

TOWN OF NARRAGANSETT

CHAPTER 1117

AN ORDINANCE IN AMENDMENT OF CHAPTER 731 OF THE CODE OF ORDINANCES OF THE TOWN OF NARRAGANSETT ENTITLED “ZONING”

NOTE: Only the following sections would be amended and any text not cited, or cited but not underlined or crossed out, remains unchanged. Text deletions are ~~crossed-out~~; Text additions are underlined.

It is ordained by the Town Council of the Town of Narragansett as follows:

Section 1: Section 2, (Definitions) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended by adding or modifying the following terms and definitions as follows:

SECTION 2.2 – DEFINITIONS

Adaptive reuse. 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 (from RIGL 42-64.22-2).

Adjustment(s). A request or requests by the applicant to seek relief from the literal use and dimensional requirements of the municipal zoning ordinance and/or the design standards or requirements of the municipal land development and subdivision regulations. (Note: “adjustments” only apply to Comprehensive Permit projects.) The standard for the local review board’s consideration of adjustments is set forth in R. I Gen. Laws § 45-53-4(D)(2)(iii)(E)(II) and is reflected in Section 7.A1 of this ordinance.

Affordable housing plan. The affordable housing component of the housing element of the Town of Narragansett’s adopted Comprehensive Plan as defined in § 45-22.2-4(1) that is prepared in accordance with guidelines adopted by the state planning council, and/or to meet the provisions of § 45-53-4(b)(1) and (c).

Consistent with local needs. Reasonable in view of the state need for low- and moderate-income housing, considered with the number of low-income persons in the town affected and the need to protect the health and safety of the occupants of the proposed housing or of the residents of the town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if the local zoning or land use ordinances, requirements, and regulations are applied as

equally as possible to both subsidized and unsubsidized housing. Local needs are identified in the adopted Comprehensive Plan.

Group Homes. A community residence providing care or supervision, or both, to not more than eight (8) persons with disabilities, and licensed by the state pursuant to chapter 24 of title 40.1;

Infeasible. Any condition brought about by any single factor or combination of factors, as a result of limitations imposed on the development by conditions attached to the approval of the comprehensive permit, to the extent that it makes it financially or logistically impracticable for any applicant to proceed in building or operating low- or moderate-income housing within the limitations set by the subsidizing agency of government or local review board, on the size or character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially changing the rent levels and unit sizes proposed by the applicant.

Letter of eligibility. A letter issued by the Rhode Island Housing and Mortgage Finance Corporation in accordance with RIGL 42-55-5.3(a)

Local Review board. The Town Planning Board as defined by § 45-22.2-4

Meeting local housing needs. As a result of the adoption of the implementation program of an approved affordable housing plan and, the absence of unreasonable denial of applications that are made pursuant to an approved affordable housing plan in order to accomplish the purposes and expectations of the approved affordable housing plan, and a showing that at least twenty percent (20%) of the total residential units approved by a local review board or any other municipal board in a calendar year are for low- and moderate-income housing as defined in § 42-28 128-8.1.

Modification. Permission granted and administered by the zoning enforcement agency of the town, and pursuant to the provisions of this ~~chapter contained herein~~ 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~~, but not to exceed 15 percent of each of the applicable dimensional requirements ~~except the lot area requirements. (Modifications are not permitted under this ordinance.)~~

Monitoring agents. Those monitoring agents appointed by the Rhode Island Housing Resources Commission pursuant to RIGL 45-53-3.2 and to provide the monitoring and oversight set forth in RIGL including but not limited to RIGL 45-53-3.2 and 45-53-4

Orphanages – a community residence for children providing care or supervision, or both, to not more than eight (8) children, including those of the caregiver, and licensed by the state pursuant to chapter 72.1 of title 42;

Unified Development. The process by which the Planning Board is authorized to review and approve dimensional variances for properties undergoing review as a minor land-development or minor subdivision project. This process is to be known as Unified Development Review (UDR) as enumerated in R.I. General Laws § 45-23-50.1. UDR shall not be available for major land-

development or major subdivision projects and UDR shall not be available for projects seeking the grant of a use variance.

(b) Dimensional variance. Permission to depart from the dimensional requirements of a zoning ordinance, ~~where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use or special use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted are not grounds for relief.~~ under the applicable standards set forth in RI Gen. Laws § 45-24-41 and as set forth in Section 11 of this ordinance.

Section 2: Section 2, (Definitions) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended by deleting the following definitions of “comprehensive plan”, “low or moderate income housing”, and “municipal government subsidy”, and replacing them with the following text:

~~*Comprehensive plan.* The adopted comprehensive plan of the Town of Narragansett.~~

~~*Low or moderate income housing.* Affordable housing (as defined in this ordinance and in R.I. Gen. Laws § 42-128-8.1(d), as amended) that satisfies the criteria for "low or moderate income housing" under R.I. Gen. Laws § 45-53-3(5), as follows:~~

- ~~• Subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of housing; and~~
- ~~• Affordable to low or moderate income households, as defined in the applicable federal or state statute, or local ordinance; and~~
- ~~• Subject to a land lease and/or deed restriction that assures such affordability for 99 years or such other period that is either agreed to by the applicant and town or prescribed by the federal, state, or municipal government subsidy program but that is not less than 30 years from initial occupancy.~~

~~*Municipal government subsidy.* Assistance that is made available through a town program sufficient to make housing affordable, as affordable housing is defined in this ordinance and in R.I. Gen. Laws § 42-128-8.1(d)(1). Such assistance may include, but is not limited to, direct financial support, abatement of taxes, waiver of fees and charges, and approval of density bonuses and/or internal subsidies, and any combination of forms of assistance.~~

~~*Comprehensive Plan.* The comprehensive plan adopted and approved by the Town pursuant to chapters 22.2 and 22.3 of RI General Laws Title 45.~~

Low or moderate-income housing. Shall be synonymous with “affordable housing” as defined in Affordable housing (as defined in this ordinance and in R.I. Gen. Laws § 42-128-8.1, as amended) that satisfies the criteria for “low or moderate income housing” under R.I. Gen. Laws § 45-53-3(5), as follows:

- subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of affordable housing; and
- subject to a land lease and/or deed restriction that assures such affordability for ninety-nine (99) years or such other period that is either agreed to by the applicant and town or prescribed by the federal, state, or municipal government subsidy program but that is not less than thirty (30) years from initial occupancy.

Municipal government subsidy. Assistance that is made available through a town program sufficient to make housing affordable, as affordable housing is defined in this ordinance and in R.I. Gen. Laws § 42-128-8.1(d)(1). Such assistance shall include a combination of, but is not limited to, direct financial support, abatement of taxes, waiver of fees and charges, and approval of density bonuses and/or internal subsidies, zoning incentives and adjustments as defined in this ordinance and any combination of forms of assistance.

Section 3: Section 4, (Overlay Districts) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended in Section 4.8.1.7 (Breakwater Village special district- Public hearing notice requirement) with the following text:

7. Public hearing notice requirement. Within the Breakwater Village special district the following notice requirements for a public hearing on an application for a variance or special use permit shall govern in place of the notice requirements regarding property owners as contained within section 11.3(2) of this ordinance:

(a) All property owners of record of land within 200 feet of Plat M, Lot 167-1 shall be notified by first class certified mail at least ~~two weeks~~ 14 days prior to the hearing. The sender of the notice shall submit a notarized affidavit to attest to this mailing.

(b) Within Plat M, Lot 167-1, all unit owners within 200 feet of the individual unit which is the subject of the application shall be notified by first class mail U.S. postal/certificate of mailing which shall be postmarked at least two weeks prior to the public hearing. The sender of the notice shall submit a notarized affidavit to attest to this mailing.

Section 4: Section 6, (Zone Regulations) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended by relocating the table from Section 6.3 (prohibited uses) to Section 6.1 (Use regulations) in its entirety and amending it with the following text:

6.1. - Use regulations.

The following Table of Use Regulations lists the use regulations for land and structures in each zone, subject to all other provisions of this ordinance. The following symbols indicate the status of each use:

P	=	Permitted use
X	=	Prohibited use
S	=	Use allowed by use permit; site plan review and approval required
A	=	Accessory use
NA	=	Not applicable

TABLE OF USE REGULATIONS													
Code	Description	R-80	R-40	R-20	R-10	R-10A	BA	BB	BC	IA	IB	P	Comments
0	Residential												
01	Single-family detached dwelling	P*	P*	P*	P*	P*	X	X	X	X	X	P	<u>See Section 12.23 for Special Use Permit Standards</u>
02	Two-family dwelling or duplex	S	P	P	P	P	X	X	X	X	X	P	<u>See Section 12.24 for Special Use Permit Standards</u>
03	Multifamily dwelling structure (maximum six dwelling units)	X	S	S	S	S	X	X	X	X	X	X	<u>See Sections 12.9 & 17.2 for Special Use Standards</u>
05	Residential cluster developments of detached single-family dwellings	P	P	P	P	P	X	X	X	X	X	X	<u>See Section 17 for Special Use Permit Standards</u>
051	Residential cluster developments including multifamily dwellings	X	S	S	S	S	X	X	X	X	X	X	See section 17.1 for Special Use <u>Permit Standards</u>
06	Taking of boarders by a resident family (up to two boarders)	P	P	P	P	P	X	X	X	X	X	X	

061	Taking of boarders by a resident family (five to 12 roomers or boarders)	X	X	X	S	S	X	X	X	X	X	X	License required <u>See Section 12.24 for Special Use Permit Standards</u>
062	Renting of rooms as bed and breakfast (no more than four guests)	P	P	P	P	P	X	X	X	X	X	X	Owner must reside on premises
063	Sorority or fraternity house	X	X	X	X	X	X	X	X	X	X	X	
0631	Dormitory for permitted use	X	X	X	S X	S-X	X	X	X	X A	X A	X	<u>See Section 12.24 for Special Use Permit Standards</u>
0632	Rectories, convents, monasteries	S	S	S	S	S	X	X	X	X	X	S	<u>See Section 12.24 for Special Use Permit Standards</u>
07	Hotel	X	X	X	X	S	S	S	S	X	X	X	License required <u>See Section 12.24 for Special U Permit Standards</u>
071	Motel or tourist court	X	X	X	S	S	S	S	S	X	X	X	<u>See Section 12.13 for Special Use Permit Standards</u>
08	Single mobile home or trailer	X	X	X	X	X	X	X	X	X	X	X	Except as in sections 7.2 and 7.13 <u>Standards</u>
081	Mobile home park	X	X	X	X	X	X	X	X	X	X	X	
082	Transient trailer park	X	X	X	X	X	X	X	X	X	X	X	
091	Nursing home	X	S	S	S	S	X	X	X	X	X	X	Sewers required <u>See Section 12.12 for Special Use Permit Standards</u>

092	Assisted living with nursing facilities	S	S	S	S	S	X	X	X	X	X		<u>See Section 12.24 for Special Use Permit Standards</u>
093	Independent and assisted living	S	S	S	S	S	X	X	X	X	X	X	<u>See Section 12.24 for Special Use Permit Standards</u>
094	<u>Group Homes & Orphanages</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>See Section 12.12 for Special Use Permit Standards</u>
011	Accessory dwelling unit	X <u>P</u>	X <u>P</u>	X <u>P</u>	X <u>P</u>	X <u>P</u>	X	X	X	X	X	X	No market rate units permitted at this time <u>Per State Standards</u>
0111	Affordable accessory dwelling unit	S	S	S	S	S	X	X	X	X	X	X	Subject to amnesty provisions of 7A.6(c)
1	<i>Agricultural, extractive and industrial manufacturing</i>												
10	Crop and livestock farm	P	P	P	S	S	P	P	P	P	P	P	<u>See Section 12.25 for Special Use Permit Standards</u>
1122	Veterinarian and animal hospital	X	X	X	X	X	S	S	X	X	X	X	<u>See Section 12.25 for Special Use Permit Standards</u>
1129	Animal husbandry service or other raising, or breeding of animals	X	X	X	X	X	S	S	X	X	X	P	<u>See Section 12.25 for Special Use Permit Standards</u>
113	Horticultural nursery	P	X	X	X	X	P	P	X	P	P	P	
12	Landscape services and landscaping materials storage (no more than 20 cubic yards of any bulk item)	X	X	X	X	X	P	P	X	P	P	P	

13	Fish and shellfish hatcheries (commercial)	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
141	Stone quarry	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
144	Earth removal and stockpiling	X	X	X	X	X	X	X	X	X	S	P	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
1441	Earth removal and stockpiling during lot development	A	A	A	A	A	A	A	A	A	A	A	
1442	Land-clearing prior to lot development	P	P	P	P	P	P	P	P	P	P	P	<u>See section 7.7 for Standards</u>
163	General building trades office and operations work on premises	X	X	X	X	X	X	X	X	P	P	P	
179	Welding shop, sheet metal shop	X	X	X	X	X	X	X	X	P	P	X	
1799	Blacksmith	X	X	X	X	X	X	X	X	P	P	P	
18	Screened outdoor lot storage and wrecking of junk or salvage material; automobile junkyards	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
19	Screened open lot storage of building material and machinery, etc.	X	X	X	X	X	X	X	X	P	P	X	
191	Open storage of solid fuel, sand and gravel	X	X	X	X	X	X	X	X	A	A	P	
192	Bulk storage of explosive material aboveground	X	X	X	X	X	X	X	X	X	X	P	

1921	Storage of heating/cooking fuels (aboveground)	A	A	A	A	A	A	A	A	A	A	A	
193	Storage of explosive material (underground)	X	X	X	X	X	X	A	X	X	X	A	
1931	Storage of vehicle fuel (aboveground)	X	X	X	X	X	X	X	A	A	A	A	
194	Outdoor parking and storage of boats and major recreational vehicles	P	P	P	P	P	P	P	P	P	P	P	See section 7 for <u>Standards</u>
1941	Parking of pickup trucks as personal vehicles	P	P	P	P	P	P	P	P	P	P	P	
195	Outdoor parking of no more than one commercial vehicle up to 12,000 pounds of gross weight	P	P	P	P	P	X	P	X	P	P	P	
1951	Outdoor parking and storage of not more than one tow truck that is not more than 21 feet in length and not more than 17,500 pounds in gross vehicle weight rating, provided that the owner or occupant of the land where the tow truck is parked is on the towing list maintained by the police department, and at the time that the tow truck is parked or stored, the operator of the tow truck is on call by the police department to provide emergency towing services	P	P	P	P	P	NA	NA	NA	NA	NA	P	

196	Outdoor parking and storage of commercial vehicles	X	X	X	X	X	X	P	X	P	P	P	
1961	Commercial outdoor or drystack storage of boats and related equipment, where not accessory to a principal use on the premises	X	X	X	X	X	X	S	S	P	P	S	<u>See Section 12.25 for Special Use Permit Standards</u>
197	Dry cleaning plant or laundry (including pickup)	X	X	X	X	X	X	X	X	X	S	X	Sewer required & <u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
199	Industrial nonmanufacturing and service industries not specified herein	X	X	X	X	X	X	X	X	P	P	P	
2	<i>Manufacturing</i>												
20	Food and food kindred products (processing)	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
2036	Fish processing	X	X	X	X	X	X	X	X	S	S	X	Sewer required & <u>See Section 12.20 for Special Use Permit Standards</u>
205	Bakery products for sale on site	X	X	X	X	X	P	P	X	X	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
21	Tobacco manufacturing	X	X	X	X	X	X	X	X	X	X	X	
22	Textile mill products	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
23	Apparel and related finished products made from fabrics and similar materials	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>

24	Lumber and wood products, except furniture	X	X	X	X	X	X	X	X	S	P	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
241	Modular or prefabricated housing construction	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
25	Furniture and fixtures	X	X	X	X	X	X	X	X	P	P	X	
26	Paper and allied products	X	X	X	X	X	X	X	X	X	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
27	Printing, publishing and allied industries	X	X	X	X	X	X	X	X	P	P	X	
271	Photocopying	X	X	X	X	X	P	P	X	A	A	P	
28	Chemicals and allied products	X	X	X	X	X	X	X	X	X	X	X	
29	Petroleum refining and related industries	X	X	X	X	X	X	X	X	X	X	X	
30	Rubber and rubber-related products	X	X	X	X	X	X	X	X	X	X	X	
307	Miscellaneous plastic products	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
31	Leather and leather products	X	X	X	X	X	X	X	X	S	P	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
311	Leather tanning and finishing	X	X	X	X	X	X	X	X	X	X	X	
312	Packaging/box-making	X	X	X	X	X	X	X	X	P	P	X	
32	Stone, clay and glass products	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
321	Flat glass	X	X	X	X	X	X	X	X	X	X	X	

3273	Concrete products	X	X	X	X	X	X	X	X	S	P	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
3274	Lime manufacturing	X	X	X	X	X	X	X	X	X	X	X	
33	Primary metal industries	X	X	X	X	X	X	X	X	X	X	X	
334	Smelters	X	X	X	X	X	X	X	X	X	X	X	
34	Fabricated metals, machinery and transportation equipment	X	X	X	X	X	X	X	X	X	P	X	
36	Electrical machinery, equipment, and supplies	X	X	X	X	X	X	X	X	P	P	X	
373	Ship[building] and boatbuilding and repairing	X	X	X	X	X	X	X	A	P	P	X	
38	Professional, scientific and controlling instruments, photographic and optical goods; watches and clocks	X	X	X	X	X	X	X	X	P	P	X	
39	Miscellaneous manufacturing industries, except those specifically prohibited herein	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
4	<i>Transportation, communications and utilities</i>												
401	Railroad terminal (freight)	X	X	X	X	X	X	X	X	X	X	X	
408	Railroad passenger station	X	X	X	X	X	X	X	X	X	X	X	
412	Taxi stand (off-street parking)	X	X	X	X	X	S X	S X	X	X	X	X	

417	Bus passenger station	X	X	X	X	X	X	S X	X	X	X	X	
423	Motor freight terminal	X	X	X	X	X	X	X	X	P	P	X	
4462	Commercial dock or pier	X	X	X	X	X	X	X	S	S	S	S	<u>See Section 12.26 for Special Use Permit Standards</u>
45	Commercial heliport	X	X	X	X	X	X	X	X	S X	S X	X	
465	General warehousing and storage (nonexplosive materials within a building)	X	X	X	X	X	X	X	X	P	P	X	
4811	Telephone exchange substation	X	X	X	X	X	P	P	X	P	X	X	
4813	Radio or TV station	X	X	X	X	X	X	S	X	P	X	X	<u>See Section 12.26 for Special Use Permit Standards</u>
4819	Transmitters and towers	X	X	X	X	X	X	X	X	S	S	S	<u>See Section 12.26 for Special Use Permit Standards</u>
482	Power generating station	X	X	X	X	X	X	X	X	S	S	X	<u>See Section 12.26 for Special Use Permit Standards and Section 17.3 for DPR</u>
484	Sewer pump station	P	P	P	P	P	P	P	P	P	P	P	
4842	Sewage treatment facilities	X	X	X	X	X	X	X	X	S	S	S	<u>See Sections 12.6, 12.7, and 12.26 for Special Use Permit Standards</u>
4843	Incinerator	X	X	X	X	X	X	X	X	X	X	X	
4849	Sanitary landfill	X	X	X	X	X	X	X	X	X	X	X	

