



## ORDINANCE

### AMENDING APPENDIX, A OF THE CODE OF ORDINANCES TITLE "ZONING" ADOPTED OCTOBER 15, 2007 BY RENUMBERING USES 48 AND 49 AND ADDING MINI-STORAGE AND SELF-STORAGE TO ARTICLE III. USE AND DIMENSIONAL REGULATIONS AND TO APPENDIX A OF THE ZONING ORDINANCE.

Sponsored by Councilperson Ferri (by request)

**SECTION ONE:** Be it ordained that Appendix A, entitled "Zoning," of the Revised Ordinances, City of Central Falls, Rhode Island, is hereby amended as follows:

#### ARTICLE I GENERAL PROVISIONS

##### Sec. 100. Statement of purpose and consistency with comprehensive plan.

The zones and regulations set forth in this ordinance are made in accordance with the comprehensive plan for the following purposes:

- (A) Promote the public health, safety, and general welfare.
- (B) Provide for a range of uses and intensities of use appropriate to the character of the city and reflecting current and expected future needs.
- (C) Provide for orderly growth and development which recognizes:
  - (1) The goals and patterns of land use contained in the comprehensive plan of the city adopted pursuant to chapter 45-22.2 of the general laws of Rhode Island [G.L. 1956, § 45-22.2-1 et seq.];
  - (2) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or ground water pollution;
  - (3) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
  - (4) The values of unique or valuable natural resources and features;
  - (5) The availability and capacity of existing and planned public and/or private services and facilities;
  - (6) The need to shape and balance urban and suburban development; and,
  - (7) The use of innovative development regulations and techniques.
- (D) Provide for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
- (E) Provide for the protection of the natural, historic, cultural, and scenic character of the city or areas therein.

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- (F) Provide for the preservation and promotion of open space.
  - (G) Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
  - (H) Promote a balance of housing choices, for all income levels and groups, to assure the health, safety, and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing.
  - (I) Promote safety from fire, flood, and other natural or manmade disasters.
  - (J) Promote a high level of quality in design in the development of private and public facilities.
  - (K) Promote implementation of the comprehensive plan of the city.
  - (L) Provide for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies.
  - (M) Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.
  - (N) Provide for procedures for the administration of this ordinance, including but not limited to variances and special use permits.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-30; required provisions, G.L. 1956, § 45-24-32(1).

#### **Sec. 101. Establishment of zoning districts.**

For the purpose of this Ordinance, the City is divided into zoning districts designated and described as follows:

##### *101.1. Residential zoning districts.*

*R-1 one-household district.* This zone is intended for low density residential areas comprising single dwelling unit detached structures located on lots with a minimum land area of 5,000 sq. ft.

*R-2 two-household district.* This zone is intended for medium density residential areas comprising single dwelling unit and two-dwelling unit detached structures located on lots with a minimum land area of 5,000 sq. ft.

*R-3 multi-household dwelling district.* This zone is intended for medium density residential areas comprised of structures containing single dwelling units, two-dwelling units and multiple-dwelling units located on lots with a minimum land area of 5,000 sq. ft. and a minimum land area of 2,000 sq. ft. per dwelling unit.

##### *101.2 - Commercial zoning districts.*

*C-1 limited commercial district.* This zone is intended for neighborhood commercial areas that primarily serve local neighborhood needs for convenience retail, services and professional office establishments.

*C-2 general commercial district.* This zone is intended for commercial areas that serve citywide needs for retail, services and professional office establishments.

*C-D commercial-downtown district.* This zone is intended to encourage revitalization and restoration of core business areas in the city. A variety of business, financial, institutional, public, quasi-public, cultural, residential (upper floors only) and other related uses are encouraged in the C-D district. Compatible and appropriate mixed uses are encouraged to promote commercial, retail and other business activity including office uses.

##### *101.3 - Industrial zoning districts.*

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*M-1 industrial district.* This zone is intended for general industrial uses that accommodate a variety of manufacturing, assembly, storage of durable goods and related activities, provided that they do not pose toxic, explosive or environmental hazard in the city.

*M-2 heavy industrial district.* This zone is intended to provide for areas for heavy industrial uses, especially for those uses that are potentially hazardous, noxious or incompatible with the uses in any other zone.

*101.4 - Overlay zoning districts.*

These are districts that are superimposed on existing zoning district(s) or part of a district and which impose specified requirements in addition to those otherwise applicable and/or allow alternate uses.

*HD historic district.* This overlay zone is intended to preserve structures of historic and architectural value by regulating the construction, alteration, repair, moving and demolition of such structures. This overlay zone may include single buildings and/or lots.

*MBRD mill building re-use district* This overlay zone allows the development of obsolete industrial sites according to a plan for mixed use.

*101.5 - Open space zoning district.*

*P park district.* This zone is intended to preserve open space recreation use and in certain instances public education uses.

*CM cemetery.* This zone is intended to retain cemetery land for its designated purposes.

*101.6 - Conant Thread zoning district.*

*CT Conant Thread district.* The purpose of the Conant Thread district is to promote active reuse of historic mill structures located in close proximity to the Pawtucket-Central Falls Commuter Rail Station, and to encourage new development that is complementary of the unique existing character of the district. The primary goal of the district is diverse residential and job creation opportunities that may capitalize on easy access to multiple forms of public transportation, often referred to as transit oriented development (TOD). The continuation of various light manufacturing uses is promoted in this district, provided that they are of scale, nature, and intensity that are consistent with the active mixed-use vision for this district.

(Ord. of 10-16-2019(2) , § 1)

State law reference(s)—Districts generally, G.L. 1956, § 45-24-36.

**Sec. 102. Official zoning map.**

The official zoning map of the city shall consist of an official zoning map in the office of the city clerk entitled "Central Falls Zoning Map," dated August 1, 2007, and shall depict all zoning districts and overlay zoning districts. The Central Falls Zoning Map shall constitute the official zoning map of the city and is hereby adopted and made part of this ordinance.

(Ord. of 10-16-2019(2) , § 2)

State law reference(s)—Zoning map required, G.L. 1956, § 45-24-32(8).

**Sec. 103. Zone group classification.**

Whenever the terms "R zone," "C zone," or "M zone" are used, they shall be deemed to refer to all zones containing the same letters in their names; e.g., C zones shall include C-1, C-2, and C-D zones.

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**Sec. 104. Zone boundaries.**

Where uncertainty exists as to the boundaries of the zoning districts as shown on the official zoning map, the following rules shall apply:

- A) Zone boundaries are generally intended to follow lot lines.
- B) Zone boundaries, where indicated, are the center lines of streets, parkways, waterways, or railroad rights-of-way.
- C) Where the street layout on the ground varies from the layout as shown on the zoning map, the director of the planning division shall interpret said map according to the reasonable intent of this ordinance.
- D) Where the zone boundary divides a lot so that 50 percent or more of its frontage is on a street in a more restrictive zone, the provisions of this ordinance relating to the more restrictive zone shall be extended to the entire lot.
- E) Where the zone boundary divides a lot so that more than 50 percent of its frontage is on a street in a less restrictive zone, the provisions of this ordinance relating to the less restrictive zone may be extended to the entire lot.

**Sec. 105. Compliance with ordinance.**

*105.1. Conformance with permitted use.* No building or structure shall be erected, reconstructed, or enlarged for any use other than that which is permitted in the zone in which such building, structure or land is located. No building or structure shall be moved to [a] new site unless that site is zoned to permit the use intended for such building or structure. Nor shall any building, structure or land be used for any use other than is permitted in the zone in which it is located.

*105.2. Dimensional conformance.* Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the dimensional limits established for the zone wherein such building or structure is located.

*105.3. Lot area conformance.* No new lot shall be created, nor shall an existing lot be reduced or diminished, except in conformance with the dimensional requirements of this ordinance, nor shall the number of dwelling units or occupancy thereon be increased in any manner except in conformance with the dimensional requirements of this ordinance. The lot or yard areas of buildings existing at the time this ordinance became effective shall not be diminished below the requirements herein provided. The required yard area for a building shall not be included as a part of the required yard or parking area of any other building.

**Sec. 106. Interpretation of ordinance.**

It shall be the duty of the building official to interpret and apply the provisions of this ordinance. Such interpretation and application shall be subject to appeal to the board [zoning board of review]. In interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare.

This ordinance shall be consistent with the comprehensive plan of the city adopted pursuant to G.L. 1956, ch. 45-22.2, and in the instance of uncertainty in the construction or application of any section of this ordinance, this ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of such comprehensive plan.

**ARTICLE II. NONCONFORMANCE<sup>1</sup>**

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<sup>1</sup>State law reference(s)—Provision for nonconforming development required, G.L. 1956, § 45-24-39.

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**Sec. 200. Nonconformance.**

**Sec. 201. Lawfully established.**

A building, structure or the use of land was lawfully established if it was in existence prior to December 8, 1968, or was established in conformance with the zoning ordinance in effect at the time the use was established. A lot was lawfully established if it was of record or shown on a recorded plat prior to December 8, 1968, and was separately owned. All other lots that were not lawfully established are not protected by this section.

**Sec. 202. Nonconforming by use.**

A use of land or use of a building or structure which is in nonconformance with the requirements of this ordinance pertaining to use is nonconforming by use. A nonconforming use which exists by virtue of a variance or special use permit (formerly special exception) granted by the board shall not be considered a nonconforming use for the purposes of this section. Such use shall be considered a use by variance or special use permit and any moving, addition, enlargement, expansion, intensification or change of such use to any use other than a permitted use shall require a further variance or special use permit from the board.

**Sec. 203. Nonconforming by dimension.**

A building or structure or parcel of land which is in nonconformance with the dimensional regulations of this ordinance is nonconforming by dimension. Dimensional regulations include those regulations of this ordinance not pertaining to use.

**Sec. 204. Nonconforming by dwelling units.**

A building or structure containing more dwelling units than are permitted by the use regulations of this ordinance shall be nonconforming by use. A building or structure containing a permitted number of dwelling units by the use regulations of this ordinance, but not meeting the area and dimensional requirements, shall be nonconforming by dimension.

**Sec. 205. Applicability.**

A building, structure or parcel of land nonconforming by more than one factor, such as by use, dimension, area or parking, shall comply with all regulations of this section. Where the regulations conflict, the most restrictive regulations shall apply.

**Sec. 206. Building or structure nonconforming by use.**

Nonconforming uses are incompatible with and detrimental to permitted uses in the zoning districts in which they are located. Nonconforming uses cause disruption of the comprehensive land use pattern of the city, inhibit present and future development of nearby properties, and confer upon their owners a position of unfair advantage. It is intended that existing nonconforming uses shall not justify further departures from this ordinance for themselves, or for any other properties.

*206.1. Treatment in residential zones.* Nonconforming uses in residential zones are to be treated in a stricter fashion than nonconforming uses located in nonresidential zones. Due to the disruption which nonconforming uses cause to the peace and tranquility of a residential zone, nonconforming uses therein should be eventually abolished or reduced to total conformity over time.

*206.2. Continuance of use.* Nothing in this ordinance shall prevent or be construed to prevent the continuance of a nonconforming use of any building or structure for any purpose to which such building or structure was lawfully established.

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*206.3. Maintenance and repair.* A building or structure containing a nonconforming use may be maintained and repaired except as otherwise provided in this section.

*206.4. Moving.* A building or structure containing a nonconforming use shall not be moved in whole or in part either on or off the lot on which it is located unless the use contained within such building or structure is made to conform to the use regulations of the zone in which it is relocated.

*206.5. Addition and enlargement.* A building or structure containing a nonconforming use shall not be added to or enlarged in any manner, including any addition or enlargement of floor area or volume, unless the use contained within such building or structure, including such addition and enlargement, is made to conform to the use regulations of the zone in which it is located.

*206.6. Expansion.* A nonconforming use of a building or structure shall not be expanded into any other portion of the building or structure which contains a conforming use or which is unoccupied or unused.

*206.7. Intensification.* A nonconforming use of a building, structure or land shall not be intensified in any manner. Intensification shall include, but not be limited to, increasing hours of operation, increasing the number of dwelling units or increasing the seating capacity of a place of assembly. However, this section shall not prohibit the reconfiguration of existing dwelling units within a building or structure so long as such reconfiguration complies with the requirements of section 206.6.

*206.8. Change of use.*

- (A) *Residential zones.* Within any residential zone, a nonconforming use shall only be changed to a permitted use or to the same use code listed under article III. A nonconforming use, if changed to a permitted use, may not be changed back to a nonconforming use. No mixed uses are allowed in an R zone.
- (B) *Nonresidential zones.* Within any nonresidential zone, a nonconforming use may be changed to a permitted use, to the same use code listed under article III, or may be changed to a different nonconforming use by special use permit in accordance with section 908. A nonconforming use, if changed to a permitted use, may not be changed back to a nonconforming use.

*206.9 - Abandonment.* If a nonconforming use is abandoned, it may not be reestablished. Abandonment of a nonconforming use shall consist of intent to abandon and some overt act, or failure to act, which would lead one to believe that the owner neither claims nor retains any interest in continuing the nonconforming use unless said owner can demonstrate an intent not to abandon the use. An involuntary interruption of a nonconforming use, such as by fire or natural catastrophe, does not establish the intent to abandon the nonconforming use. However, if any nonconforming use is halted for a period of 12 months, the owner of such nonconforming use will be presumed to have abandoned such nonconforming use, unless such presumption is rebutted by presentation of sufficient evidence of intent not to abandon the use.

State law reference(s)—Authority to so provide, G.L. 1956, § 45-24-39(c).

### **Sec. 207. Building or structure nonconforming by dimension.**

Buildings or structures that are nonconforming by dimension are likely to cause overcrowding and congestion in the neighborhoods, contribute to unhealthy conditions and are contrary to the purposes of this ordinance. Buildings or structures that are nonconforming by dimension cause disruption of the comprehensive land use pattern of the city, inhibit present and future development of nearby properties, and confer upon their owners a position of unfair advantage. It is intended that existing buildings or structures that are nonconforming by dimension shall not justify further departures from this ordinance for themselves or for any other property.

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*207.1 - Continuance.* Nothing in this ordinance shall prevent or be construed to prevent the continuance of the use of any building or structure nonconforming by dimension for any purpose to which such building or structure was lawfully established.

*207.2 - Maintenance and repair.* A building or structure nonconforming by dimension may be maintained and repaired except as otherwise provided in this section.

*207.3 - Moving.* A building or structure which is nonconforming by dimension shall not be moved in whole or in part to any other location on the lot in which it is located unless every portion of such building or structure is made to conform to all of the dimensional requirements of the zone in which it is located.

*207.4 - Addition and enlargement.* A building or structure nonconforming by dimension shall not be added to or enlarged in any manner, unless such addition or enlargement conforms to all of the dimensional regulations of the zone in which the building or structure is located.

*207.5 - Expansion.* A conforming use within a building or structure which is nonconforming by dimension (other than by lot area per dwelling unit) may be expanded into any other portion of the building or structure which is unoccupied or unused.

*207.6 - Intensification.* A conforming use within a building or structure which is nonconforming by dimension may be intensified, provided that such intensification is in conformance with the use and lot area per dwelling unit regulations, if applicable, for the zone in which it is located.

*207.7 - Change in use.* A conforming use within a building or structure which is nonconforming by dimension may be changed to any other conforming use.

*207.8 - Demolition.* A building or structure nonconforming by dimension, if voluntarily demolished, shall not be reconstructed, unless it conforms with the dimensional regulations of the zone in which it is located. Such voluntary demolition shall be considered an abandonment of the use as set forth in section 206.9. If such building or structure is involuntarily demolished, destroyed, or damaged, it may be repaired or rebuilt to the same size and dimension as previously existed.

## **Sec. 208. Land nonconforming by use.**

*208.1 - Continuance.* The lawfully established nonconforming use of land, where no building is involved, may be continued, provided that no such nonconforming use of land shall in any way be expanded or intensified either on the same or adjoining property.

*208.2 - Change of use.* The nonconforming use of land shall not be changed to a different use, unless such use conforms to the use regulations of the zone in which it is located.

## **Sec. 209. Land nonconforming by area.**

*209.1. Enlargement of undersized lots.* Lawfully established lots which have less than the minimum area requirements may be maintained and may be changed by adding additional land to such lots without prejudice to the rights of the owner of such lots pursuant to the provisions of this section.

*209.2 - Merger of undersized lots.* Lawfully established contiguous unimproved, or improved and unimproved, substandard lots of record in the same ownership shall be merged together to create dimensionally conforming lots or to reduce the extent of dimensional nonconformance. Said lots shall be so merged, as of September 12, 2005 the effective date of the amendment to this Zoning Ordinance.

*209.3 - Lawfully established merged lots.* Any lawfully established lots which have been merged and shown on the assessor's plats as one lot shall not be divided unless in conformance with the dimensional regulations of this ordinance.

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*209.4 - Development of residential substandard lots of record.* If a residentially zoned lot of record at the time of passage of this ordinance does not contain sufficient lot area to meet all dimensional requirements of the district in which it is located, but does contain sufficient area to meet all setback and parking requirements of such district, the building inspector may issue a building permit for the construction of one single-family dwelling only. Said permit shall be issued only upon the determination by the zoning officer that the substandard lot is not a candidate for merger under subsection 209.2.

State law reference(s)—Substandard lots of record, G.L. 1956, § 45-24-38.

**Sec. 210. Buildings and structures nonconforming by parking.**

A building or structure is considered nonconforming by parking if the lawfully established use of the building or structure does not meet the parking requirements of article VIII.

*210.1 - Addition, enlargement, expansion and intensification—Nonresidential uses.* A nonresidential building or structure nonconforming by parking may be added to, enlarged, expanded or intensified provided additional parking space is supplied to meet the requirements of article VIII for such addition, enlargement, expansion or intensification.

*210.2 - Addition, enlargement, expansion and intensification—Residential uses.* Any residential building or structure nonconforming by parking may not be added to, enlarged, expanded or intensified unless brought into full compliance with the parking requirements of article VIII, such that sufficient parking is provided for the entire structure, including the original portion and the addition, enlargement, expansion or intensification.

*210.3 - Change of use.* A building or structure nonconforming by parking may be changed to a different use, pursuant to all other provisions of this ordinance, provided that such use meets the parking requirements [of article VIII]. The number of additional parking spaces supplied shall be the difference between the number of spaces required for the proposed use and the number of spaces required for the previous use. In the event that the new use requires less parking spaces than the previous use, no additional parking spaces need be supplied. However, none of the existing parking spaces shall be eliminated unless the total number of spaces required by this ordinance for the new use are provided.

**Sec. 211. Existence by variance or special use permit.**

A nonconforming building, structure, sign or parcel of land or the use thereof, which exists by virtue of a variance or a special use permit (or a special exception) granted by the board, shall not be considered a nonconformance for the purpose of this section, and shall not acquire the rights of this section. Rather, such building, structure, sign, parcel of land, or use thereof, shall be considered a use by variance or a use by special use permit and any moving, addition, enlargement, expansion, intensification or change of such building, structure, sign, parcel of land or use thereof, to any use other than a permitted use or other than in complete conformance with this ordinance, shall require a further variance or special use permit from the board.

**ARTICLE III. USE AND DIMENSIONAL REGULATIONS**

**Sec. 300. Compliance with regulations.**

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. In addition, article IV contains dimensional regulations and article V contains supplementary regulations which apply to specific conditions, areas or uses.



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**Sec. 301. Use code.**

The following use regulations in table 1 and table 2 are designed to regulate land uses in the various zoning districts in the city. Each use group is identified by a use code number and is a separate use. The use code is a classification system designed to limit and aid in the interpretation of the use regulations. The code number in the use regulations corresponds to a more detailed listing of uses in appendix A [of this ordinance which is on file in the city clerk's office]. Where a use is not specifically listed, such use is not permitted unless the building official shall (pursuant to G.L. 1956, § 45-24-54) upon written request, provide written information to the requesting party as to the determination that the use is included within the appropriate use code number in appendix A [of this ordinance which is on file in the city clerk's office] within 15 days of the written request. In the event that no response is provided within such time, the requesting party shall have the right to appeal to the zoning board of review for such determination.

(Ord. of 10-16-2019(2) , § 3)

**Sec. 302. Public utilities and public services.**

The provisions of this ordinance shall not be construed so as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone lines, cable television lines, oil pipelines, sewer mains, and incidental appurtenances and installations.

**Sec. 303. Home occupations.**

Home occupations are permitted, provided that:

- A) It is conducted entirely within a dwelling;
- B) Such use is situated in the same dwelling as the primary residence of the occupant;
- C) The residential character of such dwelling is not changed;
- D) There shall be not more than one worker in addition to the dwelling unit occupant;
- E) No more than 50 percent of the gross floor area of the dwelling unit or 800 square feet, whichever is less, shall be used for the home occupation;
- F) There shall be no storage or sale of goods or merchandise on the premises;
- G) The use is in conformance with the use table (section 303); and
- H) The use is in conformance with parking requirements (article VIII).

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**Sec. 304. Use regulations.**

Permitted uses are denoted with a "Y" for yes. Uses which are not permitted are denoted with an "N" for no. Uses permitted only upon approval of the board are denoted with an "S" for special use permit. A special use permit shall only be approved in accordance with the provisions of this ordinance. Uses that are permitted as an accessory building or use are denoted with an "A". Where a use is located in an overlay zone, additional uses are permitted, and other restrictions shall apply in addition to the underlying uses listed in this table. Any number of uses may be located on a lot provided each use is permitted and all other requirements of this ordinance are met.

