiverton who is responsible for administering and enforcing the provisions of this ordinance. The zoning officer may also be the building official for the town.

**Zoning use districts:** 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.

## ARTICLE IV. DISTRICT USE REGULATIONS

### Section 1. Interpretation of zoning district use table.

The status of the uses listed in the following zoning district use table are indicated by symbols appearing under the appropriate column headings. The interpretation of the symbols is as follows:

P	The use is permitted. Note: The use may be subject to performance standards set forth in Article VI, Section 10, and subject to other standards in the Zoning Ordinance or Code of Ordinances.
S	The use is permitted only as a special use granted by the zoning board of review, or planning board in unified development review, in accordance with articles XV and XVI. Uses requiring a special use permit may also be subject to performance standards in Article VI, Section 10 and other standards in the Zoning Ordinance or Code of Ordinances.
N	The use is not permitted.

**Planned Development Park:** Uses allowed in the Planned Development Park floating zone are subject to the requirements of the Article IV, § 19, as well as performance standards in Article VI, § 10, and special use standards of Article XVI, § 5, where applicable. Where there is a conflict between the standards, the standards of Article IV, § 19, govern.

**Watershed Protection Overlay District:** Uses allowed in the Watershed Protection Overlay District are subject to the requirements of the Article VIII, as well as performance standards in Article VI, § 10, and special use standards of Article XVI, § 5, where applicable. Where there is a conflict between the standards, the standards of Article VIII, govern.

**The “Notes” column is only provided as a courtesy, it does not exclude application of other provisions of the Town of Tiverton Code of Ordinances or the General Laws of the State of Rhode Island.**

### Section 2. Residential uses.

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Single-family dwelling	P	P	P	P	N	N	N	N	N	N	N	N	N	P	See Article VIII
b.	Two-family dwelling	P	N	P	N	N	N	N	N	N	N	N	N	N	N	See Article VIII
c.	Three-family dwelling	SP	N	SP	N	N	N	N	N	N	N	N	N	N	N	See Article VI, Section 10

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
d.	Multi-family structure or apartment house (4 or more units), without public water and sewer	N	N	N	N	N	N	N	N	N	N	N	P	P	P	See Article VI, Section 10
e.	Multi-family structure or apartment house (4 or more units), with public water and sewer	P	N	P	N	N	N	N	N	N	N	N	P	P	P	See Article VIII
f.	Mixed-use residential	N	N	N	N	N	P	P	P	P	N	N	P	P	P	See Article VI, Section 10
g.	Community residence	P	P	P	P	N	P	N	P	P	N	N	P	P	P	See Article VIII
h.	Family day care	P	P	P	P	N	P	N P	P	P	N P	N	P	P	P	See Article VIII
i.	Bed and breakfast	S	S	S	S	N	S	N	S	S	N	N	N	S	P	See Article VIII  Article XVI, Section 5
j.	Hotel	N	N	N	N	N	P	P	N	P	N	N	N	N	N	See Article VI, Section 10
k.	Motel	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
l.	Home occupation carried on by the occupant of the residence, including residential arts and crafts but excluding sales of such items	P	P	P	P	P	P	N P	P	P	N P	N	P	P	P	See Article VI, Section 6  Article VIII  NB: Sales are permitted in this zone.
m.	Sale of agricultural products grown on the premises	P	P	P	P	P	P	P	P	P	P	N	P	P	P	See Article VIII
n.	Satellite receiving antenna, more than two meters in diameter, or more than one antenna of any size	N	N	N	N	N	N	N	N	N	P	N	N	N	N	See Article VIII
o.	Convalescent, rest or nursing home	N	S	S	N	N	S	S	N	N	N	N	N	N	N	See Article VIII

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
																Article XVI, Section 5
p.	Retirement residence/assisted living facility/and continuing care facility	N	N	S	N	N	S	S	N	N	S	N	N	N	N	See <a href="#">Article VIII</a>  Article XVI, Section 5
q.	Manufactured home elderly community <sup>±</sup>	N	N	N	N	N	N	P	N	N	N	N	N	N	N	See Article IV, Section 16
r.	Accessory building including a garage, shed, studio and any other building incidental to and located on the same lot as the residential use permitted	P	P	P	P	N	N	N	P	P	N	N	P	P	P	See Article IV, Section 14  <a href="#">Article VIII</a>

1

2 **Section 3. Farming or raising of animals.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Commercial raising of crops, including associated greenhouse or nursery	P	P	P	P	N	P	P	N	N	P	P	N	P	P	<a href="#">See Article VIII</a>  For retail sales of agriculture products see Article IV, Section 10 Article VI, Section 10
b.	Commercial raising of animals or fowl. but not the raising of swine	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
c.	Commercial kennels, raising and/or boarding and/or sale of dogs, cats, or other fur bearing animals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
d.	Preserve for the protection of wildlife and plant life	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Article VIII
e.	An accessory building or structure to be used for the display and sale of the agricultural products produced by the uses allowed herein on said land (otherwise known as a farmstand)	P	P	P	P	N	P	P	N	N	P	P	N	P	P	See Article VIII  Article VI, Section 10
f.	Accessory building including a garage, greenhouse, stable, barn, pen, coop, kennel, crib, silo and any other building, equipment or activity incidental to, necessary for and located on the same lot as the agricultural use permitted***	P	P	P	P	N	P	P	N	N	P	P	N	P	P	See Article IV, Section 14  Article VI, Section 10  Article VIII
g.	Land-based Aquaculture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
h.	Fish and shellfish processing and storage for retail sales	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
i.	Private stable	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
j.	Commercial stable or riding academy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
k.	Non-residential cooperative cultivation	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
l.	Residential cooperative cultivation	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

1

2 **Section 4. Public and semipublic uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Church or other place of worship	P	P	P	P	N	P	P	P	P	P	N	P	P	P	See Article VIII
b.	Nonprofit organization club, lodge,	N	N	N	S	N	P	N	P	P	P	N	P	P	P	See Article VI, Section 10  Article VIII

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	social or community center building															Article XVI, Section 5
c.	Art center	N	N	N	S	N	P	P	N	N	P	N	P	P	P	See Article VI, Section 10  <a href="#">Article VIII</a>  Article XVI, Section 5
d.	Membershi p athletic club	N	N	N	N	N	P	P	N	N	P	N	P	P	N	See Article VI, Section 10  <a href="#">Article VIII</a>
e.	Hospital	N	N	N	N	N	N	N	N	N	N	N	P	P	P	See Article VI, Section 10
f.	Medical center up to 20,000 square foot building footprint	N	N	N	N	N	P	P	N	N	P	N	P	P	P	See Article VI, Section 10  <a href="#">Article VIII</a>
g.	Medical center from 20,000 to 40,000 square foot building footprint	N	N	N	N	N	N	P	N	N	<del>N</del> P	N	N	N	N	See Article VI, Section 10  <a href="#">Article VIII</a>
h.	Municipal or government building	P	P	P	P	N	P	P	N	N	P	N	P	P	P	<a href="#">Article VIII</a>
i.	Fire or police station	P	P	P	P	N	P	P	N	N	P	N	P	P	P	<a href="#">Article VIII</a>
j.	Child day care center licensed by	S	S	S	S	N	P	P	N	N	N	N	P	P	P	See Article VI, Section 10

