

PROPOSED AMENDMENTS TO CITY ORDINANCES IN ORDER TO COMPLY WITH CHANGES TO 2024 RI GENERAL LAWS

CITY OF EAST PROVIDENCE

AN ORDINANCE IN AMENDMENT OF THE REVISED ORDINANCES

OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED

LEGEND

Existing text to remain

~~Proposed deletions~~

Proposed additions

Only amended sections are shown in this document.

PROPOSED AMENDMENTS TO EAST PROVIDENCE CODE OF ORDINANCES CHAPTER 2 ADMINISTRATION, DIVISION 7 – PLANNING BOARD

SECTION I. *Chapter 2 of the Revised Ordinances of the City of East Providence, Rhode Island is hereby amended by adding thereto the following:*

Sec. 2-172. Powers and duties of board.

(d) It shall be a function of the planning board to adopt, modify and amend regulations and rules governing land development, development plan review, unified development review, and subdivision projects within the city and to control land development, development plan review, unified development review, and subdivision projects pursuant to these regulations and rules. These regulations and amendments thereto, shall be adopted after a public hearing in accordance with G.L. 1956, § 45-23-25 et seq. Printed copies of the regulations shall be available to the general public and shall be revised to include amendments. Any appendices shall also be available. A reasonable charge may be made for copies.

NOTE FOR COUNCIL:

Chapter 2 amended to clarify Planning Board responsibilities per RI General Law.

PROPOSED AMENDMENTS TO EAST PROVIDENCE CODE OF ORDINANCES CHAPTER 19 - ZONING

SECTION II. *Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island is hereby amended as follows:*

Sec. 19-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Accessory ~~family~~ dwelling unit (ADU) means a ~~residential living accessory family dwelling unit on the same lot where the principal use is a legally established single-family dwelling unit or multi-family dwelling unit. In an owner-occupied, single family residence that shall be permitted as a reasonable accommodation only for a family member(s) with disabilities. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.~~ **residential living accessory family dwelling unit on the same lot where the principal use is a legally established single-family dwelling unit or multi-family dwelling unit. In an owner-occupied, single family residence that shall be permitted as a reasonable accommodation only for a family member(s) with disabilities. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.** The appearance of the structure shall maintain the single family character of the neighborhood and the accessory dwelling unit shall remain subordinate to the principal use of the living quarters and there shall be an internal means of egress between the principal unit and the accessory family dwelling unit. See section 19-202 for a description, general requirements and standards; and application process.

NOTE FOR COUNCIL:

Definition of ADU amended as per state law.

Accessory structure means a structure located on the same lot as a principal use but separate from the principal building and devoted or intended to be devoted to an accessory use. The accessory structure shall not be located between the public right-of-way and the principal use and said accessory structure shall be no greater than 50 percent of the gross floor area of the principal use.

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

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

Administrative officer means the municipal official who shall administer the land development and subdivision review regulations to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies. The administrative officer is the director of the department of planning and economic development or his or her designee.

Aggrieved party means:

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

Agricultural land means land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes.

Amusement game center means any structure or portion thereof within which are kept for use as games, entertainment or other public patronage, four or more amusement game machines or devices as defined in this section.

Amusement game machine means a mechanical, electrical, or electronic machine or device which shall be ready for play by the insertion of a coin or by the payment of a fee, and may be operated by the public for use as a game, for entertainment, or for amusement. It shall include, but not be limited to, such devices as pinball machines, game machines, or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

Amusement park means an activity devoted to entertainment through the medium of rides, games, shows, attractions and other similar activities presented either in the open or within structures and buildings together with public dance in dance halls, refreshments in refreshment stands and dining in dining and shore dinner halls, all of which are an integral part of the park.

Applicant means an owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.

Application means the completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval, or permitting purposes.

Automotive commercial parking garage means a structure used primarily for the storing or parking of motor vehicles.

Automotive repair shop means a structure sheltering the activities of heavy or major motor vehicle repairs, rebuilding and painting.

Basement means a portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

Bed and breakfast means a small lodging establishment that offers overnight accommodation and inclusive usually of breakfast only, typically private homes offering accommodation with fewer than ten bedrooms available for commercial use. This is not to be considered as the allowable accessory use for a residential district regarding the rental of a room pursuant to section 19-171, accessory uses.

**NOTE FOR
COUNCIL:**

Definition added
per state law.

Billboard means any sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises where the sign is located.

Black box theater (or experimental theater) means a simple, typically unadorned performance space, usually a large square room with black walls and a flat floor, usually home to plays or other performances with very basic technical arrangements.

Board means the zoning board of review.

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

Build-to-line is a means to define the street frontage and pedestrian areas by mixed use and commercial buildings generally built to property lines at the edge of right-of-way (back of sidewalk) or to other accessible public area, e.g., in a "Main Street" manner.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

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

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

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

The limitation of height of buildings and structures in section 19-145 shall not apply in any district to churches and other places of worship, religious institutions and public or private schools or ornamental features of buildings which are in no way used for living or advertising purposes or to chimneys and ventilators ten feet or less above the peak of the roof.

Building volume means the volume of a building measured from its exterior dimensions including all portions of a structure enclosed by a roof and fixed exterior walls, as measured from the exterior faces of these walls and roof, i.e., meaning building mass, the height, width, and depth of a structure.

Business/technology development means one or more lots, tracts or parcels of land in a business/technology floating zone district totaling no less than three acres which are planned, developed or redeveloped, and operated as an integral facility for a number of separate buildings and supporting ancillary uses with more than 100,000 square feet of gross floor area, with special attention given to circulation, parking, utility needs, aesthetics and use compatibility.

Café means a restaurant serving coffee and other beverages along with baked goods or light meals.

Cellar means the portion of the building partly underground, having half or more than half its clear height below the average grade of the adjoining ground.

Cemetery means land used for the interment of the dead and dedicated for cemetery purposes including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**NOTE FOR
COUNCIL:**

Definition added
per state law.

Cluster means a site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive features and/or structures. Under cluster development there is no increase in the number of lots or dwelling units permitted under conventional development except where this chapter provides incentive bonuses for certain types of conditions of development.

Cluster development means a contiguous area or lot with a land area of five acres or more to be developed as an integral residential unit according to a plan containing primarily clusters of residential structures, common open space, and other associated permitted uses primarily for the benefit of the residential development.

Cluster development district means a floating zone district imposed upon the city zoning map which permits a residential cluster development.

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

Commercial educational institutions means any profit-making institution such as secretarial and business schools, technical institutes, colleges, schools, commercial colleges and other similar educational organizations or institutions.

Common ownership means ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots, or ownership by any association (such ownership may also include the city) of one or more lots under specific development techniques.

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

- (1) Whenever six or fewer children or adults with mental, intellectual, or developmental disabilities reside in any type of residence in the community, as licensed by the state pursuant to R.I.G.L. 1956, § 40.1-24-1 et seq. All requirements pertaining to local zoning are waived for these community residences;
- (2) A group home providing care or supervision, or both, to not more than eight persons that are disabled or have a mental or physical disability, and licensed by the state pursuant to R.I.G.L. 1956, § 40.1-24-1 et seq.;
- (3) A residence for children providing care or supervision, or both, to not more than eight children including those of the care giver and licensed by the state pursuant to R.I.G.L. 1956, § 42-72.1-1 et seq.;
- (4) A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than 60 days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

Comprehensive plan means the comprehensive plan adopted and approved pursuant to state statutes and to which any zoning adopted pursuant to this act shall be in compliance.

Container means a large standard size cargo enclosure into which cargo may be packed for shipment aboard specially configured ocean-going vessels and designed to be easily interchangeable between the three basic modes of transportation: waterborne vessels, truck and rail. For purposes of this definition, railroad cars are not classified as containers.

Container terminal means an area including buildings, loading and unloading facilities and open areas for the storage and handling of containers.

Co-worker space means a shared working environment, often an office, but that houses independent activities, and those co-working are usually not employed by the same organization.

Cultural activity means any nonprofit or for profit museum, library, art gallery, legitimate theater or other similar use, and may include outdoor art as an accessory use, such as a curated mural, provided that said outdoor art does not serve as a sign.

Data processing center means a service business that prepares, services, handles, stores or processes information through the use of special equipment and techniques, such as with computers and/or office business machines.

Day care/day care center means any other day care center which is not a family day care home.

Day care/family day care home means 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 fewer individuals who are not relatives of the care giver, but may not contain more than a total of eight individuals receiving day care.

Days means calendar days.

Density, residential or residential density means the number of dwelling units per unit of land.

Design studio means a workplace for designers and artisans engaged in conceiving, designing, and developing new products or objects. Definition does not include large scale manufacturing of products.

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

Development plan review means design or site plan review of a development of a permitted use under limited circumstances to encourage development to comply with design and/or performance standards under specific and objective guidelines, for the following categories of developments *including but not limited to*:

- (1) A change in use at the property where no extensive construction of improvements is sought.
- (2) An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
- (3) An adaptive reuse project located in a residential zone that results in less than nine (9) residential units;
- (4) Development in a designated urban or growth center; or
- (5) Institutional development for educational or hospital facilities.

NOTE FOR COUNCIL:

Types of developments subject to Development plan review process amended as per state law

- ~~(1) Commercial, mixed use, and residential development in the Main Street Overlay District as per section 19-322 of the zoning ordinance.~~
- ~~(2) Proposed developments in the Riverside Square Mixed Use Downtown Overlay District as per section 19-359 of the zoning ordinance.~~
- ~~(3) Institutional development design review for educational or hospital facilities.~~
- ~~(4) Construction of parking lots of 15 or more spaces, or additions of 15 or more spaces to existing parking lots.~~
- ~~(5) Reserve parking areas for business/technology developments as defined in section 19-1 of the zoning ordinance.~~
- ~~(6) Drive through facilities.~~
- ~~(7) Signage for developments consisting of one structure with a gross building area of 10,000 square feet or greater, or a multitenant development of gross building area of 10,000 square feet or greater.~~
- ~~(8) Developments in which a split zone is being used for a more intense use as per section 19-97 of the zoning ordinance.~~
- ~~(9) Outdoor dining at food service establishments as defined in R.I.G.L. 45-24-7.2~~

Development plan review applications are formal or administrative as detailed in both Article viii of this chapter and in the land development and subdivision review regulations.

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

Digital sign means a sign that features static images that change over a period of time not to exceed once every ten seconds and are used to advertise to consumers in a public place(s), including to those in private automobiles.

A *digital sign* and an *electronic message center* shall be considered synonymous terms.

Disability means, with respect to an individual:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (2) A record of such impairment; or
- (3) Being regarded as having such an impairment if the individual establishes that he or she has been subjected to an action prohibited under [R.I.G.L. 1956,] Chapter 42-87, Civil Rights of People with Disabilities, because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity;
- (4) An impairment under this section shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.

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

Drive-through facility means a commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served without exiting the vehicle. This shall not include establishments engaging in the retail sale of alcoholic beverages; gasoline filling station which is defined separately nor the necessary functions of a carwash facility such as vacuum cleaning stations.

Dry-bulk cargo means materials such as, but not limited to, cement, ash, salt or other loose or particulate matter which through their handling or storage have the potential to disperse or generate fugitive dust or other emissions.

Dwelling means a building or portion thereof designed exclusively for residential occupancy, but not including hotels, motels, lodginghouses, trailers or structures solely for transient or overnight occupancy.

Dwelling unit means a structure or portion thereof providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and containing a separate means of ingress and egress which may be located off a shared common space.

Easement means an interest in land created by grant or agreement express or implied, which confers a right upon the owner (grantee) thereof to some profit, benefit, dominion or lawful use out of or over the estate of another.

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

Emergency shelter means a structure or portion of a structure or building above or below the ground, so constructed as to provide protection to human life during periods of nuclear fallout or blast overpressure and meeting the requirements and restrictions of the city director of civil defense.

Environmental constraints means natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also Physical Constraints to Development.

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

Façade means all the wall planes of a structure as seen from one side or view and containing the walls, fascia, windows, doors, and canopy on any building elevation. For example, the front façade of a building would include all such areas that would be shown on the site and building plans for the front elevation.

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

Farming means the raising and keeping of cattle, horses, sheep, goats or poultry, but not hogs or fur animals, and the growing of all agricultural products and eggs, provided that buildings or structures used wholly or in part for the keeping or raising of livestock or poultry shall be located a minimum of 100 feet from the nearest adjoining lot or property line.

Fencing establishment means a business or organization which offers training and/or competition in the sport of fencing.

Floating zone means an unmapped zoning district adopted within this chapter which is established on the zoning map only when an application for development, meeting the zone requirements, is approved.

Flood maps means the official flood insurance rate maps and flood boundary and floodway maps of the city, Nos. 445398 0001 through Nos. 445398 0008 inclusive, revised June 1, 1983, as published by the federal insurance management agency, including any subsequent amendments officially adopted. The areas of special flood hazard, including all A and V zones, and the floodways as shown on the maps shall be considered an overlay district to the city zoning maps and shall be subject to the restrictions of section 19-306 as amended, in addition to any provisions applicable to the existing zoning district.

Floodplains, or flood hazard area means an area that is subject to a flood from a storm having a one percent chance of being equaled or exceeded in any given year, as approved by federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448), 42 U.S.C. § 4011 et seq.

Floodproof means to utilize any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings. For the purposes of this chapter, the latest published floodproofing regulations prepared by the U.S. Army Corps of Engineers may be applied at the discretion of the city engineer to determine the floodproofing measures and techniques to be required and employed.

Floor area, gross. See Rhode Island State Building Code.

Freeboard means a factor of safety expressed in feet above the base flood elevation for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Front lot line. See *Lot line, front*.

Fur animal means any animal usually kept and raised for the use and sale of its skin or fur.

Gallery means a building or space for the exhibition of art, usually visual art. Paintings are the most commonly displayed art objects. However, sculpture, decorative arts, furniture, textiles, costume, drawings, pastels, watercolors, collages, prints, artists' books, photographs, and installation art are also shown. Gallery space is sometimes used to host other artistic activities, such as performance art, music concerts, or poetry readings.

Gasoline filling station means a building, structure or premises where motor vehicular fuel is stored for sale to the public and where other sales activities and any other repairs which are minor in scope and subordinate to the sale of motor vehicular fuel, oil, and lubricants are carried on. Vehicle body repair, painting, major mechanical repair and motor vehicle sales, leasing or storage of unregistered vehicles are prohibited.

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

Grade means a reference plane representing the average finished ground level at the front of the building. Front of the building may be determined by the street address, and shall be done in consultation with the building inspector. Where the finished ground level slopes away from the front of the building, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a point five feet from the building.

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

Hardship means as defined in division 2 board of review, sections 19-36 through 19-55 of this chapter.

Hazardous waste means any waste or combination of wastes of a solid, liquid, contained gaseous or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (1) Cause, or insignificantly contribute to an increase in mortality or an increase in serious irreversible illness or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment.

Such wastes include, but are not limited to, those which are toxic, corrosive or flammable, or irritants, strong sensitizers, substances which are assimilated or concentrated in and are detrimental to tissue, or which generate pressure through decomposition or chemical reaction. In addition, such wastes include "industrial waste" as such term is used elsewhere in the state statutes, as amended, unless the context shall clearly indicate otherwise. (This definition is incorporated from R.I.G.L. 1956, § 23-19.1-1 et seq. of the hazardous waste management act and R.I.G.L. 1956, § 23-19.7-1 et seq. of the hazardous waste management facilities act. All amendments to definitions in these state acts are heretofore incorporated in this definition.)

Hazardous waste disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water. (This definition is incorporated from R.I.G.L. 1956, § 23-19.1-1 et seq., of the hazardous waste management act and R.I.G.L. 1956, § 23-19.7-1 et seq., of the hazardous waste management facilities act. All amendments to definitions in these state acts are incorporated in this definition.)

Hazardous waste management facility means a facility, excluding vehicles, for collection, source separation, storage, processing, treatment, recovery, or disposal of hazardous wastes, or a transfer station for hazardous waste, and may include a facility at which such activities occur and where waste has been generated. (This definition is incorporated from R.I.G.L. 1956, § 23-19.1-1 et seq., of the hazardous waste management act and R.I.G.L. 1956, § 23-19.7-1 et seq. of the hazardous waste management facilities act. All amendments to definitions in these state acts are incorporated in this definition.)

Heavy manufacturing means the manufacture or compounding of raw materials, and associated fabricating, packaging, distribution, and assembling, which shall be in conformance with sections 19-336 through 19-345.

Helistop means any private landing area used for the landing and taking off of a helicopter engaged in the personal or business operations of the person or company maintaining such helistop for the purposes of picking up and discharging of passengers or cargo, but not including fueling, repair or service facilities. The term helistop shall include, but not be limited to helipad, touchdown area, takeoff area, landing area, peripheral area and helicopter landing facility.

Higher educational institution means any university, college, junior college or similar public or nonprofit private educational organization or institution for post high school training.

Historic district or historic site means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites and has been registered, or is deemed eligible to be included, on the state register of historical places pursuant to state statutes.

Historical or cultural resource means any real property, structure, natural object, place, landmark, landscape, archaeological site or configuration or any portion or group of the preceding which has been listed on the federal or state register of historic places or that is considered by the Rhode Island Historical Preservation & Heritage Commission to meet the eligibility criteria for listing on the state register of historic places pursuant to § 42-45-5 or is located in a historic district established by a municipality in accordance with chapter 24.1 of this title, Historic Area Zoning.

Home occupation means an activity customarily carried out for gain by a resident, and conducted as an accessory use in the resident's dwelling unit, and as further provided for in section 19-171.

Hospital means an institution providing health services primarily for human inpatient medical, surgical, or therapeutic care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel means a building or buildings where temporary lodging is provided and offered to the public for compensation and where additional services such as restaurant, meeting, conference and recreational facilities may be provided for both guest and non-guest use.

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

- (1) A family, which may also include servants and employees living with the family; or
- (2) A person or group of no more than ~~four~~ five unrelated persons living together, but not more than one person per bedroom, as distinguished from persons occupying a boardinghouse, lodginghouse, club, motel or hotel. The maximum number shall not apply to NARR-certified recovery residences.

**NOTE FOR
COUNCIL:**

Definition of
household
amended per
state law

Impact assessment means a concise report which accomplishes the following:
Evaluates the positive and negative and direct and indirect impacts of a development or redevelopment project on the natural and manmade environment; and proposes reasonable measures to mitigate the impacts identified.

Improvement means any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.

Improvement guarantee means a security instrument accepted by the city to ensure that all improvements, facilities, or work required by these regulations, or required as a condition of approval, will be completed in compliance with the approved plans and specifications.

Incentive zoning means the process whereby the local authority may grant additional development capacity in exchange for the developer's provision of a public benefit or amenity as specified in local ordinances.

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

Industrial trade schools means institutions dedicated to the instruction of trades such as, but not limited to, automotive repair, marine repair and heavy equipment repair and operation.

Infrastructure means facilities and services needed to sustain residential, commercial, industrial, institutional and other activities.

Junk materials means materials such as, but not limited to, scrap metal, unbaled scrap or waste paper, slag, sludge, or garbage or other materials which have the potential to present noxious odors.

Kiosk, free stating exterior means a freestanding exterior structure of less than 500 square feet for drive-up or walk-up window services or retail sales.

Land means real property including improvements and fixtures on, above, or below the surface.

Land development project means a project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units or structures, including, but not limited to, planned development or cluster development for residential, commercial, institutional, recreational, open space, or mixed uses, as provided for in this chapter and in the City of East Providence's Land Development and Subdivision Review Regulations. Land development projects are categorized as Major or Minor land development projects as detailed in both Article V of these regulations and in the Land Development and Subdivision Review Regulations.

Land use regulation means any governmental agency authorized by this chapter to exercise the power granted by this chapter.

Large-scale ground-mounted solar photovoltaic facility means a solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity per panel of 250 kW DC or more.

Limited manufacturing means the manufacturing, compounding, assembly, packaging, or fabrication of materials and products, with no outdoor storage, and in conformance with sections 19-336 through 19-345. Included in this category are: the manufacturing of advertising display, models and patterns; apparel and other finished products made from fabrics and similar materials; business machines; camera and photographic equipment; caskets; ceramic products; cosmetics and toiletries; electrical appliances; electronic equipment; emblems and badges; fasteners; food; games and toys; laboratory, scientific and engineering instruments; precious metal and costume jewelry; musical instruments; medical appliances and instruments; packaging products; paper products (but not the manufacture of paper from pulpwood), plastic products (but not the processing of raw materials); pharmaceuticals or optical goods; printing, publishing, engraving; sporting and athletic goods (including bicycles); tools or hardware; watches and clocks; writing instruments; and other similar products. A machine shop is included in this category.

