

ORDINANCE NO. 2024-_____

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 update the definitions to conform to recent legislative changes and to conform with changes in the District Use Table.
2. Article III – Zoning Districts, Section 1. These amendments split the Waterfront Zone into two zones and defines those two zones.
3. Article IV – District Use Regulations, Section 1 – 13A. These amendments split the Waterfront Zone into two zones and identifies which uses are permitted by right, permitted by special use, or not permitted. These amendments also clarify the title of uses, add uses to all zones and eliminates uses from all zones.
4. Article V – District Dimensional Regulations, Section 1, 2 and 4. These amendments also account for the division of the Waterfront Zone into two zones. Further, these amendments clarify the intent of Section 2 to allow multiple principal uses on a single lot in the commercial, waterfront and industrial zones. In addition, these amendments bring the definition of Building Height into conformity with definition in the General Laws and includes diagrams to assist in the construction of the phrase. Additionally, these amendments make adjustments for structures that are elevated off of the ground due to Base Flood Elevation and Freeboard requirements.
5. Article VI – Other District Regulations, Section 10. These amendments provide performance criteria for multiple uses permitted by right in the Waterfront Zone(s) and in some instances in other zones.
6. Article XVI – Special Use Permits, Section 5. These amendments provide specific and objective criteria for multiple uses which require a special use permit in the Waterfront Zone(s).

1 **APPENDIX A – ZONING ORDINANCE**

2
3 **ARTICLE II. – DEFINITIONS**

4
5 (c) For the purposes of this ordinance, the following terms shall have the following meanings
6 (~~underline denotes state definitions~~):

7
8 (1) — **Abutter:** One whose property abuts, that is, adjoins at a border, boundary or point with
9 no intervening land.

10
11 (2) — **Accessory family dwelling unit (ADU):** ~~An accessory dwelling unit for the sole use of~~
12 ~~one or more members of the family of the occupant or occupants of the principal residence, but~~
13 ~~not needing to have a separate means of ingress and egress. A residential living unit on the same~~
14 ~~lot where the principal use is a legally established single-family dwelling unit or multi-family~~
15 ~~dwelling unit. An ADU provides complete independent living facilities for one or more persons.~~
16 It may take various forms including, but not limited to: a detached unit; a unit that is part of an
17 accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled
18 primary dwelling. The standards for an ADU, including where allowed, are governed by R.I.
19 Gen. Laws § 45-24-73, as amended.

20
21 (2a) — **Accessory structure:** A subordinate structure detached from but located on the same lot
22 or parcel as the principal structure, the use of which is incidental and accessory to that of the
23 principal structure. A structure is detached when there is no physical connection to the primary
24 structure.

25
26 Examples: Detached garage used for storage of vehicles and lawn maintenance equipment;
27 garden or tool shed used only for the storage of garden implements and light home maintenance
28 tools; cabana used for dressing and shower rooms and/or swimming pool equipment.

29
30 (3) — **Accessory use:** A use of land or of a building, or portion thereof, customarily incidental
31 and subordinate to the principal use of the land or building, and located on the same lot as the
32 principal use. An accessory use shall not be permitted without the principal use to which it is
33 related.

34
35 (3a) — **Adaptive reuse:** The conversion of an existing structure from the use for which it was
36 constructed to a new use by maintaining the elements of the structure and adapting such elements
37 to a new use. See appendix A, Zoning, article IV, section 21, Adaptive reuse projects.

38
39 (3b) — **Adult book/video store:** The retail sales of magazines, books, photographs, film, video
40 or any type of reproduction depicting sexual activity or the showing of human male or female
41 genitals, pubic area or buttocks, or the female breast, with less than a fully opaque covering.

42
43 (3e) — **Adult entertainment:** An activity where any individual works or performs in the nude,
44 meaning the exposure of human male or female genitals, pubic area or buttocks, or the showing
45 of the female breast, with less than a fully opaque covering.

1 (4) — **Aggrieved party:** Either:

2 (a) Any person or persons or entity or entities who can demonstrate that their property
3 will be injured by a decision of any officer or agency responsible for administering the
4 provisions of this ordinance; or

5 (b) Anyone requiring notice pursuant to this ordinance.
6

7 (5) — **Agricultural land:** Land suitable for agriculture by reason of suitability of soil or other
8 natural characteristics or past use for agricultural purposes. Agricultural land includes that
9 defined as prime farmland or additional farmland of statewide importance for Rhode Island by
10 the Soil Conservation Service of the U.S. Department of Agriculture.
11

12 **Agricultural structure:** A structure which is reasonably necessary to the conduct of on-site
13 working farms. Agricultural structure includes, barns, shed, silos and other similar structures.
14

15 (6) — **Antennae, satellite receiving:** A structure used to receive television broadcast signals
16 transmitted via satellite.
17

18 (7) — **Applicant:** An owner or authorized agent of the owner submitting an application or
19 appealing an action of any official, board or agency under the provisions of this ordinance.
20

21 (8) — **Application:** The completed form or forms and all accompanying documents, exhibits
22 and fees required of an applicant by an approving authority for development review, approval or
23 permitting purposes as required under the provisions of this ordinance.
24

25 (8a) — **Aquaculture:** The cultivation, rearing or propagation of aquatic plants or animals under
26 either natural or artificial conditions.
27

28 (8b) — **Art center:** A facility used for arts instruction, promotion, display and/or sale.
29

30 **Automatic teller machines (ATMS)/Interactive teller machines (ITMS):** An indoor or
31 outdoor electronic banking outlet that enables customers to complete banking transactions with
32 or without the aid of a teller.
33

34 (9) — **Bed and breakfast:** A single-family dwelling offering transient lodging accommodations
35 to the general public within a portion of said dwelling, and which must include limited food
36 preparation and the serving of such food within a common area.
37

38 (10) — **Billboard:** An outdoor sign advertising products or services not made, sold, used or
39 served on the premises, or advertising displayed so as to attract the attention of persons on any
40 public highway; see "Off-site sign" in article XII, section 2.
41

42 **Boat Club:** A club that promotes yachting and boating, and which may provide educational,
43 recreational, entertainment and leisure services to its membership or program participants. A
44 boat club may or may not include a boat yard/marina. Also known as a Yacht Club.
45

1 **Boat yard/Marina:** Area of land and/or water designated for the storage (indoor and/or outdoor)
2 of vessels, dockage and/or mooring (temporary and long-term), launching ramps, vessel haul-out
3 facilities, and vessel maintenance and repair. These may also include related service facilities
4 such as fueling, sales of vessels and accessories, retails sales of marine products, laundry
5 services, pump-out services, and other marine related services.
6

7 (11)—**Buffer:** Land which is maintained in either a natural or landscaped state, and is used to
8 screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-
9 way.

10 (12)—**Building:** Any structure used or intended for supporting or sheltering any use or
11 occupancy.
12

13 (12a)—**Building coverage:** That portion of the lot that is or may be covered by buildings and
14 accessory buildings. (Same as Lot building coverage.)
15

16 (13)—**Building envelope:** The three-dimensional space within which a structure is permitted to
17 be built on a lot, and which is defined by regulations governing building setbacks, maximum
18 height and bulk.
19

20 (14)—**Building height:** ~~The vertical distance measured from the average natural lot grade at the~~
21 ~~front of the building, to the top of the highest point of the roof or structure, excluding spires,~~
22 ~~chimneys, flagpoles and the like. See Article V, Section 4.~~
23

24 (15)—**Building official or inspector:** The person(s) designated by the town as responsible for
25 enforcement of the state building code.
26

27 (16)—**Building permit:** An official certificate issued by the building official which authorizes
28 interior or exterior alterations to any structure in conformance with the state building code.
29

30 (17)—**Campground:** An area which provides sites and sanitary facilities for the overnight
31 parking of motorized dwelling units, camping trailers, tents and other similar structures. A
32 campground may be commercial, public or private enterprises.
33

34 (18)—**Cluster:** A site planning technique that concentrates buildings in specific areas on the
35 site to allow the remaining land to be used for recreation, common open space and/or
36 preservation of environmentally, historically, culturally or other sensitive features and/or
37 structures.
38

39 **Commercial dock or pier:** A structure extending into a waterbody that is used to service a
40 business or commercial purpose or used to secure a business or commercial vessel.
41

42 **Commercial kitchen:** A commercial kitchen is a professional kitchen designed for food
43 preparation on a large scale, with the main focus being to prepare food for customers. These
44 kitchens are typically found in restaurants, hotels, bars, and other hospitality businesses. The
45 term "commercial" refers to the fact that these kitchens are designed for selling food rather than
46

1 food cooked and eaten by the person or people making it. Commercial kitchens are typically
2 equipped with heavy-duty appliances, ample storage space, and robust extractor fans and
3 ventilation systems to handle large turnovers and high output. They must also meet strict health
4 and safety regulations to ensure food is prepared in a hygienic environment.

5
6 (18a)—**Common driveway:** A driveway passing through private property for the use of adjacent
7 property owners in rural residential developments (see article IX).

8
9 (19)—**Common ownership:** Either:

10 (a) Ownership by one or more individuals or entities in any form of ownership of two
11 or more contiguous lots; or

12 (b) Ownership by any association, or municipality, of one or more lots under specific
13 development techniques.

14
15 (20)—**Community residence:** A home or residential facility where children and/or adults
16 reside in a family setting and may or may not receive supervised care. This shall not include
17 halfway houses or substance abuse treatment facilities. This shall include but not be limited to
18 the following:

19 (a) Whenever six or fewer ~~retarded~~ developmentally disabled children or adults reside in
20 any type of residence in the community, as licensed by the state pursuant to chapter
21 24 of title 40.1 G.L. 1956, § 40.1-24-1 et seq.;

22 (b) A group home providing care or supervision, or both, to not more than eight ~~mentally~~
23 ~~disabled or mentally handicapped or physically handicapped~~ persons with disabilities,
24 and licensed by the state pursuant to chapter 24 of title 40.1 G.L. 1956, § 40.1-24-1 et
25 seq.;

26 (c) A residence for children providing care or supervision, or both, to not more than eight
27 children, including those of the caregiver, and licensed by the state pursuant to
28 chapter 72.1 of title 42 G.L. 1956, § 40.1-24-1 et seq.; or

29 (d) A community transitional residence providing care or assistance, or both, to no more
30 than six unrelated persons or no more than three families, not to exceed a total of
31 eight persons, requiring temporary financial assistance, and/or to persons who are
32 victims of crimes, abuse, or neglect, and who are expected to reside in that residence
33 not less than 60 days nor more than two years. Residents will have access to, and use
34 of, all common areas, including eating areas and living rooms, and will receive
35 appropriate social services for the purpose of fostering independence, self-
36 sufficiency, and eventual transition to a permanent living situation.

37
38 (20a)—**Compassion center:** As defined in G.L. § 21-28.6-3, a not-for-profit corporation, subject
39 to the provisions of chapter 6 of title 7, and registered under G.L. § 21-28.6-12, that acquires,
40 possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses
41 marijuana, and/or related supplies and educational materials, to patient cardholders and/or their
42 registered caregiver cardholder, who have designated it as one of their primary caregivers.

43
44 (21)—**Comprehensive community plan:** The comprehensive community plan of the town,
45 adopted and approved pursuant to G.L. § 45-22.2-1 et seq., and to which the provisions of this
46 ordinance shall be in compliance.

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Conservation Development Project: A Conservation Development Project is a subdivision or land development project is a tool to allow 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.

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

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

~~(22)~~—**Day care—Day care center:** Any other day care center which is not a family day care home.

~~(23)~~—**Day care—Family day care home:** Any home other than the individual's home, in which day care in lieu of parental care or supervision is offered at the same time to six or less individuals who are not relatives of the caregiver, but which may not contain more than a total of eight individuals receiving day care.

~~(24)~~—**Density calculation:** The method for calculating development density and/or lot coverage for any given parcel.

~~(25)~~—**Density, residential:** The number of dwelling units per unit of land.

~~(26)~~—**Development:** The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any change in use, or alteration or extension of the use, of land.

~~(27)~~—**Development plan review:** See appendix B, Land Development and Subdivision Regulations, article XVI, as well as G.L. §§ 45-23-32 and 45-23-50.

~~(28)~~—**District:** See Zoning use districts.

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

~~(30)~~—**Duplex:** A building containing two single dwelling units each with separate entrances divided by a common party wall.

~~(33)~~—**Dwelling, multifamily:** Any dwelling containing more than two dwelling units and for occupancy of households living independently of each other, including apartment houses, apartment hotels and flats.

1 (31)—**Dwelling, single-family:** A building used exclusively for occupancy by one household.

2
3 (32)—**Dwelling, two-family:** A building used exclusively for occupancy by two households
4 living independently of each other.

5
6 (34)—**Dwelling unit:** A structure or portion thereof providing complete, independent living
7 facilities for one or more persons, including permanent provisions for living, sleeping, eating,
8 cooking and sanitation, and containing a separate means of ingress and egress.

9
10 **Earth removal:** The removal or extraction for sale of any rock, stone, sand, gravel, loam,
11 topsoil, or other earth or earth products from a lot or plot of land or part thereof; not including
12 the process of grading, or excavation on a lot preparatory to the construction of a structure or
13 street.