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	the state under RIGL Chapter 27.1 - Licensing and Monitoring of Child Care Providers, and Adult Day Care Programs licensed under RIGL section 23-1-52															<a href="#">Article VIII</a>  Article XVI, Section 5
k.	Private school (Pre K – 12)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
l.	Junior college, college or university	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
m.	Private trade or professional school	N	N	N	N	N	P	P	S	N	P	N	N	N	N	See Article VI, Section 10  <a href="#">Article VIII</a>  Article XVI, Section 5
n.	School conducted as a private gainful business for teaching subjects such as music,	N	N	N	N	N	P	P	N	N	P	N	P	P	P	<a href="#">See Article VIII</a>



		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	singing, and dancing, karate or martial arts, and computer training															
o.	Cemetery or burial ground, whether public or private	S	S	S	S	N	<del>S</del> N	<del>S</del> N	N	N	N	N	N	N	N	See <a href="#">Article VIII</a>  Article XVI, Section 5
p.	Columbarium	S	S	S	S	N	N	N	N	N	N	N	N	N	N	See <a href="#">Article VIII</a>  Article XVI, Section 5
q.	Pharmacy (without drive through)	N	N	N	N	N	P	P	P	P	N	N	P	P	P	See Article VI, Section 10
r.	Pharmacy (with drive through)	N	N	N	N	N	S	S	S	S	N	N	S	S	S	See Article VI, Section 10  Article XVI, Section 5

1

2 **Section 5. Public utility uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Electric power generating station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
b.	Electric power substation	N	N	N	N	N	P	P	N	N	P	N	N	N	N	See Article VI, Section 10  <a href="#">Article VIII</a>

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
c.	High voltage electric transmission towers	N	N	N	N	N	N	N	S	N	N	N	N	N	N	See Article XVI, Section 5
d.	Towers, including but not limited to, radio frequency towers	N	N	N	N	N	N	N	S	N	S	N	N	N	N	See Article VIII  Article XVI, Section 5
e.	Water tower	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
f.	Municipal water and sewer lines	P	P	P	P	P	P	P	P	P	P	N	P	P	P	See Article VIII
g.	Public utility structure not otherwise specified	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
h.	Solar Energy Systems	See Zoning Ordinance Article XXIV, Solar Energy Systems														

1

2 **Section 6. Recreation uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Driving tee or range, miniature golf course,	N	N	N	N	N	NP	N	N	N	NP (PDP Only)	N	N	N	N	See Article VI, Section 10

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	or similar use operated for commercial purposes															
b.	Public park															
	(1) To include structures for shelter, education and comfort of users	P	P	P	P	N	P	P	P	P	<del>N</del> P	P	P	P	P	See Article VIII
	(2) To include furnishing of food and drink, and personal services and equipment incidental to use of such park	P	P	P	P	N	P	P	P	P	<del>N</del> P	N	P	P	P	See Article VIII
c.	Bathing beach (public only)	P	P	P	P	N	<del>P</del> N	N	P	P	N	N	N	N	N	See Article VIII
d.	Municipal or commercial swimming pool	N	N	N	N	N	P	P	N	N	N	N	N	P	N	
e.	Swimming pool as an accessory use	P	P	P	P	N	P	P	P	P	P	N	P	P	P	See Article VIII
f.	Boat or Yacht club	N	N	N	N	N	N	N	P	P	N	N	N	N	N	
g.	Waterfront recreation business. This includes boat rentals	N	N	N	N	N	N	N	P	P	N	N	N	N	N	

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	and tours, charter fishing boats or similar uses															
h.	Indoor commercial recreational use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Other than as permitted by Article IV, Section 19

1

2 **Section 7. Office uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Professional home office	P	P	P	P	P	P	P	P	P	N P	N	P	P	P	See Article VI, Section 10  <u>Article VIII</u>  NB: May be larger than 250sf but no more than the first floor of the building.
b.	Professional and General office	N	N	N	N	N	P	P	P	P	P	N	P	P	P	See Article VI, Section 10  <u>See Article VIII</u>
c.	Bank or credit union	N	N	N	N	N	P	P	N	P	P	N	P	P	P	<u>See Article VIII</u>
d.	Any of the above permitted uses within this section that includes a drive through	N	N	N	N	N	S	S	N	S	N S	N	S	S	S	See <u>Article VIII</u>  Article XVI, Section 5

1 **Section 8. Restaurants and entertainment.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Restaurant															
	(1) Not including entertainment	N	N	N	N	N	P	P	P	P	P	N	P	P	P	See Article VI, Section 10  Article VIII
	(2) Including entertainment	N	N	N	N	N	S	S	S	S	S	N	S	S	S	See Article VIII  Article XVI, Section 5
b.	Bar or night club															
	(1) With or without entertainment (not including adult entertainment)	N	N	N	N	N	S	S	S	S	S	N	S	S	S	See Article VIII  Article XVI, Section 5
	(2) With adult entertainment	N	N	N	N	N	N	S	N	N	N	N	N	N	N	See Article XVI, Section 5
c.	Theater or concert hall	N	N	N	N	N	NP	P	N	N	N	N	N	N	N	
d.	Any of the above uses in this section with drive-through service	N	N	N	N	N	N	NS	N	N	N	N	N	N	N	See Article XVI, Section 5

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3 **Section 9. Service business.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Personal convenience services, including, but not limited to: barber shop, beautician, shoe repair, tailor	N	N	N	N	N	P	P	P	P	N	N	P	P	P	
b.	Laundromat or dry cleaning facility that does not process on site	N	N	N	N	N	P	P	N	N	N	N	P	P	P	
c.	Specialty services, including, but not limited to: printing shop, photo studio, interior decorating shop, catering service	N	N	N	N	N	P	P	P	P	NP	N	P	P	P	See Article VIII
d.	Mortuary or funeral home	N	N	N	N	N	P	P	N	N	N	N	N	N	P	

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
e.	Electronic or appliance repair shop	N	N	N	N	N	P	P	N	N	<del>N</del> P	N	P	P	P	See Article VIII
f.	Veterinary office or animal hospital	N	N	N	N	N	P	P	N	N	N	N	P	P	P	See Article VI, Section 10
g.	Pet grooming	N	N	N	N	N	P	P	N	N	N	N	P	P	P	See Article VI, Section 10
h.	General automotive repair shop	N	N	N	N	N	N	P	N	N	P	N	N	N	N	See Article VI, Section 10 Article VIII
i.	Vehicle rental agency	N	N	N	N	N	N	P	N	N	N	N	N	N	N	See Article VI, Section 10
j.	Self-service car wash	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
k.	Commercial dock or pier	N	N	N	N	N	N	N	P	P	N	N	N	N	N	
l.	Storage, repair and sales of boats and marine accessories	N	N	N	N	N	N	P	P	P	P	N	N	N	N	See Article VI, Section 10 Article VIII
m.	Marina or boat yard	N	N	N	N	N	N	N	P	P	N	N	N	N	N	See Article VI, Section 10 Article VIII

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2 **Section 10. Retail business.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Retail business of less than 20,000 square foot building footprint	N	N	N	N	P	P	P	P	P	<del>N</del> P	N	P	P	P	See Article VI, Section 10 Article VIII
b.	Retail business between 20,000 square foot and 40,000 square foot building footprint	N	N	N	N	N	P	P	P	N	<del>N</del> P	N	N	N	N	See Article VI, Section 10 Article VIII