TABLE 1 - USE REGULATIONS

|      | Zoning Districts  | R-1 | R-2 | R-3 | C-1 | C-2 | C-D            | M-1 | M-2 | P | CM |
|------|---|-----|-----|-----|-----|-----|----------------|-----|-----|---|----|
| 1.0  | RESIDENTIAL   |     |     |     |     |     |                |     |     |   |    |
| 11   | One Household Detached Dwelling                             | Y   | Y   | Y   | Y   | N   | N              | N   | N   | N | N  |
| 12   | Two Household Dwelling                                      | Y   | Y   | Y   | Y   | S   | S              | N   | N   | N | N  |
| 14   | Multi-Household Dwelling, Three or more units               | N   | N   | Y   | Y   | Y   | Y              | N   | N   | N | N  |
| 14.1 | Artist Loft   | N   | N   | N   | Y   | Y   | Y              | S   | S   | N | N  |
| 15   | Group Quarters and Lodging                                  | N   | N   | N   | N   | N   | N              | N   | N   | N | N  |
| 15.1 | Nursing Home and Congregate Care Facility                   | N   | S   | Y   | Y   | Y   | N              | N   | N   | N | N  |
| 15.2 | Community Residence   | Y   | Y   | Y   | Y   | Y   | Y              | N   | N   | N | N  |
| 16   | Temporary Lodging, 10 Rooms or Less                         | N   | N   | S   | S   | S   | S              | N   | N   | N | N  |
| 16.1 | Temporary Lodging, 11 to 29 Rooms                           | N   | N   | N   | S   | S   | S              | N   | N   | N | N  |
| 16.2 | Temporary Lodging, 30 Rooms or more                         | N   | N   | N   | N   | S   | S              | N   | N   | N | N  |
| 16.3 | Temporary Lodging, with Supervision, 15 Residents or less   | N   | N   | S   | S   | S   | S              | N   | N   | N | N  |
| 16.4 | Temporary Lodging, with Supervision, more than 16 Residents | N   | N   | N   | S   | Y   | Y              | N   | N   | N | N  |
| 17   | Mobile Home Park  | N   | N   | N   | N   | N   | N              | N   | N   | N | N  |
| 2.0  | INSTITUTIONAL AND GOVERNMENTAL SERVICES                     |     |     |     |     |     |                |     |     |   |    |
| 21   | Educational Institutions (Post Secondary)                   | N   | S   | S   | S   | S   | S <sup>1</sup> | N   | N   | N | N  |
| 21.1 | Educational Institutions                                    | N   | S   | S   | S   | S   | S <sup>1</sup> | N   | N   | N | N  |
| 22   | Special Schools   | N   | S   | S   | S   | S   | S <sup>1</sup> | N   | N   | N | N  |
| 22.1 | Vocational Training Facility                                | N   | N   | N   | N   | N   | N              | P   | P   | P | N  |
| 23   | Religious Services  | N   | S   | S   | S   | S   | S              | S   | S   | N | N  |
| 24   | Medical and Health Services                                 | N   | N   | N   | S   | Y   | Y              | N   | N   | N | N  |
| 25   | Local & State Government                                    | S   | S   | S   | Y   | Y   | Y              | Y   | Y   | N | N  |
| 25.1 | Prison or Correctional Institution                          | N   | N   | N   | N   | N   | N              | S   | S   | N | N  |
| 26   | Family Day Care Home with 5 or less persons                 | Y   | Y   | Y   | Y   | Y   | Y              | N   | N   | N | N  |

|      |  |                |                |                |                |                |                |                |                |   |   |
|------|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|---|---|
| 26.1 | Day Care Facility with more than 5 persons | N              | N              | N              | Y              | Y              | Y              | S <sup>2</sup> | S <sup>2</sup> | N | N |
| 26.2 | Pre-School                                 | N              | N              | N              | S <sup>2</sup> | Y <sup>2</sup> | Y <sup>1</sup> | S <sup>2</sup> | S <sup>2</sup> | N | N |
| 27   | Service Organization                       | N              | S              | S              | S              | S              | S              | S              | S              | N | N |
| 28   | Cemetery                                   | S <sup>3</sup> | S <sup>3</sup> | S <sup>3</sup> | S <sup>3</sup> | S <sup>3</sup> | N              | N              | N              | N | Y |

<sup>1</sup>No residential uses permitted on first floor.

<sup>2</sup>Special use permit may be granted only if the use is in conjunction with a permitted use.

<sup>3</sup>Any cemetery shall also comply with RI General laws Chapter 23-18 entitled "Cemeteries" as amended [G.L. 1956, § 23-18-1 et seq.]. Any cemetery shall have a minimum lot size of 250,000 square feet.

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|------|--|---|---|---|---|----------------|----------------|---|---|---|---|
| 3.0  | CULTURAL ENTERTAINMENT<br>RECREATION SERVICES              |   |   |   |   |                |                |   |   |   |   |
| 31   | Non-Profit Library, Museum, or Art Gallery                 | S | S | Y | Y | Y              | Y              | S | S | N | N |
| 32   | Spectator Assembly   | N | S | S | S | S              | S              | S | S | N | N |
| 33   | Outdoor Recreation Facility                                | S | S | S | S | S              | N              | S | S | N | N |
| 34   | Indoor Sports Facility                                     | N | N | N | S | S              | N              | Y | S | N | N |
| 35   | Non-Profit Community Park, Playground and Community Center | Y | Y | Y | Y | Y              | Y              | Y | Y | Y | N |
| 36   | Open Space   | Y | Y | Y | Y | Y              | Y              | Y | Y | Y | Y |
| 4.0  | GENERAL SERVICES   |   |   |   |   |                |                |   |   |   |   |
| 41   | Financial, Insurance & Real Estate                         | N | N | N | S | Y              | Y              | Y | N | N | N |
| 42   | Personal Service   | S | S | S | S | Y <sup>1</sup> | Y <sup>1</sup> | N | N | N | N |
| 43   | Limited Business Service                                   | N | N | N | Y | Y              | Y              | Y | N | N | N |
| 44   | General Business Service                                   | N | N | N | N | Y              | Y              | Y | N | N | N |
| 45   | Repair Service   | N | N | N | N | S              | N              | S | S | N | N |
| 46   | Professional Service                                       | N | N | N | S | Y              | Y              | Y | N | N | N |
| 46.1 | Veterinarian & Animal Hospital                             | N | N | N | N | Y              | Y              | Y | Y | N | N |
| 47   | Contract Construction Service                              | N | N | N | N | S              | N              | Y | S | N | N |
| 48.1 | Warehousing & Storage not including Open Lot Storage       | N | N | N | N | S              | S              | Y | S | N | N |

|   |  |   |   |   |   |   |   |   |   |   |   |
|---|--|---|---|---|---|---|---|---|---|---|---|
| 48.2  | Warehousing & Storage including Open Lot Storage   | N | N | N | N | S | N | S | S | N | N |
| 48.3  | Mini-Storage and Self-Storage  | N | N | N | N | N | N | N | N | N | N |
| <sup>1</sup> A special use permit (S) is required for a barber shop.                                |  |   |   |   |   |   |   |   |   |   |   |
| <sup>1</sup> A special use permit (S) is required for a massage parlor.                             |  |   |   |   |   |   |   |   |   |   |   |
| 5.0   | TRADE  |   |   |   |   |   |   |   |   |   |   |
| 51  | Wholesale Trade within Enclosed Structure  | N | N | N | N | S | S | Y | Y | N | N |
| 52  | Wholesale Trade & Outdoor Storage  | N | N | N | N | S | S | Y | S | N | N |
| 53  | Bulk Storage, Petroleum/LNG Storage, Junkyard (not including landfill) Scrap & Waste Materials | N | N | N | N | N | N | N | N | N | N |
| 54  | Retail Trade Building & Related material   | N | N | N | N | Y | Y | Y | Y | N | N |
| 55  | Retail Trade Neighborhood Establishments 2,500 GLA or less                                     | N | N | N | Y | Y | Y | Y | N | N | N |
| 55.1  | Convenience Store  | N | N | N | Y | Y | Y | Y | N | N | N |
| 56  | Retail Trade Community Wide Establishments more than 2,500 GFA                                 | N | N | N | N | Y | Y | Y | N | N | N |
| 57  | Retail Trade Automotive, marine Craft, Aircraft & Accessories                                  | N | N | N | N | Y | S | Y | Y | N | N |
| 58  | Fast Food Restaurant   | N | N | N | Y | Y | Y | Y | Y | N | N |
| 59  | Formula Businesses <sup>1</sup>  | N | N | N | S | S | S | N | N | N | N |
| <sup>1</sup> For any Formula Business see Section 908.5. Special Use Permit for a Formula Business. |  |   |   |   |   |   |   |   |   |   |   |
| 6.0   | TRANSPORTATION, COMMUNICATION & UTILITIES  |   |   |   |   |   |   |   |   |   |   |
| 61  | Transportation Center  | N | N | N | N | N | N | Y | Y | N | N |
| 62  | Freight Terminal   | N | N | N | N | N | N | Y | Y | N | N |
| 63  | Aircraft Transportation including Maintenance  | N | N | N | N | N | N | N | S | N | N |
| 64  | Parking principal use  | N | N | S | S | Y | Y | S | S | N | N |

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|--|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 65   | Communications & Utilities   | S              | S              | S              | S              | S              | S              | Y              | Y              | N              | N              |
| 65.1   | Wireless Transmitting & Receiving Antennae including Satellite Dish type | Y <sup>1</sup> | Y <sup>1</sup> | Y <sup>1</sup> | S              | S              | S              | Y              | Y              | N              | N              |
| 66   | Power Plant  | N              | N              | N              | N              | N              | N              | S              | S              | N              | N              |
| 66.1   | Incinerator & Waste Facility   | N <sup>2</sup> | N <sup>2</sup> | N <sup>2</sup> | N <sup>2</sup> | N <sup>2</sup> | N <sup>2</sup> | N <sup>2</sup> | N <sup>2</sup> | N <sup>2</sup> | N <sup>2</sup> |
| 66.2   | Cogeneration   | N              | N              | N              | N              | N              | N              | S              | S              | N              | N              |
| 67   | Billboards free standing or on building                                  | N              | N              | N              | N              | N              | N              | N              | N              | N              | N              |
| <sup>1</sup> Subject to screening requirement for on ground antennae in Section 502.2 and height restrictions of roof mounted antenna in Section 506.1 (B) |  |                |                |                |                |                |                |                |                |                |                |
| <sup>2</sup> Banned by State legislation.  |  |                |                |                |                |                |                |                |                |                |                |
| 7.0—<br>8.0  | MANUFACTURING  |                |                |                |                |                |                |                |                |                |                |
| 70   | Food & Kindred Products Mfg. including Canning & or Packing              | N              | N              | N              | N              | N              | N              | S              | Y              | N              | N              |
| 70.1   | Processing of Bakery Products  | N              | N              | N              | S              | S              | S              | Y              | Y              | N              | N              |
| 70.2   | Processing of Vinegar or Yeast   | N              | N              | N              | N              | N              | N              | N              | N              | N              | N              |
| 70.3   | Rendering or Refining of Fats and Oils                                   | N              | N              | N              | N              | N              | N              | N              | N              | N              | N              |
| 70.4   | Stock Yard or Feeding Pen  | N              | N              | N              | N              | N              | N              | N              | N              | N              | N              |
| 70.5   | Slaughter of animals not including fowl                                  | N              | N              | N              | N              | N              | N              | N              | N              | N              | N              |
| 71   | Textile Mill Products & Apparel Mfg.                                     | N              | N              | N              | N              | N              | N              | S              | Y              | N              | N              |
| 72   | Lumber & Wood Products Mfg.  | N              | N              | N              | N              | N              | N              | S              | Y              | N              | N              |
| 73   | Paper and Allied Products (printing publishing, refinishing etc.)        | N              | N              | N              | N              | N              | N              | S              | Y              | N              | N              |
| 73.1   | Pulp Mills and Paper Mills   | N              | N              | N              | N              | N              | N              | N              | N              | N              | N              |
| 74   | Chemicals & Allied Products Mfg.   | N              | N              | N              | N              | N              | N              | N              | S              | N              | N              |
| 74.1   | Agricultural Chemicals including fertilizer                              | N              | N              | N              | N              | N              | N              | N              | N              | N              | N              |
| 74.2   | Leather & Fur (tanning, refinishing)                                     | N              | N              | N              | N              | N              | N              | N              | S              | N              | N              |
| 74.3   | Acid Mfg.  | N              | N              | N              | N              | N              | N              | N              | N              | N              | N              |
| 74.4   | Chlorine or Other Similar Noxious or Toxic Gases                         | N              | N              | N              | N              | N              | N              | N              | N              | N              | N              |
| 74.5   | Glue Mfg.  | N              | N              | N              | N              | N              | N              | N              | N              | N              | N              |
| 75   | Petroleum Products & Related Industries                                  | N              | N              | N              | N              | N              | N              | S              | S              | N              | N              |

|      |  |   |   |   |   |                |                |                |   |   |   |
|------|--|---|---|---|---|----------------|----------------|----------------|---|---|---|
| 75.1 | Petroleum Refining   | N | N | N | N | N              | N              | N              | N | N | N |
| 76   | Rubber & Plastic Products Mfg.                                   | N | N | N | N | N              | N              | S              | S | N | N |
| 77   | Stone, Clay & Glass Products Mfg.                                | N | N | N | N | N              | N              | S              | S | N | N |
| 77.1 | Pottery Products Mfg.  | N | N | N | N | N <sup>1</sup> | N <sup>1</sup> | S <sup>1</sup> | Y | N | N |
| 77.2 | Abrasive, Asbestos & Misc. Non-Metallic Mineral Products Mfg.    | N | N | N | N | N              | N              | N              | S | N | N |
| 77.3 | Cement, Lime, Gypsum or Plaster of Paris Mfg.                    | N | N | N | N | N              | N              | N              | N | N | N |
| 77.4 | Asbestos Mfg.  | N | N | N | N | N              | N              | N              | N | N | N |
| 77.5 | Junk Yard  | N | N | N | N | N              | N              | N              | N | N | N |
| 78   | Primary Metal Industries   | N | N | N | N | N              | N              | N              | N | N | N |
| 79   | Fabricated Metal Products Mfg.                                   | N | N | N | N | N              | N              | N              | S | N | N |
| 79.1 | Drop Forge Industries  | N | N | N | N | N              | N              | N              | N | N | N |
| 80   | Machinery & Machine Parts Mfg.                                   | N | N | N | N | N              | N              | S              | S | N | N |
| 81   | Transportation Equipment Mfg.                                    | N | N | N | N | N              | N              | S              | S | N | N |
| 82   | Ship & Boat (building, repair)                                   | N | N | N | N | N              | N              | S              | S | N | N |
| 83   | Precision Instruments & Scientific Equipment Mfg.                | N | N | N | N | N              | N              | Y              | Y | N | N |
| 84   | Jewelry, Silverware, Plated Ware, Costume Jewelry & Notions Mfg. | N | N | N | N | N              | N              | S              | Y | N | N |
| 84.1 | Job Shops (jewelry)  | N | N | N | N | S              | N              | Y              | Y | N | N |
| 84.2 | Plating of jewelry & Other Metal Parts                           | N | N | N | N | N              | N              | N              | S | N | N |
| 85   | Arts & Crafts Mfg.   | N | N | N | Y | Y              | Y              | Y              | Y | N | N |
| 86   | Nuclear Industries and Explosives                                | N | N | N | N | N              | N              | N              | N | N | N |
| 87   | Tobacco Processing   | N | N | N | N | N              | N              | N              | N | N | N |
| 88   | Biological Technologies  | N | N | N | N | N              | N              | S              | S | N | N |

<sup>1</sup> Pottery products manufacturing is allowed provided that such activity takes place within a totally enclosed structure and that no more than 2,500 GFA is devoted to that use.

TABLE 2 - CONANT THREAD USE REGULATIONS

|           | Zoning District   | CT |
|-----------|---|----|
| <b>1.</b> | <b>Residential uses.</b>  |    |
| A.        | One-family dwelling.  | N  |
| B.        | Two-family dwelling.  | N  |
| C.        | Three-or four-family dwelling.  | S  |
| D.        | Multifamily (five dwelling units and over).   | Y  |
| E.        | State-licensed community residence.*  | N  |
| F.        | Convent or rectory.   | N  |
| G.        | Family day-care home, up to eight children.   | N  |
| H.        | Manufactured home park.*  | N  |
| I.        | Taking of boarders or leasing rooms by a person residing on the premises for not more than two boarders.  | N  |
| J.        | Rooming house up to six rooming units.  | N  |
| K.        | Rooming house over six rooming units (limit 12 persons).  | N  |
| L.        | Mixed residential/commercial uses.  | Y  |
| M.        | Independent-living facility.*   | Y  |
| N.        | Nursing care and assisted living facilities (623110).   | N  |
| O.        | Artist studio, display and sales.   | Y  |
| <b>2.</b> | <b>Accessory uses.</b>  |    |
| A.        | Garage, no dwelling units   | N  |
| B.        | Storage shed up to 150 square feet in area.   | Y  |
| C.        | Storage shed over 150 square feet in area.  | N  |
| D.        | Swimming pool (residential use).  | Y  |
| E.        | Fence.  | Y  |
| F.        | Ground-mounted antenna for amateur radio and television.  | N  |
| G.        | Home occupations.   | Y  |
| H.        | Satellite dish antenna two feet to eight feet in diameter.  | A  |
| I.        | Satellite dish antenna over eight feet in diameter.   | A  |
| J.        | Private greenhouse.   | A  |
| K.        | Flagpole.   | A  |
| L.        | Sale of handicraft or homecraft products incidental to their manufacture on the premises, provided that the display of such merchandise shall not be visible from the street. | Y  |
| M.        | Accessory manufacturing.  | A  |
| <b>3.</b> | <b>Transient residential.</b>   |    |
| A.        | Bed-and-breakfast home (one dwelling unit).*  | N  |
| B.        | Hotel and motel.*   | Y  |
| <b>4.</b> | <b>Gardening and raising of animals.</b>  |    |
| A.        | Gardening/Farming, not to include the raising of animals.*  | Y  |
| B.        | Greenhouse/Nursery not used for a private gainful business.   | A  |
| C.        | Commercial greenhouse or nursery.   | Y  |
| D.        | Keeping of animals as household pets.   | A  |
| E.        | Raising of animals.   | N  |
| F.        | Public zoo.   | N  |
| G.        | Pigeon loft.  | N  |



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|           |   |   |
|-----------|---|---|
| <b>5.</b> | <b>Public, education and recreation uses.</b>   |   |
| A.        | Place of worship (813110).  | Y |
| B.        | Cemetery.   | N |
| C.        | Public museum or library.   | Y |
| D.        | Hospital (622).   | N |
| E.        | Municipal incinerator (562213).   | N |
| F.        | Municipal fire station (922160).  | Y |
| G.        | Municipal refuse transfer station (562111).   | N |
| H.        | Municipal structure or use not otherwise specified herein.  | Y |
| I.        | Individual instruction as defined by § 410-46C(2).  | Y |
| J.        | Day-care center.*   | Y |
| K.        | Elementary or secondary school (611110).  | S |
| L.        | Trade or vocational school (61151).   | Y |
| M.        | Schools not otherwise defined (611410, 6116).   | Y |
| N.        | Historical museum or art gallery, including incidental retail sales (712110).   | Y |
| O.        | Community center.   | Y |
| P.        | Municipal park.   | Y |
| Q.        | Civic, social, fraternal organization (8134).   | N |
| R.        | Nonprofit recreational facility.  | Y |
| S.        | Marina (713930).  | N |
| T.        | Municipal police station/ substation (922120).  | Y |
| U.        | Municipal correctional institute (922140).  | N |
| <b>6.</b> | <b>Neighborhood commercial uses.</b>  |   |
| A.        | Retail store of less than 2,500 square feet per establishment.  | Y |
| B.        | Eating places of less than 2,500 square feet of gross floor area.   | Y |
| C.        | Service business of less than 2,500 square feet of gross floor area per establishment, primarily serving local needs. | Y |
| <b>7.</b> | <b>General commercial uses.</b>   |   |
| A.        | Grocery store over 20,000 square feet.  | S |
| B.        | Retail store over 2,500 square feet serving the general needs of the City.  | Y |
| C.        | Restaurant exceeding 2,500 square feet of gross floor area.   | S |
| D.        | Tavern with liquor license.   | Y |
| E.        | Any commercial use with a drive-in window.  | N |
| F.        | Multitenant commercial structure.   | Y |
| G.        | Nightclub.  | S |
| H.        | Flea market.*   | N |
| I.        | Auction house.*   | N |
| J.        | Incubator.  | Y |
| K.        | Studio (photography, film, recording, design).  | Y |
| L.        | Gallery.  | Y |
| <b>8.</b> | <b>Personal services.</b>   |   |
| A.        | Coin-operated dry cleaner and laundering (812310).  | Y |
| B.        | Dry-cleaning plant, except rugs (812320).   | N |
| C.        | Carpet and upholstery cleaning (561740).  | N |
| D.        | Funeral services (812210).  | N |
| E.        | Bank, credit union (5221).  | Y |
| F.        | Beauty salon, barbershop (81211).   | Y |

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|            |  |   |
|------------|--|---|
| G.         | Travel agency (561510).  | Y |
| H.         | Physical fitness facility (713940).  | Y |
| I.         | Tattoo parlor (81219).   | Y |
| J.         | Massage therapy (81219).   | Y |
| K.         | Tanning salon (81219).   | Y |
| L.         | Electrolysis (81219).  | Y |
| M.         | Photographic studio (541921).  | Y |
| N.         | Cobbler (811430).  | Y |
| O.         | Tax return preparation (54121).  | Y |
| P.         | Tailoring/Dressmaking.   | Y |
| Q.         | Check cashing (522390).  | N |
| R.         | Pawn shop.*  | N |
| S.         | Pet care services (812910).  | S |
| T.         | Pet overnight boarding.  | S |
| U.         | Community food services (624210).  | Y |
| <b>9.</b>  | <b>Business services.</b>  |   |
| A.         | Services to dwellings and buildings (5617, except 561710).                       | Y |
| B.         | Equipment rental and leasing and automotive rental and leasing (5322, 5321).     | S |
| C.         | Industrial equipment rental and leasing (5323, 5324).                            | N |
| D.         | Business support services (5614, except 56143).                                  | Y |
| E.         | Pest control (561710).   | N |
| F.         | Photocopying and duplicating service (56143).                                    | Y |
| G.         | Employment agency (561311).  | Y |
| H.         | Security systems services and locksmiths (56162).                                | Y |
| <b>10.</b> | <b>Office uses.</b>  |   |
| A.         | Ambulatory health care services (621).   | Y |
| B.         | Veterinarian (541940).   | Y |
| C.         | Other office use (541, except 541940, 541921; and 813, except 8134).             | Y |
| <b>11.</b> | <b>Automotive and auto body repair, services and garages.</b>                    |   |
| A.         | General automotive repair shops (81111).   | N |
| B.         | Other automotive repair shops (811198).  | N |
| C.         | Automotive services, except repair (811191).                                     | N |
| D.         | Auto body repair shops (81112).  | N |
| E.         | Car washing facility (811192).   | N |
| F.         | Gasoline service station, including repair facilities (447).                     | N |
| G.         | Automobile, truck and motorcycle sales, rental and service (441, except 441222). | N |
| H.         | Boat dealer (441222).  | N |
| I.         | Motor vehicle towing (488410).   | N |
| <b>12.</b> | <b>Miscellaneous repair services.</b>  |   |
| A.         | Miscellaneous repair Services (811211, 811213, 8114).                            | Y |
| B.         | Commercial and industrial machinery repair services (811212, 811219, 811310).    | S |
| <b>13.</b> | <b>Amusement/recreation services.</b>  |   |