14
15 (35)—**Extractive industry:** The extraction of minerals, including: solids, such as coal and ores;
16 liquids, such as crude petroleum; and gases, such as natural gases. The term also includes
17 quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other
18 preparation customarily done at the extraction site, or as a part of the extractive activity.

19
20 (36)—~~**Family:** A person or persons related by blood, marriage or other legal means; see also~~
21 ~~**Household.**~~

22
23 **Family member:** A person, or persons, related by blood, marriage, or other legal means,
24 including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents,
25 grandchildren, domestic partner, sibling, care recipient, or member of the household.

26
27 (36a)—**Flexible zoning:** A land development tool that allows reduced lot areas and dimensional
28 regulations in order to preserve character defining features of a site.

29
30 (37)—**Floating zone:** An unmapped zoning district adopted within this ordinance which is
31 established on the zoning map only when an application for development, meeting the zoning
32 district requirements, is approved.

33
34 (38)—~~**Floodplains or flood hazard area:** An area that has a one percent or greater chance of~~
35 ~~inundation in any given year, as delineated by the Federal Emergency Management Agency~~
36 ~~pursuant to the National Flood Insurance Act of 1968, as amended (PL 90-448). An area that is~~
37 ~~subject to a flood from a storm having a one percent (1%) chance of being equaled or exceeded~~
38 ~~in any given year, as delineated on a community's flood hazard map as approved by the federal~~
39 ~~emergency management agency pursuant to the National Flood Insurance Act of 1968, as~~
40 ~~amended (Pub. L. No. 90-448), 42 U.S.C. § 4011 et seq.~~

41
42 (39)—**Garage:** A detached accessory building or portion of a main building, used for the
43 storage of self-propelled vehicles.

44
45 (40)—**Gasoline filling station or service station:** A building or premises, or portion thereof,
46 arranged, intended or designed to be used for the sale of gasoline or other motor vehicle, airplane

1 or motorboat fuel, oils and accessories for the use of motor vehicles; and the rendering of
2 services such as lubrication, washing and minor repairs, where such service facilities are
3 incidental to such principal filling station uses, but not including body or fender work, or major
4 repairs.

5
6 ~~(40a)~~—**Gross floor area:** The total floor area of all floors of a building within the inside
7 perimeter of the exterior walls exclusive of vent shafts and courts, without deductions for
8 corridors, stairways, closets, the thickness of interior walls, columns or other similar features.
9 (See also Net leasable floor area.)

10
11 ~~(41)~~—**Groundwater:** Groundwater and associated terms, as defined in G.L. § 46-13.1-3.

12
13 ~~(42)~~—**Halfway house:** A residential facility for adults or children who have been
14 institutionalized for criminal conduct, and who require a group setting to facilitate the transition
15 to a functional member of society.

16
17 ~~(43)~~—**Hardship:** As set forth in R.I. Gen. Laws 1956, § 45-24-41, hardship is the standard a
18 petitioner must demonstrate in order to be granted a use variance from the requirements of this
19 ordinance. See article XVII of this ordinance.

20
21 ~~(44)~~—**Historic district:** One or more historic sites and intervening or surrounding property
22 significantly affecting or affected by the quality and character of the historic site or sites, and that
23 has been registered, or is deemed eligible to be included, on the state register of historic places
24 pursuant to G.L. § 42-45-5.

25
26 ~~(45)~~—**Historic site:** Any real property, manmade structure, natural object, or configuration or
27 any portion or group of the foregoing which has been registered, or is deemed eligible to be
28 included, on the state register of historic places pursuant to G.L. § 42-45-5.

29
30 ~~(46)~~—**Home occupation:** Any activity customarily carried out for gain by a resident, conducted
31 as an accessory use in the resident's dwelling unit. See Article VI, Section 6, of this ordinance.

32
33 ~~(47)~~—**Hotel:** ~~A building of two or more stories providing transient lodging accommodations to~~
34 ~~the general public, without individual kitchen facilities or separate exterior entrances. Such use~~
35 ~~may contain accessory facilities including, but not limited to, a restaurant, meeting rooms and~~
36 ~~recreation facilities. Hotels include inns and similar establishments. A building or buildings~~
37 ~~containing lodging rooms, a dining room facility, a common entrance lobby, halls, and stairway;~~
38 ~~and where lodging rooms do not have a direct egress outdoors, except for emergencies; and~~
39 ~~where more than 50 percent of the lodging rooms are for rent, with or without meals, to transient~~
40 ~~guests for a continuous period of less than 30 days.~~

41
42 ~~(48)~~—**Household:** One or more persons living together in a single dwelling unit, with common
43 access to, and common use of, all living and eating areas and all areas and facilities for the
44 preparation and storage of food within the dwelling unit. The term "household unit" shall be
45 synonymous with the term "dwelling unit" for determining the number of such units allowed

1 within any structure on any lot in a zoning district. An individual household shall consist of any
2 one of the following:

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

10
11 (48a)—**Improved lot:** A lot upon which a building is located that is used for a principal use. For
12 the purposes of determining merger requirements (see article VII), an unimproved lot is a lot
13 without a principal use structure.

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

17
18 (50)—**Infrastructure:** Facilities and services needed to sustain residential, commercial,
19 industrial, institutional and other activities.

20
21 (51)—**Reserved.**

22
23 (52)—**Impervious surface:** ~~Material on the ground that severely restricts or prohibits surface~~
24 ~~water from penetrating into the soil. As defined by the Rhode Island Department of~~
25 Environment Management Stormwater Management, Design and Installation Rules and
26 including those surfaces that cannot effectively infiltrate rainfall and/or stormwater consisting of
27 surfaces such as building rooftops, pavement, sidewalks, driveways, or compacted gravel.

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

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

35
36 (55)—**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 (56)—**Lot area:** The total area within the boundaries of a lot, excluding any street right-of-way,
44 usually reported in acres or square feet.

1 (57)—**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 (58)—**Lot, corner:** A lot at the junction of, and fronting on, two or more intersecting streets.

5
6 (58a)—**Lot coverage:** That portion of the lot that is or may be covered by buildings and
7 accessory buildings. (Same as Building coverage and Lot building coverage.)

8
9 (59)—**Lot depth:** The distance measured from the front lot line to the rear lot line. For lots
10 where the front and rear lot lines are not parallel, the lot depth is an average of this distance.

11
12 (60)—**Lot frontage:** That portion of a lot abutting a street. Only contiguous (unbroken)
13 frontage will be considered applicable in meeting the minimum frontage requirements of a given
14 zoning district. Lot frontage shall be measured on the side of the lot that serves as the primary
15 access to the street right-of-way.

16
17 (61)—**Lot line:** A line of record, bounding a lot, which divides one lot from another lot, or from
18 a 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 (62)—**Lot of record:** A parcel of land recorded in the office of the Town Clerk of the Town of
29 Tiverton.

30
31 (63)—**Lot, through:** A lot which fronts upon two parallel streets, or which fronts upon two
32 streets which do not intersect at the boundaries of the lot.

33
34 (64)—**Lot width:** The horizontal distance between the side lines of a lot measured at right
35 angles to its depth along a straight line parallel to the front lot line at the minimum front setback
36 line.

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

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

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

3
4 ~~(103)~~—**Manufactured home elderly community (MHEC):** See article IV, section 16.

5
6 ~~(65a)~~—**Marijuana cultivation center:** Any entity that, under state law, may acquire, possess,
7 cultivate, manufacture, deliver, transfer, transport, or supply marijuana to a registered
8 compassion center, or other entity authorized to dispense marijuana.

9
10 ~~(65b)~~—**Marijuana store:** Any retail establishment at which the sale or use of marijuana, medical
11 or otherwise, takes place. This shall not include a compassion center regulated and licensed by
12 the State of Rhode Island, as defined herein.

13
14 **Medical center:** A facility offering outpatient healthcare services to include doctors’ offices, lab,
15 diagnostic and treatment facilities.

16
17 ~~(66)~~—**Membership athletic club:** ~~An organization catering to members and their guests,~~
18 ~~including premises and buildings utilized for recreational or athletic purposes, which are not~~
19 ~~conducted for profit. An organization catering to members and their guests, including premises~~
20 ~~and buildings utilized for recreational or athletic purposes, such as game courts, exercise~~
21 ~~equipment, locker rooms, pool, hot tub, sauna and/or pro-shop.~~

22
23 ~~(67)~~—**Mere inconvenience:** See article XVII of this ordinance.

24
25 ~~(67a)~~—**Mini-storage facility:** ~~A one-story building or buildings used for public storage and~~
26 ~~consisting of attached individually rented units. A building consisting of individual, self-~~
27 ~~contained units that are leased or owned for the storage of personal property and/or household~~
28 ~~goods. Not to include explosives, chemicals, flammables, or other hazardous items.~~

29
30 ~~(68)~~—**Mixed use:** A mixture of land uses within a single development, building or tract.

31
32 ~~(104a)~~ ~~**Retail business, office, and/or consumer service complex**~~**Mixed use complex:** A
33 development of one or more commercial establishments, primarily retail, office, and/or consumer
34 service-oriented in nature, located on a single parcel or contiguous parcels and consisting of an
35 aggregate of 5,000 gross square feet of floor space or more, or a total land area with an aggregate
36 of 20,000 square feet or more. The footprint area of any single structure and/or the total
37 aggregate footprint of connected all structures shall not exceed 40,000 square feet. The
38 associated parking and circulation area per structure or connected structure shall not exceed
39 60,000 square feet. For the purpose of this section any structures located within 20 feet of each
40 other shall be deemed to be connected structures.

41
42 These developments may include, but are not limited to, a variety of retail shops that specialize
43 in food, quality apparel, hard goods and services such as grocery stores, department stores, real
44 estate offices, dance studios, florists and small restaurants.

1 Such developments shall be considered land development projects, as defined herein, and shall
2 be reviewed as major land developments in accordance with the land development and
3 subdivision regulations, and design standards, of the Town of Tiverton and approved by the
4 planning board.

5
6 ~~(69)~~—**Mixed use residential:** A structure which is used for both residential and commercial
7 purposes, each of which is totally separated from the other.

8
9 ~~(70)~~—**Mobile home:** Any vehicle or similar structure designed and constructed so as to permit
10 the occupancy thereof as a dwelling by one or more persons, and so designed and constructed
11 that it was or may be mounted on wheels and used as a conveyance on a street or highway,
12 propelled or drawn by its own or other motive power. Mobile home shall include previously
13 portable vehicles or structures which have been placed on a permanent foundation, but shall not
14 include a prefabricated home or structure. A transportable, single-family dwelling unit suitable
15 for year-round occupancy with or without a permanent foundation and having a water supply and
16 waste disposal system comparable to immobile housing. A mobile home is designed to be
17 transported on streets and highways on its own wheels and to arrive at the site where it is to be
18 occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental
19 unpacking and assembly operations, location on racks or permanent foundations, and connection
20 to utilities and water supply and waste disposal systems. Removal of wheels and/or axles shall
21 not change its status as a mobile home.

22
23 ~~(71)~~—**Modification:** ~~If later allowed by amendment to this ordinance, permission~~ Permission
24 granted and administered by the zoning enforcement officer to grant a dimensional variance,
25 other than lot area, from the requirements of this ordinance, but not to exceed 25 percent of each
26 of the applicable dimensional requirements. See Article X, Section 7, of this Ordinance.

27
28 ~~(72)~~—**Motel:** A one- or two-story building providing transient lodging accommodations to the
29 general public consisting of rooms or suites with separate entrances facilities. Such use may
30 include a general kitchen and common dining room. Motels include motor inns, motor lodges,
31 tourist courts, cabins and other similar establishments.

32
33 ~~(72a)~~—**Net leasable floor area:** The total leasable floor area of all floors of a building within the
34 inside perimeter of the exterior walls exclusive of the thickness of interior walls, vent shafts,
35 courts, corridors, lobbies, common areas, stairways, elevators, mechanical rooms, closets,
36 columns or other similar features. (See also Gross floor area.)

37
38 ~~(73)~~—**Nonconformance:** A building, structure or parcel of land, or use thereof, lawfully
39 existing at the time of the adoption or amendment of this ordinance and not in conformity with
40 the provisions of the zoning ordinance or amendment. Nonconformance shall be of only two
41 types:

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

1 (b) **Nonconforming by dimension:** ~~A building, structure or parcel of land not in~~
2 ~~compliance with the dimensional regulations of this zoning ordinance, including a~~
3 ~~building or structure containing a permitted number of dwelling units by the use~~
4 ~~regulations of this ordinance, but not meeting the lot area per dwelling unit~~
5 ~~regulations. A building, structure, or parcel of land not in compliance with the~~
6 ~~dimensional regulations of the zoning ordinance. Dimensional regulations include all~~
7 ~~regulations of the zoning ordinance, other than those pertaining to the permitted uses.~~
8 A building, structure, or parcel of land not in compliance with the
9 dimensional regulations of the zoning ordinance. Dimensional regulations include all
10 regulations of the zoning ordinance, other than those pertaining to the permitted uses.
11 A building or structure containing more dwelling units than are permitted by the use
12 regulations of a zoning ordinance is nonconforming by use; a building or structure
13 containing a permitted number of dwelling units by the use regulations of the zoning
14 ordinance, but not meeting the lot area per dwelling unit regulations, is
15 nonconforming by dimension.