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
<del>c.</del>	<del>Single or multiple structure shopping centers, malls, mini-malls and strip-malls over 40,000 square feet</del>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<del>d.</del> c.	Mixed use complex: structure of up to 20,000 square foot building footprint for retail, commercial, or office uses permitted within the district by right or by special use permit	N	N	N	N	N	P	P	P	P	P	N	P	P	P	See Article VI, Section 10 <a href="#">Article VIII</a>
<del>e.</del> d.	Mixed use complex: structure of over 20,000 and up to 40,000 square foot building footprint for retail, commercial, or office uses permitted within the district by right or by special use permit	N	N	N	N	N	P	P	P	N	P	N	N	N	N	See Article VI, Section 10 <a href="#">Article VIII</a>
<del>f.</del> e.	Mixed use complex: Structure of over 40,000 square foot building footprint for retail, commercial, or office uses permitted within the district by right or by special use permit	N	N	N	N	N	N	<del>N</del> P	N	N	<del>N</del> P (PDP Only)	N	N	N	N	<a href="#">See Article VI, Section 10</a>
<del>g.</del> f.	Retail sales accessory to the manufacture or assembly of products on the premises****	N	N	N	N	N	P	P	P	P	P	N	N	N	N	See Article IV, Section 14  Article VI, Section 10 <a href="#">Article VIII</a>
<del>h.</del> g.	Retail sales with open lot storage (other than display for sale)	N	N	N	N	N	P	P	P	N	P	N	N	N	N	See Article VI, Section 10  <a href="#">Article VIII</a>
<del>i.</del> h.	Package liquor store	N	N	N	N	P	P	P	N	P	N	N	P	P	P	<a href="#">See Article VIII</a>
<del>j.</del> i.	Adult book/video store	N	N	N	N	N	N	P	N	N	N	N	N	N	N	Such use shall not be located within 1,000 feet of any church, school, day care center or residence.
<del>k.</del> j.	Gasoline filling station, including retail sales as an accessory use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	See Article IV, Section 14

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
																Article X, Section 5
k.	Auto, truck, or other motorized vehicle sales in a building (including repairs) or an open lot	N	N	N	N	N	N	P	N	N	P	N	N	N	N	See Article VI, Section 10 <a href="#">Article VIII</a>
m.	Trailer sales, service and storage	N	N	N	N	N	N	P	N	N	P	N	N	N	N	See Article VI, Section 10 <a href="#">Article VIII</a>

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2 **Section 11. Transportation uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Commercial airport or heliport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
b.	Private landing strip or helipad	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
c.	Bus or rail passenger station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
d.	Commercial off-street parking facility, including bus or other vehicle storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
e.	State or municipal off-street parking lot	N	N	N	N	N	P	P	P	P	N	N	P	P	P	
f.	<b>Commercial Marina</b>	N	N	N	N	N	N	N	P	P	N	N	N	N	N	See Article VI, Section 10 <a href="#">Article XVI, Section 5</a>

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1 **Section 12. Wholesale business and storage.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Wholesale business and storage of nonflammable and non-explosive material in a building	N	N	N	N	N	<del>N</del> P	P	P	N	P	N	N	N	N	See Article VI, Section 10 <a href="#">Article VIII</a>
b.	Wholesale business which may include open lot storage of material, products and/or construction or other equipment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	See Article VI, Section 10
c.	Mini-storage facility	N	N	N	N	N	N	<del>N</del> P	N	N	P	N	N	N	N	See Article VI, Section 10 <a href="#">Article VIII</a>
d.	Storage of flammable and/or explosive material	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
e.	Retail outlet accessory to a wholesale or storage use	N	N	N	N	N	<del>N</del> P	P	P	N	P	N	N	N	N	See Article VI, Section 10 <a href="#">Article VIII</a>

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3 **Section 13. Industrial uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Manufacturing, storing, processing, fabricating, activities in conformance with article XIII	N	N	N	N	N	N	N	P	P	P	N	N	N	N	See Article VI, Section 10 <a href="#">Article VIII</a>
b.	Product assembly, including but not limited to: electronic items, computers, optical goods and instruments, laboratory and scientific instruments, watches and clocks, games and toys, and advertising displays	N	N	N	N	N	N	P	N	N	P	N	N	N	N	See Article VI, Section 10 <a href="#">Article VIII</a>
c.	Municipal recycling center	N	N	N	N	N	N	N	N	N	P	N	N	N	N	

1 **Section 14 ~~13~~A. Cannabis uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Cannabis or marijuana cultivator	N	N	N	N	N	N	N	N	N	S (PDP Only)	N	N	N	N	See <a href="#">Article VIII</a>  Article XVI, Section 5
b.	Cannabis retailer or marijuana retailer	N	N	N	N	N	N	N	N	N	S (PDP Only)	N	N	N	N	See <a href="#">Article VIII</a>  Article XVI, Section 5
c.	Cannabis testing laboratory	N	N	N	N	N	N	N	N	N	S (PDP Only)	N	N	N	N	See <a href="#">Article VIII</a>  Article XVI, Section 5
d.	Compassion center	N	N	N	N	N	N	N	N	N	S (PDP Only)	N	N	N	N	See <a href="#">Article VIII</a>  Article XVI, Section 5
e.	Personal residential marijuana cultivation	P	P	P	P	P	P	P	P	P	P	N	P	P	P	<a href="#">See Article VIII</a>

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## **ARTICLE VI. OTHER DISTRICT REGULATIONS**

### **Section 10. - Performance Criteria**

An application for development or redevelopment of the following uses additionally requires submission of the items listed below. An application for development or redevelopment shall not be considered complete without the submission of each item listed for the use.

A use that requires a Special Use Permit shall also be subject to the performance criteria for that use, if any. In the event of a conflict between performance criteria and specific and objective criteria for a Special Use Permit, the Special Use Permit criteria shall apply.

Unless otherwise indicated, an applicant may seek relief from a performance criteria by filing an application with the permitting authority for a dimensional variance under Article XVII of this Ordinance.

#### **A. Residential Uses (Article IV, Section 2).**

##### **Three-family dwelling.**

- (1) Three-family dwellings shall be connected to public water and sewer.**
- (2) Stacking of individual units on top of one another is prohibited.**

##### **Multi-family structure or apartment house (4 or more units), without public water and sewer.**

- (1) In the Traditional Main Street, Pedestrian Friendly Destination and Neighborhood Business zones, the first floor on the building frontage may only be used for commercial and retail uses.

##### **Multi-family structure or apartment house (4 or more units), with public water and sewer.**

- (1) In the Traditional Main Street, Pedestrian Friendly Destination and Neighborhood Business zones, the first floor on the building frontage may only be used for commercial and retail uses.

##### **Mixed-Use Residential.**

- (1) Residential units are not permitted on the ground floor of any structure.
- (2) In the Waterfront Zones, Traditional Main Street District, Neighborhood Business District, and Pedestrian Friendly Destination District, total floor area dedicated to residential use shall not exceed 50% of the total ground floor area.
- (3) Mixed-use residential structures with four or more residential units shall be connected to public water and sewer.
- (4) In the Traditional Main Street, Pedestrian Friendly Destination and Neighborhood Business zones, the first floor on the building frontage may only be used for commercial and retail uses.