Limited metal reclamation means the salvaging and reclamation of used metals of all types when carried on in a completely enclosed building without outside storage of any kind.

Liquid-bulk cargo means materials such as, but not limited to, petroleum products, liquefied natural gas or liquid chemical products, which, through their handling or storage, have the potential to cause environmental damage through spillage, dispersal, or leaching into the ground, groundwater or air, or damage due to explosion or fire.

Live entertainment means any activity performed live or any activity having amplified recorded sound or amplified electronic musical instruments including, but not limited to, musical bands, musical instruments, musical soloists, comedians and disc jockeys. For purpose of this definition, juke boxes and screen television entertainment are not regulated as live entertainment.

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

Living space means the total floor areas of rooms used or intended to be used for living, sleeping, cooking or eating, excluding bathrooms, lavettes, laundries, pantries, foyers, communicating corridors, stairways, closets, storage spaces and any area with less than five feet of clear headroom under sloping ceilings, garages, breezeways, courts, porches, basements and cellars.

Lot means the basic unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded

map and which is recognized as a separate legal entity for purposes of title transfer. Substandard lots of record shall be subject to the lot merger provisions of this chapter as defined in sections 19-131 through 19-133.

Lot area means the total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet, subject to the usable lot area provisions of this chapter as defined in this section.

Lot building coverage means that portion of the lot that is or may be covered by buildings and accessory buildings. This shall be expressed as a percent and shall express the proportion of the usable lot area that is or may be covered by the total maximum horizontal cross section of any building. For the purposes of this chapter, swimming pools shall not be considered in the measurement of lot building coverage as an accessory use in a residential district.

Lot, corner or corner lot mean lots which abut on and at the intersection of two or more streets and/or road rights-of-way.

Lot depth means the distance measured from the front lot line to the rear lot line; the distance shall be the shortest distance. For lots where the front and rear lot lines are not parallel the lot depth is an average of the depth. Average shall be measured from the midpoint of the front lot line to the midpoint of the rear lot line. Lot depth for corner and through lots shall be as determined under section 19-141.

Lot frontage means that portion of a lot abutting a street. Where all lot frontage is not contiguous, then only the largest single frontage will be considered with regard to minimum frontage requirements; in cases of equivalent noncontiguous frontage, minimum frontage will be determined by the zoning officer.

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

- (1) *Lot line, front or front lot line* mean the lot line separating a lot from a street right-of-way. Corner and through lots are subject to the provisions of section 19-141.
- (2) *Lot line, rear or rear lot line* mean the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. Irregularly shaped lots are those which the zoning officer determines do not have a readily apparent rear lot line, which meets the intent of this chapter. In the event that the front property line of an irregularly shaped lot line is a curved line then the rear property line shall be assumed to be a line not less than ten feet long, lying entirely within the lot and parallel to a line tangent to the front lot line at its midpoint. The rear lot line for corner and through lots shall be as determined under section 19-141.
- (3) *Lot line, side or side lot line* mean any lot line other than a front or rear lot line. Side lot lines for corner and through lots shall be as determined under section 19-141.

Lot, through or through lot mean a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot width means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line. For lots where the front and rear lot lines are not parallel or the front lot line is curved, width shall be measured as the distance between lot lines along a line at right angles to the depth which intersects the depth at the minimum front setback line. Width for corner and through lots shall be as determined under section 19-141.

Manufactured home means the same definition as in 42 U.S.C. §5402, meaning a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards

established under chapter 70 of Title 42 of the United States Code; and except that such term shall not include any self-propelled recreational vehicle.

Manufactured home court means a parcel of land which has been planned for the placement of two or more manufactured homes.

Manufactured home lot means a designated site within a manufactured home court for the exclusive use of the occupants of a single manufactured home.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Marina means a complex of boating facilities designed as a unit, including such facilities as permanent slips, launching ramps, boat rentals, ships' stores, minor repairs and accommodations for eating and sleeping and excluding major overhaul and repair, winter storage, boat sales and yacht clubs.

Massage therapist means a person engaged in the practice of massage who has completed a program in or is certified by a school or institution of learning that is approved by the Commission on Massage Therapy Accreditation (COMTA) or an equivalent academic and training program meeting the requirements of the Rhode Island Department of Health as stated in their rules and regulations for licensing massage therapists as approved by the director, other than a correspondence course which school or institution has for its purpose the teaching of the theory, practice, method, profession, or work of massage, including at least anatomy, physiology, hygiene and professional ethics, pursuant to the statutory provisions. Proof of a current license issued by the department of health shall be posted on the premises in a location visible to customers.

Massage therapy means the practice of massage by a licensed massage therapist using a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

Massage therapy establishment means an establishment approved and otherwise regulated by the licensing agency, which is the State of Rhode Island Department of Health, operating in conformance with all pertinent rules and regulations of the State of Rhode Island and all city ordinances and license requirements. Proof of a current license issued by the department of health shall be posted on the premises in a location visible to customers.

Mixed use means a mixture of land uses within a single development, building, or tract.

Modification means permission granted and administered by the zoning enforcement officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional variance other than lot area requirements from the zoning ordinance to a limited degree as determined by the zoning ordinance of the city or town, but not to exceed 25 percent of each of the applicable dimensional requirements.

Motel means a building intended and designed for transient or overnight occupancy, divided into separate units within the same building and with or without public dining room facilities.

Multifamily dwelling means a development on a building lot intended and designed to be occupied by three or more dwelling units. Multifamily includes three-family (three dwelling units on a lot) dwellings ~~households living independently in separate dwelling units and/or townhouses, row houses, and/or apartments.~~

Neighborhood center means a development consisting of a building or buildings used for mixed land use, that has a community or civic space that is open to the public, that provides linkages to nearby neighborhoods, civic and/or open space/park properties, while also providing a buffered edge between the center and abutting residentially used or zoned land. A neighborhood center shall provide a location for consumers to arrive and

NOTE FOR COUNCIL:

Definition of "manufactured home" and related terms amended per state law. Replaces term "trailer" throughout ordinance.

NOTE FOR COUNCIL:

Definition of multifamily dwelling amended per state law

depart by public transit, such as by the provision of a bus shelter. A neighborhood center may only be developed on lots of no less than 50,000 square feet. The inclusion of a feature such as a gazebo, garden, art, etc. to provide consumers with an attractive amenity is encouraged.

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

- (1) *Nonconformance by use* means a lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use.
- (2) *Nonconforming by dimension* means a building, structure, or parcel of land not in compliance with the dimensional regulations of this chapter. Dimensional regulations include all regulations of this chapter other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of this chapter shall be nonconforming by use, a building or structure containing a permitted number of dwelling units by the use regulations of this chapter, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

~~*One family dwelling means a building used exclusively for occupancy by one household.*~~

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

Open storage means the storage outside of a completely enclosed structure, of any commodity, equipment, supplies, material, or substance related to a business or industrial use.

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

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

Owner means the owner of record as recorded in the records of land evidence in the city.

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

Parcel distribution center means a building devoted to the receiving, sorting, overnight storage and delivery of small parcels not exceeding 50 pounds in weight.

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

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

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

Permitting authority means the local agency of government, meaning any board, commission or administrative officer specifically empowered by state enabling law and local regulation or ordinance to hear and decide on specific matters pertaining to local land use.

**NOTE FOR
COUNCIL:**

Term “one family”
replaced with
“single family”
throughout
ordinance.

Personal convenience service means any activity such as a barber or beauty shop, clothes cleaning pick up or pressing establishment, dressmaking or tailoring service, self-service laundry or dry cleaning, shoe repair, home appliance repair or any similar activity.

Persons with disabilities or member or members with disabilities means a person or persons having a physical or mental impairment which substantially limits one or more major life activities as defined in R.I.G.L. 1956, § 34-37-3. Disability does not include current illegal use of or addiction to a controlled substance.

Phased development means development where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.

Physical constraints to development means characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also environmental constraints.

Place of public assembly means any type of auditorium, theater, stadium, assembly hall, exhibition or convention hall, publicly supported and maintained sports arena, gymnasium, swimming pool and other similar place of assembly.

Planned development means a land development project as defined in this section and developed according to a plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

Portable storage container means any self-storage container larger than 350 cubic feet designed for temporary storage of household goods, personal property and other items which is typically rented to owners or occupants of real property for their temporary storage use and which is delivered and/or removed by truck trailer, and which shall be no larger than 20 feet in length, eight feet in width and eight and one-half feet in height.

Preapplication conference means an initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from municipal officials and others.

Premises means a lot or contiguous group of lots or parcel of land, together with all buildings, structures and uses thereon.

Property owners' association means the designated, private, nonprofit corporation of tenants-in-common set up by a developer with local government approval. Its purpose shall be to own, operate, and maintain various common properties that may exist as part of a land development project, or other common property ownership covenants. Title to common property is held by the corporation. Membership runs with the land, which means that a homeowner is automatically a member of the association.

Public improvement means any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the city or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon acceptance by the city.

Public utility means a public service corporation, either private or governmental, supplying or transmitting gas, electricity, transportation, water or communications to any or all members of the public and subject to federal, state or city regulations by virtue of its natural or legal monopoly.

Rated nameplate capacity means the maximum rated output of electric power production of the photovoltaic system in direct current (DC).

Rear lot line. See *Lot line rear*.

Religious institution means any church or other place of worship, and any convent, monastery, seminary or similar religious institution.

Reserve parking area for business/technology development means a portion of a business/technology development as defined in this section, and more particularly described in section 19-370, up to a maximum of 15 percent of the total number of off-street parking spaces as required by this chapter, being held in reserve as a

landscaped area under a binding covenant running with the land between the city and the property owner/developer until such time as the zoning officer and/or the property owner, in consultation with the director of planning, deems that construction of the reserve parking spaces is required.

Restaurant means a building or premises where food and beverages are served to persons inside a building, sitting down at tables or a counter with no service window or facilities for service outside the building.

Seat means space for one person to sit on.

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

Short-term rental means the offering of or occupancy or use of, all or portions of a dwelling unit by anyone other than the owner for a fee for a period of fewer than 28 consecutive calendar days.

Side lot line. See *Lot line, side.*

Sign means any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixture or placement of a structure on any land or on any other structure or produced by painting, posting or placing any printed, pictured, figured or colored material on any building, structure or surface; provided however that signs placed or erected by the city or state for municipal or governmental purposes shall not be included in this definition.

Single-family dwelling means development on a lot intended and designed to be occupied by one dwelling unit.

Single ownership means an undivided ownership by one person, a corporation or by several persons, whether the tenancy be joint, in common or by entirety.

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

Slope of land means the grade, pitch, rise or incline of the topographic landform or surface of the ground.

Solar energy device means the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, and off-loading said electricity to the grid, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced for a nonrenewable resource. Such shall include photovoltaic arrays and installations that utilize ground-mounted systems.

Solid waste means garbage, refuse, and other discarded solid materials generated by residential, institutional, commercial, industrial, and agricultural services but does not include hazardous waste as defined in the Hazardous Waste Management Act, chapter 19.1 of title 23 of the General Laws of the State of Rhode Island. For purposes of this chapter, solid waste shall also include asphalt, concrete, Portland cement, and waste and scrap tires.

Solid waste management facility means any plant, structure, equipment, and/or real or personal property operated for the receipt, storage, treatment, utilization, processing, or disposal of solid waste.

Special use means a regulated use which is permitted pursuant to a special use permit issued by the zoning board of review pursuant to state statutes, and which was formerly referred to as a special exception.

Sportsmen's club means a club whose primary purposes are conservation, hunting or fishing, and may include an indoor and/or outdoor gun range.

Stacking lane means an area of stacking spaces and driving lane provided for vehicles waiting for drive-through service, that is physically separated from other traffic and pedestrian circulation on the site.

**NOTE FOR
COUNCIL:**

Term "one family dwelling" replaced with "single family dwelling" throughout ordinance.

Storm water detention means a provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

Storm water retention means a provision for storage of stormwater runoff.

Story means that portion of a building between the upper surface of any floor and the upper surface of any floor next above having more than one-half of its height above the average elevation of the finished lot grade adjoining the building, and any portion of a building used for human occupancy between the topmost floor and the roof. In any building not divided into customary stories, each ten feet of building height shall be counted as one story.

Street means a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See Street classification.

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

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

Street, cul-de-sac means the terminus of a local street that has only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

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

Street, private means a thoroughfare established as a separate tract for the benefit of multiple adjacent properties and meeting specific City improvement standards. This definition shall not apply to driveways.

Street, public means all public property reserved or dedicated for street traffic under these regulations.

Street, right-of-way means the entire area to be dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.

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

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

- (1) Arterial. A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volume of traffic.
- (2) Collector. A street whose principal function is to carry traffic between local streets and arterial streets, but that may also provide direct access to abutting properties.
- (3) Local. Street whose primary function is to provide access to abutting properties, including minor and marginal access streets.

Structure means a combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water. For the purpose of this chapter, such objects as bulkheads, stairs, fences, flagpoles, retaining walls, fireplaces or similar objects shall not be considered to be structures.

Subdivision means the division of a lot, tract or parcel of land into two or more lots, tracts, or parcels or any adjustment to existing lot lines shall be considered a subdivision. The approval of a subdivision is administered in accordance with the City of East Providence Land Development and Subdivision.

Substandard lot of record means any lot lawfully existing at the time of adoption or amendment of this chapter and not in conformance with the dimensional and/or area provisions of this chapter.

Temporary use permit means a temporary use permit that confers a temporary privilege to operate beyond the defined permissible uses in any zoning district.

Three-family dwelling means a building intended and designed to be occupied by three households living independently in separate dwelling units.

Tourist home or lodginghouse means a building occupied by a resident family thereon with not less than three but not more than seven guest rooms where lodging with or without meals is provided for compensation.

~~*Trailer, house trailer or mobile home* mean a vehicle or similar portable structure without motive power to be drawn by a motor vehicle, used for living or sleeping purposes and provided with any or all of the following mechanical systems and equipment: Plumbing; heating; electrical; cooking; and refrigeration. *Trailer court, trailer park or mobile home court or park* mean a parcel of land which has been planned for the placement of two or more trailers.~~

~~*Trailer lot* means a designated site within a trailer court for the exclusive use of the occupants of a single trailer.~~

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

Two-family dwelling means a building used exclusively for occupancy by two households living independently of each other.

Unified development review means the process by which multiple applications are reviewed and decided upon concurrently in accordance with R.I.G.L. 45-23-50.1 and 45-24-46.4 and relevant sections of these regulations and the east providence land development and subdivision regulations.

Usable lot area means, for the purpose of calculating the lot building coverage on a lot pursuant to section 19-145 and for the purpose of determining multifamily ~~area~~ **unit density** requirements pursuant to sections 19-217 and 19-218, the calculation of the usable lot area for a single-family residential lot shall include the entire lot without exclusions, and for all other uses, shall exclude the following:

- (1) Lands under water measured by city datum.
- (2) Wetlands, not including setbacks, as defined by R.I.G.L. 1956, §§ 2-1-14 and 2-1-20 and R.I.G.L. 1956, § 46-23-6(B)(3)(c).
- (3) All streets or rights-of-way public or private, which serve or are intended to serve more than one principal building or use. Public access areas, exclusive of those located in wetlands, which shall be conveyed by easement to the city, state or other governmental entity solely or scenic or waterfront access may be included in lot area calculations.
- (4) Lands possessing physical constraints such as, but not limited to, areas with slopes in excess of 20 percent, ledge outcrops, cemeteries, etc., which, by their nature or severity, would preclude conventional development.
- (5) With the exception of lands located within a portion overlay district, lands located within special flood hazard areas, as defined by the Federal Emergency Management Agency's flood insurance rate map and flood boundary and flood way map, as may be amended.

Use means the purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Variance means permission to depart from the literal requirements of this chapter. An authorization for the construction or maintenance of a building, structure, or for the establishment or maintenance of a use of land,

NOTE FOR COUNCIL:

Definition of "manufactured home" and related terms amended per state law. Replaces term "trailer" throughout ordinance.

which is prohibited by this chapter. There shall be only two categories of variance, a use variance or a dimensional variance. The fact that a use may be more profitable, or that a structure may be more valuable, after the relief is granted shall not be grounds for relief.

- (1) *Use variance* means permission to depart from the use requirements of this chapter where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this chapter.
- (2) *Dimensional variance* means permission to depart from the dimensional requirements of this chapter under the applicable standards set forth in R.I.G.L. § 45-24-41

Waters means the same as defined in R.I.G.L. 1956, § 46-12-1 et seq., including any subsequent amendments officially adopted.

Wetland, coastal or coastal wetland means as defined in R.I.G.L. 1956, § 2-1-14 et seq., including any subsequent amendments officially adopted.

Wetland, freshwater or freshwater wetland means as defined in R.I.G.L. 1956, § 2-1-20 et seq., including any subsequent amendments officially adopted.

Yacht club means a building and lot used as the meeting place for an association of persons united by a common interest in boating and shall include provisions for the land and water storage of marine crafts.

Yard means an open space on the same lot with a principal building or structure located between the lot lines and the minimum setback lines which is unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this chapter.

Yard, front or front yard mean a required yard extending along the entire lot street frontage.

Yard, rear or rear yard mean a required yard extending along the entire rear lot line or lines.

Yard, side or side yard mean a required yard extended along the side lot line between the required front yard and the required rear yard.

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

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

Zoning map means the map or maps which are a part of this chapter and which delineate the boundaries of all mapped zoning districts within the physical boundary of the city.

Zoning ordinance means an ordinance enacted by the legislative body of the city pursuant to state statutes and in the manner providing for the adoption of ordinances in the city's Charter, which sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the comprehensive plan of the city as defined in R.I.G.L. 1956, § 45-22.2-1 et seq., which includes a zoning map, and which complies with the provisions of state statutes.

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

(Rev. Ords. 1987, § 19-1; Ch. 457, § I, 10-7-97; Ch. 53, §§ I, II, 2-3-99; Ch. 146, §§ I—III, 10-23-00; Ch. 154, § I, 1-16-01; Ch. 453, § I, 7-15-08; Ch. 470A, § I, 10-7-08; Ch. 489A, § I, 10-6-09; Ch. 506, §§ I, II, 7-20-10; Ch. 533, § II, 9-6-11; Ch. 642, § I, 3-15-16; Ch. 721, § I, 8-21-18; Ch. 765, § I, 5-5-20; Ch. 823, § I, 11-16-21; Ch. 914, § I(Att.), 12-19-23; Ch. 919, § I, 5-7-24)

Cross reference(s)—Definitions generally, § 1-2.

State law reference(s)—Similar definitions, G.L. 1956, § 45-22.4-4, 45-23-32, and 45-24-31.

ARTICLE II. ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 19-5. Zoning officer responsibilities.

- (a) The provisions of this chapter shall be enforced by the zoning officer, unless otherwise specified, who shall be appointed by the mayor. No application, building or zoning permit, plan, specification or intended use which is not in accordance with the provisions of this chapter shall be approved by the zoning officer.
- (b) The zoning officer shall:
 - (1) Issue zoning certificates and zoning permits;
 - (2) Review and approve for zoning compliance, building permits and certificates of occupancy;
 - (3) Collect required fees for variances, modifications (which shall be the same filing fee as variance petitions), special use permits, and appeal applications;
 - (4) Receive and review for proper form, all applications for variances, special use permits, and appeals, and, as per section 19-45(c), shall have authority to administratively approve modifications from the dimensional standards of section 19-145 for structures, except for the moving of lot lines, provided the deviation is not more 25 percent, and further provided that the zoning officer receives no written objections to the requested variance within 30 calendar days from the date of notification. Should written objection be received by the zoning officer or if the zoning officer cannot make the required determinations of section 19-45(c), the application shall be considered a variance request, which may only be granted by the zoning board of review or planning board under unified development review through the standard procedures for variances in chapter 19, Zoning;
 - (5) Transmit all applications to the zoning board of review, department of planning and urban development, and planning board as specified in this chapter;
 - (6) Prepare the calendar of the zoning board of review in compliance with the board's adopted rules of procedure, and include notice of any modifications granted on the agendas of the zoning board of review;
 - (7) Keep records on compliance of uses of land;
 - (8) Inspect suspected violations and issue violation notices in cooperation with the law department.
 - ~~(9) Require that declarations and restrictions of approved accessory family dwelling units for a family member or members of an owner-occupied one-family dwelling shall be: a. Recorded in the land evidence records at the cost of the applicant; and b. Be filed with the zoning enforcement officer and the building official.~~
- (c) Upon written request the zoning officer shall, in order to provide guidance or clarification, issue a zoning certificate or provide information to a requesting party as to the determination by the zoning officer on issues of compliance, applicability and interpretation of this chapter. This response must be issued within 15 days of receipt of the written request. In the event that no written response is provided within such time, the requesting party shall have the right to appeal to the zoning board of review for such determination.