14 ~~(73a)~~—**Non-residential cooperative cultivation:** A use of land located in a non-residential
15 zone, or of a building, or a portion thereof, located in a non-residential zone, for the cultivation
16 of marijuana by two or more cardholders, as defined in G.L. § 21-28.6-3.

18 ~~(74)~~—**Overlay district:** A district established in this ordinance that is superimposed on one or
19 more districts or parts of districts, and that imposes specified requirements in addition to, but not
20 less than, those otherwise applicable for the underlying district.

22 ~~(75)~~—**Performance standards:** A set of criteria or limits relating to elements which a
23 particular use or process either must meet or may not exceed.

25 ~~(76)~~—**Permitted use:** A use by right which is specifically authorized in a particular zoning
26 district.

28 ~~(76a)~~—**Personal residential marijuana cultivation:** Marijuana cultivation by a single
29 registered patient or caregiver cardholder, as defined in G.L. ch. 21-28.6, within his or her
30 residential dwelling for medical use only. This use shall only be permitted as an accessory use to
31 a lawfully permitted residential use. In a mixed-use building that contains residential and
32 nonresidential uses, this use shall be contained within the residential dwelling unit only.

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

38 ~~(78)~~—**Planning board:** The Planning Board of the Town of Tiverton.

40 ~~(79)~~—**Preapplication conference:** A review meeting of a proposed development held between
41 applicants and reviewing officials and/or agencies prior to formal submission of an application
42 for a permit or approval.

44 ~~(80)~~—**Principal or main use:** The specific primary purpose ~~to~~ for which a lot of land or
45 structure is used.

1 ~~(81)~~—**Professional home office:** Not more than one office or studio of a physician, dentist,
2 attorney, architect, engineer, land surveyor, real estate broker, accountant, insurance agent or
3 other professional person licensed by law or certified by a recognized professional society or
4 agency and providing professional services, residing on the premises, and having not more than
5 one employee or associate, and utilizing not more than ~~250~~ 350 square feet of floor space.
6

7 ~~(81a)~~—**Residential arts and crafts:** The creation of art objects or functional items by a person
8 residing on the premises, provided the following standards are met: no heat, smoke, glare, dust,
9 odors, vibration or offensive noise detectable beyond the edge of the lot; no outside storage of
10 materials; and no substantial increase in traffic. Residential arts and crafts shall not include tattoo
11 parlors.
12

13 ~~(81b)~~—**Residential cooperative cultivation:** A use of land located in a residential zone, or of a
14 building, or a portion thereof, located in a residential zone, for the cultivation of marijuana by
15 two or more cardholders, as defined in G.L. § 21-28.6-3.
16

17 ~~(101)~~—**Retirement residence/assisted living/continuing care facility:** An elderly housing
18 facility licensed in whole or in part in accordance with the assisted living provisions of G.L. §
19 23-7.4-1 et seq., as amended, and where applicable, G.L. § 23-17-1 et seq., as amended, that
20 provides elderly residents with flexible living arrangements and choices with regard to services
21 and assistance. Such facilities:

- 22 (a) Consist of one primary structure housing central dining, recreational, cultural,
23 avocational, personal care, and shared transportation facilities. Integral facilities for
24 independent or semi-independent living and nursing care may also be included.
- 25 (b) May include within the primary structure ancillary facilities such as retail services,
26 beauty parlors, libraries and laundry rooms serving exclusively the residents of the
27 facility, with no outside signs or direct outside entrances to such services permitted.
- 28 (c) May include within the primary structure offices, meeting and conference rooms for
29 administrative functions related to the operation, business, programs or services of the
30 facility.
- 31 (d) May have within the primary structure, or attached thereto, a nursing care facility
32 licensed in accordance with G.L. tit. 23, ch. 17-1 et seq., entitled "Licensing of Health
33 Care Facilities," primarily for the use of the residents.
- 34 (e) Provide individual residential units consisting of either a studio, one bedroom or two
35 bedrooms, with services to include but not limited to three daily meals in a communal
36 setting, housekeeping services, 24-hour personal assistance, recreational facilities,
37 and transportation services for the benefit of its residents. Individual units shall have
38 not less than 400 square feet of living space, and shall be equipped with a bathroom,
39 but shall not have exterior entrances, excluding access to ground level apartment
40 private patio, nor shall they have a full kitchen, but may have a hospitality station
41 consisting of a refrigerator, microwave oven, and/or a properly installed two burner
42 cook-top.
43

44 ~~(81e)~~—**Rural residential developments:** Alternative residential subdivisions designed to protect
45 rural character through the use of flexible zoning, different engineering and design standards
46 and/or decreased site density, as compared to conventional subdivisions. There are three types of

1 rural residential developments. Rural compounds, rural subdivisions and rural frontage
2 subdivisions, as defined in article IX of this ordinance.

3
4 ~~(82)~~—**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 ~~(104b)~~—**Shopping centers, malls, mini-malls and strip-malls:** A development of an integrated
9 group of commercial establishments, including supermarkets, which in the aggregate have a
10 footprint exceeding 40,000 square feet, that is planned, developed, owned and managed as a unit
11 and may contain non-merchandising facilities as well, such as office buildings, movie theaters,
12 restaurants, post offices, banks, health clubs and recreational facilities (for example, ice skating
13 rinks or indoor miniature golf courses). A shopping center's composition is related to its market
14 area in terms of size, location and type of store. A shopping center may be composed of one or
15 more structures. A shopping center also provides on-site parking facilities sufficient to serve its
16 own parking demands.

17
18 Such developments shall be considered land development projects, as defined herein, and shall
19 be reviewed as major land developments in accordance with the land development and
20 subdivision regulations, and design standards, of the Town of Tiverton and approved by the
21 planning board.

22
23 ~~(83)~~—**Site plan:** The development plan for one or more lots on which is shown the existing
24 and/or proposed conditions of the lot.

25
26 ~~(84)~~—**Special use:** A regulated use which is permitted pursuant to a special use permit issued
27 under the provisions of article XVI of this ordinance.

28
29 ~~(85)~~—**Street:** A public or private thoroughfare used, or intended to be used, for passage of
30 travel by motor vehicles.

31
32 ~~(86)~~—**Street, public:** Either a street constructed, improved and accepted for maintenance by the
33 Town of Tiverton, or a state road.

34
35 ~~(87)~~—**Structure:** A combination of materials to form a construction for use, occupancy or
36 ornamentation, whether installed on, above or below the surface of land or water.

37
38 ~~(88)~~—**Substandard lot of record:** Any lot lawfully existing at the time of adoption or
39 amendment of this ordinance, and not in conformance with the dimensional and/or area
40 provisions of the ordinance.

41
42 ~~(89)~~—**Unsuitable land:** Street rights-of-way and lands which, when developed, would result in
43 environmental harm and/or present a threat to the public health or safety. Such lands include, but
44 are not limited to, the following:

- 45 (a) Waters, and coastal and freshwater wetlands as defined herein.
46 (b) Land with slopes greater than or equal to 21 percent.

- 1 (c) Land located in any flood hazard area or coastal high hazard area, as shown on the
- 2 most recent flood insurance rate map or floodway map for the Town of Tiverton
- 3 published by the Federal Emergency Management Agency.
- 4 (d) Any unique sites having significant historic or archaeological value, or consisting of
- 5 an endangered or threatened species habitat, as identified by the appropriate state or
- 6 federal agency.
- 7 (e) An area of a tract proposed for development that is equal to the area of the street
- 8 rights-of-way for such development.

9
10 ~~(90)~~—**Use:** The purpose or activity for which land or buildings are designed, arranged or

11 intended, or for which land or buildings are occupied or maintained.
12
13 ~~(91)~~—**Variance:** Permission to depart from the literal requirements of a zoning ordinance. An

- 14 authorization for the construction or maintenance of a building or structure, or for the
- 15 establishment or maintenance of a use of land, which is prohibited by this ordinance. There shall
- 16 be only two categories of variance:
- 17 (a) **Use variance:** Permission to depart from the use requirements of this ordinance,
 - 18 where the applicant for the requested variance has shown by evidence upon the record
 - 19 that the subject land or structure cannot yield any beneficial use if it is to conform to
 - 20 the provisions of the ordinance; or
 - 21 (b) **Dimensional variance:** Permission to depart from the dimensional requirements of
 - 22 this zoning ordinance under the applicable standards set forth in G.L. § 45-24-41.

23
24 ~~(92)~~—**Waters:** As defined in G.L. § ~~46-12-1(b)~~ 46-12-1(23).

25
26 ~~(93)~~—**Wetland, coastal:** As defined in G.L. § ~~2-1-14~~ 45-22.2-4.

27
28 ~~(94)~~—**Wetland, freshwater:** As defined in G.L. § 2-1-20.

29
30 **Wind turbine:** Any device that converts the kinetic energy of wind into electrical energy,

31 including structures such as towers, blades, transformers, power distribution poles and cables.

32
33 ~~(95)~~—**Yard:** ~~An area on the same lot with a main building which is open, unoccupied and~~

34 ~~unobstructed by buildings or structures from the ground to the sky, except as otherwise provided~~

35 ~~in this ordinance, and shall include:~~

- 36 ~~(a) **Front:** The area between a street line and a line parallel thereto drawn through the~~
- 37 ~~nearest point of a main structure, extending between side lot lines;~~
- 38 ~~(b) **Rear:** The area extending across the full width of the lot between the rearmost main~~
- 39 ~~building and the rear lot line, the depth of which shall be the least distance between~~
- 40 ~~the rear lot line and the rear of such main building; and~~
- 41 ~~(c) **Side:** The area between the main building and the side lot line, extending from the~~
- 42 ~~front yard, or front lot line where no front yard is required, to the rear yard. The width~~
- 43 ~~of the required side yard shall be measured horizontally from the nearest point of the~~
- 44 ~~side lot line toward the nearest part of the main building.~~

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

6 (a) **Yard, corner side:** A side yard on that side of a lot located at the corner or
7 intersection of two street lines, nearest the side street.

8 (b) **Yard, front:** A required yard extending between side lot lines across the full width of
9 the lot adjacent to any street line, and to the depth of the required front yard setback.

10 (c) **Yard, rear:** A required yard extending across the full width of the lot adjacent to any
11 rear lot line(s), and to the depth of the required rear yard setback.

12 (d) **Yard, side:** A required yard extending from the rear of the required front yard to the
13 required rear yard and to the depth of the required side yard setback; and if there is no
14 rear yard, then extending from the required front yard to another required front yard
15 or required side yard or to another part of the same required front yard.

16
17 (96) — **Zoning board or board:** The Zoning Board of Review of the Town of Tiverton.

18
19 (97) — **Zoning certificate:** A document signed by the zoning officer as required in this
20 ordinance, which acknowledges that a use, structure, building or lot either complies with, or is
21 legally nonconforming to, the provisions of the ordinance, or is an authorized variance or
22 modification therefrom.

23
24 (98) — **Zoning map:** The maps which are a part of this ordinance, and which delineate the
25 boundaries of all mapped zoning districts within the physical boundary of the Town of Tiverton.

26
27 (99) — **Zoning officer:** The zoning officer of the Town of Tiverton who is responsible for
28 administering and enforcing the provisions of this ordinance. The zoning officer may also be the
29 building official for the town.

30
31 (100) — **Zoning use districts:** The basic unit in zoning, either mapped or unmapped, to which a
32 uniform set of regulations applies; or a uniform set of regulations for a specified use.