**Hotel.**

- (1) The building footprint is limited to a maximum of 20,000 square feet.
- (2) The building height is restricted to a maximum of 35 feet.
- (3) The facility shall be connected to public water and sewer systems.
- (4) The facility shall have staff present on-site 24 hours a day.
- (5) A circulation plan, stamped by a Rhode Island licensed civil engineer, must be submitted demonstrating:
  - i. The safe movement of both pedestrians and vehicles throughout the site.
  - ii. A designated drop-off area near an entrance to the building. This area shall not obstruct parking spaces
- (6) The facility shall obtain approval from the Fire Marshal, confirming that fire safety standards are met.
- (7) A security plan must be developed by the applicant and approved by the Chief of Police or their designee before a certificate of occupancy is issued. The plan should include details on entrance procedures, police details, video surveillance, and lighting locations. The security plan, along with any amendments, must remain confidential to the extent possible and will not be submitted to the permitting authority. Written proof of approval by the Chief of Police or their designee must be provided in place of the plan submission.

**Accessory building including a garage, shed, studio, and any other building incidental to and located on the same lot as the residential use permitted.**

- (1) One detached accessory building is permitted per lot.
- (2) A detached accessory building shall not contain a kitchen or sleeping area but may be used in part or entirely as an office or recreation room.
- (3) See Article VI Section 1(a).

**B. Farming or raising of animals (Article IV, Section 3).**

**Commercial raising of crops, including associated green house or nursey.**

- (1) Plant agriculture shall be limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.
- (2) Greenhouses or nurseries, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season.

**An accessory building or structure to be used for the display and sale of the agricultural products produced by the uses allowed herein on said land (otherwise known as a farmstand).**

- (1) Sale of products is restricted to only those agricultural products produced by the uses allowed herein on said land.
- (2) The agricultural products sold from a farmstand on a lot may come from any lot or lots owned or leased by the seller of the product.
- (3) Resale of products is prohibited.
- (4) Only one farmstand is permitted per lot.

- (5) The farmstand is permitted in the front, rear and side yards but shall not obstruct the view of traffic and shall not be placed any closer than five feet to a lot line abutting any other lot.

**Accessory building including a garage, greenhouse, stable, barn, pen, coop, kennel, crib, silo and any other building, equipment or activity incidental to, necessary for and located on the same lot as the agricultural use permitted.**

- (1) The accessory structure may be used for educational purposes and programs offered by the property owner or agricultural and/or educational organization.

**C. Public and semipublic uses (Article IV, Section 4).**

**Nonprofit organization club, lodge, social, or community center building.**

- (1) The building footprint may be no greater than 20,000 square feet.
- (2) In the R-120 and Waterfront zones, leasing of on-site facilities to third parties is prohibited.
- (3) In the R-120 and Waterfront zones, meals may be prepared and served on the premises for members and their guests only; no commercial kitchen is allowed.
- (4) No more than 30% of the gross floor area may be used as office space.
- (5) Sleeping facilities are prohibited.
- (6) In the R-120 and Waterfront zones, service of alcohol, including consumption of alcohol via bring-your-own-beer/bottled/wine/etc., is prohibited unless a One-Day License (Class F or F1) is issued by the Town Council.
- (7) Parking shall be provided on-site to prevent overflow onto residential streets. The parking area must be clearly marked and must direct traffic away from residential neighborhoods and stamped by a qualified engineer.

**Art center.**

- (1) The curriculum of the art center must be primarily visual art related.
- (2) No more than 30% of the gross floor area may be used as office space.
- (3) Display and sale of visual art created at or through the art center's programs is permitted.
- (4) A parking plan, stamped by a qualified engineer, at the Preliminary Plan stage of review, with safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).
- (5) Adequate access must be provided for emergency vehicles, and a fire safety plan must be approved by the local fire department prior to construction.

**Membership athletic club.**

- (1) A parking plan with safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).
- (2) Clubhouses, maintenance buildings, equipment storage areas shall be at least 50 feet from residential property lines.
- (3) Lighting of outdoor sports fields and courts shall comply with ANSI/IES RP-6, Recommended Practice: Lighting Sports and Recreational Areas by the International Dark-Sky Association, or the most recently updated version.

- (4) All other outdoor recreational facility uses are accessory uses, except golf courses, stable, RV park, and shooting range, which are prohibited or not permitted in any zone.
- (5) Athletic tournaments hosted by or at the facility shall first obtain a special event permit, or its equivalent, from the Town Council. Athletic tournaments are the only special events that may be hosted at or by the facility.

#### **Hospital.**

- (1) In the Traditional Main Street, Pedestrian Friendly Destination and Neighborhood Business zones, the gross floor shall not exceed 40,000 square feet.

#### **Medical center up to 20,000 square foot building footprint.**

- (1) The facility shall be Dark Sky compliant.
- (2) Public water service shall be available at the site. The applicant must provide at the Preliminary Plan stage of review written confirmation from the applicable water and sewer authority that there is adequate service available for connection.
- (3) Parking shall be provided on-site to prevent overflow onto residential streets. The parking area must be clearly marked and must direct traffic away from residential neighborhoods. The parking plan shall be designed and stamped by a qualified engineer.

#### **Medical center from 20,000 to 40,000 square foot building footprint.**

- (1) The facility shall be Dark Sky compliant.
- (2) Public water and sewer service shall be available at the site. The applicant must provide at the Preliminary Plan stage of review written confirmation from the applicable water and sewer authority that there is adequate service available for connection.
- (3) Parking shall be provided on-site to prevent overflow onto residential streets. The parking area must be clearly marked and must direct traffic away from residential neighborhoods. The parking plan shall be designed and stamped by a qualified engineer.

#### **‘Child day care center’ licensed by the state under R.I.G.L. Chapter 72.1 – Licensing and Monitoring of Child Care Providers, and Adult Day Care Programs licenses under R.I.G.L. section 23-1-52.**

- (1) Site layout that includes a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces which is designed and stamped by a qualified engineer.
- (2) A parking plan with safe pedestrian circulation which is designed and stamped by a qualified engineer.
- (3) Adequate access must be provided for emergency vehicles, and a fire safety plan must be approved by the local fire department prior to construction.
- (4) If a day care is located in a dwelling unit, no more than 50% of the GFA of the dwelling unit may be devoted to day care and no more than two persons who do not reside in the unit shall be employed by the day care.

**Private school (Pre-K through 12).**

- (1) Public water and sewer service shall be available at the site. The applicant must provide at the Preliminary Plan stage of review written confirmation from the applicable water and sewer authority that there is adequate service available for connection
- (2) 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 which is designed and stamped by a qualified engineer.
- (3) Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
- (4) Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall, including ingress and egress. Storage is prohibited outside of the fenced area.
- (5) The storage areas should be located in the rear of the lot. Any structures shall be located in front of the storage area to obscure the view of the storage from street(s), in compliance with the front yard setback requirement.
- (6) In terms of access, the volume of traffic shall not reduce the existing level of service as measured over the nine-month period prior to filing the Preliminary Plan Application, or shall be mitigated so as to not reduce the existing level of service over the same period. The level of service, and mitigation measures, shall be identified by a traffic engineer.
- (7) A traffic management plan, which includes strategies for limiting the impact of traffic on nearby residential areas, shall be submitted by a traffic engineer. This plan shall address the scheduling of classes to avoid peak traffic times, the promotion of ride-sharing or shuttle services, and the provision of adequate on-site parking.
- (8) Parking shall be provided on-site to prevent overflow onto residential streets. The parking area must be clearly marked and must direct traffic away from residential neighborhoods. The parking plan shall be designed and stamped by a qualified engineer.
- (9) Adequate access must be provided for emergency vehicles, and a fire safety plan must be approved by the local fire department prior to construction.