489	Utility substation or pumping station where incidental to principal use	A	A	A	A	A	A	A	A	A	A	A	
4891	Utility substation (electric, gas)	X	X	X	X	X	X	X	X	S	S	S	<u>See Sections 12.6, 12.7, and 12.26 for Special Use Permit Standards</u>
5	<i>Commercial</i>												
50	Wholesale distributing establishments, principal activity is sale of merchandise for resale	X	X	X	X	X	X	S	X	P	P	X	Accessory retail outlet up to 1,000 square feet not to exceed 10,000 square feet of floor area
51	Mixed use commercial (shopping center)	X	X	X	X	X	S	S	X	X	X	X	<u>See Section 12.27 for Special Use Permit Standards and Section 17.3 for DPR</u>
52	<i>Retail trade building materials, hardware and farm equipment</i>												
521	Lumber and other building materials dealers	X	X	X	X	X	X	S	X	S	X	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u> <u>See Section 12.27 (business zones) for Special Use Permit Standards</u>
5224	Heating, plumbing and electrical supply and service	X	X	X	X	X	X	P	X	P	X	X	
523	Paint, glass, floor covering and wallpaper stores	X	X	X	X	X	P	P	X	S	X	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
5251	Hardware and farm supplies stores	X	X	X	X	X	P	P	X	X	X	X	

5252	Farm equipment and heavy equipment dealers, including rental	X	X	X	X	X	X	X	X	S	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
53	<i>Retail trade—General merchandise</i>												
53	General merchandise, department store, furniture and household goods (including storage up to 30 percent of GFA)	X	X	X	X	X	P	P	X	X	X	X	
54	<i>Retail trade—Food</i>												
541	Supermarkets	X	X	X	X	X	X	S P	X	X	X	X	
5411	Grocery stores, delicatessens	X	X	X	X	X	P	P	X	X	X	X	
5422	Meat markets	X	X	X	X	X	P	P	X	X	X	X	
5423	Fish (seafood) markets	X	X	X	X	X	P	P	X	X	X	X	
5424	Wholesale and retail fish (seafood) market	X	X	X	X	X	P	P	P	X	X	X	This use requires that there be in existence as of 1/1/01 an existing structure to house the market and an existing docking and off-loading facility
543	Fruit stores and vegetable markets	X	X	X	X	X	P	P	X	X	X	X	
5431	Sale of fruit and vegetable produce raised on premises	P	P	X	X	X	P	P	X	X	X	X	
545	Dairy products stores	X	X	X	X	X	P	P	X	X	X	X	
546	Bakeries	X	X	X	X	X	P	P	X	X	X	X	

5461	Bakery and coffee shop with drive-up window	X	X	X	X	X	X	S	X	X	X	X	<u>See Section 7.20 for Special Use Permit Standards</u>
55	<i>Retail trade—Motor vehicles</i>												
551	Motor vehicle or trailer dealers only—New and/or used (including repairs conducted only within a building)	X	X	X	X	X	X	S	X	X	X	X	<u>See Section 12.10 for Special Use Permit Standards</u>
5511	Motorcycle dealers—New and/or used (including repairs only within a building)	X	X	X	X	X	X	S	X	X	X	X	<u>See Section 12.10 for Special Use Permit Standards</u>
553	Tire, battery and accessory dealers (no service)	X	X	X	X	X	X	P	X	X	X	X	
554	Gasoline service station (minor repairs only)	X	X	X	X	X	X	S	X	X	X	X	<u>See section 12.11 for Special Use Permit Standards</u>
559	Storage, repair and sales of boats and marine accessories	X	X	X	X	X	X	P	P	P	A	X	
56	<i>Retail trade—Apparel and apparel accessories</i>												
566	Shoe stores	X	X	X	X	X	P	P	X	X	X	X	
567	Tailor or dressmaker	X	X	X	X	X	P	P	X	X	X	X	
569	Miscellaneous apparel and apparel accessory stores	X	X	X	X	X	P	P	X	X	X	X	
5691	Yarn, fabric or sewing shop	X	X	X	X	X	P	P	X	X	X	X	

57	<i>Retail trade—Furniture furnishing and equipment</i>														
571	Furniture, floor covering, home furnishings and accessories stores	X	X	X	X	X	P	P	X	X	X	X			
573	Radio, television, musical instruments, record and tape shops, video rentals	X	X	X	X	X	P	P	X	X	X	X			
574	Rental service stores (light equipment)	X	X	X	X	X	P	P	X	X	X	X			
58	<i>Retail trade—Eating and drinking places</i>														
581	Drive-in restaurants (no alcoholic beverages)	X	X	X	X	X	X	X	X	X	X	X	License required		
5812	Lunchroom or restaurant (no alcoholic beverages)	X	X	X	X	X	S	P	S	P	A	A	A	P	License required
5813	Tavern, cafe, club, bar or cocktail lounge (alcoholic beverages)	X	X	X	X	X	X	S	X	X	X	X	X		License required <u>See Section 12.27 for Special Use Permit Standards</u>
5814	Lunchroom or restaurant (alcoholic beverages)	X	X	X	X	X	S	S	X	X	S	X			License required <u>See Sections 12.6 & 12.7 for Special Use Standards in Industrial zone</u> <u>See Section 12.27 for Special Use Permit Standards</u>
5815	Lunchroom cafeteria for employees (no alcohol)	X	X	X	X	X	A	A	A	A	A	A	X		

5816	Beach club with alcoholic liquor license	X	X	X	X	X	X	X	P	X	X	X	License required
5817	Expansion of legally nonconforming full service restaurant to allow sale of beer and wine only	X	S	S	S	S	S	S	S	X	S	X	License required <u>See Section 12.27 for Special Use Permit Standards</u>
5818	Drive-through restaurant	X	X	X	X	X	X	X	X	X	X	X	
5819	Fast food restaurant	X	X	X	X	X	X	X	X	X	X	X	
59	<i>Retail trade—Miscellaneous</i>												
591	Drugstores	X	X	X	X	X	P	P	X	X	X	X	
5911	Drive-through as an accessory to a drug store	X	X	X	X	X	X	S	X	X	X	X	<u>See Sections 7.20 for Special Use Permit Standards</u>
592	Packaged liquor stores	X	X	X	X	X	P	P	X	X	X	X	
593	Secondhand stores and antique shops	X	X	X	X	X	P	P	X	X	X	X	
594	Office equipment stores	X	X	X	X	X	P	P	X	X	X	X	
5952	Sporting goods and gun shops	X	X	X	X	X	P	P	X	X	X	X	
5953	Bicycle sales, rentals (including repairs)	X	X	X	X	X	P	P	X	X	X	S P	
596	Lawn and garden supply stores	X	X	X	X	X	P	P	X	X	X	X	
5961	Swimming pools sales and display	X	X	X	X	X	X	P	X	X	X	X	
597	Jewelry stores	X	X	X	X	X	P	P	X	X	X	X	

598	Fuel dealers, oil and bottled gas (sales and service only)	X	X	X	X	X	X	S	P	X	P	P	X	
599	Gift, souvenir, tobacco and newsstand	X	X	X	X	X	P	P	X	X	X	X	X	
5992	Florists (retail sales) including greenhouse	X	X	X	X	X	P	P	X	X	X	X	X	
5993	Pet shop (indoor)	X	X	X	X	X	P	P	X	X	X	X	X	
5994	Marine related supplies and retail tackle and bait sales (including rental)	X	X	X	X	X	P	P	P	X	X	X	X	
5996	Photographic supplies and services	X	X	X	X	X	P	P	X	X	X	X	X	
5997	Novelty, craft, hobby, art, specialty shops and boutiques	X	X	X	X	X	P	P	X	X	X	X	X	
5998	Optical goods store	X	X	X	X	X	P	P	X	X	X	X	X	
5999	Retail, not herein specified	X	X	X	X	X	P	P	X	X	X	X	X	
6	<i>Personal, business and professional service</i>													
60	General commercial offices	X	X	X	X	X	S	S	X	X	X	X	X	
605	Temporary real estate office for sales of property on site of new subdivision	P	P	P	P	P	P	P	P	P	P	P	X	
606	Office (for use by a resident of the premises, up to one employee)	P	P	P	P	P	X	X	X	X	X	X	X	

6061	General commercial offices up to three units	X	X	X	X	X	P	P	X	X	X	X	
608	Bank or financial institution	X	X	X	X	X	S -P	S -P	X	X	X	X	
6081	Drive through as an accessory to bank or financial institution	X	X	X	X	X	S	S	X	X	X	X	<u>See Section 7.19 for Special Use Permit Standards</u>
611	Laundry or dry cleaners pickup (no plant)	X	X	X	X	X	P	P	X	X	X	X	
6115	Self-service laundromat	X	X	X	X	X	P	P	X	X	X	X	Sewer required
612	Photo studio, taxidermist and similar specialty shops	X	X	X	X	X	P	P	X	X	X	X	
6135	Beautician, barber, shoe repair, similar specialty shops	X	X	X	X	X	P	P	X	X	X	X	
616	Mortuary or funeral home	X	X	X	X	X	X	S	X	X	X	X	Sewer required
619	Caterer	X	X	X	X	X	P	P	X	S	X	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
6191	Kennels, or the boarding of animals (including retail sales)	X	X	X	X	X	P	P	X	X	X	X	
6192	Travel agency	X	X	X	X	X	P	P	X	X	X	X	
62	Newspaper office (no printing)	X	X	X	X	X	P	P	X	X	X	X	
632	Off-street automobile parking facility accessory to a permitted use	A	A	A	A	A	A	A	A	A	A	A	

6321	Commercial off-street parking lot	X	X	X	X	X	P S	P S	S	X	P S	X	<u>See Section 12.28 for Special Use Permit Standards</u>
6322	Commercial off-street parking structure	X	X	X	X	X	S	S	X S	X	X S	X	<u>See Section 12.28 for Special Use Permit Standards</u>
633	General automotive repair, temporary vehicle storage and towing	X	X	X	X	X	S	P	X	P	P	X	Accessory resale of no more than six cars towed to or repaired on site <u>See Section 12.28 for Special Use Permit Standards</u>
6331	Automotive body shop, temporary vehicle storage and towing	X	X	X	X	X	S	P	X	P	X	X	Accessory resale of no more than six cars towed to or repaired on site <u>See Section 12.28 for Special Use Permit Standards</u>
634	Vehicle washing shop (no self-service)	X	X	X	X	X	S	P	X	P	P	X	<u>See Section 12.28 for Special Use Permit Standards</u>
6341	Vehicle washing shop (with self-service)	X	X	X	X	X	S	P	X	X	X	X	<u>See Section 12.28 for Special Use Permit Standards</u>
635	Vehicle, trailer and recreational vehicle rental agency	X	X	X	X	X	X	P	X	X	S	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
64	Repair shop for small appliances	X	X	X	X	X	P	P	X	S	X	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
6495	Locksmith	X	X	X	X	X	P	P	X	P	X	X	
651	Dancehall	X	X	X	X	X	X	P	X	X	X	X	
652	Theater, concert hall, auditorium or motion picture theatre	X	X	X	X	X	X	S	X	X	X	X	<u>See Section 12.28 for Special Use Permit Standards</u>

653	Bowling alleys, billiard and pool parlors	X	X	X	X	X	S	S	X	X	X	X	<u>See Section 12.28 for Special Use Permit Standards</u>
659	Exercise center, gymnasium, sauna	X	X	X	X	X	S	P	X	X	X	X	<u>See Section 12.28 for Special Use Permit Standards</u>
67	Offices for medical <u>or</u> health, or legal services	X	X	X	X	X	S	S	X	X	X	X	<u>See Section 12.28 for Special Use Permit Standards</u>
675	Legal offices	X	X	X	X	X	P	P	X	X	X	X	
676	Medical and dental laboratories	X	X	X	X	X	S	P -S	X	S	X	X	Sewer required <u>See Sections 12.6 & 12.7 for Special Use Standards in Industrial Zone</u>
681	Engineering and technical offices	X	X	X	X	X	P	P	X	P	P	X	
682	Research and analytical laboratories	X	X	X	X	X	P	P	X	P	X	X	Sewer required
689	Professional services not elsewhere classified	X	X	X	X	X	P	P	X	S	X	X	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards</u>
<u>7</u>	<u>Governmental or Institutional</u>												
73	Government-owned building (except penal, garage, or utility)	P	P	P	P	P	P	P	P	P	P	P	
731	Penal institution	X	X	X	X	X	X	X	X	X	X	X	
732	Garage or utility (government-owned building)	X	X	X	X	X	P	P	P	P	P	P	
733	Fire or police station	X	X	X	X	X	P	P	X	S	X	P	<u>See Sections 12.6 & 12.7 for Special Use Permit Standards in Industrial Zone</u>

74	Kindergarten, elementary or secondary school, junior college, college, or university	X	X	X	X	X	S	S	X	P	X	P	<u>See Section 12.29 for Special Use Permit Standards</u>
7401	Boarding school private/secondary	S	X	X	X	X	X	X	X	X	X	X	Min. lot size 16 ac. frontage on state road. Town water required. Vegetated buffer <u>See Section 12.21 for Special Use Permit Standards</u>
75	Trade or professional school teaching marine skills	X	X	X	X	X	P	P	X	P	P	X	
751	Trade or professional school	X	X	X	X	X	P	P	S	P	X	S	<u>See Section 12.29 for Special Use Permit Standards</u>
756	Day nursery, nursery school, kindergarten or other agency giving day care to children	S	S	S	S	S	S	X	X	A	X	S	State license required <u>See Section 12.14 for Special Use Permit Standards</u>
757	School for teaching industrial skills in which heavy machinery is used as a means of instruction	X	X	X	X	X	X	P	X	P	P	X	
7613	Library or museum	S	S	S	S	S	S	S	S	S	S	P	<u>See Section 12.29 for Special Use Permit Standards</u>
764	Churches	S	S	S	S	S	S	X	X	X	X	X	<u>See Sections 12.22 for Special Use Standards</u>
767	Cemetery	S	S	S	S	S	X	X	X	X	X	X	<u>See Section 12.29 for Special Use Permit Standards</u>
77	Hospitals	X	X	X	X	X	S	S	X	X	X	S	Sewer, state license required <u>See Section 17.3 for DPR</u>

771	Physical therapy and related services	X	X	X	X	X	P	P	X	X	X	X		
774	Rest, retirement, convalescent or nursing homes	X	S	S	S	S	X	X	X	X	X	X		
78	Social club or nonprofit membership organizations	X	X	S	S	S	S	S	X	X	X	X	<u>See Section 12.29 for Special Use Permit Standards</u>	
79	Emergency counseling service or drop-in center	X	S	X	S	X	S	X	S	S	X	X	X	<u>See Section 12.29 for Special Use Permit Standards</u>
8	<i>Public outdoor and recreation</i>													
80	Publicly owned	P	P	P	P	P	P	P	P	P	X	X	P	
801	Playgrounds, play fields, tot lots	P	P	P	P	P	P	P	P	P	X	X	P	
809	Other outdoor recreation	S	S	S	S	S	S	S	S	S	X	X	S	<u>See Section 12.30 for Special Use Permit Standards</u>
8091	Other commercial outdoor recreation	X	X	X	X	X	X	X	X	X	X	X	X	
81	Outdoor public water-based recreation	X	X	X	X	X	X	X	S	X	X	S	<u>See Section 12.30 for Special Use Permit Standards</u>	
8191	Water slides/wave machines	X	X	X	X	X	X	X	X	X	X	X	X	
833	Tent camps		S X	X	X	X	X	X	X	X	X	X	S X	
834	Riding academies and riding schools (may include accessory indoor rink)	S	S	X	X	X	X	X	X	X	X	S	<u>See Section 12.30 for Special Use Permit Standards</u>	
835	Roller or ice skating rink	X	X	X	X	X	P	P	X	X	X	P		

8371	Archery range	S	X	X	X	X	X	X	X	X	X	S	<u>See Section 12.30 for Special Use Permit Standards</u>
8372	Rifle range	X	X	X	X	X	X	X	X	X	X	X	
838	Amusement parks	X	X	X	X	X	X	X	X	X	X	X	
839	Golf course	P	P	P	P	P	X	X	X	X	X	P	
8381	Track or facility (recreational or racing vehicles)	X	X	X	X	X	X	X	X	X	X	X	
8382	Race track for motor vehicles and motorcycles	X	X	X	X	X	X	X	X	X	X	X	
8391	Golf practice range, pitch and putt, golf driving range, miniature golf course	X	X	X	X	X	P	P	S X	X	X	P	
8392	Tennis courts	P	P	P	P	P	P	P	X	X	X	P	
8393	General athletic field	P	P	P	P	P	P	P	X	X	X	P	
8394	Drive-in theater	X	X	X	X	X	S	S	X	X	X	X	<u>See Section 12.30 for Special Use Permit Standards</u>
8395	Baseball batting facilities	X	X	X	X	X	P	P	S X	X	X	P	
841	Boat liveries (small boat rentals)	X	X	X	X	X	S	S	S	X	X	S	<u>See Section 12.30 for Special Use Permit Standards</u>
8411	Marinas	X	X	X	X	X	S	S	S	X	X	S	<u>See Section 12.30 for Special Use Permit Standards</u>
842	Bathing beaches	S	S	S	S	X	X	X	P	X	X	P	<u>See Section 12.30 for Special Use Permit Standards</u>

844	Swimming pools (outdoor)	A	A	A	A	A	S	S	S	X	X	S	<u>See Section 12.30 for Special Use Permit Standards</u>
851	Swimming pools (indoor)	A	A	A	A	A	P	P	S	X	X	S	<u>See Section 12.30 for Special Use Permit Standards</u>
8511	Individual beach cabanas, dressing rooms or bathhouses	X	X	X	X	X	X	X	P	X	X	P	
852	Arena or recreation hall	X	X	X	X	X	X	S	X	X	X	P	<u>See Section 12.30 for Special Use Permit Standards</u>
853	Roller or ice skating rink	X	X	X	X	X	P	P	X	X	X	S	<u>See Section 12.30 for Special Use Permit Standards</u>
854	Beach club or yacht club	X	X	X	X	X	X	X	S	X	X	P	<u>See Section 12.30 for Special Use Permit Standards</u>
8541	Bathing pavilion	X	X	X	X	X	X	X	P	X	X	P	
855	Tennis courts or other indoor court games	X	X	X	X	X	P	P	X	X	X	S	<u>See Section 12.30 for Special Use Permit Standards</u>
856	Indoor riding school or academy	X	X	X	X	X	X	P	S X	X	X	P	
857	Indoor athletic fields	X	X	X	X	X	X	P	S X	X	X	X	
86	Conservation lands, wildlife areas, nature preserves	P	P	P	P	P	P	P	P	X	X	P	
871	Private parks, including subdivision parks	P	P	P	P	P	P	P	X	X	X	X	
873	Campgrounds (nonprofit)	S	S	S	X	X	X	X	X	X	X	P	<u>See Section 12.30 for Special Use Permit Standards</u>

879	Indoor and/or outdoor private nonprofit recreation not elsewhere classified	S X	S X	S X	X	P X	P X	X	X	X	X	P X	
8791	Indoor and/or outdoor private nonprofit recreation facilities owned and operated by a nonprofit neighborhood association	P	P	P	P	P	X	X	X	X	X	P	
880	Manmade water body	P	P	P	S	S	S	S	S	A	S	P	Landscaping and/or drainage, soil erosion/sedimentation control <u>See Section 12.30 for Special Use Permit Standards</u>
9	<i>Accessory uses</i>												
93	Customary home occupation	P	P	P	P	P	X	X	X	X	X	X	
94	Uses customary to and associated with the operation of a permitted use	P	P	P	P	P	P	P	P	P	P	P	
95	Uses customary to and associated with the operation of a special exception <u>use permit</u>	S	S	S	S	S	S	S	S	S	S	S	<u>See Section 12.31 for Special Use Permit Standards</u>
96	Tennis courts and structures which are accessory to tennis courts when both the tennis courts and structures are ancillary to a beach club provided that the total square footage of all such ancillary structures shall not exceed 1,000 square feet	X	X	X	X	X	X	X	P	X	X	P	

Section 5: Section 6, (Zone Regulations) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended by deleting the table in Section 6.3 (Prohibited uses) in its entirety, with the following text to remain:

6.3. - Prohibited uses.