**NOTE FOR
COUNCIL:**

Section no longer
complies with
ADU law

- (d) When in the opinion of the zoning officer it is necessary or when required by this chapter, the zoning officer shall seek technical assistance or approval from other city officials in the administration of this chapter. Such technical assistance or approval, unless otherwise specified, may serve in whole or in part as the basis for the approval or disapproval of a zoning permit. Any permit or license issued in conflict with the provisions of this chapter shall be deemed null and void.
- (e) Actions and decisions of the zoning officer may be appealed to the zoning board of review in accordance with section 19-51.
- (f) Minimum qualifications for the zoning officer shall include: Graduation from a recognized college or university with a bachelor's degree in planning or closely related field and three years of experience in a position requiring office administration, review of site plans, and interpretation of zoning regulations; or a masters degree in city or regional planning or a closely related field, and one year of the specified experience; or eight years of a combination of planning experience and training which provides the abilities, knowledge and skills specified.

(Rev. Ords. 1987, § 19-5; Ch. 470A, § II, 10-7-08; Ch. 506, § III, 7-20-10; Ch. 877, § I, 6-6-23; Ch. 914, § I(Att.), 12-19-23)

DIVISION 2. - ZONING BOARD OF REVIEW AND UNIFIED DEVELOPMENT REVIEW

Sec. 19-41. Special use permits —Application process.

Applications for special use permits shall be filed with the zoning officer acting in his capacity as clerk for the zoning board of review or in accordance with the land development and subdivision regulations if filing under unified development review. Fifteen complete copies of the application must be submitted. The application shall include:

- (1) A completed special use permit form indicating the special use permit sought, the grounds for the permit, and information on the scale and size of the proposed use as applicable.
- (2) Names and addresses of all owners of property in or within a two hundred feet (200') ~~foot radius as measured from of~~ the perimeter of the subject property, whether within the city or an adjacent city or town, and as shown on the current real estate tax assessment records of the city or town in which the property is located.
- (3) A Class 1 surveyed site plan prepared by a land surveyor registered and licensed to practice in the State of Rhode Island. The site plan shall be drawn at a scale of one inch equals 20 feet (or as appropriate one inch equals 40 feet or one inch equals 80 feet) showing the following for the subject property:
 - a. The shape, dimension and area of the subject property;
 - b. The location size and use of all existing and proposed structures;
 - c. The zoning use district boundaries;
 - d. The street number and assessor's lot numbers;
 - e. Title block in the lower righthand corner showing the names of the property owners; map, block, parcel of the subject property; date of plan; north arrow; and a blank signature space for the chair; and
 - f. Such other information as may be necessary for the execution and enforcement of this chapter.
- (4) Elevations for all buildings sides and floor plans shall be prepared by those permitted to do so by the Rhode Island General Laws.
- (5) An accurate radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes:
 - a. A title block in the lower righthand corner showing the names of the property owners; map, block, parcel of the subject property; date of plan; and north arrow;
 - b. For all property in or within two hundred feet (200') ~~foot radius as measured from~~ of the perimeter of the subject property:
 1. The shape, dimension and area of property;

NOTE FOR COUNCIL:

Notification requirements throughout ordinance amended to comply with state law

2. The location of all zoning use district boundary lines; and
3. The street numbers and assessor's lot numbers;
4. The general location, shape and use of all existing buildings and structures; and
5. Such other information as may be necessary for the execution and enforcement of this chapter.
- (6) The application fee as set by the city council to cover the costs associated with review, hearing, notice and recording fees.

Applications for special use permits to the planning board through the unified development review process shall follow relevant application requirements of the city's land development and subdivision regulations.

Sec. 19-42. Special use permits—Review process.

- (a) Upon receipt of a special use permit application, in proper form, the zoning officer shall refer a copy to the department of planning and urban development in its capacity as staff to the planning board, for an advisory opinion. This department shall review the application and make a written report on its findings and recommendations as to whether or not the request is consistent with the purposes and intent of the city comprehensive plan and this chapter within 30 days of receipt of the application.
- (b) The zoning officer may refer a copy of the application to any other city departments, such as the public works department or fire department, for findings and recommendations on matters related to public safety, health and welfare.
- (c) The board shall fix a reasonable time not to exceed 30 days for a public hearing on a special use permit application. Notification including the date, time, place, purpose of the hearing, and street address of the subject property shall be:
 - (1) Published at least 14 days prior to the date of such hearing in a newspaper of local circulation in the city;
 - (2) Sent by first class mail to the applicant;
 - (3) Sent ~~first-class registered or certified~~ mail to all owners of real property whose property is located ~~in at~~ or within ~~two hundred feet (a 200')-foot radius~~ of the perimeter of the subject ~~property area, as measured from the corners of the subject area,~~ whether within the city or within an adjacent city or town; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located;
 - (4) Sent by first class mail to the city or town council of any city or town which is located ~~in at~~ or within 200 feet of the boundary of the subject area;
 - (5) Sent first class mail to the city or town council of any city or town where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of the subject property, regardless of the municipal boundaries;
 - (6) Sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of the subject property, provided however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof.

(7) Posted in the city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on the municipal home page of its website at least fourteen (14) days prior to the hearing.

(8) The City shall make the notice accessible on the home page of the City's website at least 14 days prior to the hearing;

(9) For notices sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

(d) The cost of the newspaper and mailing notification shall be borne by the applicant.

(Rev. Ords. 1987, § 19-42; Ch. 914, § 1(Att.), 12-19-23)

Sec. 19-47. Variances —Application process.

Applications for variances that are not part of the unified development review process shall be filed with the zoning officer acting in his capacity as clerk for the zoning board of review. When a request for a variance is submitted through the unified development review process, as part of a subdivision or land development project application, it shall be submitted to the administrative officer of the planning board. Fifteen complete copies of the application must be submitted. The application shall include:

- (1) A completed variance form indicating the variance sought and the grounds for the variance;
- (2) Names and addresses of all owners of property in or within two hundred feet a (200')-foot radius as measured from of the perimeter of the subject property, whether within the city or an adjacent city or town, and as shown on the current real estate tax assessment records of the city or town in which the property is located;
- (3) A Class 1 surveyed site plan prepared by a land surveyor registered and licensed to practice in the State of Rhode Island. The site plan shall be drawn at a scale of one inch equals 20 feet (or as appropriate one inch equals 40 feet or one inch equals 80 feet) showing the following for the subject property:
 - a. The shape, dimension and area of the subject property;
 - b. The location, size and use of all existing and proposed structures;
 - c. The zoning use district boundaries;
 - d. The street number and assessor's lot numbers;
 - e. Title block in the lower righthand corner showing the names of the property owners; map, block, parcel of the subject property; date of plan; north arrow; and a blank signature space for the chair; and
 - f. Such other information as may be necessary for the execution and enforcement of this chapter.
- (4) Elevations for all buildings sides and floor plans shall be prepared by those permitted to do so by the Rhode Island General Laws.
- (5) An accurate radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes:

- a. A title block in the lower righthand corner showing names of the property owners; map, block, parcel of the subject property; date of plan and north arrow;
 - b. For all property within two hundred feet (200') ~~of foot radius as measured from~~ the perimeter of the subject property:
 1. The shape, dimension and area of the property;
 2. The location of all zoning use district boundary lines; and
 3. The street numbers and assessor's lot numbers.
 - c. In the case of a dimensional variance, the general location, shape and use of all existing buildings and structures within a 100-foot radius of the subject property;
 - d. In the case of a use variance, the general location, shape and use of all existing buildings and structures in or within two hundred feet a (200') ~~foot radius~~ of the subject property; and
 - e. Such other information as may be necessary for the execution and enforcement of this chapter.
- (6) The application fee as set by the city council, to cover the costs associated with review, hearing, notice and recording fees.

Applications for variances to the planning board through the unified development review process shall follow relevant application requirements of the city's land development and subdivision regulations.

Sec. 19-48. Variances —Review process.

- (a) Upon receipt of a variance application, in proper form, the zoning officer shall refer a copy to the zoning board of review and the department of planning and urban development acting in its capacity as staff to the planning board. This department shall review the application and make a written report on its findings and recommendations as to whether or not the request is consistent with the purposes and intent of the city comprehensive plan and this chapter within 30 days of receipt of the application.
- (b) The zoning officer, or administrative officer for the planning board through the unified development review process, may refer a copy of the application to any other city departments, such as the public works department or fire department, for findings and recommendations on matters related to public health, safety and welfare.
- (c) The zoning board shall fix a reasonable time not to exceed 30 days for a public hearing on a variance application. Notification including the date, time, place, purpose of the hearing, and street address of the subject property shall be:
 - (1) Published at least 14 days prior to the date of such hearing in a newspaper of local circulation in the city;
 - (2) Sent by first class mail to the applicant;
 - (3) Sent first class mail to all owners of real property whose property is located in at or within two hundred feet a (200') ~~foot radius~~ of the perimeter of the subject area, whether within the city or within an adjacent city or town, as measured from the corners of the subject area; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located;

- (4) Sent by first class mail to the city or town council of any city or town which is located in or within 200 feet of the perimeter of the subject area;
 - (5) Sent by first class mail to the city or town council of any city or town where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of the subject property, regardless of the municipal boundaries;
 - (6) Sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of the subject property, provided however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof;
 - (7) Posted in the City Clerk's office and one other City building at least 14 days prior to the hearing;
 - (8) The City shall make the notice accessible on the home page of the City's website at least 14 days prior to the hearing;
 - (9) For notices sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.
 - (d) The cost of newspaper and mailing notification shall be borne by the applicant.
-

Sec. 19-52.—Appeal application process.

(a) Application for an appeal from a decision of the zoning officer or any other zoning enforcement agency, shall be filed with the zoning officer acting in his capacity as clerk for the zoning board of review. The application shall include:

- (1) A completed appeal form indicating the grounds for the appeal.
 - (2) An accurate radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes the map, block, and parcel of all property in or within two hundred feet a (200')-foot radius of the perimeter of the subject property-as-measured from the perimeter of the subject property;
 - (3) The names and addresses of all owners of property in or within two hundred feet (a 200')-foot radius-as-measured from of the perimeter of the subject property, whether within the city or an adjacent city, and as shown on the current real estate tax assessment records of the city or town in which the property is located; and
 - (4) The fee as set by the city council to cover costs associated with the review, hearing and notice to be paid by the applicant.
- (b) The officer or agency from whom the appeal is taken shall forthwith transmit to the zoning board of review all the papers constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the planning board.
-

Sec. 19-54. Appeals — Review and determination.

- (a) The zoning board of review shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties of interest. Notification including the date, time, place, purpose of the hearing, and street address of the subject property shall be sent by ~~first-class registered or certified~~ mail to all owners of real property whose property is located ~~in at~~ or within ~~two hundred feet a (200') foot radius~~ of the perimeter of the subject area, ~~whether within the city or an adjacent city or town as measured from the corners of the subject area~~. Such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located.
- (b) The zoning board of review shall make a decision within sixty-five (65) days of the date the appeal was filed. Upon the hearing, any party may appear in person or by agent or by attorney.
- (c) In exercising its powers, the zoning board of review may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the officer or agency from whom the appeal was taken; and may apply special conditions as provided for in section 19-13 of this chapter.
- (d) The zoning board of review shall include in its decision all findings of fact and conditions showing the vote of each member participating thereon, and the absence of a member or his failure to vote. Decisions shall be recorded and filed in the office of the zoning board of review within 30 days from the date the decision was rendered, and shall be a public record. The decision shall also be posted in a location visible to the public in the city hall for a period of 20 days following the recording of the decision.
- (e) When an appeal results in a decision by the zoning board of review which overturns a decision of another zoning enforcement agency or the zoning officer, recorded in the city land evidence records, the zoning officer as clerk for the board shall record notice of the board's decision in the city land evidence records.

DIVISION 3. - PERMITS

Sec. 19-56. Zoning permit.

- (a) No building or structure shall be erected, extended, altered, enlarged or moved, and no use of any land or premises shall be begun or changed without a zoning permit having been issued by the zoning officer. Whenever a permit or license is issued by any other department of the city, such permit or license shall be in conformity with the provisions of this chapter. Any application for such a permit shall be accompanied by a site plan, accurately drawn, showing the actual shape and dimensions of the lot or premises to be built upon; the exact location and size of all buildings or structures to be erected, constructed, reconstructed, altered or enlarged together with the lines within which all buildings or structures are to be erected, constructed, reconstructed, altered or enlarged; the existing or intended use of such building or structure; the location of all zoning district boundary lines as they may affect the lot or premises; the location and size of off-street parking and loading facilities where required, the location and design of trash storage areas and enclosures, including dumpsters, in conformance with the provisions of section 19-261; and such other information as may be necessary to provide the execution and enforcement of this chapter. The zoning permit shall be issued on the basis of the application and accompanying plans, where required, and shall authorize only the use, arrangement and construction set forth in approved plans and applications. Any use, arrangement or construction at variance with that authorized under this chapter shall be deemed in violation of this chapter.

- (b) No site plan shall be required with an application for such a permit involving only alterations of an existing building where the use and exterior surfaces of such buildings are not changed or enlarged in any manner and the use is not affected by any other section of this chapter.
- (c) A record of all applications, plans and permits shall be kept on file in the office of the zoning officer and shall be available for public inspection during regular office hours.
- (d) In addition, the zoning officer may require the submission of plans of any proposed machinery, operations and products and specifications for the mechanisms and techniques to be used for the purpose of restricting the emission of dangerous and objectionable elements referred to in section 19-336. An affidavit may be required from the applicant acknowledging his understanding of the applicable performance standards in section 19-336 and his agreement to conform with such standards at all times. No applicant will be required to divulge confidential processes, and all information submitted will be treated confidentially if requested.
- (e) In areas of special flood hazard as delineated on the flood maps defined in section 19-1, a zoning permit shall be required for any land preparation, excavation, grading, filling or removal of earth for any purpose.
- ~~(f) The zoning officer shall require that a declaration of the accessory family dwelling unit and restrictions for a family member or members of an owner-occupied one family dwelling shall be: (1) Recorded in the land evidence records at the cost of the applicant; and (2) Be filed with the zoning enforcement officer and the building official.~~

NOTE FOR COUNCIL:

Section no longer complies with ADU law

(Rev. Ords. 1987, § 19-56; Ch. 506, § IV, 7-20-10)

Cross reference(s)—Accessory family dwelling units, § 19-202.

Sec. 19-57. Occupancy permit.

- (a) An occupancy permit shall be required for any of the following:
 - (1) Occupancy and use of a building or structure hereafter erected, extended, altered, enlarged or moved;
 - (2) Change in use of an existing building, structure or premises to a use of a different classification;
 - (3) Occupancy and use of vacant land except for farming;
 - (4) Change in use of land to a use of a different classification other than farming;
 - (5) Any change in use of a nonconforming use.
- ~~(6) a. No occupancy of the accessory family dwelling unit shall take place without an occupancy permit that has been reviewed and approved by the zoning officer in advance of its issuance. No occupancy permit shall be granted for an accessory family dwelling unit until it is a permitted accessory use and a declaration of the accessory family dwelling unit for the family member or members and its restrictions shall be recorded in the city's land evidence records at the cost of the applicant and filed with the zoning officer and the building official.~~
- ~~b. Occupancy permits shall not be transferable upon change in ownership or change in occupancy. In such event, the new owner of the single family dwelling shall submit an affidavit to the zoning officer attesting to the fact that the circumstances under which the occupancy permit were granted will continue to exist. The owner of record of the subject real property is responsible for initiating~~

NOTE FOR COUNCIL:

Section no longer complies with ADU law

~~each application to the zoning officer. Appropriate fees as established and posted shall be assessed for each such renewal.~~

- (b) No such occupancy, use or change of use shall take place without the issuance of an occupancy permit approved by the zoning officer. The permit shall not be issued until the building, structure, premises or land, its uses and the uses incidental thereto have been inspected and approved by the zoning officer and, if required, a business registration certificate has been secured from the city clerk's office. A record of all occupancy permits shall be kept on file in the office of the building inspector and shall be available for public inspection during regular office hours.

(Rev. Ords. 1987, § 19-57; Ch. 506, § V, 7-20-10)

Cross reference(s)—Accessory family dwelling units, § 19-202.

DIVISION 4. - ADOPTION, AMENDMENT OR REPEAL

Sec. 19-72. Petition requirements.

(a) Petition forms for ordinance amendments/repeals shall be filed with the city clerk and include:

- (1) The section/or subject area that is the subject of the petition;
- (2) The intention of the proposed amendment/repeal;
- (3) The relation of the proposed action to the city comprehensive plan; and
- (4) Filing fee as set by the city council to cover the costs associated with review, hearing, notice and recording fees.

(b) In addition, if the amendment/repeal seeks a change in the zoning map, the petition shall be accompanied by:

- (1) Eleven copies of an accurately drawn radius map drawn at a scale of one inch equals 100 feet (or as appropriate one inch equals 50 feet or one inch equals 40 feet) which includes:

a. A title block in the lower righthand corner showing names of the property owners; map, block, parcel of the subject property; date of plan and north arrow;

b. For all property ~~in or~~ within **two hundred feet (a 200') of-foot radius as measured from** the perimeter of the subject property:

1. The shape, dimension and area of property;
2. The location of all zoning use district boundary lines;
3. The street numbers and assessor's lot numbers;
4. The general location, shape and use of all existing buildings and structures; and

c. Such other information as may be necessary for the execution and enforcement of this chapter.

- (2) A listing of names and addresses of all owners of real property located ~~in at~~ or within **two hundred feet a (200')-foot radius** of the perimeter of the property, **whether within the city or an adjacent city or town as measured from the corners of the property**, and as shown on the current real estate tax assessment record of the city or town in which the property is located.
-

Sec. 19-74. Notification.

The city council shall hold a public hearing within 65 days of receipt of the petition. Opportunity shall be given to all persons interested to be heard upon the matter of the proposed amendment/repeal. Notification for this public hearing shall include:

(1) Publication of notice in a newspaper of local circulation within the city at least once each week for three successive weeks prior to the date of such hearing, (which may include the week in which the hearing is to be held). Such newspaper notice shall ~~be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:~~

- a. Specify the place of such hearing and the date and time of its commencement;
- b. Indicate that adoption, amendment or repeal of a zoning ordinance is under consideration;
- c. Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize or describe the matter under consideration;
- d. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied;
- e. State that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing and that any such alteration or amendment must be presented for comment in the course of such hearing; and
- f. In the case of a proposed amendment which includes a specific change in a zoning district map, but does not affect districts generally, the newspaper notice shall include a map showing the existing and proposed boundaries; zoning district boundaries; labeled existing streets and roads; and city and town boundaries where appropriate.

(2) Written notice shall be mailed at least two weeks prior to the hearing to any of the following which is applicable:

- a. Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map but does not affect districts generally, notice shall be sent to all owners of real property whose property is located in or within 200 feet of the perimeter of the area proposed for change, whether within the city or within an adjacent city or town. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. Such notice shall be sent by first class mail to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located, provided that for any notice sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. This notice shall include a map showing the existing and proposed boundaries; zoning district boundaries; labeled existing streets and roads; and city town boundaries where appropriate.
- b. To the city or town council of any city or town which is located in or within 200 feet of the perimeter of the area proposed for change.
- c. To the city or town council of any city or town where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.

d. To the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is at or within 2,000 feet of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the city a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof.

e. Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the city. The notice shall given by first class mail at least 2 weeks prior to the hearing at which the text amendment is to be considered, with the content required by section (1). Notice shall include reference to the merger clause to which the nonconforming lots would be subject, the notice shall include reference to the merger clause and the impacts of common ownership on non-conforming lots.

~~(3) The city clerk shall also give notice by first class mail to the petitioners of the date of the second reading and hearing for final passage of the ordinance.~~

~~(34)~~ The City shall post the notice in the City Clerk's office and in one other City building at least 14 days prior to the hearing;

~~(45)~~ The City shall make the notice accessible on the home page of the City's website at least 14 days prior to the hearing;

~~(56)~~ For notices sent by first class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

~~(67)~~ The cost of newspaper and mailing notification shall be borne by the applicant.

ARTICLE III. - DISTRICT REGULATIONS

Sec. 19-98. Schedule of use regulations.

- (a) Any use not specifically listed or otherwise permitted in a district hereinafter established by this chapter shall be deemed prohibited, with the exception of evaluations and determinations of proposed uses not specifically listed as per section 19-40.
- (b) The following is a schedule of use regulations:
- (c) All properties located within the Riverside Square Mixed Use/Downtown Overlay district shall be subject to the Commercial-2 Zoning District with respect to section 19-98 "Use", except that the following uses shall be prohibited within this district: funeral home or mortuary; fast food restaurant; drive-through facilities; and medical or dental offices.
- (d) All properties located within the Riverside Square Mixed Use/Downtown Overlay shall be subject to the supplementary district regulations contained in section 19-359 et seq.
- (e) The C-2 Neighborhood Business District is intended to permit small-scale retail, service and office uses designed to serve adjacent residential neighborhoods and structures shall be no larger than 5,000 square feet in gross floor area.