**Junior college, college or university.**

- (1) Public water and sewer service shall be available at the site. The applicant must provide at the Preliminary Plan stage of review written confirmation from the applicable water and sewer authority that there is adequate service available for connection.
- (2) Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
- (3) Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall, including ingress and egress. Storage is prohibited outside of the fenced area.
- (4) The storage areas should be located in the rear of the lot. Any structures shall be located in front of the storage area to obscure the view of the storage from street(s), in compliance with the front yard of the underlying zoning district.
- (5) In terms of access, the volume of traffic shall not reduce the existing level of service as measured over the nine-month period prior to filing the Preliminary Plan Application, or shall be mitigated so as to not reduce the existing level of service over the same period. The level of service, and mitigation measures, shall be identified by

- 1 a traffic engineer. Access shall be designed to split the volume of traffic between at
- 2 least two egress and ingress points.
- 3 (6) A traffic management plan, which includes strategies for limiting the impact of traffic
- 4 on nearby residential areas, shall be submitted by a traffic engineer. This plan shall
- 5 address the scheduling of classes to avoid peak traffic times, the promotion of ride-
- 6 sharing or shuttle services, and the provision of adequate on-site parking.
- 7 (7) Parking shall be provided on-site to prevent overflow onto residential streets. The
- 8 parking area must be clearly marked and must direct traffic away from residential
- 9 neighborhoods. The parking plan shall be designed and stamped by a qualified
- 10 engineer.
- 11 (8) Adequate access must be provided for emergency vehicles, and a fire safety plan must
- 12 be approved by the local fire department prior to construction.
- 13

14 **Private trade or professional school.**

- 15 (1) In the Waterfront district(s), the curriculum of private trade or professional schools
- 16 must be primarily marine-related, reinforcing the Zone's focus on marine activities.
- 17 (2) Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
- 18 (3) Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall,
- 19 including ingress and egress. Storage is prohibited outside of the fenced area.
- 20 (4) The storage areas should be located in the rear of the lot. Any structures shall be
- 21 located in front of the storage area to obscure the view of the storage from street(s), in
- 22 compliance with the front yard of the underlying zoning district.
- 23 i. In the Waterfront Zone(s), storage areas must be located to minimize visibility
- 24 first from the water and second from the street.
- 25 (5) The storage and disposal of any hazardous waste materials shall comply with all
- 26 federal, state, and local regulations governing such materials. No operation which
- 27 produces hazardous waste material shall commence without prior notice to the Town
- 28 Administrator.
- 29 (6) In terms of access, the volume of traffic shall not reduce the existing level of service
- 30 as measured over the nine-month period prior to filing the Preliminary Plan
- 31 Application, or shall be mitigated so as to not reduce the existing level of service over
- 32 the same period. The level of service, and mitigation measures, shall be identified by
- 33 a traffic engineer. Primary access shall be through non-residential roadways. Access
- 34 shall be designed to split the volume of traffic between at least two egress and ingress
- 35 points.
- 36 (7) A traffic management plan, which includes strategies for limiting the impact of traffic
- 37 on nearby residential areas, shall be submitted by a traffic engineer. This plan shall
- 38 address the scheduling of classes to avoid peak traffic times, the promotion of ride-
- 39 sharing or shuttle services, and the provision of adequate on-site parking.
- 40 (8) Parking shall be provided on-site to prevent overflow onto residential streets. The
- 41 parking area must be clearly marked and must direct traffic away from residential
- 42 neighborhoods.
- 43 (9) A noise management plan must be submitted, demonstrating that noise levels will not
- 44 exceed the limits set by Chapter 38, Article IV. The plan shall include measures to
- 45 mitigate any potential noise disturbances.
- 46



**Pharmacy (without drive through).**

- (1) Parking area shall primarily be to the side and rear of the primary structure. In the Waterfront Zone(s), parking between the primary structure and water shall be the last option.
- (2) Landscaping standards in the Land Development and Subdivision Regulations apply.

**D. Public utility uses (Article IV, Section 5).**

**Electric power substation.**

- (1) Electric power substations must be set back a minimum of 500 feet from any residential zoning district or residential structure to reduce visual and noise impacts.
- (2) Electric power substations must maintain a minimum buffer of 200 feet from wetlands, water bodies, and critical wildlife habitats as identified by the Rhode Island Department of Environmental Management (DEM).
- (3) Electric power substations shall not be located within designated scenic corridors, historic districts, or within 1,000 feet of any property listed on the National Register of Historic Places.
- (4) Electric power substations must be designed to minimize visual impact. This includes the application of neutral colors or camouflaging techniques to blend with the surrounding environment.
- (5) Adequate access must be provided for emergency vehicles, and a fire safety plan must be approved by the local fire department prior to construction.
- (6) A noise management plan must be submitted, demonstrating that noise levels will not exceed the limits set by Chapter 38, Article IV. The plan shall include measures to mitigate any potential noise disturbances. The noise management plan shall be designed and stamped by a qualified engineer
- (7) No signage or advertising is permitted on the electric power substation structure itself, except for necessary safety or identification signs required by law.

**E. Open Recreation uses (Article IV, Section 6).**

~~Reserved.~~

**Driving tee or range, miniature golf course, or similar use operated for commercial purposes.**

- (1) The aggregate size of all buildings shall not exceed 40,000 square feet.
- (2) Accessory facilities may include but are not limited to: putting green, chipping area, pro shop, food and beverage service.
- (3) The tee area of a driving tee or range where balls, shall be not less than 200 feet from any property in a residential district or less than 20 feet from any street.
- (4) An outdoor driving tee or range shall have netting systems along the perimeter of the range, and tall enough, to catch golf balls and protect surrounding areas. The materials used for netting and fencing shall be durable and able to withstand the impact of golf balls.
- (5) Lighting shall be Dark Sky compliant and shall utilize LED lights.

- (6) Evidence that an outdoor driving tee or range has a layout that prioritizes maintaining ecologically significant trees (as determined by the tree warden) and avoids clearing trees.
- (7) Evidence that the configuration of the outdoor driving tee or range is compact, incorporates multilevel tees and shorter physical fairways while using virtual simulations for longer shots.
- (8) The layout of the outdoor driving tee or range shall locate tees and practice areas in, and to drive into, natural clearings to reduce disturbances to vegetation.
- (9) If trees are removed, they shall be replaced on-site in a 3-to-1 ratio with noninvasive, locally adapted trees and plants.
- (10) Evidence that native and drought-tolerant vegetation is used for landscaping with the goal to reduce water demand and to improve biodiversity.
- (11) Buffer zones populated with shrubbery and trees shall be created along all property boundaries abutting a residential zone or residential use.
- (12) An outdoor driving tee or range shall utilize a drip irrigation system, or better/more ecologically efficient system, for pinpoint watering and to reduce water waste.
- (13) As much as possible, an outdoor driving tee or range shall use low-impact, eco-friendly synthetic turf if applied, made with non-toxic and recyclable components/materials.
- (14) An outdoor driving tee or range shall submit a maintenance plan that includes an eco-friendly pest and weed management program that avoids chemicals harmful to the environment.