1 **ARTICLE III. – ZONING DISTRICTS**
2

3 **Section 1. Establishment of districts.**
4

5 To achieve the purpose of this ordinance, the Town of Tiverton is hereby divided into the
6 following zoning districts:
7

- 8 a. *Residential R-30*. This district contains areas of the town which are partially or fully developed
9 at an approximate density of one dwelling unit per 30,000 square feet, or greater, and areas for
10 which this density is considered appropriate. The R-30 District consists of the residential
11 portions of the northwest corner of Tiverton, west of Fish Road and extending to Mount Hope
12 Bay.
13
- 14 b. *Residential R-40*. This district contains areas of the town which are partially or fully developed
15 at an approximate density of one dwelling unit per 40,000 square feet, and areas for which this
16 density is considered appropriate. The R-40 District consists of the residential portions of
17 Tiverton west of Fish Road, lying generally between Route 24 and Bulgarmarsh Road.
18
- 19 c. *Residential R-60*. This district contains areas of the town which are partially or fully developed
20 at an approximate density of one dwelling unit per 60,000 square feet, and areas for which this
21 density is considered appropriate. The R-60 District consists of the residential portion on the
22 north side of Souza Road between Main Road and Fish Road.
23
- 24 d. *Residential R-120*. This district contains areas of the town which are composed of agricultural
25 uses, low density residential areas and certain open spaces for which development at a density
26 at or lower than one dwelling unit per 120,000 square feet is considered appropriate. The R-
27 120 District consists of the residential portions of the entire area of Tiverton south of
28 Bulgarmarsh Road.
29
- 30 e. *Village Commercial VC*. This district is that area of town known as Tiverton Four Corners
31 which is characterized by small scale retail, restaurant and office uses in a compact and historic
32 setting.
33
- 34 f. *General Commercial GC*. This district contains areas of the town which form the basic pattern
35 of retail and service businesses serving the community, and the areas planned for expansion of
36 such businesses. The GC District includes the major commercial area along Main Road in the
37 northwest corner of Tiverton, and the smaller commercial area along Stafford Road, extending
38 north from its intersection with Bulgarmarsh Road.
39
- 40 g. *Highway Commercial HC*. This district contains areas of the town where businesses which
41 serve regional needs rely on easy vehicular access and large land areas for parking and
42 development. The HC District includes the commercial area bordering the City of Fall River
43 and lying between Route 24 and Stafford Road, and the commercial area at the interchange of
44 Route 24 and Fish Road and extending west along the south side of Souza Road.
45

- 1 h. ~~Waterfront W1~~. This district ~~includes certain non-residential and mixed-use areas along the~~
2 ~~Sakonnet River for which primarily water-dependent commercial uses are required~~ provides
3 locations for moderate to high impact marine related commercial uses on and adjacent to the
4 waterfront.
5
- 6 i. Waterfront W2. This district provides locations for a mixture of residential and low impact
7 service, retail, commercial, and marine related uses on and adjacent to the waterfront.
8
- 9 ij. *Industrial I*. This district contains that area of the town currently used for industrial and related
10 uses, and which is considered suitable for future industrial development. The I District consists
11 of a large land area east of Fish Road and on both sides of Route 24, and a smaller land area
12 west of Fish Road and lying between the R-30 District and Souza Road.
13
- 14 jk. *Open Space/Conservation OS*. This district includes areas of coastal land and open space which
15 are either owned publicly or by a private land conservation entity (e.g. land trust, Nature
16 Conservancy, Audubon Society) and which are protected for one or more of the following
17 purposes: keeping the land in a natural undeveloped condition, providing passive recreational
18 opportunities to the public, and preserving specific habitat areas or agricultural uses. This
19 district does not include undeveloped land which is privately owned but unprotected or
20 protected by means of the purchase of development rights by the town or state, nor does it
21 include land set aside as common open space as part of a rural residential development (see
22 article IX).
23
- 24 kl. *Watershed Protection Overlay District WP*. This is an overlay district applied to those areas of
25 Tiverton which comprise the watersheds of Stafford Pond and Nonquit Pond, public drinking
26 water supplies. The WP Overlay District is governed by specific regulations (see article VIII).
27
28

1 **ARTICLE IV. DISTRICT USE REGULATIONS**

2

3 **Section 1. Interpretation of zoning district use table.**

4

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

8

P	The use is permitted. <u>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.</u>
S	The use is permitted only as a special use granted by the zoning board of review, in accordance with articles XV and XVI. <u>Uses requiring a special use permit may also subject to performance standards in Article VI, Section 10 and other standards in the Zoning Ordinance.</u>
N	The use is not permitted.

9

10 All uses designated as "S", special use permit required, shall be converted to "N", not
11 permitted, for the period of January 1, 2024 to and including November 30, 2024, unless
12 exempted from this Ordinance by act of the Town Council.

13 (Ord. of 6-4-01(3); Ord. of 3-24-08(2); Ord. of 11-30-23(2); Ord. 6-24-24)

14 **Section 2. Residential uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W ₁	W ₂	I	OS	Notes
a.	Single-family dwelling	P	P	P	P	N	N	N	N	<u>N</u>	N	N	
b.	Two-family dwelling	P	N	P	N	N	N	N	N	<u>N</u>	N	N	
c.	Three-family dwelling	S	N	S	N	N	N	N	N	<u>N</u>	N	N	
d.	Multi-family structure or apartment house (4 or more units), without public water and sewer	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
e.	Multi-family structure or apartment house (4 or more units), with public water and sewer	P	N	P	N	N	N	N	N	<u>N</u>	N	N	N
f.	Mixed-use residential	N	N	N	N	N	P	N	N <u>P</u>	<u>P</u>	N	N	See Article VI, Section 10
g.	Household	P	P	P	P	P	P	N	P		N	N	
h-g.	Community residence	P	P	P	P	P	P	N	P	<u>P</u>	N	N	
i-h.	Family day care	P	P	P	P	P	P	N	P	<u>P</u>	N	N	
j.	Taking of boarders or the renting of rooms by a resident family (not to exceed two roomers or boarders)	P	P	P	P	P	N	N	N		N	N	
k-i.	Bed and breakfast	N	N	N	N	N	N	N	N <u>S</u>	<u>S</u>	N	N	See Article XVI, Section 5

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
h. j.	Motel or hotel Hotel	N	N	N	N	N	P	P	N	<u>P</u>	N	N	See Article VI, Section 10
k.	Motel	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
m. 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	<u>P</u>	N	N	See Article VI, Section 6
n. m.	Sale of agricultural products grown on the premises	P	P	P	P	P	P	P	P	<u>P</u>	P	N	
o. n.	One satellite receiving antenna, one meter or less in diameter	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>N</u>	
p. o.	Satellite receiving antenna, more than one meter and up to two meters in diameter	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>N</u>	
q. p.	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	<u>N</u>	N	N	
r. q.	Convalescent, rest or nursing home	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
s. r.	Retirement residence/assisted living facility/and continuing care facility	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
t. s.	Manufactured home elderly community*	P	N	P	N	N	N	N	N	<u>N</u>	N	N	See Article IV, Section 16
u. t.	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	N <u>P</u>	<u>P</u>	N	N	See Article IV, Section 14

1

2 * According to the provisions of section 16 of this article.

3 ** See section 14 of this article.

4 (Ord. of 6-4-01(3); Ord. of 11-24-03; Ord. of 3-24-08(2); Ord. of 11-30-23(2))

1

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

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
a.	Commercial raising of crops, including associated greenhouse or nursery*	P	P	P	P	P	P	P	N	<u>N</u>	N	N	For retail sales of agriculture products see Article IV, Section 10
b.	Commercial raising of animals or fowl. This includes kennels for the raising, boarding or sale of dogs, cats or other fur-bearing animals, but not the raising of swine	N	N	N**	N**	N	N	N	N	<u>N</u>	N	N	Commercial raising of animals or fowl shall become a use allowed by right rather than special use permit where the subject property is five acres or greater in area.
c.	Commercial kennels, raising and/or boarding and/or sale of dogs, cats, or other fur bearing animals	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
e. d.	Preserve for the protection of wildlife and plant life	P	P	P	P	P	P	P	P	<u>P</u>	P	P	
e. 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	P	P	P	P	N	P	P	N	<u>N</u>	P	N	
e. 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	<u>N</u>	P	N	See Article IV, Section 14
f. g.	Land-based Aquaculture	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
h.	Fish and shellfish processing and storage for retail sales	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
i.	Private stable	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
j.	Commercial stable or riding academy	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
g. k.	Non-residential cooperative cultivation	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
h. l.	Residential cooperative cultivation	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
i.	Personal residential marijuana cultivation	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	
j.	Marijuana cultivation center	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	

- 1 * For retail sales of agriculture products see section 10.
- 2 **Commercial raising of animals or fowl shall become a use allowed by right rather than special use permit where the subject property is five acres or greater in area.
- 3
- 4 ***See section 14 of this article.
- 5
- 6 (Ord. of 6-4-01(3); Ord. of 4-11-16; Ord. of 11-30-23(2))

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

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
a.	Church or other place of worship	P	P	P	P	P	P	P	P	<u>P</u>	P	N	
b.	Nonprofit organization club, lodge, social or community center building	N	N	N	N	N	P	N	N <u>P</u>	<u>P</u>	P	N	See Article VI, Section 10
c.	Art center	N	N	N	N	P	P	P	N	<u>N</u>	N	N	
d.	Membership athletic club	N	N	N	N	N	P	P	N	<u>N</u>	N	N	
e.	Hospital, medical center or clinic	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
f.	Medical center up to 20,000 square foot building footprint	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	N	<u>N</u>	<u>N</u>	<u>N</u>	
g.	Medical center from 20,000 to 40,000 square foot building footprint	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	N	<u>N</u>	<u>N</u>	<u>N</u>	
h.	Municipal or government building	N	N	N	N	N	P	P	N	<u>N</u>	P	N	
i.	Fire or police station	P	P	P	P	N	P	P	N	<u>N</u>	P	N	
j.	Day care center Child day care center licensed by 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	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
k.	Private non-profit school (Pre K – 12)	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
l.	Junior college, college or university	N	N	N	N	N	N	N	N	<u>N</u>	N	N	

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
m.	Private trade or professional or other school	N	N	N	N	N	P	P	N <u>S</u>	<u>N</u>	N	N	See Article VI, Section 10 Article XVI, Section 5
n.	School conducted as a private gainful business for teaching subjects such as music, singing, and dancing, karate or martial arts, and computer training	N	N	N	N	N	P	P	N	<u>N</u>	N	N	
o.	Cemetery, whether public or private* <u>with or without a columbarium</u>	N <u>S</u>	N <u>S</u>	N <u>S</u>	N <u>S</u>	N	N <u>S</u>	N <u>S</u>	N	<u>N</u>	N	N	See Article XVI, Section 5
p.	<u>Columbarium</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	See Article XVI, Section 5

1 According to the standards of Section 3.c of Article XVI.

2 (Ord. of 6-4-01(3); Ord. of 11-30-23(2))

3 Section 5. Public utility uses.

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
a.	Electric power generating station	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
b.	Electric power substation	N	N	N	N	N	N	N	N	<u>N</u>	P	N	
c.	High voltage electric transmission towers	N	N	N	N	N	N	N	N <u>S</u>	<u>N</u>	N	N	See Article XVI, Section 5
d.	Towers, including but not limited to, radio frequency towers	N	N	N	N	N	N	N	N <u>S</u>	<u>N</u>	N	N	See Article XVI, Section 5
e.	Water tower	N	N	N	N	N	N	P	N	<u>N</u>	P	N	
g.	Sewage treatment plant or solid waste disposal facility	N	N	N	N	N	N	N			N	N	
h. <u>f.</u>	Municipal water and sewer lines	P	P	P	P	P	P	P	P	<u>P</u>	P	N	
i. <u>g.</u>	Public utility structure not otherwise specified	N	N	N	N	N	N	N	N	<u>N</u>	N	N	

4 (Ord. of 6-4-01(3); Ord. of 11-30-23(2))

1 **Section 6. ~~Open~~ Recreation uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
a.	Golf course or golf club	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
b.	Driving tee or range, miniature golf course, or similar use operated for commercial purposes	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
c.	Public park												
	(1) To include structures for shelter, education and comfort of users	P	P	P	P	N	P	P	N <u>P</u>	<u>P</u>	N	N	
	(2) To include furnishing of food and drink, and personal services and equipment incidental to use of such park	N	N	N	N	N	P	P	N <u>P</u>	<u>P</u>	N	N	
d.	Bathing beach (<u>public only</u>)	P	P	P	P	N	P	N	N <u>P</u>	<u>P</u>	N	N	
e.	Municipal or commercial swimming pool	N	N	N	N	N	P	P	N	<u>N</u>	N	N	
f.	Swimming pool as an accessory use	P	P	P	P	N	P	P	P	<u>P</u>	P	N	
g.	Riding stable or academy	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
h.	Boat or Yacht club or marina	N	N	N	N	N	N	N	P	<u>P</u>	N	N	
i.	Waterfront recreation business. This includes boat rentals and tours, charter fishing boats or similar uses	N	N	N	N	N	N	N	P	<u>P</u>	N	N	
j.	Other open <u>Indoor</u> commercial recreational use	N	N	N	N	N	N	N	N	<u>N</u>	N	N	Other than as permitted by Article IV, Section 19
k.	Campground	N	N	N	N	N	N	N	N	<u>N</u>	N	N	

2 (Ord. of 6-4-01(3); Ord. of 11-30-23(2))

3 **Section 7. Office uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
a.	Professional home office	N	N	N	N	P	P	P	P	<u>P</u>	N	N	See Article VI, Section 10
b.	Professional and <u>General</u> office including real estate, insurance etc.	N	N	N	N	P	P	P	N <u>P</u>	<u>P</u>	N	N	
c.	Bank, or credit union or office building	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
	(1) Not including drive through service	N	N	N	N	N	P	P			N	N	
	(2) Including drive through service	N	N	N	N	N	N	N		N	N	N	
d.	Temporary sales or promotion office in connection with adjacent construction, limited to one year. Any of the above permitted uses within this section that includes a drive through	N	N	N	N	N	P N	P N	N	<u>S</u>	P N	N	See Article XVI, Section 5

1 (Ord. of 6-4-01(3); Ord. of 11-30-23(2))

2 **Section 8. Restaurants and entertainment.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
a.	Restaurant												
	(1) Not including entertainment	N	N	N	N	P	P	P	N P	<u>P</u>	N	N	See Article VI, Section 10
	(2) Including entertainment	N	N	N	N	N	N	N	N <u>S</u>	<u>S</u>	N	N	See Article XVI, Section 5
b.	Tavern Bar or night club												
	(1) Without adult entertainment	N	N	N	N	N	N	N	N <u>S</u>	<u>S</u>	N	N	See Article XVI, Section 5
	(2) With adult entertainment	N	N	N	N	N	N	N*	N	<u>N</u>	N	N	See Article XVI, Section 5
c.	Theater or concert hall	N	N	N	N	N	N	P	N	<u>N</u>	N	N	
d.	Indoor commercial recreation	N	N	N	N	N	P	P	N	N	N	N	
e. d.	Restaurant Any of the above uses in this section with drive-through service	N	N	N	N	N	N	N	N	<u>N</u>	N	N	