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|            |  |   |
|------------|--|---|
| A.         | Motion-picture theater, except drive-in (512131).  | S |
| B.         | Performing arts venues and related businesses (711, except 711190).  | Y |
| C.         | Bowling alley, billiards and pool.   | Y |
| D.         | Other amusement and recreation (713990).   | S |
| E.         | Non-gambling coin-operated amusement devices (game rooms).   | S |
| <b>14.</b> | <b>Parking Vehicle storage.</b>  |   |
| A.         | Parking garage or parking area.  | N |
| B.         | Parking garage or parking area for noncommercial vehicles.   | Y |
| C.         | Parking garage or parking area within 100 feet of any commercial, riverfront, Y or industrial zone.  | Y |
| D.         | Storage of one truck of not more than three-fourths-ton capacity, owned and operated by a person residing on the premises, specifically excluding vehicles used for the transportation of liquids, gases, rubbish, trash, garbage or other noxious matter. | A |
| E.         | Parking of commercial vehicles over three-fourths-ton capacity.  | N |
| F.         | Storage for noncommercial registered automobiles owned and operated by a person residing on the premises.  | A |
| G.         | Off-street parking garage or parking area as required by Article IX.   | A |
| <b>15.</b> | <b>Wholesale commercial uses.</b>  |   |
| A.         | Wholesale commercial use, including the sale and storage of goods, supplies or equipment.  | N |
| <b>16.</b> | <b>Public utility uses.</b>  |   |
| A.         | Communications office (517), excluding antennas.   | Y |
| B.         | Electric, gas, water, and irrigation stations (22112, 22121, 221310).  | S |
| C.         | Public utility pole.   | Y |
| D.         | Public utility tower not otherwise specified herein  | Y |
| E.         | Radio or television transmission tower.  | Y |
| F.         | Water tower.   | Y |
| G.         | Any other structure which is part of a public utility system, other than a freight or trucking terminal.   | S |
| H.         | Personal communications system antenna.*   | S |
| I.         | Wireless communications antenna.*  | S |
| <b>17</b>  | <b>Transportation uses.</b>  |   |
| A.         | Heliport.  | Y |
| B.         | Railroad.  | Y |
| C.         | Passenger transportation terminal.   | Y |
| D.         | Freight or trucking terminal.  | N |
| <b>18</b>  | <b>Storage uses.</b>   |   |
| A.         | Storage uses. Coal, lumber or wood yard heating oil storage or distribution.   | N |
| B.         | Storage of equipment, products, supplies or material.  | N |
| C.         | Storage of junk, automotive junk, junkyard, commercial junkyard.   | N |
| D.         | Storage of flammable or volatile materials.  | N |
| E.         | Storage of building materials and equipment incidental to adjacent construction.   | A |

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|-----------|---|---|
| F.        | Hazardous substances: any substance or mixture, or substance which is toxic, corrosive, an irritant, a strong sensitizer flammable or combustible, or generates pressure through decomposition, heat or other means if such substance may cause substantial personal injury or substantial illness. | N |
| G.        | Permanently sited trailers for storage use.   | N |
| H.        | Rental storage space (53113).   | N |
| <b>19</b> | <b>Industrial uses.</b>   |   |
| A.        | Manufacture, processing or treatment of products, provided that they are principally sold at retail on the premises, and provided that not more than five persons are engaged therein.  | Y |
| B.        | Processing of food and kindred products (311, 312).   | Y |
| C.        | Textile mill products (314, 313).   | Y |
| D.        | Apparel and other textile products (315).   | Y |
| E.        | Lumber and wood products (321).   | S |
| F.        | Furniture and fixtures (337).   | Y |
| G.        | Paper and allied products (3222).   | S |
| H.        | Printing and publishing (323) and sign manufacturing (339950).  | Y |
| I.        | Plastic materials and synthetics (3261).  | S |
| J.        | Drugs, pharmaceutical (32541).  | Y |
| K.        | Soaps, cleaners (3256).   | S |
| L.        | Miscellaneous chemical products (325, except 3256, 3259).   | S |
| M.        | Petroleum products (324).   | N |
| N.        | Rubber and miscellaneous plastic products (3262).   | N |
| O.        | Leather and leather products (316).   | N |
| P.        | Stone, clay and glass products (3271, 3272).  | Y |
| Q.        | Primary metal industries (331, except 33141).   | N |
| R.        | Fabricated metal products and services (332, except 332992—332995).   | S |
| S.        | Jewelry, silverware and plated ware (33991).  | S |
| T.        | Bulk storage of propane with the primary purpose being distribution and transportation to commercial and industrial users.  | N |
| U.        | Quarrying or mining of sand, gravel or rocks.   | N |
| V.        | Rock or stone crushing.   | N |
| W.        | Manufacturing of firearms.  | N |
| X.        | Manufacturing use not listed.   | N |
| Y.        | Multitenant industrial structure.   | Y |
| Z.        | Boat and ship building (3366).  | Y |
| AA.       | Machinery manufacturing (3334, 3335, 334, 335).   | Y |
| BB.       | Medical equipment, medical supplies and office supplies manufacturing (3391, 33994).  | Y |
| CC.       | Miscellaneous manufacturing (3399).   | S |
| DD.       | Artist studio, display and sales.   | Y |
| <b>20</b> | <b>Signs.</b>   |   |
| A.        | Signs. See § 410-88A to E.  | Y |
| B.        | Billboard, bulletin type.   | N |
| C.        | Billboard, 30-sheet poster type.  | N |
| D.        | Billboard, eight-sheet poster type.   | N |

(Ord. of 4-11-2012 ; Ord. of 3-10-2014(1); Ord. of 3-10-2014(2); Ord. of 10-16-2019(1) , § 1; Ord. of 10-16-2019(2) , § 3; Ord. of 10-14-2020(1) , §§ 3, 4; Ord. of 10-26-2022(1) , § 1, 10-26-2022)

**ARTICLE IV. DIMENSIONAL REGULATIONS**

**Sec. 400. General.**

Dimensional regulations for each of the zones and overlay zones (if applicable) are provided in the following tables.

**Sec. 401. Residential zones.**

D = Lot depth.

W = Lot width.

|                                    | R-1 zone             | R-2 zone             | R-3 zone             |
|------------------------------------|----------------------|----------------------|----------------------|
| Maximum height                     | 2 stories<br>30 feet | 2 stories<br>30 feet | 3 stories<br>30 feet |
| Minimum lot area                   | 5,000 sq. ft.        | 5,000 sq. ft.        | 5,000 sq. ft.        |
| Minimum lot area per dwelling unit | N/A                  | 2,500 sq. ft.        | 2,000 sq. ft.        |
| Minimum lot width and frontage     | 40 ft.               | 40 ft.               | 40 ft.               |
| Minimum front yard                 | 18 ft. D             | 18 ft. D             | 18 ft. D             |
| Minimum side yard                  | 8 ft. W              | 8 ft. W              | 8 ft. W              |
| Minimum rear yard                  | 20 ft. D             | 20 ft. D             | 20 ft. D             |
| Maximum lot coverage               | 35%                  | 40%                  | 40%                  |

*401.1 - Supplementary dimensional regulations—Residential zones.*

- (A) A rear yard may be reduced to not less than 20 percent times lot depth provided the front yard is extended so that the combined total of the front and rear yards is not less than 40 percent times lot depth.
- (B) Building coverage and other paved areas shall not reduce a lot's open area to less than 800 square feet.
- (C) Paving shall not reduce a front yard's open area by more than 24% for a single family home not more than 36% for a multi-family home.

*401.2 - Minimum contiguous buildable areas.* Lots in R and C zones to be buildable shall have a minimum contiguous buildable area (not buildable areas include wetlands, floodplains, easements, rock outcroppings and steep slopes) equal to the following:

| Zoning District                    | Minimum Contiguous Buildable Area |
|------------------------------------|-----------------------------------|
| R-1 Minimum Lot Area 5,000 sq. ft. | 2500 sq. ft.                      |
| R-2 Minimum Lot Area 5,000 sq. ft. | 2500 sq. ft.                      |
| R-3 Minimum Lot Area 5,000 sq. ft. | 2500 sq. ft.                      |
| C-1 Minimum Lot Area 5,000 sq. ft. | 5000 sq. ft.                      |
| C-2 Minimum Lot Area 5,000 sq. ft. | 5000 sq. ft.                      |
| C-D Minimum Lot Area 5,000 sq. ft. | 5000 sq. ft.                      |

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**Sec. 402. Commercial and industrial zones.**

- A. C-1, and C-2 and C-D zones shall have a height restriction of 45 feet for all structures and a minimum lot size of 5,000 square feet.
- B. A minimum side yard set back and back yard set back of 8 feet is required in a C zone.
- C. Where an industrial or manufacturing building is proposed to be constructed in any M zone, there shall be a minimum unobstructed distance of 30 feet from any existing industrial or manufacturing building. Said minimum distance shall be measured from the outer edge of the building envelope of the proposed building to the outer edge of the building envelope of the existing building. Distances resulting from building setbacks from the lot line, the width of existing streets and parking aisles may be included within the 30-foot separation. Through the granting of a special use permit, the board may allow two abutting owners to combine yards to permit unobstructed access

( Ord. of 10-26-2022(1) , § 1, 10-26-2022)

**ARTICLE V. SUPPLEMENTARY REGULATIONS**

**Sec. 500. Purpose.**

The purpose of supplementary regulations is to set specific conditions and dimensional criteria for various uses or areas, where the general regulations are not applicable, and to set standards for the granting of special use permits. Where the provisions of this section may conflict with those in Section 604 Conant Thread District, the provisions for Section 604 shall govern.

(Ord. of 10-16-2019(2) , § 4)

**Sec. 501. Accessory uses.**

Accessory uses are uses which are clearly incidental to and customarily associated with the principal use and shall be operated and maintained under the same ownership and on the same lot as the principal use and shall include, but not necessarily be limited to, private garages, home occupations, swimming pools, and accessory parking. Accessory uses are subject to all the requirements of this ordinance, except as provided herein.

*501.1 - Accessory uses in R zones.*

- A) No accessory use, other than required off-street parking and a private garage, shall be located on any lot having an area of less than 5,000 square feet.
- B) Accessory uses or any combination of such uses may be included in an accessory building of one or two stories, and no more than 20 feet in height and may occupy no more than 50 percent of the area of a rear yard.
- C) No accessory buildings or structures shall be permitted between the front of a main structure and the street.
- D) Within any R zone, where an existing principal structure is less than 20 feet from the lot line, an accessory building shall not be located less than ten feet from any existing principal or accessory structure on an adjacent or contiguous lot if the proposed accessory structure is one story or shall not be located less than 20 feet from an existing principal or accessory structure on an adjacent or contiguous lot if the proposed accessory structure is two stories.
- E) Where a yard abuts upon a public right-of-way no accessory building shall be erected within 18 feet of such public right-of-way if it contains a garage that is accessible from said street.

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- F) A detached garage or shed may be located in the required rear yard but not less than five feet from the rear lot line. A detached garage located within a rear yard may have its driveway within the required side yard.
  - G) A garage attached to the main building or structure shall maintain the side yard and rear yard setback requirements as specified in article IV for the zone in which it is located. Such garage shall be no more than one story or 14 feet in height and 24 feet in depth.
  - H) A private garage or shed may be used to store vehicles, boats, recreational vehicles or similar equipment owned by the occupant. Storage or parking of tractor-trailers is prohibited in R zones. No recreational vehicle shall be used for residential occupancy. No recreational vehicle shall be stored for a period in excess of one year unless it is in a condition for safe and effective performance of the function for which it is intended.

*501.2 - Accessory buildings and uses in C and M zones.* Accessory buildings which contain 2,500 square feet or less of gross floor area shall only include a garage for the exclusive use of the owner and customer(s) or the storage of commercial vehicles. Accessory buildings exceeding 2,500 square feet of gross floor area are permitted to contain any accessory use which is incidental and customary to the main use, including a garage or storage building. All such buildings shall be on the same lot as the main use. Any accessory building or structure in a C or M zone that abuts an R zone shall have a setback of 20 feet from the property line of the abutting R zone.

*501.3 - Accessory manufacturing uses in C-1 and C-2 zones.* Incidental manufacturing uses to any permitted use are allowed in C-1 and C-2 zones provided such manufacturing uses are performed on the same lot as the main use; are clearly incidental and customary to the main use being performed on the premises; and all such products produced on the lot are sold on the premises. A maximum of 25 percent of the gross floor area of the permitted use may be devoted to manufacturing, compounding, processing or treatment of products, or to catering, cleaning, laundering, plumbing, upholstering and the like.

## **Sec. 502. Screening of trash/garbage collection areas, dumpsters and utility structures.**

*502.1 - Screening of trash containers and dumpsters.* All commercial and industrial uses, and residential uses of four families or more, shall provide trash and/or garbage collection areas or dumpsters enclosed on at least three sides by a solid wall, opaque fence or compact planting screen of at least five feet in height, if such area is not within an enclosed building or structure. In order to provide adequate vehicular access to and from dumpsters, there shall be a minimum clearance of nine feet between any such dumpster and any principal structure.

*502.2 - Screening of on-ground utilities.* Utility structures, substations, telephone exchange substations, dish antennas and similar uses shall be enclosed on at least three sides by a vegetative screen of hardy evergreens or shrubs at least three feet high at time of planting and which shall be sufficient to effectively provide a visual screen from adjacent R zones.

*502.3 - Location of dumpsters in R zones.* Dumpsters in R zones shall not be located in front yards except as permitted by the board as a special use permit as provided in section 514.14.

## **Sec. 503. Requirements for automobile service stations.**

Automobile service stations shall be permitted only when the following requirements are met:

### *503.1 - Lot requirements:*

- A) Minimum lot size shall be 10,000 square feet.
- B) Minimum lot depth shall be 100 feet.
- C) Minimum lot width and frontage shall be 100 feet.

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*503.2 - Requirements for service station buildings:*

- A) Minimum setback from all street lines shall be 40 feet.
- B) Minimum setback from all interior lot lines shall be 20 feet.

*503.3 - Requirements for driveways:*

- A) Minimum distance between access driveways shall be 20 feet.
- B) Maximum width for curb cuts shall be 25 feet.

*503.4 - Requirements for other structures:*

- A) Minimum distance between pump islands, compressed air connections and similar equipment and any street or property lines shall be 20 feet.
- B) Minimum distance between the canopy and the street line shall be 12 feet.
- C) Minimum distance between any canopy and any interior lot line shall be 20 feet.

*503.5 - Requirements for underground tanks:*

- A) Maximum storage capacity for petroleum products shall be 42,000 gallons.
- B) Minimum separation distance required between underground tanks, adjoining buildings and property lines shall be ten feet. Service station buildings are exempt from the separation distance requirement if there are no basements or pits that extend below the top of any tank within the separation distance.

*503.6 - Requirements for repairing and washing vehicles:* Repairing shall be limited to minor repair work, such as tire or tube repairing, battery changing, lubrication, engine tune ups and similar type work, and must be conducted wholly within a building. Repair work shall not include replacement of engines, replacement of transmissions, or any body work. Storage of all merchandise, auto parts and supplies shall be conducted wholly within a building. If washing of vehicles occurs inside or outside a building, the entire washing area shall be paved and all the water used in such washing shall be properly drained on-site with no runoff onto the public right-of-way. All outdoor activities shall be screened from adjoining R zones by a four-foot-high compact evergreen screen or tight board fence.

**Sec. 504. Outside storage of vehicles.**

All auto service stations, new and used car dealerships, recreational vehicle dealerships, garage repair shops, auto body shops, car washes, storage of vehicles, and similar types of uses shall meet the following requirements:

*504.1 - Overnight outside storage.* Overnight outside storage of any vehicles intended to be repaired shall be limited to one vehicle for every 500 square feet of lot area.

*504.2. Storage of junk vehicles.* Storage of any junk vehicles shall not be permitted unless said vehicles are kept within an area that is completely enclosed on all sides by a six-foot-high tight board fence or a similar type of screening. Said vehicles shall be deemed as stored vehicles, limited under section 504.1.

**Sec. 505. Outdoor display of merchandise (other than autos).**

Except in an R zone, outdoor displays are permitted up to ten percent of the gross floor area of a commercial establishment. Such outdoor display shall be located on the same lot as the main use or may be located on the adjoining city sidewalk only with the appropriate city permits and/or licenses. No additional parking shall be



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required for such additional area, provided existing parking is not reduced. The goods displayed shall be removed at the end of each business day.

**Sec. 506. Height modifications.**

*506.1 - Roof structures permitted above maximum height.*

- A. The following roof structures are permitted above the maximum height as specified in this ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building:
- (1) Structures for the housing of elevators and elevator shafts,
  - (2) Stairways,
  - (3) Fire or parapet walls,
  - (4) Skylights,
  - (5) Towers, and
  - (6) Steeples.
- B. The following roof structures are permitted above the maximum height as specified in this ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building, and provided that such features shall be set back from the edge of the roof a minimum distance of one foot for every two feet by which they extend above the roof:
- (1) Heating and air-conditioning equipment,
  - (2) Ventilating fans,
  - (3) Storage tanks for water,
  - (4) Television, radio or satellite dish antennas or masts,
  - (5) Chimneys or roof-mounted smokestacks,
  - (6) Roof-mounted flagpoles, and
  - (7) Similar equipment required to operate and maintain a building.

No such roof structure as set forth in this subsection B. shall exceed the maximum height for the zone in which it is located, except by the amounts allowed herein:

- (1) Buildings from one to six stories: Ten feet.
  - (2) Buildings exceeding six stories: Ten feet plus one foot per story above the sixth story to a maximum total of 20 feet.
- C. Solar collectors are permitted above the maximum height as specified in this ordinance provided that they are set back 3 feet from the edge of the roof and there is a parapet wall on all sides of the roof.

( Ord. of 10-26-2022(1) , § 1, 10-26-2022)

**Sec. 507. Yards apply to only one building.**

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard

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or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing yard or open space on a lot whereon a building is to be erected.

**Sec. 508. Front yard modifications.**

*508.1 - Averaging setbacks.* The minimum required front yard of any lot proposed to be built on may equal the average of the actual front yards, lawfully established on lots wholly or partially within 100 feet in both directions, on both sides of the same street.

*508.2 - Through lots.* At each end of a through lot there shall be a front yard of the depth required by this ordinance for the zone in which each street frontage is located. However, in all R zones, one of these front yards may serve as a required rear yard.

*508.3 - Corner lots.* On a corner lot in an R zone, all yards fronting on intersecting streets shall meet the required front yard setbacks.

**Sec. 509. Side yards modifications.**

For the purpose of side yard regulations, any dwellings which occupy a single lot but have a common party wall shall be considered as one building. (For example, two-family detached dwellings or row dwellings).

**Sec. 510. Projections into yards.**

*510.1 - Cornice, sill or chimney.* A cornice, eave, belt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required side yard not more than four inches for each 16 inches of width of such side yard and may extend or project into a required front, side, or rear yard not more than 30 inches. Chimneys may project into a required front, side, or rear yard not more than 16 inches provided the width of such side yard is not reduced to less than four feet.

*510.2 - Fire escape.* A fire escape may extend or project into any required front, side or rear yard not more than four feet.

*510.3 - Open stairway, balcony or porch.* An open, unenclosed stairway, balcony, porch, deck, platform or landing place, which, except for the roof, does not extend above the level of the first floor of the building may extend or project into any required front yard not more than six feet, and into any required side yard six feet, but in no case closer than four feet to the side or rear lot line. This provision does not apply to handicapped access ramps.

**Sec. 511. Only one main residential building on a lot.**

Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one main residential building and up to two accessory buildings on one lot. The only exception to this is a multi-household dwelling and/or a condominium development with four or more living units which may be housed in multiple structures.

( Ord. of 10-26-2022(1) , § 1, 10-26-2022)

**Sec. 512. Corner setback.**

In any triangle formed by the street lines intersecting at an angle of 100 degrees or less, there shall be a corner setback of 15 feet from the point of intersection, wherein no building or structures may be erected, no parking areas or entrances may be created and no vegetation or fencing may be maintained above the height of

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3½ feet above the plane of the curb grades. Notwithstanding the provisions of this section, poles not exceeding eight inches in outside diameter designed for the support of lights and signs may be erected in this triangle.

**Sec. 513. Fencing.**

All fences shall be constructed of manufactured metal, wood, masonry or other approved fencing material. A hedge composed of plant material adjacent to the fence may be used but shall be in conformity with the maximum height requirements of this section.

*Sec. 513.1 - Repair and condition.* All fences shall be maintained in good condition, be structurally sound, be wholly intact and be free from insect infestation.

*Sec. 513.2 - Maximum height.* The maximum height of fences by zoning district shall be as follows:

| Zoning District | Front Yard (feet) | Side Yard (feet) | Rear Yard (feet) |
|-----------------|-------------------|------------------|------------------|
| R Zones         | 4                 | 6                | 6                |
| C Zones         | 5                 | 6                | 6                |
| M Zones         | 8                 | 8                | 8                |

*Sec. 513.3 - Technical review requirement.* Fencing in areas zoned R1, R2, R3 and CD are required to have a technical review by the zoning official for compatibility with the character of the commercial or residential area.

*Sec. 513.4 - Fencing at driveway entrances and exits.* At driveway entrances and exits, a reduction of all closed or open fences to a (4) foot height for a distance of (8) feet from the driveway entrance/exit property line is required for safety and visibility of persons backing out of the driveway.

*Sec. 513.5 - Barbed wire and razor wire prohibited.* The use of barbed wire and razor wire shall be prohibited in all zones except for a prison or correctional institution or except as permitted by the board as a special use permit as provided in section 514.12.

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**Sec. 514. Special use permits.**

The following special uses are permitted upon approval by the board, in accordance with article IX.

*514.1 - Boarding.* The board may permit that up to two rooms may be rented with or without meals within any dwelling unit provided more than 50 percent of the habitable space is occupied by the family occupying the dwelling unit, and provided no more than one person may occupy any one of said rooms.

*514.2 - Accessory manufacturing.* Within C zones, manufacturing, compounding, processing, catering, cleaning, laundering, plumbing, or treatment of products and similar uses which are clearly incidental and essential to a retail use and which exceed the provisions of section 501.3 may be permitted by the board, provided such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

*514.3 - Alterations in an R-1 zone.* A building, in existence prior to the enactment of this ordinance, in an R-1 zone may be permitted to be altered to accommodate two or more dwelling units provided that: the total number of dwelling units does not exceed one dwelling unit for every 5,000 square feet of lot area; the building is not increased in height or floor area; and all other provisions of this ordinance (including parking) relative to residential use are met.

*514.4 - Change in nonconforming use.*

- A) *Nonresidential zones.* Within any nonresidential zone, a nonconforming use may be changed to a different nonconforming use by special permit. In considering an application for a special use permit to change to a different nonconforming use, the board shall find that the new use will be less nonconforming and less disruptive of the neighborhood land use pattern. A nonconforming use changed to a different nonconforming use by a special use permit may not be changed to another nonconforming use without the granting of another special use permit.
- B) *Residential zones.* Within any residential zone, a nonconforming use may be changed to a different use which is allowed by special use permit in that zone. In considering the application, the board shall consider any conditions required for the granting of that special use permit.