#### **F. Office uses (Article IV, Section 7).**

##### **Professional home office.**

- (1) All services must be provided indoors.
- (2) Interior space dedicated solely to professional home office use shall not exceed 350 square feet.
- (3) Not to employ more than one additional employee beyond home occupant.
- (4) Off-street parking shall be provided for any employee and/or clients/customers

##### **Professional and General Office.**

- (1) The building footprint may be no greater than 20,000 square feet.
- (2) Meals may be prepared and served on the premises for office staff and their guests only; no commercial kitchen is allowed.
- (3) Onsite retail sales to the public may only be an accessory use.
- (4) Fabricating, assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services, onsite is prohibited.

**G. Restaurants and entertainment (Article IV, Section 8).**

**Restaurants, not including entertainment.**

- (1) The main restaurant structure shall be set back 100 feet from any residential use or zone, measured at the property line.
  - i. This setback may be proportionally reduced by the same proportion that the area of such substandard lot meets the minimum lot area of the Zone in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the minimum lot area required in the Zone in which it is located, the setback may be reduced to forty percent (40%).
  - ii. This criterion does not apply to the Waterfront Zone(s).
  - iii. The Planning Board, for good cause shown, may increase the required setback.
- (2) All waste disposal areas and equipment shall be screened from view.
- (3) Screening shall be provided between the restaurant and any adjacent residential uses. This screening may include a combination of the following:
  - i. A dense vegetative buffer consisting of evergreen trees or shrubs, at least 6 feet in height at the time of planting, installed along the property line adjacent to residential lots.
  - ii. A solid fence to further reduce visual and noise impact. The fence shall be constructed of materials that complement the surrounding environment and provide a continuous barrier.

**H. Service business (Article IV, Section 9).**

**Veterinary office or animal hospital.**

- (1) Veterinarian Outpatient Clinics shall be designed, constructed and maintained so that sound emitted through exterior walls and roofs enclosing areas where animals are treated or kept during treatment shall not exceed forty-five (45) decibels, measured by DBA Scale.
- (2) A noise management plan must be submitted, demonstrating that noise levels will not exceed the limits set by Chapter 38, Article IV. The plan shall include measures to mitigate any potential noise disturbances. This requirement shall not apply to a clinic composed only of a structure where small animals or pets are given medical or surgical treatment and are cared for during the time of such treatment only. Such clinic must be within a completely enclosed building, with no outside facilities or accessory structures for animals. There shall be no grooming or boarding of animals except as required for medical treatment.
- (3) Animals shall be housed within a building. The facility is not permitted to have outdoor areas designed for long-term occupancy.
- (4) There may be provision for a single dwelling unit for an on-site caretaker or animal keeper.
- (5) Public water service shall be available at the site. The applicant must provide at the Preliminary Plan stage of review written confirmation from the applicable water and sewer authority that there is adequate service available for connection.

**Pet Grooming.**

- (1) There shall be no more than three (3) pet washing stations in the pet grooming facility.
- (2) Accessory sales are permitted.
- (3) An outdoor kennel is prohibited.

**General automotive repair shop.**

- (1) All repair and service shall be performed within a fully enclosed building containing the proper equipment to manage and contain oil, grease, gasoline, and other chemicals and/or solvents.
- (2) The open lot storage area must be completely enclosed by a solid fence or wall, or a vegetated buffer, including gates for ingress and egress. When chain link fencing is used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten (10) feet on-center along the fence or wall to enhance visual screening.
- (3) Open lot storage area shall not be used for parking purposes or to meet the minimum parking requirements.
- (4) No automobiles shall be stored, and no repair and/or service work shall be conducted in the public right-of-way.
- (5) No access driveway may exceed 25 feet in width. For a corner lot, curb cuts are restricted to one curb cut per street frontage.

**Vehicle rental agency.**

- (1) The vehicle rental agency must only rent passenger vehicles and vans on-site. Commercial vehicle rentals or rental of heavy equipment is prohibited.
- (2) A parking plan with safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).
- (3) The open lot storage area must be completely enclosed by a solid fence or wall, or a vegetated buffer, including gates for ingress and egress. When chain link fencing is used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten (10) feet on-center along the fence or wall to enhance visual screening.
- (4) Open lot storage area shall not be used for parking purposes or to meet the minimum parking requirements.
- (5) The parking area must provide sufficient parking for the vehicle rental agency vehicles and customers.
- (6) Servicing of the agency's vehicles is permitted on site when conducted completely inside a structure containing the proper equipment to manage and contain oil, grease, gasoline, and other chemicals and/or solvents.

**Storage, repair and sales of boats and marine accessories.**

- (1) In the Waterfront W1 Zone, the aggregate footprint of all structures may be no greater than 20,000 square feet.
- (2) In the Waterfront W2 Zone, the aggregate footprint of all structures may be no greater than 10,000 square feet.
- (3) Facilities for the storage, repair, and sales of boats and marine accessories must have direct access from a public street.

**Marina or boat yard.**

- (1) In the Waterfront W1 Zone, the aggregate footprint of all structures may be no greater than 40,000 square feet.
- (2) In the Waterfront W2 Zone, the aggregate footprint of all structures may be no greater than 10,000 square feet.
- (3) Other than the storage of vessels, the storage areas shall first be located in the side yards and shall be set back a minimum of 40 feet from front or corner lot line. Storage of vessels in the side yard, where there is an abutting residential use, shall be set back a minimum of 20 feet.
- (4) ~~The number of vessels stored in the winter or off-season shall not exceed the aggregate number of dock slips and mooring buoys.~~ **The number of vessels stored outside on land from November 1 to March 31 shall not exceed the aggregate number of dock slips and mooring buoys of the marina.**
- (5) A noise management plan that shows that the subject development will not negatively impact the noise levels beyond the lot lines.
- (6) The storage and disposal of any hazardous waste materials shall comply with all federal, state, and local regulations governing such materials. No operation which produces hazardous waste material shall commence without prior notice to the Town Administrator.

**I. Retail business (Article IV, Section 10).**

**Retail businesses of less than 20,000 square foot building footprint.**

- (1) Parking area shall primarily be to the side and rear of the primary structure. In the Waterfront Zone(s), parking between the primary structure and water shall be the last option.
- (2) Landscaping standards in the Land Development and Subdivision Regulations apply.

**Retail business between 20,000 square foot and 40,000 square foot building footprint.**

- (1) Parking area shall primarily be to the side and rear of the primary structure. In the Waterfront Zone(s), parking between the primary structure and water shall be the last option.
- (2) Landscaping standards in the Land Development and Subdivision Regulations apply.

**Mixed use complex: structure of up to 20,000 square foot building footprint for retail, commercial, or office uses.**

- (1) Parking area shall primarily be to the side and rear of the primary structure. In the Waterfront Zone(s), parking between the primary structure and water shall be the last option.

**Mixed use complex: structure of over 20,000 and up to 40,000 square foot building footprint for retail, commercial, or office uses.**

- (1) Parking area shall primarily be to the side and rear of the primary structure. In the Waterfront Zone(s), parking between the primary structure and water shall be the last option.

**Mixed use complex: Structure over 40,000 square foot building footprint for retail, commercial, or office uses.**

- (1) Structures used for this purpose are permitted by right to have a maximum footprint of 100,000 square feet in the Highway Commercial and PDP Zones.
- (2) Parking area shall primarily be to the side and rear of the primary structure.