3 Such use shall not be located within 1,000 feet of any church, school, day care center or residence.

4 **Section 9. Service business.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
a.	Personal convenience services, including, but not limited to: barber shop, beautician, shoe repair, tailor	N	N	N	N	P	P	P	N P	<u>P</u>	N	N	
b.	Laundromat or dry cleaning facility that does not process on site	N	N	N	N	N	P	P	N	<u>N</u>	N	N	

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
c.	Specialty services, including, but not limited to: printing shop, photo studio, interior decorating shop, catering service	N	N	N	N	P	P	P	N P	P	N	N	
d.	Mortuary or funeral home	N	N	N	N	N	P	P	N	N	N	N	
e.	Electronic or appliance repair shop	N	N	N	N	N	N	P	N	N	N	N	
f.	Veterinary office or animal hospital	N	N	N	N	N	P	P	N	N	N	N	
g.	<u>Pet grooming</u>	N	N	N	N	N	N	N	N	N	N	N	
g. h.	General automotive repair shop	N	N	N	N	N	N	N	N	N	N	N	
h. i.	Vehicle rental agency	N	N	N	N	N	N	N	N	N	N	N	
i. j.	Self-service car wash	N	N	N	N	N	N	N	N	N	N	N	
j. k.	Commercial dock or pier	N	N	N	N	N	N	N	P	P	N	N	
k. l.	Storage, repair and sales of boats and marine accessories	N	N	N	N	N	N	P	N P	P	N	N	See Article VI, Section 10
m.	<u>Marina or boat yard</u>	N	N	N	N	N	N	N	P	P	N	N	See Article VI, Section 10

1 (Ord. of 6-4-01(3); Ord. of 7-24-23(1); Ord. of 11-30-23(2))

2 **Section 10. Retail business.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
a.	<u>General retail business, including but not limited to: grocery/convenience store, pharmacy, hardware store, variety/general merchandise store, furniture/household goods store-Retail business of less than 20,000 square foot building footprint</u>	N	N	N	N	N	P	P	N P	P	N	N	See Article VI, Section 10
b.	<u>Specialty retail business, including but not limited to: antique store, bookstore, decorative arts/housewares/furnishings store, specialty food store-Retail business between 20,000 square foot and 40,000 square foot building footprint</u>	N	N	N	N	P	P	P	N P	N	N	N	See Article VI, Section 10
c.	Single or multiple structure shopping centers, malls, mini-malls and strip-malls over 40,000 square feet	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	Notes
d.	Retail business, office and/or consumer service complex 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	N	N	N P	P	P	N	See Article VI, Section 10
e.	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	See Article VI, Section 10
f.	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	N	N	N	N	N	
e-g.	Retail sales accessory to the manufacture or assembly of products on the premises****	N	N	N	N	N	P	P	N P	P	N	N	See Article IV, Section 14 Article VI, Section 10
fh.	Retail sales with open lot storage (other than display for sale)	N	N	N	N	N	N	N	N P	N	N	N	See Article VI, Section 10
g.	Retail sales of agricultural products, the majority of which are not grown on the premises**	N	N	N	N	N	N	N	N		N	N	
hj.	Package liquor store	N	N	N	N	P	P	P	N	N	N	N	
ij.	Adult book/video store*****	N	N	N	N	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.
jk.	Gasoline filling station, including retail sales as an accessory use****	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	Notes
													Article X, Section 5
k.	Auto or truck sales in a building (including repairs) or an open lot	N	N	N	N	N	N	P	N	<u>N</u>	N	N	
l.m.	Trailer sales, service and storage	N	N	N	N	N	N	P	N	<u>N</u>	N	N	
m.	Compassion Center	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
n.	Marijuana store	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	

1 * According to the provisions of section 16 of this article.

2 ** For retail sales of agriculture products see section 10.

3 *** Commercial raising of animals or fowl shall become a use allowed by right rather than special use permit where the subject
4 property is five acres or greater in area.

5 **** See section 14 of this article.

6 ***** According to the standards of Section 3.c of Article XVI.

7 ***** See section 2.1 for sale of home grown agricultural products and section 3.a for sale of agricultural products grown
8 commercially.

9 ***** Such use shall not be located within 1,000 feet of any church, school, day care center or residence.

10 ***** The gross area of any single structure shall not exceed 40,000 square feet and its associated off street parking area
11 shall not exceed 60,000 square feet.

12 (Ord. of 6-4-01(3); Ord. of 3-25-02; Ord. of 3-22-04; Ord. of 3-24-08(3); Ord. of 4-11-16; Ord. of 11-30-23(2); Ord. 6-
13 24-24))

14 **Section 11. Transportation uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
a.	Commercial airport or heliport	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
b.	Private landing strip or helipad	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
c.	Bus or rail passenger station	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
d.	Commercial off-street parking facility, including bus or other vehicle storage	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
e.	State or municipal off-street parking lot	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	P	P	<u>N</u>	<u>N</u>	

15 (Ord. of 6-4-01(3); Ord. of 11-30-23(2))

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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	Notes
a.	Wholesale business and storage of nonflammable and non-explosive material in a building	N	N	N	N	N	N	P	P	<u>N</u>	P	N	See Article VI, Section 10
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	<u>N</u>	P	N	
c.	Mini-storage facility	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
d.	Storage of flammable and/or explosive material	N	N	N	N	N	N	N	N	<u>N</u>	N	N	
e.	Retail outlet accessory to a wholesale or storage use	N	N	N	N	N	N	P	N <u>P</u>	<u>N</u>	N	N	See Article VI, Section 10

2 (Ord. of 6-4-01(3); Ord. of 11-30-23(2))

3 **Section 13. Industrial uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	Notes
a.	Manufacturing, storing, processing, fabricating, activities in conformance with article XIII	N	N	N	N	N	N	N	N <u>P</u>	<u>P</u>	N	N	See Article VI, Section 10
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	P	N	N	<u>N</u>	P	N	

4 (Ord. of 6-4-01(3); Ord. of 11-30-23(2) (Ord. of 11-30-23(1))

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

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

2
 3 (Ord. of 6-24-24)
 4

1 ARTICLE V. DISTRICT DIMENSIONAL REGULATIONS

2 Section 1. Dimensional regulations table.

3 The following table contains minimum lot areas, lot widths and front, rear and side yards,
4 maximum lot coverage and height of structures for each zoning district:

	Minimum Lot Dimensions and Building Setbacks					Maximum Building Coverage and Height	
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.
Uses in R-30 Residential District							
Single-family dwelling	30,000 SF	150 ft	30 ft	30 ft	20 ft	15%	35 ft
Conservation Development – single family dwelling	See Article XXVI						
Two-family dwelling	40,000 SF	150 ft	30 ft	50 ft	20 ft	20%	35 ft
Conservation Development – two family dwelling	See Article XXVI						
Three-family dwelling	40,000 SF	150 ft	30 ft	50 ft	30 ft	20%	35 ft
Conservation Development three-family dwelling	See Article XXVI						
Multi-family structure or apartment house (4 or more units), with public water and sewer	40,000 SF plus 15,000 SF for each unit above 2 units, plus 7,500 SF for each additional bedroom over 2 bedrooms per unit	150 ft	40 ft	50 ft	30 ft	20%	35 ft
Conservation Development – multi-family structure or apartment house (4 or more units), with public water and sewer	See Article XXVI						
Convalescent, rest or nursing home; retirement residence/assisted living facility	3 acres	200 ft	40 ft	60 ft	30 ft	25%	35 ft

	Minimum Lot Dimensions and Building Setbacks					Maximum Building Coverage and Height	
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.
Uses allowed under Article IV, Section 3, Farming or raising of animals	40,000 SF	150 ft	40 ft	50 ft	30 ft	15%	35 ft
Public, semi-public and recreation uses	60,000 SF	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Other permitted or special uses	30,000 SF	120 ft	35 ft	40 ft	20 ft	20%	35 ft
Uses in R-40 Residential District							
Single-family dwelling	40,000 SF	150 ft	40 ft	40 ft	25 ft	15%	35 ft
Conservation Development – single family dwelling	See Article XXVI						
Convalescent, rest or nursing home; retirement residence/assisted living facility	3 acres	200 ft	40 ft	60 ft	30 ft	25%	35 ft
Commercial raising of animals or fowl	100,000 SF	200 ft	40 ft	60 ft	50 ft	10%	35 ft
All other uses allowed under Article IV, Section 3, Farming or raising of animals	40,000 SF	150 ft	40 ft	60 ft	30 ft	15%	35 ft
Public, semi-public and recreation uses	60,000 SF	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Other permitted or special uses	40,000 SF	150 ft	40 ft	60 ft	30 ft	15%	35 ft
Uses in R-60 Residential District							
Single-family dwelling	60,000 SF	175 ft	40 ft	60 ft	30 ft	15%	35 ft
Conservation Development – single family dwelling	See Article XXVI						
Two-family dwelling	60,000 SF	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Conservation Development – two-family dwelling	See Article XXVI						
Three-family dwelling	60,000	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Conservation Development –	See Article XXVI						

	Minimum Lot Dimensions and Building Setbacks					Maximum Building Coverage and Height	
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.
three-family dwelling							
Multi-family structure or apartment house (4 or more units), with public water and sewer	60,000 SF plus 15,000 SF for each unit above 2 units, plus 7,500 SF for each additional bedroom over 2 bedrooms per unit	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Conservation Development – multi-family structure or apartment house (4 or more units), with public water and sewer	See Article XXVI						
Convalescent, rest or nursing home; retirement residence/assisted living facility	3 acres	200 ft	40 ft	60 ft	30 ft	25%	35 ft
Commercial raising of animals or fowl	100,000 SF	200 ft	40 ft	60 ft	50 ft	10%	35 ft
All other uses allowed under Article IV, Section 3, Farming or raising of animals	60,000 SF	175 ft	40 ft	60 ft	30 ft	15%	35 ft
Public, semi-public and recreation uses	60,000 SF	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Other permitted or special uses	60,000 SF	175 ft	45 ft	80 ft	35 ft	15%	35 ft
Uses in R-120 Residential District							
Single-family dwelling	120,000 SF	200 ft	50 ft	80 ft	35 ft	10%	35 ft
Conservation Development – single family	See Article XXVI						
Convalescent, rest or nursing home; retirement residence/assisted living facility	3 acres	200 ft	50 ft	100 ft	35 ft	25%	35 ft

	Minimum Lot Dimensions and Building Setbacks					Maximum Building Coverage and Height	
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.
Commercial raising of animals or fowl	120,000 SF	200 ft	50 ft	100 ft	35 ft	10%	35 ft
All other uses allowed under Article IV, Section 3, Farming or raising of animals	120,000 SF	200 ft	50 ft	100 ft	35 ft	15%	35 ft
Public, semi-public and recreation uses	80,000 SF	200 ft	50 ft	100 ft	35 ft	20%	35 ft
Other permitted or special uses	120,000 SF	200 ft	50 ft	100 ft	35 ft	10%	35 ft
Uses in VC Commercial District							
Any permitted or special use	12,000 SF	100 ft	20 ft	10 ft	10 ft	25%	35 ft
Uses in GC Commercial District¹							
Any permitted or special use (see Note 1 regarding residential uses)	12,000 SF	100 ft	0 ft	20 ft	0-20 ft ²	50%	50 ft
Commercial raising of animals or fowl	100,000 SF	200 ft	40 ft	60 ft	50 ft	10%	35 ft
Public, semi-public and recreation uses	12,000 SF	100 ft	50 ft	20 ft	20 ft	25%	40 ft
* Minimum set back alongside street is 0 feet; minimum setback where side yard abuts a residential zone is 20 feet; minimum setback between commercial lots must meet all applicable building codes as well as the Uniform Fire Code of RI.							
Uses in HC Commercial District							
Any permitted or special use	20,000 SF	120 ft	40 ft	50 ft	20 ft	25%	40 ft
Public, semi-public and recreation uses	20,000 SF	120 ft	50 ft	20 ft	20 ft	25%	35 ft
Uses in W1 & W2 Waterfront Districts^{*1 3}							
Any permitted or special use (see Note 1 regarding residential uses), without both public water and sewer	<u>20,000 SF</u>	80 ft	10 ft	10 ft	10 ft	25%	35 ft
<u>Any permitted or special use, with</u>	<u>10,000 SF</u>	<u>80</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>25%</u>	<u>35 ft</u>

¹ For residences in a GC, W or I District, the dimensional regulations of the nearest residential district shall apply.

² Minimum set back alongside street is 0 feet; minimum setback where side yard abuts a residential zone is 20 feet; minimum setback between commercial lots must meet all applicable building codes as well as the Uniform Fire Code of RI.

³ The dimensional standards applied to any particular development within the Waterfront District are also subject to the requirements of the Coastal Resources Management Council (CRMC) as appropriate.