*514.5 - Parking R zones.* Off-street automobile parking lots may be established by special use permit to support off-street parking requirements of residential uses in areas where the board finds that there is a need for such additional facilities or where required off-street parking cannot be satisfied on the lot in which such residential uses are located. Such lots shall be developed and maintained as required by article VIII of this ordinance, and subject to such further conditions as may be imposed by the board.

*514.6 - Off-site parking.* The board may permit off-street parking on other off-site lots in any district provided that such off-site parking is reasonably and safely accessible from the principal use, either by pedestrians or other means such as tram and/or shuttle service.

*514.7 - Reduction in required lot area.* The board may permit the lot area per dwelling unit to be reduced to 80 percent of the minimum area specified in this ordinance if, and only if, parking, the use of the building, and the building height are all in conformance with the requirements of this ordinance.

*514.8 - Maximum lot coverage.* The board may allow an additional ten percent lot coverage above the maximum lot coverage specified in this ordinance if, and only if, parking is provided in accordance with (section on parking) [article VIII] and the use of the building is in conformance with article III.

*514.9 - Maximum height in R zones.* The board may, by special use permit, allow an increase in the maximum height to three stories, not to exceed 40 feet, provided that the use of [the] building is in conformance with article III and provided that each side yard must be increased by one foot for every three feet in height over two stories or 30 feet.

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*514.10 - Shared parking.* The board may allow shared parking, provided that (1) the type of structures or uses indicate that the period of usage of such structures or use will not be simultaneous (e.g., a church with Sunday services together with a business that is closed on Sundays), and (2) neither use may be a residential use except in a mixed use development with 20 or more residential units.

To be considered for zoning relief shared parking must be according to a parking plan that is legally incorporated into ownership and tenant agreements of principal users.

The following table defines the percent of the minimum parking required by use group during each time period for the purposes of defining a shared parking plan.

| Uses                        | M-F     | M-F      | M-F      | Sat. & Sun. | Sat. & Sun. | Sat. & Sun. |
|-----------------------------|---------|----------|----------|-------------|-------------|-------------|
|                             | 8am-5pm | 6pm-12am | 12am-6am | 8am-5pm     | 6pm-12am    | 12am-6am    |
| Residential                 | 60%     | 100%     | 100%     | 80%         | 100%        | 100%        |
| Office/Warehouse/Industrial | 100%    | 20%      | 5%       | 5%          | 5%          | 5%          |
| Commercial                  | 90%     | 80%      | 5%       | 100%        | 70%         | 5%          |
| Hotel                       | 70%     | 100%     | 100%     | 70%         | 100%        | 100%        |
| Restaurant                  | 70%     | 100%     | 10%      | 70%         | 100%        | 20%         |
| Movie Theater               | 40%     | 80%      | 10%      | 80%         | 100%        | 10%         |
| Entertainment               | 40%     | 100%     | 10%      | 80%         | 100%        | 50%         |
| Conference/Convention       | 100%    | 100%     | 5%       | 100%        | 100%        | 5%          |
| Institutional (non-church)  | 100%    | 20%      | 5%       | 10%         | 10%         | 5%          |
| Institutional (church)      | 10%     | 5%       | 5%       | 100%        | 50%         | 5%          |

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*514.11 - Shared driveway.* The board may allow a shared driveway between two lots provided that each lot contains not more than four pre-existing dwelling units. Shared driveways are not allowed for new construction in R zones.

*514.12 - Barbed wire fences.* The board may permit barbed wire fences only where the applicant has demonstrated that it is required for public safety purposes.

*514.13 - Shared access.* The board may allow two abutting owners to combine yards to permit unobstructed access as described in section 402.1(G).

*514.14 - Dumpster in front yard.* The board may allow a dumpster in a screened area in a front yard when pre-existing conditions prevent the dumpster from being otherwise located. The dumpster must be located such it does not obstruct the sidewalk or otherwise create a safety hazard and or create a nuisance.

State law reference(s)—Special use permits, G.L. 1956, § 45-24-42.

## ARTICLE VI. SPECIAL ZONES

### **Sec. 600. Overlay zoning districts.**

Overlay zoning districts are hereby established to regulate areas and structures of historical significance, educational and health care institutions, and mixed uses. These regulations are necessary to meet the purposes set forth in section 100 of this ordinance. The boundaries of the overlay zoning districts are as defined in section 102 of this ordinance. These boundaries may be amended in accordance with article XI [sic] of this ordinance. Overlay zoning districts are designed to impose supplementary requirements and do not in any manner reduce any requirements of the underlying zone, except where specifically provided for by this ordinance.

### **Sec. 601. Historic district—Purpose.**

Historic districts are overlay zoning districts which cover designated districts or structures, which are listed in the National Register of Historic Places, within the City of Central Falls. The purpose of historic districts is to safeguard the heritage of the city by preserving designated districts and structures of historic or architectural value which reflect elements of Central Falls' cultural, social, economic, political, and architectural history; to stabilize and improve property values in such districts or designated structures; to maintain and foster civic beauty; to strengthen the economy; and to promote the use of designated districts and structures for the education, pleasure and welfare of the citizens. An historic district may include properties which are associated with broad patterns, events, and/or people significant in local, state or national history; which embody the distinctive characteristics of a broad range of building types and architectural styles; which possess high artistic value and/or represent the work of a master builder, architect, landscape architect or other designer; or which lack individual distinction but which add to the historic district zone's status as a significant and distinguishable socio-cultural entity.

### **Sec. 602. Mill building reuse development (MBRD).**

A mill building reuse development (MBRD) creates a zoning overlay district within an M zone containing obsolete or under utilized manufacturing and or industrial building. The (MBRD) designation allows the development of such sites according to a plan for mixed use. All such re-use developments shall be done in accordance with this section.

*602.1 - Mill building reuse development.* In accordance with section 101.4 of this ordinance, a MBRD district may contain one or more manufacturing and/or commercial structures with appurtenant accessory buildings, common areas, open space and roadways. The purpose of a MBRD is to allow for the redevelopment of the site for mixed use development through careful site planning. MBRD zoning overlays may be applied in any M zone.

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*602.2 - Re-use development establishment and regulations.*

- A) Establishment: A reuse development may be established upon approval by the planning commission pursuant to G.L. 1956, § 45-24-47 in any M zone in which the proposed principal use of each building is permitted in accordance with Article III and 602.2
- B) Permitted uses: Uses as permitted in article III and the following uses listed by use category are permitted in a mill building reuse development:
  - 1.0 Residential, 11,14 and 14.1
  - 2.0 Institutional and Governmental Services, 21, 22, 24, 24.1 and 24.2
  - 3.0 Cultural, Entertainment And Recreation Services, 31, 32 (limited to auditorium, exhibition hall and theater) and 34
  - 4.0 General Services, 41, 42, 43, 44, 46 and 47
  - 5.0 Trade, 55, 56
- D) Additional criteria for approval: To approve a re-use development, the zoning board shall find that:
  - 1. That the re-use development is not displacing an active manufacturing and or industrial use. Further that there is no reasonable expectation that manufacturing will continue at the site.
  - 2. The re-use development will not create a serious conflict with adjacent manufacturing and or industrial businesses in the M zone.
  - 3. The developer has a plan to notify all tenants and owners of the buildings and units in the re-use development that they are in a M zone and that allowed M zone uses that may be perceived as a nuisance or otherwise obnoxious shall give them no cause for action against such industrial and or manufacturing activity.
  - 4. The plans for the re-use development are consistent with the comprehensive plan.

**Sec. 603. Reserved (Municipal Economic Development Zone.).**

**Sec. 604. Conant Thread district (CT).**

*604.1 - Definitions.* The following definitions are provided specifically for the CT District. Where these terms may have different definitions in other sections of the Zoning Ordinance, the definitions herein shall apply to proposals in the CT District.

*Adaptive Reuse* - The process of repurposing an existing building for a different purpose than what was originally contained therein.

*Adult Use* - An establishment that sells or disseminates explicit sexual material, and at which access to the public display of explicit sexual material is restricted to persons 18 years of age or older. These may include, but shall not be limited to adult bookstores, adult cabaret, or adult motion picture theaters.

*Amusement Park* - An area that may include both outdoor and indoor areas designed for assembling crowds of people for the purposes of enjoying multiple attractions, which could include fairground rides, shows, refreshments, games of chance or skill, and other entertainments.

*Auto Body Shop or Repair Service* - An establishment primarily engaged in the repair, painting, detailing or refinishing of automobiles, noncommercial vehicles, motorcycles, recreational vehicles or boats, including the sale,



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installation, and servicing of equipment and parts. Such activities as well as any overnight storage will take place indoors. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, lubrication shops, and similar repair and service activities. These uses shall not include vehicle dismantling or salvage of parts, or the sale/dispensing of motor fuels.

*Awning Sign* - A sign placed directly on the surface of an awning.

*Building Contractor Operation* - An establishment designed to store and periodically deploy heavy equipment and bulk materials associated with construction.

*Commercial Surface Parking* - A surface parking area that leases spaces on a temporary basis as a primary use.

*Coordinated Development* - Proposed or existing site conditions where buildings, structures, infrastructure, site features, and/or lot configuration are designed in a manner where these elements are organized into an integrated concept.

*Edge of Pavement* - The linear edge where curbing, sidewalks, and driveways meet the street surface.

*Elevated Freestanding Sign* - A sign that is not attached to any building and is elevated clear of the ground by means of poles, posts, or similar structures.

*Frontage Area* - The area between the façade of a frontage building and the edge of pavement. Contains the Frontage Zone, the Pedestrian Zone, and the Furnishing Zone.

*Frontage Building* - Any building that is located along a public right-of-way or private way designed to move automobiles, with its façade oriented to that public or private way.

*Frontage Zone* - The part of the frontage area immediately adjacent to the building façade.

*Fuel Station* - Any lot or portion thereof used partly or entirely for dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of vehicles. This does not include bulk storage and wholesale of liquid fuels.

*Furnishing Zone* - The part of the frontage area immediately adjacent to the edge of pavement.

*Golf Course* - The grounds where the game of golf is played. The area dedicated to play comprises a series of holes, each usually consisting of a teeing ground, a fairway, the rough and other hazards, and a green with a flagstick ("pin") and hole ("cup").

*Heavy Equipment Operations* - Establishments that provide service, storage, or sales of heavy duty construction machinery, vehicles, or related accessories.

*Infill Development* - New buildings or structures developed where such development is contiguous with the pre-existing pattern of buildings either on that lot or on adjacent lots.

*Manufactured On-Site Home Sales* - Establishments that provide for the assembly, display, storage, and sale of manufactured homes on the premises.

*Mini-storage and Self-storage Facilities* - A building or group of buildings comprised of individual units which may be rented or leased by the public for the storage of personal belongings.

*Monument Sign* - A freestanding sign attached to a base that is at least as wide as the sign. The base shall stand no taller than two feet measured from grade.

*Motor Vehicle and Equipment Lease and Sales* - Premises for the sale and/or lease of new and/or used motor vehicles (including boats) and heavy equipment. This use may include the servicing and auto body repair of said vehicles.

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*Motor Vehicle and Equipment Towing and Storage* - Any lot or land area used for the storage or layover of passenger buses, motor coaches, taxis, limousines, and other such fleets.

*New Development* - Newly constructed buildings or structures. Includes infill development.

*On-site Dry Cleaning* - An establishment that provides dry cleaning services where the cleaning operation is performed on-site.

*Pedestrian Zone* - The part of the frontage area dedicated primarily to pedestrian travel across the front of a property. Generally located between the frontage zone and the furnishing zone.

*Projecting Sign, Horizontal* - A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

*Projecting Sign, Vertical* - A sign which is supported by an exterior wall of a building and which is displayed parallel in vertical alignment with the face of the building.

*Recess Line* - Architectural feature on multi-story buildings created when one building story is set back from the vertical plane of the building story beneath it.

*Rehabilitation* - Repair, renovation, and/or restoration activities designed to place unused or under-utilized buildings back in to active use. See Adaptive Reuse.

*Roof Sign* - A sign that projects above the roof, parapet or ridge line of the building; or mounted upon any roof, parapet or ridge line of a building.

*Salvage Yard* - Establishment that collects, stores, and sells materials or items recovered from site demolition or other salvage operations. These establishments may or may not include outdoor storage.

*Significant Renovation* - Any improvements to an existing building that would include:

- Demolition of up to 20 percent of an existing structure designated as architecturally/historically significant by the Conant Thread Historic Inventory. The area of demolition shall be measured by the building footprint.
- Replacing or changing the appearance of more than 50 percent of any exterior wall on any existing principal building (not accessory structures).
- Replacement of windows cumulatively covering more than 300 square feet on any building designated as architecturally/historically significant by the Conant Thread Historic Inventory.
- Replacing or changing any wall sign, monument sign, roof sign, or elevated projecting sign.
- Changing the location of the primary entrance to the building.

*Single Building Large Retail* - Buildings with retail or service use where the footprint of the building is 10,000 square feet or more and the building does not include multi-family residential use in stories above the ground floor. This definition may apply regardless of the number of retail or service operations within the building.

*Strip Commercial Development* - A style of site development that generally includes a series of connected or closely gathered single story commercial establishments, often situated along the side and rear yards of a lot, with parking areas between the street edge and building entrances.

*Structured Parking Facility* - A multi-story structure used to park vehicles as its primary use.

*Transit Oriented Development (TOD)* - A style of land use development designed to concentrate residential use and complementary non-residential uses in close proximity to high volume transit infrastructure.

*Turf* - Landscaped grass areas designed to be regularly mowed.

*Wall Sign* - A sign made of any material, including vinyl and cloth, attached directly to a wall of a building or as to extend not more than 15 inches from the face of the wall.

*Warehousing and Distribution Facilities* - Establishments where goods are stored in bulk temporarily before being shipped to other businesses or directly to consumers.

**604.2 - Establishment.** The Conant Thread (CT) District is established pursuant to § 101.6 of the Zoning Ordinance. The boundaries of the district can be viewed on the city's official zoning map, pursuant to § 102 of the Zoning Ordinance.

**604.3 - Purpose.** The Purposes of the CT District include:

- A. Create a Transit Oriented Development (TOD) zoning district that connects housing, commerce, and transit opportunities.
- B. Provide standards for high quality infill development, adaptive re-use, and rehabilitation.
- C. Provide standards for high quality urban design that will result in the development of safe, attractive, and comfortable spaces for pedestrians and bicyclists.
- D. Expand access to streamlined permitting processes.

**604.4 - Joint planning commission.** The Joint Planning Commission (JPC) is established in accordance with Chapter 2, Article V, Division 3 of the Central Falls Code of Ordinances and includes the five Planning Commission members in Pawtucket and the five Planning Board members in Central Falls. Membership, therefore, includes ten individuals. The JPC is herein given authority to review applications for development in accordance with the procedures and standards set forth in this Article VI, Section 604.

**604.5 - Permit review summary.** Applications for development in the CT District are reviewed as follows:

| Permit                          | Reviewing Authority                                | Ordinance Section     |
|---------------------------------|--|-----------------------|
| Subdivision or Land Development | JPC<br>(Subdivision Regulations)                   | § 604.7               |
| All Variances                   | JPC<br>(Unified Development Review)                | § 604.8               |
| Special Use Permits             | JPC <sup>(1)</sup><br>(Unified Development Review) | § 604.8               |
| Development Plan Review         | JPC or Staff                                       | § 604.9               |
| Building Permit                 | Building Official                                  | Various/Building Code |

\* Unless the Zoning Board of Review is specified.

Where more than one of the applications listed above is required, the applications shall be reviewed simultaneously to the extent practicable unless sequential review is otherwise required or is more advantageous to both the applicant and the JPC. In the event that one application review is completed before another, any approval shall be conditioned on the approval of subsequent applications.

**604.6 - Permit review criteria.**

- A. *General Criteria.* In reviewing applications for development permits in the CT District, the approving authorities for any application shall consider the following overarching criteria:
  - (1) Compliance with all applicable sections of the Zoning Ordinance and the Subdivision and Land Development Regulations.
  - (2) Consistency with the goals of the City Comprehensive Plan and the Purposes of the CT District.

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- (3) The quality and accuracy of information presented by the applicant for the proposal.
  - (4) Compliance with the Conant Thread District Design Guidelines. These guidelines are available in the Central Falls Department of Planning and Economic Development, and may be updated by the JPC.
  - (5) Quality of site design and building design for the proposal.
  - (6) Preservation and considerate reuse of structures identified as being architecturally/historically significant by the Conant Thread Historic Inventory. This inventory is available in the Central Falls Department of Planning and Economic Development, and may be updated by the JPC.
- B. *Special Use Permits.* All uses of land and structures within the CT District that require a Special Use Permit shall be consistent with the following standards for approval:
- (1) The proposed use of land and structures shall not deter the use of the remainder of the building and/or abutting buildings for residential or commercial uses by introducing noise, large truck traffic, or odors.
  - (2) The proposed use of land and structures shall not include storage or use of any materials that are harmful, flammable, noxious, or may otherwise be determined to be an undue nuisance to abutting property owners or residents.
  - (3) The scale of the proposed use of land and structures shall not directly result in increased traffic flow, particularly large industrial vehicles, that exceeds the capacity of existing CT District roadways and infrastructure.
  - (4) The proposed use of land and structures shall be consistent with the stated goals of the CT District, most specifically the creation of new light manufacturing job opportunities, a complementary mix of residential, office, and commercial activity, the preservation of historic mill structures, and the overall improvement of environmental conditions through brownfield remediation and stormwater management best practices.

*604.7 - Subdivision and land development review.*

- A. Applications for a subdivision within the CT District shall follow the applicable JPC Development Regulations.
- B. Any proposal that includes the demolishing of more than 20 percent of a structure identified as being architecturally/historically significant by the Conant Thread Historic Inventory (see Section 604.6) shall be reviewed as a Major Land Development project.

*604.8 - Unified development review.* Applications for any variance and applications for special use permits shall be heard by the JPC as enabled by the Unified Development Review provisions of the Cities of Pawtucket and Central Falls, and in accordance with the Rules and Procedures for the JPC as amended. Where an application does not require a subdivision, but does require a variance or special use permit, the application shall be classified as a Major Land Development project for the purposes of establishing review procedures under Unified Development Review.

*604.9 - Development plan review (DPR).*

- A. *Purpose.* It is the purpose of this article to establish procedures pursuant to the permitting process which will enable the City or the JPC, as applicable, to perform a comprehensive review of certain proposed developments. The development plan review (DPR) procedure shall not be used to deny an applicant a permitted use of the property as established by the Zoning Ordinance. The particular uses requiring DPR are outlined below.
- B. *Administration.*

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- (1) No permit to build, alter, or expand any of the uses requiring DPR as outlined below shall be issued by the Building Official until a written statement of final approval in accordance with this article has been received. The applicant is responsible for obtaining a building permit through the Code Enforcement Office as required by City ordinances. The applicant must submit all plans and documents normally required for a building permit. The approved final development plan shall be part of this submission. The DPR process will not preclude the need to meet other City requirements as they may apply to a particular development. No alteration to any City ordinance requirements or any necessity to gain approval by another legal jurisdiction shall be deemed to be authorized or granted by virtue of the DPR under this article.
  - (2) Projects subject to DPR shall not require review as a Major Land Development project unless specifically required elsewhere in the Zoning Ordinance. A project submitted for DPR may also be referred to the JPC as a Minor or Major Land Development project.
- C. *DPR Process.* The DPR shall be conducted by either the JPC or the staff of the Department of Planning and Economic Development (Staff) in accordance with those procedures and requirements listed in this article and in the Land Development and Subdivision Review Regulations. The JPC or Staff may enlist the assistance of other municipal staff or boards in the review of applications. Mechanisms to enlist this assistance can include, but are not limited to, the establishment of a Technical Review Committee.
- D. *DPR Thresholds.* Applications for development shall be reviewed in accordance with the following thresholds.
- (1) DPR shall be under the jurisdiction of the JPC where any of the following conditions apply:
    - (a) Where 20 percent or more of an existing structure is proposed to be demolished as measured by the footprint of the structure. Any site improvements or development occurring as a result of the demolition shall be reviewed along with the plans for demolition. This threshold only applies to structures that are not identified as being architecturally/historically significant by the Conant Thread Historic Inventory (see Section 604.6).
    - (b) Where proposed development would include 80,000 square feet or more of newly developed or renovated floor area in a new building, an existing building, accessory structures, or additions. Where multiple buildings or additions are included in the proposal, the floor area shall be measured in the aggregate.
    - (c) Where proposed development would include 25,000 square feet or more of floor area utilized for industrial or manufacturing purposes and/or include accessory storage of equipment or materials.
    - (d) Where proposed development would include more than 50 units of new housing.
    - (e) Any site disturbance of 40,000 square feet or more.
    - (f) Any development where a structured parking facility is proposed.
    - (g) Any application that is referred to the JPC by Staff.
  - (2) DPR shall be administrative (performed by Staff):
    - (a) Where significant renovation, as defined in this ordinance, of an existing building is proposed.
    - (b) Where proposed development would include between 1,000 and 80,000 square feet of newly developed floor area in a new building, an existing building, accessory structures, or additions. Where multiple buildings or additions are included in the proposal, the floor area shall be measured in the aggregate.

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- (c) Where proposed development would include more than five and up to 50 units of new housing.
  - (d) Any site disturbance between 2,000 and 40,000 square feet.
  - (e) Any permitted use that is specifically referred in writing to Staff by the Building Official or the Director of Code Enforcement.

E. *Appeals.*

- (1) Appeals to the Zoning Board of Review may be taken by a person aggrieved by any final action of Staff or the JPC pursuant to the provisions of this section. Where the application was reviewed by Staff, appeals will be confined to the City of Central Falls Zoning Board of Review. Where the application was reviewed by the JPC, appeals shall be filed with Providence County Superior Court.
- (2) For appeals made to the Zoning Board of Review, any appeal shall be taken within 20 days of such final action by filing with the Zoning Board of Review a written notice of appeal specifying the grounds for appeal and the specific finding or findings of staff in its final actions which are challenged, if any. The lack of particularity of specific grounds for appeal shall constitute cause for dismissal of any appeal. Only the grounds for appeal so specified will be reviewed by the Zoning Board of Review on appeal. Such appeal shall be accompanied by copies of the original development plan submission and the written findings of staff or the JPC with respect to the final action appealed from. Copies of the development plan and the findings shall be made available by the Department of Planning and Economic Development for review by any party.
- (3) On such review, the Zoning Board of Review shall not substitute its judgment for that of staff but must consider the findings and record of staff. The Zoning Board of Review shall not reverse a staff decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.