Any use not permitted by this ordinance shall be deemed to be prohibited. However, any list of prohibited uses contained in any section of this ordinance shall be deemed to be illustrative only, not exhaustive.

Any use which is noxious or offensive by reason of the commission of odor, dust, noise, smoke, heat, vibration, gas, fumes, or radiation, or which presents a hazard to the public health and safety, shall be prohibited.

Section 6: Section 6, (Zone Regulations) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended by deleting Section 6.5 (Modified dimensional regulations for legally created substandard lots of record in all residential zones) in its entirety and replacing it with the following text:

Lot width (feet)	1—50	51—60	61—80	81—100	100+
Front yard	25	25	25	30	35
Side yard	8	10	15	15	20
Rear yard	20	25	30	30	30
Building coverage (percent)	25	25	25	20	20

~~The above modified regulations for substandard lots shall not be construed to impose more stringent dimensional requirements than would otherwise be applicable in the zone in which the lot is located. For flag or hockey stick lots, or lots with no street frontage, the lot width as applied to the above table shall be the average lot width of the main portion of the property drawn parallel to the street from which access to the lot is available. The building inspector shall have the authority to determine the front, rear, and side lot lines for such lots.~~

6.5. - Modified dimensional regulations for legally created substandard lots of record ~~in all residential zones.~~

A substandard lot of record is not 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.

- a. The setback, frontage, and/or lot width requirements for a structure under this section is reduced 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.
- b. The maximum building coverage requirement for a structure under this section is 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.

In no case shall the side-yard setback be less than 5 feet for a 1 or 2 story building or 8 feet for a three story building without first receiving a Variance from the Zoning Board of Review.

All proposals exceeding such reduced requirement may proceed with a modification request under Section 11.7 of this Ordinance or a dimensional variance request under Section 11.1 of this Ordinance whichever is applicable.

Section 7: Section 7, (Supplementary zoning regulations) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended by adding text to the title of Section 7.20 and adding Section 7.21 (Adaptive Reuse) as follows:

SECTION 7. - SUPPLEMENTARY ZONING REGULATIONS

7.20 - Drive up windows for drug stores and bakeries and coffee shops.

7.21. – Adaptive Reuse.

(a) Permitted Use. Adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed use developments is a permitted use, under the criteria described below under 7.21 (b) Eligibility.

(b) Eligibility.

(1). Adaptive reuse development must include at least 50% of the existing gross floor area development into residential units.

(2). There are no environmental land use restrictions recorded on the property by the state of Rhode Island department of environmental management or the United States Environmental Protection Agency preventing the conversion to residential use.

(c) Density calculations.

(1). For projects that meet the following criteria, the residential density shall be no less than fifteen (15) dwelling units per acre:

a. Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building and fire codes and utility requirements.

b. The development includes at least twenty percent (20%) low- and moderate-income housing; and

c. The development has access to public sewer and water service or has access to adequate private water, such as a well and/or wastewater treatment system(s) approved

by the relevant state agency for the entire development as applicable.

(2). For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing and has access to public sewer and water service or has access to adequate private water, such as a well, and wastewater treatment system(s) approved by the relevant state agency for the entire development, as applicable.

(3). The density proposed shall be determined to meet all public health and safety standards.

(d) Dimensional requirements.

(1). Notwithstanding any other provisions of this section, existing building setbacks shall remain and are considered legal nonconforming.

(2). No additional encroachments shall be permitted into any nonconforming setback, unless otherwise allowed by zoning ordinance or relief is granted by the applicable authority.

(3) Notwithstanding any other provisions of this section, the height of the existing structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction necessary for building or fire code compliance, or utility infrastructure is included within the height exemption.

(e) Parking requirements.

(1). Adaptive reuse developments shall provide one parking space per dwelling unit. The applicant may propose additional parking in excess of one space per dwelling unit.

(2). The parking requirements and design standards Section 7.16 of the zoning ordinance which shall apply to all uses proposed as part of the project unless otherwise approved by the applicable authority. The number of parking spaces required shall apply for uses other than residential.

(f) Allowed uses within an adaptive reuse project.

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

(2). Any nonresidential uses proposed as part of an adaptive reuse project must comply with the provisions of the zoning district in which the structure is located.

(g) *Development and Design Standards.* Site design shall be in accordance with the ~~[development regulations]~~ Narragansett Subdivision and Land development Regulations.

(h) *Procedural requirements.*

(1). Adaptive reuse project shall be subject to the procedural requirements of the Narragansett Subdivision and Land Development Regulations and undergo development plan review, minor, or major land development review as determined in that section.

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

- a. The proposed residential density and the square footage of nonresidential uses.
- b. A floor plan to scale for each building indicating, as applicable, the use of floor space, number of units, number of bedrooms, and the square footage of each unit.

Section 8: Section 7A.1, (Affordable Housing) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended by deleting Section 7A.1(c) (Municipal Subsidy Program) in its entirety and replacing it with the following text):

~~(c) *Municipal subsidy program.* It is the intent of the Town of Narragansett to promote the development or rehabilitation of affordable housing by providing a municipal subsidy to the owner/developer when appropriate.~~

~~(1) *Types of municipal subsidy.* A municipal subsidy may take the form of a density bonus, where specifically allowed under a provision of this ordinance or where negotiated as part of a comprehensive permit application before the planning board, land banking, waiver of local policies such as sewer permits, abatement of taxes, or waiver of fees such as subdivision fees, building permit fees, or sewer development lot fees. The town may also consider other such waivers or bonuses that may become available to the town in the future and which achieve essentially the same purpose. In extraordinary cases, the town may consider providing direct financial support to an affordable housing development.~~

~~(2) *Municipal subsidies specified by ordinance.* Where this ordinance specifies one or more types of municipal subsidy for a particular type of affordable housing development, such types are deemed to be sufficient and shall be the only subsidies required for that type of development.~~

~~(3) *Comprehensive permits.* The Town of Narragansett is not obligated to provide any form of municipal subsidy to a comprehensive permit applicant, but may offer or negotiate a subsidy in return for specific design considerations, facilities improvements or other direct or indirect public benefit. The planning board shall have sole authority to exercise this authority for any applications submitted under R.I.G.L. 45-53. Notwithstanding, the planning board's express authority under R.I.G.L. 45-53, the town council shall be the sole authority to issue sewer permit waivers.~~

(c) *Municipal Subsidy Program.* It is the intent of the Town of Narragansett to promote the development or rehabilitation of affordable housing by providing a municipal subsidy to the owner / developer when appropriate. Town subsidies, including adjustments and zoning incentives are to be made available to applications under Section 7A to offset the differential costs of the low- or moderate-income housing units in a development under this section. At a minimum, the following zoning incentives shall be allowed for projects submitted under Section 7A.7.

(1).Density bonus. The town shall provide an applicant with more dwelling units than allowed by right under this ordinance in the form of a density bonus to allow an increase in the allowed dwelling units per acre (DU/A), as well as other incentives and municipal government subsidies as defined in RIGL 45-53-3. The town shall provide, at a minimum, the following density bonuses for projects submitted under Section 7A, provided that the total land utilized in the density calculation shall exclude wetlands, wetland buffers, area devoted to infrastructure necessary for development and easements or rights of way of record:

- a. For properties connected to public sewer and water, or eligible to be connected to public sewer and water based on written confirmation from each respective service provider, the density bonus for a project which provides at least twenty-five percent (25%) low- and moderate-income housing shall be at least five (5) units per acre;
- b. For properties connected to public sewer and water, or eligible to be connected to public sewer and water based on written confirmation from each respective service provider, the density bonus for a project which provides at least fifty percent (50%) low- and moderate-income housing shall be at least nine (9) units per acre;
- c. For properties connected to public sewer and water, or eligible to be connected to public sewer and water based on written confirmation from each respective service provider, the density bonus for a project which provides one hundred percent (100%) low- and moderate-income housing shall be at least twelve (12) units per acre;
- d. For properties not connected to either public water or sewer or both, but which provide competent evidence as to the availability of water to service the development and/or a permit for on-site wastewater treatment facilities to service the dwelling units from the applicable state agency, the density bonus for a project which provides at least twenty-five percent (25%) low- and moderate-income housing shall be at least three (3) units per acre;
- e. For properties not connected to either public water or sewer or both, but which provide competent evidence as to the availability of water to service the development and/or a permit for on-site wastewater treatment facilities to service the dwelling units from the applicable state agency, the density bonus for a project which provides at least fifty percent (50%) low- and moderate-income housing shall be at least five (5) units per acre;
- f. For properties not connected to either public water or sewer or both, but which provide competent evidence as to the availability of water to service the development and/or a permit for on-site wastewater treatment facilities to service the dwelling units from the applicable state agency, the density bonus for a project which provides one hundred percent (100%) low- and moderate-income housing shall be at least eight (8) units per acre;

(2). Parking. The town shall not require more than one off-street parking space per dwelling units for units up to and including two (2) bedrooms in applications submitted under this section.

(3). Bedrooms. The town shall not limit the number of bedrooms for applications submitted under this section to less than three (3) bedrooms per dwelling unit for single-family dwelling units.

(4). Floor area. The town shall not utilize floor area requirements to limit any application submitted under this section except as provided by RIGL 45.24.3-11

(5). Other types of municipal subsidy. Other municipal subsidies may take the form of land banking, waiver of local policies such as sewer permits, abatement of taxes, or waiver of fees such as subdivision fees, building permit fees, or sewer development lot fees. The Town may also consider other such waivers or bonuses that may become available to the Town in the future and which achieve essentially the same purpose. In extraordinary cases, the Town may consider providing direct financial support to an affordable housing development. Town Council shall be the sole authority to issue sewer permit waivers.

(6). Municipal subsidies specified by ordinance. Where this ordinance specifies one or more types of municipal subsidy for a particular type of affordable housing development, such types are deemed to be sufficient and shall be the only subsidies required for that type of development.

(7). Comprehensive permits. The Planning Board shall have sole authority to exercise this authority for any applications submitted under RIGL 45-53. Notwithstanding the planning board's express authority under RIGL 45-53, the town council shall be the sole authority to issue sewer permit waivers.

Section 9: Section 7A (Affordable Housing) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled "An Ordinance in Relation to Zoning" is hereby amended by deleting Section 7A.4 (Inclusionary Zoning) in its entirety and replacing it with the following text:

7A.4 Inclusionary Zoning - Reserved.

~~(a) — Purpose. The purpose of inclusionary zoning is to ensure that new development and reuse projects support Narragansett's goal of housing diversity consistent with the Narragansett Comprehensive Plan and with statewide planning and housing guidance. To achieve this purpose, new development and reuse projects that are subject to this section 7A.4 shall include a share of housing units that are affordably priced, subject to a price limitation to assure initial affordability, with deed rider or land lease assuring that purchasers' or tenants' incomes meet prescribed limits at the time of purchase or occupancy and that such affordability and income eligibility will again be observed at the time of each future resale, release, or other transfer.~~

~~(b) — Applicability. The provisions of this section 7A.4 shall apply to all developments that result in the creation of more than five dwelling units, including but not limited to residential subdivisions and land development projects.~~

~~(c) — Inclusionary unit requirements.~~

~~(1) — Basic requirement. At least 20 percent of the lots or housing units resulting from a development that is subject to this Section 7A.4 shall be low or moderate income housing~~

units. Where the 20 percent calculation results in a fraction, that number shall be rounded up to the nearest whole number. As an alternative the planning board may authorize the developer to pay a fee in lieu for the fractional proportion in excess of the calculated whole number requirement.

(2) ~~Low income affordability.~~

a. ~~In a development in which all of the units are for sale, at least 50 percent of the inclusionary units shall be affordable to low income households.~~

b. ~~In a development in which some or all of the units are for rent, all of the inclusionary units shall be affordable to low income households.~~

(d) ~~Term of affordability.~~ The required minimum term of affordability for inclusionary units, whether on site or off site, shall be 30 years. When a unit is resold or transferred prior to the expiration of the restriction, the term of affordability shall be renewed for 30 years.

(e) ~~Fee in lieu.~~

(1) ~~Eligibility.~~ The inclusionary unit requirements may be met in part through payment of a fee in lieu of providing one or more inclusionary units only in the following situation:

a. ~~The 20 percent calculation results in a non-whole number.~~

(2) ~~Fee per unit.~~ The fee in lieu of providing one inclusionary dwelling unit shall be equal to 50 percent of the maximum purchase price for a housing unit affordable at 80 percent of applicable area median income for that same year (as estimated by Rhode Island Housing). This fee shall be adjusted and applied to the fraction of the required dwelling units in excess of a whole number. The fee in lieu shall be updated annually, and the town council shall approve the fees by resolution.

(Example: If the maximum purchase price for a housing unit affordable to a household with 80 percent of the area median income is \$200,000.00, the fee in lieu will be calculated at \$100,000.00 per inclusionary unit not provided. If the development includes six units there will be a requirement of 1.2 inclusionary units. The development will therefore be built with one inclusionary unit and the fee will be applied to the .2 units excess resulting in a fee of \$20,000.00).

(3) ~~Fee recipient.~~ The fee shall be paid to the Narragansett Affordable Housing Trust Fund to be expended for land acquisition, affordable housing construction, or any expense directly attributable to the provision of affordable housing.

(f) ~~Reduction in parking requirements.~~ Parking requirements for multifamily dwellings may be reduced upon determination by the planning board that such is justified by reduced demand based upon the restricted occupancy which is being required and other considerations.

[g] ~~Integrating inclusionary units.~~

(1) ~~Inclusionary unit location and appearance.~~ Inclusionary units shall be integrated throughout the development and not separately segregated. The exterior appearance of the inclusionary units shall be compatible with and, except for unit size, essentially indistinguishable from the others.

(2) ~~Inclusionary unit size.~~

- a. ~~If the average number of bedrooms in the market rate units is greater than 2.0, the average number of bedrooms in the inclusionary units shall not be less than 2.0.~~
 - b. ~~If the average number of bedrooms in the market rate units is 2.0 or less, the average number of bedrooms in the inclusionary units shall not be less than the average number of bedrooms in the market rate units.~~
- (3) ~~*Timing of occupancy.* The percentage of proposed market rate units granted a certificate of occupancy shall at no time exceed the percentage of proposed inclusionary units granted certificates of occupancy by more than 25 percent. The certificate of occupancy for the last market rate unit shall not be granted until all inclusionary units have been granted such certificates.~~

Section 10: Section 7A (Affordable Housing) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended by adding a new section 7A.7 (Comprehensive Permit Applications for Affordable Housing) as follows:

7A.7 Comprehensive Permit Applications for Affordable Housing

Any applicant proposing to build low- or moderate-income housing may submit to the town a single application for a comprehensive permit to build that housing in lieu of separate applications to the applicable local boards. This procedure is only available for proposals in which at least twenty-five percent (25%) of the housing is low- or moderate-income housing. The application and review process for a comprehensive permit shall be as directed in the Narragansett Subdivision and Land Development Regulations 1995 as amended.

Section 11: Section 8, (Substandard Lots of Record) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended at subsections 8.1a, 8.1b, 8.1d, 8.1f and 8.1h with the following text:

8.1. - Substandard lots of record.

- (a) *Definition.* For purposes of this ordinance, a substandard lot of record is a lot which does not satisfy one or more of the minimum dimensional requirements prescribed in the table of dimensional regulations in section 6.4 of this ordinance, but which was shown on a plat or deed recorded prior to August 2, 1965, or on an approved plat recorded after August 2, 1965, or has been otherwise legally created, and which has not been altered so as to become more nonconforming since its creation and which has not at any time since its creation, ~~and which has not been merged by use or ordinance~~ legally combined prior to January 1, 2024.
- (b) *Residential lots.* A vacant substandard lot of record in an R-80, R-40, R-20, R-10, or R-10A zone may be used for a single-family dwelling without the grant of a special use permit from the zoning board of review provided that:

- (1) The front yard, rear yard and side yard dimensions and the building coverage percentages comply with the modified dimensional standards for legal substandard lots of record set forth in section 6.5 of this ordinance.
- (2) The limitations for maximum coverage of structures, paving and other impervious surfaces as presented in section 4.5., "high water table limitations district," may be modified to comply with the requirements established by the formula in Section 6.5A(b) of this ordinance for the nearest zoning category into which the substandard lot would fall by virtue of its area.
- (3) The proposed use complies with all other applicable provisions of this ordinance.

A residential substandard lot of record in an R-80, R-40, R-20, R-10, or R-10A zone which does not comply with the above requirements may be used for a single-family dwelling if the zoning enforcement officer grants a modification or, a variance is ~~board of review granted~~ via application and approval as specified in Section 11 of this ordinance a special use permit.

- (d) *Merger of lots under the same ownership.* Where land adjacent to a substandard lot is owned by the owner of said substandard lot, the exemption of subsection 8.1(b) hereinabove shall not apply, and said substandard lot shall be combined with said adjacent land to establish a lot or parcel having at least the required minimum dimensions and area set forth in section 6 of this ordinance for the applicable district, without retaining a substandard lot. If all such adjacent land so combined is not sufficient to permit the enlargement of said lot to conforming area and dimensions, then the largest lot or parcel which the adjoining common ownership will permit shall be established. By way of example, if all such adjacent land so combined is sufficient to meet the applicable area and dimensional requirements for at least one lot but not for two or more fully conforming lots, then all such lots shall be combined to create a single lot only.

The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200') of the subject lot, as confirmed by the zoning enforcement officer.

In the event that adjacent substandard lots of record have structures located thereon, which said structures are related to a principal use located on one or more of such lots, then all lots related to said use that have structures located thereon shall be deemed combined.

- (f) *Applicable dimensional requirements.* The following regulations regarding the creation, yard requirements, and merger of substandard lots shall apply:
 - (1) No lot or parcel of land proposed for a use shall be divided in such a manner as to create a new lot with less than the required lot area, frontage or width for the district in which such lot or parcel is located.
 - (2) No front, side or rear yard adjacent to any building which is required for the purpose of compliance with the provisions of this ordinance, shall again be used to establish a yard for any other building, structure or use.
 - ~~(3) Nothing in this section shall be construed to exempt any substandard lot of record from the requirements for side width, front yard depth, rear yard depth, or coverage for the district in which such lot is located.~~

- (h) *Relief from this section.* The zoning board of review may hear and grant relief from the merger provisions of this ordinance by granting a use variance pursuant to section 11 of this ordinance if not otherwise permitted in Section 6.5.

Section 12: Section 11, (Variances) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended with the following text:

SECTION 11. VARIANCES & MODIFICATIONS

11.1. - Variances; application.

An application for relief from the literal requirements of the zoning ordinance because of hardship may be made by any person, group, agency, or corporation by filing with the zoning enforcement ~~agency officer~~ an application describing the request and supported by ~~such~~ any data and evidence as may be required by the zoning board of review or by the terms of this ordinance. The zoning enforcement ~~agency officer~~ shall immediately transmit each application received to the zoning board of review and a copy of ~~the~~ each application to the planning division board in accordance with section 18 (site plan review) of this ordinance ~~and the zoning board of review.~~

11.2. - Review procedure.

The zoning ~~enforcement agency~~ board of review, immediately upon receipt of an application for a variance in the application of the literal terms of the zoning ordinance, shall request that the planning board and/or planning division report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the comprehensive plan of the Town of Narragansett, in writing to the zoning board of review within 30 days of receipt of the completed application, pursuant to requirements of section 18 of this ordinance.

11.3. - Public hearing and notice.