	Minimum Lot Dimensions and Building Setbacks					Maximum Building Coverage and Height	
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.
<u>both public water and sewer</u>							
Uses in I Industrial District¹							
Any permitted or special use (see Note 1 regarding residential uses)	40,000 SF	150 ft	40 ft	60 ft	35 ft	50%	40 ft
Uses allowed under Section 3, Farming or raising of animals	40,000 SF	150 ft	40 ft	60 ft	35 ft	15%	35 ft
Public and semi-public uses	20,000 SF	120 ft	40 ft	50 ft	20 ft	25%	40 ft

1

2 *Note 1:* For residences in a GC, W or I District, the dimensional regulations of the nearest
 3 residential district shall apply.

4 *Note 2:* ~~The minimum lot areas listed above may not be adequate in certain cases to meet state~~
 5 ~~standards for on-site sewage disposal; a larger lot area may be specified by the department of~~
 6 ~~environmental management as part of the approval of an individual septic disposal system.~~

7 (Ord. of 5-13-96; Ord. of 4-23-01(1); Ord. of 11-23-09; Ord. of 7-9-18)

8 **Section 2. – General Requirements.**

9

10 . . .

11

12 (b) In any district, not more than one structure housing a permitted use, or principal use allowed
 13 by special use permit, may be erected on a single lot, except however, more than one principal
 14 building and/or principal use, may be allowed on a lot within a commercial, waterfront or
 15 industrial district provided the project undergoes review, including design review, as a land
 16 development project in accordance with Appendix B – Land Development and Subdivision
 17 Regulations~~development plan review under the provisions of article XX, or as otherwise~~
 18 ~~provided for in this ordinance.~~ Where more than one principal structure is allowed, the maximum
 19 building coverage and all other dimensional standards shall otherwise be complied with.

20

21 . . .

22

23 **Section 4. – Building Height and Limitation on Fill and Cut.**

24

25 **a. Building height.**

26

27 1. For a proposed new building on a vacant parcel of land, building height shall be
 28 measured from the average existing grade elevation where the foundation of the
 29 structure is proposed. Figure 1-1.

- 1 2. For an existing structure, building height shall be measured from the average existing
2 grade taken from the outermost four corners of the existing foundation.
3
 - 4 3. The permitted finished grade shall be in accordance with Article V, Section 4(b).
5
 - 6 4. In all cases, building height is measured to the top of the highest point of the
7 existing/proposed roof or structure.
8
 - 9 a. This calculation does not include architectural features, church spires,
10 chimneys, flagpoles, antennas, and weathervanes. Also, this calculation does
11 not include roof-mounted solar energy systems, plumbing, electrical, heating,
12 ventilating and air-conditioning mechanical equipment, provided it does not
13 exceed four feet from the highest point of the roof where it is located. Finally,
14 this calculation does not include that portion of a building necessary to
15 accommodate an elevator overrun, provided it does not exceed four feet from
16 the highest point of the roof where it is located.
17
 - 18 5. For any property or structure located in a special flood hazard area, as shown on the
19 official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island
20 coastal resources management council (CRMC) suggested design elevation three foot
21 (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-
22 hundred-year (100) storm, the greater of the following amounts, expressed in feet,
23 shall be excluded from the building height calculation:
24
 - 25 a. The base flood elevation (“BFE”) on the FEMA FIRM plus up to five feet (5’)
26 of any utilized or proposed freeboard, less the average existing grade elevation
27 (Figure 1-2), or
28
 - 29 b. The suggested design elevation as depicted on the CRMC SDE 3 SLR map
30 during a one-hundred-year (100) storm, less the average existing grade
31 elevation. CRMC shall reevaluate the appropriate suggested design elevation
32 map for the exclusion every ten (10) years, or as otherwise necessary (Figure
33 1-3).
34
- 35 In no case shall any designated freeboard or any area beneath either the BFE
36 or design elevation in a flood zone be used as habitable space or for any use
37 other than storage, parking of vehicles or means of egress.
38
- 39 c. Maximum building height.
 - 40 i. No structure in a special flood hazard area shall exceed the following
41 height measurements:
 - 42 1. Structures that are elevated to a distance above grade of less
43 than or equal to five (5) feet shall be limited to thirty-five (35)
44 feet of building height;

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2. Structures that are elevated to a distance above grade of greater than five (5) feet but less than or equal to ten (10) feet shall be limited to thirty (30) feet of building height;
 3. Structures that are elevated to a distance above grade of greater than ten (10) feet but less than or equal to fifteen (15) feet shall be limited to twenty-five (25) feet of building height;
 4. Structures that are elevated to a distance above grade of greater than fifteen (15) feet shall be limited to twenty (20) feet of building height.
6. If a structure is built in an area with a grade cut, the building height shall be measured from the finished grade after the grade cut.

Figure 1-1

Building Height (not in a special flood hazard area)

Building Height = X

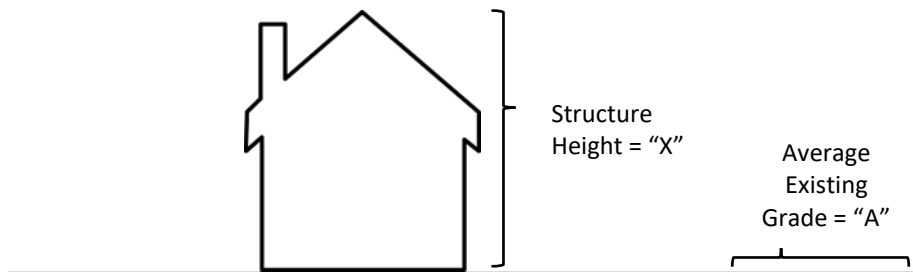


Figure 1-2

Building Height (in a special flood hazard area using the FEMA FIRM Map exclusion)

Building Height = X - ((Z + Y) - A)

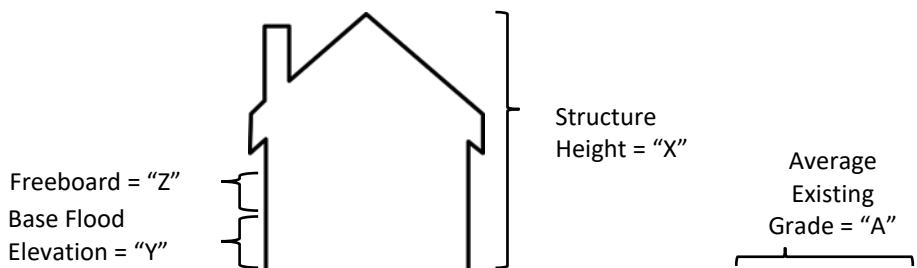
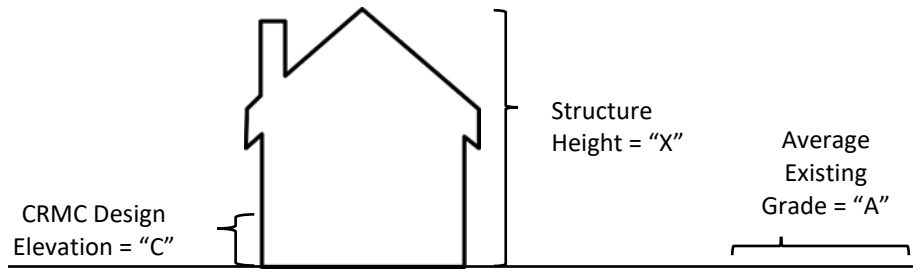


Figure 1-3

Building Height (in a special flood hazard area using the CRMC exclusion)

Building Height = X – (C – A)



1 b. Limitation on fill and cut.

- 2
- 3 1. The finished grade surrounding a building may be adjusted to a level not to exceed four
- 4 feet above or below the average of the existing elevation of the existing grade at the
- 5 proposed four corners of the building.
- 6
- 7 2. For any property located in a Coastal A or VE Flood Zone, the finished grade may be
- 8 adjusted to a level not to exceed two feet above or below existing grade throughout the
- 9 property.
- 10
- 11 3. The adjustment of grade on a vacant or undeveloped portion of a lot may be cut or filled
- 12 by right up to 4 feet. The adjustment of grade cut or fill, on any lot which exceeds 4 feet
- 13 shall require a land disturbance permit including plans stamped by a Registered
- 14 Professional Engineer in the State of Rhode Island and be approved by the Town
- 15 Engineer.
- 16

17 In all cases, fill above existing grade shall be deducted from building height.

18

19

1 **ARTICLE VI. OTHER DISTRICT REGULATIONS**

2 **Section 10. - Performance Criteria**

3
4 An application for development or redevelopment of the following uses additionally requires
5 submission of the items listed below. An application for development or redevelopment shall
6 not be considered complete without the submission of each item listed for the use.

7
8 A use that requires a Special Use Permit shall also be subject to the performance criteria for that
9 use, if any. In the event of a conflict between performance criteria and specific and objective
10 criteria for a Special Use Permit, the Special Use Permit criteria shall apply.

11
12 Unless otherwise indicated, an applicant may seek relief from a performance criteria by filing an
13 application with the permitting authority for a dimensional variance under Article VXII of this
14 Ordinance.

15
16 a. Mixed-Use Residential.

- 17 (1) Residential units are not permitted on the ground floor of any structure.
18 (2) Total floor area dedicated to residential use shall not exceed 50% of the
19 total floor area.
20 (3) Mixed-use residential structures with four or more residential units shall
21 be connected to public water and sewer.

22
23 b. Hotel.

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

1 c. Nonprofit organization club, lodge, social, or community center building.

- 2 (1) The building footprint may be no greater than 20,000 square feet.
3 (2) Operating hours are restricted to 7:00 a.m. to 10:00 p.m., extendable for
4 events licensed by the Town Council.
5 i. If the organization has a liquor license, the hours permitted with
6 that license govern.
7 (3) Leasing of on-site facilities to third parties is prohibited.
8 (4) Meals may be prepared and served on the premises for members and
9 their guests only; no commercial kitchen is allowed.
10 (5) No more than 30% of the gross floor area may be used as office space.
11 (6) Sleeping facilities are prohibited.
12 (7) Service of alcohol, including consumption of alcohol via bring-your-
13 own-beer/bottled/wine/etc., is prohibited unless a One-Day License
14 (Class F or F1) is issued by the Town Council.

15
16 d. Private trade or professional school.

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

- 1 (8) Parking shall be provided on-site to prevent overflow onto residential
2 streets. The parking area must be clearly marked and must direct traffic
3 away from residential neighborhoods.
4 (9) A noise management plan must be submitted, demonstrating that noise
5 levels will not exceed the limits set by Chapter 38, Article IV. The plan
6 shall include measures to mitigate any potential noise disturbances.
7

8 e. Professional home office.

- 9 (1) All services must be provided indoors.
10 (2) Interior space dedicated solely to professional home office use shall not
11 exceed 350 square feet.
12 (3) Not to employ more than one additional employee beyond home occupant.
13 (4) Off-street parking shall be provided for any employee and/or
14 clients/customers
15

16 f. Restaurants, not including entertainment.

- 17 (1) The main restaurant structure shall be set back 100 feet from any
18 residential use or zone, measured at the property line.
19 i. This setback may be proportionally reduced by the same
20 proportion that the area of such substandard lot meets the
21 minimum lot area of the Zone in which the lot is located. By way
22 of example, if the lot area of a substandard lot only meets forty
23 percent (40%) of the minimum lot area required in the Zone in
24 which it is located, the setback may be reduced to forty percent
25 (40%).
26 ii. This criterion does not apply to the Waterfront Zone(s).
27 iii. The Planning Board, for good cause shown, may increase the
28 required setback.
29 (2) All waste disposal areas and equipment shall be screened from view.
30 (3) Screening shall be provided between the restaurant and any adjacent
31 residential uses. This screening may include a combination of the
32 following:
33 i. A dense vegetative buffer consisting of evergreen trees or shrubs,
34 at least 6 feet in height at the time of planting, installed along the
35 property line adjacent to residential lots.
36 ii. A solid fence to further reduce visual and noise impact. The fence
37 shall be constructed of materials that complement the surrounding
38 environment and provide a continuous barrier.
39

40 g. Storage, repair and sales of boats and marine accessories.

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

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- h. 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) A noise management plan that shows that the subject development will not negatively impact the noise levels beyond the lot lines.
 - (5) 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 businesses of less than 20,000 square foot building footprint.

 - (1) All structures shall be set back a minimum of 300 feet from a residential use or district. This criterion does not apply in the Waterfront Zone(s).
 - (2) Hours of operation shall be between 6:00am and 9:00pm.
 - (3) 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.
 - (4) Landscaping standards in the Land Development and Subdivision Regulations apply.

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

 - (1) All structures shall be set back a minimum of 300 feet from a residential use or district. This criterion does not apply in the Waterfront Zone(s).
 - (2) Hours of operation shall be between 6:00am and 9:00pm.
 - (3) 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.
 - (4) Landscaping standards in the Land Development and Subdivision Regulations apply.

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

 - (1) All structures shall be set back a minimum of 300 feet from a residential use or district. This criterion does not apply in the Waterfront Zone(s).
 - (2) Hours of operation shall be between 6:00am and 9:00pm.
 - (3) 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.

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

- (1) All structures shall be set back a minimum of 300 feet from a residential use or district. This criterion does not apply in the Waterfront Zone(s).
- (2) Hours of operation shall be between 6:00am and 9:00pm.
- (3) 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.

m. 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 Waterfront Zones, retail sales of items are restricted to those products and goods commonly sold in support of marine related uses.
- (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.

n. 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.