**Retail sales accessory to the manufacture or assembly of products on the premises.**

- (1) In the Waterfront W1 Zone, the aggregate footprint of all structures may be no greater than 40,000 square feet.
- (2) In the Waterfront W2 Zone, the aggregate footprint of all structures may be no greater than 10,000 square feet.
- (3) In the General Commercial Zone, the aggregate footprint of all structures may be no greater than 20,000 square feet.
- (4) In the Waterfront Zones, retail sales of items are restricted to those products and goods commonly sold in support of marine related uses.
- (5) Open lot storage areas must be defined and separated from parking areas through fencing, screening, or other mechanism approved by the permitting authority.
- (6) Open lot storage area shall not be used for parking purposes or to meet the minimum parking requirements.

**Retail sales with open lot storage (other than display for sale).**

- (1) Open lot storage areas must be defined and separated from parking areas through fencing, screening, or other mechanism approved by the permitting authority.
- (2) Open lot storage area shall not be used for parking purposes or to meet the minimum parking requirements.
- (3) The storage area must be completely enclosed by a solid fence or wall, including gates for ingress and egress.
- (4) Fences or walls along the front or corner side lot line must be set back a minimum of thirty (30) feet from the property line.
- (5) When chain link fencing is used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten (10) feet on-center along the fence or wall to enhance visual screening.
- (6) Storage of items outside the fenced area is prohibited.
- (7) In the Waterfront Zone(s), storage areas must be located to minimize visibility first from the water and second from the street.
- (8) In the Waterfront Zones(s), this use is restricted to marine-related retail activities to ensure alignment with the district's intended purpose and character.
- (9) In the General Commercial and Highway Commercial Zones, the aggregate footprint of all structures may be no greater than 20,000 square feet.

**Auto, Truck or other motorized vehicle sales in a building (including repairs) or an open lot.**

- (1) Open lot storage area shall not be used for customer or employee parking purposes or to meet the minimum parking requirements.

- (2) All repair and service shall be performed within a fully enclosed building containing the proper equipment to manage and contain oil, grease, gasoline, and other chemicals and/or solvents.
- (3) No automobiles shall be stored, and no repair and/or service work shall be conducted in the public right-of-way.
- (4) When adjacent to a residential zone or use, screening and a vegetated buffer shall be provided. When chain link fencing is used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten (10) feet on-center along the fence or wall to enhance visual screening.

#### **Trailer sales, service and storage.**

- (1) Open lot storage area shall not be used for customer or employee parking purposes or to meet the minimum parking requirements.
- (2) All repair and service shall be performed within a fully enclosed building containing the proper equipment to manage and contain oil, grease, gasoline, and other chemicals and/or solvents.
- (3) No automobiles shall be stored, and no repair and/or service work shall be conducted in the public right-of-way.
- (4) When adjacent to a residential zone or use, screening and a vegetated buffer shall be provided. When chain link fencing is used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten (10) feet on-center along the fence or wall to enhance visual screening.

#### **J. Transportation uses (Article IV, Section 11).**

**Reserved.**

#### **Commercial Marina:**

- (1) In the Waterfront W1 Zone, the aggregate footprint of all structures may be no greater than 40,000 square feet.
- (2) In the Waterfront W2 Zone, the aggregate footprint of all structures may be no greater than 10,000 square feet.
- (3) Other than the storage of vessels, the storage areas shall first be located in the side yards and shall be set back a minimum of 40 feet from front or corner lot line.
  - i. Storage of vessels and traps in the side yard, where there is an abutting residential use, shall be set back a minimum of 20 feet.
  - ii. Storage of traps in the front yard shall be prohibited.
- (4) The number of vessels stored outdoors on land from November 1 to March 31 shall not exceed the aggregate number of dock slips and mooring buoys of the marina.
- (5) A noise management plan that shows that the subject development will not negatively impact the noise levels beyond the lot lines. Noise shall be kept to a minimum at all times and any loud noise, prolonged running of engines or auxiliary generators, between 8:00 p.m. and 7:00 a.m. is prohibited. For purposes of this standard, "prolonged" is defined as uninterrupted operation for 15 minutes per hour.

- (6) The storage and disposal of any hazardous waste materials shall comply with all federal, state, and local regulations governing such materials. No operation which produces hazardous waste material shall commence without prior notice to the Town Administrator.
- (7) All lighting on the site shall be Dark Sky compliant and directed away from neighboring residential properties.
- (8) Screening shall be provided between the marina and any adjacent residential uses. This screening may include a combination of the following:
  - i. A dense vegetative buffer consisting of evergreen trees or shrubs, at least 6 feet in height at the time of planting, installed along the property line adjacent to residential lots.
  - ii. A solid fence to further reduce visual and noise impact. The fence shall be constructed of materials that complement the surrounding environment and provide a continuous barrier.
- (9) The processing, storage, or sale of product harvested or caught from the sea shall only occur inside an enclosed building.
- (10) Hours of operation for the unloading of product harvested or caught from the sea shall be restricted to 7:00 am to 7:00 pm.
- (11) If fishing, sight-seeing, or similar charters are conducted by a vessel docked at the marina, those charters may only be operated between the hours of 7:00 am and 7:00 pm.
- (12) Waste from product caught or harvested from the sea shall only be stored inside a building, or in airtight containment system, which shall prevent odor or attraction of pests.
- (13) Storage and processing of product caught or harvested from the sea shall only be stored inside a building, or in airtight containment system, which shall prevent odor or attraction of pests.
- (14) The idling of delivery vehicles shall be restricted to the time necessary to load/unload cargo.
- (15) While docked, vessels must be fully rigged and meet all applicable requirements for the vessel's permit.
- (16) While docked, vessels shall be maintained in working condition.
- (17) Repair work performed on vessels while docked must be accomplished in such a manner as to avoid interference with any other user and must not constitute any hazard to people or property.
  - i. Welding and similar hot work must first receive a permit from the Fire Marshall.
- (18) Bait shall be properly stored and covered on board the vessel and in a manner that shall prevent odor or attraction of pests.
- (19) Lobster and other trap storage on land shall:
  - i. Only be allowed for those vessels with a dock at the marina.
  - ii. Not include storage of rope, buoys or repair materials.
  - iii. Be stacked in a neat and orderly fashion.
- (20) No one is permitted to live, either temporarily or permanently, aboard a vessel.
- (21) Parking:



- i. The marina shall provide onsite parking at a minimum ratio of two (2) parking spaces per one (1) boat slip.
- ii. Parking shall be buffered from residential zones and uses as above.
- iii. To the extent not governed by the Rhode Island Department Environmental Management or Coast Resources Management Council:
  - a. Parking shall not be located below the ordinary high-water level.
  - b. A landscaping buffer shall be installed and maintained between the parking and the ordinary high-water level sufficient to capture and filter all runoff from the parking.

#### **K. Wholesale business and storage (Article IV, Section 12).**

##### **Wholesale business and storage of nonflammable and non-explosive material in a building.**

- (1) In the Waterfront Zone(s), the use must be related to marine materials and services.
- (2) Structures used for this purpose are permitted by right up to a maximum of 20,000 square feet in the Waterfront W1 and Highway General Commercial Zones.
- (3) Structures used for this purpose are permitted by right up to a maximum of 40,000 square feet in the Highway Commercial, Industrial, and PDP Zones Zone.
- (4) When adjacent to a residential zone or use, screening and a vegetated buffer shall be provided. When chain link fencing is used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten (10) feet on-center along the fence or wall to enhance visual screening.