The zoning board of review shall hold a public hearing on any complete application for a variance in an expeditious manner, after receipt, in proper form, of an application, and shall give public notice thereof at least 14 days prior to the date of the hearing which notice shall include the precise location of the subject property, including the street address and a description of the relief sought and be advertised as follows:

- (1) In the newspaper of ~~general~~ local circulation in the town.
- (2) The applicant shall notify by ~~registered, certified or~~ first class mail:
 - a. The applicant - ~~a~~All owners of the subject property in question; and
 - b. All property owners of record of lands within 200 feet of the property, which is the subject of the application, whether within the town or within an adjacent city or town; ~~provided, for any notice sent by first class mail, the sender of the notice shall utilize~~

~~and obtain a United States Postal Service certificate of mailing, PS Form 3817, or any applicable version thereof, to demonstrate proof of such mailing; and~~

- c. By first class mail to the city or town council of any city or town to which one or more of the following pertain:
 - (1) Which is located in or within not less than 200 feet of the boundary of the subject property, or;
 - (2) Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of the subject property, regardless of municipal boundaries; and
- d. The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights for surface water resources and/or surface watersheds that are used or suitable for use as public water sources and that are 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 zoning enforcement agency a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof. e. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.
- f. The same notice shall be posted in the town or city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing.

A supplemental notice, that a variance is under consideration, may be posted at the location in question. This posting shall be for informational purposes only and not constitute required notice of a public hearing.

The cost of newspaper and mailing ~~all~~ notification shall be borne by the applicant ~~and proof of the required mailing shall be presented to the zoning board of review.~~

11.4. - Standards to be met in granting any variance.

In granting a variance, the zoning board of review, or where a unified development review the planning board, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

- (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in RIGL45-24-30(a)(16)
- (2) That the hardship is not the result of any prior action of the applicant ~~and does not result primarily from the desire of the applicant to realize greater financial gain; and~~

- (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan of the town of Narragansett upon which the zoning ordinance is based; ~~and~~
- ~~(4) That the relief to be granted is the least relief necessary.~~

In addition to the above, the zoning board of review shall consider:

- (1) Access to air, light, views and solar access.
- (2) Public access to water bodies, rivers and streams.
- (3) The conservation of energy and energy efficiency.

11.5 - Additional specific standards to be met for a use variance.

The zoning board of review, or where unified development review planning board, shall, in addition to the standards listed in 11.4 of this section, require that evidence be entered into the record of the proceedings that in granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance.

11.6. - Standards to be met in granting a dimensional variance.

A dimensional variance is defined in section 2.2 as permission to depart from the dimensional requirements of a zoning ordinance, where the applicant from the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use or special use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after relief shall not be grounds for relief.

In granting a dimensional variance, the applicant for relief must show by evidence upon the record that the hardship that will be suffered by the owner of the subject property, if the dimensional variance is not granted, amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

Furthermore, in granting a dimensional variance in conjunction with a special use permit, the zoning board shall make specific findings of fact defining any environmentally sensitive feature(s) to be protected and the manner in which the granting of the special use permit and dimensional variance will enhance the protection of the environmentally sensitive feature(s).

11.7 Special Provisions – Modification

(a) General.

An application for modification of up to 15% or less from the literal dimensional requirements of the zoning ordinance for the construction, alteration, or structural modification of a structure or lot of record may be filed by any person, group, agency or corporation with the zoning enforcement officer. Modifications do not permit moving lot lines.

(b) Application.

The application shall describe the requested modifications of 15 percent or less of the dimensional requirements specified in the zoning ordinance. The zoning enforcement officer is authorized to grant permits for modifications up to 15 percent or less of the dimensional requirements specified in this zoning ordinance.

(c) Review procedure, notice and public hearing.

- (1). Within ten (10) days of the receipt of a complete request for a modification, the zoning enforcement officer shall make a decision as to the suitability of the requested modification.
- (2). Upon an affirmative determination, in the case of a modification of five percent (5%) or less, the zoning enforcement officer has the authority to issue a permit approving the modification, without any public notice requirements.
- (3). In the case of a modification of greater than five percent (5%), the zoning enforcement officer shall notify, by first class mail, all property owners abutting the property which is the subject of the modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the city or town that the modification will be granted unless written objection is received within fourteen (14) days of the public notice.
- (4). If written objection is received within fourteen (14) days, the request for a modification shall be scheduled for the next available hearing before the zoning board of review on application for a dimensional variance following the standard procedures for such variances, including notice requirements provided for under this chapter. If no written objections are received within fourteen (14) days, the zoning enforcement officer shall grant the modification.

(d) Standards to be met in granting a modification.

In granting a modification, the zoning enforcement officer shall make findings that the following standards are being met:

- (1) The modification requested is reasonably necessary for the full enjoyment of the permitted use;
- (2) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
- (3) The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations; and
- (4) The modification requested ~~violates~~ does not violate any rules or regulations with respect to freshwater or coastal wetlands.

(e)The zoning enforcement officer may apply any special conditions to the permit as may, in the opinion of the officer, be required to conform to the intent and purposes of the zoning ordinance.

(f)The zoning enforcement officer shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received.

(g)The costs of any notice required under this subsection shall be borne by the applicant requesting the modification.

Section 13: Section 12, (Special Use Permits) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended at subsections 12.1, 12.2, 12.3, 12.4, 12.6, 12.7, 12,10, 12.12, 12.14 with the following text, by deleting Section 12.5 in its entirety and replacing with the following text, and by addition subsections 12.24, 12.25, 12.26, 12.27, 12.28, 12.29, 12.30, 12.31, and 12.32 as follows:

SECTION 12. - SPECIAL USE PERMITS

12.1. - Special use permits; application.

An application for a special use permit may be made by any person, group, agency, or corporation by filing with the zoning enforcement agency an application describing the request and supported by such data and evidence as may be required by the zoning board or, for unified development review the planning board, for ~~of~~ review or by the terms of this ordinance. The zoning enforcement agency shall transmit a copy of an application to the planning board in accordance with section 18 (site plan review) of this ordinance and to the zoning board of review.

If a proposed land use is not specifically listed in section 6.3 of this ordinance, the property owner may present a proposal to the zoning board for evaluation and determination of whether the proposed use is of a similar type, character and intensity as a listed use requiring a special use permit. Upon such determination the proposed use may be considered to be a use requiring a special use permit.

12.2. - Review procedure.

The zoning enforcement agency, immediately upon receipt of a completed application for a special use permit, may request that the planning board and/or planning division report its findings and recommendations, including: findings that the proposal meets the criteria specified in Sections 4, 7, 12 and 17 of this ordinance for the special use being requested; and a statement on the general consistency of the application with the goals and purposes of the comprehensive plan of the town of Narragansett – however, consistency with the comprehensive plan cannot be a criterion for issuing or denying a special use permit, in writing to the zoning board of review within 30 days of receipt of the completed application in accordance with section 18 of this ordinance.

12.3. - Public hearing and notice.

The zoning board of review or, for unified development review the planning board, shall hold a public hearing on any application for a special use permit in an expeditious manner, after receipt of a completed application, in proper form, and provide notice of said hearing pursuant with the provisions of section 11.3 of this ordinance.

A supplemental notice, that a special use permit is under consideration, may be posted at the location in question. This posting shall be for informational purposes only and not constitute required notice of a public hearing.

The cost of all notification shall be borne by the applicant and ~~proof of the required mailing the sender of the notice shall submit a notarized affidavit to attest to such mailing shall be presented~~ to the zoning board of review.

12.4. - Applicability.

The zoning board ~~or, for unified development review the planning board,~~ may shall grant a special use permit, following site plan review and approval in accordance with the procedures and standards set forth in sections 4, 7, 12, 17, and 18 of this ordinance, for the following:

- (1) Any use or structure designated as a special use permit use in section 6 or elsewhere in this ordinance;
- (2) Any use or structure proposed for construction in an overlay district;
- (3) The use of a substandard lot of record, as provided in section 8 of this ordinance.

The zoning board of review ~~or, for unified development review the planning board,~~ may grant a dimensional variance from the front, side, and rear yard requirements of section 6.4 or 6.5 for a single-family dwelling and accessory structures in conjunction with a special use permit, provided the relief granted does not have the effect of allowing a structure to be placed closer to a wetland or coastal feature as described in section 4.3 or 4.4. If the special use could not exist without the dimensional variance, the zoning board of review ~~or, for unified development review the planning board,~~ shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards. But in no event shall this increase the footprint or size of a dwelling otherwise allowed in the particular overlay district in which relief is requested.

12.5. - Standards to be met.

~~The zoning board of review may not grant a special use permit unless it finds the following:~~

- ~~(1) That the use will comply with all applicable requirements and development and performance standards set forth in sections 4 and 7 of this ordinance; except that the board may grant a variance from dimensional setbacks incorporated in the development standards of section 4.3(4) of the coastal and freshwater wetlands overlay district, and section 4.4(e) of the coastal resources overlay district, in accordance with the requirements of section 11 of this ordinance;~~
- ~~(2) That the use will be in harmony with the general purpose and intent of this ordinance and the comprehensive plan of the Town of Narragansett;~~
- ~~(3) That the granting of the special use permit will substantially serve the public convenience and welfare;~~
- ~~(4) That the use will not result in or create conditions inimical to the public health, safety, morals, and general welfare;~~

- ~~(5) That it will not substantially or permanently injure the appropriate use of surrounding property;~~
- ~~(6) In addition to the above, the zoning board of review shall consider:
 - ~~a. Access to air, light, views, and solar access.~~
 - ~~b. Public access to water bodies, rivers and streams.~~
 - ~~c. The conservation of energy and energy efficiency.~~~~

~~The zoning board of review may not extend or enlarge a special use permit except by granting a new special use permit.~~

The zoning board of review may not grant a special use permit unless it finds evidence to the satisfaction of the following standards that is entered into the record of the proceedings:

(1) That the special use is specifically authorized by this ordinance, and setting forth the exact subsection of this ordinance containing the authorization;

(2) That the special use meets all of the applicable requirements, development and performance standards, and criteria set forth in section 12 of this ordinance, the subsection of this ordinance authorizing the special use and that the use will comply with all set forth in sections 4 and 7 of this ordinance; except that the board may grant a variance from dimensional setbacks incorporated in the development standards of section 4.3(4) of the coastal and freshwater wetlands overlay district, and section 4.4(c) of the coastal resources overlay district, in accordance with the requirements of section 11 of this ordinance;

(3) That it will not substantially or permanently injure the appropriate use of surrounding property;

(4) That the granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this ordinance or the comprehensive plan of the town of Narragansett. In so doing, the board shall consider, whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to, the following matters, where applicable:

- a. Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe;
- b. Off-street parking and loading areas where required, with particular attention to noise, glare or odor effects of the special use permit on adjoining lots;
- c. Trash, storage and delivery areas
- d. Utilities, with reference to locations, availability and compatibility;
- e. Screening and buffering with reference to type, dimensions and character;

f. Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district;

g. Required yards and other open space;

h. General compatibility with lots in the same or abutting zoning districts.

(5) That the granting of the special use permit will substantially serve the public convenience and welfare;

(6) That the use will not result in or create conditions inimical to the public health, safety, morals, and general welfare;

(7) In addition to the above, the zoning board of review shall consider:

a. Access to air, light, views, and solar access.

b. Public access to water bodies, rivers and streams.

c. The conservation of energy and energy efficiency.

(8) Special conditions. In granting a variance or special use permit, or in making any determination upon which it is required to pass after public hearing under this ordinance, the board may apply such special conditions that may, in the opinion of the board, be required to promote the intent and purposes of the comprehensive plan of the town and this ordinance. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, be incorporated into the decision, and may include, but are not limited to, provisions for:

a. Minimizing adverse impact of the development upon other land, including the type, intensity, design, and performance of activities;

b. Minimizing adverse impact upon town services and facilities;

c. Controlling the sequence of development, including when it must be commenced and completed;

d. Controlling the duration of use or development and the time within which any temporary structure must be removed;

e. Assuring satisfactory installation and maintenance of required public improvements;

f. Designating the exact location and nature of development;

g. Establishing detailed records by submission of drawings, maps, plats, or specifications;

h. Minimizing any adverse environmental impacts; and

i. Establishing hours of operation of the use.

The zoning board of review may not extend or enlarge a special use permit except by granting a new special use permit.

12.6. - Industrial development standards.

The zoning board of review may grant a special use permit for the occupation or use of land or the erection of a structure for industrial use in an I-A or I-B zone, provided the proposed development complies with applicable industrial performance standards, the following development standards, and all other applicable requirements of this ordinance.

For uses of land within the I-A and I-B zones which do not require special use permits, the planning board ~~industrial performance commission (IPC) defined in subsection 5 hereunder~~ shall act as a site review commission, and shall set reasonable requirements for site design and construction according to the industrial development standards hereunder. The ~~industrial performance commission~~ planning board shall also certify that the proposal meets all applicable industrial performance standards.

12.7. - Industrial performance standards.

No land shall be used nor structure erected or occupied for industrial use unless the town ~~industrial performance commission (hereafter "the commission")~~ planning board has certified that the proposed use complies with the following performance standards

12.10. - Development standards for motorcycle and/or automobile sales lots and open-air or drive-in uses.

12.12. - Development standards for nursing homes, assisted living with nursing facilities, independent and assisted living, group homes, or orphanages. ~~nursing or convalescent homes, group homes, or orphanages.~~

12.14. - Development standards for nursery schools and private schools (~~Reserved.~~)

- (1) Standards for Special Use Permits for Use Code 756: Day nursery, nursery school, kindergarten or other agency giving day care to children
 - a. State license required.
 - b. There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces.
 - c. The parking plan shall provide safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).
 - d. There shall be a landscaped buffer along any lot line, excluding driveways, which shall include evergreen vegetation.
 - e. All landscape plans shall be approved by the Planning Board.

12.24 Development standards for Residential Special Use Permits

The Zoning Board of Review, or, or where applicable, the Planning Board for Unified Development Review, shall not grant a Special Use Permit for uses in the Residential Use category of the Table of Use regulations unless it finds the applicable standards in Sections 4, 7 and 12 are met, and, where applicable, the following standards are met:

(1) For all Residential Special Use Permits the following standards apply:

- a. Parking. On site parking must be provided as prescribed in sections 7.9, 7.10, and 7.11 of this ordinance unless otherwise specified.
- b. Landscaping, buffer areas and illumination. The development must comply with all requirements for landscaping, buffer areas and illumination prescribed in section 7.8 of this ordinance.
- c. Trash disposal. The building(s) shall be provided with an enclosed trash container and separate recycling container sufficient to accommodate all trash and waste stored on the premises. The containers and utility area shall comply with provisions of section 7.3(5) of this ordinance.
- d. Traffic. The development shall not cause traffic service on nearby streets and highways to fall below a C level of service (LOS), as defined by the Transportation Research Board. A traffic study may be required.
- e. Utilities.
 1. In order to be considered for approval, lots located in soils limitation districts A and B must be served by public water, sewer, and other utilities (see section 4.5, high water table limitations overlay district).
 2. In other areas the board may consider individual sewage disposal systems (ISDS) as an option for: single family detached dwellings, two family dwelling(duplex), taking of boarders by resident family, and rectory; provided:
 - i. All state agencies with authority over onsite wastewater treatment system (OWTS) have approved such a disposal design for said lot and the number of bedrooms proposed.
 - ii. Public water is available.
 3. If public water is not available for a proposed single family detached dwellings, two family dwelling(duplex), taking of boarders by resident family, and rectory, approval is conditioned on a requirement that the building(s) will be adequately serviced by a private potable water supply approved by RIDOH.

(2) Additional Special Use Permit Standards for Use Code 02 Two-family dwelling or duplex

- a. Minimum lot of 100,000 square feet buildable area per duplex.
- b. Setbacks, building coverage, height same as Single Family dwelling in R80

(3) Additional Special Use Permit Standards for Use Code 061 Taking of boarders by a resident family (5-12 roomers or boarders)

- a. License required
- b. Onsite parking must be provided with 1 additional space per each boarder over 4 beyond what is required for single-family dwellings.
- c. The dwelling must be owner occupied with the owners living on site.

(4) Additional Special Use Permit Standards for Use Code 0631 Dormitory

a. Dormitories are only allowed as an accessory use to a primary institutional use in the IA & IB Industrial zones.

c. Public water required.

d. Sewer required.

e. Development Standards of Section 12.6 & 12.7 apply.

(5) Additional Special Use Permit Standards for Use Code 0632 Rectories, convents, monasteries

a. Site: minimum 1 acre for convents and monasteries.

b. Density requirements. Minimum lot size. The lot shall consist of not less than five thousand (5,000) square feet of land per bedroom.

c. Number of occupants. Occupancy shall be limited to not more than one (1) person per bedroom.

d. Maximum lot coverage. The total coverage by all principal and accessory buildings and structures shall not exceed 20 percent of the total lot area.

e. Front, side, and rear yards. The minimum dimension of front, side, and rear yards shall be at least 40 feet, unless the lot abuts a residential zone with greater minimum yard dimensions. In that case, the dimension of the yard which abuts the residential zone must be equal to the dimension required in the residential zone.

f. Height. In a development, no principal building shall be more than 30 feet high, and no accessory building or other structures shall be more than 16 feet high.

g. Minimum lot width. Each zoning lot shall have a minimum width of 200 feet measured along the lot frontage on a town street, which has been accepted for maintenance, or on a state highway.

h. Utilities. The structure shall be serviced by public water and sewer.

i. Parking. Onsite parking must be provided with 1 space per bedroom, subject to all other requirements of Section 7 of this ordinance.

j. Signs must meet the standards of section 7.18(i)(5) of this ordinance.

(6) Additional Special Use Permit Standards for Use Code 07 Hotel

The zoning board of review may grant a special use permit for one or more hotel structures and accessory uses in an R-10A, BA, BB, or BC zone provided the proposed development complies with the following development standards, in addition to all other applicable requirements of this ordinance.

a. Minimum lot size. The lot shall consist of not less than fifty thousand (50,000) square feet of land for the first twenty (20) rooms, and five hundred (500) square feet of land for each additional unit. The lot or tract on which the motel or tourist court is located shall be owned by one person or corporation or group of persons or corporations.

b. Accessory uses. Subject to the approval of the planning and zoning boards, accessory uses may include, not limited to, necessary office, parking, and maintenance areas, a lunch room or restaurant, cocktail lounge, gift shop, pool or marina. Parking standards may be adjusted based on needs generated by accessory uses.

c. Height. No principal building shall be more than 35 feet high. No accessory building or structure shall be more than 16 feet high.

- d. Minimum lot width. Each zoning lot shall have a minimum width of 200 feet measured along the lot frontage on a town street which has been accepted for maintenance or on a state highway.
- e. Utilities. In order to be considered for a special exception, the lot must be served by public water, sewer, and other utilities. No individual sewage disposal systems or wells shall be permitted.
- f. Illumination. Outdoor lighting shall comply with the requirements of section 7 of this ordinance. Landscaping shall be planted so as to minimize ground illumination which might otherwise interfere with any nearby residential uses.

12.25 Development Standards for Agriculture, Extractive and Industrial Manufacturing Uses

The Zoning Board of Review, or, or where applicable, the Planning Board for Unified Development Review, shall not grant a Special Use Permit for uses in the Agricultural, Extractive, and Industrial Manufacturing Use category of the Table of Use regulations unless it finds the applicable standards in Sections 4, 7 and 12 are met, and, where applicable, the following standards are met:

See Sections 12.6 and 12.7 of this Ordinance for Special Use Permit development standards in industrial zones.

(1) Standards for Special Use Permits for Use Code 10 Crop & Livestock Farm.