- 1 o. Wholesale business and storage of nonflammable and non-explosive material in a
2 building.
 - 3 (1) In the Waterfront Zone(s), the use must be related to marine materials
4 and services.
 - 5 (2) Structures used for this purpose are permitted by right up to a maximum
6 of 20,000 square feet.
 - 7 (3) The storage area must be completely enclosed by a solid fence or wall,
8 including gates for ingress and egress.
 - 9 (4) Fences or walls along the front or corner side lot line must be set back a
10 minimum of thirty (30) feet from the property line.
 - 11 (5) When chain link fencing is used, shrubs with a minimum height of five
12 (5) feet shall be planted linearly every ten (10) feet on-center along the
13 fence or wall to enhance visual screening.
 - 14 (6) Storage of items outside the fenced area is prohibited.
 - 15 (7) In the Waterfront Zone(s), storage areas must be located to minimize
16 visibility first from the water and second from the street.
 - 17 (8) Open lot storage area shall not be used for parking purposes or to meet
18 the minimum parking requirements.
- 19
- 20 p. Retail outlet accessory to a wholesale or storage use.
 - 21 (1) In the Waterfront W1 Zone, the aggregate footprint of all structures may
22 be no greater than 40,000 square feet.
 - 23 (2) In the Waterfront Zone(s), the use must be related to marine materials
24 and services.
 - 25 (3) Open lot storage areas must be defined and separated from parking areas
26 through fencing, screening, or other mechanism approved by the
27 permitting authority.
 - 28 (4) Open lot storage area shall not be used for parking purposes or to meet
29 the minimum parking requirements.
- 30
- 31 q. Manufacturing, storing, processing, fabricating, activities in conformance with
32 article XIII.
 - 33 (1) In the Waterfront W1 Zone, the aggregate footprint of all structures may
34 be no greater than 40,000 square feet.
 - 35 (2) In the Waterfront W2 Zone, the aggregate footprint of all structures may
36 be no greater than 10,000 square feet.
 - 37 (3) The open lot storage area must be clearly defined on the site plan to
38 ensure compliance with zoning regulations and proper site organization.
 - 39 (4) Open lot storage area shall not be used for parking purposes or to meet
40 the minimum parking requirements.
 - 41 (5) In the Waterfront Zone(s) the use is restricted to marine related
42 manufacturing, storing, processing, and fabricating.
 - 43
 - 44
 - 45

1 **ARTICLE XVI. – SPECIAL USE PERMITS**

2
3 **Section 5. Criteria for specific categories of special use permits.**

4
5 All uses designated as an “S”, special use permit required, shall be required to provide evidence,
6 to the satisfaction of the permitting authority, that the specific and objective criteria for such use
7 as required below have been satisfied. An application for development or redevelopment of the
8 following uses additionally requires submission of the items listed below. An application for
9 development or redevelopment shall not be considered complete without the submission of each
10 item listed for the use.

11
12 These uses shall also be subject to performance criteria, if any, set forth in Article VI, Section 10.
13 In the event of a conflict between performance criteria and specific and objective criteria for a
14 Special Use Permit, the Special Use Permit criteria shall apply.

15
16 The specific and objective criteria identified below shall not be altered or varied by a dimensional
17 variance under Article XVII.

18
19 ~~a. In a residential district, the board may grant a special use permit for the waiver of one side yard~~
20 ~~per lot to allow the construction of a double cottage on adjoining lots, provided that each dwelling~~
21 ~~unit shall conform to all other regulations of a residential district.~~

22
23 ~~b. a.~~ In such areas as it exists as a legal nonconforming use, the board may grant a special use
24 permit for the expansion of quarrying of or mining for sand, gravel, rocks or minerals beyond 25
25 percent of the excavated area as existing at the time of zoning amendments dated June 4, 2001,
26 provided that the applicant can demonstrate that the expanded operation is not contrary to the
27 comprehensive plan and to the purpose of this regulation, which is to prevent the loss of natural
28 resources including wildlife habitat, groundwater quality and scenic value. In addition, the
29 following requirements shall be met:

- 30 (1) All such expanded operations shall be located not less than 50 feet from any lot line,
31 and 100 feet from any street right-of-way.
- 32 (2) The applicant shall submit a site plan to the planning board for review and approval.
33 The site plan shall include all applicable information required for a major land
34 development project as contained in the Tiverton land development and subdivision
35 regulations, as well as the proposed limits of excavation. The planning board shall focus
36 their review on methods to control site drainage and soil erosion and sedimentation as
37 required by the comprehensive plan, and visual buffering including landscaping and
38 fencing.
- 39 (3) The applicant shall submit a plan for reclamation of the land which shall also be
40 reviewed and approved by the planning board. The reclamation plan shall establish a
41 time period for reestablishing a grade level with adjacent road and properties, as well
42 as identification of type of vegetative cover. This plan shall be used as a basis for an
43 improvement guarantee that may be required as a condition of approval by the planning
44 board under the provisions of article XI of the land development and subdivision
45 regulations.

1 (4) As a condition of granting the special use permit, the zoning board may establish
2 additional requirements relating to the hours of operation; dust, noise and vibration
3 control; and other matters as deemed necessary by the board to prevent nuisance to,
4 promote harmony with, and protect the value of nearby property.
5

6 e. b. Cemetery, columbarium, or burial ground

7 (1) In considering an application for a special use permit to allow the use of land for
8 a cemetery, columbarium, or burial ground, the board must be provided evidence
9 of the following:

10 ~~(1)~~i. The area to be used as a cemetery, columbarium, or burial ground will have
11 permanent boundary markers and have a minimum size of not less than
12 625 square feet.

13 ~~(2)~~ii. The area to be used as a cemetery, columbarium, or burial ground is
14 located on a separately deeded parcel of land recorded in the land evidence
15 records of the Town of Tiverton, which deed shall specifically set forth
16 that the land contained therein is dedicated for use as a cemetery,
17 columbarium, or burial ground.

18 ~~(3)~~iii. The proposed location of the cemetery, columbarium, or burial ground
19 will not be detrimental to public health; that it will be compatible with
20 neighboring uses and will be not less than 30 feet from the boundary line
21 with adjoining properties; that there is permanent access to the proposed
22 facilities; and that adequate provisions have been made for perpetual care
23 of the facilities.

24 iv. A plan of the area to be used as a cemetery, columbarium, or burial ground
25 showing the surrounding properties, and the present and proposed grave
26 sites, shall, upon approval of the board, be recorded with the land evidence
27 records of the Town of Tiverton.
28

29 ~~d. c.~~ In considering an application for a special use permit to allow an individual sewage
30 disposal system (ISDS) within the setbacks from certain wetlands and water bodies as designated
31 in article VI, section 6 [7], the board must be shown that there will be no adverse impact to the
32 functional values of such wetlands or water bodies. These functional values include, but are not
33 limited to, groundwater recharge and discharge, fish and wildlife habitat, flood storage, erosion
34 and sediment control, pollutant uptake, and public recreation and education. Specifically, the
35 following must be demonstrated in regard to the proposed application:

36 (1) That it will not degrade the quality of groundwater or any wetland or surface
37 water body, either directly or indirectly;

38 (2) That it will not obstruct floodways or reduce the net capacity of the site to retain
39 floodwaters;

40 (3) That it will not cause any sedimentation of wetland, and will include all necessary
41 erosion and sediment control measures;

42 (4) That it will not reduce the capacity of any wetland to absorb pollutants;

43 (5) That it will not degrade the recreational, educational or research value of any
44 wetland or water body;

45 (6) That it will not reduce the capacity of any wetland to recharge groundwater; and

- 1 (7) That it will not degrade the value of any wetland or water body as a spawning
2 ground or nursery for fish and shellfish, or habitat for wildlife and wildfowl.
3 (8) In considering the above, the cumulative impact must also be addressed.
4

5
6 ~~e. In considering an application for a special use permit for relief of the merger requirements~~
7 ~~for substandard lots of record as contained in article VII, the board must apply the criteria~~
8 ~~contained in section 2 of this article.~~
9

10 ~~f.d.~~ In considering an application for a special use permit for relief of the sign regulations as
11 contained in article XII, the board must be provided evidence of the following:

- 12 (1) That the establishment of the sign in a completely conforming manner will result
13 in significant damage to the associated business.
14 (2) That the establishment of a sign which is nonconforming by size will result in a
15 clear visual improvement to a site by virtue of its replacement of an existing
16 nonconforming sign.
17 (3) That the location of the sign on a site in a nonconforming manner is necessary to
18 achieve its intended visual effect.
19

20
21 ~~g. e. SPECIAL USE PERMIT CRITERIA FOR Cannabis or marijuana cultivator, cannabis~~
22 ~~Cannabis retailer or marijuana retailer, cannabis Cannabis testing laboratory or compassion~~
23 ~~Compassion center.~~
24

25 (1) ~~(a)~~ Minimum qualifications. To qualify for consideration of a special use permit for
26 any use as noted listed in F(2) through F(5) in the PDP, an applicant shall satisfy all
27 regulations and qualifications established by the Cannabis Control Commission and
28 the following additional conditions:

- 29 i. ~~{1}~~—Receipt of a license issued by the Cannabis Control Commission.
30 ii. ~~{2}~~—Evidence that the applicant has site control and the right to use the site for the
31 proposed cannabis use in the form of a valid purchase and sales agreement, a valid
32 lease agreement, a notarized statement from the property owner, or other alternate
33 written authorization,
34 iii. ~~{3}~~—Provide a security plan that details any anticipated burden on Town public
35 safety personal/services from the use of the facility. Said plan shall include all
36 security measures for the site, transportation of cannabis and cannabis products
37 to and from the premises to ensure the safety of the employees and public, and
38 to protect the facility from theft or other criminal activity and be approved by the
39 Tiverton Police Department.
40 iv. ~~{4}~~—Provide an odor and/or odorous emissions control plan that details how the
41 proposed location will prevent or control the occurrence and/or release of
42 odorous emissions. Said plan shall include any proposed emissions controls,
43 including, but not limited to, filtering techniques, biofilters, chemical filtration
44 and/or other similar technique.

45 (2) ~~(b)~~ Site conditions.

- 46 i. ~~{1}~~—Location. Uses granted under this article shall not be located within:

- 1 a. ~~{a}~~ Five hundred feet of a preexisting public or private school providing
- 2 education in kindergarten or any grades one through 12 and any preschool
- 3 registered with the Rhode Island Department of Education.
- 4 b. ~~{b}~~ No cannabis retailer shall be located within 2,000 feet from any
- 5 other cannabis retailer even if in an adjoining community.
- 6 c. ~~{c}~~ The distances specified above shall be measured by a straight line from
- 7 the nearest property line of the premises on which the proposed cannabis
- 8 retailer is to be located to the nearest boundary line of the residential
- 9 zoning district or the nearest property line of any of the other designated
- 10 uses set forth above.

11 (3) ~~(4)~~ Conditions of operations. In addition to the rules promulgated by the
12 Cannabis Control Commission the following operational conditions shall apply:

13 i. ~~(a)~~ Hours of operation.

- 14 a. (a) The proposed cannabis retailer and compassion center hours
- 15 of operation and compassion center shall be limited to the hours
- 16 of 8:00 a.m. to 8:00 p.m. weekdays and Saturdays and 12:00 p.m.
- 17 to 6:00 p.m. Sundays. Actual hours of operation to be determined
- 18 by the Zoning Board.

19 ii. ~~(b)~~ Lighting. In addition to the requirements as set forth in Article IV, §19
20 O, Lighting shall adequately illuminate the cannabis retailer and compassion
21 center, its immediate surrounding area, parking lots, the front facade and any
22 adjoining sidewalks and shall be hooded or oriented to deflect light away from
23 adjacent properties.

24 iii. ~~(c)~~ Security. The proposed cannabis retailer, cultivator, testing laboratory,
25 and compassion center shall implement the appropriate security measures to
26 deter and prevent the unauthorized entrance into areas containing cannabis and
27 shall ensure that each location has an operational security alarm system.

28 iv. ~~(d)~~ Parking. The proposed cannabis retailer shall comply with the
29 parking requirements as set forth in Article X of this Code.

30 v. ~~(e)~~ Signage. The proposed cannabis retail location shall present signage in a
31 size and in a form that, is reasonably legible from the retail access point, which
32 clearly prohibits any person who is under 21 years of age to be present inside
33 the cannabis retail establishment in compliance with R.L.G.L. § 21-28.11-27.1.
34 All other provisions of the signage shall comply with Article IV, section 19 K.

35 vi. ~~(f)~~ Site plan. No use permitted under this section shall be established prior to
36 submission and approval by the Zoning Board of a site plan, a building plan, and,
37 if required, a boundary line survey by a licensed professional land survey or
38 (PLS). The site plan shall depict all existing and proposed buildings, parking
39 spaces, driveways, service areas and other open uses. The site plan shall show the
40 distances between the proposed use and the boundary of the nearest residential
41 zoning district and the property line of all other abutting uses.

42 vii. ~~(g)~~ The Zoning Board may impose additional operational conditions or
43 further restrict existing minimum conditions Subsection A(4)(a) through (f)
44 above.