Y = Yes, permitted use

N = No, prohibited use

S = Special use permit

A = Permitted as an accessory use subordinate to the principal use

NOTE FOR COUNCIL:

Use Schedule amended to require special use permits for two-family and multi-family dwellings (3+ units). Per changes in state law, this process is required for the city to maintain its requirements for larger lot sizes and maximum density requirements. These requirements are now found in Divisions 7 (Multifamily Dwellings) and 22 (Additional Criteria for the Issuance of Special Use Permits).

Listings for certain uses (such as drive-throughs) have been amended to exclude specific conditions. However, those conditions still apply elsewhere in the regulations.

Manufactured Home Courts amended to show requirement for a special use permit in the C-5 district to be consistent with existing Sec. 19-321.

USE SCHEDULE	ZONING DISTRICTS															
	R1	R2	R3	R4	R5	R6	O1	C1	C2	C3	C4	C5	I1	I2	I3	BT
Mixed-Use	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N
AGRICULTURAL																
Farming*	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Conservation area, wildlife refuge, reforestation area or wood lot	Y	Y	Y	N	N	N	Y	N	N	N	N	N	N	N	N	N
Nursery	Y	Y	N	N	N	N	Y	Y	N	N	Y	Y	N	N	N	N
RESIDENTIAL AND RELATED USES																
One Single-family dwelling*	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N
Two-family dwelling* if located on a lot having an area of at least 50 percent greater than required for a one-family dwelling	N	N	N	N	Y 11,250 s-f minimum	Y 7,500 s-f minimum	N	N	N	N	N	N	N	N	N	N
Two-family dwelling*	N	N	N	N <u>S</u>	N <u>S</u>	N <u>S</u>	N	N	N	N	N	N	N	N	N	N
Three-family dwelling* and Multi-family dwelling* in conformance with section 19-216 et seq. Construction of 20 units or greater requires land development project approval; see article V of this chapter	N	N	N	N	Y <u>S</u>	N	N	Y <u>S</u>	Y <u>S</u>	N	N	N	N	N	N	N
Tourist home or lodginghouse*	N	N	N	N	Y	Y	N	Y	N	Y	Y	N	N	N	N	N
Motel*	N	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N
Hotel*	N	N	N	N	N	N	N	N	N	S	S	S	S	N	N	Y
Community residences*	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N
Family day care homes	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N	N	N
Short-term rental,* per Sec. 19-103(b)	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N	N	N
Live/Work Space*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
PUBLIC AND SEMI-PUBLIC																
Municipal facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Watershed protection or supply	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Park, playground or playfield	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N
Public or private elementary, junior high or	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N

high school or higher education institution																
Dormitory for institution of higher education	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N
Church, other place of worship or religious institution	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	N	N	N
Cultural activity*	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N
Sportsmen's club	S	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Nonprofit club; civic, social or fraternal	N	N	N	N	S	S	S	Y	Y	Y	Y	Y	N	N	N	N
Nursery school	N	N	N	N	Y	Y	N	Y	Y	Y	N	N	N	N	N	N
Hospital*	N	N	N	N	N	N	Y	N	N	Y	N	N	Y	N	N	N
Clinic, excluding animal clinic	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nursing home, rest home or home for the aged requiring attendants	N	N	N	N	S	S	N	Y	Y	Y	Y	N	N	N	N	N
Funeral home or mortuary	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
Cemetery*	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Day or overnight camp for children	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Golf course or country club	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Public utility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
RETAIL BUSINESS																
Retail sale of products fabricated, assembled or packaged in a building on the premises provided such fabrication, assembling or packaging operations do not occupy more than 50 percent of the floor area of the building; provided, further that not more than: (1) Five persons are regularly employed therein (2) Ten persons are regularly employed therein	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N
	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N
Retail sale of food, drugs, clothing, jewelry, stationery or similar personal or specialty items	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N

Retail sale or rental of general merchandise, furniture, household goods, supplies, and appliances, sporting goods, automotive accessories, or other similar retail products	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Salesroom for display of motor vehicles, trailers, building supplies, boats, or machinery:																
(1) Without storage and repair facilities	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	N
(2) With storage and repair facilities	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N
New or used motor vehicle sales lot	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
Retail services for employees as detailed in section 19-364, business/technology development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y
Café*	N	N	N	N	N	N	A	Y	Y	Y	N	N	A	A	A	Y
Cigar Lounge	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	N	N	Y
Microbrewery/distillery	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	Y	Y	Y
WHOLESALE BUSINESS AND STORAGE																
Sale of business and/or industrial equipment and supplies	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
Wholesale showroom:																
(1) With storage limited to floor samples only	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y
(2) With storage and repair facilities	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y
Wholesale distribution or warehouse and Self storage, mini-storage, excluding truck terminal facility	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
Bulk petroleum storage	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N
SERVICE BUSINESS																
Check Cashing Business	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
Personal convenience service*	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N
Commercial educational institution*	N	N	N	N	N	N	N	Y	N	Y	Y	N	Y	N	N	Y

Restaurant* without live entertainment	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N
Restaurant* including live entertainment	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Fast food restaurant	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Automatic parking garage or lot*	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	Y
Printing or publishing establishment provided that the work and storage area shall not exceed 5,000 square feet	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	Y
Automotive repair shop*	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N
Animal or veterinary hospital or kennel	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N
Marina*/Yacht Club	N	N	N	N	N	N	Y	N	N	N	N	Y	N	Y	Y	N
Commercial dock or boatyard or boat repair facility	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N
Auto body, soldering or welding shop	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N
Dry Cleaning or Laundering Plant	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	N
Dry Cleaning Drop-Off and Pick-Up Location with Dry Cleaning/Laundering Done on Premises (with cleaning equipment and storage area limited to no more than 50 percent of the total square footage of the building)	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
Dry Cleaning Drop-Off and Pick-Up Location (with no cleaning done on premises)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Passenger vehicle car wash	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N
Business or industrial services: (1) With storage and repair limited to 50 percent or less of gross floor area (2) With storage and repair facilities	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
Child day care centers	N	N	N	N	S	S	N	Y	Y	N	N	N	Y	N	N	N
Data processing facilities	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y

Massage therapy establishment*	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
SPECIAL USES																	
Signs* as regulated by sections 19-441 through 19-443	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Billboards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Off-street parking as regulated by sections 19-276 through 19-284	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Off-street loading and unloading as regulated by Sections 19-285 through 19-290	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Removal of earth products as regulated by section 19-116	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N
Manufactured home Trailer courts* as regulated by section 19-321	N	N	N	N	N	N	N	N	N	N	N	N	NS	N	N	N	N
Gasoline filling stations* as regulated by section 19-186 et seq.	N	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N
Accessory uses* as regulated by section 19-171	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Transit shelters* as regulated by section 19-174	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Amusement game centers**	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Development of new drive-through* associated with a permitted use on a parcel of at least 20,000 square feet and as regulated by [sic] Article VIII	N	N	N	N	N	N	N	N	S	S	S	S	S	S	S	S	N
Tattoo Parlor	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
OFFICE USES																	
Any business or professional office, studio, or agency, bank or other financial institution	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Medical research, engineering or testing laboratory	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y
COMMERCIAL RECREATION																	

Amusement park*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Boat, kayak, canoe rental	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Bowling alley	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Dance hall	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Driving range or miniature golf facility	N	N	N	N	N	N	Y	N	N	N	Y	Y	N	N	N	N
Fencing establishment	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	N
Health, fitness and wellness facility	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Indoor movie theatre	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Indoor Recreation/Athletic Facility	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	N
Skating rink	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N
Swimming or tennis facility¹	N	N	N	N	N	N	Y	N	N	Y	Y	Y	Y	N	Y	Y
Yoga or Pilates Studio (not full gym)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
ART & ENTERTAINMENT																
Black Box Theatre*	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	N
Design Studio*	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	N
Film Studio	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Gallery*	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Photography Studio	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Recording Studio	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
Live Theatre	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
TRANSPORTATION																
Helistop per section 19-173	N	N	N	N	N	N	S	N	N	N	N	N	S	S	S	S
Freight or trucking terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Parcel distribution center	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N
UTILITIES																
Radio, television or wireless telecommunication towers and antennas as per Division 17***	N	N	N	N	N	N	S	N	N	N	N	S	S	S	Y	N
Communication services and broadcasting offices	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	Y
INDUSTRIAL																
Limited manufacturing*, with no outdoor storage, and in conformance with Sections 19-336 through 19-345	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y
Small shop for fabricating, packaging or assembling activities in conformance	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y

with sections 19-336 through 19-345																
Heavy manufacturing* in conformance with sections 19-336 through 19-345	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N
Limited metal reclamation*	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N
Open storage* as regulated by subsection 19-175(a) and subject to Article VIII	N	N	N	N	N	N	N	N	N	N	N	S	S	S	S	N
Industrial or manufacturing related office	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y
Industrial trade schools*	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N
Bulk storage of chemicals accessory to a use permitted by section 19-98	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N
PORT RELATED USES																
Port*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wharves, piers and bulkheads, commercial dock or boatyard or boat repair facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Trucking, shipping or railroad terminal primarily handling commodities shipped by waterborne transportation, including equipment necessary for the loading, unloading or transfer of commodities and cargoes	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Accessory storage—Port district* including open storage as regulated by subsection 19-175 (b)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Container terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Manufacturing, storing, processing, fabricating, packaging or assembling activities requiring direct access to waterborne shipping in conformance with article IV, division 14 of this chapter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Packaging, assembling, mixing or other activities to	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

prepare cargoes or commodities for loading, off-loading or distribution, primarily relating to rail, truck and waterborne commerce																
Foreign trade zone	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Definitions and further regulations relative to the uses that are denoted by an () may be found in section 19-1.

**Amusement game centers shall be allowed as a permitted use in the C-3, C-4 and C-5 districts in conformance with the requirements of section 19-231 of this chapter.

***Radio, television or wireless telecommunications towers shall be permitted in any district on property owned, leased or otherwise controlled by the city, in conformance with the requirements of section 19-351 of this chapter, and by administrative approval in any I-3 district, in conformance with the requirements of section 19-352 of this chapter.

****Radio, television or wireless telecommunications antennas shall be permitted in any district on property owned, leased or otherwise controlled by the city, in conformance with the requirements of section 19-351 of this chapter, and by administrative approval in any district, in conformance with the requirements of section 19-352 of this chapter.

(Rev. Ords. 1987, § 19-98; Ch. 457, § III, 10-7-97; Ch. 463, § III, 12-16-97; Ch. 53, §§ IV, V, 2-3-99; Ch. 146, § VI, 10-23-00; Ch. 154, § VI, 1-16-01; Ch. 194, § IV, 12-18-01; Ch. 198, § IV, 2-19-02; Ch. 216, § IV, 6-18-02; Ch. 453, § III, 7-15-08; Ch. 470A, § V, 10-7-08; Ch. 489A, § II, 10-6-09; Ch. 642, § V, 3-15-16; Ch. 867, §§ III, IV, 12-20-22; Ch. 914, § I(Att.), 12-19-23; Ch. 918, § I, 5-7-24)

ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. - LOT AREA, SETBACK AND YARD REGULATIONS

Sec. 19-132. Substandard lots of record.

Except as required in section 19-133, a lot or group of contiguous lots having dimensions and/or area of lesser amounts than required in section 19-145 for the district in which such lot is located may be considered as conforming to the minimum lot requirements of section 19-145, provided that such lot or group of contiguous lots was shown on a recorded plat or on a recorded deed on the effective date of the ordinance from which this chapter was derived (November 29, 1966). These are also referred to as prior recorded lots.

Notwithstanding the failure of a single substandard lot of record or contiguous lots of record at the effective date of adoption or amendment of the zoning ordinance (November 29, 1966) to meet the dimensional and/or quantitative requirements, and/or road frontage or other access requirements, applicable in the district, a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. ~~The setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. For any structure proposed under this section on a substandard lot of record, the following dimensional regulations shall apply:~~

(1) Minimum building setbacks, lot frontage and lot width requirements for a lot which is nonconforming in area shall be reduced by applying the building setback, lot frontage and lot width requirements from another zoning district of the same type (i.e. next less restrictive residential zone for a residentially-zoned property or next less restrictive commercial zone for a commercially-zoned property) in the municipality in which the subject lot would be conforming as to lot area. If the subject lot is not conforming as to lot area in any zoning district in the municipality, the setbacks, lot frontage and lot width shall be reduced by the same proportion that the area of such substandard lot meets the minimum lot area of the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the minimum lot area required in the district in which it is located, the setbacks, frontage and width shall each be reduced to forty percent (40%) of the requirements for those dimensional standards in the same district.

NOTE FOR COUNCIL:

Dimensional requirements for undersized lots amended per state law

(2) Maximum lot building coverage for lots that are nonconforming in area shall be increased by the inverse proportion that the area of such substandard lot meets the minimum area requirements in the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the required minimum lot area, the maximum lot building coverage is allowed to increase by sixty percent (60%) over the maximum permitted lot building coverage in that district.

All proposals exceeding such reduced requirement shall proceed with a modification request under section 19-5 or a dimensional variance request under section 19-45, whichever is applicable.

(Rev. Ords. 1987, § 19-132; Ch. 914, § I(Att.), 12-19-23)

Sec. 19-133. - Contiguous lots under common ownership.

It is the intent of this chapter to require merger of contiguous unimproved or improved substandard lots of record in the same ownership in order to create dimensionally conforming lots or to reduce the extent of dimensional conformance.

If two or more contiguous lots are under common ownership at any time after the effective date of the ordinance from which this chapter was derived and one or more of these lots fails to meet the requirements of section 19-145 with regard to minimum lot area or minimum lot width, or lot building coverage, or minimum setbacks as required by sections 19-144 and 19-145 of this chapter, or the off-street parking requirements of section 19-284 of this chapter, **and the below standards**, such lots shall be considered to be an individual lot of land for the purpose of this chapter. Contiguous lots or parcels shall share common and abutting boundary lines and not be separated by a street or other property. Contiguous parcels under separate ownership shall be considered to make up a single lot if joint application for a building permit is made by all owners of such parcels. No single lot shall be used in violation of the requirements of section 19-145 with regard to minimum lot area or minimum lot width, except as provided in this chapter.

The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of 50 percent of the lots within 200 feet of the subject lot, as confirmed by the zoning enforcement officer. **Uses on multiple lots in common ownership shall be counted as one lot for the purposes of this calculation.**

(a) District by district standards for determining lot mergers:

(1) Stormwater infrastructure is limited such that limiting development in the district will protect area water quality;

(2) The character of the neighborhood as described in Sec. 19-95 will be protected by the merger of the lots; and

(3) The goals and policies of the comprehensive plan pertaining to the district will be furthered by the merger of the lots.

NOTE FOR COUNCIL:

Lot merger standards amended per state law

Sec. 19-134. Dimensional regulations generally.

- (a) Except as hereinafter provided, a dwelling, building or structure hereafter erected in any district shall not be located on a lot or parcel of land having less than the minimum dimensional and setback requirements of this chapter and shall not exceed the maximum height and percentage of lot building coverage.
- (b) No lot, parcel or tract of land shall be reduced in dimension or area such as to be in violation of section 19-145, except as hereinafter provided. A lot created after the effective date of the ordinance from which this chapter was derived shall meet at least the minimum requirements established by this chapter for the district in which such lot is located, except as provided in section 19-133.

(c) In no instances shall the floor area ratio of development exceed 3.

(Rev. Ords. 1987, § 19-134)

Sec. 19-139. Number of structures.

Not more than one structure used for residential purposes shall be built upon any single lot in any R-1, R-2, R-3, R-4 ~~R-5~~ or R-6 district. This regulation shall not apply to any accessory dwelling unit permitted under these regulations.

(Rev. Ords. 1987, § 19-139; Ch. 184, § II, 11-6-01)

NOTE FOR COUNCIL:

Clarifies that ADU's are exempt from this regulation. Also allows more than 1 residential structure per lot in the R-5 multi-family district in order to prevent overly large multi-family structures.

DIVISION 4. - ACCESSORY USES

Sec. 19-171. Accessory uses.

The following accessory uses shall be allowed, provided that they shall conform to all other provisions of this chapter and that they shall not be detrimental to or impair adjacent properties or the neighborhood.

- (1) Residential district:
 - a. The raising or growing of horticultural products for home use by a resident family thereon.
 - b. A hen house, barn, stable, kennel or dairy incidental to a permitted farming use.
 - c. A garden or tool shed used only for the storage of garden implements and light home maintenance tools.
 - d. A greenhouse not exceeding 1,500 cubic feet and not used for commercial purposes.
 - e. Swimming pools, including appurtenant structures such as dressing and shower rooms and equipment houses as regulated by this chapter and other city ordinances.
 - f. A private garage or parking area as required in sections 19-276 through 19-284 in connection with a dwelling for:
 1. Not more than three motor vehicles, which shall not include more than one vehicle owned by a nonresident of the premises in an R-1 or R-2 district.
 2. Not more than four motor vehicles, which shall not include more than two vehicles owned by a nonresident of the premises in an R-3 or R-4 district.
 3. Not more than two motor vehicles per dwelling unit, which shall not include more than one vehicle owned by a nonresident of the premises for each two dwelling units in an R-5 or R-6 district.

In any case, not more than one commercial vehicle weighing not more than 2½ tons gross weight shall be permitted to park overnight on a residential premises in a residential district, except in the case of a farm operated on a full-time basis by a resident thereon.

- g. A professional home office or studio located within the principal building of the premises of a resident architect, artist, author, attorney, clergyman, dentist, engineer, physician or other member of a recognized profession; provided that not more than 25 percent of the total floor area, not to exceed 250 square feet is regularly devoted to such use and that no more than one other person is regularly employed therein in connection with such in an R-1, R-2, R-3 or R-4 district, and not more than two other persons are regularly employed therein in connection with such use in an R-5 or R-6 district.
- h. Any home occupation use such as dressmaking, millinery, home cooking and preservation and similar domestic crafts, excluding barbershops, beauty parlors, hair dressers, dance studios, schools and repair services of any kind, customarily conducted within the principal building by a resident of the premises, provided that there is no exterior storage of material or equipment, that no display of products shall be visible from the street, that not more than 25 percent of the total floor area, not to exceed 250 square feet is regularly devoted to such use and that no other person is regularly employed therein in connection with such use in an R-1, R-2 or R-3 district, and not more than one other person is regularly employed therein in connection with such use in an R-4, R-5 or R-6 district.

The practice of massage therapy conducted by a state licensed massage therapist* conducted within the principal building by a resident of the premises, provided that:

 - 1. There is no exterior storage of material or equipment;
 - 2. No display of products shall be visible from the street;
 - 3. Not more than 25 percent of the total floor area, not to exceed 250 square feet is regularly devoted to such use and that no other person is regularly employed therein in the R-1, R-2, R-3, R-4, R-5 and R-6 districts;
 - 4. The resident shall have obtained a special use permit under section 19-39 et seq., Special Use Permit;
 - 5. The applicant shall obtain any licenses required by the city; and
 - 6. Proof of a current license issued by the department of health shall be posted on the premises in a location visible to customers.
- i. Servants' quarter.
- j. A seasonal stall or stand for the sale of farm or garden products, the majority of which are grown or produced on the premises of a permitted farming use by the resident, owner or lessee thereof.
- k. Dormitory or living quarters for churches or other places of worship, educational or religious institutions, hospitals, sanitariums, and other similar permitted uses.
- l. The renting of a room to not more than two persons.
- m. Other similar accessory uses customarily incidental to a permitted use, except that the storage of pallets in commercial form shall not be permitted in residential areas.
- n. Portable storage containers* may be placed in a residential district for up to 30 calendar days. The building official may permit the placement of a portable storage container for more than 30 days provided that the property owner has a valid building permit for construction, reconstruction, alteration or remodeling of the structure or due to extenuating circumstances such as hurricane, fire or flood. A portable storage container* may not be used as an accessory

structure to a principal use and further shall not be permitted for use as a detached permanent storage building, utility building workshop, hobby shop and other similar purposes.

(2) Open space district:

- a. ~~One~~ **Single**-family dwelling for a caretaker or other personnel required to reside on the premises for the protection or maintenance of a permitted use.
- b. Seasonal stall or stand for the sale of farm or garden products, the majority of which are grown or produced on the premises by the resident owner or lessee thereof.
- c. Dormitory or living quarters for educational or religious institutions, hospitals, sanitariums, and other similar permitted uses.
- d. Other accessory uses customarily incidental to a permitted use.