*604.10 - Allowable and prohibited uses.*

- A. *Allowable Uses.* Uses that are allowable by right or through the issuance of a Special Use Permit are identified in Table 2 - Conant Thread Use Regulations in Section 304 of the Zoning Ordinance.
- B. *Uses Not Listed in the Use Table.* Uses not listed in the Conant Thread Use Regulation table may be considered prohibited. However, an applicant may propose a use that is not specifically listed and potentially allowed in the Conant Thread Use Regulations table pursuant to the procedures in Section 301, unless such use is specifically prohibited in Subsection C below.
- C. *Specifically Prohibited Uses.* The following Uses, as defined in this section of the ordinance, are prohibited within the CT District.

Adult Use

Amusement Park

Auto Body Shop or Repair Service

Building Contractor Operation

Commercial Surface Parking

Compassion Centers as defined by G.L. 1956, § 21-28.6-12

Fuel Station

Golf Course

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Heavy Equipment Operations  
Manufactured On-Site Home Sales  
Mini-storage and Self-storage Facilities  
Motor Vehicle and Equipment Lease and Sales  
Motor Vehicle and Equipment Towing or Storage  
On-Site Dry Cleaning  
Salvage Yard  
Single Building Large Retail  
Strip Commercial Development  
Warehousing and Distribution Facilities

*604.11 - Parking space requirements.*

- A. There are no minimum requirements for the number of parking spaces associated with any development proposal.
- B. Any office, retail, or professional service use proposed in the CT District shall have no more than three parking spaces per 1,000 square feet of leasable floor area dedicated to that use.
- C. Any restaurant use proposed in the CT District shall have no more than one parking space per three seats, or one parking space per 50 square feet of dining/drinking area dedicated to that use.

*604.12 - Design relief for rehabilitation/adaptive reuse.* Consistent with the Purposes of the CT District, the Cities of Central Falls and Pawtucket encourage the adaptive re-use and/or rehabilitation of existing buildings in the district. The JPC herein acknowledges that proposed development for adaptive re-use and/or rehabilitation of existing buildings may not be able to meet all of the requirements that would otherwise be applied to new development and infill. In particular, the standards for dimensional controls (Section 604.13), site design (Section 604.14), or building design (Section 604.15), when applied, could require an applicant to seek a variance or special use permit based on pre-existing conditions. Therefore, the provisions of those sections shall apply to adaptive re-use and rehabilitation only to the maximum extent practicable as determined through the review of development plans.

*604.13 - Dimensional Controls.*

- A. *Building Height.* The maximum building height requirement for the district is 100 feet, except all properties that include frontage on Dexter Street shall have a maximum building height requirement of 45 feet.
- B. *Lot Size.* The minimum lot size requirement is 5,000 square feet. Any lot created as part of a subdivision must have permanent, legal, and physically viable access to established roadway frontage. Interior lots may do this through the use of extended driveways or easements with appropriate restrictions.

*604.14 - Site design.*

- A. *Circulation.* The design of individual properties or groups of properties shall reinforce the purposes of the CT district by encouraging pedestrian and bicycle circulation through the following site design techniques:
  - (1) To the maximum extent practicable, parking areas behind frontage buildings shall be physically connected either as contiguous parking areas or through the use of connector travel lanes that will allow for automobiles to pass from one building/property to another without travelling onto the street.

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- (2) Enhanced access management using shared access driveways is encouraged to improve safety, reduce vehicle/pedestrian conflict points, and expand continuous and consistent pedestrian-oriented frontages.
  - (3) Pedestrian connections between buildings shall be provided as safe, broad, and easily identifiable ways of walking through areas that may also be occupied by automobiles. These walkways shall be designed to clearly show that the space is primarily dedicated to pedestrian traffic through the use of raised or alternative surfaces, signage or raised landscaped islands that may serve as a safe resting area for pedestrians between automobile travel lanes.
  - (4) Where sidewalks or other pedestrian or bicycle ways intersect with automobile driveways or lanes, raised surfaces and/or durable, decorative alternatives to conventional pavement shall be used to connect sidewalks or bike lanes across the automobile lane. Striping across the asphalt used for an automobile lane to connect the pedestrian or bicycle way is not adequate for compliance. At these points of intersection, where vehicle speeds may reasonably go beyond 15 mph, strategically placed decorative bollards, stones, landscaped islands or other design features that promote caution are strongly encouraged.

B. *Property Frontage.* The location and design of frontage buildings, and associated frontage areas, are extremely important to achieving the goals of the CT District, as they will shape the quality of experience for people in the public realm.

The following standards apply to frontage buildings and adjacent frontage areas. See Conant Thread District Design Guidelines for diagrams that clarify these standards.

- (1) Frontage buildings shall be located in a manner that facilitates pedestrian and bicycle access along and across the frontage area of that property consistent with the Conant Thread District Design Guidelines.
- (2) The frontage area shall be dedicated to and designed for pedestrian or bicycle activity.
- (3) The depth of the frontage area may be as small as ten feet, or as deep as 40 feet and shall comply with the following standards:
  - (a) A minimum ten-foot-wide sidewalk shall run the length of the property frontage between the building façade and the edge of pavement. The constructed sidewalk may be located within the public right-of-way, on private property, or may include both public and private property depending on pre-existing conditions and other opportunities or constraints associated with roadway geometry, location of utilities, and other elements of the built environment.
  - (b) All sidewalks shall have a distinct furnishing zone along the street where street trees, lighting, and/or other furnishings are offered as both an amenity and a buffer between automobiles and pedestrians (see Conant Thread District Design Guidelines).
  - (c) Any frontage area that includes more than 20 feet between the façade and the outer edge of the sidewalk shall:
    - [1] Incorporate amenities that allow for passing pedestrians to gather, rest, sit, or observe public art or entertainment; and/or
    - [2] Incorporate private seating areas for restaurants or similar uses; and/or
    - [3] Incorporate bicycle parking facilities; and/or
    - [4] Incorporate green infrastructure elements that are made feasible with larger amounts of space along the property frontage.



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(4) Street trees shall be required in the furnishing zone of the frontage area consistent with the Conant Thread District Design Guidelines. Trees shall be spaced along the sidewalk at an average frequency of one tree every 40 feet.

C. *Side Yards.* Where adjacent lots exist as part of a coordinated development, there shall be no minimum side yard setback for existing or proposed buildings. These conditions include, but are not limited to, adjacent lots within a larger mill building complex or adjacent lots that will have buildings sharing a sidewall.

Where development on individual lots is not directly coordinated with adjacent lots, side yard setbacks shall be the greater of ten feet or the width required to make the back of the lot accessible to emergency vehicles as demonstrated on a development plan.

D. *Rear Yards.* Minimum rear yard setbacks shall be 15 feet.

E. *Landscaping.* All areas of a site that are not rendered impervious through the development of structures, parking features, circulation features, or other hardscape features shall be landscaped. Landscaping may occur as installed or retained vegetation in accordance with the following standards.

(1) *Plant Selection.*

(a) No tree, shrub or plant shall be proposed that has been identified as an Invasive Species by the Rhode Island Invasive Species Council or other reputable scientific publication.

(b) Landscaping shall be designed to remain functional and attractive during all seasons through a thoughtful selection of deciduous, evergreen, berrying, and flowering plant varieties.

(c) Plant varieties shall be selected for resistance to drought, moisture, salt, urban conditions, or insects and other pests depending on the location of landscaping and the specific stressors anticipated for different areas of the site. Plants shall be selected so that landscaping can be maintained with minimal care and the need for watering, pesticides or fertilizers can be minimized or eliminated.

(d) The use of turf shall be minimized, but where it is used, turf shall not be planted in strips less than six feet wide. Lawn seed mixes shall be drought resistant. To achieve a high level of drought tolerance, lawn mixes may include, but shall not be limited to, a predominance of fine fescues.

(e) Tree selection shall comply with the Conant Thread District Design Guidelines.

(2) *General Standards.*

(a) Where landscaped areas do not include planted materials, other decorative materials or features shall be used such as walkways, gathering places, or areas for public art. Unplanted areas shall not be filled with uniform gravel applications or riprap unless approved as part of stormwater management practices.

(b) Landscape features shall provide a clearly defined edge between the vegetated areas and areas reserved for pedestrian or automobile travel through the use of hardscape elements that may include, but shall not be limited to, fencing, curbing, or decorative stone.

(c) Any free-standing electrical structures, HVAC structures, or waste receptacles (e.g., dumpsters, ground mounted transformers, grease traps, etc.) shall be fully screened from view through the use of evergreen vegetation, fencing, or a combinations thereof.

(3) *Walls and Fencing.*

(a) Barbed wire or similar applications are categorically prohibited in the CT District.

- (b) Chain link fencing is prohibited in the CT district unless it is necessary for compliance with security purposes unique to an individual use, is vinyl coated, and completely screened from view through the use of opaque evergreen trees or through a second layer of wooden fence material.
  - (c) Decorative fencing shall comply with the Conant Thread District Design Guidelines.
- F. *Parking Areas.* Where applicants propose to re-use existing parking areas or where new surface parking areas are proposed, the following design standards shall apply.
- (1) *Surface Parking Design and Location.*
    - (a) Each parking space shall be marked by painted lines and contain the following minimum dimensions affecting the width and length of individual parking stalls and the width of aisles in all districts, exclusive of necessary drives and other access ways.

| <b>Parking Space</b>        | <b>Dimension</b> |
|-----------------------------|------------------|
| Minimum Width               | 9 feet           |
| Minimum Length              | 18 feet          |
| <b>Minimum Aisle Width</b>  |                  |
| 90 degree angle             | 24 feet          |
| 60 degree angle             | 18 feet          |
| 45 degree angle             | 13 feet          |
| 30 degree angle             | 11 feet          |
| 0 degree (parallel parking) | 12 feet          |

- (b) No parking space or aisle (back-up space) shall be less than ten feet from any front or corner side yard property. No parking space or aisle shall be less than five feet from any building. Parking spaces less than ten feet from any building shall be separated from such building by raised curb, bumper or wheel guards.
- (c) Each parking space shall be designed with adequate off-street area for approach, turning, and exit without the need or ability to use any part of a street. All driveways shall be a minimum of ten feet in width for each lane of traffic using such driveway. The width of any driveway shall not exceed 30 feet.
- (d) Parking areas, where subject to wheeled traffic, shall be treated with bituminous, concrete or equivalent surfacing except where an alternative surface is approved as part of a stormwater management strategy.
- (e) For surface parking areas associated with new construction, parking areas shall be located behind frontage buildings on the property.
- (f) For adaptive re-use, rehabilitation, or expansion of existing buildings, surface parking areas shall be located behind frontage buildings to the maximum extent practicable. Where a pre-existing surface parking area is adjacent to a pedestrian space, the parking area may remain in use so long as the applicant provides a landscaped buffer as follows:
  - [1] At a minimum, the landscaped buffer shall include a decorative barrier, which may be designed as brick or stone finish walls, decorative fencing, or a combination of these treatments consistent with the Conant Thread District Design Guidelines.
  - [2] In addition to and inclusive of a decorative barrier, to the extent practicable, the landscaped buffer should include planted areas designed to provide

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separation between the surface parking area and the pedestrian space while allowing pedestrians to maintain visual awareness between the two areas. The parking area shall not be fully screened from the pedestrian way.

- [3] Elements of the landscape buffer can include trees that maintain a canopy height of at least eight feet, and/or low lying shrubs that will not exceed three feet in height. The buffer may be interrupted by breaks designed to provide pedestrian connections from the parking area to the sidewalk.
- (g) Developments with proposed surface parking areas of six spaces or more shall include a minimum of ten percent of landscaped area, inclusive of any landscaped borders surrounding the parking lot.
- (h) The ends of parking aisles in surface lots that are more than 15 spaces in length shall incorporate landscape islands at either end of the row. Each island shall include at least one tree. Where the length of a parking aisle exceeds 25 spaces, additional landscaped islands shall be installed at regular intervals. This interval shall not be more than every 13 spaces. Where arced semi-circle islands, triangles or similar shapes are proposed, the largest width of landscaped islands shall be no less than eight feet at their widest point. Where oval shaped islands are proposed, the largest width of the island shall be no less than six feet.
- (i) Trees shall be selected and placed in landscaped areas so that all parking areas can reasonably be expected to receive 30 percent canopy coverage. The expected canopy radius of each selected tree shall be noted in the required development plan materials.
- (j) Parking areas for six or more cars or any travel lane shall be separated from adjacent properties by a minimum six-foot-wide landscaped buffer. The width of this buffer may be reduced, or the buffer may be eliminated entirely, where the applicant, through the use of development plans, can demonstrate that the reduction or elimination of such buffer will not cause nuisance or undue harm to abutting properties and is specifically designed to:
  - [1] Improve pedestrian, bicycle and/or vehicular circulation and/or reduce curb cuts.
  - [2] Allow for the placement of driveways and/or buildings in a manner that better meets the Purposes of this section of the Zoning Ordinance and the guidance in the Conant Thread District Design Guidelines.
  - [3] Anticipate improvements to abutting properties that will be complementary to the alternative buffer design.
- (k) Compliance with the standards in this Subsection F shall be demonstrated through the development plans submitted by the applicant. The applicant may propose, and the reviewing authority may grant, deviations to these standards where:
  - [1] Deviation from the standards allows for a more effective low-impact stormwater management design for the site consistent with the State of Rhode Island Stormwater Design and Installations Manual as amended.
  - [2] Subsurface conditions such as the existence of utilities or contaminated soils make strict compliance impracticable.

G. *Lighting.*

- (1) Lighting for streets, parking areas, and civic/gathering spaces shall be decorative in shape, scale, and finish, with detailed, articulated treatments for the base, post, fixture, and crown.

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- (2) Light poles and fixtures shall not exceed 16 feet in height measured from the base of the standard. Structural features used to anchor light standards (e.g., concrete pilings) shall not be counted toward the maximum height, but shall not protrude more than six inches from the ground.
  - (3) All exterior lights on private property and sign illumination shall be designed, located, installed, and directed in such a manner as to minimize light trespass onto adjacent properties unless such trespass is intentional and meets the purposes of this ordinance.
  - (4) Lighting fixtures for building security, aesthetic enhancement, or display purposes shall be top downward (not upward or sideways), and full cut off or fully shielded/recessed.

*604.15 - Building design.* Building design for new buildings shall comply with the standards herein. For re-occupation, renovation, or adaptive re-use of existing buildings, the applicant shall adhere to these standards to the maximum extent practicable and shall maintain consistency with the Conant Thread District Design Guidelines:

A. *General Standards for Building Form.*

- (1) Multi-story buildings shall clearly articulate the base, middle, and top of the building through the use of cornices, borders of distinct material, or other articulating features on every visible surface of the building.
- (2) In new construction, ground floors shall be a minimum of 12 feet from floor to ceiling to enhance the pedestrian streetscape, regardless of the overall building height. However, the first-floor height of additions may align with the first-floor height of the existing building.
- (3) Buildings over six stories shall have at least one recess line of at least ten feet somewhere above the third story and below the seventh story. The recess line should relate to the form of any buildings adjacent to or across the street from the building.
- (4) Larger buildings with long façades shall articulate the façade with varied rooflines, distinct signage for multiple tenants, awnings, arcades, pilasters, columns, recessed spaces and/or entrances and any other features that serve to add texture to these longer façades. Unbroken façades in excess of 50 feet shall not be allowed.
- (5) Large, flat, unadorned, blank walls shall not be allowed for any side or rear walls of buildings except where a rear wall is accessible only to service vehicles. Where windows are not feasible, raised or recessed vertical surfaces may be used in conjunction with awnings, window-shaped depressions, and decorative lighting to make these surfaces more attractive.
- (6) Awnings along continuous building lines that are separated shall be distinct from one building to another. Continuous awnings may only be allowed over a maximum of three contiguous storefronts.

B. *Building Entranceways.*

- (1) All buildings shall have a principal façade and entry (with operable doors) facing a street or other area dedicated to pedestrian circulation. Buildings may have more than one principal façade and/or entry. Primary entrances not facing a street shall open onto sidewalks or other designated pedestrian areas at least ten feet in width.
- (2) Main entrances shall incorporate architectural features that draw attention to the entrance. These features may include covered porches, distinct sidewalk surfacing, porticos, recessed doorways, and awnings.

*604.16 - Signage.*

- A. Permanent Signs are allowed in the CT District in accordance with the following table.

| Sign Type                            | Maximum Area (square feet)                                | Height <sup>(1)</sup> (feet) | Setback from Right-of-Way (feet) | Projection over Right-of-Way (feet) |
|--------------------------------------|---|------------------------------|----------------------------------|-------------------------------------|
| Elevated Freestanding <sup>(2)</sup> | 72  | 20                           | -                                | -                                   |
| Wall                                 | One per one foot of building façade length <sup>(3)</sup> | -                            | -                                | -                                   |
| Canopy                               | One per one foot of building façade length                | -                            | -                                | 4                                   |
| Monument                             | 32  | 5                            | 2                                | -                                   |
| Projecting (horizontal)              | 12  | -                            | -                                | 4                                   |
| Projecting (vertical)                | 75  | -                            | -                                | 4                                   |
| Window                               | 8 <sup>(4)</sup>  | -                            | -                                | -                                   |
| Roof                                 | See note 5  | 6                            | -                                | -                                   |

Notes:

1. Measured from grade.
  2. Only one elevated freestanding sign may be permitted per lot along the street frontage. Any elevated freestanding sign requires a special use permit from the Zoning Board of Review unless part of a larger application for Unified Development Review with the JPC.
  3. Where a building has more than one primary facade, the maximum area will be calculated for each primary facade separately.
  4. No more than 25 percent of the total transparent area of a single window pane. Signs attached to the glassed or transparent area of doorways that obscure views from the public right-of-way are not permitted.
  5. A roof sign may be as long as the length of the facade upon which it is placed. The maximum area is therefore determined by multiplying this length by the maximum height. Only one roof sign is allowed per building.
- B. *Temporary signs.* Allowable temporary signs include those associated with events; provided, however, that no such temporary sign may be erected for a period of more than 45 consecutive days in any year nor more than 30 days prior to the event, plus the duration of the event, with a total of 60 cumulative days throughout the year. Such signs shall not exceed a total area of 20 square feet and shall be set back a minimum of ten feet from any property line.
- C. Design of allowable signs shall comply with the standards and guidelines below. The JPC may adopt further design guidelines to assist with the regulation of signage design.
- (1) Wall mounted or horizontal projecting signs should typically be located above the ground floor storefront and just below the second floor windows unless location at a higher elevation is specifically integrated into the design of the building. Signs shall not obscure architectural features or windows. Where adaptive re-use or rehabilitation projects are proposed, location of signs may deviate from this standard in order to respect the historical features of a building.
  - (2) Roof signs are only allowed when mounted on flat roofs, and in a manner that does not obscure important architectural features associated with the roof form (e.g., parapet detail). The form, design, materials, and lighting shall be informed by the historic character of the CT District and the building upon which it is mounted. Lighting from roof mounted signs shall not cause a disturbance to residents or businesses in nearby buildings.

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- (3) Sign colors should be selected to enhance sign legibility for both day and nighttime viewing. Contrasting colors can be used effectively to increase clarity. Sign colors and finishes should be compatible with the color of the building or development.
  - (4) Sign materials shall be durable and compatible with the design of the building and façade on which they are placed.
  - (5) Externally illuminating signs shall have downward-directed, wall mounted lights with fully-shielded decorative lamps that do not obscure the graphics of the sign.
  - (6) Internally illuminated plastic or fiberglass cabinet signs are prohibited. Where internal illumination or back-lighting is proposed, solid letters (reverse channel) may be used.
  - (7) Signage on awnings is permitted only on the apron portion of the awning.
  - (8) Free-standing single pole (lollipop) signs are prohibited. Free-standing monument signs are preferred. Free-standing signs should incorporate design details, materials, and colors of the associated buildings. The base or support elements of freestanding signs should be integrated with the surrounding environment and should incorporate ornamental landscaping where possible.

(Ord. of 10-16-2019(2) , § 7)

## ARTICLE VII. SIGNS

### **Sec. 700. Purpose.**

The purpose of this article is to recognize the function of signs in the city, to provide for their inclusion under the zoning ordinance, and to regulate and control all matters relating to such signs, including location, size and purpose. Signs are accessory uses and are permitted only in conjunction with permitted uses. Such signs are intended to advertise goods, services, facilities, events or attractions available on the premises where located, to identify the owner or occupant or to direct traffic on the premises. It is the further purpose of this article to preserve locally recognized values of community appearance; to safeguard and enhance property values in residential, commercial and industrial areas; to protect public investment in and the character of public thoroughfares; to reduce hazards to motorists and pedestrians traveling on the public way, and thereby to promote the public health, safety and welfare.

These purposes will be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. Where the provisions of this section may conflict with those in Section 604 Conant Thread District, the provisions for Section 604 shall govern.

(Ord. of 10-16-2019(2) , § 5)

### **Sec. 701. Conformance.**

No sign will be permitted as a main or accessory use except in accordance with the provisions of this article.

### **Sec. 702. Signs permitted in all zones.**

The following signs are permitted in all zones:

*702.1. Governmental.* Signs of every kind and nature erected by or on behalf of any federal, state or local government agency, including official traffic control or informational signs, hazard warning signs, legal notices, railroad crossing signs or other similar signs required by law.

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702.2. *Nameplates.* One nameplate for each dwelling unit, not internally illuminated, and not exceeding 1½ square feet in area, indicating the name of the occupant or any permitted occupation.

702.3. *Identification.* Wall signs, which may be externally illuminated, and which are permanently affixed to buildings for the purpose of identifying the name of building, date of erection or other historical information, provided that such signs are composed of similar materials as the building, or bronze or brass, and are affixed flat against the building.

702.4. *Credit card signs.* Credit card signs, non-illuminated, limited to a total area of one square foot per structure.

702.5. *Bulletin boards.* Signs used as a bulletin or notice board to announce activities and events for institutional and governmental services. Such signs shall be located upon the premises of said institutions and shall not exceed ten square feet in area. In all R zones, such signs shall be set back a minimum of ten feet from any property line abutting a residential use. Such signs may be externally illuminated.

