

TIVERTON PLANNING BOARD
TIVERTON, RHODE ISLAND 02878



Memorandum

To: John G. Edwards, V, President
Members of the Tiverton Town Council

From: Patricia Hilton, Chair
Tiverton Planning Board

Date: March 18, 2025

Re: Zoning Ordinance Text Amendments
Article II, Definitions; Article IV, District Use Regulations; Article VI, Other District
Regulations; Article XIII, Regulation of Industrial Operations; Article XVI, Special Use
Permits

Please be advised that at a public hearing of the Tiverton Planning Board on March 4, 2025, the Board voted to issue a positive recommendation to the Town Council to adopt proposed amendments to the Zoning Ordinance. The proposed text amendments are attached and are consistent with the Comprehensive Community Plan.

The amendments are as follows:

Zoning Ordinance Article II, IV and VI. These amendments center on and arise from the Zoning Ordinance Committee's review of the General Commercial, Highway Commercial and Industrial Zoning Districts in the District Use Table. Based on the Zoning Ordinance Committee's recommendations, and Planning Board's review, use designations in the District Use Table have been updated. Concurrently, this required amendments to Definitions in Article II and amendments to the performance standards in Article VI. Other amendments are also proposed in these sections. These proposed amendments are more specifically described as:

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.

The motion to grant a positive recommendation as to these Zoning Ordinance text amendments passed 6-1-1. Voting in favor of the motion were: Mr. Hardy, Ms. Hilton, Mr. Clarke, Mr. Taylor, Mr. Gerlach, and Ms. Lawton. Ms. Gomes opposed the amendments. Ms. Eva abstained.

Zoning Ordinance Article XIII - Industrial Performance Standards. This portion of the Zoning Ordinance narrowly focused on broad performance standards for industrial uses – noise, vibration, smoke/air pollution, sewage discharge, heat/glare, and radiation. These amendments change the scope from industrial uses to all non-residential uses and make necessary updates to comport with other sections of the zoning ordinance and update to state law and regulation references.

The motion to grant a positive recommendation as to these Zoning Ordinance text amendments passed 8-0-0. Voting in favor of the motion were: Mr. Hardy, Ms. Hilton, Mr. Clarke, Mr. Taylor, Ms. Gomes, Mr. Gerlach, Ms. Eva and Ms. Lawton.

Zoning Ordinance Article XXVI – Conservation Development, Section IX Open Space.

These amendments bring the Ordinance into compliance with the General Laws (R.I. Gen. Laws § 45-24-47) and permit a homeowner’s association to own the open space in a conservation development.

The motion to grant a positive recommendation as to these Zoning Ordinance text amendments passed 8-0-0. Voting in favor of the motion were: Mr. Hardy, Ms. Hilton, Mr. Clarke, Mr. Taylor, Ms. Gomes, Mr. Gerlach, Ms. Eva and Ms. Lawton.