(3) Commercial district:

- a. ~~One~~ **Single**-family dwelling for a caretaker or other personnel required to reside on the premises for the protection or maintenance of a permitted use.
- b. Dormitory or living quarters for educational or religious institutions, hospitals, sanitariums, and other similar permitted uses.
- c. Other accessory uses customarily incidental to a permitted use.
- d. Off-street parking, as regulated by division 11 of this article and off-street loading and unloading as regulated by sections 19-285 through 19-290.
- e. Amusement game machines, in conjunction with a permitted business use, according to section 19-98, provided such use is beyond 500 feet from the property boundary of any school, church, other place of worship or religious institution, or public recreation area. No amusement game machine, as defined by this chapter, shall be allowed to operate without the issuance of a proper license by the city council.

(4) Industrial district:

- a. ~~One~~ **Single**-family dwelling for a caretaker or other personnel required to reside on the premises for the protection or maintenance of a permitted use.
- b. Seasonal stall or stand for the sale of farm or garden products, the majority of which are grown or produced on the premises by the resident owner or lessee thereof.
- c. Other accessory uses customarily incidental to a permitted use.
- d. Off-street parking, as regulated by division 11 of this article and off-street loading and unloading as regulated by sections 19-285 through 19-290.
- e. Employees services located on the same premises as the principal use and which are clearly incidental to and limited to the employees of the principal use.

(5) Business/technology floating zone district:

- a. Accessory uses customarily incidental to a permitted use.
- b. Off-street parking as regulated by division 11 of this article, and off-street loading and unloading as regulated by sections 19-285 through 19-290.
- c. Employee services located on the same premises as the principal use and which are clearly incidental to and limited to the employees of the principal use, and further which meet the requirements of section 19-364 relating to the definition of a business/technology development. Such services shall be limited to the ground floor only, shall not exceed a maximum of 1,000 square feet per structure housing a principal use and further in aggregate shall not exceed a total

of five percent of the gross floor area of the total development. Employee services may include the following: dry cleaning services (drop-off and pick-up only with no processing on-site); convenience kiosk (for items such as newspapers, prepackaged food and beverages and coffee); automatic teller machine; coffee/donut satellite business or kiosk (with no baking on-site).

- d. Licensed child day care centers for children of employees of the businesses in the business/technology district.

Sec. 19-202 181. Accessory dwelling units (ADUs).

(a) Description. This section regulates the establishment of accessory dwelling units as allowed by G.L. 1956, § 45-24-37 and this chapter.

(b) General requirements and standards.

(1) An ADU is a permitted accessory use on the same lot where the principal use is a legally established residential use. Only one accessory dwelling unit shall be created on a lot.

(2) A minimum lot size of seven thousand five hundred (7,500) square feet is required for either the construction of a detached ADU or the expansion of the footprint of an existing structure to accommodate an ADU.

(3) The ADU shall be no larger than two bedrooms:

(i) A two bedroom ADU shall be no larger than twelve hundred square feet (1,200 sq. ft.), or sixty percent (60%) of the floor area of the principal dwelling, whichever is less.

(ii) A studio or one bedroom ADU of at least nine hundred square feet (900 sq. ft.) or sixty percent (60%) of the floor area of the principal dwelling, whichever is less.

(4) The design and size of the accessory dwelling unit shall conform to all applicable standards, including health regulations, building code requirements, and all other federal, state and local laws, rules and regulations, including the provisions of this chapter.

(5) The utilities for both the principal unit and the accessory dwelling unit shall be common to both (i.e., one electric service, one gas service, one oil tank, one water connection, and one sewer hook-up).

(6) One additional off-street parking space shall be provided for any accessory dwelling unit that is greater than one bedroom in size, or that is located on a property that does not meet at least fifty percent (50%) of the minimum required parking standard for the existing use(s). All such required parking shall be provided on the premises.

(Ch. 506, § VII, 7-20-10)

(Rev. Ords. 1987, § 19-171; Ch. 457, § VI, 10-7-97; Ch. 146, § VIII, 10-23-00; Ch. 470A, § VI, 10-7-08; Ch. 489A, § III, 10-6-09)

NOTE FOR COUNCIL:

ADU requirements added per state law. Section moved from “Care Facilities” in 19-202.

Minimum lot size of 7,500SF for construction of detached ADU recommended over state minimum of 20,000SF to better reflect East Providence’s density and current regulations re: duplexes.

NOTE FOR COUNCIL:

In order to reflect the city’s existing character and prevent excessive impervious coverage, parking standards in #6 are recommended over state law maximum requirement of 1 parking space per ADU bedroom.

DIVISION 6. CARE FACILITIES

~~Sec. 19-202. Accessory family dwelling units~~

~~(a) Description. This section authorizes the installation of accessory family dwelling units in [an] owner-occupied, single-family house that shall be permitted as a reasonable accommodation only for a family member(s) with disabilities as allowed by G.L. 1956, § 45-24-37 and this chapter. The purpose of this section is to permit families to care for their family member(s) with a disability or disabilities at home if possible.~~

**NOTE FOR
COUNCIL:**

ADU requirements
moved to 19-181

~~(b) General requirements and standards.~~

~~(1) Only an owner, who is also an occupant, of a single-family dwelling may apply for, and maintain, an accessory family dwelling unit.~~

~~Only one accessory family dwelling unit shall be created on a lot.~~

~~(3) The accessory family dwelling unit shall be located within or attached to the principal single-family owner-occupied dwelling.~~

~~(4) The design and size of the accessory family dwelling unit shall conform to all applicable standards, including health regulations, building code requirements, and all other federal, state and local laws, rules and regulations, including the provisions of this chapter.~~

~~(5) The utilities for both the principal unit and the accessory family dwelling unit shall be common to both (i.e., one electric service, one gas service, one oil tank, one water connection, and one sewer hook-up for the structure).~~

~~(6) The owners of the residence in which the accessory family dwelling unit is created shall occupy one of the dwelling units, except for bona fide temporary absences not exceeding 90 consecutive days or 180 days in any single year. The owner shall be responsible for documenting the period of said absence (the commencement and ending of said absence) and providing this in writing to the zoning officer. (7) The accessory family dwelling unit shall be designed so that the appearance of the structure remains that of a one-family residence and the accessory family dwelling unit shall remain subordinate to the principal residence. There shall be an internal means of egress between the principal unit and the accessory family dwelling unit. If possible, no exterior entrances should be added. If additional exterior entrances are required, they shall be located to the rear or side of the structure and shall be as unobtrusive as possible. Exterior staircases shall be covered or enclosed. (6) One additional off-street parking space shall be provided for the accessory family dwelling unit in addition to those required for residents of the principal dwelling unit and as otherwise required by section 19-284 et seq., and it shall be provided on the premises.~~

~~(9) Cessation of use. Once the family member or members with disability no longer resides in the premises on a permanent basis, or the title to the real property is transferred, the property owner shall notify the zoning official in writing, and the accessory family dwelling unit shall no longer be permitted nor shall it be marketed as an accessory family dwelling unit, unless there is a subsequent, valid application for such a unit as allowed by G.L. 1956, § 45-24-37 and this chapter. The applicant shall discharge the declaration of an accessory family dwelling unit recorded in the city's land evidence records at their expense and provide documentation of same to the zoning officer. (c) Submission requirements. (1) Submit original completed application form to the zoning officer and five additional copies. Said application will be a sworn and notarized declaration from the owner stating: a. That the owner of the property will continue to occupy one of the dwelling units on a year-round basis, except for bona fide temporary absence(s); b. Shall acknowledge that the right to use the accessory family dwelling unit terminates upon transfer of the title unless the accessory family dwelling unit is reapplied for; and c. Shall identify the name of family member(s) who will occupy the accessory family dwelling unit. (2) Submit original completed~~

declaration form to the zoning officer and five additional copies. (3) ~~Submit original scaled floor plans for the entire structure which shall show the dimensions and description of all the rooms in the structure and a detailed floor plan, drawn at a scale of one fourth [inch] to the foot, showing the floor(s) where the changes are proposed. Said plans shall show the floor plans for both units and the means of connection between the two units, and shall also show means of ingress and egress. (4) Submit graphic depiction of the elevations of the structure being affected by the change. (5) A site plan drawn to scale, showing structures, landscaping, and driveway/parking area. One additional off-street parking space shall be provided for the AFDU in addition to those required for residents of the principal dwelling unit and as otherwise required by section 19-284 et seq., and it shall be provided on the premises and shall be shown on the certified site plan. (6) Submit certified floor plan(s) illustrating conversion back to a single-family residential unit upon "cessation of use". The referenced plan(s) must illustrate the manner in which the improvements associated with the "accessory family dwelling unit" will be altered, once again reflecting a single-family dwelling. (7) A copy of the property assessor's information. (8) Application fee of \$250.00 payable by check to the City of East Providence. (9) Obtain a finance department report as to taxes on the property (they must be up to date). (d) *Review and referral.* The zoning officer shall refer applications for accessory family dwelling units to the director of planning, director of public works, building official, and fire chief for review and comments. The application shall be reviewed for conformance to the general requirements and standards. (e) *Recording, posting, inspection.* The applicant shall submit a declaration of the creation of the accessory family dwelling unit including the name for the family member(s) occupying said unit and the restrictions associated with said unit which shall be recorded in the city's land evidence records at the cost of the applicant. No occupancy of the accessory family dwelling unit shall take place without an occupancy permit that has been reviewed and approved by the zoning officer prior to its issuance. The accessory family dwelling unit shall be open for inspection upon request of the city as least one time annually for conformance with requirements and restrictions. (f) *Failure to comply.* Failure to comply with any of the provisions of this section is considered a violation of this chapter and will be subject to enforcement and prosecution in accordance with City Charter and ordinances. In the event the owner does not cure such defects within 30 calendar days following the date of such notice, the building official shall immediately revoke any certificates of occupancy or building permits and shall cite the property for a violation of this chapter. The revocation of any such accessory family dwelling unit permits for a family member(s) with disability made by the city shall be recorded in the city's land evidence records by the city.~~

Secs. 19-~~203~~ **202** – 19-215. Reserved

(Ch. 506, § VII, 7-20-10)

DIVISION 7. - MULTIFAMILY DWELLINGS

Sec. 19-216. General Requirements.

Notwithstanding any other provisions of this chapter, the regulations in this division shall apply to all multifamily ~~properties~~ **structures**.

Sec. 19-217. Area requirements.

In any multifamily structure the minimum front, side and rear setbacks shall be increased by five feet for each full floor level in the structure over the first two floor levels.

(Rev. Ords. 1987, § 19-217; Ch. 867, § VI, 12-20-22)

Sec. 19-218. Schedule for multifamily dwelling ~~density usable lot area~~.

The following tables are the schedules for multifamily dwellings ~~density usable lot area as defined in section 19-1~~.

Number of bedrooms per dwelling unit	Number of units per lot square feet
3 or more	1 per 2,500
2	1 per 2,000
1 or less	1 per 1,500

Properties with more than one dwelling unit bedroom count type shall not exceed the average per lot square feet. For example, a property with one two-bedroom dwelling unit, one one-bedroom dwelling unit, one studio, and one accessory dwelling unit could not exceed a density of one unit per 1,667 lot square feet (accessory dwelling units do not count towards residential density).

(Rev. Ords. 1987, § 19-218; Ch. 867, § VII, 12-20-22)

DIVISION 10. - TRASH STORAGE AREAS

Sec. 19-261. Trash storage areas.

- (a) In conformance with the requirements of section 19-56, trash storage areas, including provision for dumpsters where applicable, shall be required for the following uses or categories of uses as set forth in section 19-98:
- (1) Multifamily dwelling.
 - (2) Tourist home or lodginghouse.
 - (3) Motel, motor inn or hotel.
 - (4) Nonprofit club; civic, social or fraternal.
 - (5) Hospital, sanitarium, clinic, nursing home.
 - (6) Retail business.

NOTE FOR COUNCIL:

Maximum density requirements for multifamily developments clarified. Will now also require special permit.

- (7) Wholesale business.
- (8) Service business.
- (9) Office uses.
- (10) Commercial recreation.
- (11) Transportation.
- (12) Industrial.
- (13) **Manufactured home** ~~Trailer~~ courts.
- (14) Gasoline filling stations.

This requirement may be waived by the city zoning officer where the applicant for a permit demonstrates that no outdoor trash disposal area will exist on the premises.

(b) Trash storage area, including dumpsters, shall meet the following requirements:

- (1) Shall not be located within the required front yard;
- (2) May be located in the required side or rear yards but not less than five feet from the property line and enclosed by a stockade fence or similar screening structure at least six feet in height. The trash storage area shall be obscured from the view of the adjacent property and from the street;
- (3) Shall be maintained by the property owner in compliance with sections 4-161 and 4-330;
- (4) Shall not interfere with off-street parking and loading areas or requirements including safe vehicular and pedestrian movement;
- (5) Shall not cause a public nuisance.
- (6) Trash storage areas shall not be located between the public-right-of-way, or public rights-of-way in the case of a corner lot or parcels with more than one public street frontage, and the principal use which it serves.

(Rev. Ords. 1987, § 19-261; Ch. 198, § VI, 2-19-02; Ch. 642, § VIII, 3-15-16)

DIVISION 11. - OFF-STREET PARKING REGULATIONS

Sec. 19-279. Joint use and shared use.

(a) *Joint use.* Nothing in this chapter shall be construed to prevent the joint use of off-street parking space for two or more buildings, structures or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the provisions of this chapter.

(b) *Shared use.* No part of an off-street parking space required for any building, structure or use for the purpose of complying with the provisions of this chapter shall be included as part of an off-street parking space similarly required for another building, structure or use unless the type of use indicates that the peak period of usage of such buildings, structures or uses will not be simultaneously with each other as determined by the zoning officer. ~~Applicants requesting use of shared parking under this sub-section (b) shall submit documentation in narrative form, and graphically depicted on a development plan, the specifics of the request and justification for the shared parking arrangement, which shall be reviewed and approved by the director of planning in consultation with the zoning officer, or by the development review committee, or planning board depending upon the scale of the development.~~ All properties utilizing shared parking under this sub-section (b) shall have notice of such restriction recorded in the land evidence records of the city at the cost of the applicant.

NOTE FOR COUNCIL:

Random requirements for “zoning officer review” eliminated in favor of established review processes (DPR, LDP, etc) enabled through state law

Sec. 19-281. Methods of determining off-street parking requirements.

- (a) When the schedule requires the on-site number of spaces to be calculated per employee and employees are on the site in shifts, the number to be used is the number of employees present during the largest shift (most employees). It shall mean the total number of employees on the site who will use the site for parking at any one time.
- (b) A garage or carport may be used to meet the requirements of this section. A driveway may only be used to meet the requirements of this section where it serves a ~~one~~ **single** family or two-family dwelling. Parking spaces may be stacked or in tandem, for no more than two cars deep, one and two-family dwellings only. Parking in the front yard setback shall not exceed one-third of the overall lot width.
- (c) Industrial uses. Where it can be demonstrated, to the satisfaction of the zoning officer and/or the planning board or the department of planning and urban development, that employment projections indicate less parking would be needed than that required by section 19-284 and adequate land is available should future use(s) warrant additional parking, then fewer parking spaces will be allowed.
- (d) If a use is not specifically listed in the off-street parking schedule, the requirements shall be the same as for the most similar use listed as determined by the zoning officer in consultation with the department of planning and urban development referencing the Institute of Traffic Engineers Parking Generation Report.

(Rev. Ords. 1987, § 19-281; Ch. 146, § XIII, 10-23-00; Ch. 642, § IX, 3-15-16)

Sec. 19-283. Plans, construction and maintenance of off-street parking areas.

(a) The following requirements establish minimum acceptable standards for alleviating the visual and environmental effects associated with parking facilities. The application of these standards will serve to improve the compatibility and attractiveness of such facilities, provide relief from un-shaded paved areas, and minimize noise and glare from lights associated with off-street parking facilities. In addition, these requirements will improve pedestrian safety, and optimize traffic circulation patterns with better-defined

space. ~~For those developments subject to the development plan review provisions of article VIII of this chapter, additional landscaping requirements apply.~~

(b) **[Reserved]** ~~Plans. For the purpose of converting spaces into the required parking area, plans for parking areas containing five vehicles or more shall be submitted to the zoning officer to show how the required parking space shall be arranged in the area supplied for such purposes and to indicate sufficient space for parking maneuvers as well as adequate ingress and egress to the parking area.~~

~~(1) Such plan(s) shall be prepared at a reasonable scale and shall show: property lines; building location(s) and use; the dimensions and lot area of the property; the size and arrangement of all parking and any required loading spaces; the means of ingress and egress to such parking and loading spaces from the street system and interior circulation with the property; the location and design of required landscaping; the area of the parcel available for winter snow storage (this shall not be within the public right of way and shall not damage required landscaped buffering); the extent of any change required in existing site conditions to provide required parking and loading spaces; and such other conditions as may be necessary to permit review and approval of the proposed parking and any required loading spaces. (2) Such plan(s) may be referred to other agencies and city departments as may be necessary to review the proposed parking area.~~

NOTE FOR COUNCIL:

Random requirements for "zoning officer review" eliminated in favor of established review processes (DPR, LDP, etc) enabled through state law

(c) Construction standards. Every parcel of land which after the effective date of the ordinance from which this chapter was derived is changed to a parking area for five vehicles or more, shall be developed as follows, subject to the review and approval of the required plans by the city engineer/deputy director of public works and subject to the approval of the zoning officer and building official:

(1) Such area where subject to wheeled traffic shall be paved, drained, lighted and arranged and marked for convenient access and safety of pedestrians and vehicles;

(2) Any light used to illuminate the parking area shall be so arranged as to reflect the light away from adjoining premises and streets;

(3) Suitable separation shall be made between the pedestrian sidewalk and the vehicular parking or moving area with the use of appropriate bumper or wheel guards or traffic islands;

(4) Where the portion of the property used for vehicular traffic abuts a street, such portion shall be separated from the street line by a curb at least six inches high;

(5) The location and extent of the appropriate curb cuts shall be determined by the city engineer/deputy director of public works, subject to the approval of the zoning officer, and wherever state jurisdiction exists, all curb cuts shall be subject to the approval of the state department of transportation as evidenced by submission of an approved physical alteration permit. In order to minimize vehicular conflicts, curb cuts shall be placed at the maximum feasible distance from intersections or from curb cuts for adjacent properties. Except where peculiar site or safety conditions warrant, only one curb cut shall be permitted for each development. Where a lot has more than one street frontage, all curb cuts for multi-family, commercial, or industrial uses shall be located on the primary (arterial or collector) street. This condition may be waived only, if in the determination of the city engineer/deputy director of public works, particular site or safety conditions so warrant.

(6) A plan that identifies changes in drainage associated with the construction of paved parking areas, and the method(s) proposed to address site drainage, shall be submitted and subject to the review and approval of the city engineer/deputy director of public works in accordance with city standards and requirements.

(d) Commercial or industrial areas. Where any parking area containing five parking spaces or more and located in a commercial or industrial district adjoins or abuts a residential district or a lot or premises used for residential, educational, recreational or religious purposes, there shall be provided a five-foot wide

landscaped strip containing a wall or fence of solid appearance or tight evergreen hedge having a height of not less than five and one-half feet maintained in a neat and attractive manner between the parking area and the residential district or residential, educational, recreational or religious premises, subject to the approval of the zoning officer.

- (e) Residential areas. Where any parking area containing five parking spaces or more and located in a residential district adjoins or abuts a lot or premises used for residential purposes, a wall or fence of solid appearance or tight evergreen hedge having a height of not less than five and one-half feet shall be erected and maintained in a neat and attractive manner between the parking area and the lot or premises, subject to the approval of the zoning officer.
- (f) Landscaping. Any parking area established, expanded, or required to be altered because of building alteration or reuse of premises, after the effective date of the ordinance from which this chapter was derived, shall provide a minimum five foot wide planting strip between the parking area and the street. The planting strip may be interrupted to allow for entrances and exits, but in no portion may the planting strip be less than ten feet in length. The planting strip shall be planted with trees, shrubs, plants or other live vegetation. Such other landscaping treatment as hereinbefore required and practicable to enhance the premises and make the parking area acceptable and attractive to the adjoining neighborhood shall be provided, subject to the approval of the zoning officer.
- (g) Maintenance. Any parking space or area shall be kept by the owner in a neat and attractive manner in accordance with specifications and ordinances of the city. The owner shall be responsible for maintenance of landscaping, including the removal and replacement of all dead or diseased plantings. The parking area shall be plowed and/or sanded within 24 hours after the end of any snow or sleet storm.