- a. Site. There is no minimum size for a crop farm. The minimum size for livestock farm is 5 acres of developable land except for poultry where the minimum size is 10,000 sq. feet of developable land.
- b. All animals must be contained on the property. Buildings for housing livestock shall be at least forty (40) feet from any property line.
- c. For livestock farms, applicants must have an approved USDA Natural Resource Conservation Service (NRCS) plan for the number of animals that will be on the property. The minimum setback for animal fencing to contain livestock must be 20 feet from abutting properties.
- d. Poultry farms may not have a rooster in R10 and R10A zones.
- e. All farms must have an approved erosion and stormwater management plan to prevent soil, dust and any manure from leaving the property.
- f. Retail sales are not permitted on farms in R10 and R10A zones with the exception of a small farmstand for selling produce grown on the property in compliance with RIDEM regulations. On-site sales of produce are only permitted if there are adequate parking facilities on the lot for at least 2 customer vehicles.
 - 1. Farmstand. A farmstand is a rustic, freestanding accessory structure or from a vehicle used only for the seasonal sale of farm products as permitted by this ordinance. Farmstands may be structures or may be wagons or trailers and is used only for the sale of seasonable farm products, the major portion of which are grown or produced on the premises.
 - 2. Farmstand structures, other than motor vehicles, shall not exceed two hundred (200) square feet in total floor area and fifteen (15) feet in height. There shall be no space

available to patrons inside the farmstand. Farmstands may provide self-service customer access to goods for sale within the farmstand structure subject to compliance with applicable life safety codes. Yard setbacks shall be regulated by the appropriate dimensional regulations for accessory structures as provided in Section 6.

- g. Off-street parking and loading. Off-street parking for farmstands shall be a minimum of two (2) onsite parking spaces. All such parking areas shall be set back at least ten (10) feet from the paved portion of the street and shall be physically restricted or channeled on the lot to define a readily recognizable driveway between the highway and the parking area, and to prevent parking directly along highway shoulders. Parking areas for farmstands do not need to be paved.
- h. Signage. Signs must comply with section 7.18 of this ordinance.
- i. No field crop farm, livestock farm shall conduct activities that would cause deleterious effects upon neighboring property, including, but not limited to, the following:
 - 1. Pollution of any waterways or water bodies;
 - 2. Contamination of neighboring property from any insecticides, fertilizers or similar chemical agents.
 - 3. In addition, the processing of agricultural products shall be limited to those activities normally accessory to and necessary for an agricultural activity conducted on the premises.
- j. Storage of farm vehicles and equipment. The storage of farm vehicles and equipment is permitted as an accessory use to a permitted agricultural activity. The outdoor storage of farm vehicles such as tractors, etc., and farm equipment, animal feed, hay or manure when located on a lot in R10, R10A shall be screened by a fence or landscape plantings.

(2) Special Use Standards for Use Code 1122 Veterinarian and animal hospital

A veterinarian or animal hospital may be allowed by special use permit in those zones specified in Section 6, subject to the following conditions:

- a. The lot or parcel on which the veterinary hospital is to be located consists of at least fifty thousand (50,000) square feet.
- b. Utilities. The facility must be served by public sewer and water.
- c. The veterinary hospital may include one (1) accessory single-family residence, with no more than two (2) bedrooms containing no more than one thousand five hundred (1,500) square feet of living area for the caretaker/employee family of the hospital only. The accessory residence shall be designed and constructed in such a way as to maintain the appearance of the use of the lot as a veterinary hospital.
- d. Trash disposal. The building(s) shall be provided with an enclosed trash container and separate recycling container sufficient to accommodate all trash and waste stored on the premises. The containers and utility area shall comply with provisions of section 7.3(5) of this ordinance.
- e. Landscaping, Buffering, and Illumination. The site shall otherwise comply with landscaping, buffering and illumination requirements of Section 7.8 of this ordinance.
- f. Parking. Parking. Off street parking must be provided and shall comply with the standards in Sections 7 of this ordinance.
- g. Signage. Signs must comply with section 7.18 of this ordinance.

- h. In reviewing a veterinary use the zoning board shall consider the mitigation of impacts relate noise, handling and disposal of animal waste.
- i. The veterinary hospital use shall meet all the requirements of Development Plan Review.
- j. Odors. No significant odors extend beyond the edges of the lot.

(3) Special Use Standards for Use Code 1129 Animal husbandry service or other raising or breeding of animals.

- a. The lot or parcel on which the animal husbandry service is to be located consists of at least five (5) acres.
- b. Landscaping, Buffering, and Illumination. The site shall otherwise comply with landscaping, buffering and illumination requirements of Section 7.8 of this ordinance.
- c. Trash disposal. The building(s) shall be provided with an enclosed trash container and separate recycling container sufficient to accommodate all trash and waste stored on the premises. The containers and utility area shall comply with provisions of section 7.3(5) of this ordinance.
- d. Odors. No significant odors extend beyond the edges of the lot.

(4) Special Use Standards for Use Code 1961 Boat Storage

- a. Site. A boat storage area must have a minimum lot size of 40,000 sq ft of developable land.
- b. The lot or parcel on which the use is to be located shall be serviced by the municipal sewer system.
- c. The storage area shall be completely enclosed along all lot lines by a solid fence or wall a minimum of 8 feet and a maximum of 12 feet in height, including ingress and egress. Fences or walls along the front or corner side lot line shall be set back a minimum of 5 feet. Within that setback, 1 shrub a minimum of 5 feet in height shall be planted linearly every 8 feet on-center along such fence or wall.
- d. Storage of any kind is prohibited outside the fence or wall. No items stored within 10 feet of the fence or wall may exceed the height of the fence or wall.
- e. No boat that exceeds thirty (30) feet in length or twenty-five (25) feet in height (including support stands) shall be serviced or stored on the lot or parcel.
- f. The storage area should be located in the rear of the lot. Any structures shall be located in front of the storage area to obscure the view of the storage from street(s), in compliance with the front yard of the underlying zoning district.
- g. No service bays within any structure shall face a residential zoning district.
- h. The site shall otherwise comply with landscaping, buffering and illumination requirements in Section 7.8 of this ordinance and parking requirements of Section 7.9, 7.10 and 7.11 of this ordinance.

The use shall meet all of the requirements of Development Plan Review, Section 17.3.

12.26 Development Standards for Transportation, Communication and Utility Uses

(1) Development standards for Use Code 4462 Commercial dock or pier

- a. Hours of operation are compatible with the uses of the adjoining properties.
- b. Compatibility of the commercial dock or pier with uses of the adjoining properties.
- c. Completion of a parking needs analysis and provision of sufficient parking.

- d. Economic benefit to the town of Narragansett.
- e. Signage. Signs must comply with section 7.18 of this ordinance.
- f. Illumination must comply with section 7 of this ordinance.

(2) Development standards for Use Code 4813 Radio or TV station

- a. Site. Minimum of 20,000 sq. ft. of buildable land.
- b. Signage. Signs must comply with section 7.18 of this ordinance.
- c. Illumination, landscaping must comply with Section 7 of this ordinance.
- d. If a transmission tower is involved in the station onsite, the facility must also meet the development standards for transmitters and towers required in Section 12.26.3 of this Ordinance.

(3) Development standards for Use Code 4819 Transmitters and towers

- a. Application requirements. All applications for permits to construct, install or erect transmitters, and towers including cellular communications towers or equipment shelters, or to install, mount or erect cellular communications antenna arrays on existing buildings or on other alternate antenna support structures, shall include the following information:
 - 1. The applicant shall supply a definition of the area of service and indicate the current coverage capacity.
 - 2. The applicant shall supply information showing that the proposed facility would provide the needed coverage and/or capacity.
 - 3. The applicant shall provided a map or maps, covering the entire town and showing all existing, proposed or planned sites of such carrier, including alternative sites from which the needed coverage could also be provided, and indicating the zoning for all such sites.
 - 4. Should an existing structure not be utilized, the applicant shall provide evidence as to why such structure has not been utilized.
 - 5. The applicant shall indicate how the site will be designed to co-locate future carriers, and how many of such carriers can be technically accommodated. The application shall contain a statement that if the site will physically support co-location, any co-location applicant willing to sign a commercially reasonable lease, shall be allowed to co-locate.
 - 6. A scaled plan and a scaled elevation view and other supporting drawings and calculations, indicating color and other documentation; and showing the location and dimensions of the relevant cellular communications tower, cellular communications antenna array, equipment shelter and any and all other devices and attachments, including electrical wiring, cable, wire or other connective materials to and from the antennae to the equipment shelter, and to and from the equipment shelter to any existing or proposed wires, cables or other connective devices, including conduit and ducts, whether owned, operated or managed by the applicant, or by others, and a statement identifying the owner, operator or manager of any wires, cables or connective devices that enter or exist on or along any public street or right-of-way.
 - 7. Proof of ownership of the land upon which a cellular communications tower, antenna array or equipment shelter is proposed to be constructed, installed, erected,

mounted or attached or a copy of an appropriate easement, lease, or rental agreement;

b. The zoning board of review shall make affirmative findings of fact relative to each of the following factors in determining whether to issue a special use permit for the construction of a transmission tower or cellular communications tower:

1. Applicant has made reasonable efforts to utilize existing structures for a cellular communications antenna array and that no other structures are reasonably available within the area sought by the applicant to produce adequate communications coverage for the applicant.
2. Applicant has made reasonable efforts to avoid the necessity of erecting a new tower, including, but not limited to, the construction of a permitted structure on which a cellular communications antenna array could be placed.
3. Applicant's proposed tower comports with the height restrictions and/or requirements provided for herein.
4. Applicant's proposed tower comports with the use requirements and/or restrictions provided for herein, as well as the uses of the neighboring properties.
5. Applicant's proposed tower comports with the surrounding topography, tree coverage and other natural elements of the landscape of the proposed site and applicant's property.
6. Applicant's proposed tower comports with the design characteristics that reduce or eliminate adverse impacts on the community including type (guyed tower, lattice tower or monopole) of tower or antenna array, color of tower or antenna array, and overall visual obtrusiveness.

c. Development standards are as follows:

1. Communications towers shall be set back from all property lines a minimum of one (1) foot for each one (1) foot of tower height. When the property abuts an Historic Overlay District, the setback distance from such district shall be one and one-half (1½) foot for each one (1) foot of tower height.
2. All tower supports, accessory equipment, equipment shelters, and peripheral anchors, including guy wire anchors, shall be set back from all property boundaries the minimum distance required for a principal structure for the zoning district in which a cellular communications tower is to be located, and shall comply with all other applicable zoning requirements and building codes.
3. Equipment shelters shall be obscured from view by being placed among or surrounded by trees, shrubs or fences and shall be locked at all times and shall be clearly labeled as to the person to be contacted in the event of an emergency. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and existing environment.
4. For the erection of a cellular communications tower, the proposed facility shall preserve or enhance the preexisting character of the surrounding buildings and land uses as much as possible. All components of the proposed facility shall be integrated through location and design to be compatible with the existing

- characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved and the disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding areas.
5. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in the state building code as amended from time to time. If upon inspection, the building official concludes that a tower fails to comply with such code and standards; and constitutes a danger to persons or property, then the building official shall proceed in accordance with RIGL 23.27.3, entitled state building codes. Towers must be structurally inspected by a registered engineer every ten (10) years and a certificate of such inspection shall be filed with the building official. Towers shall either maintain a galvanized steel finish or, subject to any applicable Federal Aviation Administration standards, be painted a neutral color, so as to reduce visual obtrusiveness.
 6. For the erection of a cellular communications antenna array on an existing structure, the proposed facility shall preserve or enhance the pre-existing character of the building or structure on which it is located, as well as the surrounding buildings and land uses. All components of the proposed facility shall be integrated through location and design to be compatible with the existing characteristics of the site to the extent practical. 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 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. Where wireless telecommunications are installed on buildings, a parapet shall be installed to minimize the adverse visual impact of the tower and/or antenna. Further, the height of a cellular communications antenna array shall not exceed the height of existing structure by more than twelve (12) feet if omni-directional or whip type antennae are used, and by not more than six (6) feet if directional or panel type antennae are used.
 7. No cellular communications tower or cellular communications antenna array shall be permitted within the Historic Overlay District as provided in Section 5 of this ordinance.
 8. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the reviewing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 9. There shall be no signs, symbols, flags, banners or other devices or things attached to or painted or inscribed upon any tower.
 10. All antennae shall comply with applicable Federal Communication Commission and Federal Aviation Administration regulations.
 11. Existing on-site vegetation shall be preserved or improved and the disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding areas. Appropriate screening shall be installed at all tower sites to screen views from adjacent properties and streets. Planting shall be of such a height and density to ensure screening. Screening

shall consist of plant and/or tree material approved by the director of planning. Screening shall not be less than five feet in width, nor less than eight (8) feet in height. Screening may be waived on those sides or sections which are adjacent to undevelopable lands. The owner of the property shall be responsible for all maintenance and shall replace any dead plantings within thirty (30) days.

- d. All communication towers, structures and facilities which have not been used for a period of one (1) year shall be considered abandoned and shall be dismantled and removed at the owner's expense. The owner of such facility shall remove same within ninety (90) days of receipt of notice from the building official. The applicant shall post a bond or cash security with the finance director sufficient to cover the cost of removal and restoration of the site prior to construction in any zone. The amount of said bond or security shall be estimated by the building official. If such antenna or tower is not removed within 90 days of receipt of notice, the town may take the necessary action to remove the facility and restore the site to a condition consistent with the character of the surrounding area, at the owner's expense.

(4) Development standards for Use Code 482 Power Generation Station

The following standards are applicable to all Power Generation Developments

- a. Site. Minimum area of 20,000 sq. ft. of buildable area.
- b. Utilities. Must be located on public water or have a dependable water supply sufficient to meet the generation and cooling needs of the station. Must have adequate access to the electric grid without the need to develop extensive (more than 0.1 mile of) high-power transmission lines to connect the plant to the existing power grid or an existing power line corridor.
- c. Noise. No significant odors (air emissions), noise, vibrations or lighting extending beyond the edges of the lot when the facility is operating.
- d. Landscaping, screening, buffering and lighting per Section 7 of this ordinance.
- e. Provisions for storing fuel necessary for the generation station for a minimum of 3 months operation on site in safe and secure facility that will not pollute surface or groundwaters and is not vulnerable to damage from 100 year flooding or class 3 hurricane.
- f. Use is compatible with surrounding properties and will not detract from neighboring property uses.
- g. Minimum setbacks of 50 feet from all property boundaries.
- h. Security. Perimeter of the facility must be fenced for security to prevent unauthorized access.
 - 1. Security measures which are not inconsistent with the requirements prescribed by the Federal Energy Regulatory Commission shall be provided and approved by the Chief of Police or his/her designee.
 - 2. All means of shutting down the facility shall be clearly marked. The facility owner or operator shall:
 - i. Provide a copy of the facility's emergency action plan to the Narragansett Fire Chief;
 - ii. Cooperate with federal, state, and local emergency services in developing emergency response actions; and

- iii. Identify a responsible person for public inquiries throughout the life of the facility.
- i. Signs. No signs are allowed on the security perimeter fencing except for a required sign displaying the installation name, address and emergency contact information no greater than six (6) square feet in surface area, and trespassing/warning/danger signs to ensure the safety of individuals who may come in contact with the installation. Signs must be consistent with Section 7.18 of this ordinance.
- j. Application. The application for a Power Generation Station must include:
 - 1. A copy of the Preliminary Interconnection Feasibility Study from National Grid or the applicable utility company;
 - 2. A thorough explanation of any transmission lines access or upgrade required as a result of the project, including, but not limited to, the route starting and end points, potential impacts to street trees, and right-of-way width.
 - 3. A thorough explanation of any new or proposed upgrades to electrical substations that are related to the proposed project. Information necessary is including, but not limited to, location, screening, setbacks and noise impacts.

4.1 Solar Energy – Ground-mounted solar power system. The review of solar energy systems shall be conducted according to the following procedures:

- a. Minor systems (1—39,999 sq. ft.).
 - 1. All new minor solar energy systems shall be subject to development plan review conducted by the planning board. Minor solar energy systems shall not be considered land development projects when developed on a parcel with another principal use, unless such use is required in and of itself to undergo review as a land development project and the minor solar energy system is submitted concurrently for review.
 - 2. The development plan review of new minor solar energy systems proposed on parcels directly abutting residential zoning districts shall include a public hearing, advertised and noticed pursuant to the requirements for public notice contained within the town subdivision and land development regulations.
- b. Major systems (= or > 40,000 sq. ft.). All new major solar energy systems shall be considered and reviewed as major land development projects pursuant to the subdivision and land development regulations of the Town of Narragansett, as amended. Expansion of the surface area of such a major solar energy system, as well as any change or upgrade of the electrical infrastructure, shall be subject to development plan review and the requirements of this section.
- c. Changes to approved systems. All proposed changes and upgrades to major and minor solar energy systems shall be submitted to the administrative officer of the planning board for determination as to whether such constitutes a major change or upgrade. Major changes shall include, but not be limited to, increases to the surface area or ground coverage of the system, and changes to the system's infrastructure that result in additional disturbance of land. Major changes shall be reviewed using the same process by which the solar energy

system was originally reviewed. Minor changes shall be reviewed and approved by the administrative officer, or referred to the planning board as a major change.

- d. Solar energy systems and any associated equipment shall not be allowed on land held under conservation easement or land for which the development rights have been sold, transferred, or otherwise removed from the parcel, unless the conditions of the easement, deed, or other applicable legal document specifically allows the installation of a solar energy system, or shall receive approval for the disturbance or use of such lands by the holder(s) of the easement or restriction.

Application requirements for solar energy systems.

- e. When review by the planning board of a minor, or major solar energy system is required, all applications shall include, in addition to the requirements set forth in the town's subdivision and land development regulations, the following:
 1. A project narrative, which shall contain a summary of the proposed facility, a description of the facility's context in relation to neighboring land uses and environmental features, and detail regarding the proposed operational characteristics of the solar energy system, including key features concerning the means and methods planned to minimize or avoid off-premises impacts to adjoining land uses; and
 2. A statement regarding the existing or proposed energy usage of the property, if any, and a comparison of such usage to the proposed energy production of the system.
 3. A landscape plan, which meets the requirements of the town's subdivision and land development regulations and this section, and depicts the locations and types of both existing and proposed vegetation;
 4. Identification as to whether any prime farmland or farmland of statewide importance exist on-site, as determined by the United States Department of Agriculture Natural Resources Conservation Service within the most recent Rhode Island Soil Survey;
 5. Identification of any RI Department of Environmental Management Natural Heritage Areas that may exist on site;
 6. A soil erosion, runoff and sediment control plan that meets the requirements of the town's soil erosion, runoff and sediment control ordinance, and identifies the extent of proposed limits of clearing and/or disturbance, including the areas cleared and/or disturbed during construction;
 7. A lighting plan for the premises;
 8. Identification of access entry drives and any interior driveways and rights-of-ways, along with their material for construction, right-of-way width, and paved width; and
 9. A grading and drainage plan, indicating any necessary regrading of the site and the provisions for accommodating run-off from the solar energy system, prepared by a certified professional engineer, registered to practice in Rhode Island.
 10. A decommissioning/restoration plan which shall include a description of all activities necessary to remove all system components from the site, including any

revegetation or regrading, and an itemized estimate of the cost of decommissioning and removal of the solar energy system;

11. Documentation that an operations and maintenance plan, detailing the provisions for maintaining the facility in good condition and the security provisions that will be implemented to prevent unauthorized access, has been approved by the director of public services; and
 12. Documentation that a public safety preparedness and response plan, detailing the standards, procedures, and communication protocol to be utilized at the facility and in the event of an emergency, and documentation indicating that the plan has been approved by the police chief, the fire chief of the applicable fire district, and the director of emergency medical services.
 13. Proof of liability insurance in an amount approved by the town (required at final stage);
 14. A copy of the Preliminary Interconnection Feasibility Study from National Grid or the applicable utility company;
 15. A thorough explanation of any transmission lines access or upgrade required as a result of the project, including, but not limited to, the route starting and end points, potential impacts to street trees, and right-of-way width.
 16. A thorough explanation of any new or proposed upgrades to electrical substations that are related to the proposed project. Information necessary is including, but not limited to, location, screening, setbacks and noise impacts.
- f. Conditions. Any major land development project approval of a major solar energy system shall be conditioned on, at a minimum:
1. The establishment and posting of a cash surety or bond which will not expire prior to the life of the solar development, in an amount determined by the planning board deemed sufficient to cover the cost of decommissioning and removal of the solar energy system at the end of its useful life or when abandonment occurs plus inflation, which if cash shall be held in a restricted account until decommissioning has occurred; and
 2. The placement of a lien against the real property on which the solar energy system is located to cover all costs associated with decommissioning of the system that exceed the value of the cash surety or bond. Said lien shall be recorded in the Narragansett Land Evidence Records prior to issuance of any required building or electrical permits required for construction of the system and shall not be removed until decommissioning has occurred.
 3. Provision of an on-site public safety response training with the police chief, and/or their designee(s), the fire chief of the applicable fire district, and/or their designee(s), and the emergency medical services director, and/or their designee(s), within one (1) month of completion of installation of the system;
- g. To ensure the fulfillment of the requirements of this section, the planning board or the zoning board of review shall have the authority to require the following:

1. Adjustments to the proposed location of the solar energy system determined necessary to mitigate negative impacts to adjacent properties, or to reduce the amount of clearing necessary for installation; and
2. The provision of additional landscaping beyond the minimum requirements of this section and the town's subdivision and land development regulations, where such is necessary to mitigate negative impacts to adjacent properties or prominent community viewsheds, or due to the unique characteristics of the subject property.
3. The zoning board of review, as part of the review and approval of the special use permit, may allow waivers from or modification to the requirements of subsection 12.26(4)(1)(d), when such are deemed necessary due to the unique site characteristics or when such would be in the interest of good planning practice. Applicants for special use permits requesting waivers or modifications to the requirements of subsection 12.26(4)(1)(d) shall discuss their request with the planning board, who shall provide an advisory opinion to the zoning board of review.

h. General requirements for solar energy systems.