702.6. *Temporary signs.* The following temporary signs are permitted in all zones:

- A) Signs, which may be externally illuminated, for nonprofit or charitable organizations, including exterior messages for national and state holidays; provided, however, that no such temporary sign may be erected for a period of more than 30 consecutive days in any year nor more than seven days four times per year with a total of 30 cumulative days throughout the year. In all R and C zones, such signs shall be limited to 32 square feet in area and set back a minimum of ten feet from any property line.
- B) Rental or sale signs, freestanding or attached to the premises, pertaining to the prospective rental or sale of the property on which they are located; provided that such signs shall not be illuminated, nor extend over the sidewalk, and further provided that:
  - 1. Within all R zones, such signs shall not exceed a total area of six square feet and shall be removed within 14 days of the real estate closing or lease transaction.
  - 2. Within all C zones, such signs shall not exceed a total area of 12 square feet, and shall be removed within 30 days of the real estate closing or lease transaction.
  - 3. Within all M zones, such signs shall not exceed a total area of 32 square feet, and shall be removed within 30 days of the real estate closing or lease transaction.
- C) Construction signs and "grand opening" signs, non-illuminated, customary and necessary in connection with the erection of buildings or other construction work, limited to one sign per street frontage for each construction project. Such sign may be freestanding or attached to the premises, but shall not exceed 32 square feet in area, and shall be removed within 60 days of the completion of construction. In all R zones, such signs shall not exceed 12 square feet in area, and shall be set back a minimum of ten feet from any property line.
- D) Political signs, non-illuminated, incidental to a city, state, or federal election or referendum, or signs which are political in nature. Such signs shall be constructed of durable material, and shall be prohibited from public trees, traffic signs or utility poles. Such signs shall be erected not more than 60 days prior to such election or referendum, and in any event, no premises shall have a sign erected for more than 120 days in any calendar year. Political signs relating to any election or referendum shall be removed within 14 days after said election or referendum.

**Sec. 703. Signs prohibited in all zones.**

The following signs shall be prohibited in all zones in the city:

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*703.1 - Traffic or safety hazards.* Signs determined by the chief of police to constitute a traffic or other safety hazard by reason of size, location, or type of illumination.

*703.2 - Flashing signs.* A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

*703.3 - Billboards.* Freestanding and roof-mounted billboards (see sections 707 and 710.4).

*703.4 - Signs on utility poles.* Utility poles owned by any governmental agency or utility company shall not be used for any type of sign or message other than those specifically erected by such governmental agency or utility company.

*703.5 - Freestanding sign.* A freestanding sign, as defined in sections 704.3 and 1102 shall not be placed on any public sidewalk in the city.

(Ord. of 8-12-1997)

#### **Sec. 704. Sign types.**

The following sign types are permitted in the city in accordance with the requirements of this article:

*704.1 - Canopy sign.* A sign painted on or attached to a hood, awning or roof like canopy. Individual letters, words or symbols may be affixed or applied to any surface, provided that area of the sign does not exceed the maximum area allowed in section 707. A canopy sign is not considered a projecting sign. In no event shall such sign or part thereof be erected closer than two feet to the curb line.

*704.2 - Directional sign.* A sign identifying on-premises traffic, parking or other functional activity bearing no commercial advertising. Such signs are permitted in all zones except in R zones, and shall be limited to four square feet in area per sign.

*704.3 - Freestanding sign.* A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure, but not any kind of antenna) that is not itself an integral part of or attached to a building. All permanently installed freestanding signs shall be protected from vehicular circulation and parking areas. In accordance with section 703.5 above, freestanding signs shall not be placed on any public sidewalk in the city.

*704.4 - Projecting sign.* A sign that is perpendicular to the plane of the building to which it is affixed, or which projects more than 15 inches beyond said exterior wall. In no event shall such sign or part thereof be erected closer than two feet to the curb line.

*704.5 - Roof sign.* A sign that projects more than two feet above the roof, parapet or ridge line of the building; or mounted upon any roof, parapet or ridge line of a building.

*704.6 - Wall sign.* A sign that is affixed to or painted on the face of any exterior wall or door of a building or fence; is parallel or approximately parallel to the plane of the building to which it is affixed; and does not project more than 15 inches beyond said exterior wall, nor project more than two feet above the roof, parapet or ridge line of the building, whichever is higher.

*704.7 - Window sign.* A sign that is attached to the inside of any window or situated within a building, so that the sign is visible from the public right-of-way.

(Ord. of 8-12-1997)



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**Sec. 705. Sign measurements.**

All permitted signs shall be measured as follows:

*705.1 - Area.* Measured in square feet, the entire area within a square, rectangle, circle, triangle or any other polygon enclosing the extreme limits of graphic, writing or similar representation, emblem or any fixture of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of the one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

*705.2 - Height.* Measured in feet, the overall height of a sign is measured from the grade directly below the sign to the highest point of the sign or any of its supports. The height of any free standing sign in all zones may not exceed 20 feet.

*705.3 - Setback.* Measured in feet from the outermost edge of the sign to the public right-of-way.

*705.4 - Projection over public right-of-way.* Measurement in feet, perpendicular to the property line, from the property line to the outermost edge of the sign, over any public right-of-way.

*705.5 - Maximum permitted sign area.* In all zones but the R zone, the maximum permitted area for signs on a building shall be based on the building frontage. Where a building fronts on two or more streets, the total area for signs for each street frontage shall be based on the building frontage for that street. For gas stations, street frontage shall be used to calculate the permitted total area of signs as permitted in the tables. For any drive-in business that has a booth for employees only with no public access, including a gas station, the maximum area of signs shall be based on the street frontage, and on a corner lot, only one street frontage shall be used to calculate maximum sign area.

**Sec. 706. Illumination.**

*706.1 - Externally illuminated sign.* Any sign which is illuminated by a light that reflects off the surface of the sign from an external source shall be considered an externally illuminated sign.

*706.2 - Internally illuminated sign.* Any sign shall be considered an internally illuminated sign where the source of the illumination is inside the sign and light emanates through the message of the sign. Digital, LED, and neon signs shall be considered internally illuminated signs.

**Sec. 707. Permitted signs by zone.**

*707.1 - R zones.* Signs to identify each permitted home occupation and one sign to display the name of a permitted nonresidential use. Such signs may be externally illuminated. The total area of all such signs shall not exceed six square feet on any lot. All types of billboards are prohibited in R zones. Window signs shall not exceed 25% of the total display area per window.

*707.2 - C zones.* The maximum total area of all signs on any structure shall not exceed 1½ square feet per one foot of building frontage. Window signs shall not be included in this calculation. All signs may be illuminated externally. The maximum area of any individual sign shall be limited to 30 square feet. Window signs shall not exceed 25% of the total display area per window.

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707.3 - *M zones*. The maximum total area of all signs on any structure shall not exceed four square feet per one foot of building frontage. Window signs shall not be included in the above calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited to 45 square feet.

**Sec. 708. Nonconforming signs.**

Any sign which lawfully existed and was maintained at the time this ordinance became effective may be continued. Maintenance, repairs and changing of sign faces are permitted provided that there is no change in area, height, setback, projection or lighting of the existing sign.

**Sec. 709. Supplemental sign regulations.**

709.1 - *Signs in historic districts*. All signs, including window signs, but except political signs, in an historic district shall be subject to approval by the historic district commission.

709.2 - *Signs in overlay zones*. Signs in overlay zones shall conform to the corresponding requirements of the underlying zone.

**Sec. 710. Special use permits for signs.**

The board, as provided in section 907, may grant the following special use permits provided that all other requirements of this ordinance are met:

710.1. Any particular sign may be increased in area by 25 percent over the requirements in this article, provided that the total area of all permitted signs on the building does not exceed the maximum permitted sign area by 15 percent.

710.2. The maximum permitted sign area for an allowed use or structure may be increased by 15 percent.

710.3. The maximum permitted sign height may be increased by 25 percent.

710.4. Billboards may be permitted in C and M zones only.

710.5. Digital and LED signs may be permitted in C and M zones only.

**ARTICLE VIII. OFF-STREET PARKING AND LOADING**

**Sec. 801. Parking requirements.**

Parking is not required. Any parking that is proposed as part of a development must conform to the following standards:

801.1 - *Location of parking spaces*. All off-street parking spaces must be on the same lot as the structure or use they are intended to serve or on an abutting lot but may not be located in the front yard. Off-street parking spaces for commercial or industrial uses shall not be located in any residence district where such commercial or industrial use is prohibited.

801.2 - *Minimum size of parking spaces*. Each parking space shall be marked by painted lines and contain the following minimum dimensions affecting the width and length of individual parking stalls and the width of aisles in all districts, exclusive of necessary drives and other access ways. A driveway beside a dwelling may be considered a required parking space only for a detached single- or two-family dwelling and need not contain painted lines.

|                |         |
|----------------|---------|
| Parking Space  |         |
| Minimum Width  | 9 feet  |
| Minimum Length | 18 feet |

|                             |         |
|-----------------------------|---------|
| Minimum Aisle Width         |         |
| 90-degree angle             | 24 feet |
| 60-degree angle             | 18 feet |
| 45-degree angle             | 13 feet |
| 30-degree angle             | 11 feet |
| 0-degree (Parallel Parking) | 12 feet |

*801.3 - Setbacks of parking spaces.* No parking space or aisle (back-up space) shall be less than ten feet from any front or corner side yard property. No parking space or aisle shall be less than five feet from any building, except where greater setbacks are required. Parking spaces less than ten feet from any building shall be separated from such building by raised curb, bumper or wheel guards. The requirements of this subsection shall not apply to detached single- or two-family dwellings.

*801.4 - Entrance and exit.*

- A. Each parking space shall be designed with [an] adequate off-street area for approach, turning, and exit without the need or ability to use any part of a street. All driveways shall be a minimum of 12 feet in width for each lane of traffic using such driveway. The width of any driveway shall not exceed 30 feet. The requirements of this subsection shall not apply to detached single- or two-family dwellings.
- B. The Planning Board may modify this requirement during the Land Development review and approval process.

*801.5 — Driveways.*

- A. Nonresidential driveways shall be a minimum of 12 feet in width. The width shall not exceed 30 feet.
- B. Residential driveways shall be a minimum of eight feet in width. The width shall not exceed 16 feet.

*801.6 - Construction requirements.* Every parcel of land which, after the effective date of this ordinance or any amendment thereto, is changed to a parking area for more than ten vehicles, or to a drive-in business or motor vehicle sales or service establishment, shall be developed as follows, subject to the approval of plans thereof by the building official.

- A. Such parking area shall be treated with bituminous or other surfacing and shall have appropriate bumper or wheel guards where needed. However, use of pervious materials, such as gravel, is encouraged within 200 feet of the Blackstone River or other water bodies and wetlands.
- B. The perimeter of parking areas facing streets or R zones shall be suitably landscaped with trees, shrubs, vegetation and groundcover. Landscaped areas shall be separated and protected from parking areas by curbing or other means.
- C. Any light used to illuminate said parking area shall be so arranged as to reflect the light away from adjoining premises and streets.
- D. Border screening using dense shrubbery or solid fence of at least four feet in height shall be required wherever parking areas abut residential uses or R zones.

(Ord. of 10-16-2019(2), § 6; Ord. of 10-26-2022(1) , § 1, 10-26-2022)

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**Sec. 802. Loading requirements.**

No land shall be used or occupied and no structures shall be erected or used for commercial or industrial purposes unless the off-street loading spaces required herein are provided. Such loading spaces are not required for any commercial or industrial structure or use existing prior to the effective date of this ordinance or any amendment thereto, provided, however, that off-street loading spaces as specified in this ordinance shall be provided subject to the requirements of this section for any enlargement or alteration to any such existing structure or use.

*802.1 - Location of required loading spaces.* The off-street loading spaces required by this ordinance shall be in all cases on the same lot or parcel of land as the use or structure they are intended to serve. In no case shall any required off-street loading space be part of an area used to satisfy the off-street parking requirements of this ordinance. Each loading area shall be designed with adequate off-street area as required for parking spaces by subsection 801.4. To the extent possible, loading areas shall be to the rear of any building.

*802.2. Number of required loading spaces.* For each commercial and industrial enterprise of over 1,000 square feet of gross floor or ground area in which commodities are sold, displayed, serviced, repaired, altered, or fabricated as the principal use of the enterprise, the first off-street loading space shall be required for the first 10,000 square feet of gross floor area. Thereafter, one off-street loading space shall be required for every additional 20,000 square feet of gross floor area. Each off-street loading space shall consist of the following dimensions:

|            |         |
|------------|---------|
|            | 60 feet |
| Width:     | 14 feet |
| Clearance: | 15 feet |

Additional off-street loading spaces shall be required by the building inspector when necessary to provide adequate area for off-street loading. Detailed plans for off-street loading space provision and use may be required before the issuance of any building permit.

**Sec. 803. Drive-up windows.**

- A.) A drive-up window requires a special use permit, regardless of the zone it is located in or the type of business conducted.
- B.) In addition to the requirements in section 908, the following requirements must be met in the application for a drive-up window special use permit:
  - 1. Pedestrians must be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lines.
  - 2. Waiting lanes should be designed for the maximum length possible. At a minimum, waiting lanes should accommodate average peak monthly traffic flow, allowing 23 feet per vehicle. Waiting lane length will be measured from the point where orders or business is first conducted.
  - 3. Waiting lanes must be designed so that waiting cars do not block sidewalks or public streets.
  - 4. Landscaping, waiting lane devices, and overall design should not prevent vehicles from safely and efficiently leaving waiting lanes.
  - 5. All lights and illuminated materials must be screened from the view of adjoining residentially zoned properties.

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6. The volume of menu boards and or drive-up window speakers must not exceed 55 decibels at any adjoining property line or across an alley/street from the site.

## ARTICLE IX. ADMINISTRATION, ENFORCEMENT AND RELIEF<sup>2</sup>

### **Sec. 901. Enforcement duties.**

It shall be the duty of the director of minimum housing (building official) to interpret and enforce the provisions of this ordinance in the manner and form and with the powers provided in the laws of the state and in the charter and ordinances of the city. The building official shall refer all applications for variances, special use permits and other applications to the zoning board of review to the director of the division of planning ("director") for review and an advisory opinion. The building official shall make a determination in writing, within 15 days, to any written complaint received, regarding a violation of this ordinance. In order to provide guidance or clarification, the building official shall, upon written request, issue a zoning certificate or provide information to the requesting party within 15 days of the written request. Any determination of the building official may be appealed to the board in accordance with section 907 of this ordinance.

### **Sec. 902. Building permit/certificate of occupancy.**

Before a building permit or certificate of occupancy is issued for the construction, reconstruction, alteration, repair, demolition, removal, enlargement or occupancy of any building or structure or use of premises, a site plan shall be submitted to the building official indicating the intended use and its conformity in all respects to the provisions of this ordinance.

*902.1. Site plan.* An application (three copies) for a building permit for an addition, erection or enlargement, under the provisions of the Rhode Island Building Code shall be accompanied by a site plan, drawn to scale, showing the accurate dimensions of the lot; the building site; the location and size of existing buildings on the lot; all proposed construction; all front, side and rear yard dimensions; proposed parking areas; and such other information as may be necessary to enforce the provisions of this ordinance. A site plan shall not be required with an application for a permit involving the alteration of an existing building(s), where the use and exterior dimensions of the buildings are not changed or enlarged in any manner.

### **Sec. 903. Certificate of occupancy.**

A certificate of occupancy shall be required for any of the following:

- A) Occupancy and use of a building hereafter erected or enlarged;
- B) Change in use of an existing building to a different use;
- C) Occupancy and use of vacant land except for the raising of crops;
- D) Change in the use of land to different use except for the raising of crops; or
- E) Any change in use of a nonconforming use.

The occupancy, use or change of use shall not take place until a certificate of occupancy has been issued by the building official in accordance with the requirements for the issuance of a certificate of occupancy as stated in the Rhode Island Building Code.

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<sup>2</sup>State law reference(s)—Provisions for administration and enforcement required, G.L. 1956, § 45-24-32(6).

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**Sec. 904. Minimum requirements.**

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare.

**Sec. 905. Conflicts of law.**

All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

**Sec. 906. Penalties and enforcement.**

Any person or corporation, whether as principal, agent, employee or otherwise, who violates or is the owner of property in violation of any of the provisions of this ordinance shall be fined up to \$500.00 for each offense, such fine to inure to the city. Each day of the existence of any violation shall be deemed a separate offense. The erection, construction, enlargement, intensification, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to any of the provisions of this ordinance is hereby declared to be a violation of this ordinance and unlawful. The building official shall be empowered to levy such fines, with appeal thereupon to the district court. The city solicitor shall be empowered to institute injunction, abatement or any other appropriate action in any appropriate court to prevent, enjoin, abate or remove such violation. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

**Sec. 907. Zoning board of review.**

*907.1 - Establishment and procedures.* A zoning board of review, herein called the "board," is hereby created. Board members may be remunerated in the performance of official duties, at an amount to be established by the city council. The board may engage legal, technical or clerical assistance to aid in the discharge of its duties. The division of planning shall serve as planning staff to the board. The board shall establish written rules of procedure within six months of the adoption of this ordinance. Appeals and correspondence to the board shall be sent to the board in care of the division of planning. The division of planning shall file all records and decisions of the board.

*907.2 - Membership.* The zoning board of review shall consist of five members who are residents of Central Falls, appointed by the mayor and confirmed by the city council, each to hold office for the term of five years; provided, however, that the original appointments shall be made for terms of one, two, three, four, and five years, respectively. The board shall also include two alternates to be designated as the first and second alternate members, for terms of five years. These alternate members shall sit and may actively participate in hearings. The first alternate shall vote if a member of the board is unable to serve at a hearing and the second shall vote if two members of the board are unable to serve at a hearing. In the absence of the first alternate member, the second alternate member shall serve in the position of the first alternate. No member or alternate may vote on any matter before the board unless they have attended all hearings concerning such matter. Vacancies in unexpired terms of board members shall be filled by the mayor no more than 90 days following the vacancy. Members may be removed by the city council, upon the recommendation of the mayor, for due cause and for not attending three consecutive meetings.

*907.3. Prior members.* Members of zoning boards of review serving on the effective date of adoption of this ordinance shall be exempt from provisions of this chapter [this ordinance] respecting terms of originally appointed members until the expiration of their current terms.

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*907.4 Chair.* The board shall, at its first meeting following the adoption of this ordinance, and in January of each year thereafter, elect a chairperson, vice-chairperson and secretary from its membership. The chairperson, or in his/her absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses by the issuance of subpoenas.

*907.5. Powers and duties.* The board shall have the following powers and duties:

- (A) To hear and decide appeals in a timely fashion 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 ordinance.
- (B) To hear and decide appeals from a party aggrieved by a decision of the HDC, pursuant to article VI.
- (C) To authorize, upon application, in specific cases of hardship, variances in the application of the terms of this ordinance.
- (D) To authorize, upon application, in specific cases, special use permits.
- (E) To refer matters to the planning commission, planning division, or to other boards or agencies of the city as the board may deem appropriate, for findings and recommendations.
- (F) To provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals which are necessary are pending. A conditional zoning approval shall be revoked in the instance where any necessary state or federal agency approvals are not received within a specified time period.
- (G) To hear and decide such other matters, according to the terms of this ordinance or other statutes, and upon which [the] board may be authorized to pass under this ordinance or other statutes.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-57(1).

*907.6 - Voting.* The board shall be required to vote as follows:

- (1) Five active members shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall excuse himself/herself, and shall not sit as an active member and shall 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 of the board sitting at a hearing shall be necessary to reverse any order, requirement, decision or determination of the HDC or any zoning administrative officer from whom an appeal was taken.
- (3) The concurring vote of four of the five members of the board 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.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-57(2).

*907.7 - Application procedure.* Application procedures may be required for the filing of appeals, request for variances, special use permits, development plan review, site plan review and such other applications as may be specified in this ordinance, and shall be prepared by the director and published.

*907.8 - Fees.* Reasonable fees are required, in an amount to be established by the city council, to be paid by the appellant or applicant for the adequate review and hearing of applications, issuance of zoning certificates and the recording of the decisions thereon.

*907.9 - Decisions and records of the zoning board of review.* Following a public hearing, the board shall render a decision within 20 days. The board shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon, and the absence of a member or his or her failure to vote.

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Decisions shall be recorded and filed in the office of the division of planning within ten working days from the date when the decision was rendered, and shall be a public record. The board shall keep written minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings of fact, and other official actions, all of which shall be recorded and filed in the office of the planning division in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the superior or supreme court, the board shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.

Any decision by the board, including any special conditions attached thereto, shall be mailed to the applicant, to the planning division, and to the associate director of the division of planning of the Rhode Island department of administration. Any decision evidencing the granting of a variance, modification or special use shall also be recorded in the land evidence records of the city.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-61.

*907.10. Expiration of variances and special use permits* - Any variance or special use permit shall expire one year after the date of filing of the decision with the City Clerk unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction; or obtain a certificate of occupancy when no building permit is required. The Board may, upon written request and for cause shown prior to the expiration of the one year period, renew the variance or special use permit for a second period of up to one year. Said request for an extension need not be advertised.

Should an applicant fail to begin construction with a legal building permit, or obtain a certificate of occupancy within the extension period, the board may, upon written request prior to the expiration period, renew the variance or special use permit for a third period of up to one year, provided that the applicant can show due diligence in proceeding and substantial financial commitment in promoting the subject variance or special use permit since the date of the original filing of the decision, notice shall be given in accordance with section 908.2 and a hearing shall be held on the request.

None of the periods shall run during the pendency of any of any superior court actions seeking to over turn the grant.

### **Sec. 908. Variances and special use permits.**

*908.1. Application.* An application for relief from the literal requirements of a zoning ordinance because of hardship or an application for a special use permit may be made by any person, group, agency or corporation by filing with the division of minimum housing and zoning an application describing the request and supported by such data and evidence as may be required by the board. The division of minimum housing and zoning shall immediately transmit such application received to the board and shall transmit a copy of each application to the planning commission.

*908.2. Hearing and notice.* The zoning board shall immediately upon receipt of an application request that the planning division and/or planning commission shall 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 city, in writing to the board within 30 days. The board shall hold a public hearing on any application for variance or special use permit 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 in a newspaper of general circulation in the city. Notice of this hearing shall be sent by first class mail to the applicant, and to at least all those who would require notice under G.L. 1956, § 45-24-53. Said notice shall also include the street address of the subject property.

*908.3. Standards for relief.*

- (A) *Variance.* In granting a variance, the board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:



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- (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 not due to a physical or economic disability of the applicant;
  - (2) That said 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;
  - (3) That the granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this zoning ordinance or the comprehensive plan of the city;
  - (4) That the relief to be granted is the least relief necessary.

The board shall, in addition to the above standards, require that evidence [be] entered into the record of the proceedings showing that:

- (1) 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 land or structures in an adjacent district shall not be considered in granting a use variance; and
  - (2) In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. 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.
- (B) *Special use permit.* In granting a special use permit, the board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
- (1) That the special use is specifically authorized by sections 303 and 514 of this ordinance, and setting forth the exact subsection of this ordinance containing the jurisdictional authorization;
  - (2) That the special use meets all of the criteria set forth in the subsection of this ordinance authorizing such special use; and
  - (3) 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 city.