##### **Wholesale business which may include open lot storage of materials, products, and/or construction or other equipment.**

- (1) Open lot storage areas must be defined and separated from parking areas through fencing, screening, or other mechanism approved by the permitting authority.
- (2) Open lot storage area shall not be used for parking purposes or to meet the minimum parking requirements.
- (3) The storage area must be completely enclosed by a solid fence or wall, including gates for ingress and egress.
- (4) Fences or walls along the front or corner side lot line must be set back a minimum of thirty (30) feet from the property line.
- (5) When chain link fencing is used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten (10) feet on-center along the fence or wall to enhance visual screening.
- (6) Storage of items outside the fenced area is prohibited.
- (7) When adjacent to a residential use or structure, deliveries made by any vehicle over two axels shall be confined to the hours of 7:00am and 9:00pm.

##### **Mini-storage facility.**

- (1) All exterior lighting for a storage facility shall be Dark Sky compliant.
- (2) There shall be adequate provision for fire apparatus to be able to have access to all sides of the building and in compliance with the Rhode Island Fire Code.
- (3) The exterior of the building that is visible from a public way, public street, or any residential dwelling shall utilize natural materials such as stone, brick, wood, stucco,

- 1 cement, earth-toned vinyl, or other natural or synthetic materials with a natural  
2 appearance.
- 3 (4) Public access to the facility is not permitted between the hours of 10:00 PM and 6:00  
4 AM.
- 5 (5) All mechanical components for the facility, including air conditioning and heating  
6 units, gas supply meters, and the like, shall either be roof mounted and adequately  
7 shielded from view from a public way or street or, if ground mounted, adequately  
8 shielded from view by appropriate plantings and landscaping.
- 9 (6) To the extent any portion of the building is visible from a residential dwelling, there  
10 shall be adequate plantings with native bushes, shrubs, and the like, to shield the  
11 building from view as much as possible, but in no way should this performance  
12 standard require a building setback beyond the setbacks already provided for in the  
13 Industrial Zone.
- 14 (7) There shall be a twenty-foot landscaped buffer installed along all street frontages.  
15 Along all other property lines, a six (6) foot high fence shall be installed and  
16 maintained around the perimeter of the property.
- 17 (8) All property storage on the site shall be entirely within the enclosed building(s);
- 18 (9) The use of the facility shall be limited to the storage of personal property. No garage  
19 sales, servicing or repair of vehicles or appliances, commercial business or other  
20 similar activities shall be conducted on the premises.
- 21 (10) Parking shall be provided on-site to prevent overflow onto residential streets. The  
22 parking area must be clearly marked and must direct traffic away from residential  
23 neighborhoods. The parking plan shall be designed and stamped by a qualified  
24 engineer.
- 25 (11) Adequate access must be provided for emergency vehicles, and a fire safety plan must  
26 be approved by the local fire department prior to construction.
- 27 (12) The facility shall be sited and screened to minimize the aesthetic effect on viewsheds  
28 within the community. The design shall incorporate landscaping and design elements  
29 to visually screen the facility from view of public roads and adjoining properties. If  
30 planting is required within the designated setback due to a lack of natural screening,  
31 such plantings shall be a minimum of six feet in height at the time of installation. In  
32 an Industrial Zone, no additional visual screening will be required unless the project  
33 abuts a non-conforming residential use, a public right-of-way, or another zone either  
34 directly or across a public right-of-way. The planning board may reduce the setback  
35 in the Industrial Zone where any existing building provides sufficient screening to  
36 minimize the aesthetic effect of the facility on view sheds within the community. The  
37 planning board may alter the buffer width or require additional screening elements  
38 dependent on site characteristics such as slope, wetland area, existing buffering, etc.
- 39 (13) The required vegetative buffers are to be composed of plant materials listed in the  
40 University of Rhode Island's native plant database. The planning board shall require  
41 an independent review, at the applicant's expense, of the visual screening/buffering  
42 plan by a registered Rhode Island Landscape Architect to demonstrate that the  
43 landscape buffer is adequate to screen the facility year round consistent with the  
44 standard as set forth above.
- 45 (14) Required visual screening shall be maintained for the life of the use. The property  
46 owner and/or facility owner shall be required to replant any section of the

buffer/screening found not to meet the requirements of this section as determined by the zoning official.

**Retail outlet accessory to a wholesale or storage use.**

(1) The aggregate footprint of all structures shall not exceed 20,000 square feet in the Waterfront W1 and General Commercial Zones.

(2) The aggregate footprint of all structures shall not exceed 40,000 square feet in the Highway Commercial, Industrial and PDP Zones. In the Waterfront W1 Zone, the aggregate footprint of all structures may be no greater than 40,000 square feet.

(3) In the Waterfront Zone(s), the use must be related to marine materials and services.

(4) Open lot storage areas must be defined and separated from parking areas through fencing, screening, or other mechanism approved by the permitting authority.

(5) Open lot storage area shall not be used for parking purposes or to meet the minimum parking requirements.

**L. Industrial uses (Article IV, Section 13).**

**Manufacturing, storing, processing, fabricating, activities in conformance with article XIII.**

(1) In the Waterfront W1 and Industrial Zones, the aggregate footprint of all structures may be no greater than 40,000 square feet.

(2) In the Waterfront W2 Zone, the aggregate footprint of all structures may be no greater than 10,000 square feet.

(3) The open lot storage area must be clearly defined on the site plan to ensure compliance with zoning regulations and proper site organization. Storage of items outside the fenced area is prohibited.

(4) Open lot storage area shall not be used for parking purposes or to meet the minimum parking requirements.

(5) In the Waterfront Zone(s) the use is restricted to marine related manufacturing, storing, processing, and fabricating.

(6) Fences or walls along the front or corner side lot line must be set back a minimum of thirty (30) feet from the property line.

(7) When chain link fencing is used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten (10) feet on-center along the fence or wall to enhance visual screening.

(8) When adjacent to a residential use or structure, deliveries made by any vehicle over two axels shall be confined to the hours of 7:00am and 9:00pm.

**Product assembly, including but not limited to; electronic items, computers, optical goods and instruments, laboratory and scientific instruments, watches and clocks, games and toys, and advertising displays.**

(1) Open lot storage areas must be defined and separated from parking areas through fencing, screening, or other mechanism approved by the permitting authority.

(2) Open lot storage area shall not be used for parking purposes or to meet the minimum parking requirements.

(3) The storage area must be completely enclosed by a solid fence or wall, including gates for ingress and egress.

- (4) Storage of items outside the fenced area is prohibited.
- (5) Fences or walls along the front or corner side lot line must be set back a minimum of thirty (30) feet from the property line.
- (6) When chain link fencing is used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten (10) feet on-center along the fence or wall to enhance visual screening.
- (7) Storage of items outside the fenced area is prohibited.
- (8) When adjacent to a residential use or structure, deliveries made by any vehicle over two axels shall be confined to the hours of 7:00am and 9:00pm.

**Effective Date:** This Ordinance shall take effect upon passage in accordance with the provisions of the Tiverton Home Rule Charter.

Amended by the Tiverton Town Council on \_\_\_\_\_.