45 (4) ~~(5)~~ Findings. In addition to the findings required in Article XVI, section 2, the
46 Zoning Board must also find the following:

- 1 i. ~~(a)~~—That the requested use at the proposed location is sufficiently buffered
2 in relation to any residential area in the immediate vicinity so as not to adversely
3 affect said area.
- 4 ii. ~~(b)~~—That the exterior appearance of the structure will be consistent with the
5 exterior appearance of structures already constructed or under construction within
6 the immediate neighborhood to prevent blight or deterioration or substantial
7 diminishment or impairment of property values within the neighborhood
8

9 f. Bed & Breakfast.

- 10 (1) The Bed & Breakfast shall be a single-family dwelling.
- 11 (2) The Bed & Breakfast shall be occupied by the owner or operator.
- 12 (3) The establishment must provide a minimum of four (4) en-suite bedrooms
13 available for let. Each en-suite shall include at a minimum a bedroom and a
14 private bathroom (“guestroom”).
- 15 (4) The maximum number of transient guests shall not exceed two times the number
16 of guestrooms.
- 17 (5) In addition to the guestrooms, the Bed & Breakfast must include a separate en-
18 suite for the owner or operator’s exclusive use.
- 19 (6) Cooking facilities are prohibited in guestrooms.
- 20 (7) No more than one meal daily shall be provided for guests.
- 21 (8) Where the dwelling is served by an OWTS system, the total number of bedrooms
22 (guestrooms plus owner’s room) shall not exceed the RI DEM OWTS permit.
- 23 (9) A minimum of one (1) off-street parking space is required per bedroom, including
24 both guestrooms and the owner’s suite.
- 25 (10) All transient guest parking must be off-street on the same lot as the Bed &
26 Breakfast.
- 27 (11) No person may occupy said room or rooms more than 14 days in any 30-day
28 period.

29
30 g. Private trade or professional school.

- 31 (1) In the Waterfront district(s), the curriculum of private trade or professional
32 schools must be primarily marine-related.
- 33 (2) Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
- 34 (3) Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall,
35 including ingress and egress. Storage is prohibited outside of the fenced area.
- 36 (4) The storage areas should be located in the rear of the lot. Any structures shall be
37 located in front of the storage area to obscure the view of the storage from
38 street(s), in compliance with the front yard of the underlying zoning district.
 - 39 i. In the Waterfront Zone(s), storage areas must be located to minimize
40 visibility first from the water and second from the street.
- 41 (5) The storage and disposal of any hazardous waste materials shall comply with all
42 federal, state, and local regulations governing such materials. No operation which
43 produces hazardous waste material shall commence without prior notice to the
44 Town Administrator.
- 45 (6) In terms of access, the volume of traffic shall not reduce the existing level of
46 service as measured over the nine-month period prior to filing the Preliminary

1 Plan Application, or shall be mitigated so as to not reduce the existing level of
2 service over the same period. The level of service, and mitigation measures, shall
3 be identified by a traffic engineer. Primary access shall be through non-
4 residential roadways. Access shall be designed to split the volume of traffic
5 between at least two egress and ingress points.

6 (7) A traffic management plan, which includes strategies for limiting the impact of
7 traffic on nearby residential areas, shall be submitted by a traffic engineer. This
8 plan shall address the scheduling of classes to avoid peak traffic times, the
9 promotion of ride-sharing or shuttle services, and the provision of adequate on-
10 site parking.

11 (8) Parking shall be provided on-site to prevent overflow onto residential streets. The
12 parking area must be clearly marked and must direct traffic away from residential
13 neighborhoods.

14 (9) A noise management plan must be submitted, demonstrating that noise levels will
15 not exceed the limits set by Chapter 38, Article IV. The plan shall include
16 measures to mitigate any potential noise disturbances.

17
18 h. Accessory drive-through facility.

19 (1) All drive-through facilities shall provide a minimum of three stacking spaces per
20 lane or bay, unless additional stacking spaces are required specifically by this
21 Ordinance. Stacking spaces provided for drive-through uses shall be:

22 i. A minimum of nine feet in width, as measured from the outermost point
23 of any service window or bay entrance, to the edge of the driveway, and
24 18 feet in length. In the case of a recessed service window, the
25 measurement shall be taken from the building wall.

26 ii. Stacking spaces shall begin behind the vehicle parked at a final point of
27 service exiting the drive through aisle, such as a service window or car
28 wash bay (this does not include a menu board). Spaces shall be placed
29 in a single line behind each lane or bay.

30 (2) All drive-through lanes shall be located and designed to ensure that they do not
31 adversely affect traffic circulation on adjoining streets. Drive-through lanes on
32 corner lots shall not route exiting traffic into adjacent residential neighborhoods.

33 (3) Drive-through facilities shall be screened along interior side and rear lot lines with
34 a solid wall or fence, a minimum of six feet and a maximum of seven feet in height.
35 One shrub a minimum of three feet in height at time of planting shall be planted
36 linearly every three feet on-center along such fence or wall. This standard does not
37 apply to drive-through facilities within multi-tenant retail centers.

38 (4) In the Waterfront Zone(s), menu boards are prohibited in the drive-through lane.

39
40 i. Restaurant, including entertainment.

41 (1) The primary structure shall be set back a minimum of 100 feet from any
42 residential use or zone, measured at the property lines.

43 (2) The restaurant will not employ flashing, laser, or strobe lights that are visible
44 outside of the building.

- 1 (3) The maximum volume, irrespective of the format, is limited solely to the
2 boundaries of the premises at all times and must comply with Chapter 38 Article
3 IV of the Tiverton Code of Ordinances.
- 4 (4) Screening shall be provided between the restaurant and any adjacent residential
5 uses. This screening may include a combination of the following:
- 6 i. A dense vegetative buffer consisting of evergreen trees or shrubs, at
7 least 6 feet in height at the time of planting, installed along the property
8 line adjacent to residential lots.
- 9 ii. A solid fence to further reduce visual and noise impact. The fence shall
10 be constructed of materials that complement the surrounding
11 environment and provide a continuous barrier.
- 12 (5) Exterior lighting must be designed and installed to prevent light from spilling
13 onto adjacent residential properties. All lighting fixtures shall be dark sky
14 compliant and shielded and directed downward.
- 15
- 16 j. Bar or nightclub without adult entertainment.
- 17 (1) The primary structure shall be set back a minimum of 100 feet from any
18 residential use or zone, measured at the property lines, except in the Waterfront
19 Zone(s).
- 20 (2) The maximum noise level is limited solely to the boundaries of the premises at
21 all times and must comply with Chapter 38 Article IV of the Tiverton Code of
22 Ordinances.
- 23 (3) Screening shall be provided between the facility and any adjacent residential uses.
24 This screening may include a combination of the following:
- 25 i. A dense vegetative buffer consisting of evergreen trees or shrubs, at
26 least 6 feet in height at the time of planting, installed along the property
27 line adjacent to residential lots.
- 28 ii. A solid fence to further reduce visual and noise impact. The fence
29 should be constructed of materials that complement the surrounding
30 environment and provide a continuous barrier.
- 31 (4) Exterior lighting shall be designed and installed to prevent light from spilling onto
32 adjacent residential properties. All lighting fixtures shall be darks sky compliant
33 and shielded and directed downward.
- 34
- 35 k. Bar or nightclub with adult entertainment.
- 36 (1) Such use shall not be located within 1,000 feet of any church, school, day care
37 center or residence.
- 38 (2) The primary structure shall be set back a minimum of 300 feet from any
39 residential use or zone, measured at the property lines.
- 40 (3) The maximum noise level is limited solely to the boundaries of the premises at all
41 times and must comply with Chapter 38 Article IV of the Tiverton Code of
42 Ordinances.
- 43 (4) Screening must be provided between the facility and any adjacent residential uses.
44 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, must be installed along the property line adjacent to residential lots.
 - ii. A solid fence to further reduce visual and noise impact. The fence should be constructed of materials that complement the surrounding environment and provide a continuous barrier.
- (5) Exterior lighting shall be designed and installed to prevent light from spilling onto adjacent residential properties. All lighting fixtures shall be dark sky compliant and shielded and directed downward.

1. High voltage electric transmission towers

- (1) Towers shall be permitted only in designated industrial or utility zoning districts, or in areas specifically identified for communication infrastructure, to minimize their impact on residential neighborhoods and scenic areas.
- (2) Towers must be set back a minimum of 500 feet from any residential zoning district or occupied residential structure to reduce visual and noise impacts.
- (3) Towers 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).
- (4) Towers 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.
- (5) The maximum height of towers shall not exceed 150 feet unless a variance is granted, considering the topography and potential visual impact on surrounding areas.
- (6) Towers must be designed to minimize visual impact. This includes the use of monopole structures instead of lattice towers where feasible, and the application of neutral colors or camouflaging techniques to blend with the surrounding environment.
- (7) Towers shall be designed to accommodate multiple antennas or services to reduce the need for additional tower construction in the area.
- (8) Towers must be constructed to meet or exceed the structural standards outlined in the latest version of the American National Standards Institute (ANSI) and Telecommunications Industry Association (TIA) standards.
- (9) Towers must comply with the guidelines set by the Federal Communications Commission (FCC) and the Rhode Island Department of Health for EMF exposure to ensure public health and safety.
- (10) Adequate access must be provided for emergency vehicles, and a fire safety plan must be approved by the local fire department prior to construction.
- (11) Noise generated by the operation of towers, including associated equipment, shall not exceed 50 decibels at the property line of the nearest residential property.
- (12) The installation and operation of towers must ensure that vibrations do not exceed local ordinances, particularly during construction and maintenance activities.
- (13) A landscaping plan must be submitted, showing the use of native vegetation to screen the base of the towers from public view, particularly from adjacent residential properties and public rights-of-way.

- 1 (14) The property owner must maintain all landscaping in good condition, replacing
2 any dead or diseased plants promptly.
- 3 (15) Towers shall not be artificially illuminated unless required by the Federal
4 Aviation Administration (FAA) or for security purposes. All lighting must be
5 downward-facing and shielded to minimize light pollution.
- 6 (16) No signage or advertising is permitted on the tower structure itself, except for
7 necessary safety or identification signs required by law.
- 8 (17) A decommissioning plan must be submitted, outlining the removal of the tower
9 and restoration of the site should the facility cease operations. This plan must
10 include a financial surety to ensure that decommissioning occurs in a timely and
11 responsible manner.

12
13 m. Towers, including but not limited to, radio frequency towers.

- 14 (1) Towers shall be permitted only in designated industrial or utility zoning districts,
15 or in areas specifically identified for communication infrastructure, to minimize
16 their impact on residential neighborhoods and scenic areas.
- 17 (2) Towers must be set back a minimum of 500 feet from any residential zoning
18 district or occupied residential structure to reduce visual and noise impacts.
- 19 (3) Towers must maintain a minimum buffer of 200 feet from wetlands, water bodies,
20 and critical wildlife habitats as identified by the Rhode Island Department of
21 Environmental Management (DEM).
- 22 (4) Towers shall not be located within designated scenic corridors, historic districts,
23 or within 1,000 feet of any property listed on the National Register of Historic
24 Places.
- 25 (5) The maximum height of towers shall not exceed 150 feet unless a variance is
26 granted, considering the topography and potential visual impact on surrounding
27 areas.
- 28 (6) Towers must be designed to minimize visual impact. This includes the use of
29 monopole structures instead of lattice towers where feasible, and the application
30 of neutral colors or camouflaging techniques to blend with the surrounding
31 environment.
- 32 (7) Towers shall be designed to accommodate multiple antennas or services to reduce
33 the need for additional tower construction in the area.
- 34 (8) Towers must be constructed to meet or exceed the structural standards outlined
35 in the latest version of the American National Standards Institute (ANSI) and
36 Telecommunications Industry Association (TIA) standards.
- 37 (9) Towers must comply with the guidelines set by the Federal Communications
38 Commission (FCC) and the Rhode Island Department of Health for EMF
39 exposure to ensure public health and safety.
- 40 (10) Adequate access must be provided for emergency vehicles, and a fire safety plan
41 must be approved by the local fire department prior to construction.
- 42 (11) Noise generated by the operation of towers, including associated equipment, shall
43 not exceed 50 decibels at the property line of the nearest residential property.
- 44 (12) The installation and operation of towers must ensure that vibrations do not exceed
45 local ordinances, particularly during construction and maintenance activities.

- 1 (13) A landscaping plan must be submitted, showing the use of native vegetation to
2 screen the base of the towers from public view, particularly from adjacent
3 residential properties and public rights-of-way.
4 (14) The property owner must maintain all landscaping in good condition, replacing
5 any dead or diseased plants promptly.
6 (15) Towers shall not be artificially illuminated unless required by the Federal
7 Aviation Administration (FAA) or for security purposes. All lighting must be
8 downward-facing and shielded to minimize light pollution.
9 (16) No signage or advertising is permitted on the tower structure itself, except for
10 necessary safety or identification signs required by law.
11 (17) A decommissioning plan must be submitted, outlining the removal of the tower
12 and restoration of the site should the facility cease operations. This plan must
13 include a financial surety to ensure that decommissioning occurs in a timely and
14 responsible manner.

15
16 **Effective Date:** This Ordinance shall take effect upon passage in accordance with the provisions
17 of the Tiverton Home Rule Charter.

18
19 Amended by the Tiverton Town Council on _____.