1. The construction and operation of solar energy systems shall comply with all applicable federal, state, and local requirements, including, but not limited to, all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of, or associated with, a solar energy system shall be constructed in accordance with the Rhode Island State Building Code.
2. The maximum height of ground-mounted solar energy systems shall be no more than twelve (12) feet above finished grade, except for solar canopy systems, which shall be allowed the maximum accessory building height for the district in which the canopy is located.
3. Solar energy systems shall be sited and designed to minimize any negative aesthetic impacts on neighboring properties, or on prominent viewsheds.
4. Applicants shall propose an appropriate buffer that adequately mitigates visual impacts on surrounding properties and the neighborhood in general. Selection of the proposed buffer should be based on the context and characteristics of the specific site, and shall be done in consultation with a RI licensed landscape architect. The buffer must be adequate to thoroughly screen the solar energy system year round. In addition, the required vegetated buffer shall be maintained for the life of the solar energy system. Additional landscaping and buffer widths may be required by the Planning Board where deemed necessary to mitigate negative impacts. Choices include, but are not limited to:
 - i. Fifty-foot wooded buffer; or,
 - ii. Twenty-foot partial landscape screen; or
 - iii. Ten-foot full landscape screen.
5. All solar energy systems shall be designed and located to prevent reflective glare toward any inhabited buildings on adjacent properties. Glare generated from solar panels shall not interfere with traffic or create a safety hazard.

6. On-site drainage management and erosion and sedimentation control shall conform to the latest Rhode Island Stormwater Design and Installation Standards Manual, and the RI Soil Erosion and Sediment Control Handbook, as well as all applicable town regulations.
7. All utility connections from the solar energy system shall be placed underground. If utility connections are approved to be above-ground via a request for a waiver, the zoning board of review, for systems requiring a special use permit, or the planning board, for systems allowed by right, shall make findings of fact relative to the necessity for above-ground connections, which shall be incorporated in to the written special use permit, development plan or major land development project approval.
8. Clearing of natural vegetation shall be strictly limited to what is necessary for the construction, operation, and maintenance of the solar energy system or as otherwise prescribed by applicable laws and regulations. Removal of trees within a town right-of-way shall be subject to receipt of a tree permit, which shall be approved at the discretion of the town tree warden. Excavation and filling of project sites shall be limited to what is necessary to stabilize the installation area.
9. Lighting of the solar energy system shall comply with Section 7.8 and shall be limited to that required for safety and operational purposes. All site lighting shall be directed downward and incorporate full cut-off fixtures to reduce light pollution and confine the light footprint to the facility site.
10. All mechanical equipment associated with solar energy systems, including, but not limited to, controls, energy storage devices, batteries, heat pumps, exchangers, or other materials, hardware, or equipment necessary to the process by which solar radiation is converted into another form of energy shall be designed to prevent unauthorized access.
11. Solar energy systems located on prime farmland or farmland of statewide importance, as determined by the United States Department of Agriculture Natural Resources Conservation Service within the most recent Rhode Island Soil Survey, shall be designed and installed to ensure that:
12. The land beneath the solar energy system is reseeded after installation with grass or low growth vegetation that is listed in the University of Rhode Island's native plant database and, if such soils need to be removed from beneath the system for installation purposes, the soils are relocated to and spread over an undisturbed area of the site to allow the soils to be placed into productive use;
 - i. Any invasive species found to grow upon the land underneath the system are controlled or eliminated without the use of herbicides so that the soil remains usable for future agricultural purposes;
 - j. Siting of the systems shall keep with the existing contours of the land, and only pile driven or ballast block footings are to be used, so to minimize disturbance of soils during installation; and
 - k. Required vegetative buffers are composed of plant materials listed in the University of Rhode Island's native plant database, with a preference for pollinator-friendly materials.

1. All panels, equipment, and structures associated with a major or minor solar energy system shall meet the principal setback requirements prescribed by the zoning district in which they are located, except that major solar energy systems shall be set back from property lines abutting residentially zoned parcels, or parcels containing residential uses, a minimum of fifty (50) feet, and from property lines abutting public and private roads a minimum of one hundred (100) feet. Additional setback distances may be required where necessary to mitigate negative impacts. Required setbacks shall be measured from the edge of the panel or associated equipment, not including any perimeter fencing.
2. Solar energy systems, including all associated equipment, shall be enclosed by a perimeter fence, which shall be not less than six (6) feet in height and, as feasible, shall incorporate wildlife passage features for small mammals and birds in its design and installation. The perimeter fence shall be secured from unauthorized entry.
3. The site design for major and minor solar energy systems shall include adequate access and parking, and driveway and access aisle widths shall allow accessibility to the solar energy system premises by the property owner and emergency response personnel and equipment.
4. A means of shutting down the solar energy system connection to the electric utility's interconnection shall be clearly and sufficiently marked.
5. The ground cover and subgrade beneath the solar panels and associated equipment shall be designed to provide a stable, structural surface capable of properly supporting the components of the solar energy system. Grass is the preferred treatment versus gravel, crushed stone or the like, however each application shall be assessed during the development review and/or major land development project process to determine the most appropriate ground cover.
6. Any new proposed access entry drives from public rights-of-way shall require the issuance of Physical Alteration Permits (PAP) from the town or RIDOT depending on whether town or state roadways are being utilized for access purposes.
7. The solar energy system shall be maintained by the solar energy system owner and/or operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs, buffers, vegetation management, and integrity of security measures. The equipment shall remain in good repair and working order. Malfunctioning or inoperable equipment shall be removed from the property and disposed of in accordance with all applicable federal, state, and local regulations.
8. A sign shall be posted at the solar energy system, displaying the name of the owner and operator of the facility and providing a twenty-four-hour emergency contact number. Said sign shall be no greater than six (6) square feet in surface area. The solar energy system shall not be used for displaying any advertising except for reasonable identification of the operator of the facility. Any such signage shall comply with article 8, Signs.

1. Abandonment and decommissioning.

1. Any solar energy system that has reached the end of its useful life or has been abandoned shall be removed no more than one hundred eighty (180) days after the date of discontinued operations. The property owner or operator shall notify the zoning enforcement officer and the administrative officer of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of the following: (1) removal of all solar energy system-related structures, foundations, equipment, security barriers, and transmission lines from the site; (2) disposal of all solid and hazardous waste in accordance with applicable disposal regulations; (3) stabilization and re-vegetation of the site as necessary to prevent erosion. At the time of decommissioning, the applicant shall employ a RI landscaped architect to assess whether any re-vegetation of the site is necessary.
2. Development plan and/or major land development project approval of a principal solar energy system shall contain a condition of approval establishing a cash surety for the decommissioning and removal of the system. The planning board shall require that the financial guarantee be paid prior to issuance of any required building or electrical permits necessary for construction. The amount of the cash surety shall be established at the time of approval, and shall take into account anticipated inflation. The terms of payment and process for release shall be established by the town's subdivision and land development regulations. Release shall not occur until the system is fully removed from the site.
3. Development plan and/or major land development project approval of a principal solar energy system shall contain a condition of approval requiring a lien to be placed upon the real property on which the solar energy system is located. The planning board shall require that the lien be placed prior to issuance of any required building or electrical permits necessary for construction. Release of the lien shall not occur until the system is fully removed from the site.
4. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate, or is not connected to an energy grid or end-user for a one-year period after initial operations commence. If the solar energy system owner or solar energy system operator fails to remove the facility in accordance with the requirements of this section, the town may remove the facility and institute action necessary to enforce the lien for expenses incurred in excess of the cash surety.

4.2. Application for Wind Energy Generating Facility

- a. All wind energy systems shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.
- b. An engineer's certificate shall be completed by a structural engineer, licensed in the State of Rhode Island, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.
- c. Wind turbines shall comply with the following design standards:

1. Wind turbines shall be a non-obtrusive and non-reflective color. The facility owner or operator shall maintain the paint on wind turbines at all times in good repair.
2. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
3. Within the wind energy system, wind turbines shall be of a consistent size, design, and color, of similar height and rotor diameter, and rotate in the same direction.
4. Wind turbines shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
5. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
6. Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.
7. A clearly visible warning sign advising persons of the presence of high voltage levels shall be placed at the base of all pad-mounted transformers and substations.
8. The applicant shall commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert having no less than 5 years of experience conducting wildlife assessments, indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert shall also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application shall be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.
9. Wind turbines shall not be climbable up to a height of at least 12 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
10. The height of a wind energy system shall be measured from grade to the highest point of a rotor blade when in its uppermost position. Allowable height shall be a function of the setbacks from nearby structures and nearby property lines. Wind turbines shall be set back from all structures on a participating property owner's property a distance of no less than the wind energy system height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the occupied building.
11. All wind turbines shall be set back from the all property lines a distance of not less than 1 foot for each 1 foot of tower height plus the height of the blade at the highest extension. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations shall be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, shall comply with the regulations of the zoning district.
 - i. All wind turbines shall be set back from the nearest public right-of-way a distance of 1 foot for each 1 foot of tower height plus the height of the

- blade at the highest extension, as measured from the right-of-way line to the nearest point on the outside edge of a tower.
- ii. There shall be no wind turbine shadow flicker on any window of an existing residential structure located on a parcel owned by an entity other than the parcel owner where the turbine is to be located.
- iii. It is the responsibility of the parcel owner to remove all obsolete or unused systems within 6 months of cessation of operations. Reusable components are to be recycled whenever feasible. A decommissioning agreement approved by the town solicitor and surety or cash bond to cover the cost of removal shall be required in an amount approved by the Planning Board and shall be posted prior to the issuance of any building permits. Surety shall not expire prior to the life of the facility.

4.3. Hydro-electric power

- a. Lighting of small hydroelectric generation facilities shall be consistent with local, state, and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall be shielded from abutting properties.
- b. Noise levels generated by small hydroelectric generation facilities shall be consistent with federal and state law and shall comply with the ambient noise level thresholds prescribed by the Narragansett Ordinance.
- c. Signage. Signs on small hydroelectric generation facilities shall comply with Section 7.18 of this Ordinance. Signs shall display identification of the owner or operator of the facility and a twenty-four-hour emergency contact telephone number.
- d. Security measures which are not inconsistent with the requirements prescribed by the Federal Energy Regulatory Commission shall be provided and approved by the Chief of Police or his/her designee.
- e. All means of shutting down the facility shall be clearly marked. The facility owner or operator shall:
 - 1. Provide a copy of the facility's emergency action plan to the local Fire Chief;
 - 2. Cooperate with federal, state, and local emergency services in developing emergency response actions; and
 - 3. Identify a responsible person for public inquiries throughout the life of the facility.
- f. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the facility or otherwise prescribed by applicable laws, regulations, and bylaws/ordinances.
- g. The facility owner or operator shall maintain the facility in accordance with the requirements of the federal hydroelectric generation license issued by the Federal Energy Regulatory Commission. In addition, maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief, under the applicable Fire Code(s). The owner or operator shall be responsible for the cost of maintaining the facility and any access road(s), unless accepted as a public way.
- h. The facility proponent shall be required to provide a form of surety, either through escrow account, bond, or otherwise, to cover the cost of decommissioning and removing the

facility at the end of the federal hydroelectric license term and for restoring the landscape, in an amount and form determined to be reasonable by the Planning Board and subject to review by the solicitor. Surety shall not expire prior to the life of the Hydro-electric generation facility.

(5) Development standards for Use Code 4842 Sewage treatment facilities

- a. Site. Minimum area of 40,000 square feet of buildable area that is safely outside of any floodplain susceptible to a storm with a probability of occurrence of once in 500 years.
- b. No significant odors, noise, vibrations or lighting extending beyond the edges of the lot.
- c. Perimeter of the facility must be fenced for security.
- d. Utilities. Access to utilities necessary for efficient operation of the treatment facility.
- e. Minimum setbacks of 50 feet from all property boundaries.
- f. Must have RIDEM discharge permit for treated effluent.
- g. Storage capacity on site for solid waste generated for a minimal of 3 months of operations without the risk of polluting surface or ground waters including contingencies for a 100 year rainstorm or hurricane.
- h. Loading facility and shipping plan for removing solid waste generated by the facility.
- i. Contingency plans for operation during and after a 100 year rainstorm, a Class 3 hurricane, and power outage for 1 week.
- j. Landscaping, screening, buffering and lighting per Section 7 of this ordinance.
- k. Use is compatible with surrounding properties and will not detract from neighboring property uses.

(6) Development standards for Use Code 4891 Utility substation (electric, gas)

- a. Site. Minimum area of 20,000 square feet of buildable area that is safely outside of any floodplain susceptible to a storm with a probability of occurrence of once in 500 years.
- b. No significant odors, noise, vibrations or lighting extending beyond the edges of the lot.
- c. Perimeter of the facility must be fenced for security.
- d. Minimum setbacks of 50 feet from all property boundaries.
- e. Landscaping, screening, buffering and lighting per Section 7 of this ordinance.
- f. Use is compatible with surrounding properties and will not detract from neighboring property uses.
- g. Electric Substation must have adequate access to the electric grid without the need to develop extensive (more than 500 feet) high-power transmission lines to connect the substation to the existing power grid or an existing power line corridor.
- h. Gas substation must have access to the natural gas pipelines without the need to develop more than 300 feet of new pipeline.

12.27 -Development Standards for Commercial Uses

The Zoning Board of Review, or, or where applicable, the Planning Board for Unified Development Review, shall not grant a Special Use Permit for uses in the Commercial Use category of the Table of Use regulations unless it finds the applicable standards in Sections 4, 7 and 12 are met, and, where applicable, the following standards are met:

- (1) Standards for Special Use Permits for Use Code 50: wholesale distributing establishments, principal activity is sale of merchandise for resale.
 - a. All applicable setbacks, landscaping and lighting requirements of this ordinance (Sections 6 & 7) shall be met
 - b. Hours of operation shall be set by the Planning Board
- (2) Standards for Special Use Permits for Use Code 51: Mixed use commercial (shopping center) See Section 17.3.
- (3) Standards for Special Use Permits for Use Code 521 Lumber and other building materials dealers (Reserved.)
- (4) Standards for Special Use Permits for Use Code 5461: Bakery and coffee shop with drive-up window
 - a. Refer to Section 7.20 of the Zoning Ordinance.
- (5) Standards for Special Use Permits for Use Code 5511 Motorcycle dealers—New and/or used (including repairs only within a building).
 - a. Refer to Section 12.10 of the Zoning Ordinance
- (6) Standards for Special Use Permits for Use Code 5813 Tavern, cafe, club, bar or cocktail lounge (alcoholic beverages)
 - a. A security plan including information relating to entrance procedure, police details and video and lighting locations. The security plan must be approved by the Chief of Police or his/her designee and updates shall be submitted to and approved by the Chief of Police or his/her designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
 - b. An alcohol control plan shall be submitted to the Planning and Zoning Board that adequately describes the proposed plan and policy to control the location, security and hours of operation for the consumption of alcohol. All employees who will be serving alcohol shall be TIPS certified and, if requested by the Police Department, the business owner shall produce proof of certification.
- (7) Standards for Special Use Permits for Use Code 5814: Lunchroom or restaurant (alcoholic beverages)
 - a. An alcohol control plan shall be submitted to the Planning and Zoning Board that adequately describes the proposed plan and policy to control the location, security and hours of operation for the consumption of alcohol. All employees who will be serving alcohol shall be TIPS certified and, if requested by the Police Department, the business owner shall produce proof of certification.
- (8) Standards for Special Use Permits for Use Code 5817: Expansion of legally nonconforming full service restaurant to allow sale of beer and wine only
 - a. An alcohol control plan shall be submitted to the Planning and Zoning Board that adequately describes the proposed plan and policy to control the location, security and hours of operation for the consumption of alcohol. All employees who will be serving alcohol shall be TIPS certified and, if requested by the Police Department, the business owner shall produce proof of certification.

- (9) Standards for Special Use Permits for Use Code 5911: Drive-through as an accessory to a drug store
 - a. Refer to Section 7.20 of the Zoning Ordinance.

12.28 -Development Standards for Personal, Business and Professional Service

The Zoning Board of Review, or, or where applicable, the Planning Board for Unified Development Review, shall not grant a Special Use Permit for uses in the Personal, Business and Professional Service Use Category of the Table of Use regulations unless it finds the applicable standards in Sections 4, 7 and 12 are met, and, where applicable, the following standards are met:

- (1) Standards for Special Use Permits for Use Code 608: Bank of Financial Institution
 - a. Refer to Section 7.19 of the Zoning Ordinance
- (2) Standards for Special Use Permits for Use Code 616: Mortuary or Funeral Home
 - a. Sewer required.
- (3) Standards for Special Use Permits for Use Code 619: Caterer
 - a. For Industrial zones, refer to Sections 12.6 & 12.7 of the Zoning Ordinance.
- (4) Standards for Special Use Permits for Use Code 6321: Commercial off-street parking lot
 - a. A parking lot shall be used solely for the temporary parking of motor vehicles and shall not be used as an off-street loading area.
 - b. Only structures for the shelter of attendants or for payment kiosks shall be permitted in a parking lot.
 - c. There shall be a 10-foot landscaped buffer along any lot line abutting a street, excluding driveways, which shall include evergreen landscaping.
 - d. Parking shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of 6 feet in height. Evergreen trees or shrub(s) a minimum of 6 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.
 - e. All landscape plans shall be approved by the Planning Board.
 - f. Parking shall provide safe pedestrian circulation with clearly marked crosswalks from each parking area to the surrounding streets and sidewalks.
 - g. Impervious surfaces in High Water Table Limitations Overlay Districts shall not exceed impervious surface allowances in Section 4.5.
- (5) Standards for Special Use Permits for Use Code 6322: Commercial off-street parking structure
 - a. On the ground floor façade along public streets where parking spaces are visible, a decorative fence and landscape or a kneewall is required to screen parking spaces. Fence or kneewall shall be a minimum 4 in height.
 - b. For parking structures with rooftop open-air parking, a 5-foot parapet wall is required for screening of parked vehicles.
 - c. Where parking structures front on public streets, façade design and screening shall mask the interior circulation ramps and create the illusion of horizontality along the street.