(Rev. Ords. 1987, § 19-283; Ch. 53, § VI, 2-3-99; Ch. 146, § XIII, 10-23-00)

Sec. 19-284. Off-street parking spaces required.

- (a) In calculating the total number of required spaces, all numbers should be rounded off to the nearest whole number. ~~As required in section 19-283, for the purpose of creating parking spaces into a required parking area, plans for parking areas containing five vehicles or more shall be submitted to the zoning officer to show how the required parking spaces shall be arranged in the lot area supplied for such purposes and to indicate sufficient space for parking maneuvers as well as adequate ingress and egress to the parking area.~~ The following numbers or amounts of off-street parking space or area shall be required for the listed uses in this section according to the following schedule:

Use	Spaces Required (Note: GFA is Gross Floor Area)
(1) Dwelling: (a) One Single -family and two-family (b) Three-family	(a) Two spaces for each household or dwelling unit (b) One and one-third per dwelling unit
(2) Dwelling, other multifamily and elderly housing: (a) Dwelling, other multifamily (b) Dwelling, elderly housing (publicly assisted)	(a) Two spaces for each household or dwelling unit, plus one space for each bedroom in excess of two bedrooms (b) One-half space for each dwelling unit, plus one space for each employee

(3) Congregate care or assisted living facility	One space for each three dwelling units or rental units
(4) Child day care center or nursery school	One space for each five persons of the facility's licensed capacity, plus three spaces designed for the safe and convenient loading and unloading of children
(5) Churches and other places of worship	One space for each eight seats, plus one for each employee
(6) Clinics	Four spaces for each doctor, plus one for each employee
(7) Clubs: Civic, social, fraternal	One space for each five members or one space for each five seats, whichever is greater, plus one space for each two employees
(8) Clubs: golf country, swimming and similar uses, including yacht clubs	One space for each three members, plus one space for each employee
(9) Communications services and broadcasting	One parking space for each 400 square feet of GFA
(10) Commercial education institutions, industrial trade schools	One space for each instructor, plus one space for each two employees or other staff members, plus one space for each two students
(11) Commercial recreation	One space for each 200 square feet of GFA or one space for every three seats, whichever is greater, plus one space for each employee
(12) Community or regional shopping center greater than 200,000 square feet of gross floor area	One space for each 250 square feet of retail GFA, plus one space for each employee. Total parking space for restaurant and/or each free-standing use on the premises shall be added cumulatively to the above requirements.
(13) Cultural center	One space for each 200 square feet of GFA, plus one space for each employee
(14) Funeral homes and mortuaries	One space for each three seats in meetings rooms, plus one space for each employee, plus one space for each company vehicle
(15) Helistop	Two spaces where a helistop is located more than 500 feet from the buildings or main premises of the owner or proprietor or as otherwise determined by the zoning officer
(16) Home occupations and professional offices or studios	One space for each 100 square feet of floor area so used, plus one space for each employee, plus two spaces for each dwelling unit for permanent occupancy
(17) Hospitals	One space for each two beds, plus one space for each two employees including accredited physicians
(18) Nursing or convalescent homes	One space for each four patient beds
(19) (a) Hotels, motels, lodging houses, boarding	(a) One space for each guest sleeping room or

houses and tourist homes (b) Bed and Breakfast	suite, plus one space for each employee. Total parking space for each accessory use on the premises shall be added cumulatively to the above requirements (b) One per guest room, plus one for the owner/occupant of the premises.
(20) Industrial and manufacturing establishments	One space for each 270 square feet of GFA or one space for each two employees on the largest shift, whichever is most appropriate, subject to the approval of the zoning officer
(21) Institution of higher education	One space for each classroom, plus one space for each two employees or staff members other than teachers, plus one space for each two students
(22) Marinas, yacht clubs, boatyards and docks	One space for each mooring slip or other berthing facility, plus one space for each two employees
(23) Office uses: (a) Office use including bank, professional, medical and dental (b) Office building(s) of greater than 40,000 GFA (c) Medical and dental	(a) One space for each 500 square feet of GFA (b) One space for each 500 square feet of GFA (c) One space for each 200 square feet of GFA
(24) Telemarketing uses	One space for each 150 square feet of GFA
(25) Data processing center*	One space for each 150 square feet of GFA
(26) Business/technology development, as defined in section 19-1	One space for each 250 square feet of GFA; however, up to 15 percent of the total spaces required may be held in reserve as provided for in section 19-370, pertaining to reserve parking area for business/technology development
(27) Other institutions devoted to the board, care and treatment of humans	One space for each four beds, plus one space for each two employees, including accredited physicians
(28) Theatres, auditoriums or other any public assembly area with fixed seats	One space for each three seats, plus one space for each employee
(29) Any public assembly area without fixed seats	One space for each 100 square feet of total floor area
(30) Public and private elementary and junior high/middle schools	Two spaces for each classroom, plus one space for each employee or staff member other than teachers
(31) Public and private high schools	Two spaces for each classroom, plus one space for each employee or staff member other than teachers, plus one space for each four students of driving age
(32) Religious institution*	One space for each ten occupants, plus one space for each institution vehicle, plus one space per employee
(33) Retail and service business establishments	One space for each 500 square feet of GFA
(34) Convenience store	One space for each 500 square feet of GFA

(35) Retail furniture and major appliance showrooms	One space for each 500 square feet of GFA, plus one space for each employee
(36) Food Service Establishments and Restaurants as defined in R.I.G.L. 45-24.7-2 a) Indoors b) Outdoor c) In Mixed Use Overlay Districts	a) One space for each six seats provided for patron use, plus one space for each two employees. b) Up to 20 outdoor seats in an approved outdoor dining area shall be exempt from these requirements. c) Any indoor or outdoor seating located within the Mixed Use Overlay district is exempt from these requirements provided the physical building footprint has not increased.
(37) Fast food restaurant a) Indoors b) Outdoor c) In Mixed Use Overlay Districts	a) One space for each four seats or one space per 500 square feet of GFA, whichever is greater, plus drive-through window stacking spaces as elsewhere required by this chapter. b) Up to 20 outdoor seats in an approved outdoor dining area shall be exempt from these requirements. c) Any indoor or outdoor seating located within the Mixed Use Overlay district is exempt from these requirements provided the physical building footprint has not increased.
(38) Manufactured home Trailer courts	One and one-third spaces for each manufactured home trailer , plus one space for each employee, plus one space for each dwelling unit for permanent occupancy
(39) Wholesale, distribution and warehousing establishments	One space for each two employees, or at a minimum, one space for each 2,000 square feet of GFA, plus additional spaces for customers' vehicles as determined appropriate by the zoning officer
(40) Dormitory for institution of higher education	One space for each two beds
(41) Other uses (Note: Drive-through stacking land requirements are contained in section 19-464.)	The requirement(s) shall be the same as for the most similar use listed as determined by the zoning officer and the department of planning and urban development referencing the Institute of Traffic Engineers Parking Generation Report.

- (b) For the calculation of off-street parking space for proposed development or re-development under the provisions of the Main Street and Neighborhood Center Overlay District, refer to subsection 19-322(d).
- (c) In addition to the hereinabove required off-street parking spaces, adequate provisions shall be made for the off-street parking of all company-owned vehicles operating out of the premises, as determined by the city engineer/deputy director of public works, subject to the approval of the zoning officer.
- (d) The number, size, location and identification of handicapped spaces shall comply with the standards of title III of the American with Disabilities Act (ADA), and as otherwise required by applicable law.

- (e) No part of any required non-residential parking area shall be used for dead storage, automotive repair work, or dismantling of any kind.
- (f) For certain critical areas of concern as identified in the city's comprehensive community plan (1992), namely the Turner Reservoir/Central Pond critical area and the Runnins River critical area, the city may prohibit the provision of off-street parking spaces that are in excess of the number of spaces required under this ordinance.
- (g) *Outdoor dining.*
 - (1) Up to 50 percent of a restaurant and/or fast food restaurant's required non-handicap, on-site parking spaces may be used for outdoor dining, up to a maximum of four required spaces. Additional parking spaces may be utilized for outdoor dining if they conform to all applicable parking and other requirements. See section 19-360.4.

(Rev. Ords. 1987, § 19-284; Ch. 457, § VII, 10-7-97; Ch. 146, § XIII, 10-23-00; Ch. 154, § II, 1-16-01; Ch. 216, § III, 6-18-02; Ch. 470A, § VII, 10-7-08; Ch. 642, § XI, 3-15-16; Ch. 867, § X, 12-20-22; Ch. 914, § I(Att.), 12-19-23; Ch. 919, § II, 5-7-24)

Sec. 19-290. Same—Plans, construction and maintenance of off-street loading areas.

(a) ~~[Reserved] Plans. Detailed plans shall be submitted to the zoning officer to show how the off-street loading space shall be arranged and to indicate sufficient space for maneuvering as well as adequate ingress and egress to and from the street, subject to review of the city traffic engineer, before any permits are issued or approved by the zoning officer.~~

(b) *Construction.* Off-street loading space and access drives shall be paved, drained and lighted and shall have appropriate bumper or wheel guards where needed, and any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a residential district or a lot or premises used for residential, educational, recreational or religious purposes, there shall be provided a wall or fence of solid appearance or tight evergreen hedge having a height of not less than five and one-half feet maintained in a neat and attractive manner between the off-street loading space and the residential district or residential, educational or religious premises, ~~subject to the approval of the zoning officer~~, provided that when the provisions of this division are in the judgment of the zoning officer impossible or impractical of performance, they may be waived by the zoning officer at his discretion.

(Rev. Ords. 1987, § 19-290)

DIVISION 14. MANUFACTURED HOME TRAILER COURTS

Sec. 19-321. Requirements.

- (a) *General requirements.* General requirements for manufactured home trailer courts shall be as follows:
- (1) Manufactured home Trailer courts shall be located only in those districts as allowed in section 19-98.
 - (2) No manufactured home trailer shall be located and no manufactured home trailer court shall be established or operated until all permits and fees as required by this chapter and other ordinances and requirements of the city have been complied with.
 - (3) Any individual manufactured home trailer hereafter located and used for living purposes in the city shall be located in a manufactured home trailer court. Storage of a single camping or travel manufactured home trailer by a resident owner thereof may be allowed on a premises, provided that such storage shall be restricted to the rear yard of such premises.
 - (4) Any manufactured home trailer used for living purposes failing to meet the requirements of chapter 4, article III for housing and the minimum residential floor area requirements of this chapter shall not be allowed to remain in the city for more than ten days.
- (b) *Specific requirements.* Specific requirements for manufactured home trailer courts shall be as follows:
- (1) Any applicant for a special use permit for a manufactured home trailer court shall present detailed plans and specifications acceptable to the zoning officer and suitable for making determinations as required in this section as well as sections 19-5, 19-6, 19-36 through 19-41, 19-56, 19-57, 19-71 through 19-77, 19-173 through 19-175, 19-216 through 19-218, 19-231, 19-245 through 19-250, 19-261, 19-361 through 19-370 and 19-386 through 19-392.
 - (2) The plans and specifications of the proposed court shall show its area, boundaries, locations of driveways, interior streets, sites for manufactured home trailers, automobile parking, locations and kinds of all sanitary conveniences, methods of sewage and garbage disposal and plans for water supply and lighting.
 - (3) Prior to the granting of an occupancy permit by the zoning officer, the state department of health shall inspect the manufactured home trailer court and notify the zoning officer in writing if such premises comply with the regulations of the state department of health concerning the operation of such premises. Upon receiving such notice, the zoning officer may issue an occupancy permit to the applicant, provided that the applicant has satisfied all other requirements as contained in this division.
 - (4) The manufactured home trailer court shall be under the direct supervision of the holder of the permit who shall be responsible for its proper management. The holder of the permit shall require all persons residing in the court to register in a book kept for that purpose giving their name, age, place of permanent residence, marital status and the license number of their motor vehicle and manufactured home trailer. Such registration book shall be available at all times to the police for inspection.
 - (5) Each manufactured home trailer court shall meet the following requirements as to improvements:
 - a. Each manufactured home trailer lot site shall be provided with suitable connections to:
 1. A potable water supply system;
 2. A sewage disposal system;
 3. An electrical distribution system.

NOTE FOR COUNCIL:

Term “trailer” replaced with “manufactured home” throughout ordinance per per state law

- b. Whenever possible, these facilities shall be connected to the appropriate municipal facilities subject to the approval of the city engineer.
 - c. Parking for residents and visitors shall be provided as required in section 19-276 et seq., except that the required parking spaces shall be located within 50 feet of the manufactured home trailer lot site, notwithstanding any other provisions of this chapter.
 - d. Interior streets, parking spaces and walkways shall be provided with a paved and durable surface. The paved widths shall be at least 20 feet for the interior streets and two feet for walkways.
 - e. Suitable communal recreation areas shall be provided in the court.
 - f. Where any manufactured home trailer court adjoins or abuts a residential district or a lot or premises used for residential, educational, recreational or religious purposes, there shall be provided a wall or fence of solid appearance or tight evergreen hedge of not less than 5½ feet maintained in a neat and attractive manner between the manufactured home trailer court and the residential district or residential, educational, recreational or religious premises, subject to the approval of the zoning officer, provided that when the provisions of this division are impossible or impractical of performance, they may be waived by the zoning officer at his discretion.
- (6) Each manufactured home trailer court shall meet the following area requirements:
- a. The site shall contain at least five acres and shall have no more than a maximum residential density of 15 manufactured home trailer lot sites per gross acre.
 - b. Trailer lot sites shall have a width of at least 30 feet and of not less than 1,500 square feet, provided that manufactured home trailer courts in existence on the effective date of the ordinance from which this chapter was derived which provide manufactured home trailer lot sites having a width or area less than that prescribed in this subsection may continue to operate with sites of the existing width and area.
 - c. Trailers shall be so harbored on each site that there shall be at least a 20-foot clearance between manufactured home trailers, provided that with respect to manufactured home trailers parked end to end, the end to end clearance shall not be less than 15 feet.
 - d. Trailers shall not be located closer than 20 feet from any building in the court or from any property line bounding the court.
 - e. Individual manufactured homes trailers shall conform to the requirements of subsection 19-306(2).
 - f. Adequate drainage and access for a manufactured home trailer hauler shall be provided for each manufactured home trailer lot site.
 - g. Use of pilings in areas subject to flooding according to section 19-306 shall conform with floodproofing requirements as provided in section 19-1.
- (7) No person shall operate a manufactured home trailer court without first obtaining a license therefor from the city council as follows:
- a. Prior to the granting of an occupancy permit by the zoning officer, all applicants shall be required to file a petition for the issuance of a license with the city council.
 - b. No license shall be issued until a public hearing on such issuance shall be held by the city council. Notice of such hearing shall be mailed postage prepaid by the city clerk not less than ten days prior to the date of such hearing to all property owners in or within 200 feet excluding streets and other public rights-of-way, of the perimeter of the subject property in question, whether within the city or an adjacent city or town. Additional notice of such public hearing specifying the time and place shall be given by publication of such information in a newspaper of local

~~general~~ circulation within the city at least once each week for three successive weeks prior to the date of the hearing.

- c. At the hearing an opportunity shall be given all persons interested to be heard upon the matter of such license.
- d. After such hearing as provided in this section, the city council deems such license to be in the interest of the welfare of the city.
- e. Every such petition to the city council shall be accompanied by ten copies of a map, accurately drawn, showing the actual shape, dimensions and area of the lot or premises in question and of abutting property in or within ~~100~~ 200 feet ~~excluding public rights-of-way of the subject property,~~ and such other information as may be necessary.
- f. Every such petition for city council action shall set forth the names and addresses of all property owners in or within ~~a 200-foot-foot-radius~~ from the perimeter of the land in question, whether within the city or an adjacent city or town ~~excluding streets and other public rights-of-way,~~ where applicable, as of 30 days prior to the date and time of filing. Such names and addresses shall be used by the city clerk to give notice by mail, as required in this division, to abutting property owners.
- g. Every petition so filed shall be accompanied by a filing fee of \$50.00, payable to the city.

(Rev. Ords. 1987, § 19-321)

DIVISION 17. WIRELESS TELEPHONE COMMUNICATION TOWERS AND ANTENNAS

Sec. 19-350. General requirements.

- (a) *Pre-application conference.* A pre-application conference with the zoning officer and the planning department is required before any building permit is sought. The conference will serve to familiarize the applicant with the city's regulations.
- (b) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (c) *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (d) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the director of planning and zoning officer at a preapplication meeting an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The zoning officer may share such information with other applicants applying for administrative approvals or special use permits under this division or other organizations seeking to locate antennas within the jurisdiction of the city, provided, however that the zoning officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (e) *Aesthetics.* Towers and antennas shall meet the following requirements:
 - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

- (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (f) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (g) *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this division shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (h) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within the 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (i) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal jurisdictional boundaries.
- (j) *Nonessential services.* Towers and antennas shall be regulated and permitted pursuant to this division and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (k) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the zoning officer.
- (l) ~~Public notice. For purposes of this division, any special permit request, variance request, or appeal of an administratively approved use or special permit shall require public notice via certified mail to all property owners within a 200-foot radius of the perimeter of the property which is the subject of the request in addition to any notice otherwise required by this chapter~~ Reserved.
- (m) *Signs.* No signs shall be allowed on an antenna or tower.
- (n) *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of section 19-354.
- (o) *Multiple antenna/tower plan.* The city encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

**NOTE FOR
COUNCIL:**

Notification
requirements
made consistent
with state law

(Ch. 463, § I, 12-16-97)

Sec. 19-351. Permitted uses.

(a) *Generally.* The uses listed in this section are deemed to be permitted uses and shall not require a special use permit. All such uses shall, to the greatest extent possible, comply with the design standards of this article relating to setbacks and separation, lighting, landscaping and security fencing.

(b) *Permitted uses.* The following uses are specifically permitted:

(1) Antennas or towers located on property owned, leased, or otherwise controlled by the city provided a license or lease authorizing such antenna or tower has been approved by the city and further provided that a site plan and a copy of the executed lease shall be submitted by the applicant and approved by the zoning officer and director of planning prior to a building permit being issued.

~~(2) (a) Notification of the proposed antenna or tower on property owned, leased or otherwise controlled by the city shall be required to be sent by first class mail by the applicant to all owners of real property whose property is located at within a 200-foot radius of the perimeter of the subject area as measured from the corners of the subject area; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city at least 14 days prior to the planning board meeting at which the use of city owned property for the location of the proposed antenna or tower will be reviewed by the planning board for purpose of making its recommendation to the city council. (b)~~ Notification of the proposed antenna or tower on property owned, leased or otherwise controlled by the city shall be required to be sent by first class mail by the applicant to all owners of real property whose property is located in or at within two hundred feet a (200')-foot radius of the perimeter of the subject property, whether within the city or an adjacent city or town area as measured from the corners of the subject area; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town and at least fourteen days prior to the city council meeting at which the license or lease authorizing such antenna or tower will be reviewed by the city council. ~~(c)~~ The public notice ~~to abutters provided for herein for the planning board meeting and the city council meeting~~ shall contain a copy of the radius map showing the location of the cell tower and each of the properties in or within two hundred feet the (200') of the perimeter of the subject property-foot radius of said location.

(2) Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with the tower, in any I-3 zoning district provided, however, that such tower shall be set back a distance equal to the height of the tower from any off-site residential land use, or in the case of vacant residentially zoned land, setback a distance equal to the height of the tower less the residential yard setback for the adjacent residential district.

(3) Antennas, but not towers, upon the roof of any ten story building or greater located within any zoning district.

(4) Locating antennas on existing structures or towers in any zoning district consistent with the terms of subsections a. and b. below.

a. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the zoning officer as an accessory use to any structure in an I-3 zoning district, provided:

1. The antenna does not extend more than 30 feet above the highest point of the structure;
2. The antenna complies with all applicable FCC and FAA regulations; and
3. The antenna complies with all applicable building codes.

NOTE FOR COUNCIL:

Notification requirements made consistent with state law

b. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the zoning officer and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

1. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the zoning officer allows reconstruction as a monopole.

2. Height.

(i) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(ii) The height change referred to in subsection 3.(i) of this section may only occur one time per communication tower.

(iii) The additional height referred to in subsection 3.(i) shall not require an additional distance separation as set forth in section 19-353. The tower's premodification height shall be used to calculate such distance separations.

3. On-site location.

(i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within ten feet of its existing location.

(ii) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(iii) A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection 19-353(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection 19-353(b)(5).

(iv) The on-site relocation of a tower which comes within the separation distances to residential uses or residentially zoned lands as established in subsection 19-353(b)(5) shall only be permitted when approved by the zoning officer.

(5) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(Ch. 463, § I, 12-16-97; Ch. 80, § I, 8-10-99; Ch. 81, § I, 8-10-99)

Sec. 19-352. [Reserved] Administratively approved uses.