*908.4 - 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 city 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:

- (1) Minimizing adverse impact of the development upon other land, including the type, intensity, design, and performance of activities;
- (2) Controlling the sequence of development, including when it must be commenced and completed;
- (3) Controlling the duration of use or development and the time within [which] any temporary structure must be removed;
- (4) Assuring satisfactory installation and maintenance of required public improvements;
- (5) Designating the exact location and nature of development; and
- (6) Establishing detailed records by submission of drawings, maps, plats, or specifications.

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State law reference(s)—Variances, G.L. 1956, § 45-24-41 et seq.

*908.5 - Special use permit for a Formula Business.*

- A. In addition to the standards set forth in 908.3 B. and 908.4, in considering a special use permit to a Formula Business, the board shall require that ALL of the following standards be met:
1. Approval of the formula business establishment will not alter the identity of the business district in a way which detracts from its uniqueness or contributes to a nationwide trend of standardized downtown offerings;
  2. Approval of the formula business establishment will contribute to a diverse and appropriate blend of businesses in the business district;
  3. Approval of the formula business establishment will complement those businesses already in the City and help promote and foster the local economic base as a whole.
  4. The formula business establishment will be compatible with existing surrounding uses; has been designed and will be operated in a non-obtrusive manner to preserve the community's character and ambiance; and the proposed intensity of uses on the site is appropriate given the uses permitted on the site and on adjoining sites, including, but not limited to the following:
    - i. The size of any individual Formula Business shall not to exceed 2,500 square feet of gross floor area.
    - ii. The street frontage of any individual Formula Business shall not exceed 65 feet in width.
    - iii. No drive thru windows shall be permitted.
    - iv. The applicant shall submit a plan indicating the provision for rubbish removal, including the dumpster location with proper screening and buffering so that there are not any substantial impacts to abutting properties.
    - v. There shall not be a substantial impact to the public safety from increased traffic. At the discretion of the zoning board, the applicant may be required to submit a traffic study, prepared by a RI Registered Professional Engineer, approved by the board.
    - vi. There shall not be any impacts to the roadway or abutting properties from the loading area.
    - vii. Advertising, or anything with the corporate logo, may be forbidden to be displayed in the windows.
    - viii. The Formula Business is located at least 2,500 feet from a similar Formula business.
- B. Approval of the formula business establishment will be consistent with the policies and standards of the Comprehensive Plan.

(Ord. of 10-14-2020(1) , § 2)

State law reference(s)—Variances, G.L. 1956, § 45-24-41 et seq.

**Sec. 909. Appeals to the zoning board.**

*909.1 - Procedure.* An appeal to the board from a decision of any other zoning enforcement agency or officer or the HDC pursuant to section 601.10 may be taken by an aggrieved party. Such appeal shall be taken within 30 days of the date of the recording of the decision or within 30 days of the time when the aggrieved party knew or should have known of the decision, by such officer or HDC by filing an application with the officer or HDC from whom the appeal is taken and with the board specifying the ground thereof. The officer or HDC from whom the

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appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the planning commission.

*909.2 - Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the appeal shall have been duly filed, that by reason of facts stated in the certificate a stay would in the officer's opinion cause imminent period to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of competent jurisdiction on application thereof and upon notice to the officer from whom the appeal is taken on due cause shown.

*909.3 - Public hearing.* The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof in the same manner as set forth in subsection 908.2 of this ordinance, as well as due notice to the parties of interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The cost of any notice required for the hearing shall be borne by the appellant.

*909.4 - Decisions and records of the board.* In exercising its powers in ruling, the board may, in conformity with the provisions of this chapter [this ordinance], reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the officer or HDC from whom the appeal was taken. All decisions and records of the board respecting appeals shall conform to the provisions of section 907.6 of this ordinance.

*909.5 - Appeals to superior court.* An aggrieved party may appeal a decision of the board to the superior court for providence county by filing a complaint setting forth the reasons of appeal within 20 days after such decision has been recorded and posted in the office of the city clerk. The decision shall be posted in a location visible to the public in the city hall for a period of 20 days following the recording of the decision. The board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within 30 days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the board shall be made parties to such proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

State law reference(s)—Appeals, G.L. 1956, § 45-24-63 et seq.

## **Sec. 910. Adoption, amendment and administration of zoning ordinance.**

*910.1 - Procedure.* The director of the planning division shall be the officer to receive a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map(s). Immediately upon receipt of such proposal, the director shall refer such proposal to the city council and the planning commission for study and recommendation. The planning commission shall report to the city council within 45 days after receipt of the proposal, giving its findings and recommendations. The city council shall hold a public hearing within 65 days of receipt of [the] proposal, giving proper notice as prescribed in section 910.3 of this ordinance. The city council shall render a decision on any such proposal within 45 days after the date of completion of the public hearing. The provisions of this subsection pertaining to deadlines shall not be construed to apply to any extension consented to by the applicant.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-51.

*910.2 - Review by planning commission.* Among its findings and recommendations to the amendment or repeal of this ordinance or zoning map, the planning commission shall:

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- (1) Include a statement on the general consistency of the proposal with the comprehensive plan of the city, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and
  - (2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning as presented in section 100 of this ordinance.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-52.

*910.3. Notice and hearing requirements.*

- (1) No zoning ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the city council. The city council shall first give notice of such public hearing by publication of notice in a newspaper of general circulation within the city at least once each week for three consecutive weeks prior to the date of such hearing, 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 to the proposed ordinance. Written notice, which may be a copy of said 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 subsections (2), (3), (4) and (5) of this section, at least two weeks prior to the hearing. Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:
  - (a) Specify the place of said hearing and the date and time of its commencement;
  - (b) Indicate that adoption, amendment or repeal of a zoning ordinance is under consideration;
  - (c) Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize or describe the matter under consideration;
  - (d) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copies; and
  - (e) State that the proposal 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 such alteration or amendment must be presented for comment in the course of said hearing.
- (2) Where a proposed general amendment to an existing zoning ordinance includes changes in an existing zoning map, public notice shall be given as required by subsection (1) of this section.
- (3) 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 in subsection (1) of this section, with the additional requirements that:
  - (a) Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and city boundaries where appropriate; and
  - (b) 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 within 200 feet of the perimeter of the area proposed for change, whether within the City of Central Falls or within an adjacent city or town in which the property is located.
- (4) 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:
  - (a) Which is located within 200 feet of the boundary of the area proposed for change; or

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- (b) 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.
  - (5) 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 company has filed with the building inspector in the city a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.
  - (6) No defect in the form of any notice under this section shall render any ordinance or amendment invalid, unless such defect is found to be intentional or misleading.
  - (7) Costs of any notice required under this section shall be borne by the applicant.
  - (8) In granting a zoning ordinance amendment, the city council may limit the change to one of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations, conditions and restrictions, including without limitation:
    - (a) Requiring the petitioner to obtain a permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and use which are subject to the zoning change;
    - (b) Relating to the effectiveness or continued effectiveness of the zoning change; and/or
    - (c) Relating to the use of the land, as it deems necessary.

The director and the city clerk shall cause the limitations and conditions so imposed to be clearly noted on the zoning map and recorded in the land evidence records, provided, however, in the case of a conditional zone change, the limitations, restrictions, and conditions shall not be noted on the zoning map until the zone change has become effective.

If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two years or more after the zone change becomes effective, the city council may, after a public hearing as hereinbefore set forth, change the land to its original zoning use before such petition was filed.

If any limitation, condition, or restriction in an ordinance amendment is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-53.

*910.4 - Maintenance of zoning ordinance.* The city clerk shall be the custodian of this zoning ordinance and zoning map or maps created hereunder. The director shall be responsible for maintenance and update of the text and zoning map comprising this ordinance. Changes which impact the zoning map shall be depicted on the map within 90 days of such authorized change(s). The director shall be responsible for review of this ordinance annually, and whenever changes are made to the comprehensive plan of the city, to identify any changes necessary and forward these changes to the city council.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-55.

*910.5 - Publication and availability of zoning ordinance.* Printed copies of this ordinance and map(s) shall be available to the general public through the city clerk and shall be revised to include all amendments. A reasonable charge may be made for copies to reflect printing and distribution costs.

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Upon publication of this ordinance and map(s), and any amendments thereto, the city clerk shall send a copy, without charge, to the associate director of the division of planning of the department of administration of the State of Rhode Island, and the state law library.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-45.

*910.6 - Appeal of enactment of or amendment to zoning ordinance.* An appeal of the enactment of or an amendment to this ordinance may be taken to the superior court for Providence County by filing a complaint within 30 days after such enactment or amendment has become effective. The complaint shall set forth with specificity the area or areas in which the enactment or amendment does not conform with the comprehensive plan and/or the manner in which it constitutes a taking of private property without just compensation. Such appeal may be taken by an aggrieved party or by any legal resident or landowner of the city, or by any association of residents or landowners of the city. This appeal shall not stay the enforcement of the zoning ordinance, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-71.

**Sec. 911. Vested rights.**

- (1) Any application for development under this ordinance, including an application for a building permit, special use permit, variance, planned development, or residential cluster development, shall be deemed substantially complete when all required documents, including plans, together with required fees, are received by the official designated herein to receive such applications. Required documents shall include only those documents specified either by this ordinance or by rules adopted and published by the permitting authority, prior to the time the application is filed.
- (2) Any application for development under this ordinance that is substantially complete prior to the enactment or amendment of this ordinance shall be reviewed according to the regulations applicable in the zoning ordinance in force at the time the application was submitted. If such application is approved, the applicant must begin construction, or exercise the right granted in the application if no construction is involved, not more than one year after the date of such approval. All construction must be completed not more than two years after the date of such approval, unless specifically set forth to the contrary in the original approval.

State law reference(s)—Provisions for vested rights required, G.L. 1956, § 45-24-44.

**Sec. 912. Effective date.**

This ordinance shall take effect upon passage by the city council.

**Sec. 913. Severability.**

If any provision of this ordinance or of any rule, regulation or determination made hereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of this ordinance or the rule, regulation, or determination and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of this ordinance shall not affect the validity of the remainder of the ordinance.

State law reference(s)—Similar provisions, G.L. 1956, § 45-24-72.

**ARTICLE X. DEFINITIONS<sup>3</sup>**

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<sup>3</sup>State law reference(s)—Definitions required, G.L. 1956, § 45-24-32(2).

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**Sec. 1000. Terms defined.**

Words used in the present tense include the future, the singular includes the plural and the plural the singular. The word "lot" includes the word "plot." The word "used" includes "designed" and "intended to be used." The word "building" includes "structure," the word "dwelling" includes "residence," the word "person" includes "corporation," "partnership," "association" and "individual." The word "shall" is mandatory. The words "zone" and "district," when referring to a zoning district, shall be interchangeable. Unless otherwise specified, all distances shall be measured parallel to the ground, in any direction. Terms not defined in this ordinance shall have the meaning customarily assigned to them. The following terms, unless a contrary meaning is specifically prescribed, shall have the following meanings:

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

*Accessory family dwelling unit.* An accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but need not have a separate means of ingress and egress.

*Accessory use.* A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of land or building. Such accessory use shall be restricted to the same lot as the principal use. Such accessory use shall not be permitted without the principal use to which it is related.

*Aggrieved party.* An aggrieved party, for purposes of this act [this ordinance], shall be (a) any person or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering this ordinance; or (b) anyone requiring notice pursuant to this ordinance.

*Alteration, exterior.* An action that changes one or more of the exterior architectural features of a structure or its appurtenances, including, but not limited to, the erection, construction, reconstruction, or removal of any structure or appurtenance.

*Antenna.* Equipment designed to transmit or receive electronic signals.

*Apartment hotel.* A building or portion thereof used for or containing both rooming units and dwelling units and where additional services such as restaurants, meeting rooms and recreational facilities may be provided.

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

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

*Appurtenances.* Features other than primary or secondary structures which contribute to the exterior appearance of a property including, but not limited to, paving, doors, windows, signs, materials, decorative accessories, fences, and landscape features.

*Auto body shop.* A building or portion of a building in which major repairs are performed on automobile, truck or motorcycle bodies or chassis, including body repair, painting or priming.

*Basement.* That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having more than one-half of its height above the average elevation of the finished lot grade adjoining the building.

*Billboard.* A sign advertising products, services, facilities, events or attractions not made, sold, used, served or available on the premises displaying such sign.

*Block frontage.* All the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of dead-end street or city boundary measured along the street line.

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*Boarding house.* A building where lodging is supplied with or without meals and the operator resides on the premises. An apartment for the operator of such a facility shall be permitted and not included in the total calculation of rooms permitted.

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

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

*Building, accessory.* A subordinate building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use. Where a substantial part of the wall of an accessory building is part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building shall be counted as part of the principal building.

*Building, detached.* A building having no party wall in common with another building.

*Building, principal.* The primary building on a lot or a building that houses a principal use.

*Building, semi-detached.* A building having one party wall common with an adjoining building.

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

*Building frontage.* The width of a building abutting or parallel to the street line.

*Building height.* The vertical distance measured from the grade, as defined herein, on the street frontage of the building, to the highest point of the roof structure. The distance may exclude spirals, chimneys, flagpoles and the like as per section 509 of this ordinance.

*Building official.* The director of minimum housing of the City of Central Falls and the zoning enforcement officer.

*Cellar.* That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having less than one-half its height above the average elevation of the finished lot grade adjoining the building.

*Cemetery.* Land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

*City.* The City of Central Falls.

*Cluster.* A site planning technique that concentrates building in specific areas on the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures.

*Common ownership.* Either (a) ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots; or (b) ownership by an association (such ownership may also include a municipality) of one or more lots under specific development techniques.

*Community center.* A building or group of buildings whose sole purpose is to house a nonprofit service, fraternal, or sectarian organization, including administrative offices, child and elderly programs, recreation and assembly.

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



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- (a) Whenever six or fewer retarded children or adults reside in any type of residence in the community, as licensed by the state pursuant to G.L. 1956, § 40.1-24-1.
  - (b) A group home providing care or supervision, or both, to not more than eight mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the state pursuant to G.L. 1956, § 40.1-24-1.
  - (c) A residence for children providing care or supervision, or both, to not more than eight children, including those of the caregiver, and licensed by the state pursuant to G.L. 1956, § 42-72.1.
  - (d) A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons requiring temporary financial assistance and/or to persons who are victims of crimes, abuse or neglect, and who are expected to reside in such residence not less than 60 days nor more than two years.

Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

*Comprehensive plan.* The comprehensive plan adopted by the city and approved pursuant to G.L. 1956, § 45-22.2.

*Condominium.* A structure containing two or more units, the interior space of which units are individually owned; the balance of the property (common area) is owned in common by the owners of the individual units.

*Construction.* The act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including, but not limited to, buildings, extensions, outbuildings, fire escapes, and retaining walls.

*Council.* The city council of the City of Central Falls.

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

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

*Demolition.* An act or process that destroys a structure or its appurtenances in part or in whole.

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

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

*Development plan review.* The process whereby the planning division is authorized to review the site plans, maps and other documentation of a development to determine the compliance with the stated purposes and standards of this ordinance.

*Director.* Director of the division of planning of the City of Central Falls.

*District.* See zoning use district.

*Dormitory.* A building used as rooming units for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery, or other similar institution.

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

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*Driveway.* That portion of a lot that consists of a travel lane used to access a parking area or garage and which is bounded on either side by an area that is not part of the parking area.

*Dwelling unit.* A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation and containing a separate means of ingress and egress.

*Dwelling, multi-household.* A building or portion thereof used for occupancy by three or more households living independently of each other.

*Dwelling, one-household.* A building used exclusively for one household and containing only one dwelling unit.

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

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

*Family.* A person related by blood, marriage or other legal means. See also Household.

*Formula business.* A business which is required by contractual or other arrangement to maintain one or more of the following items: standardized ("formula") array of services and/or merchandise, trademark, logo, service mark, symbol, decor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than five other businesses regardless of ownership or location. Formula businesses are regulated either by the City of Central Falls or the State of Rhode Island and can include, but are not limited to, the following: restaurants, retail stores, banks, real estate sales offices, spas, hair and nail salons, and hotel/motel/inn/B&B.

*Garage, parking.* Any building, except those herein defined as a private garage, used for parking of vehicles, and with not more than two pumps for the incidental sale of gasoline. Such buildings may include stores and other commercial establishments, providing they conform to all regulations of the zone in which they are located.

*Garage, private.* A detached accessory building or portion of a principal building, used for storage of vehicles where the capacity does not exceed one vehicle for each 2,500 square feet of lot area, but need not be for less than two vehicles.

*Garage repair shop.* A building or portion of a building in which repairs, other than major structural repairs, are made to vehicles.

*Gasoline service station.* A building or portion of a building in which automotive repairs or services are performed; fuel, oil, batteries and accessories are sold; grease racks, elevators and tire-mounting devices are employed; but excluding automobile body repairing and painting and sale of automotive body parts.

*GFA (gross floor area).* The sum of the gross horizontal area of the several floors of a building measured from the exterior face of exterior walls, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor to ceiling height is less than six feet.

*Grade.* A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than six feet from the building, between the building and a point six feet from the building.

*Group quarters.* A dwelling unit in which individuals requiring supervision are provided living, sleeping, cooking, eating and sanitation facilities.

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*Halfway house.* A residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to [becoming] a functional member of society.

*HDC.* The historic district commission of the City of Central Falls.

*Home occupation.* Any activity customarily carried out for gain by a resident which is conducted as an accessory use in the resident's dwelling unit.

*Hospital.* An institution licensed by the State of Rhode Island to provide primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

*Hotel/motel.* A building or portion thereof where temporary lodging is supplied and where additional services such as restaurants, meeting rooms and recreational facilities may be provided.

*Household.* One or more persons living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. Any individual household shall consist of any one of the following: (a) a family, which may also include servants and employees living with the family, and (b) a person or group of not more than three unrelated persons living together.

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

*Junkyard, including auto wrecking.* A lot or part thereof used for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

*Kennel.* A commercial operation that (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) engages in the breeding of animals for sale.

*Land development project.* A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to residential, commercial, institutional, recreational, open space, and/or mixed use as provided for [in] this ordinance.

*Less restrictive zone.* The order of zones from less restrictive to more restrictive is: M-2, M-1, C-D, C-2, C-1, CM, P, R-3, R-2, and R-1.

*Lodging.* The provision of a rooming unit or units for compensation.

*Lot.* Either (a) the basic development unit for determination of lot area, depth, and other dimensional regulations, or (b) a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

*Lot, corner.* A lot at the junction of and fronting on two or more intersecting streets, both of which are 20 feet or more in width.

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

*Lot area.* The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street; and (ii) in a

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residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

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

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

*Lot frontage.* That portion of a lot abutting a street. Where all lot frontage is not contiguous, then only the largest single portion of such lot frontage will be considered with regard to minimum frontage requirements.

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

- (a) Front: Any lot line separating a lot from a street right-of-way;
- (b) Rear: The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and
- (c) Side: Any lot line other than a front or rear lot line.

On a corner lot, or irregularly shaped lot, there may be more than one front lot line.

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

*Mixed use.* A mixture of land uses within a single development, building or lot. Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a mixed use.

*Mobile home.* A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted, or attached to a permanent slab foundation.

*More restrictive zone.* The order of zones from more restrictive to less restrictive is: R-1, R-2, R-3, P, CM, C-1, C-2, C-D, M-1 and M-2.

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

- (a) *Nonconforming by use:* A lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of this ordinance shall be nonconforming by use; and
- (b) *Nonconforming by dimension:* A building, structure, or parcel of land not in compliance with the dimensional regulations of this ordinance. Dimensional regulations include all regulations of this ordinance other than those pertaining to the permitted uses.

A building or structure containing more dwelling units than are permitted by the use regulations of this ordinance shall be nonconforming by use, while a building or structure containing a permitted number of dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

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*Nursing home.* A facility licensed by the State of Rhode Island, and maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital.

*Overlay district.* A district that is superimposed on one or more district or parts of districts and that imposes specified requirements in addition to those otherwise applicable for the underlying zone and or which allow alternate uses (see section 101.4 of this ordinance).

*Owner.* Any person, agent, firm or corporation who, alone, jointly, or severally with others: (a) shall have legal or record title to any property; or (b) shall have charge, care or control of any property as agent, executor, administrator, trustee or guardian.

*Parking, accessory use.* Off-street parking of automobiles on the same or contiguous lot as a principal use where said parking is established or required in conjunction with the principal use.

*Parking, principal use.* Off-street parking of automobiles on one or more lots where parking spaces for more than four automobiles are available for public use whether free, for compensation, or to satisfy parking requirements of a principal use on separate and noncontiguous lots.

*Parking area aisles.* A portion of paved area consisting of lanes providing access to parking spaces.

*Parking space.* A portion of paved area set aside for the parking of one vehicle.

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

*Pre-application conference.* A review meeting of a proposed development held between applicants and the planning division, before formal submission of an application for a permit or for development approval.

*Removal.* A relocation of a structure on its site or to another site.

*Repair.* A change meant only to remedy damage or deterioration of a structure or its appurtenances.

*Rest home.* Group lodging for convalescing people, including [the] elderly, where basic services are provided.

*Rooming House.* A building where lodging is supplied in rooming units.

*Rooming unit.* A room or suite of rooms having an independent means of access within a building, with facilities intended for sleeping and living.

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

*Shared parking.* Shared parking is a parking land use technique that may be utilized when land uses have different predictable parking demand patterns such that different groups of parkers are able to use the same parking spaces/areas at different time periods throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately. Land uses often used in specific shared parking arrangements include office, restaurants, residential developments, retail, schools, churches and cinemas. Shared parking is often effectively utilized in mixed-use developments.

*Sign.* Any device that is sufficiently visible to persons not located on the lot where such device is located to attract the attention of such persons or to communicate information to them.

*Sign, freestanding.* A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign.

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*Sign, off-premises.* A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

*Sign, temporary.* A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

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

*Special use.* A regulated use which is permitted pursuant to a special use permit issued by the board. Formerly referred to as a special exception.

*Story.* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement may be counted as a story but a cellar shall not be so counted.

*Street.* A public right-of-way established by or maintained under public authority, a private way open for public uses, and a private way plotted or laid out for ultimate public use, whether or not constructed.

*Street line.* The line dividing a lot from any street, except a limited or controlled access highway to which the lot has no access.

*Structure.* A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water, including, but not limited to, buildings, gazebos, billboards, outbuildings, and swimming pools.

*Substandard lot of record.* Any lot lawfully existing at the time of adoption or amendment of this ordinance and not in conformance with the dimensional and/or area provisions of such ordinance or amendment.

*Temporary lodging.* Lodging typically leased for less than one month increments, as in hotel and motel.

*Tower.* Any structure whose principal function is to support transmitting or receiving antenna and related electronic devices.

*Transitional housing.* See Community residence.

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

*Use, accessory.* A subordinate use located on the same lot with the principal building, or subordinate use of land, either of which is customarily incident to and serves the principal building or the principal use of the land.