- d. Parking shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of 6 feet in height. Evergreen trees or shrub(s) a minimum of 6 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.
 - e. All landscape plans shall be approved by the Planning Board.
- (6) Standards for Special Use Permits for Use Code 633: General automotive repair, temporary vehicle storage and towing
- a. All repair, service, and sales and/or leasing operations shall be performed within a fully enclosed building. All equipment and parts shall be stored indoors.
 - b. Vehicle services establishments shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of 6 feet in height.
 - c. No partially dismantled, wrecked, or unlicensed vehicles shall be stored outdoors on the premises. This standard does not apply to vehicles under repair and/or service.
 - d. No motor vehicles shall be stored and no repair and/or service work shall be conducted in the public right-of-way.
 - e. There shall be a 10-foot landscaped buffer along any lot line abutting a street, excluding driveways, which shall include evergreen landscaping.
 - f. All landscape plans shall be approved by the Planning Board.
- (7) Standards for Special Use Permits for Use Code 6331: Automotive body shop, temporary vehicle storage and towing
- a. All repair, service, and sales and/or leasing operations shall be performed within a fully enclosed building. All equipment and parts shall be stored indoors.
 - b. Vehicle services establishments shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of 6 feet in height.
 - c. No partially dismantled, wrecked, or unlicensed vehicles shall be stored outdoors on the premises. This standard does not apply to vehicles under repair and/or service.
 - d. No motor vehicles shall be stored and no repair and/or service work shall be conducted in the public right-of-way.
 - e. There shall be a 10-foot landscaped buffer along any lot line abutting a street, excluding driveways, which shall include evergreen landscaping.
 - f. Parking/storage shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of 6 feet in height. Evergreen trees or shrub(s) a minimum of 6 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.
 - g. All landscape plans shall be approved by the Planning Board.
- (8) Standards for Special Use Permits for Use Code 634: Vehicle washing shop (no self-service)
- a. Car wash facilities shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of 6 feet in height. Evergreen trees or shrub(s) a

minimum of 6 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.

- b. When a car wash facility abuts a residential use or zoning district, there shall be a 20 ft. setback from each such lot line abutting a residential use or zoning district.
 - c. When vacuums are included on the site, they shall include mufflers to reduce the sound of the equipment not to exceed the decibels as appropriate in the noise ordinance. No more than 4 vacuums shall be allowed onsite.
 - d. Trash receptacles shall be placed near all vacuum stations as applicable and at the entrance to the car wash entrance.
- (9) Standards for Special Use Permits for Use Code 6341: Vehicle washing shop (with self-service)
- a. Car wash facilities shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of 6 feet in height. Evergreen trees or shrub(s) a minimum of 6 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.
 - b. When a car wash facility abuts a residential use or zoning district, there shall be a 20 ft. setback from each such lot line abutting a residential use or zoning district.
 - c. When vacuums are included on the site, they shall include mufflers to reduce the sound of the equipment not to exceed the decibels as appropriate in the noise ordinance. No more than 4 vacuums shall be allowed onsite.
 - d. Trash receptacles shall be placed near all vacuum stations as applicable and at the entrance to the car wash entrance.
- (10) Standards for Special Use Permits for Use Code 635: Vehicle, trailer and recreational vehicle rental agency
- a. For Industrial zones, refer to Sections 12.6 & 12.7 of the Zoning Ordinance.
- (11) Standards for Special Use Permits for Use Code 64: Repair shop for small appliances
- a. For Industrial zones, refer to Sections 12.6 & 12.7 of the Zoning Ordinance.
- (12) Standards for Special Use Permits for Use Code 652: Theater, concert hall, auditorium or motion picture theatre
- a. No more than 10% of the gross floor area may be used as office.
 - b. Alcohol service shall require a Special Use Permit from Section 6.1 Use Code 5813 of the Zoning Ordinance
 - c. Sleeping facilities are prohibited.
 - d. Parking shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of 6 feet in height. Evergreen trees or shrub(s) a minimum of 6 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.
 - e. Where possible, parking shall be located in the side and rear yards of the property, behind the building(s) and parking plans shall provide safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).

- (13) Standards for Special Use Permits for Use Code 653: Bowling alleys, billiard and pool parlors
- a. Where possible, parking shall be located in the side and rear yards of the property, behind the building(s) and parking plans shall provide safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).
 - b. Alcohol service shall require a Special Use Permit from Section 6.1 Use Code 5813 of the Zoning Ordinance
- (14) Standards for Special Use Permits for Use Code 659: Exercise center, gymnasium, sauna
- a. Minimum 2 acre lot area required.
 - b. Parking shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of 6 feet and a maximum of 10 feet in height. Evergreen trees or shrub(s) a minimum of 6 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.
 - c. Where possible, parking shall be located in the side and rear yards of the property, behind the building(s) and parking plans shall provide safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).
- (15) Standards for Special Use Permits for Use Code 67: Offices for medical, health
- a. All State regulations for medical and health buildings shall apply.
 - b. Sewer required.
- (16) Standards for Special Use Permits for Use Code 676: Medical and dental laboratories
- a. For Industrial zones, refer to Sections 12.6 & 12.7 of the Zoning Ordinance.
 - b. All State regulations for medical and health buildings shall apply.
 - c. Sewer required.

12.29 -Development Standards for Governmental or Institutional uses

The Zoning Board of Review, or, or where applicable, the Planning Board for Unified Development Review, shall not grant a Special Use Permit for uses in the Governmental or Institutional category of the Table of Use regulations unless it finds the applicable standards in Sections 4, 7 and 12 are met, and, where applicable, the following standards are met:

- (1) Standards for Special Use Permits for Use Code 733: Fire or Police Station
 - a. Refer to Sections 12.6 and 12.7 of the Zoning Ordinance.
- (2) Standards for Special Use Permits for Use Code 74: Kindergarten, elementary or secondary school, junior college, college, or university
 - a. The applicant shall provide proof of state licensing as required.
 - b. There shall be a landscaped buffer along any lot line, excluding driveways, which shall include evergreen vegetation.

- c. All landscape plans shall be approved by the Planning Board.
 - d. There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces.
 - e. Parking shall be located in the side and rear yards of the property, behind the building(s) and parking plans shall provide safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).
- (3) Standards for Special Use Permits for Use Code 7401:Boarding school private/secondary
- a. See Section 12.21 for Special Use Standards
- (4) Standards for Special Use Permits for Use Code 751: Trade or professional school
- a. There shall be a landscaped buffer along any lot line, excluding driveways, which shall include evergreen vegetation.
 - b. All landscape plans shall be approved by the Planning Board.
- (5) Standards for Special Use Permits for Use Code 7613: Library or museum (Reserved.)
- (6) Standards for Special Use Permits for Use Code 764: Churches
- a. See Section 12.22 for Special Use Standards
- (7) Standards for Special Use Permits for Use Code 767: Cemetery (Reserved.)
- (8) Standards for Special Use Permits for Use Code 77: Hospitals. Refer to Section 17.3.
- (9) Standards for Special Use Permits for Use Code 78: Social club or nonprofit membership organizations
- a. Alcohol service shall require a Special Use Permit from Section 6.1 Use Code 5813, 5814 or 5817 of the Zoning Ordinance, as applicable.
 - b. Hours of operation/quiet hours shall be set by the Planning Board.
- (10) Standards for Special Use Permits for Use Code 79: Emergency counseling service or drop-in center
- a. Hours of operation/quiet hours shall be set by the Planning Board.
 - b. State license required, as applicable.

12.30 -Development Standards for Public Outdoor and Recreation uses

The Zoning Board of Review, or, or where applicable, the Planning Board for Unified Development Review, shall not grant a Special Use Permit for uses in the Commercial Use category of the Table of Use regulations unless it finds the applicable standards in Sections 4, 7 and 12 are met, and, where applicable, the following standards are met:

- (1) Standards for Special Use Permits for Use Code 809: Other outdoor recreation
- a. No public outdoor or recreation area shall conduct activities which would cause deleterious effects upon neighboring property or nearby water bodies, including, but not limited to, the following:
 - 1. Pollution of any waterways or water bodies.

2. Contamination of neighboring property from any insecticides, fertilizers or similar chemical agents.
 - b. Only slow release/organic fertilizers such as bone meal, bloodmeal, compost or organic blends should be used. Follow manufacturers specifications for directions for application rates and timing.
- (2) Standards for Special Use Permits for Use Code 81:Outdoor public water-based recreation
- a. No public outdoor or recreation area shall conduct activities which would cause deleterious effects upon neighboring property or nearby water bodies, including, but not limited to, the following:
 1. Pollution of any waterways or water bodies.
 2. Contamination of neighboring property from any insecticides, fertilizers or similar chemical agents.
 - b. Only slow release/organic fertilizers such as bone meal, bloodmeal, compost or organic blends should be used. Follow manufacturers specifications for directions for application rates and timing.
- (3) Standards for Special Use Permits for Use Code 834: Riding academies and riding schools (may include accessory indoor rink) (Reserved.)
- (4) Standards for Special Use Permits for Use Code 8371: Archery range (Reserved.)
- (5) Standards for Special Use Permits for Use Code 8394: Drive-in theater
- a. Minimum of 4 acres of lot area not occupied with structure is required.
 - b. Hours of operation shall be set by the Planning Board.
 - c. Parking shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of 6 feet in height. Evergreen trees or shrub(s) a minimum of 6 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.
 - d. There shall be a 10-foot landscaped buffer along any lot line abutting a street, excluding driveways, which shall include evergreen landscaping.
 - e. All landscape plans shall be approved by the Planning Board.
 - f. There shall be no alcohol service allowed.
- (6) Standards for Special Use Permits for Use Code 841: Boat liveries (small boat rentals) (Reserved.)
- (7) Standards for Special Use Permits for Use Code 8411: Marinas
- a. No public outdoor or recreation area shall conduct activities which would cause deleterious effects upon neighboring property or nearby water bodies, including, but not limited to, the following:
 1. Pollution of any waterways or water bodies.
 2. Contamination of neighboring property from any insecticides, fertilizers or similar chemical agents.

- b. Only slow release/organic fertilizers such as bone meal, bloodmeal, compost or organic blends should be used. Follow manufacturers specifications for directions for application rates and timing.
 - c. Marinas shall be subject to development plan review and shall be located adjacent to waters classified by the RI CRMC as suitable for use by pleasure and cruise boats. The size of the marina shall be determined by the carrying capacity of the land for support facilities, the required parking, the capacity for dry storage, and the accessibility of adjacent roads. Docks, ramps, moorings and related marine service structures shall conform to all accepted siting and engineering standards and the pertinent provisions of this Ordinance.
 - d. No marina shall permit houseboats or vessels that are not constructed in accordance with current accepted standard marine specifications and/or are used solely for landside occupation. All vessels shall be seaworthy.
- (8) Standards for Special Use Permits for Use Code 842: Bathing beaches (Reserved.)
- (9) Standards for Special Use Permits for Use Code 844: Swimming pools (outdoor)
- a. All outdoor public pools shall comply with all applicable state regulations.
 - b. All pools shall have a qualified lifeguard on duty during hours of operation
 - c. Hours of operation shall be set by the Planning Board.
 - d. There shall be a 10-foot landscaped buffer along any lot line abutting a street, excluding driveways, which shall include evergreen landscaping.
 - e. Parking shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of 6 feet in height. Evergreen trees or shrub(s) a minimum of 6 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.
 - f. All landscape plans shall be approved by the Planning Board.
- (10) Standards for Special Use Permits for Use Code 851: Swimming pools (indoor) (Reserved.)
- (11) Standards for Special Use Permits for Use Code 852: Arena or recreation hall (Reserved.)
- (12) Standards for Special Use Permits for Use Code 853: Roller or ice skating rink (Reserved.)
- (13) Standards for Special Use Permits for Use Code 854: Beach club or yacht club (Reserved.)
- (14) Standards for Special Use Permits for Use Code 855: Tennis courts or other indoor court games (Reserved.)
- (15) Standards for Special Use Permits for Use Code 873: Campgrounds (nonprofit)
- a. A minimum of 2 acres of lot area not occupied with structure is required.
 - b. Sewer required.
 - c. Tent Camps shall be allowed to operate from May 15th to September 15th only.
 - d. Quiet hours shall be set by the Planning Board.
- (16) Standards for Special Use Permits for Use Code 880: Manmade water body (Reserved.)

12.31 -Development Standards for Accessory uses

The Zoning Board of Review, or, or where applicable, the Planning Board for Unified Development Review, shall not grant a Special Use Permit for uses in the Accessory Uses Use Category of the Table of Use regulations unless it finds the applicable standards in Sections 4, 7 and 12 are met, and, where applicable, the following standards are met:

1. Standards for Special Use Permits for Use Code 95: Uses customary to and associated with the operation of a special exception use
 - a. All Accessory uses associated with a Special Use Permit, shall comply with the applicable standards for that Special Use.

12.32 -Development Standards for Port of Galilee Special District

The Zoning Board of Review, or, or where applicable, the Planning Board for Unified Development Review, shall not grant a Special Use Permit for uses in the Port of Galilee Use category of the Table of Use regulations (Section 4.8.2) unless it finds the applicable standards in Sections 4, 7 and 12 are met, and, where applicable, the following standards are met:

- (1) Standards for Special Use Permits for Use Code 1: Marine Related Uses.
 - a. All applicable dimensional, building placement and design, signage, site design and landscaping, environmental inventory overlay district requirements and parking requirements of this ordinance (Section 4.8.2) shall be met.
 - b. Hours of operation shall be set by the Planning Board
- (2) Additional standards for Special Use Permits for Use Code 1(a): Fishing and commercial vessel berthing
 - a. Must be compatible with and not interfere with ferry service.
 - b. Reserved
- (3) Additional standards for Special Use Permits for Use Code 1(c): Ferry, including related vehicle and freight transport services.
 - a. Must meet the standards in subsection 12.19 of this ordinance
 - b. Must be compatible with and not displace commercial fishing nor charter fishing operations.
 - c. Reserved
- (4) Additional standards for Special Use Permits for Use Code 1(e) Seafood loading and distribution.
 - a. Must meet standards for subsection 12.20 in this ordinance for seafood distribution and seafood processing
 - b. Reserved
- (5) Additional standards for Special Use Permits for Use Code 1(f) Seafood processing, packing and packaging
 - a. Must meet standards for subsection 12.20 in this ordinance for seafood distribution and seafood processing

- b. Reserved
- (6) Additional standards for Special Use Permits for Use Code 1(g) Fabrication, storage and repair for fishing equipment
 - a. Reserved
- (7) Additional standards for Special Use Permits for Use Code 1(h) Boat engine storage and repair
 - a. Reserved
- (8) Additional standards for Special Use Permits for Use Code 1(i) Outdoor storage of one or more commercial vehicles up to 12,000 pounds of gross weight
 - a. Shall not include the temporary parking of trucks or buses waiting to board the ferry; such temporary parking shall not exceed 24 hours.
 - b. Reserved
- (9) Additional standards for Special Use Permits for Use Code 1(l) Marine research, education and laboratory facility, visitor center
 - a. Shall not displace or disrupt commercial fishing, charter fishing or ferry operations
 - b. Reserved
- (10) Standards for Special Use Permits for Use Code 2: Hotel, Retail and Service Uses
 - a. All applicable dimensional, building placement and design, signage, site design and landscaping, environmental inventory overlay district requirements and parking requirements of this ordinance (Section 4.8.2) shall be met.
 - b. Reserved
- (11) Additional standards for Special Use Permits for Use Code 2(a) Hotel
 - a. Reserved
- (12) Additional standards for Special Use Permits for Use Code 2(d) Mixed residential/commercial use (Apartment with shop below)
 - a. Reserved
- (13) Additional standards for Special Use Permits for Use Code 2(e) Restaurant, with or without alcoholic beverages
 - a. Must meet standards for Section 12.27.7 of this ordinance
 - b. Hours of operation shall be set by the Planning Board
 - c. Reserved
- (14) Additional standards for Special Use Permits for Use Code 2(f) Tavern, bar or cocktail lounge
 - a. Must meet standards for Section 12.27.7 of this ordinance

- b. Hours of operation shall be set by the Planning Board
 - c. Reserved
- (15) Additional standards for Special Use Permits for Use Code 2(r) Commercial off-street parking lot.
- a. There shall be no expansion of off-street parking lots into the property commonly known as the Galilee Bird Sanctuary.
 - b. Must meet standards for Section 12.28.5 of this ordinance
 - c. Reserved
- (16) Additional standards for Special Use Permits for Use Code 2(s) Parking garage or mixed parking garage/commercial structure, not to exceed 40 feet in height.
- a. A mixed parking garage/commercial structure shall consist of both commercial parking and retail and/or service uses in a single structure.
 - b. Must meet standards for Section 12.28.6 of this ordinance
 - c. Reserved
- (17) Standards for Special Use Permits for Use Code 3(b): Transportation, Utility and Public Uses – Taxi stand
- a. All applicable dimensional, building placement and design, signage, site design and landscaping, environmental inventory overlay district requirements and parking requirements of this ordinance (Section 4.8.2) shall be met.
 - b. Can not disrupt ferry operations
 - c. Reserved

Section 14: Section 17, (Land Development Projects) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended by adding Section 17.3 (Development Standards of Development Plan Review) and 17.4 (Unified Development Review – Authorization and process) as follows:

17.3 Development Standards for Development Plan Review (DPR).

Development Plan Review is hereby established as the procedure for approval of projects meeting the applicability criteria set forth in this section. DPR shall only apply to the categories of use as depicted and shall not apply to any development that is defined as a major subdivision or major land development.

Development Plan Review applicants shall employ registered design professionals, including landscape architects, engineers and architects and experts in other disciplines, as necessary, to arrive at a design that optimizes the sense of well-being and sense of place for the residents, maximizes the preservation of green space in the community development process, and minimizes the negative impacts of development on the surrounding neighborhoods, natural systems, and community character. The plan shall reflect, where applicable, community goals as embodied in

the comprehensive plan. The planning board may require that the applicant escrow sufficient funds for the town to hire a design consultant to assist the planning board in evaluation the design.

- (1) **Applicability.** The following categories of projects shall be subject to the provisions of this chapter:
 - a. A change in use at the property where no extensive construction of improvements is sought.
 - b. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
 - c. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
 - d. Development in a designated urban or growth center.
 - e. Institutional development design review for educational or hospital facilities.
 - f. Development in a historic district.
- (2) **Permitting authority.** The administrative officer shall approve administrative projects submitted, and the planning board shall approve formal projects as described herein.
- (3) **Development plan review committee.** A DPR committee (DPRC) shall be established consisting of the directors of community development and public works, fire chief, inspector of buildings and public safety manager or their designees. The community development director shall serve as the DPRC chair and the community development department (department) shall coordinate the DPR process. The DPRC review shall be advisory to the Administrative Officer or Planning Board as applicable.
- (4) **Procedure**
 - a. Pre-Application Meeting. Prior to filing for a DPR (application), an applicant shall meet with the Community Development department to determine what materials shall be submitted with an application. Within fifteen (15) business days after the meeting, the department shall provide to an applicant a list of the plans and documents to be submitted.
 - b. Application. An application shall be filed with the department in accordance with Section 18. It shall include all the items identified at the pre-application meeting unless waived by the Community Development director. During its review, the DPRC may request any additional materials it deems necessary to render a decision.
 - c. Certification. The Community Development department shall certify an application as complete or incomplete within fifteen (15) business days after submission.
 1. For a complete application, the certification shall include date on which a DPR will be conducted.
 2. For an incomplete application, the certification shall identify the application's deficiencies. The application form and the site plan, as determined by staff, shall also be filed electronically and posted on the City's web site.
 - d. Referrals. For a complete application, a copy of said application may be forwarded to any appropriate city departments, committees, commissions and boards, as necessary, for review and comment. .
 - e. Plan Review. For a complete application, the DPRC shall conduct a DPR within 30 days or at a time acceptable by the applicant and the Town. During a DPR, an applicant may submit corrections and additions. A DPR may be continued by vote of the DPRC.