(a) — Generally. The following provisions shall govern the issuance of administrative approvals for towers and antennas. (1) — The zoning officer may grant administrative approval to the uses listed in this section. The zoning officer shall seek an advisory opinion from the director of planning prior to the issuance of a decision of administrative approval. (2) — Each applicant for administrative approval shall apply to the zoning officer, providing the information set forth in subsections 19-353(b)(1) and 19-353(b)(3) of this division for towers and subsection 19-352(c) for antennas, along with a nonrefundable fee as

**NOTE FOR
COUNCIL:**

Section combined
with section above

established by the city council to reimburse the city for the costs of reviewing the application. (3) — The zoning officer shall review the application for administrative approval and determine if the proposed use complies with section 19-350 (general requirements), subsection 19-353(b)(4) (setbacks) and 19-353(b)(5) (separation) of this division. The zoning officer may refer the application to other agencies and departments as necessary in order to make an informed decision. (4) — Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. (5) — The zoning officer shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the zoning officer fails to respond to the applicant within the 60 days, then the application shall be deemed to be approved. (6) — In connection with any such administrative approval, the zoning officer may, in order to encourage shared use, administratively waive any zoning district setback requirements in section 19-353(b)(4) or separation distances between towers in section 19-353(b)(5) by up to 20 percent. (7) — In connection with any such administrative approval, the zoning officer may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction. (8) — If an administrative approval is denied, the applicant, prior to filing any appeal that may be available under this chapter, shall first file an application for a special use permit, pursuant to section 19-353, provided that the proposed use will be located in a district where a special use permit may be granted under the terms of section 19-98. (9) — Administrative decisions shall be posted in the land evidence records of the city and copies of all decisions shall be forwarded to the city manager, director of public works and director of planning. (b) — *List of administratively approved uses.* The following uses may be approved by the zoning officer after conducting an administrative review: (1) — Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with the tower, in any I-3 zoning district provided, however, that such tower shall be set back a distance equal to the height of the tower from any off-site residential land use, or in the case of vacant residentially zoned land, setback a distance equal to the height of the tower less the residential yard setback for the adjacent residential district. (2) — Locating antennas on existing structures or towers in any zoning district consistent with the terms of subsections a. and b. below. a. — *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the zoning officer as an accessory use to any structure in an I-3 zoning district, provided: 1. — The antenna does not extend more than 30 feet above the highest point of the structure; 2. — The antenna complies with all applicable FCC and FAA regulations; and 3. — The antenna complies with all applicable building codes. b. — *Antennas on existing towers.* An antenna which is attached to an existing tower may be approved by the zoning officer and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following: 1. — A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the zoning officer allows reconstruction as a monopole. 2. — Height. (i) — An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna. (ii) The — height change referred to in subsection 3.(i) of this section may only occur one time per communication tower. (iii) — The additional height referred to in subsection 3.(i) shall not require an additional distance separation as set forth in section 19-353. The tower's premodification height shall be used to calculate such distance separations. 3. — On-site location. (i) — A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within ten feet of its existing location. (ii) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site. (iii) — A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection 19-353(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection 19-353(b)(5). (iv) — The on-site relocation of a tower which comes within the separation distances to residential uses or residentially zoned lands as established in subsection 19-353(b)(5) shall only be permitted when approved by the zoning officer. (3) — Installing a cable microcell

~~network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. (c) Information required. Applicants for administrative approval shall submit the following information, based upon a determination of applicability and need by the zoning officer. (1) A scaled site plan clearly indicating the location, type and height of the proposed tower(s) or antenna(s), on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to abutting municipalities), comprehensive plan classification of the site and adjacent properties, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower(s) or antenna(s) and any other structures, topography, parking, and other information deemed necessary by the zoning officer in order to assess compliance with this division. (2) Legal description of the parent tract and leased parcel (if applicable). (3) The setback distance between the proposed tower(s) or antenna(s) and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties. (4) The separation distance from other tower(s) and/or antennas described in the inventory of existing sites submitted pursuant to subsection 19-350(d) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known. (5) A landscape plan (if required by the zoning officer) showing specific landscape materials. (6) Method of fencing, and finished color and method of camouflage and illumination (if required by the zoning officer). (7) A description of compliance with subsections 19-350 (c), (d), (e), (f), (g), (j), (l), and (m) and all applicable federal, state or local laws. (8) Identification of the entities providing the backhaul network for the tower(s) and antenna(s) described in the application and other cellular sites owned or operated by the applicant in the municipality. (9) A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.~~

(Ch. 463, § I, 12-16-97; Ch. 154, § IV, 1-16-01)

Sec. 19-353. Special use permits.

(a) *Generally.* The following provisions shall govern the issuance of special use permits and/or variance for towers or antennas in addition to all other requirements of this section for the issuance of special use permits:

- (1) Applications for special use permits or variance under this section shall be subject to the procedures and requirements of section 19-39 et seq. and section 19-45 et seq. of this chapter, as applicable, except as modified in this section.
- (2) In granting a special use permit, the zoning board of review may impose conditions to the extent the zoning board of review concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (3) If a tower is not a permitted use under section 19-98 of this division, then a use variance shall be required for the construction of a tower or placement of an antenna and all such applications shall submit the information required within this division for special use permits, shall meet the design standards for towers or antennas requiring a special use permit and further shall be subject to the procedures and requirements of section 19-45 et seq., except as modified in this section.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (5) An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as established by the city council to reimburse the city for the costs of reviewing the application.

(b) *Towers.*

(1) *Information required.* In addition to any information required for applications for special use permits pursuant to section 19-41 of this chapter, applicants for a special use permit for a tower shall submit the following information:

- a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distances set forth in subsection 19-353(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the zoning officer to be necessary to assess compliance with this division.
- b. Legal description of the parent tract and leased parcel (if applicable).
- c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 19-350(d) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- e. A landscape plan showing specific landscape materials.
- f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- g. A description of compliance with subsections 19-350(c), (d), (e), (f), (g), (j), (l), and (m), 19-353(b)(4), 19-353(b)(5) and all applicable federal, state or local laws.
- h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- k. A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

~~l. — A certified list of the names and addresses of property owners within a 200 foot radius of the perimeter of the property which is the subject of the application.~~ (2) *Factors considered in granting special use permits or variance for towers.* In addition to any standards for consideration of special use permit applications pursuant to section 19-39 et seq. of this chapter, the following factors shall be considered in determining whether to issue a special use permit or variance:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;

- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress; and
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection 19-353(b)(3) of this division.

(3) *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the zoning board of review that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the zoning board of review related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) *Setbacks.* The following setback requirements shall apply to all towers for which a special use permit is required:

- a. Towers must be set back a distance equal to at least seventy-five percent of the height of the tower from any adjoining lot line.
- b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(5) *Separation.* The following separation requirements shall apply to all towers and antennas for which a special use permit is required:

- a. Separation from off-site uses/designated areas.
 - 1. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

2. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

~~Seperation~~ **Separation** Requirements for Towers

MINIMUM STANDARDS

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex two-family residential units ¹	200 feet or 300 percent height of tower whichever is greater
Vacant single-family or duplex two-family residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300 percent height of tower ² whichever is greater
Vacant unplatted residentially zoned lands ¹	100 feet or 100 percent height of tower whichever is greater
Existing multifamily residential units greater than duplex two-family units	100 feet or 100 percent height of tower whichever is greater
Non-residentially zoned lands or nonresidential uses	None; only setbacks apply
¹ Includes modular homes and mobile homes used for living purposes.	
² Separation measured from base of tower to closest building setback line.	
³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.	

b. Separation distances between towers.

1. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2:

Existing Towers—Types

MINIMUM SEPARATION BETWEEN TOWERS (BY TOWER TYPE)

	Lattice	Guyed	Monopole 75 Feet in Height or Greater	Monopole Less Than 75 Feet in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Feet in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Feet in Height	750	750	750	750

(6) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticleimbing device.

(7) *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required:

- a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
- b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the zoning board of review.
- c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(Ch. 463, § I, 12-16-97; Ch. 154, § V, 1-16-01)

Sec. 19-354. Buildings or other equipment storage.

(a) *Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with all applicable building and fire codes.

(b) *Antennas mounted on utility poles or light poles.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(1) In residential districts, the equipment cabinet or structure for each user may be located in accordance with the following:

- a. All front and side yard setbacks of the district in which the tower is located shall be met and the cabinet or structure shall be no greater than 15 feet in height or 240 square feet of gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.
- b. All rear yard setbacks of the district in which the tower is located shall be met and the cabinet or structure shall be no greater than 15 feet in height or 240 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(2) In commercial or industrial districts the equipment cabinet or structure shall be no greater than 15 feet in height or 240 square feet in gross floor area for each user. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(c) *Antennas located on towers.* The related unmanned equipment structure shall not contain more than 240 square feet of gross floor area or be more than 15 feet in height for each user, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(d) *Modification of building size requirements.* The requirements of subsections 19-354(a) through (c) may be modified by the **permitting authority** ~~zoning officer in the case of administratively approved uses or by the zoning board of review in the case of uses permitted by special use permit or variance~~ to encourage collocation.

(Ch. 463, § I, 12-16-97)

DIVISION 18 - CHILD DAY CARE CENTERS

Sec. 19-358. Site plan requirements.

A site plan shall be required for each application for a child day care center. ~~For child day care centers in districts where the use is permitted by right, the site plan shall be submitted to the zoning officer for review and approval.~~

The site plan shall include the following:

- (1) All driveways, off-street parking spaces, drop-off zones, outdoor play areas, fences and dumpster/trash storage locations shall be shown on the site plan.
- (2) Proposed signage shall be shown on the site plan (location and square footage of sign face(s)).
- (3) A radius plan showing lots and land uses within a 300-foot radius of the perimeter of the proposed child day care center.
- (4) A landscaping plan which shall at a minimum show location of a landscaped buffer at the perimeter of the off-street parking area, and the side and rear yard landscaping.

(Ch. 146, § XIV, 10-23-00)

DIVISION 22. - ADDITIONAL CRITERIA FOR THE ISSUANCE OF SPECIAL USE PERMITS

NOTE FOR COUNCIL:

Special use permits recommended for two-family and multifamily residences in order to maintain the city's current minimum lot size and density requirements.

Sec. 19-360.10. Two-family dwellings.

Special use permit criteria. In cases where two-family dwellings are listed as a special permit use in a district, the following criteria shall apply:

- (a) In the R5 and R6 districts, the lot shall have an area at least 50 percent greater than the minimum lot size; and
- (b) In the R4 district, the lot shall have an area at least 75 percent greater than the minimum lot size.
- (c) Compliance with the minimum off-site parking standards of Division 11
- (d) Drainage systems shall be designed so that there will be no increase in the rate of runoff from the post-development site as compared to the pre-development site.

Sec. 19-360.11. Multifamily dwellings.

Special use permit criteria. In cases where multi-family dwellings are listed as a special permit use in a district, the following criteria shall apply:

- (a) Compliance with the minimum area requirements and minimum dwelling density requirements of Division 7.

- (b) Compliance with the minimum off-site parking standards of Division 11.
 - (c) Drainage systems shall be designed so that there will be no increase in the rate of runoff from the post-development site as compared to the pre-development site.
-

ARTICLE V. - LAND DEVELOPMENT PROJECTS

Sec. 19-361. Purpose and objectives.

- (a) *Purpose.* The purpose of this article is to permit the review and establishment of land development projects. Land development projects are developments which have been determined to be appropriately implemented through review of the planning board in accordance with R.I.G.L. 1956, § 45-23-1 et seq., due to the impacts associated with the nature of the use; scale of the project; or other unusual conditions which require additional regulations to meet the objectives of this article, the land development and subdivision review regulations adopted by the city planning board and the city comprehensive plan. The types and intensities of uses requiring this procedure are set forth in section 19-362. The review process for land development projects is promulgated to further the following purposes:
 - (1) Provide for the orderly, thorough and expeditious review and approval of projects;
 - (2) Promote high quality and appropriate design and construction;
 - (3) Promote the protection of existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
 - (4) Promote design of land developments which are well integrated with the surrounding neighborhoods with regard to natural and built features and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
 - (5) Encourage local design and improvement standards to reflect the intent of the city comprehensive plan with regard to the physical character of various neighborhoods and districts of the municipality;
 - (6) Promote thorough technical review of all proposed land developments by appropriate local officials;
 - (7) Encourage local requirements for dedications of public land, impact mitigation and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
 - (8) Encourage the establishment and consistent application of procedures for local recordkeeping on all matters of land development review, approval and construction.
- (b) *Subdivision.* Where the land development project also constitutes a subdivision, as defined in the land development and subdivision regulations adopted by the city planning board, the two processes shall proceed concurrently in a unified manner. The procedures for review shall be in accordance with this chapter and the land development and subdivision review regulations, including requirements for applications and fees. All information must be submitted, but where there is a duplication of requested information, the application need only provide the information once and make reference to the plans/documents on the other application. At each stage, the subdivision review and action shall take place prior to the site plan review decision on the land development project.
- (c) *Objectives.* Any decision to approve a land development project or any component thereof shall be consistent with the following objectives where applicable:
 - (1) To promote more economical and efficient use of the land while providing harmonious housing choices and opportunities;

- (2) To promote greater flexibility in design and diversification in the location of structures;
 - (3) To promote greater flexibility and consequently more creative and imaginative design for the development of residential and mixed use areas than generally is possible under conventional zoning regulations;
 - (4) To provide suitable safeguard and consideration for land use and site and architectural design that is compatible with adjacent districts and uses;
 - (5) To permit development to an extent commensurate with the availability and capacity of public facilities and services and promote the safe circulation of traffic throughout the city;
 - (6) To preserve and protect natural resources and features and encourage consideration of environmental impacts and mitigative measures;
 - (7) To encourage the provision of open space and public access and give due consideration to the quality and design of landscaping;
 - (8) To encourage adequate consideration for the proper control of erosion, surface and subsurface drainage and pollution;
 - (9) To facilitate orderly and harmonious site development including safe and convenient provision and design of egress and ingress, off-street parking, truck loading, internal circulation, emergency access, refuse disposal, outdoor storage, signage and lighting;
 - (10) To give developers reasonable assurance of ultimate approval before incurring the cost of final design and engineering while providing assurances to the city and the general public that the approved project will meet with approved objectives and standards;
 - (11) To preserve natural, historical and cultural resources to the maximum extent feasible;
 - (12) To protect appropriate vistas and environmental qualities of the city; and
 - (13) To assure consideration of the various elements of the comprehensive plan of the city.
- (d) *Development standards.* Any land development project application shall conform to the following standards set forth as well as the city's land development and subdivision review regulations.

(e) Zoning incentives. The permitting authority may grant zoning incentives following the required affirmative findings of RIGL § 45-23-60 consistent with the requirements of RIGL § 45-24-47 (b) and (d).

(Rev. Ords. 1987, § 19-361; Ch. 453, § XIII, 7-15-08; Ch. 914, § I(Att.), 12-19-23)

**NOTE FOR
COUNCIL:**

Reference to state law that requires zoning incentives for Land Development Projects that meet certain standards

Sec. 19-364. Definitions and regulations.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable housing. The purpose of this section is to increase the supply of affordably priced housing by providing incentives for developers to provide affordable units within market-rate residential or mixed-use developments. An increase in maximum development density of up to ten percent may be permitted commensurate to the number of affordable housing units provided such units meet the definition of "affordable housing" over time as referenced in the city housing action plan.

Business/technology development means a business/technology development as defined in section 19-1 in which the following uses are permitted:

- (1) Uses permitted by right or special use permit within the business/technology floating zone district under section 19-98; accessory or special uses as may be permitted in the BT floating zone district under section 19-98 and section 19-171.
- (2) Other uses when provided as an integral part of the overall development which are consistent with the stated purposes and objectives of this article and which are intended to serve the employees of the business/technology development and which are suitable to the proposed development, consistent with the city comprehensive plan, and compatible with the surrounding areas as determined by the planning board. No use shall be allowed except in conformity with the business/technology development plan approved in accordance with the provisions of this chapter. Other uses may include, but are not limited to, the following:
 - a. Employee services located on the same premises as the principal use and which are clearly incidental to and limited to the employees of the principal use. Such services for employees shall be limited to the ground floor only, shall not exceed a maximum of 1,000 square feet per structure housing a principal use and further in aggregate shall not exceed a total of five percent of the gross floor area of the total development. Employee services may include the following: Dry cleaning services (drop off and pick up only with no processing on-site); convenience kiosk (for items such as newspapers, prepackaged food and beverages and coffee); automatic teller machine; coffee/donut satellite business or kiosk (with no baking on-site).
 - b. Those uses incidental to the sanitation needs and mechanical operation of the business/technology development, including the following uses which shall be covered, housed or enclosed:
 1. Electric substation and facilities not locatable within principal structures; and
 2. Sewerage treatment, disposal or pumping facilities.
 - c. Licensed child day care centers provided for the children of employees of businesses in the business/technology district.
- (3) Notwithstanding any other provisions of this chapter, the following lot regulations shall apply to all business/technology developments: Building heights, setback, yard and lot requirements shall be calculated in the manner set forth in sections 19-131 through 19-145; however, in no case will a business/technology use be permitted on a site less than three acres in area. Off-street parking requirements shall be calculated in the manner prescribed by sections 19-276 through 19-284, and further prescribed by section 19-370. All of the zoning requirements shall be calculated in the manner prescribed and regulated by the underlying zoning district.
- (4) In approving a business/technology development, the planning board, subject to the requirements of this chapter, may allow reasonable variation or modification of certain zoning and land development and subdivision requirements, subject to the following:

- a. An application for a business/technology development shall identify any modification of any standard of the city's zoning and land development and subdivision regulations which would result from approval of such plans as presented, and shall include a written statement explaining the reasons or justification for any such modification as related to the objectives of this chapter.
- b. Except where modification of standards may be approved by the planning board, as set forth in the board's adopted land development and subdivision review regulations, a business/technology development shall meet all requirements set forth in the land development and subdivision review regulations.
- c. Each modification under this article shall be conditioned upon exceeding the stated objectives of this chapter beyond that required by existing laws or regulations. The purpose of granting modifications to zoning or land development and subdivision requirements is to obtain certain benefits for the prospective employees of the development, the abutting property owners or for the public as a whole.

Cluster development means a residential development in which the following are permitted:

- (1) Any use permitted by right in any residential district as well as any accessory and special uses as may be permitted under section 19-56 and section 19-98.
- (2) Other related uses when provided as an integral part of the overall development which are consistent with the stated purposes and objectives of this article, and which are intended primarily to serve the residents of the cluster development, and which are suitable to the proposed cluster development, consistent with the city's comprehensive plan, and compatible with the surrounding area as determined by the planning board. No use shall be allowed except in conformity with a cluster development plan approved in accordance with the procedural and regulatory provisions of this article. Other uses may include, but are not limited to, the following:
 - a. Recreation facilities, clubhouses, and meeting halls;
 - b. Maintenance, storage and utility buildings;
 - c. Parking lot areas;
 - d. Those uses incidental to the sanitation needs and the mechanical operation of the cluster development including the following uses which shall be covered, housed, or enclosed:
 1. Electric substation and facilities not locatable within residential structures; and
 2. Sewerage treatment, disposal, or pumping facilities.
- (3) The intent of this article with respect to cluster development is to permit density transfers within a cluster development. Such a density transfer will permit relaxation of the minimum lot requirements of section 19-145 as compensation for reserving an equivalent amount of land as usable open space within the cluster development. In making its determination with respect to any application for a cluster development, the planning board shall follow the following standards:
 - a. In no case shall the maximum number of dwelling units permitted in the cluster development exceed the number which would have been permitted on the usable open space as defined above in the underlying zoning district in which the overall tract lies.
 - b. Notwithstanding any other provisions of this chapter, the following lot regulations shall apply to all cluster developments:
 1. Density for multifamily housing shall be calculated in the manner prescribed by sections 19-216 through 19-218. ~~Density for one-family, two-family or three-family dwellings, as may be permitted in the underlying zoning districts, shall be calculated on the basis of minimum~~

~~land or area required per dwelling unit in accordance with the respective underlying zoning district as set forth in section 19-145.~~

2. Building heights, setback, yard and lot requirements shall be calculated in the manner set forth in sections 19-131 through 19-145 and off-street parking requirements shall be calculated in the manner prescribed by sections 19-276 through 19-284, for the underlying district. All of the zoning requirements shall be calculated in the manner prescribed and regulated by the underlying zoning district.
- c. In approving a cluster development, the planning board subject to the requirements of this chapter, may allow reasonable variation or modification of certain zoning or land development and subdivision requirements subject to the following:
 1. An application for a cluster development shall identify any modification of any standard of the city's zoning and land development and subdivision regulations which would result from approval of such plans as presented, and shall include a written statement explaining the reasons or justification for any such modification as related to the objectives of this chapter.
 2. Except where modification of standards may be approved by the planning board, as set forth in the board's adopted land development and subdivision review regulations a cluster development shall meet all requirements set forth in the land development and subdivision review regulations.
 3. Each modification under this article shall be conditioned upon exceeding the stated objectives of this chapter beyond that required by existing law or regulation. The purpose of granting modifications to zoning or land development and subdivision requirements to obtain certain benefits for the prospective residents of the development, the abutting property owners or for the public as a whole. It is the intent of this article that usable open space be primarily for the benefit of the residents of the cluster development, and be maintained in private ownership with public assurance provided as necessary. Usable open space may be considered for public donation and maintenance only if it meets a demonstrated public need as identified in the city comprehensive plan. The city council reserves the right to reject any reasonable variation or modification of and all donations of open space as certain zoning or land development set forth in this section. Open space may also be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space.
 4. Modifications to lot sizes, building dimensions, and building setback requirements may be permitted to accommodate the allowable dwelling unit density of the site as a whole as calculated according to subsection (2) of this definition. Any modification allowed under this article shall be conditioned by transfer of an equal amount of land area as would otherwise be required to common usable open space as defined by this section. The residue areas resulting from the reduction shall be contiguous with one another in order to provide adequate and appropriately sized parcels which shall be devoted to common usable open space as required by this chapter. However, the distance between buildings and properties adjacent to the cluster development, between parking areas and streets, and between parking areas and adjacent properties shall not be less than required in the underlying zoning district, including subsection 19-217(a).
 5. Strips of common land within a cluster development which may be necessary for access paths between residences, streets and open space areas, utility areas, drainage areas and/or buffers; or other required service functions shall not be considered or calculated as common usable open space under this section. Access areas to the common open space shall be clearly identified with appropriate materials to distinguish commonly owned open

space area from private property. Common usable open space may be in one or more parcels. The size, location, shape and character of the parcel must be suitable for the designated uses.