*Use, principal.* The primary or predominant use of any lot.

*Utility facilities.* Any aboveground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the State of Rhode Island and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

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

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- (a) *Use variance.* Permission to depart from the use requirements of this ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this ordinance;
  - (b) *Dimensional variance.* Permission to depart from the dimensional requirements of this 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 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 shall not be grounds for relief, although it may be an incidental result of the relief.

*Vehicle, commercial.* Automobile vehicle used for commercial transportation purposes, including, but not limited to trucks (all types and weights), van used for delivery and service, tractor-trailer, garbage pickup or dump truck, dumpster truck, or similar type vehicle.

*Wholesale sales.* On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

*Yard, front.* A yard extending across the full width of the lot, the depth of which shall be the least distance between the building and the street, and which is open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this ordinance.

*Yard, side.* A yard extending from the side of the building to the side lot line, the length of which is measured from the front lot line to the rear lot line.

*Yard, rear.* A yard extending across the full width of the lot, measured from the rear of the building to the rear lot line.

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

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

*Zoning use districts.* The basic unit in zoning to which a uniform set of regulations applies, or a uniform set of regulations for a specified use.

(Ord. of 10-14-2020(1) , § 1)

## Appendix A

This list of use code numbers; is to be used in conjunction with Section 304, Table 1-Use Regulations. Each use code number corresponds with a specific line in Section 304 and illustrates the range of specific uses. Accessory uses, where appropriate, are also listed.

### Sec. 1.0. Residential.

*11 One Household Detached Dwelling* - one household unit with accessory use and home occupation.

*12 Two Household Detached Dwelling* - two household units with accessory use and home occupation.

*14 Multi-Household Dwelling* - three or more household units with accessory use and home occupation.

*15 Group Quarters and Lodging* - Ten (10) rooming units or less with incidental lodging.

*15.1 Nursing Home.* Licensed extended care facility.

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*15.1.1 Congregate Care Facility* - Includes retirement homes and convalescent housing with no more than one bed per each 2,000 square feet of gross acreage.

*15.2 Community Residence* - Home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance abuse treatment facilities. This shall include the following: (a) Whenever six or fewer mentally handicapped children or adults reside in any type of residence in the community, as licensed by the state pursuant to Rhode Island General Law Section 40.1-24-1 et seq.

1. (b) A group home providing care or supervision, or both, to not more than eight mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the state pursuant to Rhode Island General Law Section 40.1 24-1 [G.L. 1956, § 40.1-24-1 et seq.], (c) A residence for children providing care or supervision, or both, to not more than eight children including those of the care giver and licensed by the state pursuant to Rhode Island General Laws Section 42-72.1 [G.L. 1956, § 42-72.1-1 et seq.](d) A community transitional residence providing care or assistance or both, to no more than six unrelated persons or no more than three families not to exceed a total of eight persons requiring temporary financial assistance and/or to persons who are victims of crimes, abuse or neglect, and who are expected to reside in such residence not less than sixty days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation. (See Article 10. Definitions for Community Residence).

*16 Temporary Lodging*, ten (10) rooms or less tourist home, bed and breakfast, hotel, and motel.

*16.1 Temporary Lodging*, 11 to 29 rooms - hotel and motel.

*16.2 Temporary lodging*, more than 30 rooms hotel and motel.

*16.3 Temporary Lodging*, with supervision, 15 residents or less - rescue mission, homeless shelter, drop in center.

*16.4 Temporary Lodging*, with supervision, more than 16 residents - rescue mission, homeless shelter, drop in center.

*17 Mobile Home Park* - Residential mobile home, Mobile Home Park, trailer park.

## **Sec. 2.0. Institutional and governmental services.**

*21 Educational Institution* - Post Secondary Includes the following: Classrooms, office and assembly use, lecture hall, library, museum and other facilities for instructional purposes; laboratory facility for teaching and research, radio station; administrative office, including academic and business offices, security office, health care facility, day care facility, bookstore; theater with no public assembly, dance studio, exhibition facility, theater, stadium, indoor and outdoor sports facility, including gymnasium for athletic events such as swimming, skating, tennis, football, baseball and other sports; residence hall, dormitory, sorority, fraternity, dining hall, and cafeteria; maintenance facility, workshop, garage, repair facility, and power plant; parking garage and parking lot; not including trade or business school: vocational and trade skills in automotive, construction, metallurgical, chemical and similar industrial operations.

*21.1 Educational Institution* - Elementary through high school - Public and private schools includes the following: classrooms, office and assembly use, lecture hall, library, and other facilities for instructional purposes; laboratory facility for teaching, administrative office, health care facility, day care facility; theater with no public assembly, dance studio, exhibition facility, stadium, indoor and outdoor sports facility, including gymnasium for athletic events such as swimming, skating, tennis football, baseball and other sports; not including trade or



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business schools; vocational and trade schools in automotive, construction, metallurgical, chemical and similar industrial operations.

*22 Trade Schools* - Public and private institution providing training and/or instruction in: art, business, bookkeeping, accounting, secretarial and the like, cosmetology, dancing, driving hair styling, music conservatory; not including vocational and trade skills in automotive, construction, metallurgical, chemical and similar industrial operations.

*22.1 Vocational Training Facility* - A public or private organization in agreement with the city to supply training services in the trades such as carpentry, electrical, plumbing, HVAC or similar trades. No outdoor storage.

*23 Religious Services* - Church synagogue, other places of worship including accessory halls retreat centers and similar activities.

*24 Medical and Health Services* - Hospital (not animal hospital), medical diagnostic or treatment facility, medical or dental office, research laboratory or educational facility, sanitarium, and any use accessory thereto, center for occupational and physical therapy, physical fitness, and drug and alcohol rehabilitation (provided such drug or alcohol rehabilitation facility is owned by or operated in conjunction with a hospital); clinic for medical, dental surgical or psychiatric treatment of disease and disability, whether on an inpatient or outpatient basis; health maintenance organization (HMO).

*24.1 Drug or Alcohol Rehabilitation facility* not owned by or operated in conjunction with a hospital.

*24.2 Medical or Dental Office* - Building occupied by physicians, surgeons, dentist, nurses or other medical, paramedical and para-dental personnel, not owned by or operated in conjunction with a hospital.

*25 Local and State Government* - Local and State administrative or legislative office and chamber, armory, judicial office or court, state police station, municipal fire and police station, with accessory use.

*25.1 Prison or Correctional Institution.*

*26 Family Day Care Home*, as defined in Article 10 - may be children or adults receiving care.

*26.1 Day Care Facility* with more than six (6) persons - may be children or adults receiving care.

*26.2 Preschools*, as defined by the Rhode Island Department of Elementary and Secondary Education.

*27 Service Organization* business, professional and labor organization; civic, social, fraternal and service association; welfare, philanthropic and charitable institution; and other miscellaneous services.

*28 Cemetery* - cemetery, historic cemetery, memorial park but not including funeral homes.

(Ord. of 10-16-2019(1) , § 2)

### **Sec. 3.0. Cultural, entertainment and recreation services.**

*31 Non-Profit Library, Museum and Art Gallery.*

*32 Spectator Assembly* - auditorium, exhibition hall, sports arena, stadium, theater, outdoor recreation facility, amusement park, drive-in movie, driving range, fair ground, and miniature golf.

*33 Outdoor Recreation Facility* - golf course, tennis court, swimming pool, camp ground, riding academy and country club.

*34 Indoor Sports Facility* - bath house, public bathing, bowling, billiards and like sports; boxing arena; dance hall; gymnasium and indoor swimming pool; ice and roller skating rink; indoor tennis squash and racquetball court; video arcade, games of skill, shooting gallery.

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*35 Non-Profit Community Park and Playground* - Neighborhood, city wide and regional park (multipurpose, leisure and ornamental garden); and playground or play field.

*36 Open Space* - community garden, forest reserve, wildlife refuge and other open space; crop or tree farming, truck, gardening; provided that no permanent retail stand or other commercial structure shall be located thereon except for the sale of products raised on the premises.

**Sec. 4.0. General services.**

*41 Finance, Insurance and Real Estate Service* - banking and bank-related functions, credit services, savings and loan association and credit union; insurance carrier, personal credit agency; real estate agent, real estate developer, security and commodity trading service.

*42 Personal Service* - (other than as accessory to residential as per Section 5-1 (a) apparel repair, alteration and cleaning pickup service; barber and beauty service; massage parlor (special use permit required), tanning salon; photographic service; self service laundry and drop-off cleaning service (no dry cleaning on premises); shoe repair service.

*42.1 Funeral Home* - Facility and establishment that arranges for and prepares funerals, including preparation of corpses for burial, related ceremonial function rooms and the like.

*43 Limited Business Service* - advertising agency; business office; credit reporting and collection service; interior designer; photocopy; duplication, mailing and stenographic service; private employment service; research and development of related activities; watch, clock and jewelry repair service.

*44 General Business Service* - printing and copying service; building maintenance service; car washing; catering service; cleaning establishment, including on premises dry cleaning; news syndicate service; pawn shop; radio, TV, electrical electronic and appliance repair service; re-upholstery and furniture repair service; trade school for the instruction of general business service; and wholesale merchandise broker, excluding wholesale storage.

*45 Repair Service, Automotive* - automobile service station, including sale of gasoline; garage repair shop, lubrication shop, transmission shop, muffler and brake service; automobile re-upholstery and interior repair; trade school for the instruction of above repair services.

*45.1 Gasoline sales, Automotive* - Gasoline sales, with no service of automobiles, but including accessory sales of related products.

*46 Professional Service* - accounting; architectural and engineering; legal; medical and related services; trade or professional school for the instruction of professional service listed herein.

*46.1 Veterinarian and Animal Hospital* - veterinarian service and animal hospital.

*47 Contract Construction Service* - cabinet making shop, carpentry service; concrete, masonry or plastering service; electrical contractor; general contract construction service; job shop; painting paper hanging and decorating service; plumbing, heating and air conditioning service; roofing and sheet metal service; taxidermy establishment; well drilling service.

*48.1 Warehousing and Storage* not including open lot storage - a facility for the storage of furniture, household goods, or other items.

*48.2 Warehousing and Storage* including open lot storage – a facility for the storage of furniture, household goods, or other items.

*48.3 Mini-Storage and Self-Storage* – A building or group of buildings or outdoor lot(s) comprised of individual units or spaces which may be rented or leased by the public for the storage of personal belongings and/or items used for business purposes.

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(Ord. of 3-10-2014(2))

**Sec. 5.0. Trade.**

*51 Wholesale Trade*, within enclosed structure - including accessory storage, building materials or lumber yard (retail also permitted), contractor's equipment rental, storage and maintenance; drugs, chemicals and allied products; durable goods and apparel; electrical and electronic goods and hardware, plumbing, heating equipment, and supplies (retail also permitted); farm products; groceries and related products; household goods; machinery equipment and supplies; motor vehicles and automotive equipment and general warehouse.

*52 Wholesale Trade and Outdoor Storage* - building materials or lumber yard (retail also permitted); contractor's equipment rental, storage and maintenance; drugs, chemicals and allied products; electrical electronic goods and hardware, plumbing, heating equipment, and supplies (retail also permitted); farm products; groceries and related items; machinery equipment and supplies; motor vehicles and automotive equipment; nonflammable medical or industrial gases.

*53 Bulk Storage, Petroleum/LNG Storage, (not Including Landfill), Scrap and Waste Materials* - Heating oil, diesel oil, storage of petroleum products, propane and kerosene storage for retail sale. Bulk storage of petroleum products, propane storage. Bulk storage of liquefied petroleum gas, liquefied nitrogen gas (other gases stored under pressure or temperature are not permitted).

*54 Retail Trade-Building and Related Material* - hardware-retail; nursery and garden supplies retail only, greenhouse not permitted; paint, glass, and wallpaper-retail; yard equipment and supplies.

*55 Retail Trade, Neighborhood Establishments, 2,500 sq. GFA or Less* - apparel and accessories; household appliances; art supply; bakeries; books newspapers and periodicals; cameras and photographic supplies; confectionery; custom tailoring; dairy products; drug store; eating and/or drinking establishments excluding entertainment; fabric store; floor covering-retail; florist; fruits and vegetables-retail; gift shop; groceries and delicatessens-retail; hobby shops; home furnishings and equipment; jewelry-retail; liquor store; meat and fish-retail; musical instruments and supplies-retail; office supplies or equipment, stationery or art supplies; pet store; radio, television, audio/video and computer equipment, sales and/or rental; shoe store; sporting goods and bicycles; variety store; hardware-retail; nursery and garden supplies-retail including greenhouses; paint, glass, and wallpaper-retail; yard equipment and supplies.

*55.1 Convenience Store* - newspapers and periodicals; dairy products; fruits and vegetables-retail; groceries and delicatessens-retail; and related convenience items.

*56 Retail Trade - Community-wide Establishment More Than 2,500 sq. GFA* - apparel and accessories; household appliances; art supply; bakeries; books newspapers and periodicals; cameras and photographic supplies; confectionery; custom tailoring; dairy products; department store, no automotive repairs or installation; drinking establishments serving alcoholic beverages; drive-in eating establishments; drug store; eating and/or drinking places excluding entertainment; fabric store; floor covering-retail; florist; fruits and vegetables-retail; gift shop; groceries and delicatessens-retail; hobby shops; home furnishings and equipment; jewelry-retail; liquor store; marine accessories; meat and fish retail; musical instruments and supplies-retail; office supplies or equipment, stationery or art supplies; pet store; radio, television, audio/video and computer equipment, sales and/or rental; second hand merchandise and antiques; shoe store; sporting goods and bicycles; supermarkets; variety stores.

*57 Retail Trade - Automotive, Marine Craft, Aircraft and Accessories* - marine craft sales and storage; mobile home sales; retail sales: motor vehicles (new and used); recreational vehicle sales; tires, batteries and accessory sales.

*58 Fast Food Restaurant* - A commercial establishment where food or beverages are cooked, prepared or packaged and offered for sale inside or outside the structure by means of stand-up counter and/or drive-in service

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(including self service) and primarily serves or dispenses such food or beverages in or with disposable containers and/or utensils and take away food is more than incidental.

**Sec. 6.0. Transportation, communication and utilities.**

*61 Transportation Center* - Motor vehicle rental office, including outdoor storage of vehicles; taxicab terminal; truck and trailer rental office; including the storage of moving vans, truck trailers, storage trailers, boat trailers; bus passenger terminal; railroad passenger terminal; rapid rail transit; accessory indoor maintenance and storage.

*62 Freight Terminal* - Public utility service yard, railroad yard or freight yard, accessory outdoor maintenance and storage.

*63 Aircraft Transportation* including maintenance - Heliport, accessory outdoor maintenance and storage.

*64 Parking, Principal Use Parking* - Garage or open lot for passenger and commercial vehicles. No gasoline sales and no automotive repairs.

*65 Communication and Utilities* - Electrical sub station, telephone switching device (non-office or store), gas telephone and telegraph and cable television utilities or junction box (no office or store), water utilities, well, pumping station or storage facility, water supply reservations or reservoirs.

*65.1* Wireless transmitting and receiving antennae, including satellite dish type.

*66 Power Plant*, - steam and/or electricity generating facility powered by solar, natural gas or low sulfur oil only.

*66.1 Incinerator and Waste Facility Incinerator* - power plant powered by solid wastes; incinerator, sewage disposal facilities or solid waste transfer station, operated by or for a state or municipal agency.

*67 Outdoor Advertising* - billboards (freestanding or on building)

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## **Secs. 7.0—8.0. Manufacturing.**

*70 Food and Kindred Products Manufacturing Including Canning and/or Packaging-* beverage manufacturing and/or bottling; brewery or distillery; canning and preserving fruits and vegetables; confectionery and related products; dairy products; grain mill products; ice cream manufacturing; ice manufacturing; meat products (not including slaughter); poultry products (including slaughter); sugar manufacturing; canning and preserving of fish and seafood.

*70.1 Processing of baker products.*

*70.2 Processing of sauerkraut, vinegar or yeast.*

*70.3 Rendering or refining of fats or oils.*

*70.4 Stock yard or feeding pen.*

*70.5 Slaughter of animals, not including fowl; and distillation of bones.*

*71 Textile Mill Product and Apparel Manufacturing* - carpet and rug weaving; fur goods; hats, caps and millinery; knit goods, woven fabrics, felt and other small wares; lace and lace goods; yarns and threads; laundry and/or dry cleaning plant; dyeing plant and finishing of textiles; leather and leather apparel suits, coats and overcoats including furnishings, work clothing and allied garments, outerwear and undergarments.

*72 Lumber and Wood Products* - furniture and fixtures manufacturing; household and office furniture; millwork veneer, plywood and pre-fabricated structural wood products; partitions, shelving, lockers and office and store fixtures; sawmills and planing mills; signs and advertising displays; toys, amusement, sporting and athletic goods; wooden containers; and other articles and merchandise made from wood or wood products.

*73 Paper and Allied products, Printing, Publishing* - books, newspaper, and periodicals; printing, binding, and publishing; building paper and building paper board; converted paper, paperboard and paperboard products; industrial printing, including manifold business forms, greeting cards. Paperboard containers and boxes.

*73.1 Pulp mills and paper mills.*

*74 Chemicals and Allied Products Manufacturing* - alcohol manufacturing; battery manufacturing; bleaching and dyeing; manufacture in processing of fuel and ice, gum and wood chemicals, industrial inorganic and organic chemicals, paints, varnishes, lacquers, enamels and allied products, non-explosive processes; plastic materials and synthetic rubber, synthetic and other man-made fibers; soap, detergents and cleaning preparations, perfumes, cosmetics and other toilet preparations; creosote manufacture or treatment.

*74.1 Agricultural chemicals including fertilizer.*

*74.2 Leather and fur tanning and finishing.*

*74.3 Acid manufacturing* hydrochloric acid; nitric acid; picric acid; sulfuric acid.

*74.4 Chlorine or other similar noxious or toxic gases and chemicals.*

*74.5 Glue manufacture.*

*75 Petroleum Products and Related Industries* manufacturing household products derived from petroleum including flooring material; paving and roofing materials.

*75.1 Petroleum Refining* - coal distillation including manufacture or derivation of the by- products; manufactured gases from petroleum and petroleum by-products; tar distillation or tar products manufacture.

*76 Rubber and Miscellaneous Plastic Products* - manufacturing advertising display signs, floor covering, miscellaneous plastic products, reclaiming rubber, rubber footwear, sporting goods and stamps, toys and novelties, rubber manufacture or treatment; tire manufacturing tire re-treading, tire recapping.

*77 Stone, Clay and Glass Products* - manufacturing, compounding, assembling or treating articles or merchandise from the following prepared materials: brick and tile, cement and cement products, concrete, gypsum and plaster products, cut stone and stone products manufacturing, flat glass, glass and glass ware, glass tubing, neon signs, pottery and related products, and structural clay products. Above products may be fired only in kilns powered and/or heated by electricity or gas.

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*77.1 Pottery Products Manufacturing.*

*77.2 Abrasive and Miscellaneous Nonmetallic Mineral Products Manufacturing.*

*77.3 Cement, Lime, Gypsum or Plaster of Paris Manufacture* - potash works; materials processing, distribution and storage of cement, salt, rock, sand and gravel; rock quarries; stone mill.

*77.4 Asbestos and related asbestos products manufacturing and assembly.*

*77.5 Junk Yard* - including storage, sorting, collecting or baling of rags, paper, metal or junk, truck or automobile wrecking.

*78 Primary Metal Industries* - blast furnaces; steel works; and rolling and finishing of ferrous metals; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding nonferrous metals; smelting of tin, copper, zinc or iron ore including blast furnace or blooming mill.

*79 Fabricated Metal Products* - manufacturing cutlery, hand tools, machine tools, general hardware, metal cans and other metal products; fabricating structural metal products; fabricating wire products (miscellaneous products); manufacturing heating apparatus and plumbing fixtures; manufacturing light sheet-metal products; metal shop; metal stamping; manufacturing screw machine products and bolts, nuts, screws, rivets and washers; coating, engraving and allied services; and blacksmith and silversmith shop.

*79.1 Drop Forge Industries, Manufacturing Forgings with Power Hammers.*

*80 Machinery and machine parts manufacturing* - manufacturing agricultural machinery, communication equipment, computer hardware and related business machines, construction, mining and materials handling machinery and equipment, electric lighting and wiring equipment, electrical apparatus, motors, generator, coils, condensers, transformers and welding equipment, electrical transmission and distribution equipment, electronic components, accessories, instruments and devices, engines and turbines, general office or industrial machinery and equipment, household appliances, audio and video parts and equipment, metal working machinery and equipment and metal tools.

*81 Transportation Equipment Manufacturing* auto body shops, aircraft and parts, motor vehicles and equipment manufacturing, including body repair, painting services, rebuilding, assembling, reconditioning, overhauling, motorcycles, bicycles and parts, rail equipment.

*82 Ship and Boat Building and Repairing.*

*83 Precision Instruments and Scientific Equipment Manufacturing* - engineering, laboratory and scientific and research instruments and associated equipment, instruments for measuring, controlling and indicating physical characteristics, musical instruments and parts, ophthalmic goods optical instruments and lenses, pens, pencils and other office and artists' equipment, photographic equipment and supplies, surgical, medical and dental instruments and supplies, watches, clocks, clockwork devices and parts.

*84 Jewelry, Silverware, Plated Ware, Costume Jewelry and Notions Manufacturing* - costume jewelry, costume novelties, buttons and miscellaneous notions, jewelers' findings and materials, jewelry, silverware and plated ware.

*84.1 Manual Assembly of Jewelry Parts - job shops.*

*84.2 Plating of jewelry and related precious and semi-precious metal parts and products, including electroplating and plating of electronic parts and products using acids and electrical mechanisms.*

*85 Arts and Crafts Manufacturing* - manufacture of articles from metal. Wood, stone, clay, glass, ceramic, paper, leather or similar material for display, wholesale or retail sale, provided that no more than 2,500 sq. ft. GFA be used and that there be no more than 5 employees.

*86 Nuclear Industries Manufacturing and Explosives Manufacture or Storage in Bulk Quantities* - nuclear process related machinery; nuclear reactor (not for generating power); processing and storage of nuclear fuels and other materials; storage, reclaiming and disposal of nuclear waste and manufacture and storage in bulk quantities of explosives, munitions and ordinance.

*87 Tobacco Processing*

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*88 Biological Technologies* - Industries that use RDNA (recombinant deoxyribonucleic acid), cell fusion and novel bioprocessing techniques; including related research into processes that promote human health diagnostics and therapeutics, agricultural biology including plant genetics for food purposes, veterinary products, environmental remediation techniques, and manufacture of instruments that assist in biological research.

**SECTION TWO:** This ordinance shall be effective upon passage.

Introduction: February 12, 2024

First Reading/First Passage:

Second Reading/Second Passage;