- f. Recommendation. Within fourteen (14) days after the close of their review, the DPRC shall issue a written recommendation on an application unless the DPRC extends said timeframe up to an additional twenty (20) days by agreement with the applicant.
 1. A decision shall be by a majority vote of the DPRC.
 2. If an application is recommended for approval, the DPRC may suggest conditions or modifications to a development in order to mitigate impacts and insure compliance with zoning and other city codes and regulations.
 3. If an application is recommended for denial, the DPRC shall make findings detailing the basis for denial.
- (5) **Design Standards for Commercial and mixed-use developments and adaptive re-use developments (except Boon Street)**
- a. Building placement and design.
 1. Building placement shall be planned so that a consistent setback is ultimately achieved notwithstanding preexisting setbacks which would be considered excessive under these standards.
 2. The scale of the building, and the relationship of building masses with yard spaces, shall be compatible with the character of a traditional New England village, or with architectural and development standards that the town determines suitable for the surrounding area.
 3. The building height, the roof design and pitch, the proportions of and relationships between doors and windows, and the relationship of the width to the front facade height (massing), shall be compatible with the style of a building in a traditional New England village, or with architectural and development standards that the town determines suitable for the pier area.
 4. A building shall have the same materials, or those which are architecturally harmonious, used for all walls and other exterior building components.
 5. Additions or alterations to an existing building should be complementary in scale to the original structure, and architectural details, including materials, colors and textures, and shall be treated so as to be compatible with the original architectural style of the building, providing such details preserve and enhance the character of the surrounding area.
 6. Mechanical equipment and utility hardware placed on the roof shall be screened from public view with materials harmonious to the building. Utility structures that cannot be placed on the roof shall be located so they are not visible from the street or public open space and shall be screened with landscaping or materials that are compatible with the building.
 7. When used, the design and size of exterior lighting and/or window lighting shall be compatible with the building and the adjacent areas. Review of lighting features by the administrative officer or planning board shall include color, lumens, location, design and impact on adjacent properties.
 - b. Site design and landscaping.

1. The layout and design of all means of vehicular and pedestrian circulation, including interior drives, parking areas and walkways, shall provide for safe interior circulation and separation of pedestrian, vehicular and service traffic.
2. The number of site entrances shall be the minimum necessary for effective traffic control and sharing of access driveways and parking areas by adjoining properties shall be incorporated into the site design wherever possible.
3. Provisions for pedestrian movement, in the form of sidewalks or walkways, shall be made to allow for safe access between parking areas and retail establishments.
4. Bicycle parking facilities shall be provided at all commercial parking areas with a ratio of at least one bicycle space for each 20 car spaces.
5. Landscape treatment shall be provided to enhance architectural features and improve aesthetics. The site shall be planned to achieve a desirable transition between the building and the street, with landscaping required and the use of pedestrian walkways, special lighting, benches and other amenities encouraged.
6. All parking areas should be designed in small groups or courts to lessen visual impacts.
7. Parking lots that front on public streets shall be screened by landscaping or with walls or fencing a minimum of three feet in height. Walls and fences shall be of a scale and material appropriate to the site and surrounding area.
8. The interior of all paved parking areas within the site which exceed 40 spaces shall be enhanced with planted islands, with a minimum of one island for each 20 parking spaces. The planted islands shall be placed so as to prevent long rows of uninterrupted parking spaces and be designed to assist in treatment of stormwater runoff. All islands shall be surrounded by continuous raised curbing.
9. Plantings along the perimeter of parking areas and new streets should include either evergreen species, or street trees of at least 3.5-inch caliper planted at intervals of 35 feet. Planted islands may include shrubs, plants and other live vegetation, but should include one tree of at least three-inch caliper. Species to be selected shall be tolerant of high salt concentrations and heavy wind conditions.
10. Only nursery grown plant materials shall be accepted, and all trees, shrubs and ground covers shall be planted according to accepted horticultural standards. The owner shall be responsible for maintaining the landscaping and for replacing all dead or diseased plant materials on at least an annual basis. Failure to adequately maintain required plantings may result in such work being performed by the town at the owner's expense.
11. Screening of refuse areas, service and storage yards and exterior work areas shall be accomplished by use of walls, fencing, plantings or a combination of these.

(6) Boon Street Commercial Area – Additional requirements

- a. Building Placement. A new building shall be placed as close as feasible to the street, no further than necessary or desirable from the five foot front yard setback. Building placement shall be planned so that a consistent setback is ultimately achieved

notwithstanding preexisting setbacks which would be considered excessive under these standards. Benches and bicycle racks may be placed within the five-foot front yard setback.

- b. Signage. The following standards for commercial signs in the special district shall supersede those regulations contained in subsection 7.18(i)(2), commercial signs. All new proposed commercial signage shall be subject to review by the planning board as part of the design and site plan review process.
 - c. One wall-mounted sign on the entrance facade shall be allowed per business unless there is also either a rear or side entrance to said business, in which case a second wall-mounted sign shall be allowed. The principal business sign shall not exceed 15 square feet in area nor 70 percent of the length of the entrance facade; the secondary business sign shall not exceed 12 square feet in area.
 1. A projecting sign shall be allowed in place of a flush-wall mounted sign. The projecting sign shall have a minimum clearance of ten feet and shall not exceed 15 square feet in area.
 2. All moving message signs are prohibited.
 3. No sign, window opening, store facade, or the like shall be internally illuminated without approval of the Planning Board.
 - d. All new or extended utilities in the Boon Street business zone shall be installed underground
 - e. Parking requirements. Parking requirements for development shall be reviewed on a case-by-case basis. As part of the site plan review of any new development, the applicant shall present a parking plan to the planning board that addresses existing parking, projected demand and a means of addressing this demand.
 1. The parking plan shall take into account available on-site and off-site parking.
 2. Shared parking among different businesses and uses is encouraged. Approval by the planning board of a parking plan for development within the special district shall supersede the parking standards contained in subsection 7.9, automobile parking space.
 3. Applicants may be required to file a report, prepared by a Traffic Engineer.
 4. The amount of front yard setback along a street occupied by parking should be minimized for sites undergoing redevelopment, while all parking shall be placed behind the building(s), if practicable, for sites undergoing new development.
 5. No new parking areas shall be located within the front yard.
- (7) **Design Standards for Residential Developments and residential adaptive re-use projects**
- a. New Multi-Family developments shall comply with the standards of Section 17.2 of these regulations.
 - b. Adaptive Reuse Residential developments shall comply with the following:
 1. Section 17.2, Sub-sections (2), (3), (4), (5), (6), (7 as applicable), (9), (10), (11), (12), (13), (14).
- (8) **Development of Power generating stations (Use Code 482)**

- a. Development Plan Review will be applied to all minor solar power generating stations. All major solar stations shall be reviewed under the Subdivision Land Development regulations.
 - b. Development Plan Review will be applied to wind energy generating facilities.
 - c. Development Plan Review will be applied to Hydro-electric power generating facilities.
- (9) **Developments of Educational or Hospital facilities shall comply with the following regulatory standards:**
- a. Building placement and design.
 - 1. Building placement shall be planned so that a consistent setback is ultimately achieved notwithstanding preexisting setbacks which would be considered excessive under these standards.
 - 2. The scale of the building, and the relationship of building masses with spaces, shall be compatible with the character of a traditional New England fishing village, or with architectural and development standards that the town determines suitable for the port area.
 - 3. The building height, the roof design and pitch, the proportions of and relationships between doors and windows, and the relationship of the width to the front facade height (massing), shall be compatible with the style of a building in a traditional New England fishing village, or with architectural and development standards that the town determines suitable for the port area.
 - 4. A building shall have the same materials, or those which are architecturally harmonious, used for all walls and other exterior building components.
 - 5. Additions or alterations to an existing building should be complementary in scale to the original structure, and architectural details, including materials, colors and textures, shall be treated so as to be compatible with the original architectural style of the building, providing such details preserve and enhance the character of the surrounding area.
 - 6. Mechanical equipment and utility hardware on the roof shall be screened from public view with materials harmonious to the building. Utility structures that cannot be placed on the roof shall be located so they are not visible from the street or public open space, and shall be screened with landscaping or materials that are compatible with the building.
 - 7. When used, the design and size of exterior lighting and/or widow lighting shall be compatible with the building and the adjacent areas. Review of lighting features by the planning board shall include color, lumens, location, design and impact on adjacent properties.
 - b. Signage. Standards for commercial signs shall be those regulations contained in subsection 7.18(i)(2), commercial signs.
 - c. Site design and landscaping.
 - 1. The layout and design of all means of vehicular and pedestrian circulation, including interior drives, parking areas and walkways, shall provide for safe interior circulation and separation of pedestrian, vehicular and service traffic.

2. The number of site entrances shall be the minimum necessary for effective traffic control, and sharing of access driveways and parking areas by adjoining properties shall be incorporated into the site design wherever possible.
 3. Provisions for pedestrian movement, in the form of sidewalks or walkways, shall be made to allow for safe access between parking areas and retail establishments.
 4. Bicycle parking facilities shall be provided at all commercial parking areas designed for 50 or more cars, with a ratio of at least one bicycle space for each 20 car spaces.
 5. Landscape treatment shall be provided to enhance architectural features and improve aesthetics. The site shall be planned to achieve a desirable transition between the building and the street, with landscaping required and the use of pedestrian walkways, special lighting, benches and other amenities encouraged.
 6. The amount of frontage along a street occupied by parking should be minimized for sites undergoing redevelopment, while all parking shall be placed behind the building(s), if practicable, for sites undergoing new development. No new parking areas shall be located within the front yard. If possible, all parking areas should be designed in small groups or courts to lessen visual impacts.
 7. Parking lots that front on public streets shall be screened by landscaping or with walls or fencing a minimum of three feet in height. Walls and fences shall be of a scale and material appropriate to the site and surrounding area.
 8. The interior of all paved parking areas shall be enhanced with planted islands, with a minimum of one island for each 20 parking spaces. The planted islands shall be placed so as to prevent long rows of uninterrupted parking spaces and be designed to assist in treatment of stormwater runoff. All islands shall be surrounded by continuous raised curbing.
 9. Plantings along the perimeter of parking areas and new streets should include either evergreen species, or street trees of at least 3.5-inch caliper planted at intervals of 35 feet. Planted islands may include shrubs, plants and other live vegetation, but should include one tree of at least three-inch caliper. Species to be selected shall be tolerant of high salt concentrations and heavy wind conditions.
 10. Only nursery grown plant materials shall be accepted, and all trees, shrubs and ground covers shall be planted according to accepted horticultural standards. The owner shall be responsible for maintaining the landscaping and for replacing all dead or diseased plant materials on at least an annual basis. Failure to adequately maintain required plantings may result in such work being performed by the town at the owner's expense
 11. Screening of refuse areas, service and storage yards and exterior work areas shall be accomplished by use of walls, fencing, plantings or a combination of these.
- d. Street and utility design.
1. Streets should be designed for pedestrian safety and residential security, bearing in mind that wide streets encourage speeding.
 2. Public sewers are required.
 3. Public water is required.

- e. Conservation design.
 - 1. Historic or cultural resources should be protected from destruction.
 - 2. Natural habitats should be protected from disturbance or over use; green space should be maintained per a specific conservation plan.
 - 3. Drainage facilities shall be designed and constructed to minimize increases in runoff and sedimentation and to mitigate pollution impacts.
- (10) **In Historic Districts the following regulatory standards apply:**
- a. Residential DPR's shall present a design concept that extends throughout the planned neighborhood, and shall reflect and interpret traditional New England architectural styles to create a favorable environment for modern living. The administrative officer or planning board may require that the applicant provide funds to hire a professional consultant (architect, landscape architect or other design professional) to evaluate the proposed design.
 - b. Design elements for Residential DPR's in historic districts shall include:
 - 1. Buildings should be similar in materials to traditional New England designs, and may include buildings with clapboard siding, cedar shingles, and fieldstone.
 - 2. Where possible, buildings should have gabled roofs with pitches between 8/12 and 12/12, with the orientation of gable ends either parallel or perpendicular to the street line.
 - 3. Where possible, each house should front on a street or green with a pedestrian accessway.
 - 4. Porches or landscape features are encouraged and should mediate between the public and private elements of each house lot.
 - 5. Developers should reserve attractive, useable space for common use.
 - 6. Where proposed development areas abut adjacent developed properties an evergreen visual buffer shall be established.
 - 7. Sidewalks are encouraged.

17.4 Unified Development Review – Authorization and process

- (1) The Narragansett Planning Board is hereby authorized to review and approve ~~dimensional~~ variances for properties undergoing review for development plan review or as a minor or major land-development or ~~minor~~ subdivision projects. This process is to be known as Unified Development Review (UDR). ~~UDR shall not be available for major land development or major subdivision projects and UDR shall not be available for projects seeking the grant of a use variance.~~
- (2) All land development and subdivision or development plan review applications that include requests for variances and/or special-use permits submitted pursuant to this section shall require a public hearing that meets the requirements of RIGL §§ 45-23-50.1(b) and 45-23-50.1(c). In granting requests for dimensional and use variances, the planning board shall be bound to the requirements of RIGL §§ 45 24 41(d) and 45 24 41(e) § 45-24-41 relative to entering evidence into the record in satisfaction of the applicable standards. In reviewing requests for special-use permits, the planning board shall be bound to the conditions

and procedures under which a special-use permit may be issued and the criteria for the issuance of such permits, as found within the zoning ordinance pursuant to RIGL §§ 45 24 42(b)(1), 45 24 42(b)(2) and 45 24 42(b)(3) § 45-24- 42, and shall be required to provide for the recording of findings of fact and written decisions as described in the zoning ordinance pursuant to RIGL § 45 24 42(b)(5) § 45-24-42. An appeal from any decision made pursuant to this section may be taken pursuant to RIGL§ 45 23 66 § 45-23-71.

- (3) A public hearing on a UDR application shall be held prior to consideration of the preliminary plan by the Planning Board. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation within the Town of Narragansett. Notice shall be sent to the applicant and to each owner within five hundred (500) feet of the perimeter of the area included in the subdivision and/or land-development project by first class mail, not less than ten (10) days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application.
- (4) The Planning Board shall have same authority as the Zoning Board to approve, approve with conditions, or deny a ~~dimensional~~ variance request filed as part of the UDR application. The Planning Board shall conditionally approve or deny the request(s) for the ~~dimensional~~ variance(s) before considering the preliminary plan application for the development plan review, or minor or major subdivision or ~~minor~~ land-development project. Approval of the ~~dimensional~~ variance(s) shall be conditioned upon approval of the final plan of the ~~minor~~ development plan review, subdivision or land-development project. The Planning Board shall address the same findings of fact required to be addressed by the Zoning Board and shall produce and record a written decision in the same manner as the Zoning Board. The time periods by which the Planning Board must approve or deny applications for dimensional variance(s) for a UDR application shall be the same as the time periods by which the board must make a decision on the preliminary plan review stage of the subdivision or land-development project under review.
- (5) Appeal from the decision of the Planning Board may be taken to RI Superior Court.

Section 15: Section 22, (Notice and Hearing Requirements) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” Section 22.1 (Public hearing) is hereby amended as follows:

22.1. - Public hearing.

(a) The town council shall fix the time and place of the public hearing giving consideration to the following notice requirements. The town clerk shall cause notice of the hearing to be published in a newspaper of general local circulation within the town of Narragansett at least once each week for three (3) successive weeks before the hearing date, which may include the week in which the hearing is to be held at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations . The same notice shall be posted in the town or city clerk's office and one other municipal building in the municipality and the municipality must

make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing. The written notice, which may be a copy of the newspaper notice, shall be mailed to the associate director of the division of planning of the Rhode Island Department of Administration, and, where applicable, to the parties specified in sections 22.1(b)—(fe), at least two weeks prior to the hearing. The newspaper notices shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and The notice shall:

- (1) Specify the place of the hearing and the date and time of its commencement;
 - (2) Indicate that adoption, amendment, or repeal of a zoning ordinance is under consideration;
 - (3) Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize and describe the matter under consideration as long as the intent and effect of the proposed ordinance is expressly written in that notice;
 - (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
 - (5) 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.
- (b) Where a proposed general amendment to ~~the an~~ existing zoning ordinance includes changes in an existing zoning map, public notice shall be given as required by subsection (a) of this section.
- (c) Where a proposed text amendment to the 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 Narragansett's current real estate tax assessment records. The notice shall be given by first-class mail at least two (2) weeks prior to the hearing at which the text amendment is to be considered, with the content required by subsection (a). The notice shall include reference to the merger section of this ordinance and the impacts of common ownership of nonconforming lots. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.
- ~~(d)~~ (e) Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map, but does not affect districts generally, public notice shall be given as required by subsection (a) of this section, with the additional requirements that:
- (1) Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and city and town boundaries where appropriate; and
 - (2) Written notice of the date, time, and place of the public hearing and the nature and purpose thereof shall be sent to all owners of real property whose property is located in or within not less

than 200 feet of the perimeter of the area proposed for change, whether within the city or town 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. The notice shall be sent by ~~registered, certified, or~~ first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town in which the property is located; provided, for any notice sent by first-class mail, the sender shall submit a notarized affidavit to attest to such mailing. ~~the sender of the notice shall utilize and obtain a United States Postal Service certificate of mailing, PS form 3817, or any applicable version thereof, to demonstrate proof of such mailing.~~

~~(e)~~ Notice of a public hearing shall be sent by first class mail to the city or town council of any city or town to which one or more of the following pertain:

(1) Which is located in or within not less than 200 feet of the boundary of the area proposed for change; or

(2) Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.

~~(f)~~ Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within 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 or town a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.

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

~~(h)~~ Costs of ~~any notice newspaper and mailings~~ notices required under this section shall be borne by the applicant.

Section 16: Section 28, (Powers and Duties of the Zoning Board of Review) of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended at subsections (a)(1), (b)(1), (b)(2) and (b)(3) of Section 28 (Powers and Duties of the Zoning Board of Review and by adding subsection (e) as follows:

(a) The zoning board of review shall have the power to hear and decide appeals, to grant special use permits, use variances and dimensional variances, in accordance with the following provisions. The zoning board of review shall have the following powers and duties:

(1) To hear and decide appeals ~~in a timely fashion~~ within (65) days of the date of the filing of the appeal where it is alleged there is error in any order, requirement, decision, or

determination made by an administrative officer or agency in the enforcement or interpretation of this chapter, or of any ordinance adopted pursuant hereto;

(b) Be required to vote as follows:

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

(e) All members, including alternate members, of any zoning board shall be required to participate in continuing education courses promulgated pursuant to chapter 70 of this title entitled "Continuing education for local planning and zoning boards and historic district commissions."

Section 17: This ordinance shall take effect January 1, 2024, and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

First reading, read and passed in the Town Council meeting legally assembled the 4th day of December, 2023

Second reading, read, passed and adopted in the Town Council meeting legally assembled the 18th day of December, 2023.

ATTEST:



Janet Tarro
Town Clerk