6. Land which has been environmentally damaged prior to final approval of the development by the planning board and acceptance by the city council, as a result of soil and earth removal operations, harvesting of trees or other natural features, refuse disposal, or other alteration of the natural environment, shall not be accepted as common open space unless and until the land is restored to a condition which the planning board and the city council determines to be reasonable and appropriate to reflect the purpose of this chapter.
- (4) Negotiated payment or donation of other acceptable land or facilities may be allowed in lieu of the provisions on-site of amenities required for adjustments to lot density and dimensional standards.

Mixed use residential/commercial development. means a mixture of residential and/or commercial uses which are permitted subject to the following:

- (1) Any use permitted by right in either an R-5 district or a C-1 district as well as any other accessory or special uses as may be permitted under section 19-98 and section 19-171.
- (2) Other uses when provided as an integral part of the overall development which are consistent with the stated purposes and objectives of this article and which are intended primarily to serve the residents of the mixed use residential/commercial development and which are suitable to the proposed development, consistent with the city comprehensive plan, and compatible with the surrounding area as determined by the planning board. No use shall be allowed except in conformity with the mixed use development plan approved in accordance with the procedural and regulatory provisions of this article. Other uses may include, but are not limited to, the following:
 - a. Recreation facilities, clubhouses, and meeting halls;
 - b. Maintenance, storage and utility buildings;
 - c. Parking garage, lots and areas;
 - d. Marinas, boat storage and repair facilities;
 - e. Retail convenience stores;
 - f. Convenience personal services such as hairdressers, laundromats or day care centers;
 - g. Restaurants, as defined in section 19-1, without live entertainment;
 - h. Professional offices or studios;
 - i. Those uses incidental to the sanitation needs and the mechanical operation of the mixed use development including the following uses which shall be covered, housed, or enclosed:
 1. Electric substation and facilities not locatable within residential structures; and
 2. Sewerage treatment, disposal, or pumping facilities.
- (3) Notwithstanding any other provisions of this chapter, the following lot regulations shall apply to all mixed use residential/commercial developments:
 - a. Density for multifamily housing shall be calculated in the manner prescribed in sections 19-216 through 19-218. Areas used or intended to be used for commercial or similar nonresidential purposes, including parking areas for such uses, shall not be included in the computation of residential density.
 - b. Building heights, setback, yard and lot requirements shall be calculated in the manner set forth in sections 19-131 through 19-145 and off-street parking requirements shall be calculated in the

manner prescribed by sections 19-276 through 19-284 for the underlying zoning district. All of the zoning requirements shall be calculated in the manner prescribed and regulated by the underlying zoning district.

- (4) In approving a mixed use residential/commercial development, the planning board, subject to the requirements of this chapter, may allow reasonable variations or modifications of certain zoning and land development and subdivision requirements subject to the following:
- a. An application for a mixed use development shall identify any modifications of use or other standard of the city zoning and land development and subdivision review regulations which would result from approval of such plans as presented and shall include a written statement explaining the reasons of justification for any such modification as related to the objectives of this chapter.
 - b. Except where modification of standards may be approved by the planning board as set forth in the land development and subdivision review regulations, a mixed use residential/commercial development shall meet all requirements set forth in these regulations where applicable.
 - c. Each modification under this section shall be conditioned upon exceeding the stated objectives of this chapter beyond that required by existing law or regulations. The purpose of granting modifications to zoning or land development and subdivision requirements is to obtain certain benefits for the prospective residents of the development, the abutting property owners or for the public as a whole.
 1. For the development as a whole, a density bonus of eight percent of the maximum density permitted by the zoning ordinance may be allowed for the dedication of each acre of usable open space as defined by this chapter beyond that required to be protected, or unaltered by existing law or regulation.
 2. It is the intent of this section that usable open space be primarily for the benefit of the residents of the planned mixed use development with public access assurance provided as necessary. Usable open space may be considered for public donation and maintenance only if it meets a demonstrated public need as identified in the city's adopted comprehensive plan. The city council reserves the right to reject any and all donations of open space as set forth in this section.
 3. Modification to the overall building height and location of buildings may be permitted to accommodate the allowable density as provided in this section. However, in no instance may a building in a mixed use development exceed five stories, and five stories shall not exceed 65 feet. The taller buildings in a mixed use development shall be located in such a way as to minimize any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings. However, the distance between buildings and properties adjacent to the mixed use development, between parking areas and streets, and between parking areas and adjacent properties shall not be less than required in the underlying zoning district; including subsection 19-217(a).
 4. Negotiated payment or donation of other acceptable land or facilities may be allowed in lieu of the provision on-site of amenities required for adjustments to lot density and dimensional standards.

Usable open space. means, for the purpose of calculating a density bonus, space effectively separate from automobile traffic and parking, and constituting an integral part of the land development project. The term shall not include:

- (1) Areas excluded from the definition of usable lot area in section 19-1.

- (2) Required yards set forth in section 19-145, needed to maintain the distance between the land development project and abutting properties; and
- (3) Other areas required to be left unaltered.

(Rev. Ords. 1987, § 19-364; Ch. 457, § IX, 10-7-97; Ch. 146, § XV, 10-23-00)

ARTICLE VIII. - DEVELOPMENT PLAN REVIEW

Sec. 19-449. Applicability.

The City of East Providence is hereby designated an urban center pursuant to RIGL § 54-23-32 (9). No permit to build, alter or expand any of the uses requiring development plan review as outlined in the land development and subdivision regulations shall be issued by the building inspector, until a written statement of development plan review approval in accordance with this article has been received. The applicant is responsible for obtaining a building permit through the department of public works, building inspection division as is required by city ordinances. The applicant must submit all plans and documents normally required for a building permit. No alteration to any city ordinance requirements, or any necessity to gain approval by another legal jurisdiction shall be deemed to be authority by virtue of the development plan review approval under this article.

(Ch. 914, § I(Att.), 12-19-23)

NOTE FOR COUNCIL:

State law references Development Plan Review standards for “urban centers.”

Sec. 19-450. Review.

Application requirements, review timelines, and other standards are described in the land development and subdivision regulations. The administrative officer shall be the permitting authority in instances of both administrative development plan review, and formal development plan review. Development plan review shall be combined with other pertinent applications, such as modification, special use permit, subdivision, and/or variance as described in the land development and subdivision regulations. In no instance shall a proposed development be subject to development plan review and land development project approval. **The permitting authority may grant zoning incentives, following the required affirmative findings of § 19-451 consistent with the requirements of RIGL § 45-24-49 (b).**

(Ch. 914, § I(Att.), 12-19-23)

NOTE FOR COUNCIL:

Reference to state law that requires zoning incentives for Development Plan Reviews that meet certain standards

ARTICLE IX. WATERFRONT SPECIAL DEVELOPMENT DISTRICTS

Sec. 19-477. Public hearings and notice requirements.

(a) *Public hearings.* Public hearings shall be held on the initial application and on requests for deviations and conditional use provisions. The commission shall also have the authority to call and conduct public hearings, in accordance with established procedures, on any matters which the commission determines would benefit from a public hearing.

(1) *Design review committee.* The design review committee shall evaluate each application for conformance with the regulations and reviewing criteria and shall make recommendations to the hearing panel and/or the East Providence Waterfront special development district commission for their action.

(2) *Hearing panel.* Public hearings before the hearing panel shall be set within a reasonable time not to exceed 30 days from the date of the design review committee public hearing. It is the role of the hearing panel, if required, to summarize the facts brought out at the public hearings and submit its findings to the East Providence Waterfront special development district commission.

(3) *East Providence waterfront special development district commission.* Public hearings before the commission shall be set within a reasonable time not to exceed 30 days from the date of the design review committee public hearing or not to exceed 30 days from the date of any required public hearing before the hearing panel. At its public hearing, the commission will receive such evidence as the parties may present and may approve, modify or reject the recommendations of the design review committee and the hearing panel. Decisions of the commission shall be in writing and shall state the facts upon which the decision is based.

(b) *Public notice.* Public hearings shall be noticed in accordance with the Open Meetings Act (100-RICR-4 0-15-2).

(1) Published at least 14 days prior to the date of such hearing in a newspaper of local circulation in the city.

(2) Sent by first class mail to the applicant.

(3) Sent ~~first-class registered or certified~~ mail to all owners of real property whose property is located ~~in at~~ or within ~~two hundred feet a (200')-foot-radius~~ of the perimeter of the subject property, whether within the city or an adjacent city or town; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located. The applicant shall submit to the commission two (2) lists of names and mailing addresses (including zip codes) of the property owners within the ~~notice area 200-foot-radius~~ at least 14 days prior to the public hearing. The list of property owners must be in accordance with the latest listing available in the office of the city tax assessor, and such names and address shall be listed by plat and lot numbers. At least two days prior to the hearing date, the applicant shall file with the commission a certification under oath that notice was mailed in accordance with this regulation. Within 30 days of mailing of notice, the applicant shall file with the commission all return receipts for the certified mailing notice. Any notices which were not deliverable for any reason shall also be filed with the commission by the applicant.

The costs associated with any notice and advertising required under this section shall be borne by the applicant.

(4) Sent by first class mail to the city or town council, of any city or town that is located ~~in at~~ or within 200 feet of the boundary of the subject area.

(5) Sent first class mail to the city or town of any city or town where there is a public or quasi-public water source or private water source that is used or is suitable for use as a public water source, at or within 2,000 feet of the subject property, regardless of the municipal boundaries.

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

(7) The newspaper notice shall use a type size at least as large as the normal type size used by the newspaper in its news articles, and shall specify the place of the hearing and the date and time of its commencement; indicate that an application for new development and/or for a deviation, conditional use provision is under consideration; contain a statement or summary describing the matter under consideration; advise those interested when a copy of the matter under consideration may be obtained or examined and copied; and, state that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

(c) Any party may appear at the public hearing in person, or by agent or attorney. The hearing held by the commission is a public meeting and all decisions reached by the commission shall be made and voted upon at a public meeting. The commission shall hear all evidence on the request, and consider the written reports by commission staff or other relevant agencies when reaching a decision on the findings.

Sec. 19-481. Schedule of use regulations.

The following is a schedule of use regulations:

Y = Yes, permitted use

N = No, prohibited use

C = Conditional use

Use	Northern Waterfront Districts			Southern Waterfront Districts			
	Phillipsdale Subdistrict	Dexter Rd. and Pawtucket Ave. Subdistricts	Crook Pt. and Taunton Ave. Subdistricts	Bold Pt. Subdistrict	Veterans Subdistrict	Kettle Pt. Subdistrict	Metacomet Sub-district
RESIDENTIAL AND RELATED USES							
One Single-family	C	N	N	N	C	C	C
Two-family	Y	N	N	N	Y	Y	Y
Three-family	Y	N	C	N	Y	Y	Y
Apartment/condominium	Y	C	Y	Y	Y	Y	Y
Community residences	Y	N	Y	Y	Y	Y	Y
Artisan live/work	Y	Y	Y	Y	Y	Y	Y
Continuing care	N	N	C	C	C	N	Y
Adaptive reuse	Y	Y	Y	Y	Y	Y	Y
RETAIL BUSINESS							
Apparel and accessory stores	Y	Y	Y	Y	Y	C	Y
Art galleries	Y	Y	Y	Y	Y	Y	Y

Café	Y	Y	Y	Y	Y	Y	Y
Cigar Lounge	Y	Y	Y	Y	Y	Y	Y
Funeral home, mortuary	C	Y	C	C	N	N	N
Furniture, home furnishings and appliances	Y	Y	Y	Y	N	N	C
Gasoline dispensing facilities	C	C	N	C	N	N	N
General merchandise	Y	Y	Y	Y	N	C	Y
Grocery stores	Y	Y	Y	Y	C	C	Y
Microbrewery/distillery	Y	Y	Y	Y	Y	C	Y
Office supplies and equipment	Y	Y	Y	Y	N	N	C
Printing or publishing	Y	Y	Y	Y	N	N	C
Package liquor stores	Y	Y	Y	Y	Y	Y	Y
Specialty stores	Y	Y	Y	Y	Y	Y	Y
Drive-through facilities	N	N	N	N	N	N	C
EATING AND DRINKING ESTABLISHMENTS							
Restaurants, coffee shops, delicatessens, and ice cream parlors, with indoor and/or outdoor seating	Y	Y	Y	Y	C	C	Y
Fast food restaurants	N	C	C	C	N	N	C
Taverns, bars, lounges, pubs and similar establishments	Y	Y	Y	Y	C	C	C
Entertainment/clubs	Y	Y	Y	Y	C	C	N
LODGING							
Bed and breakfast	C	N	C	C	C	C	C
Conference center	C	N	Y	Y	C	N	Y
Hotel	C	N	C	C	C	N	N
Motel	N	N	C	C	N	N	N
OFFICE USES							
Banks	Y	Y	Y	Y	Y	Y	Y
Business offices	Y	Y	Y	Y	C	C	Y
Corporate headquarters	Y	Y	Y	Y	C	C	Y
Call-in center	Y	Y	C	N	N	N	N
Government offices	Y	Y	C	Y	N	N	Y
Post offices	Y	Y	Y	Y	C	C	Y
HEALTH SERVICES							
Medical offices, outpatient services	Y	Y	Y	Y	Y	Y	Y
Medical research, engineering or testing laboratory	Y	Y	C	C	N	N	Y
Nursing, congregate care, assisted living and convalescence homes	C	N	C	C	N	N	Y
Veterinary offices/clinics	C	Y	C	C	N	N	C
PERSONAL SERVICES							
Child day care centers, nursery schools	Y	N	Y	Y	Y	Y	Y
Dry cleaners	Y	Y	Y	Y	C	C	Y

Family child care homes	Y	N	N	N	Y	Y	Y
Hair salon/barber shop	Y	Y	Y	Y	Y	Y	Y
Laundromats	Y	Y	Y	Y	C	C	N
Massage therapy and/or massage therapy establishment	C	C	C	C	C	C	C
Personal services	Y	Y	Y	Y	Y	Y	Y
Pharmacies	C	N	C	C	C	C	Y
RECREATION AND CULTURE							
Auditoriums and places of assembly	Y	C	Y	Y	Y	C	Y
Boat and yacht clubs	Y	C	Y	Y	Y	Y	Y
Bowling alley	Y	N	Y	Y	N	N	C
Business and trade schools	Y	Y	Y	N	N	N	Y
Dance studio, yoga, martial arts	Y	Y	Y	Y	C	C	Y
Farmers market	C	C	Y	C	N	N	C
Film Studio	Y	Y	Y	Y	C	C	Y
Health fitness centers	Y	Y	Y	Y	C	C	Y
Libraries	Y	Y	Y	Y	Y	Y	Y
Marinas/boat launching facilities	Y	Y	Y	Y	Y	Y	N
Municipal facility	Y	Y	Y	Y	Y	Y	Y
Museums	Y	Y	Y	Y	C	C	Y
Non-profit clubs; civic, social or fraternal	Y	N	Y	Y	C	C	C
Park, playground or playfield	Y	N	Y	Y	Y	Y	Y
Photography Studio	Y	Y	Y	Y	Y	C	Y
Places of worship	Y	C	C	C	C	N	Y
Public or private elementary, junior high or high school	Y	N	Y	Y	Y	Y	Y
Recreation, indoor	Y	C	Y	Y	N	N	Y
Recreation, outdoor	C	N	C	C	C	C	Y
Theater, indoor	Y	N	C	Y	N	N	Y
Watershed protection or supply	Y	Y	Y	Y	Y	Y	Y
LIGHT INDUSTRIAL/FLEX TECH USES							
Accessory retail industry	C	C	N	N	N	N	C
Agriculture and aquiculture, indoor (excluding plants with THC)	C	N	N	N	N	N	C
Artisan design and fabrication	Y	Y	Y	Y	C	C	Y
Business accelerator, incubator	Y	Y	Y	Y	N	N	Y
Distribution center	N	Y	C	N	N	N	N
Flex tech, less than 20,000 sf	Y	Y	C	N	N	N	C
Flex tech, 20,000 sf or greater	C	C	N	N	N	N	C

Industrial or manufacturing related office	Y	Y	N	N	N	N	C
Light manufacturing	Y	Y	N	N	N	N	N
Open storage	N	C	N	N	N	N	N
Printing and publishing, bulk	Y	Y	C	C	N	N	N
Research and development	Y	Y	Y	Y	Y	Y	Y
Sale of business and/or industrial equipment and supplies	Y	Y	N	N	N	N	Y
Software design and advanced manufacturing	Y	Y	Y	Y	C	N	Y
Storage, interior only (excluding mini/self storage units with separate exterior accesses)	Y	C	N	N	N	N	N
Warehouse	C	Y	N	N	N	N	N
Wholesale showroom with storage and repair facilities	C	C	N	N	N	N	N
OTHER USES							
Parking structure	Y	Y	Y	Y	C	C	Y
Marine transport	C	C	C	C	C	C	N
Transit shelters	Y	Y	Y	Y	Y	Y	Y
UTILITIES							
Communication services and broadcasting offices	C	C	N	N	N	N	C
Public utilities not otherwise mentioned	C	C	C	C	C	C	C
Radio, television or wireless telecommunication antennas	C	C	C	C	C	C	C
ACCESSORY USES AND STRUCTURES							
Bank ATM machines	Y	Y	Y	Y	Y	Y	Y
Boat, kayak, canoe rental	C	C	C	C	C	C	C
Commercial satellite dishes	C	C	C	C	C	C	C
Construction trailer	C	C	C	C	C	C	C
Home occupation	C	N	C	C	C	C	C
Fences and walls	Y	Y	Y	Y	Y	Y	Y
Indoor rack boat storage	Y	C	C	C	C	C	Y
Off-street parking areas	Y	Y	Y	Y	Y	Y	Y
PROHIBITED USES							
The specific prohibited uses enumerated herein and in section 19-96 are in addition to any and all other uses which are prohibited in accordance with sections 19-4 and 19-98.							
Adult oriented businesses							
Automobile rental agencies							
Billboards							
Bulk storage of chemicals							
Car wash							

Cemetery
Drive-through facilities
Dumps and sanitary fills
Farming, except for indoor agriculture and aquiculture
Indoor agriculture with plants with THC (tetrahydrocannabinol)
Heavy industry
Hospitals
Junk and salvage yards
Mini/self-storage with separate exterior accesses
Mobile homes
Motor vehicle sales
Motor vehicle supply stores
Motor vehicle repair
Radio, television or wireless communication towers

(Ch. 317, § I, 3-2-04; Ch. 470A, § IX, 10-7-08; Ch. 489A, § IV, 10-6-09; Ch. 641, § I, 3-1-16; Ch. 738, § VII, 5-21-19; Ch. 810, § III, 7-20-21; Ch. 914, § I(Att.), 12-19-23)

SECTION III. Effective Date.

This ordinance shall take effect upon passage.